

**Remarks of Chief Justice Chase T. Rogers  
Commission on Judicial Compensation  
October 25, 2012**

Thank you for giving me the opportunity to appear before you today. I would like to take a minute to thank you for your willingness to serve on this Commission. I recognize that this is a huge time commitment and not an easy or popular task.

Let me start by providing you with some background. As you know, judges' salaries are set by statute and a Superior Court judge currently earns a salary of \$146,780. The last time that the Legislature voted to increase judges' salaries was in 2004, when it passed a three-year plan and the last time that judges received an increase in compensation was on January 1, 2007. To be clear, while some of our judges receive frozen longevity payments in addition to salary, no judges receive COLAs, annual increments or other increases in their salary. Instead, their salary is the specific amount set forth by statute.

With no consistent mechanism to adjust salaries, the Judicial Branch worked with the Governor and Legislative leaders to pass a bill establishing this Commission. The bill received bi-partisan support and in fact, only one legislator out of 187 voted against it. I believe that this measure was overwhelmingly approved because policy makers agreed that the system was broken and we needed a fair, objective and transparent method of periodically reviewing the salaries of our state judges and family support magistrates. And, that is where you come in. Your charge, as you know, is to recommend salary levels for our

state judges. As you also know, the Legislature retains the ultimate responsibility for adjusting the salaries by voting whether or not to approve any proposed increase, which will be part of the state budget.

I would now like to turn to the report we prepared. I wanted you to have this document, as I hoped it would be helpful for you to have the benefit of the extensive research that we conducted, including information on each of the seven factors that the public act requires you to consider.

In terms of our approach, we first looked at the rate of inflation and applied it over the past ten years to judges' salaries. As you will read on page 8, Superior Court judges in 2002 earned \$125,000. During the next ten years, judges received some increases but those increases fell far behind the rate of inflation. If Superior Court judges had received just cost-of-living increases over the past ten years, they would be earning \$163,416, as opposed to their current salary of \$146,780. So, I think it is fair to say that the value of a judge's salary has significantly eroded over the last decade.

We then looked at the level of compensation received by judges of other states. The National Center for State Courts' survey contains a list of the salaries and rankings for judges, both in actual salaries and also with cost-of-living adjusted salaries. A cost-of-living analysis among states is obviously necessary, as it provides essential information regarding the true value of a dollar in each state.

The survey illustrates a dramatic decline in the salaries of Connecticut judges compared with other state judges around the country. The salary of a

Connecticut Superior Court judge in 2006 ranked number 32 compared with the salaries of judges in other states. Since then, the ranking has steadily declined and as of January 2012, Connecticut ranked number 45. The ranking will be 46 when the new salary report is published, as New York judges received a 17% increase in April 2012. Simply stated, Connecticut can and must do better.

The next factor that we examined was the state's interest in retaining and attracting highly qualified and experienced attorneys to serve in judicial capacities. At this point, I think it's important to remember what we are asking our judges to do. Their day-to-day responsibilities include making decisions about people's freedom, their families and even potential life and death determinations. One thing that everyone should be able to agree on is we want the largest pool of the best and brightest attorneys from which to choose our judges.

We know that some qualified attorneys in private practice who have considered and/or have been offered judgeships have declined the opportunity, indicating that the compensation is just too low relative to their private sector earnings. Compounding this problem is the lack of regular increases in judges' pay.

When considering how to attract qualified candidates to the bench, it is also important that we look at diversity. Recently, the minority bar associations conducted a survey to determine their members' interest in becoming a Connecticut Superior Court judge. Not surprisingly, the low salary of a judge was cited as a barrier.

Moving on, you will see in the report that we also considered compensation adjustments for other state employees over the past ten years. And, what we found is that state employees, for the most part, have experienced consistent increases in their salary, with union employees experiencing only a two-year wage freeze and non-unionized employees experiencing a four-year freeze. In contrast, our judges have gone six years without any increases.

It is also worth noting that there are more than a thousand state employees who earn more than judges. They, like judges, are professionals. Unlike judges, these professionals have continued to receive, for the most part, consistent increases in their pay.

To illustrate this point, consider that employees from all three branches of government, including union and non-unionized employees, received an average 3.5% annual increase in their salaries over the past ten years. Judges, during the same period, received an average annual increase of only 1.65%.

However, there is a notable area where judges have kept pace with other state employees, and that is concessions. The Legislature has applied virtually every concession that has been made by employees in collective bargaining units to judges. These include furlough days, increased contributions to post-retirement health care, freezing and eventual elimination of longevity payments, and lengthened service requirements in order to fully vest in the pension system.

Next, I would like to turn to another factor that the statute requires you to consider -- the level of compensation received by attorneys. The only information, other than anecdotal, that we had available to us was the Law

Tribune's *Trib 25 Survey* regarding revenues. I understand that some of you have access to more comprehensive information about the salaries of experienced attorneys in Connecticut, who would be qualified to be considered as judges.

We were, however, able to determine the salary levels of some of the attorneys working in state government and have included that information on page 17 of the report. I think it is worthwhile pointing out that, unlike judges, attorneys working in state government have received, for the most part, consistent increases in their salary.

Finally, I would like to turn to our recommendations. Based on the seven factors, we are proposing that the salary levels of Connecticut's judges be increased to \$163,416 on July 1, 2013, which would be the amount they would be at had their salaries been adjusted just for cost-of-living over the past decade.

You should know that this was the smallest increase of the comparisons we examined. For example, if we had applied the same percentage increase that various employees within state government had received over the last ten years, our recommendation would have been to increase the salaries of the judges anywhere from \$172,000 to \$182,000.

I want to emphasize that I recognize that our recommendation calls for a significant increase. However, I believe that it is absolutely necessary to make up for increases not received over the past 10 years to get the judges back on an even playing field with other state employees and with other state judges throughout the nation.

As I have noted, the salaries of judges in Connecticut have significantly eroded relative to the salaries of Connecticut state employees and judges in other states. The first year catch-up is intended simply to correct that salary erosion. Because the vast majority of state employees have guaranteed raises of approximately 5.5% for the next three fiscal years beginning in July of 2013, and recognizing that judges are already far behind those employees in salary growth, a multi-year phase-in would simply compound the present problem.

As we considered what to recommend in years two, three and four, we requested the same total increases that unionized state employees will be receiving over the next three fiscal years.

As for FY 17, the recommended increase in judges' salaries is 5.5%. This is based on an assumption that unionized employees will continue to receive increases in this range, although none are guaranteed at this time.

Before answering any questions, I would now like to address an issue that some of you have raised relating to judges' pension and health benefits. As you know, we have provided you with a substantial amount of information on both.

In essence, the non-salary compensation received by judges is by and large the same as that provided to other state employees.

Correctional officers, nurses, accountants, maintenance personnel, administrators and others all have defined benefit pension plans. Most employees participate in SERS, the State Employee Retirement System.

Judges do not participate in SERS, but rather in a separate Judges' Retirement System. While much has been written about underfunding of SERS,

the separate Judges Retirement System is on much sounder financial footing. In part, this is because judges contribute a greater percentage of their pay toward their pensions than do most employees.

It is also important to note that the Legislature in the past two years has made several changes to future pension qualifications for all employees, including judges. In the future, judges will have to work for 25 years and be at least 63 to collect a full pension.

The pensions available to judges are unquestionably a substantial benefit, and most assuredly do help to attract candidates to the position. Again, this is true of virtually all positions in state government.

That being acknowledged, I would respectfully suggest that salary erosion relative to other positions in state government is the fundamental issue for the Commission to consider as it formulates its recommendations. We have provided you with considerable information that supports two points. The first is that the Legislature has treated all employees, including judges, essentially equal with respect to health care and pensions and all employees, including judges, are being affected by changes to these benefits. The second is that while almost all other employees have had an effective mechanism in place to address salaries over time, judges have not, resulting in judges dramatically falling behind with respect to an appropriate salary.

In closing, I think it is important for me to emphasize that as public officials, judges do not expect to become wealthy, but fairness and the need to attract and retain highly qualified jurists, as well as a diverse judiciary, require

that judicial salaries maintain their value over time. Protecting the compensation of Connecticut's judges against inflation is essential to prevent the trend of no pay increases for judges that increasingly discourages recruitment and retention of talented individuals.

I would be happy to answer any questions that you may have.