

# Report on Judicial Salaries and Turnover

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For Fiscal Years 2010 and 2011



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# Executive Summary

The 79<sup>th</sup> Texas Legislature charged the Office of Court Administration (OCA) with collecting information relating to state judicial turnover and salaries to provide the Legislature with information to facilitate legislation that ensures that the compensation of state judges is adequate and appropriate.

## Extent of and Reasons for Judicial Turnover

From September 1, 2009 through August 31, 2011, 13.2 percent of the 554 judges who served in the state’s appellate and district courts left the state judiciary. Of the 73 judges who left the state judiciary, 26 (35.6 percent) left involuntarily, primarily due to defeat in a primary or general election. Other reasons for involuntary separation included death, mandatory retirement, and removal from office. The remaining 47 judges left the judiciary voluntarily, either by resigning or not running for re-election.

Twenty-five of the 47 judges (53.2 percent) who voluntarily left the state judiciary during this time period responded to OCA’s judicial turnover survey. Respondents were asked to indicate which factor(s) influenced their decision to leave the state judiciary. The most common factors that strongly influenced respondents’ decision to leave were **retirement** (56 percent), **salary** (48 percent) and the **judicial election process** (48 percent). Although the majority of respondents named retirement as the most significant factor, their comments often referred to **financial issues** as well as the **ability to earn more by retiring** than by continuing to serve as an active judge.

## Judicial Salaries

### *Salaries of Judges in Texas*

The following table shows the level of compensation received by state judges in Texas as of September 1, 2011. No changes have been made to judicial compensation since September 1, 2009 (a longevity pay adjustment, see p. 8).

**Salary Summary for Elected State Judges as of September 1, 2011**

Judge	State Salary	County Supplement	Other	Total
Chief Justice – Supreme Court or Court of Criminal Appeals	\$152,500	N/A		\$152,500
Justice – Supreme Court or Court of Criminal Appeals	\$150,000	N/A		\$150,000
Chief – Court of Appeals	\$140,000	up to \$7,500		up to \$147,500
Justice – Court of Appeals	\$137,500	up to \$7,500		up to \$145,000
District Judge	\$125,000	up to \$15,000		up to \$140,000

### ***County Supplements***

Sections 31.001 and 32.001 of the Texas Government Code authorize counties to supplement the salaries of the courts of appeals justices residing within their courts of appeals districts and the judges of the district courts that have jurisdiction in their counties. As of October 1, 2011, 91 percent of justices of the courts of appeals and 72 percent of district judges were earning the maximum salary allowed by law. Judges of the Supreme Court and Court of Criminal Appeals do not receive supplements.

### ***Private Practitioners***

Results of a survey conducted by the State Bar of Texas showed the average salary of full-time private practitioners in 2009 to be \$166,381. Lawyers with 11 to 15 years of experience had an average salary of \$158,001, and lawyers with 16 to 20 years of experience had an average salary of \$156,929.

### ***Salaries of State Judges in the Six Most Populous States***

According to data obtained from the National Center for State Courts, ***salaries of judges in Texas were lower than the salaries of judges at corresponding levels in the five states closest to Texas in population.***

When county supplements were taken into account, the average salary of district judge or justice of an intermediate court of appeals was slightly higher than the salaries of their counterparts in New York. As of April 1, 2012, the average judicial salaries in Texas will be the lowest amongst the six most populous states, as judges in New York will receive increases in April 2012, April 2013 and April 2014 according to the recommendations of New York's Special Commission on Judicial Compensation.

# Introduction

## Purpose

To provide the Legislature with information to facilitate legislation that ensures that the compensation of state judges is adequate and appropriate, the 79<sup>th</sup> Texas Legislature charged the Office of Court Administration (OCA) with collecting information relating to state judicial turnover. Section 72.030 of the Texas Government Code<sup>1</sup> requires OCA to: 1) obtain data on the rate at which state judges resign from office or do not seek re-election, as well as the reason for these actions; and 2) file a report containing this data for the preceding state fiscal biennium with the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the standing committees of each house of the Legislature with jurisdiction over the judiciary or appropriations. The report must also include the following findings: 1) whether the compensation of state judges exceeds, is equal to, or is less than the compensation of judges at corresponding levels in the five states closest in population to Texas; and 2) whether the compensation of state judges exceeds, is equal to, or is less than the average salary of lawyers engaged in the private practice of law.

## Methodology

Data for general turnover in the state judiciary from September 1, 2009 through August 31, 2011 were compiled from notices of resignation and notices of appointment from the Governor's Office, election results from the Secretary of State's website, surveys sent to departing judges, and news articles concerning the departure of judges.

The findings on reasons for voluntary turnover presented in this report are based on the survey responses of state appellate and district judges who left the state judiciary voluntarily during the period. Designed by OCA staff and reviewed and approved by the Chief Justice of the Supreme Court, the survey instrument asked respondents to indicate: 1) to what extent certain factors influenced their decision to leave their current positions; 2) whether certain factors would compel the individual to continue serving as a state judge; and 3) what they did immediately after leaving office.

Surveys were sent to each of the 47 appellate and district judges who left the state judiciary voluntarily during the biennium. Surveys were sent the same day that OCA received notification about a resignation. Follow-up letters, along with another copy of the questionnaire, were sent to judges who had not responded within a month. Twenty-five responses were received, for a response rate of 53.2 percent.

Data on the average salaries of Texas appellate and district judges as of October 1, 2011, including supplements paid by counties, were obtained from the State Comptroller of Public Accounts. Data on salaries of private practitioners in Texas were obtained from income data collected by the State Bar of Texas for its *Private Practitioner 2009 Income Fact Sheet*. Data on salaries of state judges in other states were obtained from the July 2011 survey of state judicial salaries conducted by the National Center for State Courts.<sup>2</sup>

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<sup>1</sup> Added by H.B. 11, 79<sup>th</sup> Legislature, 2<sup>nd</sup> Called Session (2005).

<sup>2</sup> National Center for State Courts. Judicial Salary Resource Center. National Center for State Courts. [http://www.ncsconline.org/D\\_KIS/salary\\_survey/query.asp](http://www.ncsconline.org/D_KIS/salary_survey/query.asp) (accessed November 3, 2011).

# Judicial Turnover

## *Extent of Turnover in the Judiciary*

In fiscal years 2010 and 2011, 554 judges served in the state’s appellate and district courts.<sup>3</sup> During this period, 79 judges left their current positions, representing a turnover rate of 14.3 percent. However, six of these judges were appointed to a higher-level state court position, making the turnover rate for judges leaving the state judiciary 13.2 percent. When taking into account whether judges left the state judiciary voluntarily, the turnover rate fell to 8.5 percent—5.2 percent did not seek re-election, and 3.2 percent resigned. (See **Tables 1 and 2.**)

**Table 1: Turnover of State Appellate and District Judges  
September 1, 2009 through August 31, 2011**

	<b>Number of Judges</b>	<b>Percentage of All Judges</b>
Total Number of Appellate and District Judge Positions	554	100.0 %
Judges Leaving Current Office	79	14.3 %
Judges Leaving State Judiciary	73	13.2 %
Judges Leaving State Judiciary Voluntarily	47	8.5 %

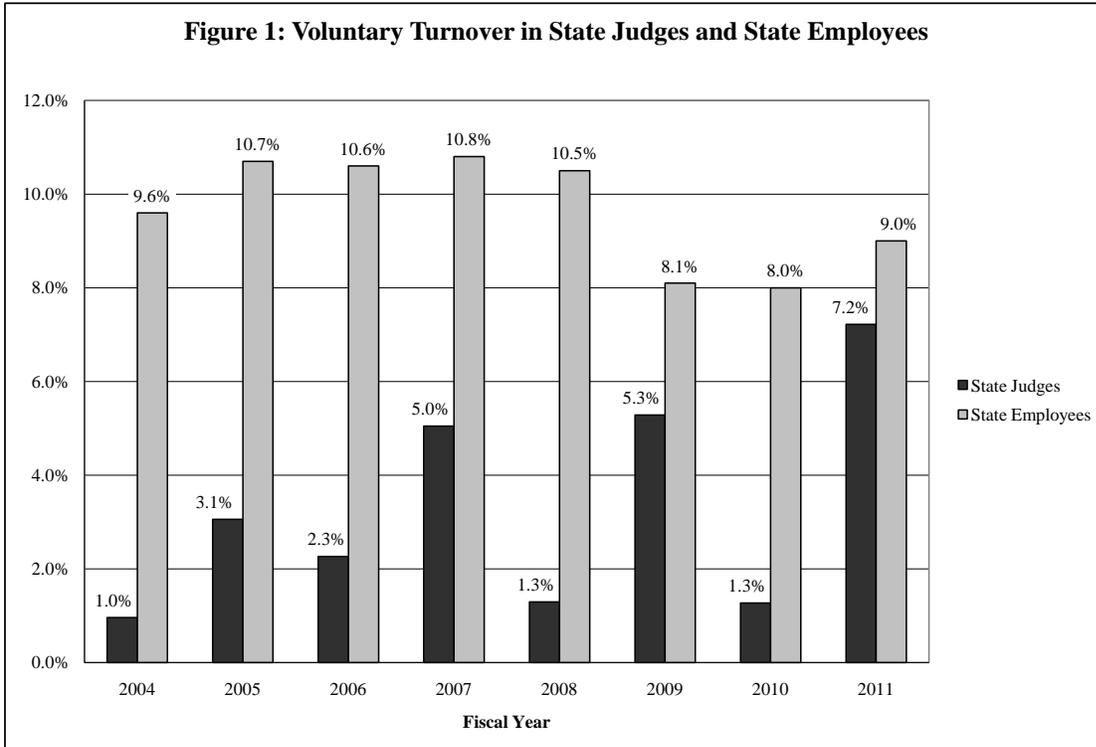
Of the 73 judges leaving the state judiciary during the biennium, approximately 36 percent left involuntarily, primarily due to defeat in a primary or general election. Other reasons for involuntary separation were death, mandatory retirement, and removal from office.

**Table 2: Manner in Which State Appellate and District Judges Left Office  
September 1, 2009 through August 31, 2011**

	<b>Number</b>	<b>Percentage of All Judges Leaving Office</b>	<b>Percentage of All Judges</b>
Did not seek re-election	29	39.7 %	5.2 %
Defeated in election	19	26.0 %	3.4 %
Resigned	18	24.7 %	3.2 %
Deceased	5	6.8 %	0.9 %
Reached mandatory retirement age	1	1.4 %	0.2 %
Removed from office	1	1.4 %	0.2 %
<b>Total</b>	<b>73</b>	<b>100.0 %</b>	<b>13.2 %</b>

<sup>3</sup> One judge served on each of the state’s 456 district courts, and 98 judges served on the state’s 16 appellate courts.

In fiscal year 2011, the voluntary turnover rate for judges reached its highest level in the eight years for which the rate had been tracked, and it approached the voluntary turnover rate for state employees in general. (See **Figure 1.**)



While the number of judges who resigned remained fairly stable, the number of judges who did not seek re-election grew in the last biennium. (See **Table 3.**)

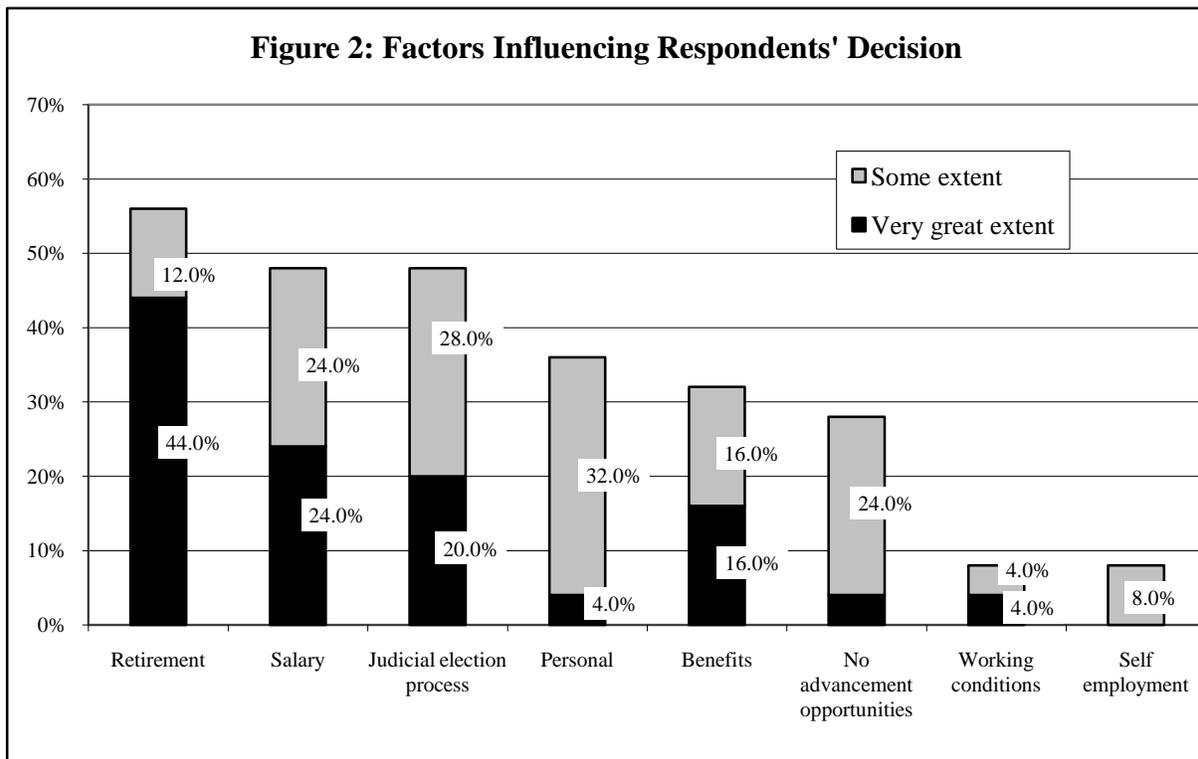
**Table 3: Manner in Which State Appellate and District Judges Left Office Each Biennium**

	2004/5	2006/7	2008/9	2010/11
Removed from office	1	0	1	1
Deceased	4	1	1	5
Mandatory retirement	3	2	3	1
Resigned	12	17	14	18
Did not seek reelection	9	22	22	29
Defeated in election	10	34	36	19
<b>Total Leaving State Judiciary</b>	<b>39</b>	<b>76</b>	<b>77</b>	<b>73</b>

## Reasons for Voluntary Turnover

Twenty-five of the 47 judges who voluntarily left the state judiciary in FYs 2010 and 2011 responded to OCA’s survey. Respondents were asked to indicate which factor(s) influenced their decision to leave the state judiciary. Fifty-six percent of respondents indicated that **retirement** factored in their decision to leave to some or to a very great extent. Forty-eight percent named **salary**, and the same percentage of respondents named the **judicial election process**, as significant contributors to their departures. (See **Figure 2**.)

Although the majority of respondents named retirement as the most significant factor, their comments often referred to **financial issues** as well as the **ability to earn more by retiring** than by continuing to serve as an active judge. (See comments in Appendices.)



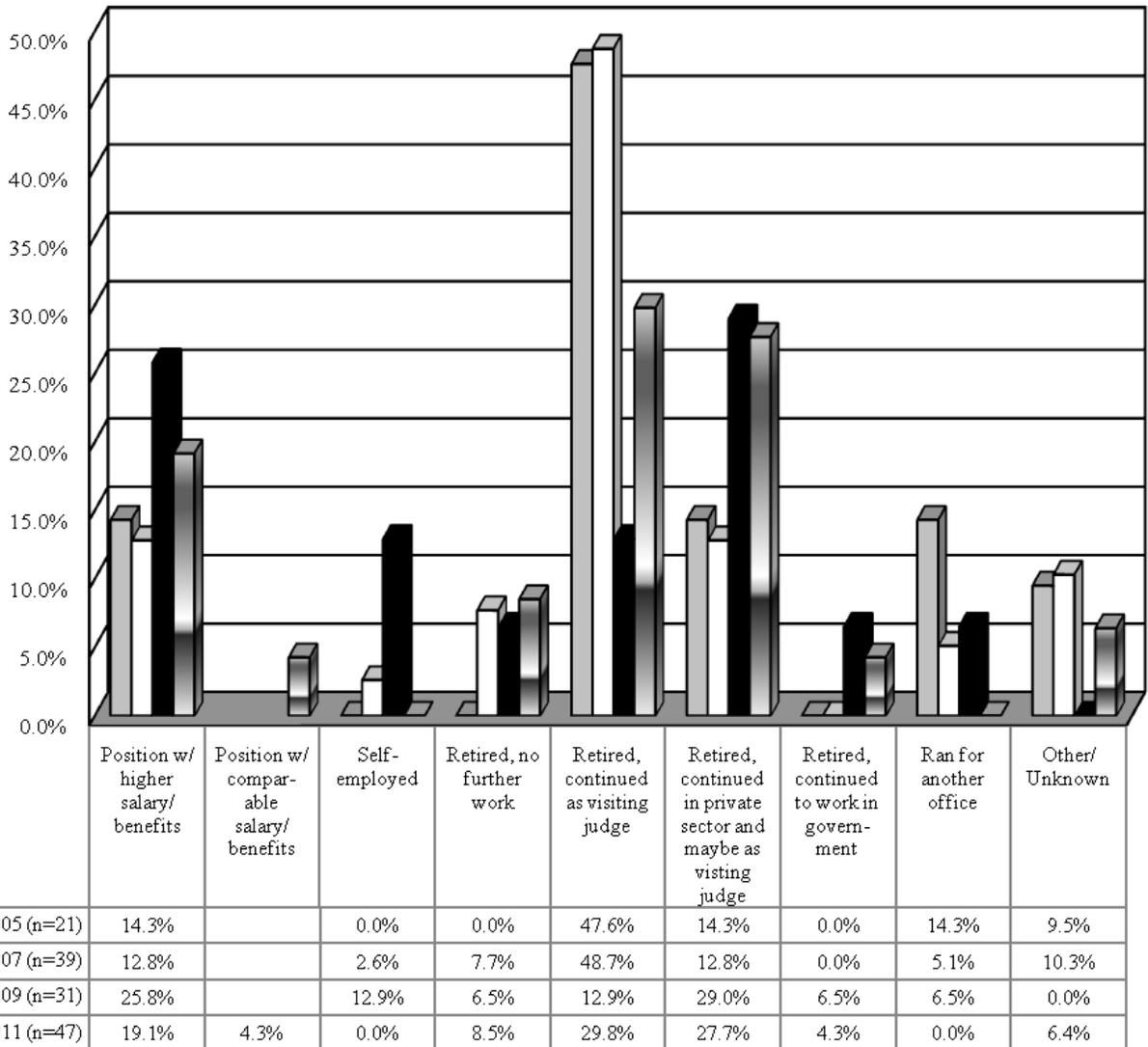
The survey also allowed respondents to note other factors that contributed to their decision. In FYs 2010 and 2011, respondents identified the following additional factors that influenced their decision “to a very great extent”:

- “Incredible caseload in family law courts of Harris County”;
- “Meddlesome commissioners and county bureaucrats”;
- “[I can] make more money by retiring”;
- “Politicization of the judiciary”;
- “Public reporting of everything I own, spend and do”; and
- “The uncertainty of receiving another pay raise in the near future.”

### Next Steps for Judges after Resigning or Completing Their Terms

After resigning or completing their terms, of the 47 judges who voluntarily left office in FYs 2010 and 2011, 13 judges (27.7 percent) retired from the judiciary but continued to work in the private sector, and many of those judges continued to also serve as visiting judges. Nine judges (19.1 percent) took another position with higher salary and/or better benefits, and two judges (4.3 percent) took another position with a comparable salary and benefits. Fourteen judges (29.8 percent) retired but continued to work as a visiting judge, four (8.5 percent) retired and did not continue to work, and two (4.3 percent) retired but continued to work in state or local government. (See **Figure 3**.)

**Figure 3: Next Steps After Judges Resigned or Completed Their Terms**



# Judicial Salaries

## *Salaries of Elected State Judges as of September 1, 2011*

In August 2005, the 79<sup>th</sup> Legislature amended statutes relating to the compensation of state judges (H.B. 11, 79<sup>th</sup> Legislature, Second Called Session (2005)).

Effective December 1, 2005, the annual state salary of a district judge increased to \$125,000. While Chapter 32 of the Government Code authorizes the state salaries of district court judges to be supplemented from county funds, amendments made to Section 659.012 of the Government Code limited the total annual salary for a district judge to a combined sum from state and county sources of \$5,000 less than the state salary provided for a justice of a court of appeals. In addition, the enactment eliminated special provisions created in Chapter 32 during the 78<sup>th</sup> Legislature allowing unrestricted payment by certain counties of an annual supplemental salary to district judges.

The annual state salary of a justice of a court of appeals increased to 110 percent of the annual state salary of a district judge. In addition, the chief justice of an appellate court receives \$2,500 more than the other justices of the court. While Chapter 31 of the Government Code authorizes the counties in each court of appeals district to pay each justice of the court of appeals for that district for judicial and administrative services rendered, amendments made to Section 659.012 of the Government Code limit the total salary for a justice of a court of appeals to a combined sum from state and county sources of \$5,000 less than the state salary paid to a justice of the Supreme Court. This same provision limits the chief justices of the courts of appeals to receive a combined salary of \$2,500 less than the state salary paid to justices of the Supreme Court. Finally, the annual state salary of a justice of the Supreme Court or a judge of the Court of Criminal Appeals increased to 120 percent of the annual state salary of a district judge. Moreover, the chief justice or presiding judge of these courts receives \$2,500 more than the other justices or judges on the courts. **Table 4** provides the salary summary for elected state judges as of September 1, 2011.

Beginning September 1, 2007, judges became entitled to monthly longevity pay of \$20 for each year of service credited in the retirement system (maximum of \$320 per month) after completing 16 years of service. In addition, district judges presiding over silica or asbestos multi-district litigation became entitled to receive, in addition to their regular district judge salary and supplement, the maximum amount of compensation set by the Texas Judicial Council for a presiding judge of an administrative judicial region under Section 74.051(b) of the Government Code.

In June 2009, the 81<sup>st</sup> Legislature amended the statutes relating to longevity pay (S.B. 497, 81<sup>st</sup> Legislature, Regular Session). Effective September 1, 2009, judges became entitled to monthly longevity pay equal to 3.1 percent of their current monthly state salary, rather than \$20 a month, for each year of service credited in the retirement system after completing 16 years of service. In addition, the counties' commissioners courts were authorized to provide longevity pay calculated in accordance with these criteria to any active state judge who is not otherwise eligible to receive longevity pay from the state and had previously served as a statutory county court judge in the county and would be entitled to longevity pay if the service credit the judge or justice earned as a statutory county court judge was established in the applicable retirement system. Furthermore, this legislation clarified that longevity pay is not included as part of the judge's or justice's combined salary from state and county sources for purposes of the salary limitations provided by Section 659.012.

No changes have been made to judicial compensation since September 1, 2009.

**Table 4: Salary Summary for Elected State Judges as of September 1, 2011**

Judge <sup>1</sup>	State Salary	Additional Compensation <sup>2</sup>	Other	Total
Chief Justice – Supreme Court or Court of Criminal Appeals	\$152,500	N/A		\$152,500
Justice – Supreme Court or Court of Criminal Appeals	\$150,000	N/A		\$150,000
Chief – Court of Appeals	\$140,000	up to \$7,500 <sup>3</sup>		up to \$147,500
Justice – Court of Appeals	\$137,500	up to \$7,500 <sup>3</sup>		up to \$145,000
Presiding Judge of Administrative Judicial Region (active district judge)	\$125,000	up to \$15,000 <sup>3</sup>	not to exceed \$33,000 <sup>4</sup>	up to \$173,000
Presiding Judge of Administrative Judicial Region (retired or former judge)	N/A	N/A	\$35,000 - 50,000 <sup>5</sup>	up to \$50,000
District Judge – Local administrative judge who serves in county with more than 5 district courts	\$125,000	up to \$15,000 <sup>3</sup>	\$5,000 <sup>6</sup>	up to \$145,000
District Judge	\$125,000	up to \$15,000 <sup>3</sup>		up to \$140,000
District Judge – Presiding judge of silica or asbestos multi-district litigation	\$125,000	up to \$15,000 <sup>3</sup>	not to exceed \$33,000 <sup>7</sup>	up to \$173,000
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Entitled to monthly longevity pay of 3.1 percent of current monthly state salary for each year of service credited in the retirement system after completing 16 years of service.</li> <li>2. Additional compensation provided by counties in judicial and appellate districts for extra judicial service performed by judges and justices. Government Code Secs. 31.001 and 32.001.</li> <li>3. The state salary of a district judge whose county supplement exceeds \$15,000, or appellate justice whose county supplement exceeds \$7,500, will be reduced by the amount of the excess so that the maximum salary the judge or justice receives from state and county sources is \$140,000 (district judge), \$145,000 (appellate justice), or \$147,500 (appellate chief justice). Government Code Secs. 659.012, 31.001 and 32.001.</li> <li>4. Presiding judges' salary set by Texas Judicial Council. Government Code Sec. 74.051(b). Paid by counties in administrative judicial region on a pro rata basis based on population.</li> <li>5. Presiding judges' salary based on number of courts and judges in region. Government Code Sec. 74.051(c). Paid by counties in administrative judicial region on a pro rata basis based on population.</li> <li>6. Government Code Sec. 659.012(d).</li> <li>7. Government Code Sec. 659.0125.</li> </ol>				

### ***County Supplements***

Sections 31.001 and 32.001 of the Texas Government Code authorize counties to supplement the salaries of the courts of appeals justices residing within their courts of appeals districts and the judges of the district courts that have jurisdiction in their counties. Judges of the Supreme Court and Court of Criminal Appeals do not receive supplements.

All of the justices of the 14 courts of appeals in Texas receive county supplements, and justices on all but two courts of appeals (employing seven justices) receive the maximum allowed by law. (See **Table 5**.)

**Table 5: County Supplements Received by Intermediate Appellate Court Justices**

<b>Number of Justices</b>	<b>Percentage of all Justices</b>	<b>County Supplement</b>	<b>Total Salary</b>
73	91.2%	\$7,500	\$145,000
3	3.8%	\$6,573	\$144,073
4	5.0%	\$4,087	\$141,447
<b>AVERAGE</b>		<b>\$7,295</b>	<b>\$144,795</b>

As **Table 6** shows, of the 456 district court judges in the state, only 8 do not receive a county salary supplement. The majority of judges (329 judges or 72 percent) receive the maximum salary allowed by law.

**Table 6: County Supplements Received by District Judges**

<b>Number of Judges</b>	<b>Percentage of all Judges</b>	<b>County Supplement</b>	<b>Total Salary</b>
329	72.0%	\$14,999.01 to 15,000	\$140,000
19	4.2%	\$14,000 to 14,998	\$139,000 to 139,999
13	2.8%	\$13,000 to 13,999	\$138,000 to 138,999
9	2.0%	\$12,000 to 12,999	\$137,000 to 137,999
8	1.8%	\$11,000 to 11,999	\$136,000 to 136,999
15	3.3%	\$10,000 to 10,999	\$135,000 to 135,999
8	1.8%	\$9,000 to 9,999	\$134,000 to 134,999
16	3.5%	\$8,000 to 8,999	\$133,000 to 133,999
9	2.0%	\$7,000 to 7,999	\$132,000 to 132,999
5	1.1%	\$6,000 to 6,999	\$131,000 to 131,999
1	0.2%	\$5,000 to 5,999	\$130,000 to 130,999
7	1.5%	\$4,000 to 4,999	\$129,000 to 129,999
5	1.1%	\$3,000 to 3,999	\$128,000 to 128,999
3	0.7%	\$2,000 to 2,999	\$127,000 to 127,999
0	0.0%	\$1,000 to 1,999	\$126,000 to 126,999
1	0.2%	\$1 to 999	\$125,001 to 125,999
8	1.8%	\$0	\$125,000
<b>AVERAGE</b>		<b>\$13,427</b>	<b>\$138,427</b>

### ***Salaries of Private Practitioners***

In 2010, the State Bar of Texas collected attorney income data for its *2009 Income Fact Sheet*.<sup>4</sup> A questionnaire was sent electronically on April 7, 2010 to all active State Bar of Texas attorneys who had not opted out of

<sup>4</sup> The State Bar conducts a survey once every two years. The 2011 survey on income will be conducted in 2012.

taking surveys (73,140 attorneys). The survey’s response rate was 12 percent, with a total of 8,467 attorneys responding.

A total of 2,264 full-time, private practitioner attorneys responded to the survey. Results of the survey showed that the salaries of lawyers vary widely. Overall, full-time private practitioners had a median salary of \$120,324 and an average salary of \$166,381. Nearly 23 percent of the attorneys had salaries of \$187,500 or more.

Lawyers with 11 to 15 years of experience had a median salary of \$122,884 and an average salary of \$158,001. Twenty-four percent of attorneys in this group had salaries of \$187,500 or more. Lawyers with 16 to 20 years of experience had a median salary of \$141,176 and an average salary of \$156,929. Thirty percent of lawyers in this group had salaries of \$187,500 or more. (See **Table 7.**)

**Table 7: 2009 Full-Time Private Practitioner Income Distribution**

Midpoint of Income Ranges	All (N = 2,264)	11 to 15 Years of Experience (N = 259)	16 to 20 Years of Experience (N = 234)
\$5,000	75	8	8
\$15,000	47	11	5
\$25,000	43	7	5
\$35,000	57	6	8
\$45,000	90	8	12
\$55,000	133	10	10
\$65,000	133	13	15
\$75,000	125	10	8
\$85,000	130	13	8
\$95,000	99	17	3
\$112,500	246	29	24
\$137,500	160	23	17
\$162,500	279	30	27
\$187,500	135	12	14
\$225,000	168	21	28
\$275,000	101	12	15
\$350,000	121	17	17
\$450,000	48	4	6
\$625,000	29	4	2
\$875,000	22	2	2
>\$1.25 Mil.	23	2	0
<b>Median Net Income</b>	<b>\$120,324</b>	<b>\$122,844</b>	<b>\$141,176</b>
<b>Average Net Income</b>	<b>\$166,381</b>	<b>\$158,001</b>	<b>\$156,929</b>
Source: State Bar of Texas, <i>2009 Income Fact Sheet</i> (Austin: Department of Research and Analysis, State Bar of Texas, 2010).			

### *Salaries of State Judges in the Six Most Populous States*

According to data obtained from the National Center for State Courts, salaries of judges in Texas were lower than the salaries of judges at corresponding levels in the five states closest to Texas in population. (See **Table 8.**) When county supplements were taken into account, the average salary of district judge or justice of an intermediate court of appeals was slightly higher than the salaries of their counterparts in New York. As of April 1, 2012, the average judicial salaries in Texas will be the lowest amongst the six most populous states, as judges in New York will receive increases in April 2012, April 2013 and April 2014 according to the recommendations of New York’s Special Commission on Judicial Compensation.

**Table 8: Salaries of State Judges in the Six Most Populous States as of July 1, 2011<sup>1</sup>  
Listed in Population Order**

Judge	California	Texas	New York	Florida	Illinois	Pennsylvania
Chief Justice – Court of Last Resort	\$228,856	\$152,500	\$156,000 <sup>4</sup>	\$157,976	\$209,344	\$195,138
Associate Justice – Court of Last Resort	\$218,237	\$150,000	\$151,200 <sup>4</sup>	\$157,976	\$209,344	\$189,620
Chief – Intermediate Court of Appeals	\$204,599	\$140,000 <sup>2</sup> \$147,190 <sup>3</sup>	\$148,000 <sup>4</sup>	\$150,077	\$197,032	\$184,432
Justice – Intermediate Court of Appeals	\$204,599	\$137,500 <sup>2</sup> \$144,817 <sup>3</sup>	\$144,000 <sup>4</sup>	\$150,077	\$197,032	\$178,914
Judge – General Jurisdiction Trial Courts	\$178,789	\$125,000 <sup>2</sup> \$138,427 <sup>3</sup>	\$136,700 <sup>4</sup>	\$142,178	\$180,802	\$164,602
Reported Date of Last Salary Change and Type of Change	November 2007 (Increase)	September 2005 (Increase)	January 1999 (Increase) <sup>4</sup>	July 2009 (Decrease)	July 2011 (Increase)	January 2009 (Increase)
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Source: Knowledge and Information Services Division, National Center for State Courts, Survey of Judicial Salaries as of July 1, 2011. The National Center for State Courts attempts to use actual salaries whenever possible. Thus, the data for each state will include local supplements whenever relevant and feasible.</li> <li>2. Basic state salary. Does not include supplements paid by counties.</li> <li>3. Average salary statewide, including supplements paid by counties as of October 1, 2011.</li> <li>4. Salaries will increase in 2012, 2013 and again in 2014. See Appendix E for details.</li> </ol>						

# **APPENDICES**

**APPENDIX A**  
**Results of Judicial Turnover Survey**  
**for Fiscal Years 2010 and 2011**

<b>A. Please indicate to what extent each of the following factors contributed to your decision to leave the Texas state judiciary.</b>		<b>To Very Great Extent</b>	<b>To Some Extent</b>	<b>To a Small Extent</b>	<b>Not At All</b>	<b>No Answer</b>
1	Salary	24.0%	24.0%	16.0%	32.0%	4.0%
2	Benefits	4.0%	24.0%	8.0%	60.0%	4.0%
3	Little or no career advancement opportunities	4.0%	4.0%	4.0%	84.0%	4.0%
4	Desire for self-employment	0.0%	8.0%	8.0%	80.0%	4.0%
5	Working conditions/environment (e.g., safety, work-related stress, and/or workload issues)	16.0%	20.0%	12.0%	48.0%	4.0%
6	Retirement	44.0%	12.0%	16.0%	28.0%	0.0%
7	Personal	4.0%	32.0%	0.0%	60.0%	4.0%
8	Having to campaign/judicial election process	20.0%	28.0%	8.0%	28.0%	16.0%

<b>B. Would changes in the following factors compel you to continue serving as a state judge?</b>		<b>Yes</b>	<b>No</b>	<b>No Answer</b>
1	Salary	40.0%	48.0%	12.0%
2	Retirement benefits/policies	28.0%	48.0%	24.0%
3	Other benefits	8.0%	56.0%	36.0%
4	Judicial election process	40.0%	44.0%	16.0%

## APPENDIX A

<b>C. Please indicate (✓) what you plan to do after resigning or finishing out your term. (Check only one.)</b>		
1	Obtain another position with higher salary and/or better benefits	36.0%
2	Obtain another position with comparable salary and/or benefits	4.0%
3	Become self-employed	0.0%
4	Run for another office	0.0%
5	Retire and not continue to work	4.0%
6	Retire but continue to work as a visiting judge	20.0%
7	Retire but continue to work in the private sector	8.0%
8	Retire but continue to work in the private sector and as a visiting judge	24.0%
9	Retire but continue to work in state or local government	4.0%
10	Other ( <i>please specify</i> ): _____	0.0%

## APPENDIX B

### Results of Judicial Turnover Survey Comments from Respondents

1. I was in private practice for 20 years before I began my judicial service. It was a lucrative and successful practice. My salary and compensation were reduced substantially upon taking my oath on September 28, 2004. I was certainly aware of this consequence when I sought this position; however, I truly believed I had accumulated enough savings over that 20 year period to supplement my judicial salary. Evidently, I miscalculated. Frankly, I am unable to maintain my financial obligations based on the current salary I receive from the State judiciary. I am saddened to so state, but it is the reality of my situation. With no raise on the horizon, and with minimum period for vesting in the retirement system being 12 years, I have no other choice but to resign. Otherwise, I would be required to request that my family make dramatic and impracticable sacrifices to further my judicial career. I cannot ask that of them. Nevertheless, I was honored to have the opportunity to serve the citizens of Ector County and the State of Texas in this capacity. I appreciate the trust and confidence of Governor Perry by allowing me to serve. Despite my financial dilemma, the service will always be one of the most cherished memories of my legal career. I wish circumstances would have permitted me to prolong my judicial service.
2. I can make more money with visiting judge pay added to retirement because I've worked for Travis County for 36 years and was a district judge for 28 years. I will make more in retirement than I can in salary.
3. I am only 57. I have many more years that I could have given to the service of my profession but for my personal standards, the work environment has become intolerable - so I have chosen to walk away, surrender actually. I suspect very little can be done to strengthen the independence of local judiciaries, as this is essentially a local problem, but repeated in many locations throughout the state most likely.
4. I think one of the duties of the Office of Court Administration should be an equitable distribution of judicial resources in order to facilitate access to justice. Currently, the nine family courts in Harris County hear 63% of the civil docket. 24-25 courts hear 37% of the civil docket. Families in Harris County do not have equal access to the courts. Hearings frequently have to be delayed and the time allocated for hearings is frequently restricted.
5. While the election process is stressful and demeaning, it is the best process. However, the qualifications to run for certain judicial offices are too low, which results in less qualified candidates filing for election or applying for appointment. The present levels requiring only a law license, local residency and varying number of years in the "practice of law" are inadequate and vague, and can easily result in the appointment or election of judges who have no meaningful experience in trial court or appellate court or any experience at all in the "practice of law" as that term is commonly understood by the public to be the "practice of law." Everyone should know by now that one does not become proficient in swimming or the "practice of law" by just reading a book about swimming or the "practice of law." This could be easily remedied by requiring higher qualifications for each level of the judiciary and still retain the ability of the public to choose their judges.
6. Salary needs to be increased but that was not a factor in my decision to retire. I've been at this for 28 years and it is time for someone else to step in and take over.

## APPENDIX B

7. I am a really old guy who came to the bench at age 46 and only had one more kid to put through college, so we tightened our belts and survived. But if we are looking for judge candidates that age nowadays we need to crank up the pay another 20+% so we can keep them on the bench while they educate their kids, otherwise we'll have them only as long as it takes for them to build a credible resume, then they're gone to make more money in the private sector.
8. The uncertainty of receiving another pay raise in the near future after the 2009 legislature declined to give serious consideration to the recommendations of the Judicial Compensation Commission.
9. There should be greater incentives to keep judges. And the manner and method of selecting judges needs to change to "depolicitize" the judiciary.
10. I am very grateful for the pay raise passed in 2005, as that allowed me to stay 4 extra years.
11. Appointed as a United States Magistrate Judge.
12. I was appointed to serve as a federal district court judge.
13. I left my state position to accept a federal magistrate appointment. I very much appreciate the opportunity I had to serve the people of the State of Texas and County of El Paso. Although being a judge and a politician is very difficult, I would have never been appointed to my bench. The election process was my door to the bench.

# APPENDIX C



## OFFICE OF COURT ADMINISTRATION

CARL REYNOLDS  
Administrative Director

February 1, 2010

The Honorable  
Address  
City, TX ZIP

Dear Judge :

The Office of Court Administration (OCA) is charged with collecting information relating to state judicial turnover. Section 72.030 of the Texas Government Code requires OCA to obtain data on the rate at which state judges resign from office or do not seek re-election, as well as the reason for these actions.

**Please complete the attached survey and return it to our office at your earliest convenience.** We greatly appreciate your assistance. The valuable information you provide will be included in a report to the governor, lieutenant governor, and members of the legislature to provide them better information about judicial compensation and turnover.

# APPENDIX D



## Office of Court Administration Survey on Judicial Turnover

Section 72.030 of the Texas Government Code requires OCA to obtain data on the rate at which state judges resign from office or do not seek re-election, as well as the reason for these actions. **The valuable information you provide will be included in a report to the governor, lieutenant governor, and members of the legislature assist them in ensuring that the compensation of state judges is adequate and appropriate.**

Name: \_\_\_\_\_

Court: \_\_\_\_\_ Last Date of Service: \_\_\_\_\_

A. Please indicate to what extent each of the following factors contributed to your decision to leave the Texas state judiciary.		To Very Great Extent	To Some Extent	To a Small Extent	Not At All
1	Salary				
2	Benefits				
3	Little or no career advancement opportunities				
4	Desire for self-employment				
5	Working conditions/environment (e.g., safety, work-related stress, and/or workload issues)				
6	Retirement				
7	Personal				
8	Having to campaign/judicial election process				
9	Other <i>(please specify)</i> :				
10	Other <i>(please specify)</i> :				

## APPENDIX D

<b>B. Would changes in the following factors compel you to continue serving as a state judge?</b>		Yes	No
1	Salary		
2	Retirement benefits/policies		
3	Other benefits		
4	Judicial election process		
5	Other <i>(please specify)</i> :		

<b>C. Please indicate (✓) what you plan to do after resigning or finishing out your term. (Check only one.)</b>	
1	Obtain another position with higher salary and/or better benefits
2	Obtain another position with comparable salary and/or benefits
3	Become self-employed
4	Run for another office
5	Retire and not continue to work
6	Retire but continue to work as a visiting judge
7	Retire but continue to work in the private sector
8	Retire but continue to work in the private sector and as a visiting judge
9	Retire but continue to work in state or local government
10	Other <i>(please specify)</i> : _____

## APPENDIX D

**D. Please share with us any additional comments you may have regarding the topic in this survey.**

**Please mail, fax, or email the completed survey to:**

Mail: **Office of Court Administration**  
**Attn: Angela Garcia**  
**P O Box 12066**  
**Austin, TX 78711-2066**

Fax: **512-936-2423**

E-Mail: [angela.garcia@txcourts.gov](mailto:angela.garcia@txcourts.gov)

For questions regarding this survey, please contact:  
Angela Garcia - (512) 936-1358

## APPENDIX E

### Recommendations from the New York Special Commission on Judicial Compensation

“The Commission has determined that the appropriate benchmark at this time for the New York State judiciary is the compensation level of the Federal judiciary. The Commission recognizes the importance of the New York State judiciary as a co-equal branch of government and recognizes the importance of establishing pay levels that make clear that the judiciary is valued and respected. The Federal judiciary sets a benchmark of both quality and compensation – New York State should seek to place its judiciary on par. That is where New York State judicial compensation was in the late 1990’s and our recommendation is to re-establish this benchmark with a phase-in period that takes account of the State’s current financial challenges.

For the foregoing reasons, the Commission has determined that all New York State judges shall receive phased-in salary increases over the next three fiscal years, starting on April 1, 2012, with no increase in fiscal year 2015-16. State Supreme Court Justices will achieve parity with current Federal District Court judge salaries by the third fiscal year and will be paid an annual salary of \$160,000 in fiscal year 2012-13, \$167,000 in 2013-14 and \$174,000 in 2014-15. All other judges will receive proportional salary increases.”<sup>19</sup>

Judge	Current	April 1, 2012	April 1, 2013	April 1, 2014
Chief Justice – Court of Last Resort	\$156,000	\$182,600	\$190,600	\$198,600
Associate Justice – Court of Last Resort	\$151,200	\$177,000	\$184,800	\$192,500
Chief – Intermediate Court of Appeals	\$148,000	\$172,800	\$180,400	\$187,900
Justice – Intermediate Court of Appeals	\$144,000	\$168,600	\$176,000	\$183,300
Judge – General Jurisdiction Trial Courts	\$136,700	\$160,000	\$167,000	\$174,000

<sup>19</sup> New York Special Commission on Judicial Compensation. Final Report of the Special Commission on Judicial Compensation (August 29, 2011), p.8-9. The report may be accessed at <http://www.judicialcompensation.ny.gov/assets/FinalReportSpecialCommissionJD.pdf>.