

## **JUDICIAL SALARIES: CURRENT LEVELS AND FUTURE EXPECTATIONS**

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*Many have speculated that current judicial pay levels will soon cause experienced judges to seek positions that are more lucrative. Some say this has already begun, and that the services courts are required to provide will soon become more mediocre. To attract and retain the most capable judges, governments must align judicial pay with future market rates.*

### **Survey of Judicial Salaries**

The pay provided to our country's state judges is always a topic of interest; the attention is not limited to judges, but also extends to court administrators, legislators, and other officials who are responsible for lobbying on behalf of judges or setting judicial salaries. An informed public will also be concerned about the future of judges' salary levels to ensure one of our most important public services is provided by well-qualified persons, many of whom have other lucrative career options.

With the assistance of the state court administrative offices, the National Center for State Courts (NCSC) regularly gathers and publishes information about the salaries of judges.<sup>1</sup> The salary information is analyzed and compared to historical trends in judicial salaries. This article extends the analysis to include projections of future judicial salaries, including comparisons to salaries of other professionals.

### **How Do Judges' Salaries Compare to Salaries of Other Professionals?**

While it is important to monitor and assess judicial salaries over time and across different jurisdictions, it can also be constructive to compare judges' salaries to the earnings of other similar occupations in the United States. This is difficult, however, because judges have very distinct job duties and roles, with no real equivalent counterparts in either the private or public sectors.

A comparative analysis of salary compensation can be very complex; consultants, think tanks, dedicated businesses, and government agencies spend millions of dollars per year studying salaries across all spectrums of the economy. The salary

information presented here provides a high-level view of judicial salaries within the context of the larger economy. The analysis is not intended to be a specialized analysis of judicial salaries, but rather a *general gauge* of pay rates for others who have a similar level of job responsibilities, knowledge, and complexity, as compared to general jurisdiction judges. To carry out the task, the NCSC accessed the United States Bureau of Labor Statistics (BLS) occupational leveling study for hundreds of occupations in its annual *National Compensation Survey*.<sup>2</sup>

### **Occupation Leveling**

The BLS occupational leveling study involves ranking all occupations using work levels to reflect the different intellectual, physical, and responsibility requirements within a field or job type. Job levels are assigned a rating from 1 through 15, with 1 being the lowest or "least difficult" job and 15 being the highest or "most difficult" job. For example:

- Civil engineer salary data are provided for levels 6, 7, 8, 9, 10, 11, 12, and 13
- Physician salary data are provided for levels 7, 8, 9, 10, 11, 12, 13, and 14
- Real estate sales agent salary data are provided for levels 3, 4, 5, and 8
- Lawyer salary data are provided for levels 7, 8, 9, 10, 11, 12, 13, and 14

### **How Levels Are Assigned**

Each occupation examined by BLS is scored using the following 10 factors:

- Knowledge
- Supervision received
- Guidelines
- Complexity
- Scope and effect
- Personal contacts
- Purpose of contacts
- Physical demands
- Work environment
- Supervisory duties

For example, the *Complexity* factor is assessed by determining which of the following most closely describes the occupation being evaluated.

- Tasks are clear cut and easily mastered. No decision making.  
25 points
- Tasks involve related steps requiring employee to recognize different steps.  
75 points
- Tasks involve unrelated methods, employee must recognize them and choose based on relationships.  
150 points
- Tasks involve unrelated methods, employee must assess approach.  
225 points
- Tasks involve unrelated methods, decisions deal with uncertainty.  
325 points
- Tasks involve broad functions; decision making involves undefined issues.  
450 points

This process is completed for all 10 factors, the scores are totaled, and a work level of 1 to 15 is determined on a fixed-point scale. As mentioned above, the work levels for lawyers range from 7 to 14. A level-7 lawyer might be a new law-school graduate working as a public defender, and a level-14 lawyer might be a high-level specialist attorney who routinely files briefs with upper-level appellate courts.

### General Jurisdiction Judges Assigned Level 13

For the BLS analysis to be most relevant to decision makers, it was necessary to identify an occupation level for general jurisdiction judges (GJJs) to determine which occupations had similar duties and responsibilities. Three assumptions were used to assign GJJs to level 13:

1. The current average state GJJ salary is between level 12 and 13 for the general BLS “Lawyer and Judge” category. It is reasonable to infer an efficient labor marketplace, thereby making a GJJ either a level-12 or -13 occupation. Since a single comparison level was needed, the salary figure was rounded to a level 13, which places the GJJ salary in the middle of level 13 as opposed to the top of level 12.

### How Do General Jurisdiction Judge Salaries Compare to Others with Similar Job Responsibilities, Knowledge, and Complexity? (BLS level 13)

	U.S. 2003 Mean Salary
	135,778
	131,594
A level-13 financial manager might be a high level broker working on Wall Street.	130,624
	130,338
	125,190
	122,766
	122,440
	118,173
	115,243
	115,235
	114,332
	<b>112,724</b>
	111,753
	111,342
	111,099
	110,103
	110,099
A level-13 mechanical engineer might work for NASA and be responsible for key components of the space shuttle.	109,096
	108,888
	104,218
	102,662
	96,953
	90,517
	90,208
	87,320
	86,834
	81,819
	78,874
	73,843
	72,192
	Average
	107,075

\* 2003 NCSC Data

*Survey of Judicial Salaries*, Volume 28, No. 2, (October 1, 2003) - National Center for State Courts; National Compensation Survey - Bureau of Labor Statistics

2. Identifying a GJJ as a level-13 occupation appears reasonable considering the complete range of levels (1-15) and the overall job responsibilities for different types of state judges. An intermediate appellate court judge and supreme court justice would be at a higher level in terms of responsibilities, likely at level 14 and 15, respectively; limited jurisdiction judges could be at a lower level, likely level 12.
3. An informal survey of GJJs and court management experts was conducted using the BLS scoring exercise. Each respondent assessed a GJJ's job using the ten factors. The fixed-point scale results placed the GJJ in the middle to upper range of level 13.

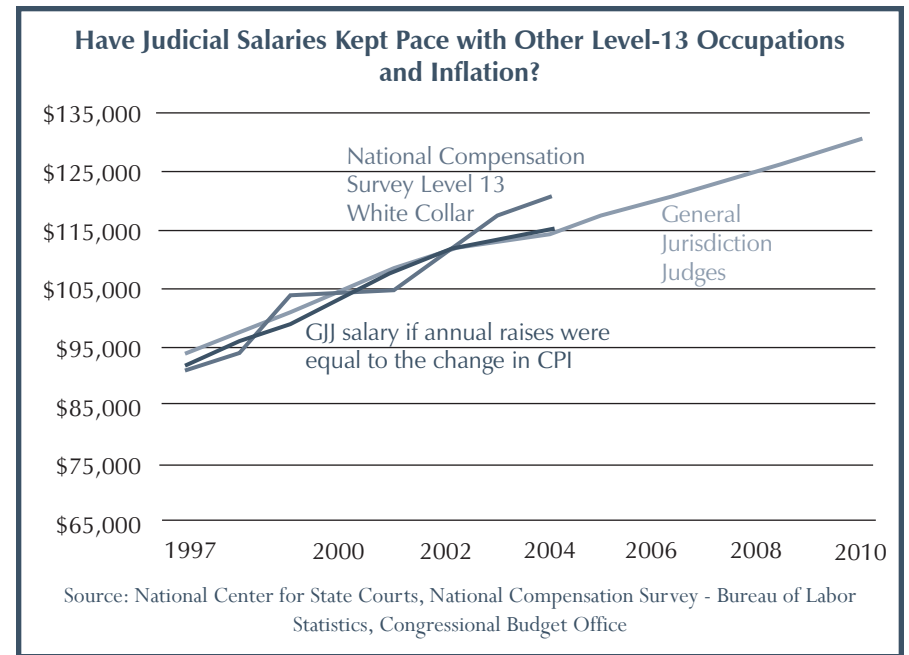
The table to the left shows the annual salary for all major, white-collar, level-13 occupations as reported by the BLS. This table permits a comparison of the average GJJ salary to that of other occupations functioning at the same level.

- Overall, the salaries of general jurisdiction judges, when compared to peers working at the same level in other occupations, are slightly above the middle of the range.
- The table shows the average level-13 lawyer salary at about \$136,000 compared to \$113,000 for judges—a 20 percent lag in judicial salaries when compared to lawyers with comparable occupational qualifications and responsibilities.

### What Trends in Judicial Salaries Can Be Expected in the Years Ahead?

The graph on the right compares the trends in judicial salaries to the average salary for all level-13, white-collar occupations as determined by the BLS survey. Additionally, the graph extends the salaries to the year 2010 using annual changes in the forecasted consumer price index as a measure of inflation.<sup>3</sup> Finally, hypothetical average salaries of GJJs based on annual increases matching annual inflation as measured by the annual change in the consumer price index (CPI) are shown from 1997 to 2004.

- As the GJJ (lightest line) trend line indicates, the salaries for general jurisdiction judges have increased in a manner similar to all level-13, white-collar occupations (medium-shaded line).



- The average annual salary for GJJs between 1997 and 2003 is \$104,224 and for all level-13, white-collar occupations, \$103,700.
- The 2003 average salary increase for all level-13, white-collar occupations was \$6,303 compared to just \$1,463 for GJJs, an unusually large difference. However, the general trend indicates that this difference in salaries could narrow in the future.
- The darkest trend line shows what the GJJ annual salary would have been if the annual raises in GJJ salaries from 1997 to 2003 were based on inflation, as measured by the annual change in CPI. This trend reveals that salaries of GJJs were being increased slightly higher than the level of inflation from 1997 to 2001 and equal to inflation in 2002 and 2003.
- Projections for 2004 to 2010 are based on average annual inflation rates (measured by the annual change in the CPI).<sup>4</sup>

If historical trends continue, the GJJ annual salaries would reach \$125,000 by 2008, and roughly \$131,000 by 2010. Although these estimates do not account for any possible realignment in judicial salaries due to compensation policy changes, they do appear reasonable given the historical patterns in salary increases. Determining whether judicial salaries are fair, given judges' duties and responsibilities, is a difficult determination to make, but it is one that may lead experienced judges to seek better financial opportunities if their salaries are not competitive with the private sector.

## ENDNOTES

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<sup>1</sup> *Survey of Judicial Salaries*, National Center for State Courts, [www.ncsconline.org](http://www.ncsconline.org).

<sup>2</sup> *National Compensation Survey: Occupational Wages in the United States*, July 2003, published September 2004, U.S. Department of Labor, Bureau of Labor Statistics, [www.bls.gov/ncs/home.htm](http://www.bls.gov/ncs/home.htm).

<sup>3</sup> The consumer price index is for all urban customers. U.S. Congressional Budget Office, *The Budget and Economic Outlook*, September 2004, Appendix C, "Economic Projections for 2004 Through 2014."

<sup>4</sup> The forecasted annual salaries are calculated by multiplying the previous year's salary by one plus the forecasted annual change in the consumer price index. The inflationary impact becomes cumulative over the forecasted period.

