

FINAL REPORT

**COMPENSATION OF JUSTICES, JUDGES,
AND MAGISTRATES INTERIM
STUDY COMMITTEE**

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

Prepared by the Legislative Service Bureau



Legislative
Service
Bureau

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Compensation of Justices, Judges, and Magistrates Interim Study Committee

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MEMBERS

Senator Eugene Fraise
Co-chairperson
Senator Tom Flynn
Senator H. Kay Hedge

Representative Jeff Lamberti
Co-chairperson
Representative Michael Moreland
Representative Steven Sukup

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AUTHORIZATION AND APPOINTMENT

The Compensation of Justices, Judges, and Magistrates Interim Study Committee was established by the Legislative Council to review the compensation of justices, judges, and magistrates of the Judicial Department with a focus upon the ability to recruit and retain qualified candidates. The Committee was allotted one meeting day for purposes of conducting the study.



Compensation of Justices, Judges, and Magistrates Interim Study Committee

1. Meeting Day.

The Committee met on Friday, December 13, 1996, in Room 22 of the State Capitol Building, Des Moines, Iowa.

2. Background Information.

The Committee 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. 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.

c. 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.

d. 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; and numbers of applicants for vacant judicial positions.

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

3. Invited Testimony.

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

Magistrates. The Honorable William J. Thatcher, Magistrate, and the Honorable James B. Mefferd, Magistrate, represented the Iowa Association of Magistrate Judges. Mr. Mefferd and Mr. Thatcher described how the jurisdiction and caseloads of magistrates have been increased through the additions of civil commitment hearing and domestic abuse hearing responsibilities, and the changes in the thresholds that 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. Both Mr. Mefferd and Mr. Thatcher described the differences in workloads and time commitments for magistrates in urban and primarily rural counties.

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Judges. The Honorable James E. Kelley, District Court Judge for the Seventh Judicial District, and the Honorable Phillip Collett, Chief Judge of the Eighth Judicial District, represented the Iowa Judges Association. Judge Kelley, President of the Iowa Judges Association, discussed Iowa's recent efforts to keep judicial salaries and benefits competitive, and provided anecdotal evidence of how previous salary levels had affected the State's ability to retain and recruit judges. He noted that, in spite of recent increases in judicial compensation in Iowa, when the local fringe benefits and supplements are also considered, many of Iowa's neighboring states provide better compensation packages. Judge Kelley described the stresses created for Iowa's judges from increased caseloads, the new domestic abuse law, and decreased resources. Judge Kelley presented the Association's recommendation that the State continue to keep judicial salaries in step with inflation by increasing judicial salaries by no less than the percentage raises given to other state employees. Judge Collett also described his experience as the Chairperson of the Eighth District Judicial Nominating Commission.

Private Sector Compensation. Ronald Pearson, CEO of Hy-Vee Incorporated, described judicial salaries as approximately one-half of the amount that is afforded to executives with comparable decision-making authority in the private sector. He also stressed the significance of compensation in attracting the best and brightest individuals to positions of importance and the impact compensation has on the quality of work that is produced. He also described the process used by Hy-Vee to arrive at their salary and benefits packages.

Trial Lawyers. Mr. Dennis Chalupa, represented 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 extensive travel time. Mr. Chalupa expressed his concern that if judges are not compensated adequately, this will affect the quality of candidates for the bench by negatively influencing the desire of good attorneys to apply for vacant judicial positions.

Bar Association. Mr. Roger Stetson, President, Iowa State Bar Association. Mr. Stetson discussed the various pressures faced by Iowa's judges, including the burgeoning caseload and the increased complexity and emotionally charged nature of the types of cases on the docket. He described what the Iowa Supreme Court Commission on Planning for the 21st Century projects as the likely results of current caseload trends. Mr. Stetson also compared compensation levels found in the Iowa Bar Association's recent economic survey of Bar members with the compensation levels afforded Iowa's judges and stressed the importance of the role that adequate compensation plays in attracting and retaining the best lawyers for the bench. Mr. Stetson expressed the Bar Association's support for the Legislature's previous efforts to make Iowa's judges salaries competitive and the Association's support for the positions of both the Iowa Judges Association and the Iowa Association of Magistrate Judges to increase judicial salary levels.



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4. Committee Recommendations.

At the conclusion of the testimony, the Committee made the following conclusions and recommendations:

- ◆ That the General Assembly consider increasing the salaries for magistrates by more than just the regular cost-of-living adjustments and that the General Assembly should consider whether the salaries for magistrates should reflect both the differences in duties of lawyer and non-lawyer magistrates and the differences in magistrates' workload across the state.

- ◆ That the General Assembly continue in its efforts to assure that the compensation of judges remains competitive and that the General Assembly specifically consider the adequacy of judicial pensions, including both the issue of ensuring and maintaining the solvency of the judicial retirement fund and the level of pensions provided.

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