

# PROGRAMS – JUDICIAL COMPENSATION

## Judicial Compensation

The Judicial Compensation budget reflects the resources necessary for the compensation of elected judicial officers. Under the provisions of Article 7, section 1, of the Oregon Constitution, the compensation of judges “... shall not be diminished during the term for which they are elected.” The budget provides biennial resources for the 191 elected judicial officer positions. The number of elected judicial officers within each jurisdictional level is specified in statute<sup>1</sup>. HB 4026 (2012 Legislative Session) adds three Court of Appeals judges effective October 1, 2013. This will bring the total Court of Appeals judges to 13 and the total number of elected judicial officer positions statewide to 194.

The salary levels for elected judicial officers are specified in ORS chapter 292. As of the January 2012 judicial salary survey completed by the National Center for State Courts, the cost-of-living adjusted rankings for Oregon judges were: Supreme Court – 45<sup>th</sup> of 51 jurisdictions, including the District of Columbia; Court of Appeals – 36<sup>th</sup> of 39 jurisdictions; and Circuit Court – 45<sup>th</sup> of 51 jurisdictions, including the District of Columbia. The Chief Justice’s Recommended Budget includes Policy Option Package No. 212 requesting funding to increase judicial compensation to 2008 Public Officials Compensation Commission (POCC) recommended levels, adjusted for the Consumer Price Index (CPI). The package includes \$12,187,957 for this purpose, assuming a July 1, 2013, effective date. The increase would improve Oregon’s ranking for judicial compensation to 29<sup>th</sup> for the Supreme Court and 22<sup>nd</sup> for circuit courts. The request also reflects the need for greater parity based on the compensation levels of the state attorneys (e.g., Attorney General’s Office and public defenders) who appear before them. Often a judge may be the least-paid lawyer in the courtroom. For example, as of January 1, 2013, a senior, nonsupervisory attorney in the Attorney General’s Office makes \$128,604.

<u>Judicial Position</u>	<u>(ORS CH 292)</u> <u>Current Salary</u>	<u>POCC</u> <u>Recommended</u> <u>(Oct. 2008)</u>	<u>Proposed</u> <u>Salary*</u> <u>(July 2013)</u>
Circuit Judge	\$114,468	\$132,000	\$137,595
Tax Court Judge	\$118,164	\$135,000	\$140,723
Crt of Appeals Judge	\$122,820	\$138,000	\$143,850
Sprme Crt Justice/COA presiding judge	\$125,688	\$139,800	\$145,726
Chief Justice	\$128,556	\$145,800	\$151,980
*Adjusts the POCC recommended salaries for annual cpi increases 2009-11 at a cumulative change of approximately 4.27% using the Portland - Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor and Statistics of the U.S. Dept of Labor.			

<sup>1</sup> ORS 2.010 (Supreme Court – 7); ORS 2.540 (Court of Appeals – 10); ORS 3.012 (Circuit Court – 173); and ORS 305.452 (Tax Court – 1)

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## Current Service Level

The Current Service Level (CSL) reflects current salaries along with estimated benefit factors for all other payroll expenses. The CSL totals \$67.8 million (General Fund). This reflects a \$3.1 million (4.6 percent) increase over the 2011-13 Legislatively Approved Budget. This level of funding allows the Oregon Judicial Department (OJD) to provide the current level of compensation for the elected judicial officers during the 2013-15 biennium.

## Chief Justice's Recommended Budget

The Chief Justice's Recommended Budget for the 2013-15 biennium totals \$81.0 million (General Fund). This amount includes policy packages totaling \$13.2 million and representing major policy issues as follows:

**Policy Option Package - 211:** Provides General Fund appropriation of \$1.0 million to support the compensation of the new three-member Court of Appeals Panel approved in the February 2012 Legislative Session. Within the Judicial Compensation budget structure, the package consists entirely of Personal Services expenditures and creates three new positions (2.64 FTE). The package also requests additional appropriation within the Appellate/Tax Courts budget structure for staffing to support these new judges. This will include 8.64 FTE at a proposed cost of \$2.0 million. These needs and amounts were documented in the fiscal impact statement that accompanied passage of the legislation.

**Policy Option Package - 212:** As discussed under the main heading, this package provides General Fund appropriation of \$12.2 million in increased compensation for the appellate, tax, and circuit court judges. The package consists entirely of Personal Services expenditures for existing positions and FTE.

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## Judicial Compensation Budget Summary

	2009-11 Actual Expenditures	2011-13 Legislatively Approved Budget	2013-15 Current Service Level (CSL)	2013-15 Chief Justice's Recommended*
General Fund	\$59,375,887	\$64,740,982	\$67,827,704	\$80,997,543
Other Funds				
Federal Funds				
Non-limited (Other)				
<b>TOTAL – ALL FUNDS</b>	<b>\$59,375,887</b>	<b>\$64,740,982</b>	<b>\$67,827,704</b>	<b>\$80,997,543</b>
Positions	191	191	191	194
FTE	191.00	191.00	191.00	193.64

\* Includes CSL and all policy option packages.

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## Essential Packages

### Purpose

The essential packages present budget adjustments needed to bring the legislatively approved budget to Current Service Level (CSL), the calculated cost of continuing legislatively approved programs into the 2013-15 biennium. This level of funding allows the Oregon Judicial Department (OJD) to provide the current level of compensation for the elected judicial officers during the 2013-15 biennium.

### Staffing Impact

The essential packages for Judicial Compensation do not impact staffing.

### Revenue Source

No essential package amounts are included in the Judicial Compensation summary cross-reference structure. The potential adjustment is only for Non-PICS Personal Service costs related to Mass Transit Tax in counties where this is a component. The amount required for this was included in the Trial Court Operations and Appellate/Tax Operations portions of the budget.

### 010 Non-PICS Personal Service Adjustments

Non-PICS Personal Service adjustments for Judicial Compensation is \$188,788.

### 021 Phase-In

The Judicial Compensation budget has no phase-in items.

### 022 Phase-Out Program and One-Time Costs

The Judicial Compensation budget has no phased-out programs or costs.

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### **031 Inflation and Price List Adjustments**

The Judicial Compensation budget has no inflation or price list adjustments.

### **040 Mandated Caseload**

The Judicial Compensation budget has no mandated caseload.

### **050 Fund Shifts**

The Judicial Compensation budget has no fund shifts.

### **060 Technical Adjustments**

The Judicial Compensation budget has no technical shifts.

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## *Policy Option Package: 211 – 2012 Legislatively Approved Court of Appeals Panel*

**Companion Package:** No

### **Purpose**

During the 2012 Legislative Session, HB 4026 (ch 87, Or Laws 2012) was passed, which amended ORS 2.540, increasing the number of Court of Appeals judgeships from 10 to 13. Amendments to ORS 2.540 become operative on October 1, 2013. This package requests the judicial compensation and support staff for the new three-judge panel as provided in the fiscal impact statement accompanying the legislation.

### **How Achieved**

The package provides funding for judicial compensation for three new Court of Appeals judges, starting October 1, 2013. It also provides support staffing and Services and Supplies budget for the new panel.

### **Staffing Impact**

12 positions, 11.28 FTE:

- |                                  |             |          |                    |
|----------------------------------|-------------|----------|--------------------|
| • Judge – Court of Appeals       | 3 positions | 2.64 FTE | phase in 10/1/2013 |
| • Appellate Staff Attorney       | 2 positions | 1.92 FTE | phase in 8/1/2013  |
| • Law Clerk                      | 5 positions | 4.80 FTE | phase in 8/1/2013  |
| • Judicial Services Specialist 3 | 2 positions | 1.92 FTE | phase in 8/1/2013  |

### **Revenue Source**

\$ 2,987,936 – General Funds

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## *Policy Option Package: 212 – 2012 Judicial Compensation*

**Companion Package:** No; however, Legislative Concept 424 (to be assigned a House Bill number when introduced) will provide the statutory bill vehicle to make judicial compensation increases.

### **Purpose**

This package is intended to fund increases in judicial compensation equal to those recommended by the 2008 Public Officials Compensation Commission (POCC) and includes annual Oregon Consumer Price Index (CPI) increases from 2009. Oregon ranks 45<sup>th</sup> out of the states for judicial salaries for circuit court judges, 36<sup>th</sup> out of the 39 for Court of Appeals judges, and 45<sup>th</sup> for Supreme Court justices based on a 2012 study by the National Center for State Courts. To create a more fair and equitable compensation system, the Oregon Judicial Department (OJD) is recommending implementation of the POCC study standards, along with a CPI increase from the study date through 2011. This proposed increase would only move judicial salaries for circuit court judges to 22<sup>nd</sup> in comparison to other states (Supreme Court justices to 29<sup>th</sup>) in terms of salary levels (see [judicial compensation table](#) on page 283).

### **How Achieved**

The package provides funding salary increases for judges, starting July 1, 2013.

### **Staffing Impact**

None.

### **Revenue Source**

\$ 12,187,957 – General Funds

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## *ORBITS and PICS Reports*

### BPR013 – ORBITS Essential and Policy Package Fiscal Impact Summary

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept Cross Reference Name: Judicial Compensation  
 Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor Cross Reference Number: 19800-010-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	188,788	-	-	-	-	-	188,788
<b>Total Revenues</b>	<b>\$188,788</b>	-	-	-	-	-	<b>\$188,788</b>
<b>Personal Services</b>							
Mass Transit Tax	188,788	-	-	-	-	-	188,788
<b>Total Personal Services</b>	<b>\$188,788</b>	-	-	-	-	-	<b>\$188,788</b>
<b>Total Expenditures</b>							
Total Expenditures	188,788	-	-	-	-	-	188,788
<b>Total Expenditures</b>	<b>\$188,788</b>	-	-	-	-	-	<b>\$188,788</b>
<b>Ending Balance</b>							
Ending Balance	-	-	-	-	-	-	-
<b>Total Ending Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
 Pkg: 211 - 2012 Legislative Session Court of Appeals Panel

Cross Reference Name: Judicial Compensation  
 Cross Reference Number: 19800-010-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	981,882	-	-	-	-	-	981,882
<b>Total Revenues</b>	<b>\$981,882</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$981,882</b>
<b>Personal Services</b>							
Class/Unclass Sal. and Per Diem	644,805	-	-	-	-	-	644,805
Public Employees' Retire Cont	189,249	-	-	-	-	-	189,249
Social Security Taxes	47,694	-	-	-	-	-	47,694
Worker's Comp. Assess. (WCD)	153	-	-	-	-	-	153
Flexible Benefits	99,981	-	-	-	-	-	99,981
<b>Total Personal Services</b>	<b>\$981,882</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$981,882</b>
<b>Total Expenditures</b>							
Total Expenditures	981,882	-	-	-	-	-	981,882
<b>Total Expenditures</b>	<b>\$981,882</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$981,882</b>
<b>Ending Balance</b>							
Ending Balance	-	-	-	-	-	-	-
<b>Total Ending Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Positions</b>							
Total Positions							3
<b>Total Positions</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3</b>

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## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
 Pkg: 211 - 2012 Legislative Session Court of Appeals Panel

Cross Reference Name: Judicial Compensation  
 Cross Reference Number: 19800-010-00-00-00000

<i>Description</i>	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Total FTE</b>							
Total FTE							2.64
<b>Total FTE</b>	-	-	-	-	-	-	<b>2.64</b>

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## ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept  
Pkg: 212 - Judicial Compensation

Cross Reference Name: Judicial Compensation  
Cross Reference Number: 19800-010-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
<b>Revenues</b>							
General Fund Appropriation	12,187,957	-	-	-	-	-	12,187,957
<b>Total Revenues</b>	<b>\$12,187,957</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$12,187,957</b>
<b>Personal Services</b>							
Other OPE	12,187,957	-	-	-	-	-	12,187,957
<b>Total Personal Services</b>	<b>\$12,187,957</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$12,187,957</b>
<b>Total Expenditures</b>							
Total Expenditures	12,187,957	-	-	-	-	-	12,187,957
<b>Total Expenditures</b>	<b>\$12,187,957</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$12,187,957</b>
<b>Ending Balance</b>							
Ending Balance	-	-	-	-	-	-	-
<b>Total Ending Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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**BPR007A – ORBITS Program Unit Appropriated Fund Group and Category Summary**

*Judicial Dept*

*Agency Number: 19800*

Program Unit Appropriated Fund Group and Category Summary  
2013-15 Biennium  
Judicial Compensation

Version: V - 01 - Agency Request Budget  
Cross Reference Number: 19800-010-00-00-00000

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Rec. Budget	2013-15 Leg Adopted Budget
<b>LIMITED BUDGET (Excluding Packages)</b>						
<b>PERSONAL SERVICES</b>						
General Fund	59,375,887	62,872,712	64,740,982	67,638,916	-	-
<b>SERVICES &amp; SUPPLIES</b>						
General Fund	19,753	-	-	-	-	-
<b>TOTAL LIMITED BUDGET (Excluding Packages)</b>						
General Fund	59,395,640	62,872,712	64,740,982	67,638,916	-	-
<b>AUTHORIZED POSITIONS</b>	191	191	191	191	-	-
<b>AUTHORIZED FTE</b>	191.00	191.00	191.00	191.00	-	-
<b>LIMITED BUDGET (Essential Packages)</b>						
<b>010 NON-PICS PSNL SVC / VACANCY FACTOR</b>						
<b>PERSONAL SERVICES</b>						
General Fund	-	-	-	188,788	-	-
<b>TOTAL LIMITED BUDGET (Essential Packages)</b>						
General Fund	-	-	-	188,788	-	-
<b>LIMITED BUDGET (Current Service Level)</b>						
General Fund	59,395,640	62,872,712	64,740,982	67,827,704	-	-
<b>AUTHORIZED POSITIONS</b>	191	191	191	191	-	-
<b>AUTHORIZED FTE</b>	191.00	191.00	191.00	191.00	-	-
<b>LIMITED BUDGET (Policy Packages)</b>						
<b>PRIORITY 0</b>						

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**Judicial Dept**

**Agency Number: 19800**

**Program Unit Appropriated Fund Group and Category Summary**  
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**Judicial Compensation**

Version: V - 01 - Agency Request Budget  
 Cross Reference Number: 19800-010-00-00-00000

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Rec. Budget	2013-15 Leg Adopted Budget
<b>211 2012 LEGISLATIVE SESSION COURT OF APPEAL</b>						
<b>PERSONAL SERVICES</b>						
General Fund	-	-	-	981,882	-	-
<b>AUTHORIZED POSITIONS</b>	-	-	-	3	-	-
<b>AUTHORIZED FTE</b>	-	-	-	2.64	-	-
<b>212 JUDICIAL COMPENSATION</b>						
<b>PERSONAL SERVICES</b>						
General Fund	-	-	-	12,187,957	-	-
<b>TOTAL LIMITED BUDGET (Policy Packages)</b>						
General Fund	-	-	-	13,169,839	-	-
<b>AUTHORIZED POSITIONS</b>	-	-	-	3	-	-
<b>AUTHORIZED FTE</b>	-	-	-	2.64	-	-
<b>TOTAL LIMITED BUDGET (Including Packages)</b>						
General Fund	59,395,640	62,872,712	64,740,982	80,997,543	-	-
<b>AUTHORIZED POSITIONS</b>	191	191	191	194	-	-
<b>AUTHORIZED FTE</b>	191.00	191.00	191.00	193.64	-	-
<b>OPERATING BUDGET</b>						
General Fund	59,395,640	62,872,712	64,740,982	80,997,543	-	-
<b>AUTHORIZED POSITIONS</b>	191	191	191	194	-	-
<b>AUTHORIZED FTE</b>	191.00	191.00	191.00	193.64	-	-
<b>TOTAL BUDGET</b>						

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**Judicial Dept**

**Agency Number: 19800**

Program Unit Appropriated Fund Group and Category Summary

Version: V - 01 - Agency Request Budget

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Cross Reference Number: 19800-010-00-00-00000

Judicial Compensation

Description	2009-11 Actuals	2011-13 Leg Adopted Budget	2011-13 Leg Approved Budget	2013-15 Agency Request Budget	2013-15 Governor's Rec. Budget	2013-15 Leg Adopted Budget
General Fund	59,395,640	62,872,712	64,740,982	80,997,543	-	-
<b>AUTHORIZED POSITIONS</b>	191	191	191	194	-	-
<b>AUTHORIZED FTE</b>	191.00	191.00	191.00	193.64	-	-

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