

**TESTIMONY ON SB 1581
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110
IMPLEMENTATION
FEBRUARY 7, 2022**

**PRESENTED BY: MARTHA WALTERS, OREGON SUPREME COURT CHIEF JUSTICE
OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

I am Martha Walters, Chief Justice of the Oregon Supreme Court and the administrative head of the Judicial Branch. Thank you for scheduling this hearing today. I am here to ask you to recommend passage of Senate Bill 1581.

This bill addresses a structural imbalance in Oregon's justice system. It increases the salaries of judges to make them comparable to the salaries of experienced public-sector lawyers who appear in your courts and to help us recruit and retain a highly-qualified and diverse bench.

Judges make decisions that significantly affect this state and their decisions can have a tremendous impact on people's lives and liberty. As you know, our trial court judges hand down sentences in criminal cases, rule on complicated water rights issues, decide which parent should have custody over a child, encourage and motivate people with addictions to get them through substance abuse treatment, and can order payment of hundreds, thousands, or even millions of dollars.

I can't overstate how hard the work of your judges has been, particularly in the most recent COVID years. Like you, judges have learned to manage their hearings and trials by remote means – listening carefully, determining credibility, and remaining patient when the inevitable technology glitches occur. They have continued to work with system partners, including many of you, to meet the challenges of our state, including improving services to people with mental health needs or substance abuse disorders, better protecting the elderly and the vulnerable, and recognizing the value of each person who appears before them.

I am very proud of the Judicial Branch and the full range of services we have been able to provide, while still protecting the health of those who come before us (forgive me if I sound like Sen. Courtney talking about the Legislative Branch). I know that you and the Legislative Assembly know the importance of timely justice. That body has directed cases of statewide significance to the Supreme Court and has asked that we act quickly.

The work of the Supreme Court is complex and much depends on the answers that we give. But the decisions that your trial judges make are no less essential to those who await them—needing to know, for instance, as soon as possible, where a child will live—and we, on the Supreme Court do not have the responsibility to make the immediate decisions that you expect of your trial courts. We don't have to be calm in the face of someone in a mental health crisis or be wakened in the middle of the night to review and sign a search warrant.

Those are the kind of things that your circuit judges do every day. And they need to know that our state values them. That they are as important in our system of justice as are the attorneys who appear in your courts.

Many of those attorneys are in private practice and the salaries earned by those in the private sector, as you know, are fish of another species. But lawyers in the public sector, those who work for the state at DOJ and OPDS and who have experience that is comparable to judges, also earn more than do our circuit court judges. I have provided you with more specific information about that disparity. I do want to make a couple of other points that are not included in that material.

When a judge is appointed or elected, the judge already has, on average, 18 years of legal experience and may be earning a very good salary in private practice or in public service. But unlike lawyers who work for the state, a judge does not receive a merit increase unless the legislature authorizes it. All circuit court judges earn the same salary no matter how many years they have been on the bench.

Just five years ago, 25% of our judges had at least 15 years on the bench. Last October that had declined to 16%, and 39% of our judges had fewer than five years on the bench. While turnover can be a good thing, it is especially important that a judge have the wisdom that comes with having studied and listened long.

I know that those of you on this committee value your judges. You have approved salary increases for them in the past, and we are very grateful for your efforts. Unfortunately, though, when adjusted for cost of living, Oregon judicial salaries rank 50th in the nation.

I am asking you to recommend passage of SB 1581 to provide judicial salaries that reflect the responsibilities of the position so that we can attract highly-qualified, experienced lawyers – with diverse personal and professional backgrounds - to serve their state and their communities as judges.

I would be glad to answer your questions.