

**TESTIMONY ON HOUSE BILL 2712
BEFORE THE HOUSE COMMITTEE ON JUDICIARY
MARCH 31, 2025**

**PRESENTED BY: MEAGAN A. FLYNN,
OREGON SUPREME COURT CHIEF JUSTICE
OREGON JUDICIAL DEPARTMENT**

Chair Kropf, Vice-Chairs Wallan and Chotzen, and Members of the Committee:

I am here today with my colleagues to ask for your support for prioritizing competitive judicial salaries, while helping the judicial branch make important investments in improved training, mentorship, and accountability. Thank you for scheduling HB 2712 for a hearing and for listening to why it is critical to make up the salary deficits that have grown wider each year since the legislature last made changes to judicial salaries. I also would like to thank Representative Evans for his leadership and partnership in helping us to develop what comes before you as the –2 amendments, which I support. This has been a deeply collaborative and thoughtful process, and I'm grateful for that partnership.

As brief background, states use various mechanisms to set judicial salaries. Some link state judge salaries to the salary of federal trial court judges, and others have compensation commissions with the authority to make or recommend changes. While each of those methods has been proposed previously in Oregon, none has taken root. We are left in the position that Oregon's judicial salaries are set in statute, and I am left in the unenviable position of returning once again to request that the statute be amended to set judicial salaries at a level that recognizes the challenges and responsibilities of the position and allows us to recruit and retain the highly qualified lawyers needed to serve the public as judges.

The legislature has not changed those statutory salaries since 2019 – five years ago – when salaries were increased by \$5,000. Fortunately, judges have received some cost-of-living adjustments (COLAs), which has helped us persuade most of our judges to hang in there through another legislative session, but COLAs are not a long-term answer. Our inability to offer competitive salaries is harming our ability to recruit experienced attorneys to become judges, and it's harming our ability to retain experienced judges.

In 2016 we had 23 judges with 20 or more years of experience on the bench. Last October we had only five. Currently, almost two-thirds of our judges have less than 10 years of experience on the bench, and I don't expect those numbers to improve. In fact, they likely will get worse, as more than half of Oregon's judges are within 10 years of retirement age.

While some of these changes are due to the general aging of Oregon's population, we also are losing judges early as they are tempted away by the opportunity to work as mediators and arbitrators, where they can work fewer hours for better compensation in less stressful circumstances.

This is the dynamic we need to address, and that is why obtaining adequate compensation for the 202 elected judges in Oregon has been a priority for every Chief Justice for more than a generation.

While Oregon has a market-based system to recruit and retain staff positions, we have not adopted that approach to judicial salaries – until now. The Oregon Judicial Department (OJD) has conducted a market survey of attorney salaries in Oregon. Those salaries are documented in the testimony submitted to the committee.

Don't misunderstand, nobody takes the bench expecting to make the kind of money made by our colleagues in private practice. Judges are, above all else, deeply dedicated public servants and committed stewards of our justice system. But as you can see in the market survey documents, judge salaries are now far below the salaries for senior lawyers serving in other publicly paid positions – the lawyers who often are the ideal candidates to become judges.

The fundamental question for this committee and this assembly is “what kind of skills and attributes do we want the person on the bench to have, and what is an appropriate salary to attract and retain that person in every county in the state?” Judges must know the details of the law (both in statute and in case law) for every type of case that comes before them. They must have the temperament to deal with people who are experiencing their most emotionally challenging moments. They must have the skill to navigate heavy and rising caseloads while keeping in mind that the case they are hearing that moment is the most important case on the docket to the people before them. They must have the ability to listen carefully, apply the law impartially, and issue decisions in a timely manner, and they must have the fortitude to endure regular threats to their safety and all-night warrant duty.

HB 2712–2 also will make important investments in improved training and mentorship while adding an important new mechanism for public accountability and responsiveness. These amendments give me the ability to establish rules and take action to promote judicial accountability and fair and accessible justice services. That includes the ability to establish additional judicial education opportunities and develop individualized action plans and mentorship for judges in need of targeted skill development. The skills necessary to serve as a judge are complex and take years to establish. Just as I ask you to make these critical investments to improve our ability to recruit and retain qualified judges by increasing compensation, I also believe it is critical to invest in the affirmative skill building and quality of service delivered by our branch every day.

Coming to court is stressful, and the rulings made by the court often leave one party unhappy with how things turned out. Against this backdrop, it is all the more important that our judges have the skills necessary to provide thoughtful, trauma-informed proceedings where everyone feels respected and heard.

These amendments also provide the ability to create an ombudsman program, to respond to and help us better understand complaints from the public which, while maybe not rising to the level of misconduct, can nonetheless help call our attention to areas in need of work – not under the banner of discipline, but of mentorship, training, and capacity building.

Taken together, these proposals represent both sides of the coin – we come before you today asking for critical investments in compensation which will position judicial salaries to remain competitive in the years to come. At the same time, we commit to dedicate ourselves to continued improvement to make sure that all who come before us are treated fairly and provided the highest possible quality public service.

Thank you for your consideration, and we urge the passage of the –2 amendments.