

BIENNIAL REPORT

**JUDICIAL COMPENSATION
COMMISSION**

Presented to the Legislative Council
and the Iowa General Assembly
February 1997

Prepared by the Legislative Service Bureau



Legislative
Service
Bureau

BIENNIAL REPORT

Judicial Compensation Commission

January 1997

MEMBERS

Linda Life,
Chairperson
Harold Beckman
Nancy Evans
Renata Sack

Michael J. Lane,
Vice Chairperson
Wayne Edsall
John Humeston
Rose Scarpino

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AUTHORIZATION AND APPOINTMENT

The Judicial Compensation Commission was established in 1987, pursuant to section 602.1514 of the Iowa Code. The Commission has eight members, with four members appointed by the Governor and four members appointed by the Legislative Council. The Commission has the duty to review the compensation and related benefits paid to statutory judicial officers; to review the compensation and related benefits paid to comparable positions in other states, the federal government, and private enterprise; and to make recommendations regarding judicial compensation and related benefits to the Governor and the General Assembly based on the review of those benefits and other factors. Before 1987, these duties were assigned to the Commission on Compensation, Expenses, and Salaries of Elected State Officials, which included review of compensation of the executive, legislative, and judicial branches. The recommendations are to be submitted not later than February 1 of each odd-numbered year.



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MEMBERSHIP TERMS.

The current members of the Judicial Compensation Commission for the 1997-1998 biennium are:

Ms. Linda Life, Chairperson, Legislative Council Appointee. Term expires 6/30/1998.

Mr. Michael J. Lane, Vice Chairperson, Legislative Council Appointee. Term expires 6/30/2000.

Mr. Harold Beckman, Governor's Appointee. Term expires 6/30/2000.

Mr. Wayne Edsall, Governor's Appointee. Term expires 6/30/1998.

Ms. Nancy Evans, Legislative Council Appointee. Term expires 6/30/1998.

Mr. John Humeston, Governor's Appointee. Term expires 6/30/2000.

Ms. Renata Sack, Governor's Appointee. Term expires 6/30/1998.

Ms. Rose Scarpino, Legislative Council Appointee. Term expires 6/30/2000.

ADMINISTRATIVE INFORMATION.

The Commission met on Monday, December 30, 1996. Ms. Linda Life was elected Chairperson and Mr. Michael Lane was elected Vice Chairperson.

BACKGROUND INFORMATION.

The Commission members received the following background information before the meeting date:

a. Background memorandum, Legislative Service Bureau, summarizing the statutory authorization and duties of the Commission, as well as current salary, recruitment and retention, and other relevant information pertaining to the Judicial Department.

b. The final report of the Judicial Compensation Commission submitted to the Governor and the General Assembly in January 1995.

c. The minutes of the November 20, 1994, Judicial Compensation Commission meeting.

d. A synopsis of the appropriations made to the Judicial Department for fiscal years 1995, 1996, and 1997.

e. An excerpt from a publication entitled "Survey of Judicial Salaries, Fall 1996," prepared by the National Center for State Courts, which contains a listing of judicial fringe benefits in all 50 states.

f. An excerpt from "The Book of States 1996-97," published by the Council of State Governments, which contains information regarding selection and retention of justices, judges, magistrates, and other judicial officers.

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g. Information compiled by the State Court Administrator's Office, summarizing numbers of justices, judges, and magistrates on the bench; numbers of justices and judges recently leaving the bench; numbers of applicants for vacant judicial positions; and the salaries, fringe benefits, and judicial retirement system and senior judge program benefits which are paid to Iowa's justices, judges, and magistrates.

h. Information compiled on behalf of the Iowa Association of Magistrate Judges by the Honorable James B. Mefferd, Lucas County Magistrate.

INVITED TESTIMONY.

The following individuals submitted written and oral testimony to the Commission:

Magistrate Association. The Honorable William J. Thatcher, Magistrate, and the Honorable James B. Mefferd, Magistrate, representing the Iowa Association of Magistrate Judges. Mr. James Mefferd and Mr. William Thatcher, from the Iowa Association of Magistrate Judges, described how the jurisdiction and case loads of magistrates have been increased through the additions of civil commitment hearing and domestic abuse hearing responsibilities, and the changes in the thresholds which prescribe which cases are heard at the magistrate level. Mr. Mefferd presented graphs which indicated relatively static compensation levels for magistrates and the proportional discrepancies between magistrates' pay and the salary amounts for other judicial officers. Mr. Mefferd indicated that the Iowa Association of Magistrate Judges recommendations for magistrate salaries include increasing the salary for law-trained magistrates to \$29,000, and increasing the salary for nonlaw-trained magistrates to \$25,000.

Judges' Association - Salaries. The Honorable James E. Kelley, District Court Judge for the Seventh Judicial District, and the Honorable Larry Eisenhauer, District Court Judge for the Fifth Judicial District, representing the Iowa Judges' Association. Judge Kelley, President of the Iowa Judges' Association, discussed Iowa's recent efforts to keep judicial salaries and benefits competitive, but noted that when the local fringe benefits and supplements are accounted for, many of Iowa's neighboring states provide better compensation packages. He described the stresses that increased case loads, the new domestic abuse law, and decreased resources have created for Iowa's judges. Judge Kelley indicated that the Association's recommendation for salary increases for Iowa's justices and judges is that the salaries for those positions be increased by at least the same percentage as is used to calculate increases to the salaries of other employees of the state.

Judges' Association - Pensions. Judge Eisenhauer, Co-chairperson of the Legislative Policy Committee of the Iowa Judges' Association, presented the Association's position regarding pension benefits. Judge Eisenhauer indicated that the Association has no recommendations for changes to the Senior Judge Program, but is recommending that the current level of state contributions to the Judicial Retirement System be continued so that the fund may become actuarially sound; that a study of the current retirement system be conducted and that the state



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consider raising the cap on the pension level to 60 percent of salary by June 1998; and that associate juvenile and associate probate judges be added as members of the judicial retirement system.

Bar Association. Roger Stetson, President, Iowa State Bar Association. Mr. Stetson discussed the various pressures faced by Iowa's judges, including the burgeoning case load and the increased complexity and emotionally charged nature of the types of cases on the docket. He stressed the importance of the role that adequate compensation plays in attracting and retaining the best lawyers for the bench. He compared results of the Iowa Bar Association's recent economic survey of bar members with the compensation levels afforded Iowa's judges and noted that the compensation of Iowa's supreme court justices and district court judges lags behind the salaries earned by the top one-fourth of attorneys in private practice. Mr. Stetson expressed the Iowa Bar Association's support for the positions of both the Iowa Judges Association and the Iowa Association of Magistrate Judges.

Trial Lawyers Association. Dennis Chalupa, representing the Iowa Trial Lawyers Association. Mr. Chalupa described the importance of the role played by Iowa's judges in society. He enumerated various hardships that judges must face while performing their duties, including long hours and intensive public scrutiny by the press and other members of the general public. He also highlighted the importance of allowing judges the time to make informed decisions and to explain those decisions to the public. He concluded by noting that unless compensation of judges is adequate, the level of competency of the candidates for available judicial positions will erode and detract from the respect currently accorded members of the judiciary.

RECOMMENDATIONS.

After review and discussion of the information received from background materials and invited testimony, the Commission approved the following recommendations:

- ◆ That law-trained magistrates' salaries be increased to \$29,000 and nonlaw-trained magistrates' salaries be increased to \$25,000.
- ◆ That the salaries of judges and justices be increased by at least the same percentage rate as that obtained by other state employees.
- ◆ That pension plan contributions by the state be continued so that the fund becomes actuarially sound.
- ◆ That the General Assembly study and consider raising by June 1, 1998, the pension level for justices and judges from the current 50 percent maximum to a maximum not to exceed 60 percent of salary.
- ◆ That associate juvenile and associate probate judges be made members of the judicial retirement system.