

HB 4096—Request for Judicial Salary Increase—2018 Legislative Session



The Oregon Circuit Court Judges Association (OCCJA) asks that the Legislature increase a circuit judge's annual salary to \$152,850. We ask the increase be implemented in three equal increases of \$5,244, commencing July 1, 2018, January 1, 2019 and January 1, 2020. Despite recent increases in salary, Oregon judges continue to be paid at a level ranking 49th out of 51 nationwide, adjusted for cost of living. Even if fully funded, Oregon judges will earn about \$7,000 less than the current median salary for judges in the Western United States.

JUDICIAL SALARIES should be set to:

- ***Attract and retain highly qualified judges***

Oregon judges should reflect the excellence in the Oregon State Bar. Many fine Oregon lawyers would be excellent judges. Yet the number of applicants for open judicial positions is shrinking. Lawyers with the level of experience necessary (1) to navigate a wide range of case types and litigants and (2) to garner the level of respect needed to be effective are often unwilling to take the large pay cut that comes with the job. This is in part because of the personal financial impact and in part because of the fact of becoming a public figure and loss of autonomy. **With increasing frequency, the Judge is the lowest paid lawyer in the courtroom.** The fact that the Judge is paid less than many District Attorneys and DOJ lawyers impacts the dynamic in the courtroom. 123 Senior AAGs make more than judges; many senior, non-management attorneys in the AG's office are paid \$146,196. A number of senior managers make \$12,000 more/year than the Chief Justice and nearly \$28,000 more/year than a circuit judge. Judicial salaries should be increased to keep pace with how we compensate others in public positions with similar levels of responsibility.

- ***Reflect the tremendous trust placed in judges***

We entrust judges with authority to appoint guardians, interpret election laws, sign search warrants, craft parenting time plans and issue protective orders. Deciding whether to terminate parental rights or whether to send a convicted offender to prison are momentous decisions judges make every day. Creating conditions of probation and overseeing the details of business and marriage dissolutions that will work for real people are examples of how judges ensure due process every day. We look to our trial court judges to sign death warrants when required. Compensation should be set to reflect the level of trust we grant to, and expect from, our judges.

- ***Recognize the value of what judges give and give up when they join the Bench***

Judges give up their right to political participation and they face increasing security concerns for themselves and their families. We ask them to participate in charitable activities, act as mentors, support the work of Oregon's law schools and attend community functions. They are on-call 24/7 to review and sign search warrants and to approve weekend and holiday jail holds of inmates.

- ***Assure a diverse judiciary***

Judges should be drawn from a wide variety of backgrounds that reflect socio-economic, ethnic, racial, gender and practice diversity. A diverse Bench draws lawyers from the public sector, the private not-for-profit sector and the private for-profit sector. A truly diverse Bench should include those who will take a pay cut as well as those who will receive a pay raise upon joining the Bench. Setting the compensation level this way will help achieve diversity on the Bench. A diverse Bench will, in turn, assure access to justice for all Oregonians.

Why increase judicial salaries when there are so many other pressing needs?

Oregon's judges safeguard the rights of all Oregonians. Judges impact lives at the most basic and personal level (i.e. – custody decisions, eviction cases, restraining order hearings). Judges also impact public safety when issuing warrants, running treatment courts and sentencing convicted criminals. Commercial enterprises rely on the daily work of judges as they employ Oregonians and conduct business in our State. More and more Oregonians appear in Court without representation because they cannot afford to hire a lawyer. Trial judges ensure due process for all parties who appear before them regardless of whether they have counsel and regardless of their personal circumstances. Due to staffing reductions, more work is transferred to judges who must ensure pleadings are complete and time deadlines honored, and make decisions quickly and correctly. Experience counts.

Increasing the salary of Oregon judges would do more than increase pay for 194 individuals; it would be an investment in a strong judiciary and would ensure access to justice for all Oregonians well into the future. Oregon's most experienced judges are leaving the bench at a time when the state desperately needs to retain their experience and wisdom. There is significant value in reducing judicial attrition and encouraging retention.

Consider the following examples that illustrate the gravity of Oregon's trial court judges' day-to-day work:

- After calling her 72nd case of the day, an Eastern Oregon judge was reminded of the value of her work when a crime victim was able to express in court what it meant for her husband of 55 years to have had his wedding ring stolen while in a nursing home.
- A judge noted the transformation of a defendant from his initial arraignment in jail where he called the judge various offensive names while screaming, spitting and being restrained and his appearance five days later after mental health services had been provided to him. The judge accepted his apology and was able to set the next Court date.
- A judge began her day at 3:00 AM when a police officer came to her home requesting a search warrant for a blood draw. She then attended a 7:30 AM meeting at the courthouse, attended two drug court hearings, a lunch meeting followed by a long in-custody arraignment docket and numerous juvenile delinquency hearings. She then attended a VIP class, debriefed it with staff and arrived home at 9:30 PM.
- A judge held a hearing to determine who would be appointed guardian of an elderly woman who failed to regain consciousness after surgery. The proposed guardians were seeking the specific authority to make end of life decisions for the elder, including removing her from life support.



Oregon Circuit Court Judges Association

<i>Judge Mary James, President ---</i>	<i>Marion County</i>	<i>(503) 373-4303</i>
<i>Judge Janet Stauffer, Past President ---</i>	<i>Wasco County</i>	<i>(541) 506-2712</i>
<i>Judge Lauren Holland, President Elect --</i>	<i>Lane County</i>	<i>(541) 682-4415</i>
<i>Judge Benjamin Bloom, Treasurer ---</i>	<i>Jackson County</i>	<i>(541) 776-7171</i>
<i>Judge Kathleen Johnson, Secretary ---</i>	<i>Douglas County</i>	<i>(541) 957-2433</i>