

STATE OF THE JUDICIARY ADDRESS

**CHIEF JUSTICE THOMAS R. PHILLIPS
SUPREME COURT OF TEXAS**

**TO THE
SEVENTY-SECOND LEGISLATURE**

STATE LAW LIBRARY

FEBRUARY 12, 1991

STATE OF THE JUDICIARY

**An Address to the Joint Session
of the 72nd Legislature on February 12, 1991**

**By Chief Justice Thomas R. Phillips
Supreme Court of Texas**

Governor Richards, Governor Bullock, Speaker Lewis, distinguished members of the Senate and House of Representatives, honorable justices and judges, and fellow citizens.

Thank you for permitting me, on behalf of the judges of Texas, to present this State of the Judiciary address. We are grateful for your interest in the third branch of government and your dedication to the effective and fair administration of justice. This morning, I will review the progress we have made in the last two years, discuss the additional legislation we need in this session to keep from losing ground, and explore the fundamental changes that must be effected before our system can fulfill its commitment of providing access to all who seek justice in our courts.

RECENT IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE

Positive Contributions by the Seventy-First Legislature

At the outset, I speak for all the judges of Texas in thanking you for the

reforms you implemented in the Seventy-First Legislature. The generous raise in judicial salaries, together with establishing salary equalization among the courts,¹ have increased our ability to attract and keep the best available judicial talent. The new equipment for our appellate courts has increased our productivity and provided us with modern tools for monitoring and management. Requiring settlement weeks in the state's urban counties² and increasing the jurisdictional maximum for all of the state's small claims courts³ have saved time and money for many litigants and helped unclog the system. Finally, permitting retired and former appellate justices to sit by assignment in trial courts has provided more flexibility in managing our courts.⁴ These improvements were wise investments for the future of Texas.

Administrative Decisions of the Supreme Court

Since my report to you two years ago, the Supreme Court has also worked to fulfill its constitutional obligation to assure "the efficient administration of the judicial branch."⁵ Let me briefly discuss some of our most significant

¹ Appendix A shows that our median district judge's salary has risen from twenty-third to tenth in the nation since the pay raise, although for those judges without local supplement it rose only from forty-third to twenty-seventh. Our court of appeals also improved, although not as dramatically. Even with the raise, however, the salaries of our highest court judges dropped from twenty-second to twenty-third.

² S.B. 1621; Tex. Civ. Prac. & Rem. Code § 155.001 *et seq.*

³ H.B. 1108; Tex. Gov't Code § 28.003

⁴ S.B. 66 & S.B. 1564; Tex. Gov't Code § 74.054.

⁵ Tex. Const. art. V, sec. 31.

administrative activities. In 1989, along with the Court of Criminal Appeals, we became the first courts of last resort in the nation to promulgate an aspirational code of professionalism for lawyers,⁶ a code that is already helping to return civility and ordinary courtesy to the practice of law.⁷ Last year, we adopted 114 changes to the Texas Rules of Civil Evidence, Civil Procedure and Appellate Procedure.⁸ Among these changes are new rules governing the recording and broadcasting of court proceedings⁹ and the sealing and disclosure of court records,¹⁰ the latter having been promulgated pursuant to your instructions.¹¹ Pursuant to another statute,¹² we have thus far approved local rules for electronic filing of documents in one court of appeals and in the district and/or county courts of thirteen counties. In late 1989, we also made significant amendments to the Code of Judicial Conduct, particularly regarding the permissible political conduct

⁶ The Texas Lawyers' Creed - A Mandate for Professionalism. Adopted November 7, 1989.

⁷ See, e.g., Cook, *The Bench, the Bar, and Professionalism: Proud Traditions and Tough New Problems*, to be delivered April 12, 1991, before the Bench-Bar Conference of the State Bar of New Mexico.

⁸ We amended one rule of civil evidence; we adopted five rules, repealed five rules, and amended 59 rules of civil procedure; and we adopted one rule and amended 44 rules of appellate procedure.

⁹ Tex. R. App. P. 21, effective September 1, 1990.

¹⁰ Tex. R. Civ. P. 76a, effective September 1, 1990.

¹¹ H.B. 1637; Tex. Gov't Code § 22.010.

¹² Tex. Gov't Code § 51.801.

of judicial candidates. Last year, we began the creation of a task force to study gender bias in the courts. We are also working with the Board of Law Examiners to amend the rules on eligibility for examination for a law license,¹³ and with the State Commission on Judicial Conduct to improve its procedures.¹⁴ Our regulation of the legal profession continues to be rigorous, and has been marked by public hearings on our approval of the State Bar's budget and public meetings with the Bar leadership.

Recent Achievements of the State Bar of Texas

The attorneys of our state, organized as the State Bar of Texas, have made important strides in the regulation of their profession. In 1989, they passed the new Texas Disciplinary Rules of Professional Conduct,¹⁵ a strengthened ethical code which is an improved version of the American Bar Association Code of Professional Responsibility. Recently, they adopted the Texas Rules of Disciplinary Procedure,¹⁶ a rigorous new system of lawyer discipline, while imposing a substantial dues increase to fund this new system. All these measures

¹³ Tex. Gov't Code § 82.022.

¹⁴ Tex. Const. art. V, § 1-a (11).

¹⁵ State Bar Rules, article 10, § 9, effective January 1, 1990.

¹⁶ See Hilgers, *An Overview of the Proposed Texas Rules of Disciplinary Procedure*, 53 Tex. Bar. J. 926 (Sept. 1990); and Morrison, *The Processing and Prosecution of Grievances under the Proposed New Texas Rules of Disciplinary Procedure*, 53 Tex. Bar. J. 1072 (Oct. 1990).

won by overwhelming margins in statewide referenda, confirming the ability and willingness of our Bar to live up to the highest standards of professional conduct. Our present system of lawyer governance is serving the public interest well, and will no doubt be strengthened further by the current Sunset process.

CURRENT LEGISLATIVE PRIORITIES OF THE JUDICIARY

While we are proud of these recent accomplishments, more improvements are necessary if we are to keep pace with growing dockets and increasingly complex cases. This year, the Judicial Committee on Court Funding, the Judicial Section of the State Bar of Texas, and the Council of Presiding Judges are in full agreement on the nature of those improvements which require legislative action, and the priority they should receive.

Retired Judges Sitting by Assignment

Our first priority is increasing the salary for retired appellate and trial judges sitting by assignment. Let me explain to you why this reform is so urgently needed.

In the last fiscal year, retired and former justices and judges sitting by

assignment served more than 13,000 days on trial benches¹⁷ and wrote more than 250 appellate opinions. Most of these assignments were of retired judges, that is, ex-judges whose state retirement is vested,¹⁸ rather than of former judges, those ex-judges whose retirement has not yet vested.¹⁹ These assignments are the equivalent of 61 trial judges and three appellate justices, or roughly 15% of the work of the state courts.

Currently, former judges receive the same daily pay as the regular judge for whom they sit. Retired judges, however, receive only the difference between the retirement they already receive and the daily pay of the judge for whom they sit. This can lead to absurd results, as when one distinguished retired district judge received \$17.28 salary for two days' service in a county court at law. A former judge assigned to the same court would have received \$473.72 for the same work.

¹⁷ The assignments of visiting judges to the trial courts were as follows:

<u>Type of Judge</u>	<u>Number of Judges</u>	<u>Days Served</u>
Retired Appellate Justices	21	949
Retired District Judges	88	6,502
Former District Judges	34	6,086
Retired Statutory County Court	<u>2</u>	<u>56</u>
Total	<u>145</u>	<u>13,593</u>

Texas Judicial System Annual Report, Fiscal Year 1990, pp. 91 & 93.

¹⁸ Tex. Gov't Code §§ 74.041(3), 834.101 & 839.101.

¹⁹ Tex. Gov't Code §§ 74.054 & 75.003.

While the disparity is not always so dramatic, it is always true that judges with the most service receive substantially less pay for the same work than judges with fewer years of experience.

The practical problems with this inequitable system are obvious. More and more retired judges are seeking employment outside the state system, either in private practice, teaching, or, increasingly, arbitration, mediation or private judging. This false economy is depriving the state of our most effective resource to keep the judicial system current.

I know that there have been complaints about the entire system of judicial assignments, and that some of those complaints are well-founded. But we do not have the resources to create more than 60 new courts, and the United States Department of Justice would not allow us to implement most of these new courts even if we did.²⁰ The only answer is to improve the system. The presiding judges are doing their part by implementing a formal system to measure objectively and subjectively the performance of each judge. Now we ask you to give retired judges the same pay on assignment as former judges, so that we may attract a

²⁰ See Letter, John R. Dunne, Assistant Attorney General, Civil Rights Division, to Tom Harrison, Texas Secretary of State Elections Division, regarding the United States of America's position on at-large judicial districts after *LULAC v. Clements*, 914 F.2d 620 (5th Cir. 1990), cert. granted sub.nom. *Houston Lawyers' Assn. v. Atty. Gen. of Texas*, 59 U.S.3406, 3496, 3500 (Jan. 18, 1991).

larger pool of available visiting judges.²¹

Other Priorities

The judiciary's second priority is threefold, consisting of one urgent need for each of three levels of our courts. First, our appellate courts require additional professional staff and/or an increase in staff compensation to keep pace with growing caseloads. This need is particularly acute for the Court of Criminal Appeals, which as of today has 199 pending death penalty cases on its docket. The average time from filing to disposition of these death penalty cases is now more than 30 months, as compared to only forty-five days for the average disposition of a petition for discretionary review. Second, our trial courts need a district court support fund to provide basic necessities for those judges who lack the equipment or personnel to manage their dockets effectively.²² Finally, our county courts at law need the passage of the statutory county court bill,²³ which is a much needed advance toward establishing uniform jurisdiction, salaries and qualifications for these 174 courts in 70 of our larger counties.

²¹ See S.B. 341 by Parker, S.B. 315 by Green, and possibly others.

²² The district court support fund was previously funded by the Seventieth Legislature, with funds distributed on a block grant basis by the presiding judges to the individual courts within their region. Over 80% of those funds went for computer technology, a virtually indispensable tool for effective docket management in our crowded courts.

²³ H.B. 66 by Senfronia Thompson.

Our remaining budget requests, while not prioritized, are all important for the effective operation of the judiciary. For example, funds for equalizing the dockets of the courts of appeals should be at least doubled to provide sufficient moneys for travel by appellate justices so that the Supreme Court can carry out its statutory responsibilities in this area.²⁴ And the annual assessment from the National Center for State Courts should be fully funded, as are the assessments from all the national organizations representing the other branches of government.²⁵ The equal dignity of the three departments demands no less.

The judicial department currently accounts for only 0.35% of the state's total budget. Even if every suggestion of the Judicial Committee on Court Funding were adopted in full, that proportion would rise by only a minuscule amount. We urge your serious and favorable consideration of all these requests.²⁶

LONG RANGE NEEDS OF THE LEGAL SYSTEM

These requested changes and additional appropriations will help build a better judiciary. But they alone will not be enough to give Texans the court system they deserve. We need fundamental reform, on many fronts, before our state can

²⁴ Tex. Gov't Code § 73.001 *et seq.*

²⁵ *See* Appendix B.

²⁶ *See* Appendix C.

realize its full potential of providing available, affordable, and timely justice for all. Some of this reform is within the province of the courts, and some of the Bar, but some is matter for the Legislature and, through constitutional amendment, the people. Some can be accomplished now, while some must await more funds, more study, or a greater spirit of compromise. We owe it to all our citizens, however, to begin working now toward solutions for these people.

Increased Legal Services to the Poor

The Supreme Court and the State Bar of Texas will be active on several fronts this year to improve access to justice. For the very poor, the Texas Equal Access to Justice Foundation, funded by interest received from legal trust accounts across the state, expects to provide about eight million dollars this year to qualifying programs delivering legal services to the poor. The Foundation, which is composed of appointees from our Court and the State Bar, has done an excellent job in implementing the IOLTA program. The lawyers of Texas are ethically obligated to provide pro bono legal services;²⁷ and through state and local

²⁷ The Preamble to the Texas Disciplinary Rules of Professional Conduct provides in part:

Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees is a moral obligation of each lawyer as well as the profession generally.

programs, or through their own initiative, our Bar is providing hundreds of thousands of hours of free legal service annually. The Bar is also actively studying various methods to improve voluntary delivery of legal services to those most in need, as well as the feasibility of mandatory requirements.²⁸ The Supreme Court will work closely with the Bar in this area, as well as monitoring similar efforts in other states. The need in Texas is particularly great, and we are determined to be a leader in devising effective mechanisms to provide basic legal services to all.

Reduction of Cost and Delay

Moreover, the Court is acutely aware of the needless costs and delays which our system too often visits on all our citizens with legal problems, regardless of economic status. Sometimes it seems that no one who has to pay his or her own fees can afford to prosecute or defend a case through our legal system. This problem worries lawyers and judges across the nation.²⁹ We are especially concerned that in civil cases, abuses surrounding pre-trial discovery and the use of sanctions are causing increased cost and delay without contributing to a fairer and more just result. To help us reduce or eliminate these inefficiencies, we will soon create two special committees to make specific recommendations for amending our

²⁸ See, e.g., *Tentative Draft Report on Mandatory Pro Bono to Committee on Legal Services to the Poor in Civil Matters*, State Bar of Texas, 1991.

²⁹ See, e.g., *Unequal Justice*, ABA Journal, September 1989, p. 44.

rules in these areas. We are also nearing completion of a lengthy project to provide more uniformity in local rules, and we will soon be undertaking a comprehensive review of our Code of Judicial Conduct. In all these efforts, the State Bar has been and continues to be an active and useful partner.³⁰

Where resources are available, trial and appellate judges have also undertaken many innovative initiatives to administer their caseloads more effectively. A few years ago, the civil courts of Harris County had a critical backlog of pending cases. By using computers, coordinators, and a wide array of alternative dispute mechanism techniques to manage their dockets, those judges have reduced the total caseload from 101,482 to 55,413 in five years, despite a slight increase in filings. This effort, and similar results on a smaller scale in other courts across Texas, is testimony to what ingenuity, staffing, and equipment can accomplish.

Reform of the Judicial System

The most fundamental reforms of our judicial system, however, must be initiated by the Legislature. Only you can create a modern, statewide judiciary that can meet the challenges of the future. Only you, for example, can transform our

³⁰ Among the State Bar Committees which are working to reduce cost and delay are those on the Administration of Justice; Alternative Dispute Resolution; Computerization of the Profession; Court Cost, Efficiency and Delay; and Group and Prepaid Legal Services.

labyrinthine system of overlapping jurisdictions and special courts into a coherent, uniform structure. Only you can set minimum standards for the staffing and housing of our courts, rather than continuing a fragmented system where some courts are lavishly supported and others woefully neglected. Only you can eliminate state judges' reliance on local government units for their budget by providing full state funding for our state courts, as is now done in most jurisdictions.³¹ Only you can initiate the procedure to replace an electoral system that is too partisan, too expensive, and possibly unlawful, with a modern system of judicial selection that enhances accountability, independence, and competence. Only you, as you consider ethics reform for all of state government, can set the highest standards for that branch that is most dependent on public confidence.³² In short, only you can bring cohesion to a fragmented system and equip our courts to meet the challenges of the next century.

We already know many of the reforms that need to be accomplished. Over the past twenty years, you and your predecessors have initiated a number of studies concerning judicial reform, some of which have led to substantial changes in our court system. Many of the recommendations which were not initially adopted

³¹ *See* Appendix D.

³² For example, some current proposals regarding limits on campaign contributions do not even include the judicial branch, which is greatly in need of such reform.

remain eminently worthy of your continued consideration.³³

But the increasing crime rate, the continuing revolution in technology, the evolving status of the impact of the Voting Rights Act on judicial selection, and the growing body of knowledge regarding the most successful techniques of docket management and alternative dispute resolution combine to make new inquiries necessary. As always, we welcome your continuing careful study of these issues.

In addition, I have asked the Texas Research League to commence a comprehensive examination of the structure of our judiciary. The first of their reports regarding their findings was released last summer. Moreover, the Supreme Court and the Texas Judicial Council have decided to form a Citizen's Commission on the Texas Judiciary. We are seeking grants from both public and private sources to ensure a thorough, professionally-assisted review of our entire judicial system. Similar studies have recently been concluded in Arizona, New Hampshire and Virginia, and others are currently underway in New York, California, Michigan and elsewhere. We feel that such a comprehensive effort, independent of any branch of government and free from any pre-existing biases, is urgently needed in our state as well.

Last week, in a memorable address to this body, the Governor exhorted all

³³ See, e.g., *Final Report of the Select Committee on the Judiciary to the Sixty-ninth Legislature*, 1985.

state agencies to initiate a "strategic planning process" to "plan for the future based on accurate economic and demographic forecasts." Certainly such vision is even more important for an independent branch of government like the judiciary. As John Marshall observed: "The judicial department comes home in its effects to every man's fireside. It passes on his property, his reputation, his life, his all."

Woodrow Wilson once noted that a "constitutional government is as good as its courts; no better, no worse." To be true to our charge, therefore, we must all demand the best possible system of justice for all.

Thank you for your commitment in meeting that goal.

Appellate and Trial Courts

This table lists salaries paid to associate justices of the highest courts, judges of intermediate appellate courts, and judges of general trial courts. In states where localities supplement state-paid salaries, the highest possible supplement added to the basic salary is shown in parentheses immediately below the first figure, which reflects the sum of the state pay and the lowest supplement paid by the localities. Salary ranges, based on cost-of-living differences, length of service, or other factors, and median salaries (if available) are also indicated. The boldface figures in parentheses immediately following salaries indicate the state's ranking (high to low) in salaries paid to judges at each level.

The last column indicates the date of the last salary change for highest, intermediate appellate, or general trial court judges for each state court system.

The mean, median, and range for each level of court is shown following Wyoming. For the highest and the general trial courts, these measures are based on data from the 50 states. For intermediate appellate courts, the measures are based on data from the 37 states that have such courts. For the states in which judges receive local supplements or a salary within a given range, all means, medians, ranges, and ranks are based on the median salary, if available. Otherwise, they are based on the lowest salary of a range or on the state-paid salary plus the lowest supplement paid by the localities.

Salary information on special and limited jurisdiction state courts is also available by contacting:

Dixie K. Knoebel
 Director, Survey of Judicial Salaries
 National Center for State Courts
 300 Newport Avenue
 Williamsburg, VA 23187-8798
 804/253-2000

	Highest Court	Intermediate Appellate Court	General Trial Court	Date of Last Salary Change
Alabama	82,880 (20)	81,880 (13)	56,760 (16) (80,880) 76,760†	10-1-88
Alaska	85,728 (15) to 97,728 85,728†	79,992 (16)	77,304 (14) to 90,828 77,304†	7-16-85
Arizona	84,000 (17)	82,000 (12)	80,000 (12)**	1-1-89
Arkansas	70,630 (36)	68,226 (28)	65,819 (33)	7-1-89
California	109,677 (2)	102,823 (1)	89,851 (4)	6-1-89
Colorado	72,000 (34)	67,500 (30)	63,000 (38)	7-1-88
Connecticut	86,835 (14)*	80,742 (15)*	77,132 (15)*	7-1-89
Delaware	95,200 (5)		90,500 (3)	7-1-89
Florida	95,607 (4)	89,983 (6)	84,359 (8)	7-1-89
Georgia	90,514 (10)	89,931 (7)	68,838 (10) (93,152) 80,238†	7-1-89
Hawaii	78,500 (27)	73,500 (24)	69,500 (26)	1-1-86
Idaho	65,874 (44)	64,874 (34)	61,740 (40)	7-1-89
Illinois	93,266 (7)	87,780 (9)	75,113 (17)	7-1-87
Indiana	66,000 (43)	61,000 (36)	56,000 (47)	7-1-87
Iowa	78,900 (26)	75,800 (21)	72,000 (24)	6-23-89
Kansas	70,142 (38)	67,638 (29)	60,978 (42)	8-1-88
Kentucky	70,293 (37)	67,424 (31)	64,550 (36)	7-1-89
Louisiana	74,966 (31)	71,767 (26)	68,569 (27)	12-1-87
Maine	77,300 (28)		73,100 (22)	7-1-88
Maryland	90,400 (12)	87,200 (10)	85,500 (6)	7-1-89
Massachusetts	90,450 (11)	83,708 (11)	80,360 (9)	7-1-88
Michigan	103,500 (3)	99,360 (3)	91,391 (1) (95,220) 95,220†	1-1-89
Minnesota	80,010 (23)	73,811 (23)	70,770 (25)	1-1-89
Mississippi	75,800 (30)		66,200 (32)	7-1-89
Missouri	85,602 (16)	79,725 (17)	73,847 (21)	7-1-89
Montana	53,452 (50)		52,178 (49)	7-1-89
Nebraska	66,689 (41)		61,687 (41)	7-1-89
Nevada	73,500 (32)		67,000 (29)	1-5-87
New Hampshire	80,000 (24)		75,000 (18)	7-1-89
New Jersey	93,000 (8)	90,000 (5)	85,000 (7)	7-1-86
New Mexico	62,186 (47)	59,050 (37)	55,981 (48)	7-1-88
New York	115,000 (1)	102,500 (2)	95,000 (2)	10-1-87
North Carolina	79,668 (25)*	75,432 (22)*	66,972 (30)*	7-1-88
North Dakota	63,871 (46)		59,405 (45)	7-1-89
Ohio	87,400 (13)	81,400 (14)	66,250 (31) to 76,750	1-1-89
Oklahoma	71,806 (35)	67,344 (32)	59,906 (44)	7-1-89
Oregon	72,362 (33)	70,639 (27)	65,645 (34)	7-1-88
Pennsylvania	91,500 (9)	89,500 (8)	80,000 (12)**	7-3-87
Rhode Island	82,967 (19)*		74,317 (20)*	7-3-88
South Carolina	83,883 (18)	79,690 (18)	79,690 (13)	6-2-88
South Dakota	61,618 (48)		57,546 (46)	7-1-89
Tennessee	65,650 (45)	63,125 (35)	60,600 (43)	7-1-83
Texas	80,371 (22)	72,334 (19) (79,371) 79,371†	57,257 (23) (78,371) 72,442†	9-1-88
Utah	69,000 (39)	65,550 (33)	62,100 (39)	7-1-89
Vermont	68,055 (40)		64,645 (35)	7-1-89
Virginia	94,907 (6)	90,162 (4)	88,106 (5)	7-1-89
Washington	82,700 (21)	78,600 (20)	74,600 (19)	7-1-88
West Virginia	55,000 (49)		50,000 (50)	7-1-84
Wisconsin	76,859 (29)	72,438 (25)	67,910 (28)	8-1-88
Wyoming	66,500 (42)		63,500 (37)	7-1-88
Mean (Average)	79,440	78,418	71,278	
Median	79,284	79,371	70,135	
Range	53,452 to 115,000	59,050 to 102,823	50,000 to 95,220	
District of Columbia	95,000		89,500	3-1-87
Federal System	110,000	95,000	89,500	3-1-87
American Samoa	74,303			N/A††
Guam			60,000	7-23-85
Puerto Rico	60,000		42,000	10-1-86
Virgin Islands			to 48,000 62,000	10-1-86

* The base pay is supplemented by increments for length of service.

** Tie rank.

† Median salary. If more than half the salaries are the same as the minimum or the maximum salary, then the median (the midpoint above which and below which half the salaries fall) is either the minimum or maximum salary.

†† Data not available.

Judicial Salaries

January 1991

	Highest Court		Intermediate Appellate Court		General Trial Court		Date of Last Salary Change
Alabama	90,475	(19)	89,475	(13)	61,017 (88,475) 78,833+	(23)	10-1-90
Alaska	99,504 to 100,908 99,504+	(7)	93,996	(7)	92,004 to 99,000 92,004+	(7)	7-1-90
Arizona	87,360	(26)	85,280	(19)	83,200	(24)	1-1-91
Arkansas	72,716	(42)	70,240	(35)	67,761	(39)	7-1-90
California	121,207	(1)	113,632	(1)	99,297	(2)	1-1-91
Colorado	72,000	(45)**	67,500	(37)	63,000	(46)	7-1-88
Connecticut	92,045	(14)*	85,587	(17)*	81,760	(16)*	7-1-90
Delaware	99,000	(9)**			94,100	(5)	7-1-90
Florida	100,443	(5)	95,421	(5)	90,399	(8)	1-1-91
Georgia	92,778	(13)	92,179	(9)	70,560 (100,560) 83,587+	(13)	7-1-90
Hawaii	93,780	(11)	89,780	(10)	86,780	(11)	1-1-90
Idaho	71,144	(46)	70,144	(36)	66,680	(42)	7-1-90
Illinois	93,266	(12)	87,780	(15)	80,599	(18)	7-1-87
Indiana	81,000	(32)	76,500	(28)	61,740	(48)	1-1-91
Iowa	84,000	(30)	80,700	(26)	76,700	(28)	7-1-90
Kansas	78,054	(34)	75,268	(29)	67,856	(37)	8-1-90
Kentucky	73,808	(41)	70,795	(34)	67,783	(38)	7-1-90
Louisiana	85,383	(28)	81,284	(25)	77,185	(27)	7-1-90
Maine	80,392	(33)			76,024	(29)	9-1-89
Maryland	99,000	(9)**	92,500	(8)	89,000	(9)	7-1-90
Massachusetts	90,450	(20)	83,708	(23)	80,360	(20)	7-1-88
Michigan	106,610	(4)	102,346	(4)	94,133 (98,081) 98,081+	(3)	1-1-90
Minnesota	89,052	(24)	83,910	(22)	78,768	(25)	1-1-91
Mississippi	75,800	(39)			66,200	(43)	7-1-89
Missouri	91,594	(15)	85,500	(18)	79,164	(22)	8-28-90
Montana	56,452	(50)			55,178	(50)	7-1-90
Nebraska	77,000	(37)			71,225	(33)	1-1-91
Nevada	85,000*	(29)*			79,000	(23)*	1-7-91
New Hampshire	88,200	(25)			87,687	(15)	11-2-90
New Jersey	115,000	(2)**	108,000	(2)	100,000	(1)	1-1-91
New Mexico	75,000	(40)	71,250	(33)	67,500	(40)	7-1-90
New York	115,000	(2)**	102,500	(3)	95,000	(4)	10-1-87
North Carolina	89,532	(21)*	84,768	(21)*	75,252	(30)*	7-1-90
North Dakota	68,342	(48)			62,969	(47)	7-1-90
Ohio	96,350	(10)	89,700	(11)	72,700 to 83,200	(32)	1-1-91
Oklahoma	77,550	(36)	72,732	(32)	64,698	(45)	1-1-91
Oregon	76,400	(38)	74,600	(30)	69,600	(35)	7-1-90
Pennsylvania	91,500	(16)	89,500	(12)	80,000	(21)	7-3-87
Rhode Island	90,618	(18)*			81,587	(17)*	6-30-90

Judicial Salaries

January 1991

	Highest Court		Intermediate Appellate Court		General Trial Court		Date of Last Salary Change
South Carolina	91,163	(17)	86,606	(16)	86,606	(12)	10-17-90
South Dakota	64,700	(49)			60,423	(49)	7-1-90
Tennessee	85,500	(27)	81,500	(24)	78,000	(26)	9-1-90
Texas	89,250	(23)	80,325	(14)	76,309	(10)	9-1-89
			(88,250)		(87,250)		
			88,250+		87,250+		
Utah	77,700	(35)	73,950	(31)	70,200	(34)	7-1-90
Vermont	70,775	(47)			67,230	(41)	1-6-91
Virginia	99,709	(6)	94,724	(6)	92,564	(6)	12-1-90
Washington	89,300	(22)	84,900	(20)	80,500	(19)	9-3-90
West Virginia	72,000	(45)**			65,000	(44)	1-1-90
Wisconsin	82,706	(31)	77,872	(27)	73,004	(31)	1-18-90
Wyoming	72,000	(45)**			68,750	(36)	1-1-91
Mean Average	86,352		85,253		77,470		
Median	87,780		85,280		78,384		
Range	56,452		67,500		55,178		
	to 121,207		to 113,432		to 100,000		
District of Columbia	132,700				125,100		1-1-91
Federal System	153,600		132,700		125,100		1-1-91
American Samoa	74,303						N/A++
Guam					83,000		12-20-88
Northern Mariana Islands	72,000				66,000		4-89
Puerto Rico	67,400				42,000		7-1-89
					to 48,000		
Virgin Islands					75,000		10-1-89

* The base pay is supplemented by increments for length of service.

** Tie rank.

+ Median salary. If more than half the salaries are the same as the minimum or the maximum salary, then the median (the midpoint above which and below which half the salaries fall) is either the minimum or maximum salary.

++ Data not available.

Source: Judicial Salary Survey, National Center for State Courts, January 1991.

**National Center for State Courts
1990 Apportionments to States**

In 1990, 42 out of 55 jurisdictions (76%) paid full assessments.

The following 13 jurisdictions paid less than the full assessments:

Montana	84%	
New Mexico	62%	
Rhode Island	58%	
North Carolina	53%	
Missouri	50%	
New Hampshire	46%	
Indiana	34%	
Mississippi	33%	
Texas	29%	(\$50,000 of \$175,437 assessment)*
Arkansas	0%	
Florida	0%	
Vermont	0%	
Amer. Samoa	0%	

Future Assessments for Texas

1991 \$185,963
1992 \$197,121

Assessments Paid by Texas (1990):

	<u>Assessment</u>	<u>Paid</u>
National Center for State Courts	\$175,437	\$ 50,000
National Conference of State Legislatures	178,291	178,291
Council of State Governments	164,400	166,017
National Governor's Association	120,770	122,078
Interstate Oil Compact Commission	53,900	53,900
Education Commission of the States	93,000	93,700

Policy Determinations by the
JUDICIAL COMMITTEE ON COURT FUNDING

February 1, 1991

Priorities Established by the Committee for the 72nd Legislature are:

First Priority:

Full pay for retired judges when sitting on assignment. [**\$1,500,000 per year**]

Second Priority:

Additional staff and increased funding for personnel of appellate courts, as requested by the Supreme Court, the Court of Criminal Appeals, and the Courts of Appeals and included in the appropriations requests of the individual courts. [**\$7,627,648 in 1992; \$9,049,955 in 1993**] Adequate state funding for personnel and computer equipment, by funding of the District Court Support Account (Sec. 21.008, Gov't Code) [**\$3,000,000 per year**] A minimum salary for statutory county court judges that is at least equal to \$1,000 less than district judges; state payment of \$20,000 to counties for statutory county court salaries. [**\$3,140,000 per year**]

Other items to be requested, but not prioritized, are:

- Amend current law to establish a salary ratio of 100% for justices of the Supreme Court, 95% for justices of the Courts of Appeals, and 90% for judges of District Courts.
- A \$100,000 salary for members of the Supreme Court, \$95,000 for justices of the Courts of Appeals and \$90,000 for judges of the District Courts. [**\$6,647,626 per year**]
- Payment of the state's full \$185,963 apportionment for the National Center for State Courts, instead of the \$50,000 per year appropriated during the past few bienniums.
- Establishing an Impacted Courts Contingency Fund to be used in emergencies. [**amount to be determined**]
- A simplified appropriations format for appellate courts, allowing more efficient use of the appropriations by individual courts. (*Now included in Appropriations Bill*)
- An increase from \$17,000 to \$35,000 per year for travel expenses for the equalization of dockets of the courts of appeals. [**\$18,000 per year**]
- Automated equipment and software maintenance and updating for the appellate courts [**\$589,956 in 1992 and \$288,461 in 1993**].
- Increases in travel and professional education funds for the appellate courts based on the previously determined formula (\$3,300 per chief justice, \$2,400 per justice, \$3,000 to \$6,000 for staff, depending on size of court). [**\$172,452 per year**]



OFFICE OF COURT ADMINISTRATION
TEXAS JUDICIAL COUNCIL

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PRIMARY FUNDING SOURCE
FOR TRIAL COURTS OF GENERAL JURISDICTION

***States Which Provide Primarily State Funds**

31 of 50 states - 62%

Alabama	New Mexico
Alaska	New York
California	North Carolina
Colorado	North Dakota
Connecticut	Oklahoma
Delaware	Oregon
Florida	Rhode Island
Hawaii	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	West Virginia
Missouri	Wyoming
New Hampshire	

***States in Which the Primary Funding Source is Local Funds**

19 of 50 states - 38%

Arizona	Montana
Arkansas	Nebraska
Georgia	Nevada
Idaho	New Jersey
Illinois	Ohio
Indiana	Pennsylvania
Louisiana	Texas
Michigan	Washington
Minnesota	Wisconsin
Mississippi	

***Factors analyzed in categorizing state or local funding:**

Clerk's Office,
Court Reporters,
Law Libraries,
Witness Fees,

Indigent Defense,
Law Clerks,
Bailiffs,
Courtroom Security,

Service of Process,
Guardian Ad Litem,
Sanity Exams,
Data Processing,
Facilities.

Source: Governmental Responsibility for Court Financing in the States, National Center for State Courts (1989).

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