

**TESTIMONY ON SB 233
BEFORE THE SENATE COMMITTEE ON RULES
APRIL 27, 2023**

**PRESENTED BY: MEAGAN FLYNN, OREGON SUPREME COURT CHIEF JUSTICE
OREGON JUDICIAL DEPARTMENT**

Chair Lieber, Vice-Chair Knopp, and Members of the Committee:

I am Meagan Flynn, Chief Justice of the Oregon Supreme Court. I'm grateful for the opportunity to testify remotely because I'm still in the waning days of having COVID-19.

I am here today to urge your support of Senate Bill (SB) 233.

I recognize that what we are asking you to consider today is not a simple request. As the legislative branch attempts to address the many problems and priorities of the state, I can imagine that increasing salaries for public officials, such as judges, might seem hard to explain to the public that elected you.

But I'm here because a strong and stable judiciary is essential to democracy. And it is essential to protect the rights of Oregonians and their access to justice.

Oregon judicial salaries are set by statute. Any change must come through the legislature. The last time that judicial salaries were raised beyond cost-of-living adjustments was a \$5,000 increase in 2019. That was before the COVID-19 pandemic and devastating social changes that placed an increasing demand on the role of the courts to ensure access to the variety of state programs that protect the personal rights and freedoms of Oregonians.

Like many public employees, such as teachers, our judges over the last several years have been asked to work harder and do more.

Our judges serve the public every day in ways that rarely make headlines or news broadcasts. They provide justice to people without homes and living on the streets, people addicted to drugs or in mental health crisis, and children or adults who have been abused and need protection. Our judges ensure that those and other Oregonians have access to the programs and funding that state laws provide, and, because our judges interact with the individuals who benefit most from the policies you enact, they hold a unique vantage point to see gaps and areas for improvement.

Judges are also essential to helping ensure that Oregon meets its constitutional duty to provide attorneys to people who cannot afford them. Regardless of the policy choice about where public defense resides, judges and the courts will remain key participants in the solution – and retaining those judges with the experience to make the best decisions is critical, as is having the ability to recruit qualified new judges to serve.

We have many excellent judges – I am sure you know some. I encourage you to talk to the judges in your districts about what they are confronting every day. Their front line and first-hand experiences tell a story of how critical the courts are to our ability to protect the well-being of all Oregonians. You will hear from the judges in your districts that they have a difficult job, and that the salary has not kept up with national standards, or even Oregon standards, for lawyers who

work in other areas that are important to public safety and our judicial system, such as the Department of Justice, state public defenders, and district attorneys in many counties. We submitted to OLIS our flyer with comparisons to compensation in a variety of categories.

We are losing our judges with the experience needed to handle the most complex cases. Since 2016, the percentage of our most-experienced judges has declined by two-thirds. They have been replaced by highly qualified but inexperienced judges. As of last October, more than 40 percent of our judges had been on the bench less than five years. Now we need to retain those judges and provide a path for the next generation of lawyers willing to choose this way of serving the public. As in any sector of government, the more knowledge and experience a judge gains, the more effective the judge can be as a public servant to the people of Oregon.

We are not in a crisis yet, but I fear we are close, and that this can't wait, in part, because it is critical that we are able to recruit judges that reflect the diversity of the people of Oregon.

Right now, many lawyers, especially those from disadvantaged backgrounds, come out of law school with staggering debt that they will be paying off for 20 or 30 years. For too many talented lawyers, losing the additional salary that they can earn in private practice, or even as a lawyer in other areas of public service, presents too much of an obstacle to consider serving as a judge.

Part of our effort today is to assure those currently serving as judges, and those who one day may want to serve the public in this role, that the job will include the support and resources they need to take on this responsibility.

Throughout my career, and now as Chief Justice, I continue to be amazed by the intelligence, compassion and dedication of the lawyers who choose to serve in every capacity of our public safety system – including as judges on our courts.

We must make sure that we continue to support all who undertake these critical roles. And, given our state's ranking having among the lowest-paid judges in the nation, altering that course would demonstrate the value we place as a state on access to justice, the rule of law, and a highly qualified, impartial judiciary.

SB 233 is one way to achieve that goal.

Thank you.