

**BIENNIAL REPORT**

**JUDICIAL COMPENSATION  
COMMISSION**



Presented to the  
**LEGISLATIVE COUNCIL**  
and the  
**IOWA GENERAL ASSEMBLY**  
January 1999

Prepared by the  
**LEGISLATIVE SERVICE BUREAU**



Legislative  
Service  
Bureau

# BIENNIAL REPORT

## Judicial Compensation Commission

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January 1999

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### MEMBERS

Michael J. Lane, Chairperson  
Sandii Duffy  
John Humeston  
Rose Scarpino

Chuck Smith, Vice Chairperson  
Helen C. Adams  
Harold Beckman  
Renata Sack

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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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### **1. Membership Terms.**

The members of the Judicial Compensation Commission for the 1999-2000 biennium are:

- Mr. Michael J. Lane, Chairperson, Legislative Council Appointee. Term expires June 30, 2000.
- Mr. Chuck Smith, Vice Chairperson, Legislative Council Appointee. Term expires June 30, 2002.
- Ms. Helen C. Adams, Governor's Appointee. Term expires June 30, 2002.
- Mr. Harold Beckman, Governor's Appointee. Term expires June 30, 2000.
- Ms. Sandii Duffy, Legislative Counsel Appointee. Term expires June 30, 2002.
- Mr. John Humeston, Governor's Appointee. Term expires June 30, 2000.
- Ms. Renata Sack, Governor's Appointee. Term expires June 30, 2002.
- Ms. Rose Scarpino, Legislative Council Appointee. Term expires June 30, 2000.

### **2. Administrative Information.**

The Commission met on Tuesday, January 5, 1999. Mr. Michael J. Lane was elected Chairperson and Mr. Chuck Smith was elected Vice Chairperson.

### **3. Background Information.**

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

- a. The final report of the Judicial Compensation Commission submitted to the Governor and the General Assembly in February 1997.
- b. An Issue Review relating to Iowa judges' and magistrates' salaries and benefits, prepared by the Legislative Fiscal Bureau.
- c. An excerpt from the publication entitled "Survey of Judicial Salaries, Winter 1998," prepared by the National Center for State Courts, which contains a listing of judicial salaries in the 50 states and territories.
- d. "A Summary of Fringe Benefits for Iowa Judges," prepared by the State Court Administrator's Office.
- e. "A Presentation to the Judicial Compensation Commission, January 5, 1999," prepared by the Iowa Association of Magistrate Judges, the Honorable James B. Mefferd, President, and the Honorable Linzy Martin, Vice President.

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### 4. Invited Testimony.

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

a. **Magistrate Association.** The Honorable James B. Mefferd, Magistrate, representing the Iowa Association of Magistrate Judges. Mr. Mefferd stated that magistrates in recent years have continued to experience an increasing caseload due to increasing incidents of domestic abuse and increasing involuntary mental health and substance abuse commitments. In addition, he predicted further increases in caseloads resulting from the ratification of the constitutional amendment which eliminated the \$100 fine restrictions for nonindictable criminal offenses. He added that magistrates currently receive \$23,100 annually after increases of 6 percent in 1997 and 7 percent in 1998, but even with these increases, the salaries of magistrates have not kept pace with the significant increases received by district court judges and associate district judges in the late 1980s.

Mr. Mefferd suggested that the annual salary of magistrates should equal 40 percent of the salary of a district court judge, which would equal approximately \$39,000. He compared the salary request with the salaries of Category D county attorneys who serve part-time, work between nine and 24 hours per week as county attorneys, and maintain a private practice in addition to the county attorney duties. Mr. Mefferd stated that these work characteristics are very similar to a magistrate. He added that the median salary of Category D county attorneys is \$34,413. Approximately one-half of the Category D county attorneys have a salary in the range of \$35,000 to \$40,000.

Mr. Mefferd stated that there are 132 magistrates and approximately 79 percent are lawyers. He stated that magistrates, although part-time, are subject to the same restrictions placed on judges, except that magistrates are permitted to devote time to some other profession or occupation. The magistrates must compete in the private sector, but the ability to do so is becoming more challenging as new laws, tougher criminal penalties, new civil remedies, and limited time for hearings are enacted. In conclusion, Mr. Mefferd stated that the Iowa Association of Magistrate Judges recommends that magistrate salaries be increased to \$39,000 annually.

b. **Iowa Judges Association.** The Honorable John Nahra, Chief Judge, Seventh Judicial District, and the Honorable Louis Lavorato, Supreme Court Justice, representing the Iowa Judges Association. Judge Nahra, Co-chairperson of the Legislative and Policy Committee of the Iowa Judges Association, thanked the Commission for its past support relating to salary and pension plan recommendations presented by the Iowa Judges Association. During the past biennium, the General Assembly enacted legislation to increase the salaries of judges and justices by a percentage rate at least equal to other state employees, to continue increases in pension fund contributions to improve its actuarial soundness, to improve the pension level of judges and justices until the maximum level of 60 percent is



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reached, and to provide the option of membership for associate juvenile and associate probate judges in the judicial retirement system.

For the 1999-2000 biennium, the Iowa Judges Association urges the adoption of the following recommendations:

(1) The annual salaries of justices and judges be increased by at least the same percentage rate as other state employees.

(2) The state contribution rate of 23.7 percent of salaries to the Judicial Pension Fund be continued until its unfunded liability is eliminated.

(3) The maximum pension benefit of justices and judges be increased from 52 percent to 60 percent of average annual salary for the last three years of service.

(4) The spouses of justices and judges who die during their term of office be given the option, at the spouse's own expense, to remain a member of the group health insurance plan which is available to active justices and judges and their spouses.

(5) The senior judges and their spouses be provided health insurance at state expense. If a senior judge becomes fully vested in senior judge benefits (completes six years of senior judge service), the senior judge and the judge's spouse be provided health insurance at state expense for the remainder of their respective lives.

Under the surviving spouse health insurance recommendation, the Association is not requesting health insurance coverage for minor children of a deceased judge.

c. **Iowa State Bar Association.** Mr. David Beckman, President, presented the view of the Iowa State Bar Association. He stated the Iowa currently has a high-quality judicial branch. He added that financial and personal sacrifices associated with becoming a judge can discourage highly qualified attorneys from seeking judicial appointment. Judicial experience is a valuable commodity both within the judiciary and the private law practice. Mr. Beckman stated that there is a cost related to the recruitment, retention, and motivation of quality judges and that it is essential that the state make every effort to ensure that judicial openings are filled by the most qualified persons. He stated that the state needs more attorney magistrates and that this can only be achieved by making the magistrate office more attractive financially. He concluded by stating that the Iowa State Bar Association strongly supports the recommendations made by the Iowa Judges Association and the Iowa Association of Magistrate Judges.

d. **Iowa Trial Lawyers Association.** Mr. Fredd Haas presented the views of the Iowa Trial Lawyers Association regarding judicial salaries and benefits. Mr. Haas stated the state is not compensating justices and judges very well in comparison to

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the high quality of justice that the state is receiving. He added that while society does not appear to place a high value on the legal profession and the judicial system, the state should demonstrate that judges are clearly a very valuable part of our society. Mr. Haas stated that the job pressures, responsibilities, public pressure, and personal and financial sacrifices associated with becoming a judge have value and that judges should be compensated with these factors in mind. Mr. Haas concluded by stating that public service should not be equivalent to public sacrifice.

### 5. Recommendations.

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

a. That the magistrates' annual salaries be increased to \$30,000 on July 1, 1999, and to \$32,000 on July 1, 2000.

b. That the annual salaries of justices and judges be increased by at least the same percentage rate as that obtained by other state employees.

c. That the state continue to contribute at the rate of 23.7 percent of covered salaries to the Judicial Pension Fund until the unfunded liability is eliminated.

d. That the state raise the maximum pension benefit of justices and judges from a maximum of 52 percent to a maximum of 60 percent of the average salaries for the last three years of service.

e. That the spouses of justices and judges who die during their term of office be given the option at the spouses' expense to remain as a member of the group health insurance plan which is available to active judges and their spouses.

f. That senior judges and their spouses be provided health insurance at state expense. If a senior judge become fully vested in senior judge benefits (completes six years of senior judge service), health insurance shall be provided for a senior judge and the judge's spouse for the rest of their lives.

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