

**TESTIMONY ON HB 4145  
BEFORE THE HOUSE JUDICIARY COMMITTEE  
FEBRUARY 4, 2016**

**PRESENTED BY: THOMAS A. BALMER, CHIEF JUSTICE OF THE OREGON SUPREME COURT**

Mr. Chair and members of the committee, I am Thomas A. Balmer, Chief Justice of the Oregon Supreme Court. With me today is Judge Jodie Mooney, a Lane County Circuit Court Judge and president of the Oregon Circuit Court Judges Association.

Here to testify in support of HB 4145, which I introduced to schedule a series of salary increases and establish appropriate salary levels for state judges.

I would first like to thank the members of this committee who agreed to co-sponsor this bill. House rules precluded us from including your names on the bill, but I deeply appreciate that expression of support and we will talk to you about other ways you can assist.

The bill does three things:

- Codify the judicial salaries following the December 1, 2015, cost-of-living adjustment. Again, I deeply appreciate the legislature passing the COLA in the last session. It is a vital provision to limit the erosion of salaries due to inflation, and will prove increasingly important over time.
- The bill also sets out as the state policy on judicial compensation the methodology used by the Public Officials Compensation Commission in 2008, the last time that statutory commission met. The POCC – which was the only objective review of elected official salaries in Oregon – determined that Oregon judicial salaries should be set at the median salary paid to judges in comparable positions in the 13 western states that the Commission determined to be comparable to Oregon.
- And finally, the bill schedules four salary increases between 2016 and 2019 that would bring judicial salaries to that level, using national salary information from July 1, 2015.

I know that these increases might look large or seem ambitious. The important thing to me is that they put our judges on a path to the POCC median over a reasonable period of time. There never has been a “good” time to raise judicial salaries, and I already have heard that about this session, as well as the next session. If we wait for the best time to do this, we might be waiting forever. In the meantime, however . . . Oregon’s bench is dominated by baby boomers, and we need action now to keep our most experienced judges on the bench. Having a schedule of increases put in statute now – as proposed in HB 4515 -- will give them some certainty as they look at how much time they will remain on the bench, instead of wondering whether this year, or next year, or the year after will bring a raise – while they look at professional opportunities off the bench, fall further and further behind their peers in other states and, more importantly, behind comparable public-sector legal positions in Oregon.

Similarly, a schedule of increases means that as we recruit lawyers to the bench they will know that Oregon is getting serious about paying a salary that will help recruit the brightest lawyers at the height of their careers. We will never match the salaries of the biggest Portland law firms,

and don't need to in order to recruit and retain highly-qualified lawyers to the bench. However, the call of public service by itself is no longer sufficient to consistently recruit high-quality lawyers – especially those with a civil law or family law background – especially when they have kids to put through college or are the primary or only wage-earner in their family. I think Judge Mooney will have additional information for you in her testimony on that score.

In closing, Mr. Chair and members, last year when I appeared before this committee with my request I was struck by Representative Post's comment, when he expressed some shock and dismay that the Chief Justice would come hat-in-hand to ask for a pay increase. Mr. Chair and Rep. Post, I am back again with the same request – please put a series of increases into statute now, so we can maintain the excellent bench that Oregonians now have, and that they continue to expect, and that they deserve.

Thank you, and I would be glad to answer questions.