

SUBMISSION TO THE

# CONNECTICUT COMMISSION ON JUDICIAL COMPENSATION

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BY CHIEF JUSTICE CHASE T. ROGERS  
October 3, 2012



STATE OF CONNECTICUT

JUDICIAL BRANCH

CHAMBERS OF  
CHASE T. ROGERS  
CHIEF JUSTICE

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October 3, 2012

Commission on Judicial Compensation  
c/o Office of Legislative Research  
Legislative Office Building  
210 Capitol Avenue  
Hartford, CT 06106-1591

Dear Commission Members,

I respectfully submit this report to you for your consideration. The report carefully examines the seven factors that the *Commission on Judicial Compensation* must consider when making its recommendations and provides a compelling case for the need to increase judges' salaries.

The Judicial Branch is recommending that Superior Court judges' salaries be increased to \$163,416, effective July 1, 2013. The salary would then be at the level it should be, had the judges received only cost-of-living increases for the past ten years. Additionally, the Judicial Branch is recommending that the salary of a Superior Court judge be increased by 5.5% on July 1, 2014, 2015 and 2016, which is consistent with compensation increases that the vast majority of unionized state employees will receive in FY 14, FY 15 and FY 16. The Judicial Branch is also recommending that judicial officers receive the same percentage increase as that recommended for Superior Court judges.

As public officials, judges do not expect to become wealthy. But fairness and the need to retain highly qualified jurists require that judicial salaries maintain their value. Protecting the compensation of Connecticut's public officials against inflation is essential to prevent genuine hardship over time, hardship that increasingly discourages recruitment and retention of talented individuals.

I believe that these recommendations strike a fair balance between adequately compensating the judges and the fiscal realities of our time. The cost to the state in the first fiscal year represents a mere .0201% of the state's General Fund.

Judges are held to a high standard and are required to conduct their personal and extrajudicial activities in such a way as to promote the public's confidence in the judiciary. Under the Code of Judicial Conduct, judges are required to "maintain the dignity of judicial office at all times and to avoid both impropriety and the appearance of impropriety in their professional and personal lives."

October 3, 2012

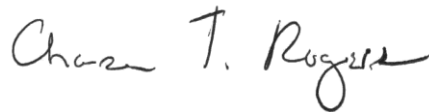
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Additionally, judges are public officials and are often the subject of criticism that, if applied to others, might be viewed as onerous. Judges accept these sacrifices willingly. But, they should not have to also sacrifice financial stability and be treated less favorably than employees working in all three branches of state government. Fairness demands no less.

As the Honorable Ann Pfau, Chief Administrative Judge of the State of New York, said in her submission to the New York 2011 Commission on Judicial Compensation: "Fairness directs that judges not be singled out for special burdens, or compelled to make sacrifices in a manner or duration not asked of other public professionals. Any other result would not only be unfair to judges and the institutional Judiciary but, more importantly to the public that they serve, and to the cause of an excellent justice system playing its appropriate constitutional role."

The Judicial Branch appreciates the support of Governor Dannel P. Malloy and the Legislature in enacting Public Act 12-93, which established the *Commission on Judicial Compensation*, and for recognizing that a fair and objective method of compensating Connecticut's judges is needed. Additionally, I would like to thank you for serving on this important Commission, and for your time and consideration.

Very truly yours,

A handwritten signature in dark ink, reading "Chase T. Rogers". The signature is fluid and cursive, with the first name "Chase" and last name "Rogers" clearly legible.

Chase T. Rogers  
Chief Justice

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## PREAMBLE

This past legislative session, Governor Malloy proposed, and the General Assembly enacted, Public Act 12-93, *An Act Establishing a Commission on Judicial Compensation*, because they recognized that the method of determining compensation for Connecticut state judges was not working properly. This act puts into place a fair and objective process for determining the salaries of judges.

When determining what the appropriate salaries of our state judges should be, it is important to understand what Connecticut judges do. Each day, Connecticut judges render decisions that affect nearly every facet of our lives. The breadth and scope is truly remarkable – more than 530,000 cases were resolved last year, impacting millions of people. When one thinks of the judiciary, one may think of a high-profile criminal arraignment shown on television, or of a particularly noteworthy decision rendered by our Supreme Court. While these actions are indeed important, a visit to any one of Connecticut's courthouses paints a more complete picture of the widespread impact that judges have on our society.

Each day, judges make difficult decisions that profoundly affect people's personal and professional lives, their reputations and their freedom. Put another way, we ask them to go into highly charged emotional situations and dispassionately apply the rule of law. For example, a judge may have to sentence to prison an 18-year-old who, while driving under the influence, caused the death of his best friend. Another judge may be presiding over a liability case where a young child died as a result of a defective product; and yet another judge may be hearing a motion in a hotly contested family case involving self-represented parties. It is impossible to overstate the importance and impact that these decisions have on the lives of Connecticut residents each and every day.

In order to effectively administer justice, judges must possess wisdom, compassion, courage, integrity and the legal ability necessary to properly apply the law. Historically, Connecticut has been fortunate to have judges with these qualities. However, recent events demonstrate a serious cause for concern. In the past two years, five long-term, highly respected and experienced judges have decided to leave the bench and return to private practice. In the preceding 25 years, only five judges left the bench to return to private practice. This trend is unprecedented. Additionally, some attorneys in private practice who have been offered judgeships have declined the opportunity, indicating that the compensation is just too low relative to their private sector earnings.

With this trend in mind, it is fair to say that Connecticut's judiciary is at a turning point. While compensation will never be – and should never be – the motivating factor for one to serve as a judge, the fact remains that the compensation our judges receive, as adjusted by cost-of-living indexes, lags significantly behind the compensation received by their counterparts in nearly every state. Additionally, judges' compensation, as measured by many other factors such as the Consumer Price Index, the average increases received by state employees in each branch of government, and the percentage increases received by lawyers appearing in their courtrooms, suffers by comparison. This is important because if Connecticut wants to attract and retain the best and brightest attorneys to deal with these difficult issues as judges, compensation must be adequate.

In the following pages, the Judicial Branch will present a detailed plan that will recommend that judges' salaries be adjusted on July 1, 2013, to the same amount that they would be earning if they had received **only** cost-of-living adjustments for the past ten years. Thereafter, the Branch will recommend salary increases consistent with those guaranteed to unionized state employees.

Our judges do not live in a bubble – they are acutely aware of the difficult economic climate. Therefore, the Branch's recommendations take into account the state's finances, ensuring that the proposed increases are reasonable and affordable. We believe that the information following in this report presents compelling reasons to provide these salary increases to our judges.

## THE COMMISSION ON JUDICIAL COMPENSATION

Senate Bill 31, *An Act Establishing a Commission on Judicial Compensation*, was approved by the Legislature, and the Governor signed it into law on June 8, 2012, as Public Act 12-93.

The public act created a 12-member *Commission on Judicial Compensation* charged with making recommendations regarding the salaries of our state judges, taking into account specific factors.

### Process

The act requires the commission to submit its report by January 2, 2013 to the Governor, the Secretary of the Office of Policy and Management, the Legislature, the Chief Justice, and the Chief Court Administrator.

The Chief Court Administrator is then required to estimate the expenditures necessary to implement the report's recommendations for each of the following four fiscal years. The act also requires the Chief Court Administrator to transmit these expenditures to the Secretary of the Office of Policy and Management, the Appropriations Committee through the Office of Fiscal Analysis, and the Judiciary Committee by January 9, 2013.

Consistent with C.G.S. 4-73(g), the Governor's biennial budget must include the Chief Court Administrator's estimated expenditures for the Judicial Branch. For this reason, the Governor's biennial budget must include the funding necessary to implement the commission's recommendations.

### Members

The public act requires commission members to be appointed as follows:

1. four by the Governor;
2. one each by the president pro tempore of the Senate, speaker of the House of Representatives, and House and Senate majority and minority leaders; and
3. two by the Chief Justice.

To the extent practicable, the act requires the appointing authorities to select members with experience in financial management, human resources administration or executive compensation.

The act limits members to only one four-year term, but they may serve until a successor is appointed and qualified. Appointing authorities can fill a vacancy for the unexpired portion of the term. The act requires the commission to elect its chairperson from among its members. A majority is a quorum.

## Charge of the Commission

The public act charges the commission with:

1. examining the adequacy of and need for adjustments to compensation for judges, family support magistrates, senior judges, judge trial referees, and family support referees;
2. making compensation recommendations every four years, beginning on January 2, 2013; and
3. reporting its findings to the Governor, the Secretary of the Office of Policy and Management, the Legislature, the Chief Justice and the Chief Court Administrator.

Once the current commission submits its report, its work is done. The next commission will be established in four years, and required to submit its report on January 2, 2017.

## **THE SEVEN STATUTORY FACTORS**

The act requires the commission to consider all appropriate factors when making compensation recommendations, including, but not limited, to the following:

1. the State's ability to fund compensation increases;
2. inflation rate;
3. compensation of other states' and federal judges;
4. interest in attracting highly qualified and experienced attorneys to serve in judicial capacities;
5. compensation adjustments for state employees during the applicable fiscal years;
6. compensation of attorneys employed by government agencies, academic institutions, and private and nonprofit organizations; and
7. the State's overall economic climate.

The next sections of the report will discuss each factor.

### **Factor #1: The state's ability to fund increases in compensation**

While we recognize the economic difficulties that the state is facing, the Judicial Branch believes that the state of Connecticut can, in fact, afford to increase judges' salaries. The recommended increases, which will only bring the judges' salaries back to the earning capacity they had ten years ago, will cost the State of Connecticut a maximum of \$3.8 million for the first year, if all judicial vacancies are filled. This represents only .0201% of the state's General Fund.

### ***Conclusion***

The funds necessary to bring judges' salaries back only to the earning capacity they had ten years ago is a mere .0201% of the state budget. The judiciary plays a central role in preserving the principles of justice and the rule of law in our state, and these funds should be viewed as a small but sound investment in our legal system.

## Factor #2: Rate of inflation

To determine the general rate of inflation, the Consumer Price Index (CPI) was consulted. The CPI is a measure of the average change in prices over time. It looks at the prices of food, clothing, shelter, fuel, transportation fares, charges for doctors' and dentists' services, drugs, and other goods that people buy for day-to-day living. Please note that for the purposes of this report, the CPI Northeast figure for Urban Consumers (CPI-U) was used.

**Also please note that the CPI is calculated as of December 31<sup>st</sup> annually. For this reason, the cost-of-living adjustment has been applied for the following year.** For example, the CPI growth in 2002 was 2.1% and was calculated at the end of 2002. This percentage of 2.1% was used in 2003 to calculate the cost-of-living growth. (In 2002, Superior Court judges earned \$125,000, and this figure was used in the analysis.) The chart below shows the salary of Superior Court judges adjusted for inflation, over the past ten years.

**Salaries of Superior Court judges *if* their salaries  
had been adjusted by the rate of inflation**

As of Dec. 31st	CPI Growth		As of Jan. 1st	Salary of Superior Court Judges Adjusted Salary
2002	2.1%		2002	N/A
2003	2.8%		2003	\$127,625
2004	3.5%		2004	\$131,199
2005	3.6%		2005	\$135,790
2006	3.6%		2006	\$140,679
2007	2.6%		2007	\$145,743
2008	4.0%		2008	\$149,533
2009	.02%		2009	\$155,514
2010	2.0%		2010	\$155,545
2011	3.0%		2011	\$158,656
2012	Not yet calculated		2012	\$163,416

## Conclusion

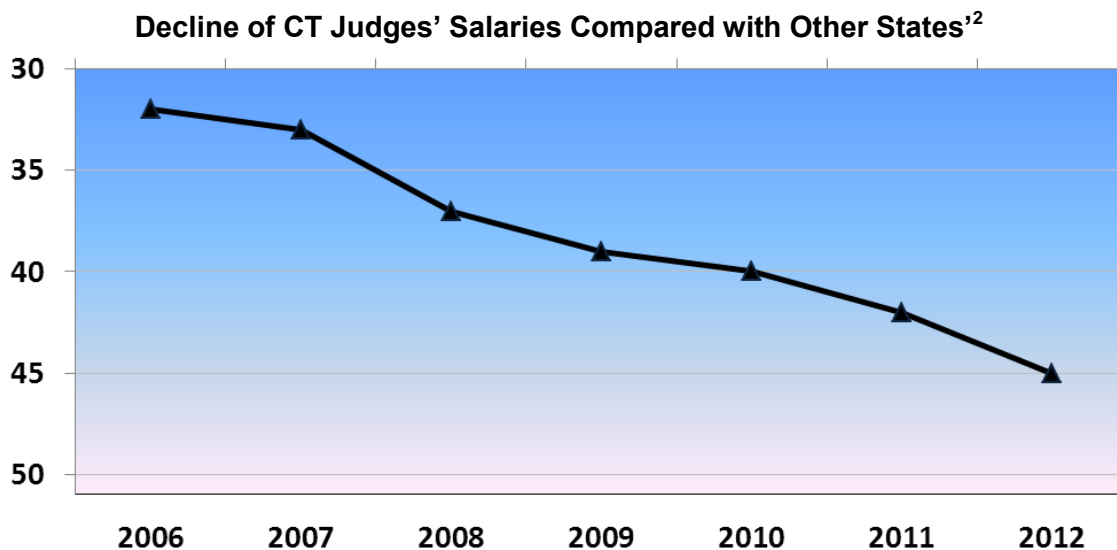
As clearly shown by the above charts, the salaries of Connecticut judges have not kept pace with inflation. If judges had received only cost-of-living increases based on the CPI Northeast figure beginning in 2002, they would currently be earning \$163,416, as opposed to their current salary of \$146,780. Instead, with no cost-of-living adjustments in the last 5 years, the value of a judge's salary has decreased over 10% from what it would have been, had it been raised to keep pace with inflation.

### Factor #3: Level of compensation received by judges of other states and the federal government

#### *Connecticut Trial Court Salaries have Fallen Compared with Other States*

The salaries of Connecticut trial court judges have fallen steadily over the past several years compared with their counterparts in other states, and continue to do so. The National Center for State Courts<sup>1</sup> has published an annual Survey of Judicial Salaries for more than 30 years and provides rankings and a comparison of judicial salaries around the country. The rankings have been adjusted using the ACCRA, which is a widely accepted source for cost-of-living indices.

These rankings make clear the dramatic decline. In 2006, for example, the salary of a Connecticut Superior Court judge was ranked 32nd (“1” being the highest) compared with the salaries of trial court judges in other states. Since that time, the salary has steadily declined and as of January 2012, Connecticut was ranked 45th. The graph below depicts the decline.<sup>2</sup>



<sup>1</sup> The National Center for State Courts (NCSC) is an independent, nonprofit organization with the mission of improving “the administration of justice through leadership and service to the state courts, and courts around the world.”

<sup>2</sup> The information was taken from Volumes 32 to 37 (No.1) of *The Survey of Judicial Salaries*; <http://www.ncsc.org/Topics/Judicial-Officers/Judicial-Compensation/Resource-Guide.aspx>.

*Comparison of Trial Court Salaries Nationwide (as of January 1, 2012)* <sup>3</sup>

State	2012 Adjusted Salary	Ranking
Illinois	\$190,171	1
Tennessee	\$173,391	2
Delaware	\$168,913	3
Pennsylvania	\$166,468	4
Nevada	\$164,674	5
Virginia	\$163,309	6
Georgia	\$158,439	7
Arkansas	\$151,141	8
Michigan	\$150,628	9
Texas	\$145,740	10
Florida	\$145,555	11
Washington	\$145,118	12
Alabama	\$145,015	13
Louisiana	\$144,823	14
Utah	\$144,777	15
Iowa	\$144,548	16
Nebraska	\$142,340	17
Arizona	\$140,784	18
Oklahoma	\$137,550	19
California	\$137,503	20
Indiana	\$136,200	21
Kentucky	\$136,147	22
South Carolina	\$133,294	23
Alaska	\$133,068	24
Wisconsin	\$132,186	25
West Virginia	\$130,809	26
Missouri	\$129,302	27
Ohio	\$129,198	28
Kansas	\$128,987	29
North Carolina	\$128,517	30
Wyoming	\$127,259	31
New Jersey	\$127,206	32
Colorado	\$126,749	33
Minnesota	\$124,966	34
North Dakota	\$122,978	35
District of Columbia	\$121,251	36
Idaho	\$120,955	37
Rhode Island	\$118,660	38
New Hampshire	\$114,906	39
Montana	\$113,810	40
Maryland	\$113,037	41
Mississippi	\$112,457	42
New Mexico	\$112,383	43
South Dakota	\$110,968	44
<b>Connecticut</b>	<b>\$110,271</b>	<b>45</b>
Oregon	\$107,130	46
Massachusetts	\$106,153	47
New York	\$105,131	48
Vermont	\$100,588	49
Maine	\$99,023	50
Hawaii	\$81,018	51

<sup>3</sup> *Survey of Judicial Salaries*, Vol. 31 No. 1, compiled by the National Center for State Courts.

### ***Federal District Court Judges***

Connecticut Superior Court judges also earn less than Federal District Court judges, whose annual salary is \$174,000.

### ***Conclusion***

The evidence is clear that Connecticut judges' salaries lag far behind the salaries of judges in other states. Additionally, the salaries of Connecticut judges will drop to #46, when the *2012 Survey of Judicial Salaries* is published in October, as New York judges received a 17% increase on April 1, 2012. Finally, Connecticut judges' salaries also lag far behind the salaries of Federal District Court judges.

#### **Factor #4: The State's interest in attracting highly qualified and experienced attorneys to serve in judicial capacities**

It is in the state's best interest to attract highly qualified and experienced attorneys to serve as judges. Additionally, to ensure a bench that is as diverse as the population it serves, judicial candidates must come from varied backgrounds. These backgrounds include the public sector, large law firms, solo practitioners and law school professors. It is also important to draw candidates from different racial and ethnic backgrounds.

In testimony before the Legislature's Judiciary Committee, the Connecticut Asian Pacific American Bar Association, the Connecticut Hispanic Bar Association, the George W. Crawford Black Bar Association and the South Asian Bar Association of Connecticut eloquently addressed this issue. It is also worth noting that their testimony was in support of the bill that established this very commission. To quote from their testimony:

*Last year, we surveyed CAPABA, CHBA, Crawford and SABAC members to ascertain our members' interest in becoming a Connecticut Superior Court judge. For those who stated that they were not interested, we asked why so as to determine if there were any real or perceived barriers for our respective members to seek to join the bench. In doing so, "low pay" and "student loan debt" were two of the reasons provided. To attract qualified diverse candidates to the bench and continue to retain the highly qualified diverse judges within Connecticut, we need a reliable method of fairly adjusting compensation levels as economic conditions warrant.*

Diversity also requires that the judiciary be comprised of lawyers from a variety of professional backgrounds, such as the private and the public sectors. However, the number of judges from the private sector has decreased by 16% over the past decade. For the period between 1990 to the end of 1999, 115 new judges were appointed. Of those, 23% came from the public sector and 77% came from the private sector. For the period between 2000 to the end of 2009, 98 new judges were appointed. Of those, 39% came from the public sector and 61% came from the private sector.

While judges from the public sector bring to the job excellent skills, an imbalance has occurred in that we are seeing fewer and fewer qualified attorneys applying from the ranks of the private sector. These individuals bring unique experiences and a different perspective than those who have engaged in public sector lawyering.

#### **Conclusion**

The public's trust and confidence is enhanced when the people making decisions that impact their lives are representative of the community at large. To attract and retain a judiciary that is comprised of a diverse group of individuals with varied backgrounds and experiences, it is essential that judges be compensated fairly and that they receive periodic increases.

## **Factor #5: Compensation adjustments for state employees during the applicable fiscal years**

### ***Average Percentage Increase in Salaries for State Employees***

State employees, until recently, have experienced consistent and reliable increases in their compensation. While it is true that because of the state's fiscal crisis, the salaries of state employees have been frozen, with union employees experiencing a two-year wage freeze and non-unionized employees experiencing a four-year wage freeze, the judges have gone six years, by far the longest period, without any increases.

### ***Specific Comparisons***

Superior Court judges would be earning the following salaries, if they had received the same rate of increase as the following state employees over the past ten years:

#### **Salaries of Superior Court judges *if* their salaries had been adjusted by the same percentage increase as state employees over the past 10 years**

<b>Judges' salary with Legislative Branch employees' percentage increase applied</b>	<b>\$182,390</b>
<b>Judges' salary with Executive Branch managers' percentage increase applied</b>	<b>\$175,643</b>
<b>Judges' salary with unionized employees' percentage increase applied</b>	<b>\$174,441</b>
<b>Judges' salary with Judicial Branch excluded employees' percentage increase applied</b>	<b>\$172,129</b>
<b>Judges' salary with the average rate of increase of employees working in all three branches applied</b>	<b>\$176,324</b>

Additionally, judges have received less than half the percentage increase in their salaries as state employees received during the past ten years. Employees from all three branches of government, including union and non-union members, received an average 3.5% increase in their salaries over the past ten years. Judges, during the same period, received an increase of only 1.65%. The result is that judges' salaries have not kept pace with the increases that employees in state government have received.

### *Percentage Increase in Judges' Salaries*

Attorneys seeking to become judges do so because of their commitment to public service. While they do not anticipate becoming wealthy, they do expect that their salary will increase over time, like all other public sector employees. The chart below shows that between 1984 and 2007, judges received, for the most part, steady increases in their rate of pay. However, this has not been the case since 2007.

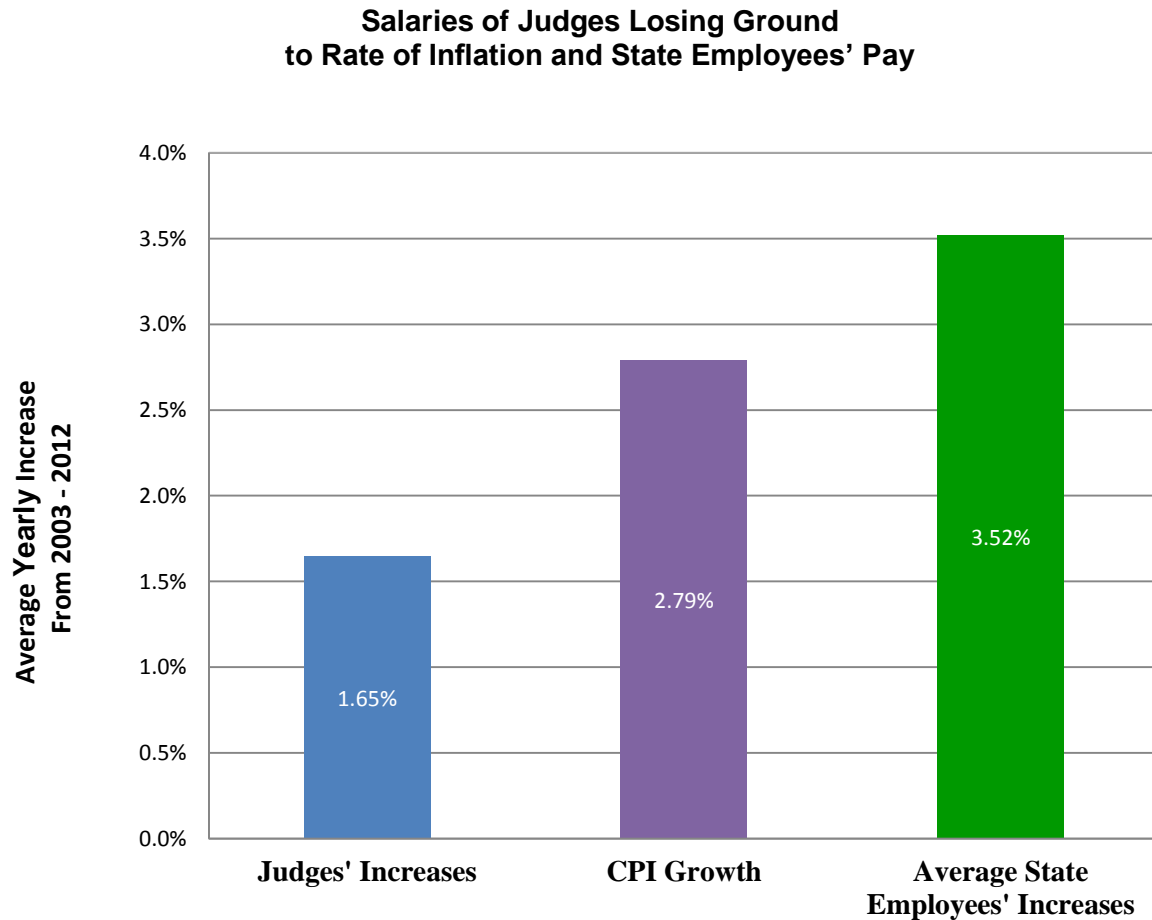
#### **Percentage increase in judges' salaries from 1984 to 2007**

<b>Fiscal Year</b>	<b>Judge's Rate of Increase</b>
<b>1984 - 1985</b>	<b>6.03%</b>
<b>1985 - 1986</b>	<b>6.04%</b>
<b>1986 - 1987</b>	<b>5.50%</b>
<b>1987 - 1988</b>	<b>9.17%</b>
<b>1988 - 1989</b>	<b>6%</b>
<b>1989 - 1990</b>	<b>6%</b>
<b>1990 - 1991</b>	<b>6%</b>
<b>1991 - 1992</b>	<b>5%</b>
<b>1992 - 1993</b>	<b>5%</b>
<b>1993 - 1994</b>	<b>5%</b>
<b>1994 - 1995</b>	<b>0%</b>
<b>1995 - 1996</b>	<b>3%</b>
<b>1996 - 1997</b>	<b>3%</b>
<b>1997 - 1998</b>	<b>2%</b>
<b>1998 - 1999</b>	<b>2%</b>
<b>1999 - 2000</b>	<b>6.4%*</b>
<b>2000 - 2001</b>	<b>4.2%</b>
<b>2001 - 2002</b>	<b>7.7%</b>
<b>2002 - 2003</b>	<b>0%</b>
<b>2003 - 2004</b>	<b>0%</b>
<b>2004 - 2005</b>	<b>5.5%</b>
<b>2005 - 2006</b>	<b>5.5%</b>
<b>2006 - 2007</b>	<b>5.5%</b>
<b>2007 - 2008</b>	<b>0%</b>
<b>2008 - 2009</b>	<b>0%</b>
<b>2009 - 2010</b>	<b>0%</b>
<b>2010 - 2011</b>	<b>0%</b>
<b>2011 - 2012</b>	<b>0%</b>

\* This figure combines two increases in FY 00 – a 2% increase on 10/1/99 and a 4.4% increase on 4/1/2000.

### *Judges' Salaries Losing Ground*

The salaries of Connecticut judges' have not kept pace with the average increase that state employees in all three branches of government have received over the past ten years. They have not even kept pace with inflation.



### *Conclusion*

The salaries of Connecticut judges have eroded over time. Over the past ten years, the judges' salaries have increased, on average, by 1.65% per year. The cost-of-living rose (on average during the same period of time) by 2.79%, and the salaries of state employees working in all three branches of government rose, on average, by 3.52% per year. This disparity has a negative impact not only on judges, but on the entire Judicial Branch. The result is significant salary compression, as Judicial Branch employees' salaries have risen at a much faster pace than the salaries of judges.

## Factor #6: The levels of compensation received by attorneys

### *Revenue per Lawyer in Private Practice*

The salaries of individual lawyers in private practice are not available. However, *The Connecticut Law Tribune* annually publishes a survey of revenue per lawyer in Connecticut's top 25 law firms.<sup>4</sup> Revenue per lawyer is calculated by dividing gross revenue by the number of lawyers in a firm. The chart below shows the revenue per lawyer in Connecticut's top 25 firms.

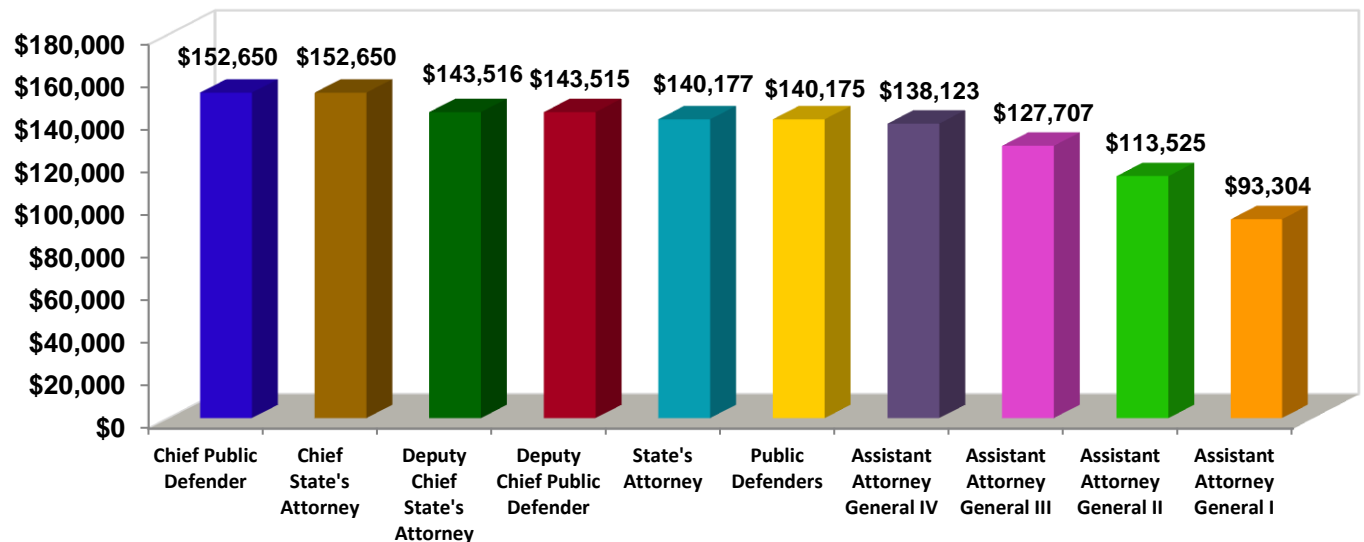
**Revenue Per Lawyer**

Rank	Company	Gross 2011	Total Lawyers	RPL
1	Axinn, Veltrop & Harkrider	\$40,000,000	58	\$689,655
2	Cummings & Lockwood	\$44,400,000	65	\$683,076
3	Finn Dixon & Herling	\$25,000,000	40	\$625,000
4	Day Pitney	\$185,000,000	314	\$590,000
5	McCormick, Paulding & Huber	\$8,000,000	14	\$571,429
6	Wiggin and Dana	\$69,000,000	132	\$522,727
7	Shipman & Goodwin	\$77,300,000	150	\$515,333
8	Robinson & Cole	\$105,000,000	206	\$509,708
9	Pullman & Comley	\$36,500,000	81	\$450,617
10	Murtha Cullina	\$48,300,000	115	\$420,000
11	Halloran & Sage	\$32,000,000	79	\$405,000
12	Cantor Colburn	\$39,900,000	100	\$399,000
13	Carmody & Torrance	\$25,000,000	64	\$390,625
14	Levett Rockwood	\$8,200,000	21	\$390,476
15	Berchem, Moses & Devlin	\$12,100,000	31	\$390,323
16	Updike, Kelly & Spellacy	\$17,100,000	46	\$371,862
17	Cohen and Wolf	\$17,000,000	46	\$369,565
18	Rogin Nassau	\$9,500,000	26	\$364,184
19	Reid & Riege	\$16,000,000	44	\$363,636
20	Levy & Droney	\$9,100,000	25	\$360,000
21	Rome McGuigan	\$10,700,000	30	\$356,667
22	Neubert, Pepe & Monteith	\$8,800,000	26	\$338,462
23	Zeldes, Needle & Cooper	\$7,600,000	25	\$302,666
24	Ivey, Barnum & O'Mara	\$9,200,000	31	\$290,323
25	Ryan Ryan Deluca	\$9,000,000	32	\$280,469

<sup>4</sup> The *Connecticut Law Tribune* explained its methodology as follows: "We arrived at the Tribune 25 list from a pool of 27 firms headquartered in Connecticut that we viewed as having the potential to make the cut. We chose the top 25 based on gross revenues, and derived profits per equity partner and revenue per lawyer ranking from those 25 law firms."

### *Attorneys Working for Connecticut State Government*

Attorneys work in all aspects of Connecticut state government. The chart below shows the top of the salary range for government attorneys working in the court system. It should be noted that, like other government employees, these attorneys have, for the most part, received regular periodic adjustments to their salaries, providing financial stability.



### *Conclusion*

It is not unreasonable for judges to expect periodic salary increases consistent with what others in state government received so that the value of their earnings do not decrease over time.

U.S. Supreme Court Justice Stephen G. Breyer stated, “. . . salary differences do matter; and continuous cuts in the salaries of those who lead an organization will over a period of time sap an institution's strength, lowering morale, injuring its reputation, diminishing its power to attract and to retain well-qualified workers. In this way the cuts contribute to diminished institutional performance, which in turn promotes public disenchantment, a lack of trust in a government less able to get the job done well, and a lack of interest in participating in the work of that government.”<sup>5</sup>

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<sup>5</sup> Statement of U.S. Supreme Court Justice Stephen G. Breyer, National Commission on the Public Service, July 15, 2002.

## Factor #7: The overall economic climate in the state

### *The Connecticut Economy*

*The Connecticut Economy* is a quarterly newsletter produced by the University of Connecticut that provides readers with objective analyses of long-term trends and current events. The goal of the newsletter is to enhance the public's understanding of the state's economy.

The following excerpts are from “The Quarterly Forecast: Another Round of Un-Recovery,”<sup>6</sup> written by Dr. Steven P. Lanza, Executive Editor of *The Connecticut Economy* and professor in the University of Connecticut's Department of Economics:

As U.S. GDP growth slowed to just 1.7%, Connecticut lost 4,000 jobs in 2012-Q2—fully one tenth its gain in the recovery to date. This uncommonly tepid economic recovery has moved in waves, with U.S. growth swelling to 4% or better and then receding to 2% or worse. Jobs, both nationally and here in the state, have followed a similar undulating pattern.

Given ... the long-term relationship between U.S. GDP and Connecticut job growth, Connecticut can only expect to add jobs at a rate of about 1,300 quarterly during the forecast period. That's barely a third of the quarterly gain estimated in our previous forecast, and it adds up to just 8,000 jobs in the next year and a half, with most of the gains coming in later quarters.

### *Conclusion*

According to *The Connecticut Economy*, Connecticut should experience very slight gains in employment.

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<sup>6</sup> “The Quarterly Forecast: Another Round of Un-Recovery,” by Steven P. Lanza, *The Connecticut Economy*, Fall 2012 Edition.

## RECOMMENDATIONS

This report demonstrates that, by all measures, judges' earning capacity has lost significant ground. With this in mind, the Judicial Branch recommends that the salary of a Superior Court judge be increased to \$163,416 on July 1, 2013 and by 5.5% on July 1, 2014, 2015 and 2016.

### Cost-of-Living Adjustment for July 1, 2013, which is the start of Fiscal Year 2014

The Judicial Branch, when deciding what to recommend to the commission for FY 14, chose to ask for cost-of-living adjustments only. **Therefore, the recommendation is that the salary of a Superior Court judge be increased to \$163,416 on July 1, 2013.**

### Fiscal Years 2015, 2016 and 2017

The recommendation going forward is to increase judges' salaries at the same rate as unionized state employees to ensure that the judges' salaries do not continue to fall far behind. The collective bargaining agreements that the state has entered into with the overwhelming majority of unionized employees provide for a 5.5% increase (includes cost-of-living and step increases, annual increments or their equivalent) in their salaries for FY 14, FY 15, and FY 16. **For these reasons, the recommendation is that judges receive a 5.5% increase for FY 15, FY 16, and FY 17.**

### Salaries for Other Judicial Officers

The commission is responsible, pursuant to statute, for recommending the salaries of other judicial officers. The recommendation of the Judicial Branch is that the commission apply the same percentage increases as proposed for Superior Court judges to the following judicial officers:

- Supreme Court Chief Justice
- Chief Court Administrator
- Supreme Court Associate Justice
- Appellate Court Chief Judge
- Appellate Court Judge
- Deputy Chief Court Administrator
- Chief Administrative Judge and Administrative Judge
- Senior Judge or Judge Trial Referee
- Chief Family Support Magistrate
- Family Support Magistrate
- Family Support Referee

## Proposed Salary Levels

The table below lists the current salaries of the judges and magistrates and the proposed increases.

<i>Position</i>	<i>Current Compensation</i>	<i>FY 14</i>	<i>FY 15</i>	<i>FY 16</i>	<i>FY 17</i>
<b>Superior Court Judge</b>	<b>\$ 146,780</b>	<b>\$ 163,416</b>	<b>\$ 172,404</b>	<b>\$ 181,886</b>	<b>\$ 191,890</b>
<b>Chief Administrative Judge and Administrative Judge</b>	<b>\$ 1,000 in addition to judicial salary</b>	<b>\$ 1,113</b>	<b>\$ 1,175</b>	<b>\$ 1,239</b>	<b>\$ 1,307</b>
<b>Senior Judge or Judge Trial Referee</b>	<b>\$ 220 per day</b>	<b>\$ 245</b>	<b>\$ 258</b>	<b>\$ 273</b>	<b>\$ 288</b>
<b>Chief Family Support Magistrate</b>	<b>\$ 127,782</b>	<b>\$ 142,265</b>	<b>\$ 150,089</b>	<b>\$ 158,344</b>	<b>\$ 167,053</b>
<b>Family Support Magistrate</b>	<b>\$ 121,615</b>	<b>\$ 135,399</b>	<b>\$ 142,846</b>	<b>\$ 150,702</b>	<b>\$ 158,991</b>
<b>Family Support Referee</b>	<b>\$ 190 per day</b>	<b>\$ 212</b>	<b>\$ 223</b>	<b>\$ 233</b>	<b>\$ 248</b>
<b>Supreme Court Chief Justice</b>	<b>\$ 175,645</b>	<b>\$ 195,552</b>	<b>\$ 206,308</b>	<b>\$ 217,655</b>	<b>\$ 229,626</b>
<b>Chief Court Administrator (if a judge or justice)</b>	<b>\$ 168,783</b>	<b>\$ 187,913</b>	<b>\$ 198,248</b>	<b>\$ 209,152</b>	<b>\$ 220,655</b>
<b>Supreme Court Associate Justice</b>	<b>\$ 162,520</b>	<b>\$ 180,940</b>	<b>\$ 190,892</b>	<b>\$ 201,391</b>	<b>\$212,467</b>
<b>Appellate Court Chief Judge</b>	<b>\$ 160,722</b>	<b>\$ 178,938</b>	<b>\$ 188,780</b>	<b>\$ 199,163</b>	<b>\$ 210,117</b>
<b>Appellate Court Judge</b>	<b>\$ 152,637</b>	<b>\$ 169,937</b>	<b>\$ 179,283</b>	<b>\$ 189,144</b>	<b>\$ 199,547</b>
<b>Deputy Chief Court Administrator (if a judge)</b>	<b>\$ 149,853</b>	<b>\$ 166,837</b>	<b>\$ 176,013</b>	<b>\$ 185,694</b>	<b>\$ 195,907</b>