



To: Members of the Senate Committee on Rules

From: Judge Benjamin Souede, President
Oregon Circuit Court Judges Association

Date: April 27, 2023

Re: SB 233 – Testimony in Support – Judicial Compensation

Chair Lieber, Vice-Chair Knopp and Members of the Committee,

Thank you very much for the chance to testify and to speak with you all this afternoon about the work Oregon’s judges are doing every day to strengthen and support our communities. My name is Benjamin Souede, and I am an Oregon Circuit Court Judge serving the Fourth Judicial District, which encompasses Multnomah County. I am also the current President of the Oregon Circuit Court Judges’ Association. On behalf of OCCJA’s Executive Committee and Membership, I am here to speak in support of SB 233. In other words, I am here to speak in favor of investing in our judiciary to provide our judges with the support they need to continue to do their important work on behalf of the People of Oregon.

Each court day, Oregon’s circuit court judges put on long black robes to symbolize that they are acting not for their own sake but on behalf of the laws of Oregon. They then walk into their courtrooms to work to resolve the thousands of cases filed each year, which present some of the most sensitive and vital disputes in our communities.

These cases involve issues that this body is all too familiar with. They include conflicts and often tragedies that implicate: Mental health crises; behavioral health crises; housing insecurity; child custody disputes; family dissolutions; family reunifications; violent crimes; offenses committed by juveniles; substance abuse-driven crimes; sexual violence; domestic violence; elder abuse. They also include complex civil cases that require a deep understanding and competent handling of the law. These issues are the focus of so much of the law- and policy-making work being done in this building in this Session. And Oregon’s judges are on the front-lines on these issues, providing individualized justice in resolving these disputes and attempting to move the specific parties as well as entire communities forward.

And Oregon’s judges continue to do this vital work even as the “costs” to serving as an Oregon judge are rising ever-higher.

Some of those costs relate to personal security and peace of mind. With the rise of social media and the demise of privacy – and to some extent the demise of the “civil” element of civil discourse – Oregon’s judges are targeted increasingly by hate campaigns, doxing, and online and in-person harassment and stalking. All for doing exactly what we ask them to do: applying the law and making public decisions to resolve disputes. I’m certain the members of this committee and your colleagues in the legislature can relate.

And then there are the financial consequences of being an Oregon State Court Judge. Of course, everyone understands that engaging in public service comes at a financial cost. As the members of this Committee know well, the privilege and honor of serving the public and doing the public’s business is well worth forsaking opportunities to go and earn more money elsewhere doing something else.

But there are limits to what we can expect attorneys to be able to make work financially as they consider whether to seek becoming a judge. And as has been observed already by the Chief Justice, we are pushing those limits.

Oregon’s judges do not earn salaries commensurate with the important responsibilities with which they are charged. Oregon's judges are paid substantially less than similarly experienced public-sector attorneys in Oregon. For example, one of my colleagues – and one of the best judges I know - decided that the privilege of serving as a judge was worth leaving her job as a deputy district attorney, even though that move between public service jobs costs her \$60,000 per year. We are so lucky that she was willing and able to make this sacrifice, but many of our most talented lawyers simply cannot do so.

Putting questions of fairness to one side, these realities pose a stark and present threat to the continued success and growth of the judicial branch. Our state deserves a judiciary that can recruit from the best, brightest, and most diverse pool of Oregon's lawyers. And it deserves a bench staffed with committed judges who continue to serve deep into their careers, gaining wisdom and experience as they go and paying those benefits forward with continued service.

The current level of compensation makes both recruitment of talented and experienced lawyers and the retention of experienced judges very challenging. When I was the General Counsel in the Governor’s Office during Governor Brown’s time in office, we had significant difficulty recruiting high quality judicial candidates for many judicial vacancies, especially in our more rural judicial districts. And in the past few years, there has been enormous turnover in the judicial branch, with many of our most experienced and most effective judges leaving the bench for the private mediation and arbitration sector, where they can earn a substantially better living in a less-fraught work environment.

The resulting trend is troubling. Since 2016, the proportion of OJD’s most experienced judges has declined by two-thirds.

To be clear, the state of our circuit courts remains very strong. Oregon has been very lucky: It has for many years enjoyed a judiciary that is stronger than it has been willing to pay for. That will not remain true if the issue of adequate compensation isn't addressed. Today, Oregon's judges rank 50th in the nation in cost-of-living-adjusted salary. That is not enough to keep Oregon's judiciary in the ranks of the strongest in the nation.

SB 233 is an investment in Oregon's courts that will pay dividends for generations. It will help ensure that high-quality candidates from widely diverse personal and professional backgrounds seek to become judges. And it will help ensure that such candidates – once they become judges -- remain on the bench for many years. In short, SB 233 will strengthen our courts and empower them to continue to do the people's business throughout our State at the highest level. I hope you will support Oregon's judiciary by supporting SB 233.

Thank you for your consideration and for the opportunity to offer testimony today.