



**REMARKS BY PATIENCE DRAKE ROGGENSACK
CHIEF JUSTICE, WISCONSIN SUPREME COURT**

BEFORE THE JOINT COMMITTEE ON FINANCE

MARCH 28, 2017

JOINT COMMITTEE ON FINANCE

Chief Justice Roggensack

March 28, 2017

Good Afternoon. Co-chairs, Senator Darling and Representative Nygren, members of the Joint Committee on Finance, staff, and members of the public assembled to hear about Wisconsin's 2017-19 Biennial Budget, as I begin, I offer my thanks to each member of the Committee for finding time to meet with me prior to today so that I could present the concerns of our Courts for your individual consideration and questions. I know that this is a very busy time for you all, and I appreciate your interest in our Courts.

My comments today will be brief.

The Governor's budget provided the third branch of Wisconsin's government, our judicial branch, with cost-to-continue funding. That cost is less than ½ of 1% of the State budget. The Governor's budget recognizes the critical services that our Courts provide to the people of Wisconsin, and I thank the Governor for that.

On behalf of the Supreme Court, I ask for your consideration of only two modifications of the Governor's budget: judicial compensation and his re-allocation of two independent agencies, the Judicial Commission and the Judicial Council, to become departments of the Supreme Court.

In regard to judicial compensation, Wisconsin's judicial salaries rank 43rd among 50 states, according to the January 1, 2017 survey of the National Center for State Courts. I have attached that survey to my comments for your review. In order to recruit and retain the judges we need to decide the variety of claims that the people of Wisconsin are presenting to our Courts, we need to raise judicial salaries.

The Governor's budget includes a compensation increase for the judicial branch in September of 2018 and another in May of 2019. I ask you to allocate those compensation increases to our judges.

The Supreme Court also requests that judicial compensation remain in the State's compensation plan, with the compensation of all other elected officials, just as it is now.

It appears that the Governor's budget took judicial compensation out of the compensation plan to create flexibility for the Supreme Court so that we could allocate funds into a newly created program revenue account for judicial compensation. However, although this action recognizes that Wisconsin's judicial compensation needs to be raised from the bottom of the 50 states, and we do appreciate that, the plan does not work because of how state courts actually are funded. For example, under the Governor's plan, the Supreme Court has the potential to allocate funds into this new account from the pass-through by which the State participates in funding the circuit courts. Currently, the State pays less than half of the costs of the circuit courts, and the counties pay the balance.

We can't cut the pass-through for State assistance to the counties because that would have a negative impact on circuit court ability to meet the needs of the people of Wisconsin. And, it is the people of Wisconsin that we all were elected to serve, so taking funds away from the circuit courts to increase judicial salaries is not a choice that we would make.

Please continue judicial compensation in the State compensation plan. Removing it will be of no benefit.

In regard to the Judicial Commission and the Judicial Council, the Supreme Court recommends that they remain independent agencies. Transferring the Judicial Commission into the Supreme Court as a Supreme Court department creates the potential for conflicts of interest for the Court, and it does not save money.

Repealing the statute by which the legislature created the Judicial Council also saves no money and overlooks the significant work that the Council does for both the legislature and the courts. The Judicial Commission and the Judicial Council are functioning effectively; the Supreme Court recommends against the suggested changes.

There is one budget action whose impact on our courts is uncertain: the elimination of the Labor & Industry Review Commission. Currently, 4-5% of LIRC's annual decisions are reviewed by circuit courts. We do not know whether the elimination of LIRC will increase that number or affect our courts in some other ways; therefore, the Supreme Court takes no position on this budget action.

In sum, only the legislature can establish judicial salaries. I am asking you to raise judicial salaries up from Wisconsin's current position of 43rd among 50 states and to continue judicial salaries in the State compensation plan. We recommend no changes be made to the independence of the Judicial Commission and the Judicial Council.

SURVEY OF Judicial Salaries

How States Set Judicial Salaries

States have devised a number of different ways for changing judicial salaries. Whatever the method for implementing changes, the desired system for both judges and the taxpaying public strives to be predictable, reasonable, and easily assessed. When considering judicial salary increases, states with compensation commissions are tasked by statute with considering a variety of factors, including:

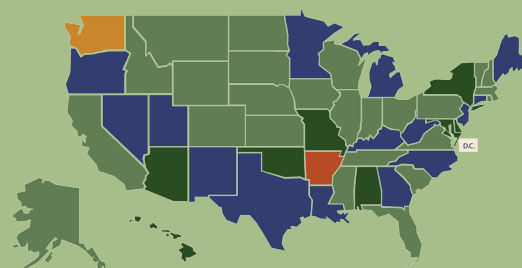
- Overall economic climate of the state and rate of inflation;
- Levels of compensation earned by judges in other states and the federal judiciary;
- State's interest in attracting highly qualified and experienced attorneys to serve as judges;
- Consideration of adjustments received by other state employees; and
- The state's overall ability to fund increases in compensation.

While some states have compensation commissions, roughly half the states do not. The states with compensation commissions implement changes in four different ways, which are detailed below.

1. Advisory: The commission presents a salary report that serves as a recommendation for legislative action.
2. Binding unless overridden by legislature: The commission's salary report goes into effect unless changed or overridden by the legislature. The threshold can be a simple majority or as high as two-thirds.
3. Binding unless overridden by voters.
4. Binding cannot be overridden: The commission's salary report goes into effect and cannot be changed or overridden by the legislature. This appears to be limited to the newly formed Independent Citizens Commission of Arkansas, which sets salaries for state elected officials in all three branches.

The map shown on the right highlights states that use commissions and the different ways in which they make changes detailed above. For more information on the specific makeup of state salary commissions, statutory authority, and processes, visit our website at www.ncsc.org/salarytracker.

EFFECT OF A COMMISSION'S RECOMMENDATION



ADVISORY

Connecticut	Michigan	North Carolina
Georgia	Minnesota	Oregon
Kentucky	Nevada	Texas
Louisiana	New Jersey	Utah
Maine	New Mexico	West Virginia

BINDING UNLESS OVERRIDDEN BY LEGISLATURE

Alabama	Hawaii	New York
Arizona	Maryland	Oklahoma
Delaware	Missouri	

BINDING UNLESS OVERRIDDEN BY VOTERS

Washington

BINDING CANNOT BE OVERRIDDEN

Arkansas

NO COMMISSION

Alaska	Massachusetts	South Carolina
California	Mississippi	South Dakota
Colorado	Montana	Tennessee
Florida	Nebraska	Vermont
Idaho	New Hampshire	Virginia
Illinois	North Dakota	Wisconsin
Indiana	Ohio	Wyoming
Iowa	Pennsylvania	
Kansas	Rhode Island	

Judicial Salaries at a Glance

The average annual percent change for the four judicial positions, and the state court administrators analyzed by the Survey, is 1.72% for increases from January 1, 2016 through January 1, 2017. As indicated in the table below, this increase remains below the pre-recession (2003-2007) average increase of 3.24%.

	Mean	Median	Range	Average Annual % Change			
				Pre-Recession 2003-2007	Recession 2008-2009	Recession 2010-2011	Recovery 2012-2016
Chief, Highest Court	\$175,236	\$171,975	\$133,174 to \$245,269	3.19%	1.58%	0.67%	2.23%
Associate Justice, COLR	\$169,325	\$168,046	\$130,136 to \$233,888	3.21%	1.88%	0.64%	2.21%
Judge, Intermediate Appellate Court	\$163,319	\$162,488	\$124,616 to \$219,272	3.20%	1.60%	0.36%	2.35%
Judge, General Jurisdiction Trial Courts	\$152,525	\$149,605	\$118,384 to \$205,100	3.30%	1.91%	0.58%	2.32%
State Court Administrators	\$150,867	\$143,163	\$107,000 to \$245,640	3.30%	1.38%	0.89%	2.16%
Average				3.24%	1.67%	0.63%	2.26%

Salaries and Rankings for Appellate and General-Jurisdiction Judges - 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, 2017). Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available—either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of “1.” The lowest salary has a rank of “51” except for intermediate appellate courts, which exist in only 40 states. The mean, median, and salary range for each of the positions are also shown.

	Highest Court		Intermediate Appellate Court		General-Jurisdiction Court		General-Jurisdiction Court Adjusted for Cost-of-Living Index		
	Salary	Rank	Salary	Rank	Salary	Rank	Factor	Salary	Rank
Alabama	\$ 167,685	28	\$ 178,878	7	\$ 134,943	39	95.71	\$ 140,993	21
Alaska	\$ 205,176	7	\$ 193,836	6	\$ 189,720	6	135.65	\$ 139,863	23
Arizona	\$ 157,325	34	\$ 152,250	29	\$ 147,175	29	108.25	\$ 135,960	31
Arkansas	\$ 166,500	29	\$ 161,500	21	\$ 160,000	15	95.08	\$ 168,281	4
California	\$ 233,888	1	\$ 219,272	1	\$ 191,612	5	139.89	\$ 136,974	27
Colorado	\$ 173,024	19	\$ 166,170	15	\$ 159,320	18	109.4	\$ 145,625	15
Connecticut	\$ 185,610	10	\$ 174,323	12	\$ 167,634	10	136.08	\$ 123,186	43
Delaware	\$ 195,245	8			\$ 183,444	7	108.29	\$ 169,407	3
District of Columbia	\$ 217,600	4			\$ 205,100	1	146.11	\$ 140,374	22
Florida	\$ 162,200	33	\$ 154,140	27	\$ 146,080	30	105.83	\$ 138,036	26
Georgia	\$ 175,600	17	\$ 174,500	11	\$ 162,442	14	100.35	\$ 161,872	5
Hawaii	\$ 218,820	3	\$ 202,596	4	\$ 197,112	2	157.91	\$ 124,828	40
Idaho	\$ 140,000	44	\$ 130,000	39	\$ 128,500	44	96.96	\$ 132,529	33
Illinois	\$ 224,628	2	\$ 211,416	2	\$ 194,001	3	112.15	\$ 172,987	2
Indiana	\$ 170,195	23	\$ 165,443	16	\$ 141,311	36	97.32	\$ 145,206	17
Iowa	\$ 170,544	22	\$ 154,556	26	\$ 143,897	32	98.95	\$ 145,421	16
Kansas	\$ 135,905	47	\$ 131,518	37	\$ 120,037	50	100.27	\$ 119,711	47
Kentucky	\$ 135,504	48	\$ 130,044	38	\$ 124,620	48	93.87	\$ 132,760	32
Louisiana	\$ 168,045	26	\$ 157,294	24	\$ 151,218	24	99.56	\$ 151,891	10
Maine	\$ 130,136	51			\$ 121,968	49	122.49	\$ 99,577	51
Maryland	\$ 176,433	14	\$ 163,633	19	\$ 154,433	22	120.7	\$ 127,950	37
Massachusetts	\$ 175,984	15	\$ 165,087	17	\$ 159,694	17	133.26	\$ 119,838	46
Michigan	\$ 164,610	31	\$ 152,955	28	\$ 141,318	35	98.46	\$ 143,532	19
Minnesota	\$ 169,135	25	\$ 159,370	22	\$ 149,605	26	105.38	\$ 141,965	20
Mississippi	\$ 152,250	38	\$ 144,827	32	\$ 136,000	37	90.94	\$ 149,543	12
Missouri	\$ 172,017	20	\$ 157,242	25	\$ 148,263	28	98.77	\$ 150,115	11
Montana	\$ 136,177	45			\$ 126,131	46	104.11	\$ 121,156	44
Nebraska	\$ 171,975	21	\$ 163,476	20	\$ 159,077	19	100.21	\$ 158,737	6
Nevada	\$ 170,000	24	\$ 165,000	18	\$ 160,000	15	109.8	\$ 145,725	14
New Hampshire	\$ 162,240	32			\$ 152,159	23	126.5	\$ 120,280	45
New Jersey	\$ 185,482	11	\$ 175,534	10	\$ 165,000	13	125.68	\$ 131,289	34
New Mexico	\$ 131,174	50	\$ 124,616	40	\$ 118,384	51	104.88	\$ 112,876	50
New York	\$ 213,600	5	\$ 203,400	3	\$ 193,000	4	148.76	\$ 129,735	36
North Carolina	\$ 146,191	42	\$ 140,144	34	\$ 132,584	41	101.16	\$ 131,067	35
North Dakota	\$ 157,009	35			\$ 143,869	33	105.25	\$ 136,693	28
Ohio	\$ 156,150	36	\$ 145,550	30	\$ 133,850	40	97.97	\$ 136,618	29
Oklahoma	\$ 145,914	43	\$ 138,235	36	\$ 131,835	42	96.53	\$ 136,569	30
Oregon	\$ 147,559	40	\$ 144,535	33	\$ 135,775	38	114.29	\$ 118,795	48
Pennsylvania	\$ 206,054	6	\$ 194,442	5	\$ 178,868	8	112.89	\$ 158,438	7
Rhode Island	\$ 175,870	16			\$ 158,340	21	127.95	\$ 123,753	42
South Carolina	\$ 148,794	39	\$ 145,074	31	\$ 141,354	34	101.55	\$ 139,194	25
South Dakota	\$ 135,270	49			\$ 126,346	45	101.87	\$ 124,024	41
Tennessee	\$ 182,688	13	\$ 176,616	8	\$ 170,520	9	95.93	\$ 177,758	1
Texas	\$ 168,000	27	\$ 158,500	23	\$ 149,000	27	102.02	\$ 146,050	13
Utah	\$ 174,950	18	\$ 167,000	14	\$ 159,050	20	102.56	\$ 155,073	8
Vermont	\$ 152,538	37			\$ 145,011	31	124.51	\$ 116,468	49
Virginia	\$ 192,458	9	\$ 176,510	9	\$ 166,136	11	107.76	\$ 154,176	9
Washington	\$ 183,021	12	\$ 174,224	13	\$ 165,870	12	114.83	\$ 144,450	18
West Virginia	\$ 136,000	46			\$ 126,000	47	99.36	\$ 126,808	39
Wisconsin	\$ 147,403	41	\$ 139,059	35	\$ 131,187	43	103.07	\$ 127,286	38
Wyoming	\$ 165,000	30			\$ 150,000	25	107.58	\$ 139,434	24
Mean	\$ 169,325		\$ 163,319		\$ 152,525				
Median	\$ 168,046		\$ 162,488		\$ 149,605				
Range	\$ 130,136 to \$ 233,888		\$ 124,616 to \$ 219,272		\$ 118,384 to \$ 205,100				

Using 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. The cost-of-living indices used in this report were developed by C2ER using a robust, multivariable model, which incorporates the costs of goods and services within a reporting jurisdiction along with seven additional variables to greatly improve predicted, statewide average C2ER factors. The seven variables are: community population, population density, income, growth rate, utility rates, efficiency of the government sector, and location of the region. More detailed information can be found at www.c2er.org.

Salaries and Rankings for Appellate and General-Jurisdiction Judges - Listed in Order of State Rank

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, 2017). Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available--either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of "1." The lowest salary has a rank of "51" except for intermediate appellate courts, which exist in only 40 states. The mean, median, and salary range for each of the positions are also shown.

Highest Court		Intermediate Appellate Court		General-Jurisdiction Court		General-Jurisdiction Court Adjusted for Cost-of-Living Index		
1	California	\$ 233,888	California	\$ 219,272	District of Columbia	\$ 205,100	Tennessee	\$ 177,582
2	Illinois	\$ 224,628	Illinois	\$ 211,416	Hawaii	\$ 197,112	Illinois	\$ 172,987
3	Hawaii	\$ 218,820	New York	\$ 203,400	Illinois	\$ 194,001	Delaware	\$ 166,903
4	District of Columbia	\$ 217,600	Hawaii	\$ 202,596	New York	\$ 193,000	Arkansas	\$ 168,281
5	New York	\$ 213,600	Pennsylvania	\$ 194,442	California	\$ 191,612	Georgia	\$ 161,872
6	Pennsylvania	\$ 206,054	Alaska	\$ 193,836	Alaska	\$ 189,720	Nebraska	\$ 158,737
7	Alaska	\$ 205,176	Alabama	\$ 178,878	Delaware	\$ 183,444	Pennsylvania	\$ 158,438
8	Delaware	\$ 195,245	Tennessee	\$ 176,616	Pennsylvania	\$ 178,868	Utah	\$ 155,073
9	Virginia	\$ 192,458	Virginia	\$ 176,510	Tennessee	\$ 170,520	Virginia	\$ 154,176
10	Connecticut	\$ 185,610	New Jersey	\$ 175,534	Connecticut	\$ 167,634	Louisiana	\$ 151,891
11	New Jersey	\$ 185,482	Georgia	\$ 174,500	Virginia	\$ 166,136	Missouri	\$ 150,115
12	Washington	\$ 183,021	Connecticut	\$ 174,323	Washington	\$ 165,870	Mississippi	\$ 149,543
13	Tennessee	\$ 182,688	Washington	\$ 174,224	New Jersey	\$ 165,000	Texas	\$ 146,049
14	Maryland	\$ 176,433	Utah	\$ 167,000	Georgia	\$ 162,442	Nevada	\$ 145,724
15	Massachusetts	\$ 175,984	Colorado	\$ 166,170	Arkansas	\$ 160,000	Colorado	\$ 145,625
16	Rhode Island	\$ 175,870	Indiana	\$ 165,443	Nevada	\$ 160,000	Iowa	\$ 145,421
17	Georgia	\$ 175,600	Massachusetts	\$ 165,087	Massachusetts	\$ 159,694	Indiana	\$ 140,993
18	Utah	\$ 174,950	Nevada	\$ 165,000	Colorado	\$ 159,320	Washington	\$ 144,450
19	Colorado	\$ 173,024	Maryland	\$ 163,633	Nebraska	\$ 159,077	Michigan	\$ 143,532
20	Missouri	\$ 172,017	Nebraska	\$ 163,476	Utah	\$ 159,050	Minnesota	\$ 141,965
21	Nebraska	\$ 171,975	Arkansas	\$ 161,500	Rhode Island	\$ 158,340	Alabama	\$ 140,993
22	Iowa	\$ 170,544	Minnesota	\$ 159,370	Maryland	\$ 154,433	District of Columbia	\$ 140,374
23	Indiana	\$ 170,195	Texas	\$ 158,500	New Hampshire	\$ 152,159	Alaska	\$ 139,863
24	Nevada	\$ 170,000	Louisiana	\$ 157,294	Louisiana	\$ 151,218	Wyoming	\$ 139,433
25	Minnesota	\$ 169,135	Missouri	\$ 157,242	Wyoming	\$ 150,000	South Carolina	\$ 139,194
26	Louisiana	\$ 168,045	Iowa	\$ 154,556	Minnesota	\$ 149,605	Florida	\$ 138,036
27	Texas	\$ 168,000	Florida	\$ 154,140	Texas	\$ 149,000	California	\$ 136,974
28	Alabama	\$ 167,685	Michigan	\$ 152,955	Missouri	\$ 148,263	North Dakota	\$ 136,693
29	Arkansas	\$ 166,500	Arizona	\$ 152,250	Arizona	\$ 147,175	Ohio	\$ 136,618
30	Wyoming	\$ 165,000	Ohio	\$ 145,550	Florida	\$ 146,080	Oklahoma	\$ 136,568
31	Michigan	\$ 164,610	South Carolina	\$ 145,074	Vermont	\$ 145,011	Arizona	\$ 135,960
32	New Hampshire	\$ 162,240	Mississippi	\$ 144,827	Iowa	\$ 143,897	Kentucky	\$ 132,759
33	Florida	\$ 162,200	Oregon	\$ 144,535	North Dakota	\$ 143,869	Idaho	\$ 132,529
34	Arizona	\$ 157,325	North Carolina	\$ 140,144	South Carolina	\$ 141,354	New Jersey	\$ 131,288
35	North Dakota	\$ 157,009	Wisconsin	\$ 139,059	Michigan	\$ 141,318	North Carolina	\$ 131,067
36	Ohio	\$ 156,150	Oklahoma	\$ 138,235	Indiana	\$ 141,311	New York	\$ 129,735
37	Vermont	\$ 152,538	Kansas	\$ 131,518	Mississippi	\$ 136,000	Maryland	\$ 127,949
38	Mississippi	\$ 152,250	Kentucky	\$ 130,044	Oregon	\$ 135,775	Wisconsin	\$ 127,285
39	South Carolina	\$ 148,794	Idaho	\$ 130,000	Alabama	\$ 134,943	West Virginia	\$ 126,808
40	Oregon	\$ 147,559	New Mexico	\$ 124,616	Ohio	\$ 133,850	Hawaii	\$ 124,828
41	Wisconsin	\$ 147,403	Delaware		North Carolina	\$ 132,584	South Dakota	\$ 124,024
42	North Carolina	\$ 146,191	District of Columbia		Oklahoma	\$ 131,835	Rhode Island	\$ 123,753
43	Oklahoma	\$ 145,914	Maine		Wisconsin	\$ 131,187	Connecticut	\$ 123,186
44	Idaho	\$ 140,000	Montana		Idaho	\$ 128,500	Montana	\$ 121,155
45	Montana	\$ 136,177	New Hampshire		South Dakota	\$ 126,346	New Hampshire	\$ 120,280
46	West Virginia	\$ 136,000	North Dakota		Montana	\$ 126,131	Massachusetts	\$ 119,837
47	Kansas	\$ 135,905	Rhode Island		West Virginia	\$ 126,000	Kansas	\$ 119,710
48	Kentucky	\$ 135,504	South Dakota		Kentucky	\$ 124,620	Oregon	\$ 118,795
49	South Dakota	\$ 135,270	Vermont		Maine	\$ 121,967	Vermont	\$ 116,468
50	New Mexico	\$ 131,174	West Virginia		Kansas	\$ 120,037	New Mexico	\$ 112,876
51	Maine	\$ 130,136	Wyoming		New Mexico	\$ 118,384	Maine	\$ 99,577
	Mean	\$ 169,325	Mean	\$ 163,319	Mean	\$ 152,525		
	Median	\$ 168,046	Median	\$ 162,488	Median	\$ 149,605		
	Range	\$ 130,136 to \$ 233,888	Range	\$ 124,616 to \$ 219,272	Range	\$ 118,384 to \$ 205,100		

Information in this Survey is collected from designated representatives in each state. The National Center for State Courts has protocols in place to help ensure the accuracy of the data that are collected, analyzed, and ultimately reported.

Methodology

The *Survey of Judicial Salaries*, published for nearly 30 years by the National Center for State Courts (NCSC) with the support of state court administrative offices across the United States, serves as the primary record of compensation for state judicial officers and state court administrators.

This issue of the *Survey of Judicial Salaries* reports salary data as of January 1, 2017. This cutoff date is important because states implement salary changes at various points during the year. However, a standard and unchanging cutoff date must be established to publish salary data in a timely and predictable fashion. Due to recent changes in data-collection protocols and analytics, the NCSC is now able to report changes in state salaries more quickly. This will give policymakers who are considering changes in judicial compensation the most up-to-date salary information at the national level.

This Survey was prepared by the Knowledge and Information Services (KIS) Office of the National Center for State Courts.



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Judicial Salary Tracker

Interactive online app that presents judicial salary and compensation data in clear visual displays.

How does your state go about setting judicial salaries?

Who are the people that make salary change recommendations?

JUDICIAL SALARY TRACKER

HOME SPECIAL REPORTS ARCHIVE SUBMIT STATE DATA DONATE TO NCSC

The Judicial Salary Tracker allows you to:

- Compare real and inflation-adjusted salaries over the last decade
- Customize charts to compare cost-of-living adjusted salaries across states
- Organize tables by rank and salaries

Get the latest salaries for all judicial officer positions for each state

THE SALARY SURVEY

The most recent **Survey of Judicial Salaries** shows salaries as of January 1, 2017. The Judicial Salary Survey is published twice annually showing salaries as of January 1st and July 1st each year. The next edition with salary data as of July 1, 2017 will be available in August 2017. We appreciate the cooperation of our state court AOC partners who help us gather the requisite data during the time in between. If there are any questions or comments about the survey, data gathering or judicial compensation in general, feel free to contact **Jarret W. Hann**.