

SUBMISSION TO THE

CONNECTICUT COMMISSION ON JUDICIAL COMPENSATION



BY CHIEF JUSTICE RICHARD A. ROBINSON
OCTOBER 29, 2020

Contents

LETTER FROM CHIEF JUSTICE RICHARD A. ROBINSON	2
THE COMMISSION ON JUDICIAL COMPENSATION	3
<i>Process</i>	3
<i>Members</i>	3
<i>Charge of the Commission</i>	4
<i>Commission on Judicial Compensation’s January 2013 Report to the General Assembly</i>	4
<i>Actions Taken by the General Assembly following the Commission’s 2013 Report to the General Assembly</i>	5
<i>Further Actions Taken by the Commission on Judicial Compensation</i>	6
THE SEVEN STATUTORY FACTORS	7
<i>Factor #1: The state’s ability to fund increases in compensation</i>	7
<i>Factor #2: Rate of inflation</i>	8
<i>Factor #3: Level of compensation received by judges of other states and the federal government</i>	9
<i>Factor #4: The State’s interest in attracting highly qualified and experienced attorneys to serve in judicial capacities</i>	11
<i>Factor #5: Compensation adjustments for state employees during the applicable fiscal years</i>	11
<i>Factor #6: The levels of compensation received by attorneys</i>	12
<i>Factor #7: The overall economic climate in the state</i>	14
HIGHLIGHTS	16
RECOMMENDATIONS	17
<i>Budget Process</i>	18
<i>Proposed Salary Levels</i>	19
Appendix A: Percentage increase in judges’ salaries from 2015 to 2020	20
Appendix B: Survey of Judicial Salaries, January 2020	21



STATE OF CONNECTICUT
SUPREME COURT

CHAMBERS OF
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To: Members of the Judicial Compensation Commission

Section 51-47c of the Connecticut General Statutes establishes the Commission on Judicial Compensation “for the purpose of examining and making recommendations with respect to judicial compensation.”

The General Assembly established the Commission in 2012 to provide a fair, transparent and objective mechanism by which to set compensation levels for judges, family support magistrates, state referees, chief administrative judges, administrative judges and family support referees. The Commission’s meetings and deliberations are open to the public, which ensures transparency and accountability throughout the process.

In the following pages, the Judicial Branch will present a detailed report as well as recommended salary increases. Our judges are acutely aware of the difficult economic climate as well as the unprecedented pandemic that is causing additional financial constraints. Therefore, the Branch’s recommendations take into account the State’s finances and have recommended increases that we believe are reasonable and affordable.

On behalf of the Judicial Branch, I want to thank you, the Commission members, for volunteering your time and expertise to serve. I have no doubt that you will carefully consider all the factors that are delineated in the statute and that you will recommend fair compensation levels for our state’s judges.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Richard A. Robinson".

Richard A. Robinson
Chief Justice

THE COMMISSION ON JUDICIAL COMPENSATION

Section 51-47c of the Connecticut General Statutes establishes a 12-member *Commission on Judicial Compensation* charged with making recommendations regarding the salaries of state judges and family support magistrates. The statute requires Commission members to take into account specific factors that are outlined further in this report.

Process

The statute requires the Commission to submit its report by January 2, 2021, to the Governor, the Secretary of the Office of Policy and Management, the Legislature, the Chief Justice, and the Chief Court Administrator.

The statute also requires the Chief Court Administrator to estimate the expenditures necessary to implement the Commission's recommendations for each of the following four fiscal years (FY 22, FY 23, FY 24, FY 25¹) and 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, 2021.

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

¹ FY 22 is from July 1, 2021 – June 30, 2022; FY 23 is from July 1, 2022 - June 30, 2023; FY 24 is from July 1, 2023 – June 30, 2024; and FY 25 is from July 1, 2024 – June 30, 2025.

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 statute 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.

Commission on Judicial Compensation's January 2013 Report to the General Assembly

The Commission on Judicial Compensation held its first meeting on October 2, 2012, and worked diligently to provide its recommendations pursuant to the statute. The Commission members conducted research, invited then Chief Justice Chase T. Rogers and others to present testimony, held a public hearing and thoroughly discussed all factors in order to arrive at their recommendations.

The Commission's 2013 report provided some insight into the Commission members' analysis and final thoughts. "[T]he Commission recommends four annual 5.3% increases for all of the judicial officers specified in PA 12-93. Such increases produce the following recommendation for Superior Court Judges' salaries:

Superior Court Judges' Salary

Fiscal Year	Chief Justice [Rogers'] Proposal	Commission's Recommendation
2014 (July 1, 2013 – June 30, 2014)	\$163,416	\$154,559
2015 (July 1, 2014 – June 30, 2015)	\$172,404	\$162,751
2016 (July 1, 2015 – June 30, 2016)	\$181,886	\$171,377
2017 (July 1, 2016 – June 30, 2017)	\$191,890	\$180,460

The report continues, “Although individual Commissioners had different views on how to weigh the methods for analyzing and synthesizing the data and some believe that the recommended salary increases should be either higher or lower, the Commissioners are unanimous in supporting this recommendation. The Commission identified several independent grounds justifying the recommended increases. For example:

- To address inflation:
 - 3.3% each year to phase in the elimination of the 13.2% historical inflationary gap, and
 - An additional 2% for projected inflation.
- To bring judicial salaries to the national median, adjusted for the cost of labor (the recommended \$154,559 FY 14 salary is within \$11 of the national median, adjusted for the cost of labor); counterbalance the freezing of longevity pay and imposing the 3% annual deductions for retiree health insurance that will be phased in over the next 3 fiscal years; and keep pace with future inflation.
- To keep pace with other state employees’:
 - Estimates for upcoming total increases for state employee range from 4.1% (for unionized employees) to 5.9% (for non-unionized employees).

In the end, no single line of reasoning won over every Commissioner, [t]he Commission believes that this recommendation is consistent with all of the other factors it was required to consider, including the financial factors.”²

The Commission recommended that Superior Court judges’ salaries be increased to \$180,460 on July 1, 2016, which is now over four years ago. It is important to note that Superior Court judges currently earn \$172,663, which is \$7,797 lower than the recommended salary level, and would require a 4.5% increase to get to the recommended level.

Actions Taken by the General Assembly following the Commission’s 2013 Report to the General Assembly

As discussed in the previous section, the Commission on Judicial Compensation issued its report on December 26, 2012, and recommended four annual 5.3% increases for judges, family support magistrates, family support referees and judge trial referees beginning on July 1, 2013. In response, the Chief Court Administrator transmitted the expenditures necessary to implement these recommendations to the Secretary of the Office of Policy and Management, the Appropriations Committee, through the Office of Fiscal Analysis, and the Judiciary Committee.

Subsequently, the General Assembly approved a 5.3% increase for these judicial officers effective July 1, 2013, and July 1, 2014 (*Public Act 13-247*).

² Commission on Judicial Compensation, Report to the General Assembly, January 2013, pages 7 and 8.

The General Assembly rejected the recommendation of the Commission to increase the salaries of judicial officers by 5.3% on July 1, 2015 and July 1, 2016, and instead increased the salaries of judicial officers by 3% effective July 1, 2015 and July 1, 2016. (*Public Act 15-5 of the June Special Session.*)

In 2016, the General Assembly delayed the 3% increase that was to take effect on July 1, 2016 to July 1, 2017. (*Public Act 16-3 of the May Special Session.*)

The judicial officers received a 3% increase on July 1, 2017; however, those increases were rescinded in November 2017, bringing their salaries back to the July 1, 2015, level. The General Assembly reinstated the 3% increase effective July 1, 2019. (*Public Act 17-2 of the June Special Session.*) The judges received the last of the four increases on July 1, 2019. There are no further increases scheduled.

Further Actions Taken by the Commission on Judicial Compensation

The Commission on Judicial Compensation did not convene in 2016, and did not issue a report on January 2, 2017, with recommended judges' salary levels for FY 2018, FY 2019, FY 2020 and FY 2021, as required by statute.

THE SEVEN STATUTORY FACTORS

The statute 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

The Connecticut economy is in flux as the effects of the coronavirus reverberate through the economy. The Office of Policy and Management recently reported to the State Comptroller that a \$166 million balance is expected at the end of this fiscal year (FY 2021), despite an operating shortfall of over \$1.2 billion. Unexpected improved revenue collections and expenditure trends, federal support for COVID-19 response, and access to the Budget Reserve Fund ("rainy day fund") account for the favorable year-end projected balance. OPM's fiscal forecast includes estimates for anticipated state costs for the current pandemic response, however, it does not include any costs associated with the potential resurgence of the COVID-19 virus. This unpredictability, compounded by high unemployment does not inspire confidence in the state's fiscal position going into the biennial budget for FY 2022 and FY 2023. Secretary Melissa McCaw notes, "Until a vaccine for the COVID virus is widely available, and absent further federal measures to stimulate economic activity, significant challenges may remain over the coming months."³

While we recognize the economic difficulties that the state is facing, the Judicial Branch believes that the State of Connecticut can afford the modest costs associated with adequately compensating judges. The estimated cost to fund the recommendations in FY 2022 is \$1,905,581, which is based on authorized positions including vacancies. Of these positions, 153 are currently filled and not all vacancies are presently funded. This represents 0.35% of the Judicial Branch's General Fund budget and 0.009% of the state's General Fund budget.

³ Letter from Melissa McCaw, Secretary of the Office of Policy and Management, to State Comptroller Kevin Lembo, dated October 20, 2020.

Conclusion

The judiciary plays a central role in preserving the principles of justice and the rule of law in our state, and funding to provide adequate compensation to judges 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, medical and dental charges, prescription drugs, and other goods that people buy for day-to-day living. Please note that for the purposes of this report, the CPI Index for all Urban Consumers (CPI-U) was used.

Also please note that the CPI is calculated as of December 31st annually. For this reason, the cost-of-living adjustment has been applied for the following year. For example, the CPI growth in 2016 was 0.7% and was calculated at the end of 2015. In 2015, Superior Court judges earned \$167,634, and this figure was used in the analysis. The chart below shows the salary of Superior Court judges adjusted for inflation, over the past five 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
2015	0.7%		2016	\$168,807
2016	2.1%		2017	\$172,352
2017	2.1%		2018	\$175,971
2018	1.9%		2019	\$179,315
2019	2.3%		2020	\$183,439

Conclusion

The current salary of a Superior Court judge is \$172,663. As clearly shown by the chart, the salaries of Connecticut judges have not kept pace with inflation. If judges had received cost-of-living increases based on the CPI-U beginning in 2015, they would currently be earning \$10,776 more than their current salary or \$183,439, which represents an increase of 6.24%.

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

The National Center for State Courts publishes the *Survey of Judicial Salaries* that compares compensation levels for state judicial officers. The table below lists the rankings for judges of general jurisdiction trial courts adjusted for the cost-of-living using the C2ER cost-of-living index⁴ as of January 1, 2020⁵. The rankings are listed from 1 to 51, which includes all of the states and the District of Columbia, and lists the highest salary of “1” when adjusted using the C2ER index and the lowest salary as “51.”

State	General-Jurisdiction Court Adjusted for Cost-of-Living Index	Ranking	State	General-Jurisdiction Court Adjusted for Cost-of-Living Index	Ranking
South Carolina	\$191,349	1	Oklahoma	\$148,378	27
Arkansas	\$191,095	2	California	\$147,566	28
Tennessee	\$189,888	3	Nevada	\$145,468	29
Georgia	\$184,450	4	North Carolina	\$144,525	30
Illinois	\$183,658	5	Rhode Island	\$144,273	31
Pennsylvania	\$174,311	6	New York	\$143,583	32
Texas	\$172,785	7	Wisconsin	\$142,997	33
Nebraska	\$170,600	8	Idaho	\$142,870	34
Delaware	\$168,289	9	Massachusetts	\$140,463	35
Missouri	\$165,760	10	North Dakota	\$139,739	36
Virginia	\$165,095	11	Arizona	\$138,174	37
Utah	\$163,495	12	Kentucky	\$137,288	38
Washington	\$160,125	13	Montana	\$136,714	39
Michigan	\$159,907	14	District of Columbia	\$136,523	40
Ohio	\$158,206	15	Alabama	\$133,613	41
Indiana	\$157,658	16	Kansas	\$133,009	42
Louisiana	\$157,578	17	New Hampshire	\$132,172	43
Iowa	\$155,743	18	Connecticut	\$131,875	44
Alaska	\$155,420	19	New Mexico	\$131,520	45
Colorado	\$155,242	20	Vermont	\$130,725	46
Florida	\$154,135	21	South Dakota	\$130,501	47
Hawaii	\$153,373	22	West Virginia	\$129,535	48
Minnesota	\$153,274	23	Oregon	\$125,565	49
Wyoming	\$153,223	24	Maryland	\$125,405	50
Mississippi	\$152,077	25	Maine	\$112,088	51
New Jersey	\$151,561	26			

⁴ Founded in 1961, the Council for Economic Research (C2ER) is a membership organization that promotes excellence in community and economic research.

⁵ *Survey of Judicial Salaries*, Vol. 45 No. 1, compiled by the National Center for State Courts.

To compare salaries across the United States, the National Center for State Courts adjusted the actual salaries of judges to account for the vastly different costs of living from state to state. When factoring the high cost-of-living in the northeast, Connecticut Superior Court judges' adjusted salary ranked 44th among the 50 states and the District of Columbia. The Connecticut Superior Court judges' adjusted salary was equivalent to \$131,875. Both the mean and median adjusted salaries for all states was greater than \$160,000, which is significantly higher than Connecticut's trial court salary.

Based on data from the *Survey of Judicial Salaries*, it is clear that Connecticut trial court judges have consistently earned some of the lowest salaries compared with their counterparts in other states, when adjusted for the cost-of-living index. The chart below illustrates these rankings from 2020 to 2016.

Year of Report	Ranking for General Jurisdiction Court
2020	44
2019	44
2018	44
2017	43
2016	40

Additionally, according to this same survey, the salary of Connecticut Superior Court judges is ranked lower when adjusted for the cost-of-living factor than the salaries of trial court judges in New York, Massachusetts, Rhode Island and New Jersey.

If the compensation for Superior Court judges were to reach the median ranking of 26 adjusted for the cost-of-living factor adopted by C2ER, Superior Court judges' salaries would need to rise from \$172,663 to \$198,393, which represents a 14.9% increase.

Federal District Court Judges

Federal District Court judges currently earn \$216,400 and have lifetime appointments. They earn 25% more than Connecticut Superior Court judges. This is a significant difference in salary, considering that the vast majority of disputes that govern our daily lives are adjudicated in state courts by state judges, and not in federal courts.

Conclusion

The evidence is clear that the salaries of Connecticut trial court judges continue to lag far behind the salaries of judges in other states, when adjusted for the cost-of-living. In fact, their salaries are ranked 44 out of 51 jurisdictions. The salaries of Superior Court judges would need to increase by 14.9% to reach the median ranking of 26 adjusted for the cost-of-living factor adopted by C2ER. Additionally, Federal District Court judges are paid 25% more than Connecticut Superior 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. Judicial candidates must come from varied backgrounds to ensure a bench that is as diverse as the population it serves. These backgrounds include the public sector, large law firms, solo practitioners and law school professors.

The issue of how to compensate judges has been a longstanding question on both the federal and state levels. Most attorneys seeking to become a judge do so because of a commitment to public service. They want to give back to their communities and are dedicated to ensuring meaningful access to justice for all. Many private attorneys are willing to accept a lower salary because of this commitment. However, they should not be expected to accept a salary that, at a bare minimum, does not keep pace with inflation.

Conclusion

The public's trust and confidence in the rule of law is enhanced when judges are representative of the community at large. As such, it is essential that their salaries keep up with inflation, so as to attract and retain a judiciary that is comprised of a diverse group of individuals with varied backgrounds and experiences.

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

Percentage Increase in Judges' Salaries

The chart below shows that between 2016 and 2020, judges have not received consistent increases in compensation. In fact, the average increase for the past five years is 0.6% and judges received no increase in 4 of the last 5 years.

Percentage increase in judges' salaries from 2016 to 2020

Fiscal Year	Judge's Rate of Increase
July 1, 2016	0%
July 1, 2017*	0%
July 1, 2018	0%
July 1, 2019	3%
July 1, 2020	0%

*The judges received a 3% increase on July 1, 2017. The General Assembly passed legislation that rescinded this raise effective in November of 2017. For the purposes of this chart, the salary increase is listed as 0%.

Average Percentage Increase in Salaries for State Employees

The chart below indicates the level of compensation received by employees working in state government from FY 2016 to FY 2020.

Group of Employees	Average % increase in salary from FY 2016– FY 2020	What Superior Court judges would be earning if they received the same percentage increase
CT Superior Court Judge	0.6%	\$172,663 (current salary)
Executive Branch unionized employee	2.6%	\$177,152
Judicial Branch unionized employee	2.7%	\$177,324
Legislative non-partisan employee	1.3%	\$174,907
Judicial Branch non-unionized employee	1.4%	\$175,080
Executive Branch non-unionized employee	0.7%	\$173,871

Conclusion

Judges' salaries have not kept pace with other employees working in state government. It should be noted that there are currently no wage increases scheduled for any state employees. The State Employees Bargaining Agent Coalition (SEBAC) is currently negotiating wage increases and work conditions with the state.

Factor #6: The levels of compensation received by attorneys

The National Association for Law Placement (NALP)⁶ collects information on recruitment and employment opportunities in the legal community and produces a number of reports including the *Associate Salary Survey*. The *2019 Associate Salary Survey* report showed that the overall median first-year salary as of January 1, 2019, was \$155,000 and that the overall salary for lawyers with eight years of experience was \$204,000. Please see the chart on the following page.

Although there is no requirement that candidates seeking judicial office have a minimum number of years of experience practicing law, most newly appointed judges have many such years of experience. To illustrate this point, please consider the last group of 31

⁶ “NALP is an association of over 2,500 legal career professionals who advise law students, lawyers, law offices, and law schools in North America and beyond. NALP believes in fairness, facts and the power of a diverse community.”
<https://www.nalp.org/whatisnalp>

Median Base Salaries by Associate Year and Firm Size

(in \$/year unless otherwise noted, as of January 1, 2019)

Associate Year	FIRM SIZE — Number of Lawyers													
	50 or fewer		51-100		101-250		251-500		501-700		701+		All Sizes	
	Median	# Rept	Median	# Rept	Median	# Rept	Median	# Rept	Median	# Rept	Median	# Rept	Median	# Rept
First	\$98,750	18	\$115,000	21	\$115,000	78	\$160,000	68	\$160,000	53	\$180,000	148	\$155,000	386
Second	105,000	13	120,000	22	115,000	73	165,000	66	170,000	43	190,000	149	160,000	366
Third	107,500	14	122,000	23	125,000	76	170,000	73	175,000	44	200,000	152	164,450	382
Fourth	114,000	16	127,500	24	132,825	76	173,000	71	190,000	43	207,000	160	171,200	390
Fifth	136,600	9	130,500	24	136,000	77	178,000	74	197,000	45	222,500	158	180,000	387
Sixth	133,250	10	132,750	22	148,000	78	183,000	75	193,650	45	242,500	150	186,250	380
Seventh	140,500	8	139,000	20	150,000	73	200,500	65	211,000	39	260,000	149	200,000	354
Eighth	138,000	7	150,000	13	157,900	61	197,600	51	216,000	39	252,000	149	204,000	320

Summer Associates (\$/week)

1st Year	1,500	8	2,150	10	2,050	54	3,100	73	3,150	52	2,975	161	2,875	358
2nd Year	1,725	14	2,100	17	2,050	70	3,100	77	3,100	51	2,975	161	2,800	390
3rd Year	1,650	6	—	—	1,900	9	3,650	24	3,075	22	3,600	53	3,475	117

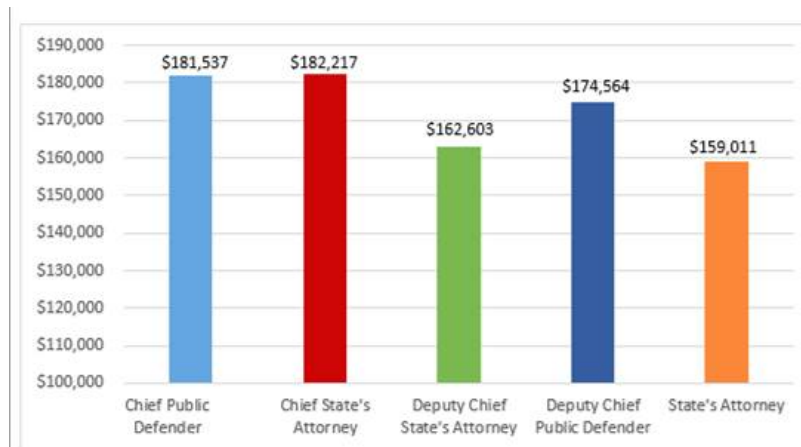
Note: All figures are based on average salaries reported.

The “# Rept” column indicates the number of offices reporting. For purposes of this summary report, medians have been rounded to the nearest \$25.

lawyers who were nominated to the Superior Court by Governor Dannel Malloy in April of 2018. The lawyers, on average, had 25 years of legal experience before being appointed to the bench. This survey indicates that the median salary for an associate with eight years of experience is \$204,000, or \$31,337 more than a Connecticut Superior Court judge earns.

Attorneys Working for Connecticut State Government

Attorneys work in all aspects of Connecticut state government. The chart below shows the salary range for government attorneys working in the court system.



The information for this chart was taken from transparency.ct.gov.

Conclusion

It is reasonable to expect that judges who have dedicated their careers to public service would not earn the lucrative salaries available in the private sector. However, it is unreasonable to expect that judges with decades of experience would earn significantly less than associate attorneys working in the private sector with only eight years of experience. Additionally, judges have not received increases comparable with lawyers working in state government.

Factor #7: The overall economic climate in the state

Forecasting Connecticut's economic climate over the next four years is challenging, especially because of the impact of the pandemic. However, there are some positive signs.

The *Connecticut Economic Digest* is produced by the Connecticut Department of Economic and Community Development and the Connecticut Department of Labor. According to the June 2020 edition of *Connecticut Economic Digest*, "There is no question that the labor market has experienced a severe decline due to the COVID-19 health crisis. Nevertheless, many businesses continue to seek workers. While postings are well below year-ago levels, there are new postings each week in every sector of the Connecticut economy."⁷

According to the Connecticut Department of Labor's *Labor Market Information* issued on October 19, 2020, "Connecticut recouped 17,000 more nonfarm payroll jobs in September 2020 (up 1.1%) after a revised 21,900 increase in August. Over the year, nonfarm employment in the state has dropped by 103,200 (-6.1%) positions and now holds at 1,585,100 seasonally adjusted. The preliminary August 2020 job gain of 20,400 was revised higher by 1,500 jobs. These are nonfarm job estimates from the business survey administered by the U.S. Bureau of Labor Statistics."⁸ Patrick Flaherty, Acting Director of the Office of Research at the Connecticut Department of Labor, said, "Even with overall job gains slower than in the previous four months, Connecticut has now recovered more than 60% of the 291,300 jobs lost during the March-April 2020 onset of the COVID-19 pandemic. Wholesale trade and retail trade are more than 90% and 70% recovered respectively."

Another indication that Connecticut's economy is improving is based on an analysis by Moody's Analytics. According to the Hartford Courant article published on September 17, 2020, entitled, *Connecticut economy operating at 86% of pre-pandemic output, according to Moody's/CNN analysis*, "A new analysis by Moody's Analytics and CNN Business estimates Connecticut's economy is operating at 86% of where it was in early March before the coronavirus pandemic forced widespread business closures and massive

⁷ The Connecticut Economic Digest, Vol. 25 No. 6, June 2020, *Signs of Hope Despite Unprecedented Declines*, page 5.

⁸ Connecticut Department of Labor's *Labor Market Information*, October 18, 2020, "17,000 Payroll Jobs added in September as Unemployment Rate Decline Continued."

layoffs. The analysis puts Connecticut's economic recovery ahead of neighboring New York and Massachusetts and No. 23 nationally, though it trails the four other New England states.”⁹

Conclusion

One of the seven statutory factors that the Commission must consider is the overall economic climate of the state. Although it is difficult to predict what the state's economy will look like in the next four years, the Commission has the authority to recommend reasonable increases for judicial officers.

⁹ The Hartford Courant, *Connecticut economy operating at 86% of pre-pandemic output, according to Moody's/CNN analysis*, September 17, 2020 by Russell Blair.

HIGHLIGHTS

- The January 2013 Report to the General Assembly issued by the Commission on Judicial Compensation recommended that Superior Court judges' salaries be increased to \$180,460 on July 1, 2016, which is now over four years ago. The Superior Court judges currently earn \$172,663, which is \$7,797 lower than the recommended salary level, and would require a 4.5% increase to get to the recommended level.
- The salaries of Connecticut judges have not kept pace with inflation. If judges had received cost-of-living increases based on the CPI-U beginning in 2015, they would currently be earning \$10,776 more than their current salary or \$183,439, which represents an increase of 6.24%.
- If the compensation for Superior Court judges were to reach the median ranking of 26 as compared to judges in all 50 states and the District of Columbia, adjusted for the cost-of-living factor adopted by C2ER, Superior Court judges' salaries would need to rise to \$198,393, which represents a 14.9% increase.
- Judges salaries have not kept pace with other employees working in state government.
- If judges earned the average salary of associates with eight years of experience working in private law firms, their salary would increase by 18%.

RECOMMENDATIONS

Careers in public service demand sacrifice and those who have joined the Connecticut bench have decided to forego the more lucrative compensation available in the private sector. However, judicial salaries should be broadly comparable to the remuneration received by attorneys taking similar career paths and by other public servants having comparable responsibility, training and experience. The report demonstrates that, by all measures, judges' earning capacity has lost ground.

The real value of judicial compensation should be maintained through adjustments that respond to inflation so that the salary a judge accepts upon joining the bench is not eroded to the detriment of the judge and the judge's family. Additionally, equity is rarely possible in the absence of regular reviews that respond to cost-of-living increases.

Fiscal Year 2022

With this in mind, I am recommending that the salary of a Superior Court judge be increased to \$180,460 (representing a 4.5% increase) on July 1, 2021, to implement the recommendation in the Commission on Judicial Compensation's January 2013 report to the General Assembly.

Salaries for Other Judicial Officers

The Commission is responsible for recommending the salaries of other judicial officers. I am also recommending that the Commission apply the same percentage increase (4.5%) to the judicial officers covered by the statute.

The estimated cost to fund the recommendations in FY 2022 is \$1,905,581, which is based on authorized positions including vacancies. Of these positions, 153 are currently filled and not all vacancies are presently funded. This represents 0.35% of the Judicial Branch's General Fund budget and 0.009% of the state's General Fund budget.

Fiscal Years 2023, 2024, 2025

For FY 23, FY 24, and FY 25, I am recommending that the judicial officers receive an increase in their salary on July 1, 2022, July 1, 2023, and July 1, 2024, consistent with the preceding year's Consumer Price Index for All Urban Consumers (CPI-U), with a floor of 2.5%. So, for example, on July 1, 2022, judges would receive an increase in their salary in the amount of the cost-of-living calculated on December 31, 2021, for the cost-of-living adjustment for the calendar year of 2021.

It is appropriate to use the CPI-U to ensure that judges' salaries don't erode over time because it is an accepted and widely used index. "Over 2 million workers are covered by collective bargaining agreements which tie wages to the CPI. The index affects the income of almost 80 million people as a result of statutory action: 47.8 million Social Security beneficiaries, about 4.1 million military and Federal Civil Service retirees and survivors, and about 22.4 million food stamp recipients. Changes in the CPI also affect

the cost of lunches for the 26.7 million children who eat lunch at school. Some private firms and individuals use the CPI to keep rents, royalties, alimony payments and child support payments in line with changing prices. Since 1985, the CPI has been used to adjust the Federal income tax structure to prevent inflation-induced increases in taxes.”¹⁰

I believe that it is reasonable to include a “floor,” meaning that the judges would receive, at a minimum, an increase of 2.5% in their salaries because it is likely that others working in state government, particularly those employees who are members of a union, will receive increases greater than 2.5%. Having a “floor” will help to ensure that their salary increases keep pace with the salary increases of others working in state government.

Moving Forward

I am also requesting that you recommend that the General Assembly adopt a statute that would provide for these cost-of-living increases beginning on July 1, 2022, and continue onward, with “a floor” of 2.5%. This would ensure that judicial pay levels are set regularly and are based on accepted, easy to measure objective benchmarks. Of course, the General Assembly at any time may change or repeal the statute, should legislators determine that this method of compensating judges is no longer appropriate.

I should be clear that I am not recommending that Section 51-47c of the Connecticut General Statutes, which establishes this Commission, be repealed. It is appropriate that there be both periodic reviews of base judicial salaries and regular cost-of-living adjustments. The Commission that will be established in the fall of 2024 will have the opportunity to review the levels of judicial pay at that time, to apply the factors and to determine if adjustments need to be made.

Budget Process

The Chief Court Administrator is required to estimate the expenditures necessary to implement the Commission’s recommendations for each of the upcoming four fiscal years and 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, 2021.

Should the Commission agree to the recommendation to use the CPI-U to adjust judicial pay, the Chief Court Administrator would also transmit at the appropriate time, budget adjustments to reflect the current CPI-U rate.

¹⁰ U.S. Bureau of Labor Statistics website, www.bls.gov/cpi/overview.htm.

Proposed Salary Levels

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

<i>Position</i>	<i>Current Compensation</i>	<i>FY 22</i>	<i>FY 23</i>	<i>FY 24</i>	<i>FY 25</i>
Superior Court Judge	\$172,663	\$ 180,460	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Chief Administrative Judge and Administrative Judge	\$ 1,177 in addition to judicial salary	\$ 1,230	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Senior Judge or Judge Trial Referee	\$ 259 per day	\$ 271	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Chief Family Support Magistrate	\$ 150,314	\$157,078	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Family Support Magistrate	\$ 143,060	\$ 149,498	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Family Support Referee	\$ 223 per day	\$ 233	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Supreme Court Chief Justice	\$ 206,617	\$ 215,915	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Chief Court Administrator (if a judge or justice)	\$ 198,545	\$ 207,480	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Supreme Court Associate Justice	\$ 191,178	\$ 199,781	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Appellate Court Chief Judge	\$ 189,063	\$ 197,571	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Appellate Court Judge	\$ 179,552	\$ 187,663	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U
Deputy Chief Court Administrator (if a judge)	\$ 176,277	\$ 184,209	Increase based on CPI-U	Increase based on CPI-U	Increase based on CPI-U

Appendix A: Percentage increase in judges' salaries from 2015 to 2020

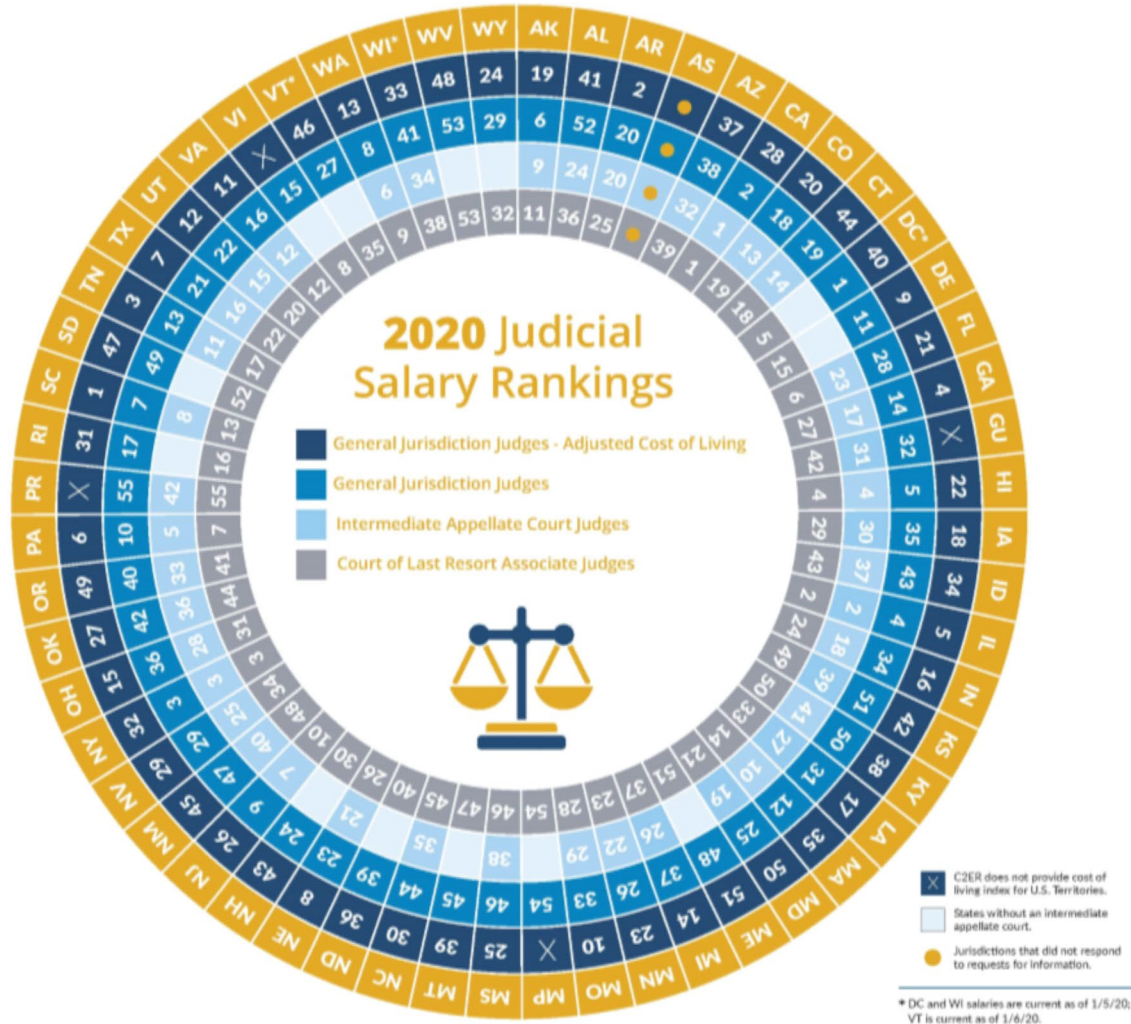
Year	Judges' Rate of Increase
July 1, 2010	0%
July 1, 2011	0%
July 1, 2012	0%
July 1, 2013	5.3%
July 1, 2014	5.3%
July 1, 2015	3%
July 1, 2016	0%
July 1, 2017*	0%
July 1, 2018	0%
July 1, 2019	3%

*The judges received a 3% increase on July 1, 2017. The General Assembly passed legislation that rescinded this raise effective in November of 2017. For the purposes of this chart, the salary increase is listed as 0%.

SURVEY OF Judicial Salaries

Published January 2020, Vol. 45 No. 1
Data and Rankings as of January 1, 2020*

This graphic depicts the rankings of judicial salaries, with the highest salary for each position having a rank of "1."



Judicial Salaries at a Glance

	Mean	Median	Range
Chief, Highest Court	\$186,098	\$183,312	\$125,000 to \$273,712
Associate Justice, COLR	\$179,785	\$178,641	\$120,000 to \$261,013
Judge, Intermediate Appellate Court	\$173,132	\$172,066	\$105,000 to \$244,700
Judge, General Jurisdiction Trial Courts	\$161,750	\$160,688	\$89,600 to \$216,400
State Court Administrators	\$161,221	\$154,523	\$70,000 to \$299,004

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Salaries and Rankings - Listed Alphabetically by State Name

The table below lists the salaries and rankings for associate justices of the courts of last resort, associate judges of intermediate appellate courts and judges of general jurisdiction trial courts (actual salaries and cost-of-living-adjusted salaries as of January 1, 2020*). 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 55, except for the intermediate appellate courts, which exist in only 42 jurisdictions, and adjusted general jurisdiction, for which the adjustment factor is only available for 51 of the jurisdictions.

	Highest Court		Intermediate Appellate Court		General-Jurisdiction Court		General-Jurisdiction Court <i>Adjusted for Cost of Living Index</i>		
	Salary	Rank	Salary	Rank	Salary	Rank	Factor	Salary	Rank
Alabama	\$166,072	36	\$165,072	24	\$126,018	52	94.3	\$133,613	41
Alaska	\$205,176	11	\$193,836	9	\$200,724	6	129.1	\$155,420	19
American Samoa	No Response		No Response		No Response		No Response		
Arizona	\$159,685	39	\$154,534	32	\$149,383	38	108.1	\$138,174	37
Arkansas	\$181,861	25	\$176,476	20	\$172,298	20	90.2	\$191,095	2
California	\$261,013	1	\$244,700	1	\$213,833	2	144.9	\$147,566	28
Colorado	\$188,151	19	\$180,697	13	\$173,248	18	111.6	\$155,242	20
Connecticut	\$191,178	18	\$179,552	14	\$172,663	19	130.9	\$131,875	44
Delaware	\$197,245	15	Not Applicable		\$185,444	11	110.2	\$168,289	9
District of Columbia	\$229,500	5	Not Applicable		\$216,400	1	158.5	\$136,523	40
Florida	\$220,600	6	\$169,554	23	\$160,688	28	104.3	\$154,135	21
Georgia	\$179,112	27	\$177,990	17	\$178,599	14	96.8	\$184,450	4
Guam	\$155,660	42	\$155,660	31	\$154,660	32	Not Applicable		
Hawaii	\$229,668	4	\$212,784	4	\$207,084	5	135.0	\$153,373	22
Idaho	\$155,200	43	\$145,200	37	\$139,200	43	97.4	\$142,870	34
Illinois	\$240,016	2	\$225,900	2	\$207,291	4	112.9	\$183,658	5
Indiana	\$182,030	24	\$176,948	18	\$151,137	34	95.9	\$157,658	16
Iowa	\$178,304	29	\$161,588	30	\$150,444	35	96.6	\$155,743	18
Kansas	\$145,641	49	\$140,940	39	\$128,636	51	96.7	\$133,009	42
Kentucky	\$142,362	50	\$136,631	41	\$130,926	50	95.4	\$137,288	38
Louisiana	\$174,583	33	\$163,331	27	\$156,972	31	90.6	\$157,578	17
Maine	\$142,210	51	Not Applicable		\$133,286	48	118.9	\$112,088	51
Maryland	\$186,433	21	\$176,633	19	\$164,433	25	131.1	\$125,405	50
Massachusetts	\$200,984	14	\$190,087	10	\$184,694	12	131.5	\$140,463	35
Michigan	\$164,610	37	\$163,909	26	\$149,656	37	93.6	\$159,907	14
Minnesota	\$182,139	23	\$171,624	22	\$161,108	26	105.1	\$153,274	23
Mississippi	\$152,250	46	\$144,827	38	\$136,000	46	89.4	\$152,077	25
Missouri	\$178,641	28	\$163,301	29	\$153,957	33	92.9	\$165,760	10
Montana	\$149,681	47	Not Applicable		\$136,896	45	100.1	\$136,714	39
Nebraska	\$181,588	26	\$172,509	21	\$167,969	23	98.5	\$170,600	8
Nevada	\$170,000	34	\$165,000	25	\$160,000	29	110.0	\$145,468	29
New Hampshire	\$175,837	30	Not Applicable		\$164,911	24	124.8	\$132,172	43
New Jersey	\$209,482	10	\$199,534	7	\$189,000	9	124.7	\$151,561	26
New Mexico	\$148,207	48	\$140,797	40	\$133,757	47	101.7	\$131,520	45
New York	\$233,400	3	\$222,200	3	\$210,900	3	146.9	\$143,583	32
North Carolina	\$152,843	45	\$146,521	35	\$138,617	44	95.9	\$144,525	30
North Dakota	\$159,409	40	Not Applicable		\$146,269	39	104.7	\$139,739	36
Northern Mariana Islands	\$126,000	54	Not Applicable		\$120,000	54	Not Applicable		
Ohio	\$175,214	31	\$163,309	28	\$150,183	36	94.9	\$158,206	15
Oklahoma	\$154,174	44	\$146,059	36	\$139,298	42	93.9	\$148,378	27
Oregon	\$157,356	41	\$154,244	33	\$145,188	40	115.6	\$125,565	49
Pennsylvania	\$215,037	7	\$202,890	5	\$186,665	10	107.1	\$174,311	6
Puerto Rico	\$120,000	55	\$105,000	42	\$89,600	55	Not Applicable		
Rhode Island	\$193,751	16	Not Applicable		\$175,700	17	121.8	\$144,273	31
South Carolina	\$202,057	13	\$197,005	8	\$191,954	7	100.3	\$191,349	1
South Dakota	\$140,315	52	Not Applicable		\$131,059	49	100.4	\$130,501	47
Tennessee	\$193,488	17	\$187,044	11	\$180,600	13	95.1	\$189,888	3
Texas	\$184,800	22	\$178,400	16	\$172,000	21	99.5	\$172,785	7
Utah	\$187,500	20	\$178,950	15	\$170,450	22	104.3	\$163,495	12
Vermont	\$169,121	35	Not Applicable		\$160,777	27	123.0	\$130,725	46
Virgin Islands	\$211,476	8	Not Applicable		\$178,240	15	Not Applicable		
Virginia	\$202,896	12	\$186,426	12	\$175,826	16	106.5	\$165,095	11
Washington	\$210,732	9	\$200,603	6	\$190,985	8	119.3	\$160,125	13
West Virginia	\$136,000	53	Not Applicable		\$126,000	53	97.3	\$129,535	48
Wisconsin	\$162,483	38	\$153,286	34	\$144,608	41	101.1	\$142,997	33
Wyoming	\$175,000	32	Not Applicable		\$160,000	29	104.4	\$153,223	24
Mean	\$179,785		\$173,132		\$161,750				
Median	\$178,641		\$172,066		\$160,688				
Range	\$120,000 to \$261,013		\$105,000 to \$244,700		\$89,600 to \$216,400				

The figures presented use the C2ER Cost-of-Living Index. The Council for Community and Economic Research-C2ER is the most widely accepted U.S. source for cost-of-living indices, with nearly 400 reporting jurisdictions across America. C2ER does not provide cost of living index for U.S. Territories. Due to the rounding of C2ER factors to the nearest hundredth for publication purposes, user calculations of our adjusted salary figures may not equate to the published totals. More detailed information can be found at www.c2er.org.