

OREGON CIRCUIT COURT JUDGES ASSOCIATION

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STATEMENT BEFORE THE PUBLIC OFFICIALS COMPENSATION COMMISSION

Madam Chair and members of the commission, my name is Bill Cramer. As president of the Oregon Circuit Court Judges Association (OCCJA), I sincerely thank you for this opportunity to appear before you, and for your diligence in reviewing judicial salaries. I am the only, and therefore by default, presiding judge of the 24th Judicial District which consists of Grant and Harney Counties.

There are 27 judicial districts in Oregon, and 173 Circuit Judges. Some districts also utilize referees for limited types of cases and retired or senior judges to augment their ability to hear disputes.

Circuit Courts are the trial courts of “general jurisdiction” meaning we are empowered to decide any kind of case, except for a few types limited by statute, usually appeals from agencies. Those proceed directly to the appellate courts.

To many, circuit courts are the face of justice in our communities, resolving disputes and concerns that people, businesses and the government are unable to do themselves. In 2007 in Oregon 605,753 cases were filed in Circuit Courts ranging from traffic violations to serious felonies. Judges heard 21,000 court trials and presided over 3,000 jury trials.

The role of a judge is unique in our society and system of government. A circuit judge constantly hears information, evaluates it for its truth and reliability, and then determines the facts from that information. Once that is done the judge must apply those facts to the law and make his or her decision.

Every such decision can have profound effects. A common “release review” of a criminal defendant involves the impact on the alleged victim and community, juxtaposed against the effects of incarcerating someone who may be working and would lose their job affecting extended family and social welfare systems. At the same time, a defendant is presumed innocent until having the due process of a trial.

Many cases involve families, from the highly emotional custody and parenting time decisions, to dependency cases in which a judge must balance safety concerns against the harm of separating children from parents - to sometimes terminating parental rights.

Every decision we make is open to public scrutiny and comment, to which judges are ethically and professionally unable to respond.

Every decision carries with it the moral weight of needing to be right. This burden of decision is very real and impacts all that a judge does.

For the public to have confidence in government and the courts, they must believe that justice is occurring and that the courts are competently carrying out their tasks. At the same time, making decisions as to the truth of the facts, or what is probably true, and then applying the law, at times is not popular with the majority of the public or politically wise. A judge must be able to lay those pressures aside, and do what is right under the law. Trial judges are face to face with parents, kids, litigants and the public who are impacted by our decisions.

The circuit courts provide the state's primary forum for the resolution of disputes between private parties and businesses, for the enforcement of criminal law, and for the peaceful resolution of disputes which directly affect child and family welfare. Cases at the circuit court level are disposed of in a number of ways, either by voluntary settlement, hearing, trial, court-sponsored settlement conferences, changes of plea and sentencing, or some form of administrative dismissal – to name the most common.

I have noted this variety of forms of dispute resolution because, while the popular image of a judge is of him or her sitting on the bench during a jury trial, the reality is that a trial judge's work encompasses many things, including jury trials, non-jury (or bench) trials, show cause hearings, probation violation hearings, probationer review hearings, changes of plea, sentencings, civil motion arguments (a form of hearing), criminal motions, arraignments on criminal charges, and much more.

In complex business and criminal litigation, judges who are skilled in mediation and settlement have saved millions of dollars for taxpayers by helping the parties to reach a compromise. In a criminal "RICO" case in Harney County, Judge Sullivan from Deschutes County acted as a settlement judge. That case was set for a six to eight week trial, but was settled avoiding that court time and possible delay of other cases.

Judges, especially the presiding judges of each judicial district, must be excellent administrators as well. Oregon is a leader in timely disposition of cases. Most all cases filed are disposed within the best practices guidelines for that case type. Docket management is not easy with various case types having statutorily mandated timelines along with those that are recommended. Victim, attorney and witnesses schedules are taken into account.

Judges have been the leaders in establishing treatment courts and serve on numerous statutory committees (e.g. family law advisory, court security, local public safety coordinating council, etc.).

Presiding judges assist trial court administrators in managing staff, implementing new technology, and maintain relationships with local government and agencies where their needs and interests intersect with the courts.

Finally, circuit judges are highly skilled in the law. Each holds a doctorate and must be licensed to practice law. While some larger courts can allow their judges to specialize in certain areas of the legal field, such as family law, civil litigation, probate, etc., many judges are called upon to be the authority in all areas.

I am concerned that this kind of overview does not express in a meaningful way the work of the circuit judge, the impact of the judge's work on the community, the burden that a judge carries, and the varied skills a judge needs. I certainly will attempt to answer any questions you have.

COMPENSATION

The purpose of appearing before you is to discuss judicial compensation and since circuit judges constitute the bulk of the Oregon judiciary, increasing their salaries has the most impact on the state budget.

I really do believe that the judiciary in Oregon is outstanding, innovative, and is a leader nationally in many areas. At the same time the face of the judiciary is changing. I refer you to the Report of the Task Force for Judicial Excellence. Our salaries are such that most all new judges are coming from district attorney, other government, or public defender offices and backgrounds. Chief Justice DeMuniz previously pointed out that in 2007, 19 of 20 new judges were from public defender or district attorney offices and in 2008, 6 of 7 were from government. The gap between successful private civil law practice and judicial salaries has widened significantly.

I believe Oregon judges are only seeking fair compensation. Though a strong argument can be made that Oregon's judges and court systems are some of the best, we are asking that you recommend the average or median of the western states or alternatively the nation as a whole. Secondly, we ask that you recommend regular, yearly, cost-of-living adjustments. Salaries in other states are also being updated, and each chart or table needs to be analyzed to see how up to date it is.

You have also been provided a table that adds back into judge salaries the PERS pickup of 7%. Every state has a different judicial retirement system. To adequately compare different retirement systems, and give a present value for each so that they can be fairly compared, I believe an actuarial study would need to be done. For many years up to 2006, judges had accepted that our retirement was better than other states. In 2006 the Circuit Judges Association engaged a CPA firm, Jones and Roth CPAs, to compare retirement to other states. When accounting for the value of Plan B service, the present value of the retirement ranked Oregon 12th of the 13 western states. We certainly acknowledge the value of all benefits should be

considered, but believe it needs to be done in an even-handed manner. I have available a copy of the 2006 study, though information in it is already outdated.

In 2007, the legislative gave a substantial raise to judges and we are **truly thankful**. However, at that time we believed a fair salary for circuit judges was in the \$132,000 range. For that legislative session we demonstrated that other government employees, including teachers, had received numerous cost of living adjustments and raises that judges did not receive.

Turning to the surveys and tables comparing salaries, I have these brief comments:

NATIONAL CENTER FOR STATE COURTS SURVEY (Appendix 1)

The most current survey of judicial salaries from the National Center for State Courts (NCSC) as of January 1, 2008, shows Oregon trial courts are 44th in actual salary and 49th based upon Oregon's cost of living index. I suggest, the fairest measurement is the latter, the actual spending power of the salary received.

Looking at the cost adjusted salaries; the median is California/Arizona with cost adjusted salaries valued at \$128,264 to \$128,537. Based upon Oregon's cost adjustment factor, and taking the mid-point between the above states, the actual salary in Oregon would need to be \$142,743 to net the spending power, median value of \$128,400. I realize these are significant numbers, but I hope to illustrate why judges are retiring at earlier ages to go into more lucrative private business arbitration and mediation.

I would strongly assert that the cost-adjusted computations are most fair and ask that it be a factor in your analysis.

In looking at actual salaries on the NCSC survey, the median is \$128,544, but again Oregon is 11% above the average for cost of living.

The same comparisons can be made with the appellate courts. As trial judges we want our appellate judges fairly compensated for the excellent and difficult work they do.

WESTERN STATES DATA (Appendix 2)

You have charts comparing our salaries to our western region. These don't account for the cost of living index (COLI), though that comparison can be made using the NCSC chart. This information is also the most current that could be compiled. The chart includes Oregon as one of the states, but I suggest Oregon should not be compared to itself, and that the comparison should be made to the remaining twelve states.

The median then would be the midpoint for Arizona and Utah, or \$133,987. Those states have COLI's of 105.89 (AZ) and 95.42 (UT) compared to Oregon's 111.17. For the Court of Appeals (9 courts), Arizona is the median at \$139,388 and for the Supreme Court it is the midpoint between Arizona and Nevada.

The western region gives a sufficiently large group of states and is most similar to Oregon. This is the group circuit judges believe to be most representative for comparison.

SURROUNDING STATES (Appendix 3)

Again removing Oregon and comparing the surrounding four states of Washington, Idaho, Nevada and California, the median is the midpoint between Nevada and Washington. For trial courts that is \$146,665. Both those states have slightly lower COLI's, though Nevada is very close to Oregon.

CONCLUSION

To conclude, I have attached the declining age of retirement for judges. Ironically, judges are deemed to be at their most effective after 15 years on the bench, but Oregon is benefiting less and less from that experience. In 2006, prior to the last legislative session, I talked to two judges, who like me were presiding judges, both of whom were considering retiring. Both indicated a substantial reason was inferior salaries. One indicated that if judges received a raise to \$125,000/year he would stay, if not, he would retire and move into arbitration and mediation. The second judge didn't state a figure, but gave the same reasoning. Since then one has retired and the second has announced his retirement at the end of this year.

I have permission to share both names, if you want that detail.

A fair wage based upon our unique roles, skills and work, is best determined by comparing us to other judges in other states. That information is readily available. Based upon Oregon's cost of living index, trial judges should be paid in the range of \$145,000/year. Cost of living adjustments for ongoing inflation should be recommended.

Thank you for the opportunity to be heard on these issues. I will attempt to answer any questions you have.

Sincerely,

W.D. Cramer, Jr.

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SALARY RANKINGS

The table below lists the salaries for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general jurisdiction trial courts as of December 31, 2007. Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available—either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of "1." The lowest salary has a rank of "51" except for intermediate appellate courts, which exist in only 39 states. The mean, median, and salary range for each of the positions are also shown.

Salaries for Appellate and General Jurisdiction Judges

	Highest Court		Intermediate Appellate Court		General Jurisdiction Trial Court				
	Salary	Rank	Salary	Rank	Salary	Rank	Adjustment Factor	Adjusted Salary	Adjusted Rank
Alabama	\$ 175,440	7	\$ 174,316	3	\$ 130,379	22	91.97	\$ 141,758	8
Alaska	165,204	10	156,084	8	156,258	7	129.36	120,796	32
Arizona	142,900	24	139,400	19	135,824	18	105.89	128,264	26
Arkansas	137,080	31	132,858	23	128,633	25	90.76	141,736	9
California	218,237	1	204,599	1	178,789	1	139.10	128,537	25
Colorado	129,207	41	124,089	35	118,973	37	102.77	115,766	36
Connecticut	162,520	12	152,637	10	146,780	9	127.55	115,076	37
Delaware	185,050	3			168,850	3	103.22	163,575	2
District of Columbia	179,590	5			169,300	2	138.76	122,007	30
Florida	161,200	13	163,140	9	145,080	10	105.39	137,659	12
Georgia	167,210	8	166,186	6	120,252	36	91.98	130,737	20
Hawaii	153,696	16	142,308	16	138,444	15	165.79	83,504	51
Idaho	116,025	46	115,025	37	108,780	46	92.88	117,119	34
Illinois	189,135	2	178,011	2	163,348	4	96.67	168,970	1
Indiana	146,562	22	142,467	15	121,680	32	92.93	130,944	19
Iowa	146,890	21	136,739	20	128,544	26	93.25	137,849	11
Kansas	132,590	36	128,310	28	117,109	40	91.05	128,617	24
Kentucky	132,812	35	127,472	30	122,144	31	93.19	131,066	18
Louisiana	131,069	39	124,469	33	118,289	39	94.52	125,142	28
Maine	114,992	47			107,816	47	106.37	101,357	48
Maryland	153,352	17	142,052	17	134,352	19	127.11	105,696	46
Massachusetts	145,984	23	135,087	21	129,694	23	120.64	107,505	45
Michigan	164,810	11	151,441	11	139,919	14	98.54	141,985	7
Minnesota	141,729	25	133,546	22	125,363	28	104.54	119,921	33
Mississippi	112,530	50	105,050	39	104,170	49	91.79	113,488	39
Missouri	133,043	34	124,473	32	116,975	41	90.33	129,496	23
Montana	106,185	51			99,234	51	103.20	96,160	50
Nebraska	131,285	37	124,721	31	121,439	33	90.53	134,139	14
Nevada	140,000	28			144,500	11	110.00	131,367	17
New Hampshire	139,258	29			130,620	21	115.00	113,587	38
New Jersey	176,488	6	167,023	5	157,000	6	128.74	121,947	31
New Mexico	120,792	44	114,752	38	109,015	45	101.20	107,719	43
New York	151,200	19	144,000	14	136,700	17	126.99	107,699	44
North Carolina	133,576	33	128,011	29	121,053	35	95.89	126,246	27
North Dakota	113,578	49			104,073	50	94.31	110,856	42
Ohio	141,600	26	132,000	27	121,350	34	93.38	129,949	21
Oklahoma	131,100	38	124,200	34	118,450	38	89.32	132,313	15
Oregon	122,028	42	119,244	36	111,132	44	111.17	99,966	49
Pennsylvania	181,371	4	171,131	4	157,441	5	101.01	155,871	4
Rhode Island	152,403	18			137,212	16	121.41	113,014	40
South Carolina	135,813	32	132,417	24	129,022	24	93.05	138,952	10
South Dakota	114,731	48			107,162	48	92.28	116,127	35
Tennessee	154,800	15	149,640	12	144,480	12	88.50	183,256	3
Texas	150,000	20	141,250	18	132,500	20	89.50	148,040	6
Utah	138,450	30	132,150	26	125,650	27	95.42	131,888	16
Vermont	129,245	40			122,867	30	117.87	104,235	47
Virginia	166,999	9	158,650	7	155,033	8	103.72	149,475	15
Washington	155,557	14	148,080	13	140,979	13	104.41	135,024	13
West Virginia	121,000	43			116,000	42	94.21	123,128	29
Wisconsin	140,163	27	132,229	25	124,744	29	96.23	129,628	22
Wyoming	119,300	45			113,600	43	101.85	111,538	41
Mean	145,184		141,269		130,533				
Median	141,600		136,739		128,544				
Range	196,185 to 218,237		196,050 to 204,599		99,234 to 178,789				

USING THE ACCRA COST-OF-LIVING INDEX

The Council for Community and Economic Research—C2ER (formerly the ACCRA organization)—is the most widely accepted U.S. source for cost-of-living indices, with nearly 400 reporting jurisdictions across America. The cost-of-living indices used in this report were developed by examining the average costs of goods and services for the latest four running fiscal quarters. The factors reflect an average of the reporting jurisdictions in a particular state (i.e., the cost-of-living index for Virginia is the average of the cost-of-living indices for each of the nine reporting jurisdictions in Virginia). More detailed information can be found at www.accra.org or www.c2er.org.

Office of the Oregon State Court Administrator

Judicial Salary (only) Data

Twelve Western States - Compared to Oregon

Information Current as of 07/23/08 (includes known increases up to July 2009)

Supreme Court Justice Salaries

Comparison Ranking

Court of Appeals Judge Salaries

Comparison Ranking

Circuit Court Judge Salaries

Comparison Ranking

State	Highest Court	Rank
California	\$ 218,237	1
Alaska	\$ 179,520	2
Washington*	\$ 164,230	3
Hawaii	\$ 159,072	4
Utah	\$ 145,350	5
Arizona	\$ 142,341	6
Nevada	\$ 140,000	7
Colorado	\$ 139,660	8
Wyoming**	\$ 126,500	9
Oregon	\$ 125,688	10
New Mexico	\$ 123,691	11
Idaho	\$ 119,506	12
Montana***	\$ 113,964	13

State	Intermediate Appellate Court	Rank
California	\$ 204,599	1
Alaska	\$ 169,608	2
Washington*	\$ 156,328	3
Hawaii	\$ 147,288	4
Arizona	\$ 139,388	5
Utah	\$ 138,750	6
Colorado	\$ 134,128	7
Oregon	\$ 122,820	8
Idaho	\$ 118,506	9
New Mexico	\$ 117,506	10
Nevada		11
Montana***		12
Wyoming		13

State	General Trial Court	Rank
California	\$ 178,789	1
Alaska	\$ 165,996	2
Washington*	\$ 148,831	3
Nevada	\$ 144,500	4
Hawaii	\$ 143,292	5
Arizona	\$ 135,824	6
Utah	\$ 132,150	7
Colorado	\$ 128,598	8
Wyoming**	\$ 120,400	9
Oregon	\$ 114,468	10
Idaho	\$ 112,043	11
New Mexico	\$ 111,631	12
Montana***	\$ 106,870	13

Mean (Average) \$ 145,981
 Median \$ 140,000

Mean (Average) \$ 144,892
 Median \$ 139,069

Mean (Average) \$ 134,107
 Median \$ 132,150

OR SC Percent of Average
 86.10%

OR COA Percent of Average
 84.77%

OR Circuit Ct Percent of Average
 85.36%

OR SC Percent Below Median
 -10.22%

OR COA Percent Below Median
 -11.68%

OR Circuit Ct Percent Below Median
 -13.38%

*Washington salaries effective 09/01/08

**Wyoming salaries effective 08/01/08

***Montana salaries effective 07/01/09

Office of the Oregon State Court Administrator
Washington, Idaho, Nevada, and California Judge Salaries - Compared to Oregon
 Information Current as of 07/23/08 (includes known increases up to September 2008)

Supreme Court Justice Salaries

Comparison Ranking
 Includes PERS 7% Pickup

State	Highest Court	Rank
California	\$ 218,237	1
Washington*	\$ 164,230	2
Nevada #	\$ 149,800	3
Oregon	\$ 134,486	4
Idaho	\$ 119,506	5

Mean (Average) \$ 157,252
 Median \$ 149,800

OR SC Percent of Average 85.52%
 OR SC Percent Below Median -10.22%

Court of Appeals Judge Salaries

Comparison Ranking
 Includes PERS 7% Pickup

State	Intermediate Appellate Court	Rank
California	\$ 204,599	1
Washington*	\$ 156,328	2
Oregon	\$ 131,417	3
Idaho	\$ 118,506	4
Nevada		5

Mean (Average) \$ 152,713
 Median \$ 143,873

OR COA Percent of Average 86.06%
 OR COA Percent Below Median -8.66%

Circuit Court Judge Salaries

Comparison Ranking
 Includes PERS 7% Pickup

State	General Trial Court	Rank
California	\$ 178,789	1
Washington*	\$ 148,831	2
Nevada #	\$ 154,615	3
Oregon	\$ 122,481	4
Idaho	\$ 112,043	5

Mean (Average) \$ 143,352
 Median \$ 148,831

OR Circuit Ct Percent of Average 85.44%
 OR Circuit Ct Percent Above Median -17.70%

In Oregon, and Nevada, member retirement contributions are paid by the employer, so 7% (the Oregon contribution amount) is added to these salaries.

Supreme Court Justice Salaries

Comparison Ranking
 Does NOT Include PERS 7% Pickup

State	Highest Court	Rank
California	\$ 218,237	1
Washington*	\$ 164,230	2
Nevada	\$ 140,000	3
Oregon	\$ 125,688	4
Idaho	\$ 119,506	5

Mean (Average) \$ 153,532
 Median \$ 140,000

OR SC Percent of Average 81.86%
 OR SC Percent Above Median -10.22%

Court of Appeals Judge Salaries

Comparison Ranking
 Does NOT Include PERS 7% Pickup

State	Intermediate Appellate Court	Rank
California	\$ 204,599	1
Washington*	\$ 156,328	2
Oregon	\$ 122,820	3
Idaho	\$ 118,506	4
Nevada		5

Mean (Average) \$ 150,563
 Median \$ 139,574

OR COA Percent of Average 81.57%
 OR SC Percent Above Median -12.00%

Circuit Court Judge Salaries

Comparison Ranking
 Does NOT Include PERS 7% Pickup

State	General Trial Court	Rank
California	\$ 178,789	1
Washington*	\$ 148,831	2
Nevada	\$ 144,500	3
Oregon	\$ 114,468	4
Idaho	\$ 112,043	5

Mean (Average) \$ 139,726
 Median \$ 144,500

OR Circuit Ct Percent of Average 81.92%
 OR SC Percent Above Median -20.78%

*Washington salaries effective 09/01/08

Office of the Oregon State Court Administrator
Oregon Judge Age Data from 1992 to 2007

OJD Table 4

The chart below shows the age at retirement (in five year increments).

Summary

- 65.74 - Average retirement age from 1992 - 1996
- 63.84 - Average retirement age from 1997 - 2001
- 62.48 - Average retirement age from 2002 - 2006
- 61.56 - Average retirement age in 2007

Retirements, 1992 - 2007					
Year	Number of Retired Judges Each Year	Average Years of Service	Average Age at Retirement	Age at Retirement in 5 Year Increments	
1992	8	22.56	68.65		
1993	5	21.30	65.01		
1994	12	20.72	64.24		
1995	6	20.31	66.57		
1996	1	9.54	64.22	65.74	1992-1996
1997	7	23.86	65.89		
1998	4	18.53	63.47		
1999	7	20.97	62.97		
2000	7	18.26	64.62		
2001	3	20.13	62.24	63.84	1997-2001
2002	9	24.40	62.07		
2003	6	18.58	63.88		
2004	5	15.74	59.23		
2005	4	26.74	63.51		
2006	12	20.23	63.71	62.48	2002 - 2006
2007	10	19.05	61.56		

The chart below shows active judge age statistics from 1992 to present

Active Judge Statistics	Age
Average Age Assumed the Bench	44.84
Median Age Assumed the Bench	44.11
Average Age as of 12/31/07	56.09
Median Age as of 12/31/07	56.89
Average Number of Years on the Bench	11.26
Median Number of Years on the Bench	10.45

Submitted By: Tremblay
 JudgeRetmAgas080108