

Joint Interim Committee to Study  
State Judicial Salaries

Report to the 86th Legislature



December 2018

REPRESENTATIVE JOHN WRAY, CHAIR  
REPRESENTATIVE TERRY CANALES  
REPRESENTATIVE ANA HERNANDEZ  
REPRESENTATIVE BROOKS LANDGRAF  
REPRESENTATIVE JOHN SMITHEE



SENATOR JOAN HUFFMAN, CHAIR  
SENATOR BRIAN BIRDWELL  
SENATOR SYLVIA GARCIA  
SENATOR JUAN "CHUY" HINOJOSA  
SENATOR BRYAN HUGHES

## JOINT INTERIM COMMITTEE TO STUDY STATE JUDICIAL SALARIES

The Honorable Dan Patrick  
Lieutenant Governor of Texas  
P.O. Box 12068  
Austin, Texas 78711

The Honorable Joe Straus  
Speaker, Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768

Dear Lieutenant Governor Patrick and Speaker Straus:

Senate Concurrent Resolution 57, passed by the 85th Legislature, established the Joint Interim Committee to Study State Judicial Salaries. The Committee submits this report in accordance with this law.

The Committee has carefully considered all of the testimony received on this issue and looks forward to continued discussions during the 86th legislative session.

Respectfully submitted,

Handwritten signature of Joan Huffman in cursive.

Senator Joan Huffman, Co-Chair

Handwritten signature of John Wray in cursive.

Representative John Wray, Co-Chair

Handwritten signature of Brian Birdwell in cursive.

Senator Brian Birdwell

Handwritten signature of Terry Canales in cursive.

Representative Terry Canales

Senator Sylvia Garcia

Handwritten signature of Ana Hernandez in cursive.

Representative Ana Hernandez

Handwritten signature of Juan "Chuy" Hinojosa in cursive.

Senator Juan "Chuy" Hinojosa

Handwritten signature of Brooks Landgraf in cursive.

Representative Brooks Landgraf

Handwritten signature of Bryan Hughes in cursive.

Senator Bryan Hughes

Handwritten signature of John Smithee in cursive.

Representative John Smithee



STATE REPRESENTATIVE  
**BROOKS LANDGRAF**

December 3, 2018

Texas House Members:

I have reviewed the Joint Interim Committee to Study State Judicial Salaries Report to the 86th Legislature. I appreciate the leadership of Chairwoman Huffman and Chairman Wray on the Committee, and the work put forth by my fellow Committee Members.

While I generally support the conclusion and recommendations of the Committee, I believe that it is necessary for the Texas Legislature to sever the tie between the salaries of District Judges and the pensions of legislators. It is my intention to file legislation in the coming months to accomplish that separation.

Again, I am grateful to have served on this Joint Committee and look forward to a successful 86th Legislative Session.

Sincerely,

A handwritten signature in black ink, appearing to read "Brooks Landgraf". The signature is fluid and cursive, with a large initial "B" and "L".

Brooks Landgraf



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## **I. Executive Summary**

Judicial salaries in Texas are consistently lower than those of other states with similar populations, and the state judiciary has received only two pay raises since 2000. The Judicial Compensation Commission (the "Commission") was created in 2007 by the 80th Legislature to recommend appropriate salaries for judges of the Texas Supreme Court, the Texas Court of Criminal Appeals, courts of appeals, and district courts. The Commission is required to take into consideration the level of overall compensation adequate to attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns.

Since its inception, the Commission has issued a report during each state legislative session; however, the only raise in compensation came after the Commission's 2012 endorsement of a 21.5 percent raise in judicial salaries. The 83rd Legislature voted to increase wages by 12 percent. The Texas judiciary plays a fundamental role in upholding the rule of law and safeguarding the rights and protections guaranteed to citizens by the state and federal constitutions, and competitive wages help to attract and retain the most qualified and capable judges for courts across the state.

## **II. Committee Composition and Public Hearings**

The Lieutenant Governor and Speaker of the House of Representatives were each instructed to appoint five members to the Committee. Senator Joan Huffman and Representative John Wray were appointed by Lieutenant Governor Dan Patrick and Speaker Joe Straus as Co-Chairs. In addition, Senator Brian Birdwell, Senator Sylvia Garcia, Senator Juan "Chuy" Hinojosa, Senator Bryan Hughes, Representative Terry Canales, Representative Ana Hernandez, Representative Brooks Landgraf, and Representative John Smithee were appointed to serve on the Committee.

The Committee conducted a public hearing on September 28, 2018, to provide a forum for discussion regarding state judicial salaries and to gather information for the upcoming 86th legislative session. The Committee heard from a variety of witnesses, including the Office of Court Administration, the Judicial Compensation Commission, judges, and other interested parties.

### **III. Judicial Salaries**

#### **A. Background and History**

Texas is the second largest state in our nation, in both area and population. The judiciary of a state of the size and stature of Texas must be equipped to handle not only the number of cases filed, but also the complexity and importance of the cases needing adjudication. The Texas judiciary leads the nation on many issues, such as access to justice, human trafficking, juvenile justice, and specialty courts. Thus, Texas should to continue its strong judiciary record and maintain a qualified and stable judiciary to effectively meet the current and future needs of the state and its citizens. Many factors contribute to supporting a judiciary that can competently address the needs of its citizens. One of those factors is judicial compensation.

The state salary of justices and judges of the Supreme Court, the Court of Criminal Appeals, courts of appeals, and district courts are set by the legislature in the General Appropriations Act. Section 659.012 of the Texas Government Code provides the salary minimums that must be paid by the State and provides salary differentials that must be maintained between the three levels of the judiciary paid by the state—the highest appellate courts, the intermediate appellate courts, and the district courts.<sup>1</sup> In addition, Sections 31.001 and 32.001 of the Government Code authorize counties to supplement the salaries of the courts of appeals justices and the district court judges that have jurisdiction in their counties.<sup>2</sup>

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<sup>1</sup> TEX. GOV'T CODE § 659.012.

<sup>2</sup> TEX. GOV'T CODE § 31.001, 32.001.

Statutory salary for district judges is currently set at \$140,000.<sup>3</sup> The total annual salary including county supplements for a district judge is limited to \$158,000, which is \$5,000 less than the combined salary from state and county sources provided for a justice of a court of appeals.<sup>4</sup> In counties with more than five district courts, local administrative district judges are entitled to an additional \$5,000 from the state. Of the 467 district court judges in the state, only seven do not receive a county salary supplement. Seventy-six percent (354 judges) receive the maximum salary allowed by law.<sup>5</sup>

The annual salary of a justice of a court of appeals is 110 percent of the state salary of a district judge, which is currently \$154,000. The total annual salary including supplements for a court of appeals justice, other than a chief justice, is limited to \$5,000 less than the salary of a justice on the Supreme Court, for a current maximum of \$163,000.<sup>6</sup> Chief justices of the courts of appeals are entitled to an additional \$2,500 from the state for their administrative duties. All 80 of the justices of the 14 courts of appeals in Texas receive county supplements and 96 percent of the justices receive the maximum salary allowed by law.<sup>7</sup>

A justice or judge on the highest appellate courts, the Supreme Court and the Court of Criminal Appeals, is entitled to an annual salary from the state that is equal to 120 percent of the annual state salary of a district court judge, for a current salary of \$168,000. The chief justice of the Supreme Court and the presiding judge of the Court of Criminal Appeals are

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<sup>3</sup> *Hearing Before the J. Interim Comm. to Study Judicial Salaries*, 2018 Leg., 85th Interim (Tex. 2018) (testimony of David Slayton, Office of Ct. Admin.).

<sup>4</sup> *Hearing Before the J. Interim Comm. to Study Judicial Salaries*, 2018 Leg., 85th Interim (Tex. 2018) (written testimony of Rebecca Huddle, Jud. Comp. Comm.).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*



entitled to an additional \$2,500 from the state for their administrative duties. None of the justices or judges sitting on the highest courts of Texas are entitled to receive any county supplements.<sup>8</sup>

### Current Salary Summary for Elected State Judges

JUDGE	STATE SALARY	COUNTY SUPPLEMENT	TOTAL
Chief Justice - Supreme Court or Court of Criminal Appeals	\$170,500	N/A	\$170,500
Justice - Supreme Court or Court of Criminal Appeals	\$168,000	N/A	\$168,000
Chief - Court of Appeals	\$156,500	up to \$9,000	up to \$165,000
Justice - Court of Appeals	\$154,000	up to \$9,000	up to \$163,000
District Judge	\$140,000	up to \$18,000	up to \$158,000

*\*Credit: Office of Court Administration*

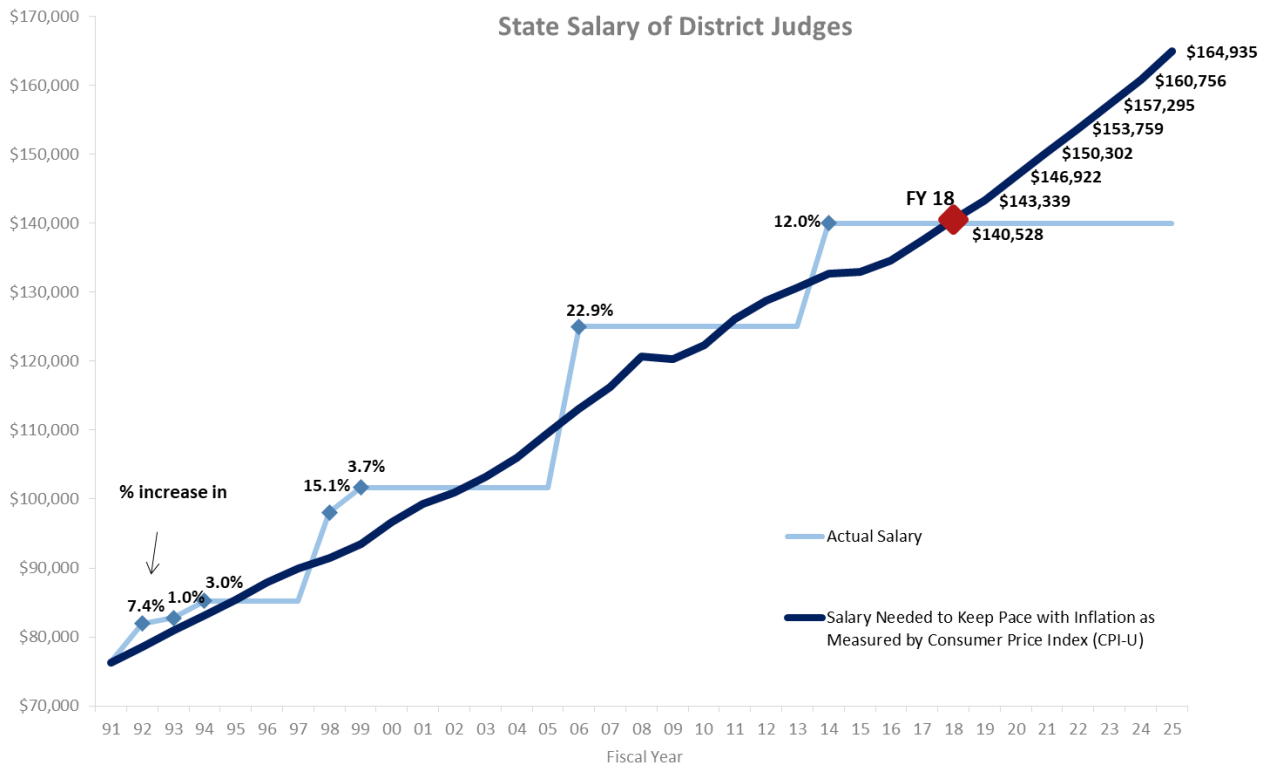
Judges who have completed at least 16 years of service also receive longevity pay in an amount equal to 3.1 percent of the judge's current monthly state salary (approximately \$362 per month for district judges; \$398 per month for intermediate appellate court judges; \$434 per month for high court justices and judges).<sup>9</sup> Longevity pay is not dependent on whether a

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

judge serves on a district, intermediate appellate, or high court. Longevity pay is structured as a one-time increase in pay and does not increase with additional years of service.

Since 1991, compensation of state judges has generally not kept up with inflation. Under the current structure, there is little predictability regarding when increases in compensation will occur. Prior to 2000, Texas judges generally received raises every fiscal year, but since 2000, judges have only received salary increases in 2005 and 2013.<sup>10</sup> In 2013, the legislature granted the judiciary a 12 percent increase in compensation.



\*Credit: Office of Court Administration

<sup>10</sup>Id.

Texas judicial salaries are now the lowest among the six most populous states.<sup>11</sup> When comparing the average compensation of Texas judges and justices to the average judicial salaries in the other five most populous states, the compensation is almost 35.7 percent lower for Texas district court judges, 33 percent lower for Texas justices of the courts of appeals, and 35.1 percent lower for the justices and judges of Texas' two high courts.<sup>12</sup> The average salary of the five most populous states for district judges is \$190,000, \$204,800 for justices of the courts of appeals, and \$227,040 for justices and judges of the high courts.<sup>13</sup> In the other five most populous states, the judiciary has received raises since 2013, while Texas has not. In fact, New York and Florida have both increased judicial salaries by over 31% since 2013.<sup>14</sup> Comparing Texas judicial salaries to states of similar size is usually the most effective comparison technique because the caseload and complexity of the dockets are similar.

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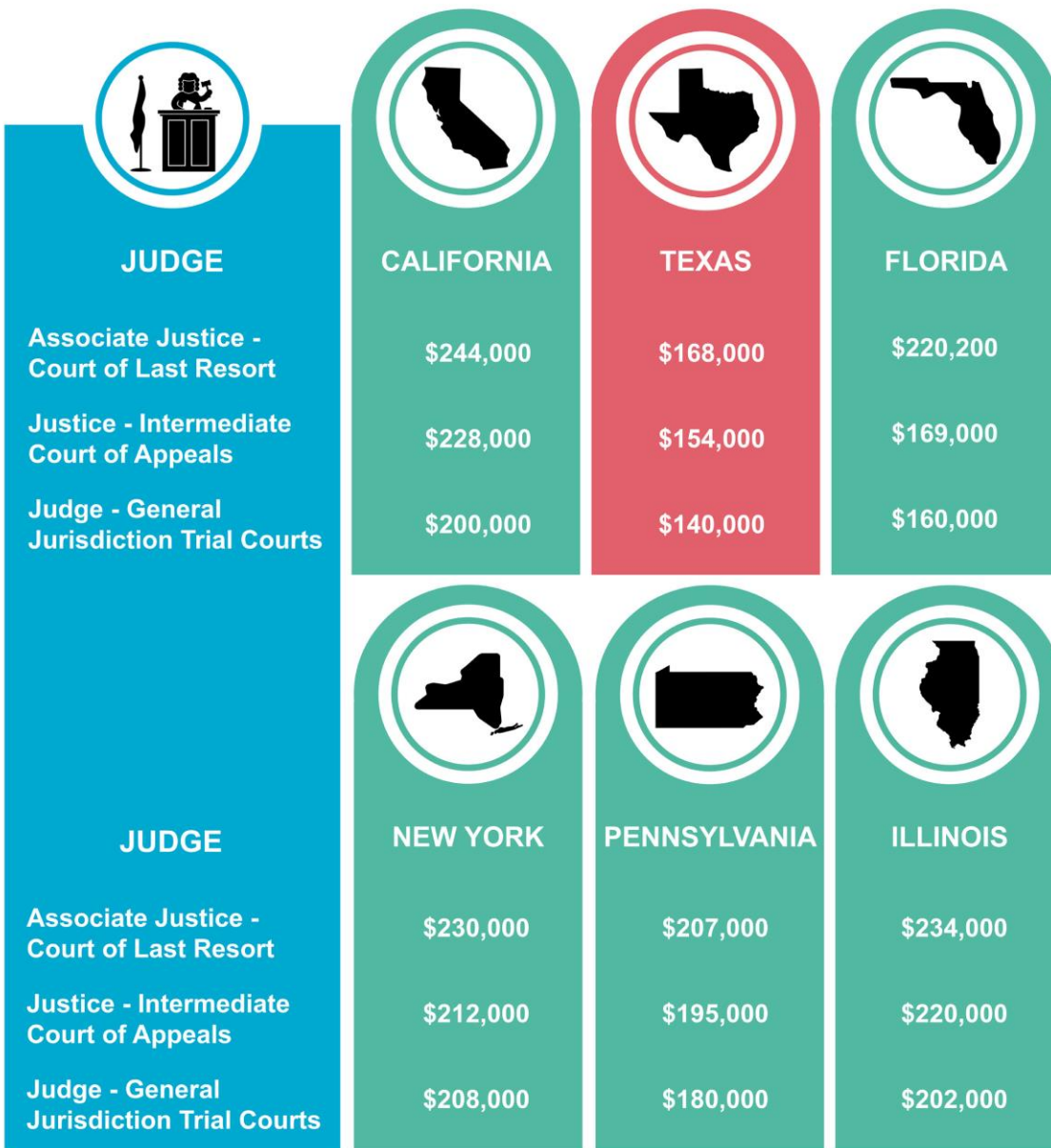
<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

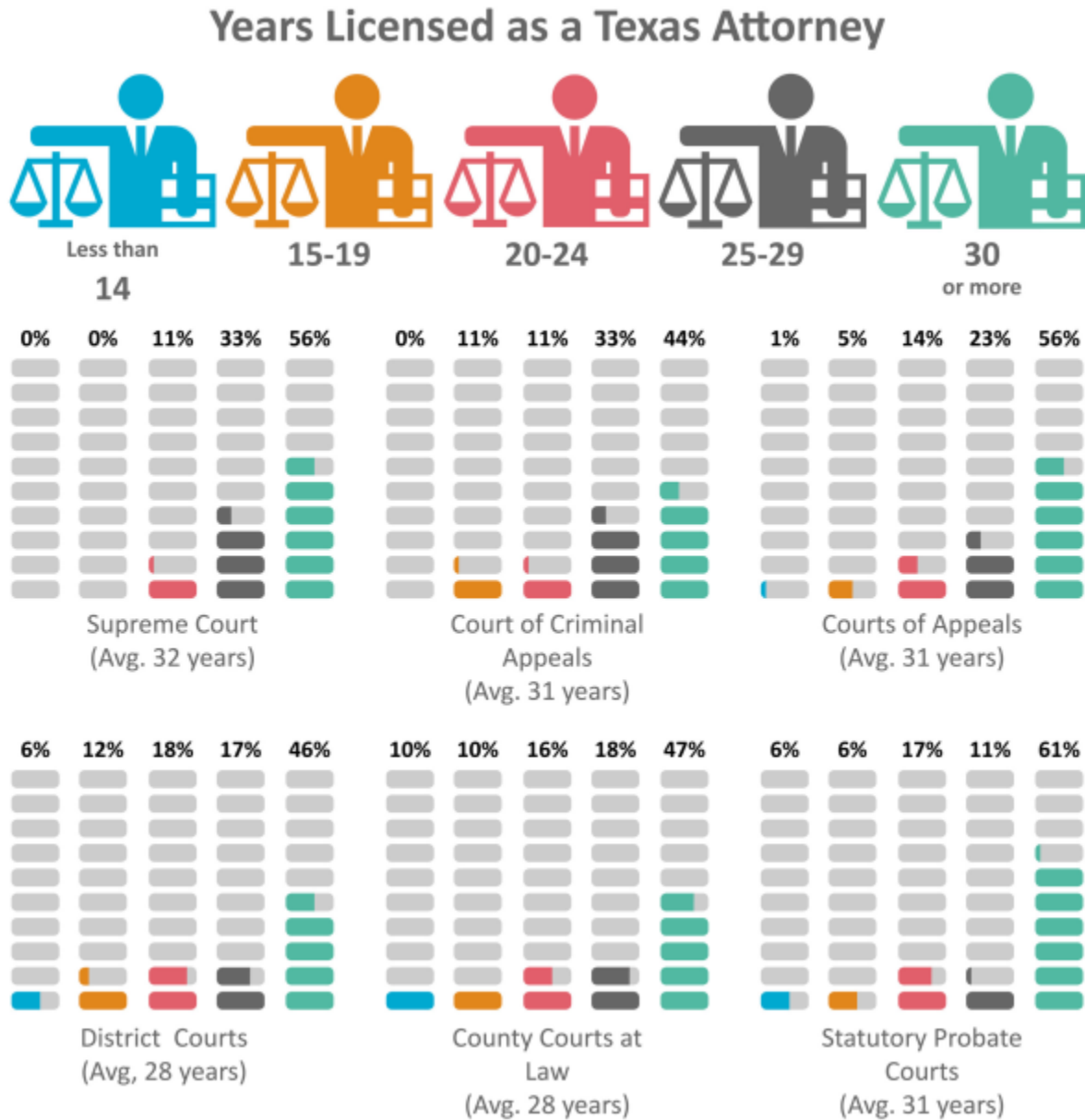
## Salaries of State Judges in the Six Most Populous States as of January 1, 2018 Listed in Population Order



\*Credit: Office of Court Administration

Experience is considered to be a key factor when attempting to maintain a qualified judiciary. The average experience for judges on all court levels in Texas is over 30 years. By law, district court judges, courts of appeals justices, and justices and judges of the high

courts are required to be attorneys; district judges must have at least four years of practicing experience; and the other courts require at least ten years.<sup>15</sup>



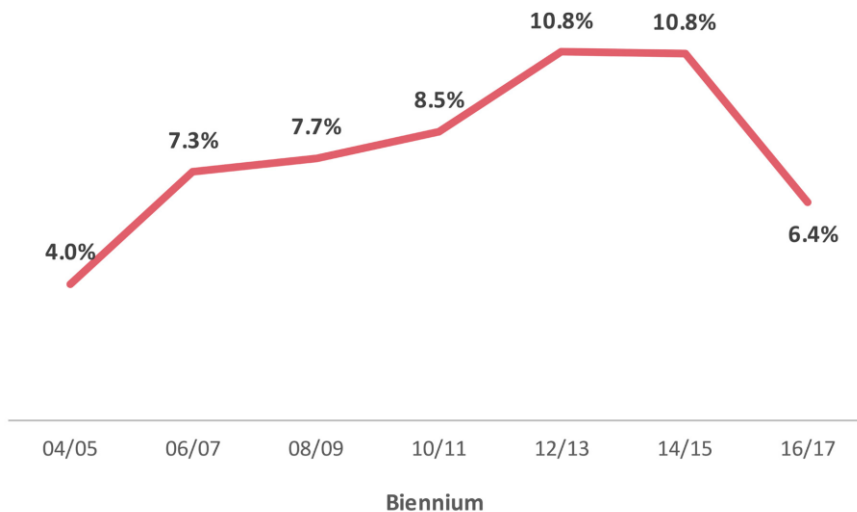
*\*Credit: Judicial Compensation Commission*

The salary for judges is significantly lower than the average salary for lawyers. According to the Texas Workforce Commission, the average salary for all lawyers in Texas is

<sup>15</sup> *Id.*

approximately \$145,799.<sup>16</sup> Furthermore, in 2017, the statewide average for an experienced lawyer’s salary was \$184,156.<sup>17</sup> Even though over half of Texas’ judges have been licensed attorneys for more than 30 years, no judge is paid a salary that matches the average salary for experienced lawyers in the state. Partially due to this salary difference, the rate of voluntary judicial turnover is increasing. The judicial turnover rate for the fiscal year 2016-2017 biennium was 12 percent, with 68 appellate and district judges leaving the state judiciary. Thirty-six of those judges left voluntarily, for a voluntary turnover rate of 6.4 percent.<sup>18</sup> The top three reasons given for leaving are retirement, the election process, and compensation. When a judge voluntarily leaves the bench, it affects the judicial system by delaying trials and increasing litigation costs. Thus, the judicial system as a whole benefits from maintaining a stable judiciary.

**The voluntary turnover rate declined in FYs 16 and 17, but higher turnover is expected in the future due to retirement.**



*\*Credit: Judicial Compensation Commission*

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<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

Not only is judicial turnover increasing, the judiciary is aging at all state court levels. Seventy-one percent of judges serving on the Supreme Court and Court of Criminal Appeals are over the age of 55. Sixty-eight percent of judges serving on our state's intermediate courts of appeals are over 55, and 60 percent of district judges are over 55.<sup>19</sup> As more judges and justices seek retirement in the near future, the judiciary should be equipped to attract qualified candidates.

### **B. Judicial Compensation Commission**

The Judicial Compensation Commission (the "Commission") was created by the 80th Legislature, effective September 1, 2007.<sup>20</sup> It is composed of nine members who are appointed by the Governor with the advice and consent of the Senate to serve six-year terms. No more than three members serving on the Commission may be licensed to practice law.

The Commission is responsible for making a report to the legislature no later than December 1<sup>st</sup> of each even-numbered year. The report must recommend the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, courts of appeals, and district courts. In recommending the proper salaries for the justices and judges, the Commission is required to consider the factors listed in Section 35.102(b) of the Texas Government Code: (1) the skill and experience required of the particular judgeship at issue; (2) the value of compensable service performed by justices and judges, as determined by reference to judicial compensation in other states and the federal government; (3) the value of comparable service performed in the private sector,

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<sup>19</sup> *Id.*

<sup>20</sup> Tex. H.B. 3199, 80th Leg., R.S. (2007). Leg., 80th Reg. Sess. (Tex. 2007) (codified as Tex. Gov't Code Ch. 35).

including private judging, arbitration, and mediation; (4) the compensation of attorneys in the private sector; (5) the cost of living and changes in the cost of living; (6) the compensation from the state presently received by other public officials in the state, including: (A) state constitutional officeholders; (B) deans, presidents, and chancellors of the public university systems; and (C) city attorneys in major metropolitan areas for which that information is readily available; (7) other factors that are normally or traditionally taken into consideration in the determination of judicial compensation; and (8) most importantly, the level of overall compensation adequate to attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns.<sup>21</sup>

In the Commission's September 2018 report, the Commission made the following findings:

- In order to maintain a strong, qualified and independent judiciary, and in order to attract qualified candidates and retain experienced judges, appropriate judicial compensation is essential.
- At the end of the Fiscal Year 2018, judicial salaries again began to lag behind the rate of inflation and are currently lower than salaries paid in 1991 when factoring inflation.
- Texas judges have received only two salary increases in the last 18 years.
- While maintaining a 1991 level of compensation should be a goal so that real compensation does not decrease with inflation, the 1991 level of compensation is inadequate to recruit and retain the best judges for Texas.
- The salary of Texas' Supreme Court justices and Court of Criminal Appeals judges ranks 29th in the nation when compared with the salary of other high court judges; the salary of Texas's Courts of Appeals justices ranks 25<sup>th</sup> in the nation when

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<sup>21</sup> TEX. GOV'T CODE § 35.102.



compared with the salary of other appellate judges; and the salary of Texas' District Court judges ranks 31<sup>st</sup> in the nation when compared with the salary of other general-jurisdiction court judges.

- The state-provided salary of Texas district judges is 31.5 percent lower than the average salary for experienced lawyers.
- The age of judges serving in the Texas judiciary is increasing, and it is anticipated that many may retire in the near future making it more important to set compensation at a level adequate to recruit a future generation of judges to the bench.
- Regular, systematic increases make judicial compensation more predictable and are essential to ensure that judicial compensation remains at a level that is sufficient to attract a competent and well-qualified judiciary.
- The ability of the Commission to ensure its recommendations are brought before the legislature is hampered by the fact that there is no formal mechanism for legislators to consider the recommendations.<sup>22</sup>



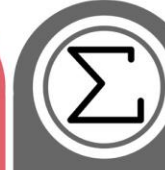



As a result of its findings, the Commission recommended that salaries of the justices and judges of the Supreme Court, the Court of Criminal Appeals, the 14 courts of appeals, and the district courts be increased by 15 percent for the 2020-2021 biennium.<sup>23</sup> The state fiscal impact of the judicial salary increases recommended by the Commission was estimated to be approximately \$57.5 million for the 2020-2021 biennium. Fifty-seven percent of the total cost is for judicial salaries and retirement, and 43 percent is for other salaries that are linked to the salary of a district judge.

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<sup>22</sup>Hearing Before the J. Interim Comm. to Study Judicial Salaries, *supra* note 4.

<sup>23</sup> *Id.*

**Recommended Judicial Compensation**

	 CURRENT STATE SALARY	 PROPOSED STATE SALARY	 MAXIMUM COUNTY SUPPLEMENT <sup>2</sup>	 MAXIMUM TOTAL COMPENSATION	 % INCREASE ABOVE CURRENT TOTAL COMPENSATION
 Chief Justice - Supreme Court or Court of Criminal Appeals	\$170,500	\$195,700	n/a	\$195,700	15%
Justice - Supreme Court or Court of Criminal Appeals	\$168,000	\$193,200	n/a	\$193,200	15%
Chief - Court of Appeals (additional \$2,500 by statute)	\$156,500	\$179,600	up to \$11,100	\$190,700	15%
Justice - Court of Appeals	\$154,000	\$177,100	up to \$11,100	\$188,200	15%
District Judge	\$140,000	\$161,000	up to \$22,200	\$183,200	15%

*\*Credit: Office of Court Administration*

In addition to the judicial compensation recommendations in the report, the Commission also recommended the following:

- The Commission’s salary recommendations should be included as an exceptional item in the Comptroller Judiciary Section’s Legislative Appropriation Request to ensure a formal mechanism is in place for legislators to consider the Commission’s recommendations.
- Reduce the number of years required to receive judicial longevity pay from sixteen years of service to four years of service and to provide the judge or justice 0.2 percent of their current monthly state salary for every year of judicial service.
- Fund an increase in the salaries of the Children’s Court Associate Judges at 90 percent of a district judge’s salary.<sup>24</sup>

The Commission recommended that legislation be passed requiring the Commission's salary recommendations published in its report to the legislature be listed as the salary for the

<sup>24</sup> *Id.*

judges in the Comptroller Judiciary Section's appropriation patterns in the introduced versions of the General Appropriations Acts filed in the House of Representatives and Senate.<sup>25</sup> Twenty-two other states have commissions that address judicial salaries, and in 15 of those states, the commission's report is presumptive, unless changed by a legislature or governor.<sup>26</sup> Although this will not guarantee adequate regular adjustments, the Commission asserts that it will ensure that legislators are given an opportunity to review the Commission's recommendations regarding the level of overall compensation that the Commission finds to be adequate to attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns.<sup>27</sup> However, because the state's budget varies widely from biennium to biennium, there may be structural and financial challenges to making the Commission's salary recommendations published in its report to the legislature presumptive, unless changed by the legislature or Governor.

The Commission recommended reducing longevity eligibility from sixteen years of service to four years of service and to provide the judge or justice 0.2 percent of their current monthly state salary for every year of judicial service. The Commission believes that retention of well-qualified judges is an important goal. Longevity pay has long been recognized as a tool to reward individuals who remain in a certain position. However, because longevity pay for state judges and justices does not begin until the judge or justice has 16 years of service, the ability to use longevity pay as a retention tool is diminished. For

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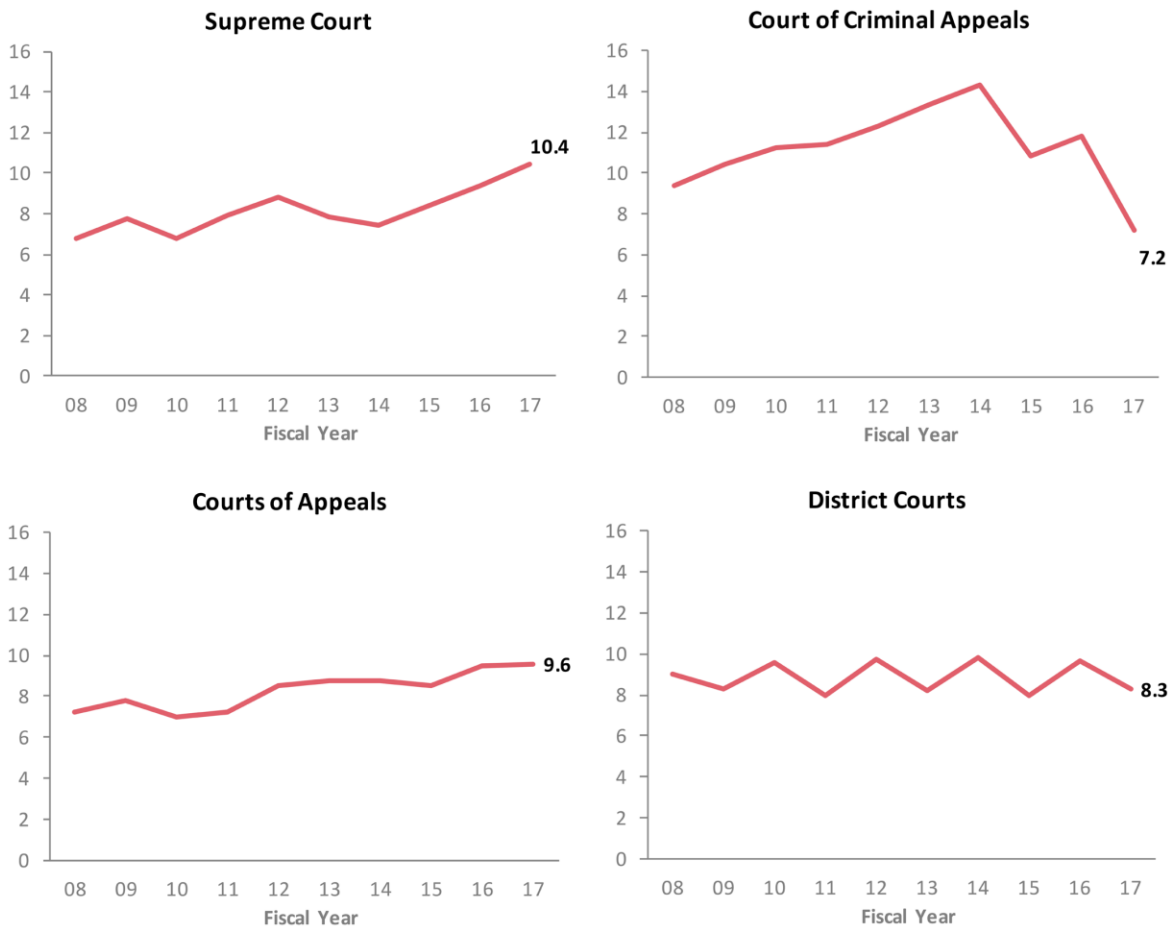
<sup>25</sup>*Hearing Before the J. Interim Comm. to Study Judicial Salaries, supra* note 4.

<sup>26</sup>*Hearing Before the J. Interim Comm. to Study Judicial Salaries, supra* note 3.

<sup>27</sup>*Hearing Before the J. Interim Comm. to Study Judicial Salaries, supra* note 4.

this reason, the Commission recommended that the legislature lower the number of years of service to become eligible for longevity pay to four years and provide that the judge or justice receives 0.2 percent of their current monthly state salary for every year of judicial service.

### Average Years of Service on Current Bench



\*Credit: Judicial Compensation Commission

Nathan Hecht, Chief Justice of the Texas Supreme Court, has repeatedly asserted that current judicial compensation does not reflect the quality of the state's judiciary.<sup>28</sup> Chief Justice Hecht, along with the Commission, assert that gradual, biennial adjustments based on cost-of-living increases due to inflation are essential in order to maintain and attract top talent to the bench. The majority of the judiciary also asserts that it is important that individuals considering judicial service know that salary increases will be considered regularly rather than in 8-12 year windows.

### **C. Financial Impact of Potential Judicial Compensation Increases**

The Texas Government Code defines judicial compensation in relation to the state salary of a district judge from both state and local sources. Sections 659.011 and 659.012 of the Government Code establish a minimum state salary for a district judge of \$125,000 or an amount set in the General Appropriations Act (GAA). For the 2018-2019 biennium, the GAA establishes the state salary for a district judge at \$140,000 within the Judicial Section of the Comptroller's bill pattern.<sup>29</sup> Funding for judicial and prosecutor salaries is provided through a mix of General Revenue and Judicial Fund No. 573.<sup>30</sup> Judicial Fund revenues have remained relatively stable for several years and are anticipated to be fully used to meet existing obligations for the 2020-2021 biennium.<sup>31</sup> Below are various judicial compensation increase options and supplemental details for the 86th Legislature to consider should it deem that Texas judicial salaries need to be adjusted in order to attract, maintain, and support a qualified judiciary.

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<sup>28</sup>*Hearing Before the J. Interim Comm. to Study Judicial Salaries*, 2018 Leg., 85th Interim (Tex. 2018) (testimony of Nathan Hecht, Tex. Sup. Ct.).

<sup>29</sup>*Hearing Before the J. Interim Comm. to Study Judicial Salaries*, 2018 Leg., 85th Interim (Tex. 2018) (written testimony of George Dziuk, Legis. Budget Bd.); Tex. S.B. 1, 85th Leg., R.S. (2017).

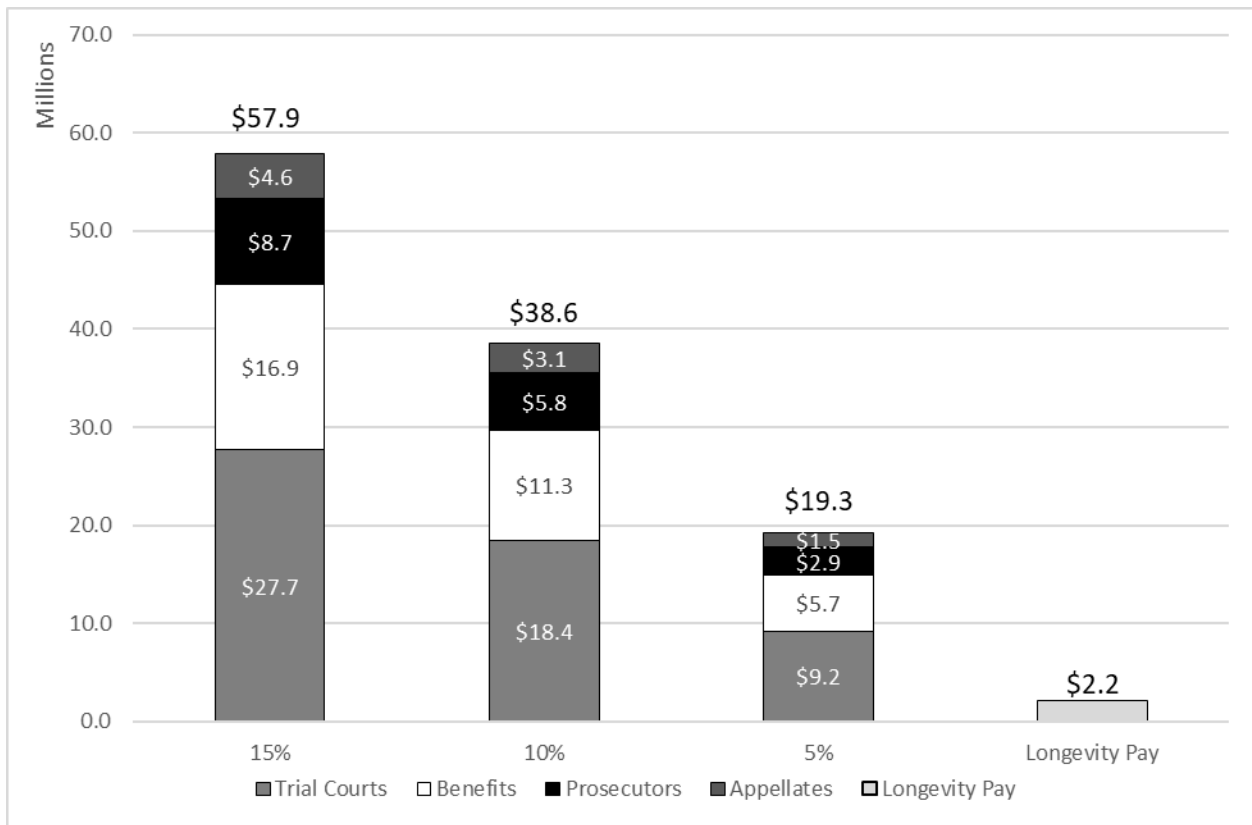
<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

**a. General Appropriations Act Funding Options**

- i. 15% Increase in a District Judge's Salary
- ii. 10% Increase in a District Judge's Salary
- iii. 5% Increase in a District Judge's Salary

**2020-2021 Judicial Salary & Longevity Pay Increase Cost Estimate**



\*Credit: Legislative Budget Board

## Judicial Salaries — High Courts

<u>State Compensation Effective 9/1/2018</u>			<u>15% Increase</u>			<u>10% Increase</u>			<u>5% Increase</u>		
State	Local	Maximum Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary
<b>District Court Judge (471)</b>											
<i>Government Code, Chapter 659.012(1)</i>											
\$140,000	Up to \$18,000	\$158,000	\$161,000	Up to \$22,200	\$183,200	\$154,000	Up to \$20,800	\$174,800	\$147,000	Up to \$19,400	\$166,400
<b>Supreme Court, Chief Justice (1) Criminal Appeals, Presiding Judge (1)</b>											
<i>Government Code, Chapter 659.012(4)</i>											
\$170,500	No Local Supplement	\$170,500	\$195,700	No Local Supplement	\$195,700	\$187,300	No Local Supplement	\$187,300	\$178,900	No Local Supplement	\$178,900
<b>Supreme Court, Justice (8) Criminal Appeals, Judge (8)</b>											
<i>Government Code, Chapter 659.012(3)</i>											
\$168,000	No Local Supplement	\$168,000	\$193,200	No Local Supplement	\$193,200	\$184,800	No Local Supplement	\$184,800	\$176,400	No Local Supplement	\$176,400

\*Credit: Legislative Budget Board

## Judicial Salaries — 14 Courts of Appeals

<u>State Compensation Effective 9/1/2018</u>			<u>15% Increase</u>			<u>10% Increase</u>			<u>5% Increase</u>		
State	Local	Maximum Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary
<b>14 Courts of Appeals, Chief Justice (14)</b>											
<i>Government Code, Chapter 659.012(4)</i>											
\$156,500	\$9,000	\$165,500	\$179,600	Up to \$11,100	\$190,700	\$171,900	Up to \$10,400	\$182,300	\$164,200	Up to \$9,700	\$173,900
<b>14 Courts of Appeals, Justice (66)</b>											
<i>Government Code, Chapter 659.012(2)</i>											
\$154,000	\$9,000	\$163,000	\$177,100	Up to \$11,100	\$188,200	\$169,400	Up to \$10,400	\$179,800	\$161,700	Up to \$9,700	\$171,400

\*Credit: Legislative Budget Board

## Judicial Salaries — Trial Courts

<u>State Compensation Effective 9/1/2018</u>			<u>15% Increase</u>			<u>10% Increase</u>			<u>5% Increase</u>		
State	Local	Maximum Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary
<b>Statutory County Judges, Salary Supplement (245)</b> <i>Government Code, Chapter 25.0015</i>											
\$84,000	At least \$55,000	At least \$139,000	\$96,600	At least \$63,400	At least \$160,000	\$92,400	At least \$60,600	At least \$153,280	\$88,200	At least \$58,800	At least \$147,000
<b>Constitutional County Judges, Salary Supplement (215)</b> <i>Government Code, Chapter 26.006(a)</i>											
\$25,200	Varies	Varies	\$28,980	Varies	Varies	\$27,720	Varies	Varies	\$26,460	Varies	Varies
<b>Multicounty Court at Law (1) (Fisher &amp; Nolan Counties)</b> <i>Government Code, Chapter 25.2607(d)</i>											
\$140,000	No Local Compensation	\$140,000	\$161,000	Not Applicable	\$161,000	\$154,000	Not Applicable	\$154,000	\$147,000	Not Applicable	\$147,000

\*Credit: Legislative Budget Board



## Judicial Salaries — Prosecutors

<u>State Compensation Effective 9/1/2018</u>			<u>15% Increase</u>			<u>10% Increase</u>			<u>5% Increase</u>		
State	Local	Maximum Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary
<b>State Prosecuting Attorney (1)</b>											
<i>Government Code, Chapter 46.003</i>											
\$143,500 (\$152,843)	No Local Compensation	\$143,500	\$161,000	Not Applicable	\$161,000	\$154,000	Not Applicable	\$154,000	\$147,000	Not Applicable	\$147,000
<b>Professional Prosecutors (157)</b>											
<i>Government Code, Chapter 46.003</i>											
\$140,000	Varies	At least \$140,000	\$161,000	Varies	At least \$161,000	\$154,000	Varies	At least \$154,000	\$147,000	Varies	At least \$147,000
<b>District Attorneys (3) (Permitted to Practice Law)</b>											
<i>Government Code, Chapter 41.013</i>											
\$112,000	No Local Compensation	\$112,000	\$128,800	Not Applicable	\$128,800	\$123,200	Not Applicable	\$123,200	\$117,600	Not Applicable	\$117,600

<u>State Compensation Effective 9/1/2018</u>			<u>15% Increase</u>			<u>10% Increase</u>			<u>5% Increase</u>		
State	Local	Maximum Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary	State	Local	Total Potential Salary
<b>Felony Prosecutors (2) (Jackson and Fayette Counties)</b>											
<i>Government Code, Chapter 44.220 and 45.175</i>											
\$112,000	Not Applicable	At least \$112,000	\$128,800	Not Applicable	\$128,800	\$123,200	Not Applicable	\$123,200	\$117,600	Not Applicable	\$117,600
<b>County Attorney Supplement (168)</b>											
<i>Government Code, Chapter 46.005</i>											
\$23,333 to \$70,000	County Discretion	County Discretion	\$26,833 to \$80,500	County Discretion	County Discretion	\$25,666 to \$77,000	County Discretion	County Discretion	\$24,500 to \$73,500	County Discretion	County Discretion

\*Credit: Legislative Budget Board

**Benefits: Retirement & Social Security  
2020-2021 Biennial Cost Estimate**

	15%	10%	5%
JRS I <sup>1</sup>	\$1,045,317	\$696,878	\$348,439
JRS II <sup>2</sup>	\$7,091,724	\$4,727,816	\$2,363,908
ERS <sup>3</sup>	\$8,801,852	\$5,867,901	\$2,933,951
Social Security	\$15,132	\$10,088	\$5,044
<b>Biennial Total</b>	<b>\$16,954,025</b>	<b>\$11,302,683</b>	<b>\$5,651,342</b>

*\*Credit: Legislative Budget Board*

**b. Statutory Funding Change Option**

- i. Reduce the number of years required to receive judicial longevity pay from sixteen years of service to four years of service, and provide the judge or justice 0.2 percent of their current monthly state salary for every year of judicial service.

### Longevity Pay Proposal

District Judge Years of Service (\$140,000)	Current Law Annual Longevity Pay	JCC Recommendation Annual Longevity Pay	Difference
5	\$-	\$1,400	\$1,400
10	\$-	\$2,800	\$2,800
16	\$4,340	\$4,480	\$140
20	\$4,340	\$5,600	\$1,260
25	\$4,340	\$7,000	\$2,660
30	\$4,340	\$8,400	\$4,060

### Longevity Pay Proposal with Judicial Salary Increases

District Judge Years of Service	Current Law State Salary (\$140,000)	5% Salary Increase (\$147,000)	10% Salary Increase (\$154,000)	15% Salary Increase (\$161,000)
5	\$1,400	\$1,470	\$1,540	\$1,610
10	\$2,800	\$2,940	\$3,080	\$3,220
15	\$4,200	\$4,410	\$4,620	\$4,830
20	\$5,600	\$5,880	\$6,160	\$6,440
25	\$7,000	\$7,350	\$7,700	\$8,050
30	\$8,400	\$8,820	\$9,240	\$9,660

### Estimated Fiscal Impact for the 2020-2021 Biennium for each Longevity Pay Proposal

Current Law State Salary (\$140,000)	5% Salary Increase (\$147,000)	10% Salary Increase (\$154,000)	15% Salary Increase (\$161,000)
\$2,183,510	\$2,374,135	\$2,556,361	\$2,738,586

\*Credit: Legislative Budget Board

## **IV. Conclusion**

As the state's population continues to grow, maintaining a qualified and stable judiciary to effectively meet the current and future needs of the state and its citizens is essential. Judicial salaries in our state should reflect the quality and experience of the judiciary. Judges and justices who have dedicated their lives to public service should be rewarded for that dedication and compensated accordingly. The legislature must continue to examine the need to adjust Texas judicial salaries to attract, maintain, and support a qualified judiciary. To determine if proper salaries are currently paid for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals, and the district courts, each member of the legislature should carefully review and consider the recommendations from the 2018 Judicial Compensation Commission Report as the Commission has put forth a great deal of research and effort into this very issue.