

TESTIMONY OF CHIEF JUSTICE MARTHA WALTERS
House Bill 2238
House Judiciary Committee
January 22, 2019

Madam Chair, vice-chairs, and members of the committee, I am Martha Walters, Chief Justice of the Oregon Supreme Court. Thank you for quickly scheduling this important bill.

HB 2238 would revise the salary structure for our state court judges.

Improving judicial compensation has been a high priority for previous Chief Justices and it also is a high priority for me.

If enacted, HB 2238 will address a growing problem in the salary structure of state judges and the senior public attorneys who appear before them. It will create a better career ladder for experienced attorneys to join and stay on the bench. And it will adopt a formula for setting judicial salaries that will eliminate the need to ask you to decide on specific judicial salaries each and every year.

Let me explain the structural change we are looking for. You have with my testimony a bar chart that depicts the average salaries for senior assistant attorneys general --who are in the executive branch and judges and senior appellate defenders--who are in the judicial branch. The bar in the middle is the salary of a circuit court judge. You will notice that the senior assistant attorneys general--the bar on the left-- are paid significantly more than the judges who they appear before and the senior appellate defenders who are their counterparts in the Judicial Branch. That is a structural problem.

HB 2238 would move us to a structure more similar to the federal model – where the judge has a higher salary than the public lawyers who appear before them.

HB 2238 would increase judicial salaries so that state circuit court judges would be paid a bit more than assistant attorneys general.

We are using the salaries of federal judges to get us to a structure that is similar to the federal structure, but we are not asking that state judges be paid the same as federal judges.

We are asking that in 2020, state trial court judges be paid 75% of the salary of a federal trial court judge. And that in 2021 and beyond, state circuit court judges be paid 80% of a federal district judge salary.

I want to personally thank you for the improvements you have made in judicial compensation over the past few years. The increases that you have made have been extremely important in keeping our veteran judges on the bench. But we have not fixed the problem and it continues to be a pressing issue.

We continue to have high turnover on the bench. About 40 percent of our judges -- two out of every five -- have come on the bench in the last five years.

We need to attract and retain judges whose abilities and experience reflect the significance and complexity of the decisions they make.

And we need to pay them accordingly.

We are proposing a way to do that that will enable us to focus on the very real issues that we face as a state and on what our judges can do to make our courts more effective. As you consider HB 2238, please think about the types of cases that your judges hear, the types of problems they are asked to resolve, the needs of the people who appear before them, and approve HB 2238 to create a permanent solution for judicial compensation in Oregon.

Thank you, and I would be glad to answer any questions.