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THE STATE OF THE JUDICIARY

An Address By
Chief Justice Jay A. Rabinowitz
Before the Joint Session
of the Alaska Legislature
March 6, 1979

STATE OF THE JUDICIARY MESSAGE

Chief Justice Jay A. Rabinowitz

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Before a Joint Session of the Alaska State Legislature

INTRODUCTION

This marks the ninth occasion upon which the Chief Justice of the Alaska Court System has been accorded the privilege of addressing a joint session of the Alaska State Legislature upon the subject of the state of Alaska's judiciary. We in the judiciary are deeply appreciative of the invitation and share your belief that, despite the necessary and inevitable tensions inherent in a tripartite form of government, understanding can be strengthened by this opportunity.

Under Alaska's Constitution, the chief justice is selected by the justices of the Supreme Court to serve as chief justice for three years. In September 1978, Chief Justice Robert Boochever's term expired. I think this an appropriate occasion to accord public recognition to the remarkable leadership Chief Justice Boochever demonstrated throughout his three-year term of office. In large measure due to his brilliance, conscientiousness, and unflagging energy, the Alaska Court System met the challenges of a

dramatic growth in Alaska's population and diversification in its economy, which resulted in a greater and more complex volume of litigation at all levels of the Alaska Court System.

One of the most basic of the functions provided by government to its citizens is access to the courts in order that disputes between citizens, and between citizens and government may, with reasonable dispatch, be fairly and finally resolved. This dispute resolution role, and the articulation of rules of law so that similar disputes may be avoided and an element of certainty infused into society's dealings, is allotted to the Alaska Court System under Alaska's Constitution. The Alaska Court System has, I believe, thus far done an excellent job in carrying out its constitutional mandate, due in large measure to the efforts of dedicated and hard-working administrative staff, magistrates, district judges, superior court judges and justices of the Supreme Court. Not to be overlooked is the role played by Alaskan lawyers who have, on the whole, consistently demonstrated high levels of advocacy skills and ethics in litigation before Alaska's tribunals, and have rendered valuable assistance through voluntary service on numerous advisory committees which have assisted the Supreme Court in carrying out its ruling-making powers and functions.

I think it apparent that as Alaska's population increases, its economy further diversifies, and the life styles of many of its citizens become more complex, the volume and difficulty of the issues necessarily faced by Alaska's courts will be significantly changed. I wish to assure you that we will address these challenges and will continue to make every reasonable effort to effectively allocate our limited judicial reserves within the constraints of an operating budget which comprises only 2.4 percent of the total government budget of Alaska.

THE SUPREME COURT

I believe that the Supreme Court is at, or very near, a saturation point. By this I mean that we have reached a point where the demands upon our judicial resources are such that, without modification of existing appellate structures, accompanied by a revamping of relevant procedures, the quality of justice may be impaired due to insufficient time to give particular cases the study they warrant, and prolonged delays in reaching final decisions in those appeals.

Chief Justice Boochever pointed out two years ago that each year there is a case filed in the Alaska Court System for every four women, men and children who reside here. This somewhat astounding volume of litigation seems

to continue unabated even at the appellate level. On the national average, there is one appeal for every 2,034 citizens. In Alaska we have the fact of one appeal for every 933 citizens, or three times more appeals than the national average.

At the end of 1978, this seeming penchant for appeals resulted in the Supreme Court of Alaska having pending before it more cases than at any time since Alaska obtained Statehood. On January 1, 1979, 557 appeals were pending, compared to 507 the year before and 366 the year before that. When petitions for review and original applications are counted, the Court had 624 matters pending before it on January 1, compared to 554 and 391 in the immediately preceding years.

To further illustrate the problem, the Supreme Court of Alaska handed down 237 opinions in 1978, or about 47 opinions per justice. In 1975, the court authored 122 published opinions. In 1975, the court disposed of 299 appeals, petitions for review, and original proceedings. By 1978, we had nearly doubled our dispositions to a total of 560. We have, I submit, reached the limit where five justices can adequately manage the appellate caseload, as presently structured, and still meet our constitutional obligations. What is really significant here is not solely

the problem of an overburdened judicial tribunal. What is important is that the reasonable expectations of Alaska's citizens that their disputes be neutrally, intelligently, and expeditiously resolved must be realized, as economically¹ as possible.

In his last message to this joint body, Chief Justice Boochever advised that the Alaska Court System was studying various potential solutions to its burgeoning caseload and would present a concrete proposal to this Legislature. As a result of an exhaustive year-long study and numerous conferences, it was decided to seek remedial legislation in the form of an intermediate appellate court. In reaching this conclusion, we carefully considered the alternatives of asking you to increase the number of justices on the Supreme Court from five to seven; requesting funding for expansion of the Supreme Court's central staff of research attorneys; internally dividing into panels with our available personnel; and requesting an intermediate appellate court.

1. In 1977, an average of 485 days was consumed from the time a person initiated his appeal in a civil case until a decision was reached in the matter. It took even longer for a criminal appeal to be processed, an average of 593 days. Things did not improve in 1978. Last year it required an average of 533 days for a civil appeal to be processed from beginning to final resolution. On the criminal side, the relevant statistics show a time frame of 612. This is far too long a time for appropriate resolution of these matters.

With the exception of the latter, it was determined that each of the alternatives had serious defects ranging from an actual increase in disposition time, and loss of efficiency, to dilution of the law-making role of the Supreme Court.

The intermediate appellate court bill (Court of Appeals), which is presently being considered by the Senate, reflects our judgment that this alternative is a necessary and viable solution to the problem of rational management of our appellate case load. Passage of this remedial legislation will in no way result in the diminution of the Supreme Court's constitutional grant of final appellate jurisdiction. The bill provides that the Supreme Court will have the discretionary power to hear any appeal from the Court of Appeals. The net gain, as we perceive it, is that with this discretionary authorization the Supreme Court can still hear criminal cases which involve constitutional issues or questions with either procedural or substantive ramifications beyond the confines of the particular case.

The proposed legislation calling for the creation of a three-judge intermediate appellate court will result in the quickening of the resolution of criminal appeals, and will in turn relieve both the Superior Court and the Supreme Court of portions of their respective case loads. The Superior Court will benefit through the removal of the

necessity for Superior Court judges to devote time to hearing criminal appeals arising from District Court misdemeanor prosecutions; and the Supreme Court will be relieved of the necessity to hear all sentence appeals from the Superior Court as well as all criminal appeals from the Superior Court. Thus, we anticipate an overall speeding up of the criminal appellate process and significant savings of judicial time at both the Superior Court and Supreme Court levels.²

You are all keenly aware that the Supreme Court has been called upon to rule on a variety of cases of great public interest and concern, not the least among them being the challenges to the validity of the recent primary election and questions relating to the proper allocation of Alaska's resources. A careful reading of a sampling of the Supreme Court's opinions in these areas affords some degree of insight into the complexity of appellate problems and the efforts which must be expended before a decision is reached and published. In order to insure that the cases which reach the Supreme Court of Alaska are given the thoughtful and careful scrutiny that has been the hallmark of the Supreme

2. Our research indicates that the States of Arizona, New Mexico, and Washington each created intermediate appellate courts when their respective Supreme Courts reached case loads which are comparable to our present volume of appellate litigation.

The initial startup costs for this new court have been estimated at approximately \$350,000 with an annual cost thereafter of \$500,000.

Court, we deem it imperative that you consider passage of the proposed intermediate appellate court bill. Without enactment of this remedial legislation, I have grave reservations as to whether the Supreme Court can successfully cope with its appellate workload; preserve its standard of careful judicial scrutiny; and maintain the excellence of its work product. It is within this context and against this background that I urge you to evaluate the Alaska Court System's request that an intermediate Court of Appeals be established.

TRIAL COURTS

We are indeed fortunate in the quality of most of the judicial officers who have come to the bench in the twenty years of Alaska's statehood. These are the men who labor in the judicial trenches, so to speak, and the District Court judges are really in the front lines of the judicial process. It is at the District Court level that most citizens come into contact with the Alaska Court System.

And, there is a lot of contact. Last year, over 115,000 cases were filed in the District Court alone, an increase of 4 percent over 1977. Non-traffic filings increased even more, by 12 percent over last year. Most of the substantial increases came in Barrow, Kotzebue, Wrangell, and Petersburg, though there was a substantial increase in

the misdemeanor trial rate in Anchorage. Small claims filings statewide increased by one-third over what they were in 1977, probably partially as a result of the expansion of the small claims limit from \$1,000 to \$2,000, which you made effective last year. Still, District Court civil filings in 1978, other than small claims matters, increased 10 percent over 1977. In light of these statistics, we are requesting the addition of one District Court judge for Anchorage in order that the pending civil litigation be more expeditiously addressed.

At the Superior Court level, there were over 13,000 cases filed in 1978, a slight decrease from 1977. There was a slight increase in civil filings and in probate cases, but all other categories were down. On the criminal side, 1,066 felony prosecutions were commenced and 1,024 felony dispositions entered in 1978. I should advise at this point that we are asking for your approval of an additional Superior Court judge for Anchorage. We believe this request is warranted due to the fact that there has been an approximate 25 percent increase in the overall workload of the Superior Court in Anchorage since 1975. Given this increased case load and the priority which must be given criminal trials, under constitutional and rule mandates providing for a speedy trial, it is imperative that we have this additional judicial officer in order to prevent further

delays in the resolution of important civil litigation. For it cannot be denied that there is a problem of delay in the processing of civil litigation in the Superior Court at Anchorage.³

We are also requesting that you approve the creation of a Superior Court judgeship in Kotzebue. This proposal has minimal budgetary consequences since, if you approve this request, it is our intent to abolish the District Court judgeship which is presently located in Nome. As we view it, the presence of two Superior Court judges in Northwestern Alaska will give both urban and rural citizens residing there improved judicial services and should result in less of a loss of judicial time than formerly resulted when the resident Superior Court judge was peremptorily disqualified from a given case.

Further, I should mention two projects which our able Administrative Director and his staff are presently studying. One is a proposal, which will be submitted to you

3. A facet of the delay problem is the fact that trial length increased substantially in 1978. Civil cases increased in length in the Anchorage Superior Court by 50 percent, going from an average two days in 1977 to three days in 1978. There was also a telling increase in the length of time for criminal trials in the Anchorage Superior Court, going from an average of 3.7 days in 1977 to 6.9 days in 1978.

We are investigating this problem of delay as part of a full-fledged study of the Anchorage trial courts' calendaring practices.

at the outset of your next legislative session, to remove from the Alaska Court System the responsibility for the evaluation and payment of attorney's fees claims for services rendered by members of the private bar in conflict cases in those instances where the Public Defender Agency is ethically precluded from representing the indigent defendant. Under this proposal, it is further contemplated that the Court System would be relieved of similar responsibilities in those cases where it is necessary to appoint members of the private bar as guardians ad litem for indigent civil litigants. Our present thinking is that a conflicts office should be created within the Governor's Office to handle these types of cases as well as guardian ad litem appointments. The virtues of this proposal are an estimated \$400,000 annual savings in legal fees, as well as a savings in administrative and judicial time which is presently being invested in the evaluation of conflict and guardian ad litem bills presented by the attorneys involved.

The second development which I think you should be apprised of is the fact that Mr. Snowden is presently negotiating with the federal government for rental of space in the soon to be vacated federal court facilities in Anchorage. The existing state courthouse facilities in Anchorage not only house court personnel but also the Public

Defender's Office and portions of the Anchorage Attorney General's staff. These physical facilities are now inadequate in light of current demands. In the event a fair lease arrangement can be arrived at with the federal government, we intend to seek your fiscal support to obtain these highly suitable and needed court facilities.

JUDICIAL SALARIES

The Salary Commission has recommended pay increases of 8 percent for judges for the next fiscal year and cost-of-living increases for the following fiscal year. It is my belief that these recommendations are eminently appropriate and fully justified for the following reasons: Firstly, the Salary Commission's proposals are within the President of the United States' voluntary wage and salary anti-inflation guidelines. Secondly, unlike other components of Alaska's state government, no judicial officer has received a salary increase since 1975. Given the extent of inflation that has taken place since 1975, passage of the Salary Commission's recommendations will not even completely remedy the diminution in effective purchasing power caused by inflation. In the event the Salary Commission's recommendations are rejected and no salary increases are granted to the judiciary, it will mean that by January 1, 1981, there will have taken place an unremedied 42 percent increase in the cost of

living since July 1975.⁴ This will result in vastly diminished salaries for all levels of judges within the Court System. For instance, a total rejection of the Salary Commission's recommendation will have the consequence of reducing a justice's effective salary to approximately \$32,000 as of January 1, 1981. Thirdly, it is of the utmost importance that Alaska's judiciary continue to attract and retain the most experienced and best qualified lawyers in the state. In assessing the merits of the Salary Commission's proposal, I urge you not to lose sight of the fact that the potential source of judicial candidates comes from a limited resource, namely, duly qualified Alaskan lawyers. Given the necessary qualifications for judicial office, it should be apparent to you that existing judicial salaries are not comparable with what the experienced and skilled successful attorney can earn in Alaska today. I've previously alluded to the wide range of complex litigation that comes before Alaska's tribunals. In order to insure that these important matters will continue to be decided by judges of outstanding legal qualifications, I urge you to adopt the Salary Commission's recommendations.

4. This assumes a rate of inflation of 7 percent over the next two years.

RACIAL BIAS, THE ALASKA JUDICIAL
COUNCIL, AND THE ALASKA COURT SYSTEM

For approximately the last three years the Alaska Judicial Council has been studying the effects of the Attorney General's ban on both charge and sentence bargaining in felony prosecutions. At a meeting of the Governor's Commission on the Administration of Justice in July 1978, the Judicial Council released a preliminary study. This study analyzed felony sentences imposed between 1974 and 1976 by the Superior Courts in Juneau, Fairbanks, and Anchorage. For the crimes of burglary, fraud (and related bad check crimes), and drug cases, the study indicated that the sentences imposed upon Blacks and Alaska Natives were substantially longer than those meted out to Caucasians with similar backgrounds and for similar crimes. The Alaska Court System's own review of the Judicial Council's statistical data indicated that for certain categories of crimes Blacks did receive lengthier sentences, and that Alaska Natives are less likely to receive probation. At this time I can advise you of the steps we have taken in light of the Judicial Council's study.

Firstly, the Supreme Court has agreed to posit the existence of racial bias, either overt or unintentional, at every discretionary stage in the judicial process. Given

this fundamental premise, the Supreme Court has requested that the Judicial Council monitor, on an annual basis, all sentences imposed both at the superior court and district court levels. We have further requested that this monitoring not be limited to Juneau, Fairbanks, and Anchorage but that it be expanded to include all other urban centers as well as significant rural locations such as Bethel, Barrow, Kotzebue, and Dillingham. An expanded annual review of sentences will enable all concerned to have an accurate and current record of what is happening through the state in our criminal courts. It will also assist the Sentencing Guidelines Committee in formulating appropriate criteria to be used in sentencing and will present it with a broader statistical base from which it will be possible to evaluate the sentencing patterns of individual judges.

Secondly, in conjunction with your recently enacted comprehensive Criminal Code, the Supreme Court of Alaska appointed a Sentencing Guidelines Committee. The Committee's task is to articulate relevant and racially neutral factors which are to be taken into consideration by the sentencing courts in conjunction with your previous determination to adopt a presumptive sentencing system for the imposition of criminal sanctions. To this Sentencing Guidelines Committee, which is composed of judges and lawyers, the Supreme Court has appointed representatives from the Anchorage Native Caucus, NAACP,

and the Alaska Federation of Natives. For it is our belief that strong minority representation is necessary on the Sentencing Guidelines Committee to insure that relevant and unbiased sentencing standards are developed.

Thirdly, the Alaska Court System, through its representatives on the Governor's Commission on the Administration of Justice, is actively supporting the request of the Anchorage Native Caucus for a system-wide study of the criminal justice system. The goal of such a study would be to determine at what points, if any, racial discrimination exists, in order that appropriate remedial measures can be fashioned.

Fourthly, aside from the diagnostic efforts of the research and analysis that I have described, the Alaska Court System is attempting to take steps in other areas. We continue to open all of our administrative support positions at all levels to equal employment opportunity and to expose personnel to seminars on related problems, and we have allocated a major portion of our annual Judicial Conference, which is scheduled to be held in June at Sitka, to the subject of racial bias.

To that end, we have been working closely with the Community Relations Service of the United States Department of Justice and the Alaska Human Rights Commission. We are

also in contact with national experts, who, with the involvement of Alaska Natives and Blacks, will present a program to the June Judicial Conference designed to increase the cultural and sociological awareness of the judges and justices of the Alaska Court System.

The foregoing is a summary of the actions the Alaska Supreme Court has taken in response to the Judicial Council's findings. I would be less than candid if I failed to discuss additional facets of the problem of racial bias. The Judicial Council's study has had the effect, in the minds of many, of indicting and convicting every Superior Court judge of racial bias. This is so despite the fact that the Council's own study shows that for certain crime categories, such as homicides or rapes, no racial biases could be detected in the sentencing patterns of the Superior Courts for the years involved in the study. The same data also disclose that for some categories of crimes minorities do, in fact, receive lighter sentences than their Caucasian counterparts. I think it of further significance that the Judicial Council has advised that, because of the insufficient number of cases involved in the study, it is unable to particularize which judges are racially biased.

On the other hand, we must consider the members of the minority groups who have allegedly been discriminated against in sentencing. As to these defendants, the Public

Defender Agency and various civil liberty groups are aware that the Judicial Council's findings and research materials are all matters of public record, and that there are existing legal avenues through which judicial relief may be obtained for those individuals who demonstrate that they are serving sentences which are reflective of racial bias.

Racism is an insidious phenomenon. It is a subject that does not lend itself to detached discussion. I can well appreciate the concern, if not rage, of affected minorities who have suffered from the various ways in which racial bias can manifest itself. Thus, I wish to assure all Alaskans that the Alaska Court System is and will continue to undertake efforts and devise procedures to insure that all litigants in the courts of Alaska do in fact receive equality of treatment under the law. Further, I have full confidence in the integrity, honesty, and sincerity of my colleagues in Alaska's Judiciary, and pledge that we will continue our efforts to fulfill Alaska's constitutional mandate that all persons are equal and entitled to equal rights, opportunities, and protection under the law.

CONCLUSION

Just two months ago, on January 3rd, Alaska celebrated the twentieth anniversary of its admission into the Union. I think it an accurate assessment that we have come of age during this period and that Alaska's judiciary

has played a vital role in that maturation process.

Although the emphasis of this address has been focused upon the warts and wens of the Alaska Court System and the need for reforms and safeguards, it remains a reality that many of our sister states and bar organizations view Alaska's judiciary as a model judiciary. What is of enduring significance is that our democratic form of government in Alaska has the capacity for self criticism and to undertake ongoing reforms in response to the felt and demonstrated needs of its citizens. This is what truly distinguishes life in the United States and in Alaska from most other political societies on this planet. For the end of Alaska's government is justice for all its citizens, and we in the judiciary shall constantly strive towards making this goal a reality.

planning in state courts

trends and
developments
1976-1978

NCSC

PLANNING IN STATE COURTS

**Trends and
Developments, 1976-78**

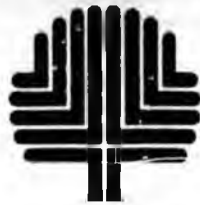
*by the NCSC Court
Planning Capabilities
Project Staff.*

Robert W. Tobin, director

Faced with a growing backlog of cases to process and with legislatures increasingly reluctant to automatically approve budget increases, state courts across the nation have begun turning to a practice that has proved profitable for modern business—long-range planning. The growing interest among court officials in planning and the future trends that will affect court planning are discussed by researchers on the Court Planning Capabilities Project. Initiated in 1975, the project is designed to enhance the planning capabilities of state court systems through technical assistance and publications.

The book focuses on court planning since the enactment of the federal Crime Control Act of 1976, which fostered the creation of broad-based judicial planning committees supported by federal funds. It summarizes the history of court planning and describes the impact of federal legislation and federal funding on those efforts. It also compares the way planning units are organized from state to state and the specific planning approaches chosen by various states.

\$5.50/R0040. Paperback,
48 pp.



STATE COURTS: A BLUEPRINT FOR THE FUTURE

*edited by
Theodore J. Fetter*

A complete record of the proceedings of the National Center's conference on the judiciary held in Williamsburg, Virginia, in March 1978, the book covers a variety of issues critical to the courts. Results of a public opinion survey, announced at the conference, give perspective to the issues. The survey revealed that the American public expects its state and local courts to protect society, show equality and fairness in their decisions, and demonstrate quality in their performance by being responsive, competent, and accessible. Such aspects of courts as their relations with the community and with the American system of government, their internal organization and procedures, and alternatives to the traditional system are considered. Strategies for implementing proposed changes are discussed. The volume also includes addresses by such leaders in the courts as Chief Justice Burger, Attorney General Bell, and Senator Edward Kennedy. While the conference sought no formal consensus of views, several conclusions stand out that may help to chart the course of court improvement in the years ahead: 1) greater education about the judicial system; 2) improved access to the courts; 3) developments of alternative techniques of dispute resolution; and 4) improved procedures for accountability to the public.

\$12.50/R0038. Hardbound,
335 pp.



Small
Claims Courts

SMALL CLAIMS COURTS

A National Examination

*by John C. Ruhnka and
Steven Weller with
John A. Martin*

Can citizens using small claims courts expect to find quick, inexpensive, fair, and effective resolution of their claims? Yes, concluded these experts following an intensive two-and-a-half-year examination of 15 different small claims courts across the nation. Their study found that such courts were meeting the goals of speedy and inexpensive justice far better than previous literature on small claims courts had led them to expect. The courts, however, are not without problems. Costs become substantial in cases where fee-charging attorneys are used or wages are lost in pursuing a claim. Little pretrial assistance or information is provided to defendants, and the complaint process could well produce the impression that the judicial system favored the plaintiff. The report highlights six major recommendations to improve the small claims process.

\$6.00/R0039. Paperback,
219 pp.



JUSTICE
DELAYED
THE PACE OF LITIGATION IN URBAN TRIAL COURTS

JUSTICE DELAYED

**The Pace of Litigation
in Urban Trial Courts**

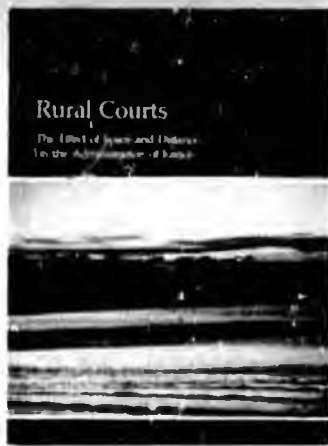
*by Thomas Church, Jr.,
Alan Carlson,
Jo-Lynne Lee, and
Teresa Tan*

Trial court delay is one of the most pervasive problems that judicial reformers face today. Contrary to widespread belief, however, delay is not inevitable, say these National Center researchers. Their conclusion is based on an 18-month study that involved 21 urban trial courts across the nation. They found that informal expectations, attitudes, and practices of attorneys and judges have a great deal more to do with trial delay than the aspects of a court system that can be gleaned from an annual report, organization chart, or compilation of local rules. If any one element is essential to the effort to reduce trial delay, it is concern by the court with delay as an institutional and social problem. A strong system of managing case progress from filing to disposition, researchers found, is the most promising technique for reducing delay.

\$5.00/R0041. Paperback,
105 pp.

National Center for State Courts

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Rural Courts

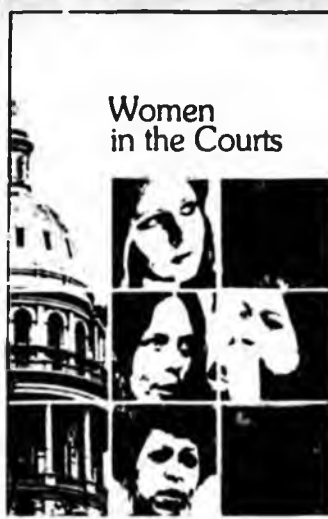
The Effect of Space and Distance
on the Administration of Justice

RURAL COURTS

The Effect of Space and Distance on the Administration of Justice

by E. Keith Stott, Jr.,
Theodore J. Fetter, and
Laura L. Crites

A variety of characteristics that distinguish rural from urban areas significantly affect the operation of courts in rural areas. Among them are small communities, concomitant personal familiarity, absence of serious crime, lack of social services, frequently lower tax base, and in some rural areas, geographical isolation. The relatively lower tax base, for example, may affect the quality of court personnel, the amount or frequency of training for these personnel, and the availability of court-related services to offenders. The characteristics and particular demands of rural courts are examined in this report, the outcome of a series of workshops by the National Center on rural courts. Researchers note that "the millions of Americans in rural areas deserve the services of a sound, well-managed judicial system just as urban residents do. Yet rural characteristics often work against the imposition of programs designed for a more heavily populated environment." It is vital, they assert, for both court managers and state and federal policymakers to realize the particular needs and distinctive qualities of rural courts. \$8.50/R0032. Paperback, 113 pp.

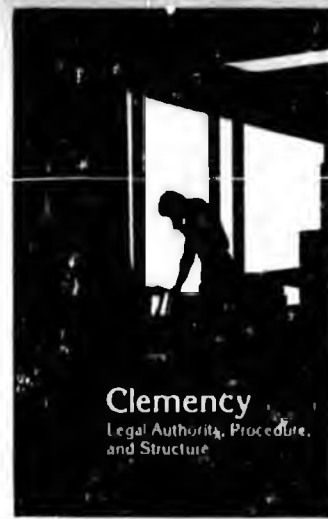


Women in the Courts

WOMEN IN THE COURTS

edited by
Winifred L. Hepperle
and Laura L. Crites

Influenced by economic pressures and changing attitudes toward traditional sex roles, many women have begun to challenge the adage that their place is in the home. This anthology dramatizes the change in women's roles that is gradually—but surely—taking place in the American court system. It documents both the progress women have made in achieving equality in the court system and the resistance to change that they continue to face. In a collection of 10 articles and a foreword by Rose Elizabeth Bird, chief justice of California, leading women in the courts take a hard look at the place women have begun to make for themselves in the judicial system—as lawyers and judges, increasingly as offenders, and as people whose rights are sometimes defined by court action. \$5.95/R0037. Paperback, 232 pp.



Clemency

Legal Authority, Procedure,
and Structure

CLEMENCY

Legal Authority, Procedure, and Structure

by Samuel P. Stafford II

President Carter's controversial decisions to grant amnesty to Viet Nam draft evaders and pardon Patricia Hearst, as well as recent allegations in Tennessee of abuse of a governor's authority to pardon convicted criminals, have drawn attention to executive exercise of clemency power. Clemency administration in the 50 states is examined in this publication, prepared by the National Center's Research and Information Service. The publication is divided into two major sections. The first discusses the interaction among the branches of government, the limitations on clemency power, the civil and political disabilities of offenders, and the emerging legal trends in clemency grants. The second section is a descriptive and functional analysis of the clemency-granting authorities, structures, and procedures in the 50 states. Four states representing different approaches and attitudes toward clemency—Colorado, Florida, Pennsylvania, and Wisconsin—are reported in greater depth. \$7.00/R0035. Paperback, 98 pp.

OTHER PUBLICATIONS

- Outside the Courts: A Survey of Diversion Alternatives in Civil Cases.** \$6.50/R0023. Paperback, 107 pp.
- Parajudges: Their Role in Today's Court System.** \$4.50/R0027. Paperback, 73 pp.
- Facets of the Jury System: A Survey.** \$5.50/R0028. Paperback, 114 pp.
- Manual Case Processing: A Model System.** A 12-page research essay with separate multipart forms, overlays, and cost comparison chart. \$3.25/E007.
- Microfilm and the Courts: Guide for Court Managers.** \$4.50/R0026g. Paperback, 52 pp.
- Microfilm and the Courts: Reference Manual.** \$45.00/R0026. Looseleaf notebook, 730 pp.
- Business Equipment and the Courts: Guide for Court Managers.** \$4.50/R0030g. Paperback, 36 pp.
- Business Equipment and the Courts: Reference Manual.** \$35.00/R0030. Looseleaf notebook, 330 pp.
- Data Processing and the Courts: Guide for Court Managers.** \$5.50/R0033g. Paperback, 44 pp.
- Data Processing and the Courts: Reference Manual.** \$35.00/R0033. Looseleaf notebook, 478 pp.
- Audio-Video Technology and the Courts: Guide for Court Managers.** \$5.50/R0034. Paperback, 59 pp.
- Users' Guidebook to Computer-Aided Transcription.** \$6.50/R0031. Paperback, 91 pp.
- Planning in State Courts: A Survey of the State of the Art.** \$5.50/R0029. Paperback, 55 pp.
- Pretrial Delay: A Review and Bibliography.** \$4.00/R0036. Paperback, 77 pp.

National Center for State Courts

REPORT



VOLUME 6 NUMBER 3

MARCH 1979

Virgin Islands court conducts first jury trial

The first jury trial ever in the territorial court of the Virgin Islands was held January 22, using a jury system the National Center had helped design. Center staff members Ingo Keilitz and C. Mae Kuykendall, who worked on the project, were among observers at the two-day trial.

Presiding Judge Verne A. Hodge of the St. Thomas Division of the court impaneled the jury and conducted the trial, in which the defendant was acquitted of assault charges. The St. Croix Division of the court is expected to conduct its first jury trial soon.

Created by the island's legislature in 1976, the territorial court was

Continued on page 3

CCJ urges Congress to support state court improvement efforts

The Conference of Chief Justices called on Congress to recognize "the unique role of the National Center in state court reform" and to provide for continued funding by the Law Enforcement Assistance Administration or its successor agency at not less than the level it currently receives.

The action came at the CCJ midyear meeting, February 12-13 in Atlanta, in the face of proposed drastic cuts in the LEAA budget that would directly affect the National Center.

The chief justices also adopted in principle a preliminary report of the 17-member task force headed by Chief Justice Robert Utter of Washington studying state-federal relations in providing forums for dispute resolution. Sponsored jointly by the CCJ

and the Conference of State Court Administrators, the task force is also drafting legislation for a State Court Improvement Act in which the National Center would figure prominently.

U.S. Attorney General Griffin Bell was conference keynote speaker.

In other action the chief justices urged "serious and immediate attention" to the need for improved legal education in the U.S. The justices established a special committee, to be appointed by Conference Chairman James Duke Cameron, chief justice of Arizona, to conduct a comprehensive study of the problem and present its conclusions and recommendations at the 1981 annual meeting.

The Conference also began a study of the feasibility of a unified appeal procedure in criminal cases in which a sentence of life imprisonment or death has been imposed. Chief Justice H.E. Nichols of Georgia was appointed chairman of the five-member committee, which will give its final report at the conference's annual meeting in August.

Currently three means exist for postconviction review of criminal convictions: direct appeal, state postconviction review or habeas corpus, and federal habeas corpus. The unified procedure provides a defendant with an opportunity to present to the sentencing court and the reviewing court all challenges to his conviction.

Continued on page 2

Court statistics report issued

A document being released this month by the Law Enforcement Assistance Administration (LEAA) is the first step toward developing a national data base of state court caseload statistics. Prepared by the National Court Statistics Project of the National Center for State Courts, the 221-page "State Court Caseload Statistics: The State of the Art" is a comprehensive, documented report on historical and contemporary national attempts to collect and report state-level caseload statistics.

The report is available free through the National Criminal Justice Reference Service in Washington, D.C.

In addition to outlining the problems in collecting and reporting such statistics, the book formulates recommendations and sets priorities for the types of caseload information that should be collected and reported by state court administrative offices in order to gain the greatest benefits in improved management control, planning, and sharing technology.

"State Court Caseload Statistics: State of the Art" is the first of several documents soon to be released by the National Court Statistics project.

Funded by LEAA, the project is a cooperative effort of the National

Continued on page 2

Effective use of court facilities is aim of new study in Iowa

The North Central Regional Office, in association with Space Management Consultants, Inc., is undertaking a space utilization study of the Polk County Courthouse in Des Moines, Iowa.

Built in 1907, the courthouse has housed both county government and court functions. Competition for space has become an increasing problem in recent years as the need for and number of courts and court agencies has grown. In addition, limited jurisdiction courts located throughout the county became a part of the district court system during a 1973

Deputy director for administration resigns from post

Arne L. Schoeller, deputy director for administration of the National Center, recently announced his resignation, effective in mid-April.

A member of the Center staff since 1974, Schoeller from 1971 was Special Assistant to the Attorney General of the United States charged with development of adjudication programs in the then new Law Enforcement Assistance Administration. Prior to 1971 he served as Chief Deputy Attorney General of Minnesota, as research director of a Minnesota nonprofit citizens action group, and in the private practice of law in Minneapolis. He has AB and LL.B. degrees from Harvard University.

Center Director Edward B. McConnell praised Schoeller's work, citing his assistance in matters of policy, in overseeing the development of the permanent headquarters building in Williamsburg, in areas of foundation and other private fund raising for the Center, and in maintaining beneficial relationships with business, federal agencies, and the Congress. McConnell said the Center will soon begin a nationwide search for candidates to fill Schoeller's position.

trial court reorganization, although space was not then available for the courts to be relocated in the courthouse. To accommodate this growth—and a similar expansion in county government—county administrative functions are being moved this spring to a new location.

The National Center was asked to develop an interim plan for locating these courts and a number of court-related agencies within the building, along with court functions currently housed there. The plan will take into account working relations between the agencies to make the most effective use of the space available. Staff members will also assist in implementing the plan in May to allow for a smooth transition. The study is the first of a proposed three-phase effort to develop long-range plans for the courthouse use and to determine major remodeling needs.

STATISTICS REPORT

Continued from first page

Center and the Conference of State Court Administrators. It is expected that subsequent documents will create a permanent national data base of state court caseload statistics that will permit compilation of information on trial and appellate court caseloads and will make possible analysis and identification of national trends in court activities. Both prevalent and isolated court problems should become more readily apparent.

A national statistical data base will provide each state court with a means of measuring the effects of specific legislation on total court caseload, thus enabling each court system to anticipate the possible effects future legislation may have on case activity and to better meet the needs of the community. In addition, the availability of comparable state court data will permit an objective assessment of existing standards for court administration, will aid in the evaluation of existing court organizations,

B&PF Committee raises \$250,000

The Business and Professional Friends Committee of the National Center has met its 1978 goal of \$250,000 raised in the private sector.

Composed of 22 corporate executives and 15 prominent lawyers under the chairmanship of George A. Stinson, chairman of National Steel Corp., the committee provides the means for advisory and financial support for judicial improvement through the Center.

Of the 99 corporations and corporate foundations that made contributions in 1978, 20 were new contributors. Eight increased their gifts from the previous year.

Eight corporations gave \$10,000 each in 1978: American Telephone and Telegraph Company, Exxon Corporation, Ford Motor Company Fund, General Electric Company, General Motors Foundation, Inc., General Telephone & Electronics Foundation, National Steel Corporation, and Procter & Gamble Fund.

and will assist in educating the public about court problems. This information should help to identify court systems that are operating effectively and to inform other courts about successful programs and procedures.

CHIEF JUSTICES

Continued from first page

tion, sentence, and detention. At the same time the unified procedure reduces the extensive amount of time that may lapse before a conviction can be either reversed or affirmed, when the several appellate procedures are pursued.

The chief justices endorsed programs under which interest earned on attorneys' trust accounts is, with clients' consent, used to improve the administration of justice. They cited such a program in Florida and called on other states to adopt similar programs.

The National Center is secretariat to the CCJ, as well as to seven other court organizations.

Courts staffing service

Advertisements for positions available in state courts or court-related organizations are listed free of charge on a space-available basis. Listings must be received by the Publications Department, NCSC, 300 Newport Avenue, Williamsburg, VA 23185, by the 15th of the month preceding the month of publication. The editor reserves the right to edit announcements when space is limited.

Project Analyst—Montgomery County, Ohio, Adult Probation Department. Responsibilities include systems assessment, systems documentation, information transfer and technical assistance activities for the county justice information system. Requires bachelor's degree or equivalent and minimum of three years of experience in developing and implementing information systems, two years of which must be in a supervisory capacity directing both professional and clerical staff. Managerial experience to assist the project director in project development and management is needed. Knowledge of the criminal justice system required. Salary: \$22,000-\$25,000. Submit resume to Cathie Johnson, Personnel Director, County Administration Building, 451 West Third Street, Dayton, Ohio 45422.

Senior Staff Attorney/Associate—Northeastern Regional Office, National Center for State Courts, North Andover, Mass. Responsibilities include research, proposal development, and performance of regional projects. Desired qualifications: at least three years of experience in research design and grants administration, and ability to conduct analytic studies of court operations with emphasis on trial court administration. Salary negotiable, based on qualifications; maximum of \$30,000. Applicant should possess JD, MBA, MPA, or PhD degree. Immediate starting date. Submit resume to Regional Director, Northeastern Regional Office, National Center for State Courts, 723 Osgood Street, North Andover, MA 01845. FEO/ME

Staff Attorney/Associate—Northeastern Regional Office, National Center for State Courts, North Andover, Mass., seeks person with background in law or business/public administration who is able to conduct analytic studies of court operations. One or more years of experience in court administration preferred. Salary negotiable based on qualifications; maximum of \$18,000. Immediate starting date. Send resume to Regional Director, Northeastern Regional Office, National Center for State Courts, 723 Osgood Street, North Andover, MA 01845. FEO/ME

VIRGIN ISLANDS JURY TRIAL

Continued from first page

authorized to begin conducting jury trials in January 1979. Last summer the court engaged the Mid-Atlantic Regional Office of the National Center to assist in writing a plan for jury selection and service and to train the court clerks and marshals to perform jury-related duties.

In November the territorial court adopted the Jury Service and Selection Plan, based on drafts by the project staff. The plan specifies standards to be met with respect to key elements of the jury system and is augmented by a series of procedural and technical memoranda from the presiding judge to the court staff.

The plan requires that the territorial court supplement the traditional source list of voters with the list of licensed drivers, a requirement that is expected to increase the number of younger citizens called for jury service. A juror pooling system is used, with staggered voir dices conducted among an estimated "safe" number of jurors summoned for the day. Trials commence on the same day as voir dire. A coded telephone message is recorded to inform groups of jurors whether to appear for jury service on

a particular day. Jurors are paid a fee of \$30 for one day of service or \$15 for a half day. Preliminary measures of juror usage indicate an efficient use.

The National Center will submit a final report to the territorial court in April with evaluations and suggestions for improvement.

Meet the National Center staff

Linda R. Caviness is a statistical analyst for the headquarters-based project evaluating the effectiveness of modern jury utilization and management techniques. She was previously assistant professor of sociology at Christopher Newport College and at the College of William and Mary. She has also been a research and analysis coordinator for the justice departments of the states of Virginia and North Carolina. She holds BA and MA degrees in sociology from North Carolina State University.

David F. Halbach is a member of the Gault Revisited Project studying urban juvenile courts. Before joining the National Center he was a juvenile justice specialist for the Illinois Law

S.D. records management study begins

A preliminary examination of circuit court records-management practices is underway in South Dakota. North Central Regional Office staff, with the assistance of the Center's Court Improvement Through Applied Technology staff, are looking at records needs in the court, especially in view of operational changes brought about by recent legislative and constitutional initiatives in court reform.

The current records-management system is the result of individual court practices and policies developed on an ad hoc basis over the years. The number, type, and design of forms vary widely from county to county. Some retention periods are mandated by statute, but no comprehensive schedule for destroying outdated records has been developed.

The 10-week study will consider the need for microfilming equipment for the court, develop a limited records retention schedule, suggest inventory procedures, and make recommendations on areas that warrant additional study and improvement.



Caviness



Halbach

Enforcement Commission and served for nine years as a juvenile court judge in Iowa. He served on and chaired the Iowa Bar Association's Judicial Administration Committee and served on the Ad Hoc Committee on Court Reorganization prior to Iowa's court reorganization. He holds a JD and BSC from the University of Iowa and an AM from the University of Chicago.

National Center news in brief

National Center Director Edward B. McConnell has been named a member of the U.S. Department of Justice Council on the Role of Courts and the American Bar Association Action Commission to Reduce Court Costs and Delay.

The Council was formed to study the role of courts in contemporary American society, determine what empirical research should be con-

ducted in this area, discuss the results of such research, and reach some conclusions that will be of assistance to legislators, judges, and others concerned with this problem.

The ABA Action Commission, working with such organizations as the National Center, will review the causes for high costs and excessive delays in the American court system

and select priority solutions for testing and implementation.

Work has been completed at National Center headquarters on a major reconfiguration of office space to accommodate a rapid growth in programs and staffing. The building was designed with movable walls in anticipation of the expansion. National Center staff now numbers 100 full-time employees in Williamsburg, in addition to the 45 in regional and project offices.

Baron Terence Marne O'Neill, a member of Great Britain's House of Lords and former Prime Minister of Northern Ireland, toured National Center headquarters last month during a visit to Williamsburg. He met briefly with several National Center staff members to discuss the work of the Center and was escorted by Mid-Atlantic Regional Director Douglas C. Dodge.

National Center publications

Court Reporting Services in New Jersey outlines recommendations designed to reduce transcript delay in the appellate process. Northeastern Regional Office project. 215 pp. Manuscript.

Jury Utilization and Management, Seventh Judicial Circuit, Rapid City, South Dakota, describes a comprehensive program to effect modern jury procedures in the circuit. North Central Regional Office project. 246 pp. Manuscript.

Detroit Recorder's Court Court Administrator/Clerk of Court Recruitment Project outlines steps taken to recruit nationally for this position and to screen applicants. North Central Regional Office project. 89 pp. Manuscript.

How Much Should We Charge for Justice: Fees and Statutory Costs Paid by Litigants in New York State; The Price of Local Justice: Costs of Operation of the Town and Village Courts in New York State; and New York State Court Budget Review Manual constitute a three-volume report on New York's implementation of state financing of its courts. Northeastern Regional Office project. Reports are \$4.50 each.

Project report manuscripts are available for the cost of reproduction, except where noted. Publications may be ordered from the Publications Department, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185. Tel: 804/253-2000.



300 Newport Avenue
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Address Correction Requested

National Center for State Courts

REPORT

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Margaret Healy

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SAVE



**Survey
of
Judicial
Salaries**



National Center for State Courts

Volume 5 Number 1

January, 1979

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National Center for State Courts

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Foreword

This survey of judicial salaries lists salary figures as of January 31, 1979. Bold face figures in the salary charts ("Courts of Appellate and General Jurisdictions and State Court Administrators" and "Courts of Special or Limited Jurisdiction") indicate changes since the October 1978 update that appeared in the Winter issue of the *State Court Journal*.

The "Judicial Salaries in Appellate and Trial Courts" table lists the date of last salary change for highest, intermediate appellate or general trial court judges for each state court system. This table, like the "Rank Order of Judicial Salaries" table, utilizes salaries paid to associate justices for the highest court and intermediate appellate courts. The general trial court salaries refer to the state-paid salary without supplements. Salaries including supplements appear in parentheses immediately beneath the figures for the state paid salary.

Appendix I lists salaries scheduled to take effect in the future and pending legislation that could affect judicial salaries. Appendix II indicates the states that provide for "floating" judicial salaries on the consumer price index or other cost of living adjuster.

Every effort has been made to ensure the accuracy of the survey data; figures for each state have been obtained from its office of court administration. If errors have occurred or if the data is not completely accurate, please notify us promptly.

Survey of Judicial Salaries
National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185
(804) 253-2000

Survey Editor: Gordon Penman

The National Center for State Courts

The National Center for State Courts is a nonprofit organization dedicated to the modernization of court operations and the improvement of justice at the state and local level throughout the country. It functions as an extension of the state court systems, working for them at their direction and providing for them an effective voice in matters of national importance.

In carrying out its purpose, the National Center acts as a focal point for state judicial reform, serves as a catalyst for setting and implementing standards of fair and expeditious judicial administration, and finds and disseminates answers to the problems of state judicial systems. In sum, the National Center provides the means for reinvesting in all states the profits gained from judicial advances in any state.

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Rank Order of Judicial Salaries, Income, and Population

Population and income figures are from the U.S. Department of Commerce and Bureau of Census, *Statistical Abstract of the United States 1978*. Where another state has the same rank, rank is shown in parentheses. The salaries reported for the highest appellate court refer to the salaries paid to associate justices. The general trial court salaries refer to standard state-paid salary for ranking purposes.

Rank	Highest Appellate Court and Salary	General Trial Court and Salary	Per Capita Personal Income	Population
1	California 66,082	California 51,624	Alaska	California
2	New York 60,575	Illinois 50,500	Connecticut	New York
3	Illinois 58,000	South Carolina 49,140	New Jersey	Texas
4	Michigan 56,500	New York 48,998	Nevada	Pennsylvania
5	New Jersey 56,000	Alaska ^b 48,576	California	Illinois
6	Pennsylvania 55,000	New Jersey 48,000	Illinois	Ohio
7	Louisiana 54,000	Louisiana ^a 45,900	Delaware	Michigan
8	Tennessee 53,667	Missouri (8) 45,000	Hawaii	Florida
9	Alaska ^b 52,992	Pennsylvania (8) 45,000	Michigan	New Jersey
10	Texas 51,400	Tennessee 44,722	Maryland	Massachusetts
11	Ohio 51,100	Virginia 44,500	Wyoming	North Carolina
12	Missouri (12) 50,000	Arizona 43,500	New York	Indiana
13	Virginia (12) 50,000	Nevada 43,000	Washington	Virginia
14	South Carolina 49,140	Hawaii (14) 42,500	Massachusetts	Georgia
15	Minnesota 49,000	Maryland (14) 42,500	Colorado	Missouri
16	Wisconsin 48,920	Wyoming (14) 42,500	Kansas	Wisconsin
17	Maryland 47,800	Massachusetts 42,053	Minnesota	Tennessee
18	Arizona 47,500	Minnesota 42,000	Ohio	Maryland
19	Nevada 47,250	Oregon 41,061	Pennsylvania	Minnesota
20	North Carolina 47,000	Mississippi 41,000	Oregon	Louisiana
21	Massachusetts 46,638	Florida 40,850	Indiana	Alabama
22	Georgia (22) 46,000	Iowa 40,000	Wisconsin	Washington
23	Mississippi (22) 46,000	New Hampshire 39,750	Iowa	Kentucky
24	Oregon 45,707	Nebraska ^a (24) 39,500	Virginia	Connecticut
25	Colorado 45,600	North Carolina (24) 39,500	Texas	Iowa
26	Florida 45,350	Rhode Island ^b 39,100	Rhode Island	South Carolina
27	Hawaii (27) 45,000	Delaware (27) 39,000	Nebraska	Oklahoma
28	Iowa (27) 45,000	Washington (27) 39,000	Florida	Colorado
29	Washington (27) 45,000	Connecticut (29) 38,500	Missouri	Mississippi
30	Wyoming (27) 45,000	Georgia ^a (29) 38,500	New Hampshire	Oregon
31	Nebraska 43,000	Colorado 38,350	Arizona	Kansas
32	Delaware 42,000	Wisconsin ^a 36,151	Oklahoma	Arizona
33	Rhode Island ^b 41,300	Texas ^a 35,700	Nebraska	Arkansas
34	New Hampshire 40,810	New Mexico 35,317	Montana	West Virginia
35	Connecticut 40,000	Idaho (35) 35,000	Georgia	Nebraska
36	Alabama 39,500	Kentucky (35) 35,000	West Virginia	Utah
37	Oklahoma 39,200	Montana (35) 35,000	Idaho	New Mexico
38	Kentucky 39,000	North Dakota 34,500	South Dakota	Maine
39	New Mexico 38,165	Arkansas 33,510	Kentucky	Rhode Island
40	Indiana 38,100	Utah 33,500	North Carolina	Hawaii
41	Idaho 38,000	Ohio ^b (41) 33,000	Utah	Idaho
42	North Dakota 36,800	South Dakota (41) 33,000	Louisiana	New Hampshire
43	Kansas 36,250	Kansas ^a 32,625	New Mexico	Montana
44	Arkansas 36,023	Vermont 31,800	Vermont	South Dakota
45	Montana 36,000	Maine (45) 31,500	Tennessee	North Dakota
46	Utah 35,500	West Virginia (45) 31,500	Maine	Nevada
47	South Dakota (47) 35,000	Michigan ^a 30,850	South Carolina	Delaware
48	West Virginia (47) 35,000	Alabama ^a 27,500	Alabama	Vermont
49	Vermont 33,655	Indiana ^b 26,500	Arkansas	Alaska
50	Maine 32,000	Oklahoma ^b 22,080	Mississippi	Wyoming

^aLocal Supplements may be added to state pay

^bRank is based on lower figure of salary range

Judicial Salaries in Appellate and Trial Courts

Salaries including supplements are shown in parentheses immediately beneath the figures for state-paid salaries. Salary ranges can reflect cost of living differences as in Alaska, longevity increases as in Rhode Island, or may be determined by such factors as population or caseload of jurisdiction. National averages for the highest and general trial courts are based on figures for the 50 states. For intermediate appellate court the average is based on the 28 states that have such courts. The figures used for the average are salaries without supplements or the lowest salary of the range.

	Highest Court	Intermediate Appellate Court	General Trial Court	Date of Last Salary Change
Alabama	39,500	38,000	27,500 (42,200)	4-25-78
Alaska	52,992 to 60,410		48,576 to 57,076	7-1-78
Arizona	47,500	45,500	43,500	1-1-79
Arkansas	36,023		33,510	7-1-78
California	66,082	61,952	51,624	7-1-78
Colorado	45,600	41,500	38,350	1-1-79
Connecticut	40,000		38,500	1-1-79
Delaware	42,000		39,000	7-1-75
Florida	45,350	43,050	40,850	1-1-79
Georgia	46,000	45,500	38,500 (52,900)	2-1-78
Hawaii	45,000		42,500	1-1-76
Idaho	38,000		35,000	7-1-78
Illinois	58,000	53,000	50,500	12-1-78
Indiana	38,100	38,100	26,500 to 31,500	6-1-75
Iowa	45,000	42,500	40,000	7-1-77
Kansas	36,250	35,000	32,625 (34,125)	1-1-79
Kentucky	39,000	37,000	35,000	6-30-76
Louisiana	54,000	51,300	45,900 (48,600)	7-1-78
Maine	32,000		31,500	7-1-78
Maryland	47,800	44,900	42,500	7-1-78
Massachusetts	46,638	43,621	42,053	7-1-78
Michigan	56,500	51,500	30,850 (51,850)	1-1-79
Minnesota	49,000		42,000	7-1-77
Mississippi	46,000		41,000	7-1-78
Missouri	50,000	47,500	45,000	1-1-78
Montana	36,000		35,000	7-1-77
Nebraska	43,000		39,500 (41,000)	1-1-79
Nevada	47,250		43,000	1-1-79
New Hampshire	40,810		39,750	6-16-78
New Jersey	56,000	53,000	48,000	1-1-78
New Mexico	38,165	36,456	35,317	7-1-78
New York	60,575	51,627	48,998	7-1-74
North Carolina	47,000	44,500	39,500	7-1-78
North Dakota	36,800		34,500	7-1-77
Ohio	51,000	47,000	33,000 to 41,500	5-1-78
Oklahoma	39,200	36,200	22,080 to 33,200	7-1-78
Oregon	45,707	44,619	41,461	12-1-78
Pennsylvania	55,000	53,000	45,000	7-1-76
Rhode Island	41,300 to 49,560		39,100 to 46,920	7-2-78
South Carolina	49,140		49,140	1-1-79
South Dakota	35,000		33,000	7-1-78
Tennessee	53,667	49,195	44,722	7-1-78
Texas	51,400	45,400 (50,400)	35,700 (49,400)	9-1-78
Utah	35,500		33,500	5-10-77
Vermont	33,655		31,800	7-2-78
Virginia	50,000		44,500	7-1-78
Washington	45,000	42,000	39,000	7-1-77
West Virginia	35,000		31,500	7-1-76
Wisconsin	48,920	44,868	36,151 (42,957)	8-1-78
Wyoming	45,000		42,500	3-10-78
National Average	45,248	45,278	38,971	NA
District of Columbia	51,350		49,050	2-20-77
Federal System	72,000	57,500	44,500	3-1-77
American Samoa	51,244		NA	1-22-78
Commonwealth of Puerto Rico	32,000		26,000	7-31-74
Virgin Islands	NA		45,000	1-10-79

Key to Abbreviations

AC	Appellate Court	DCA	District Court of Appeals
AdDirCt	Administrative Director of the Court	DistJ	District Judge
ADistJ	Associate District Judge	DpCJ	Deputy Chief Judge
AJ	Associate Judge, Justice	Equity C	Equity Court
AppDiv	Appellate Division	ExecOff	Executive Officer
AssJ	Assistant Judge	GenSessCt	General Sessions Court
CA	Court of Appeals	J	Judge
CC	Circuit Court	JC	Justice Courts
CCivA	Court of Civil Appeals	JDRC	Juvenile and Domestic Relations Court
CCrA	Court of Criminal Appeals	JP	Justice of the Peace
Ch	Chancellor	Juv	Juvenile Court
ChC	Chancery Court	MC	Municipal Court
CirJ	Circuit Judge	MDV	Municipal Division Judges
CJ	Chief Judge, Justice	PC	Probate Court
Co	County	PCirJ	Presiding Circuit Judge
CoC	County Court	PJ	Presiding Judge
CoDC	County District Court	PoC	Police Court
Comm	Commissioner	SC	Superior Court
Comp	Compensation	SCA	State Court Administrator
CP	Court of Common Pleas	SCoC	Superior County Court
CrC	Criminal Court	SpecJ	Special Judge
CrDC	Criminal District Court	SrC	Surrogate Court
CSA	Court of Special Appeals	StIndustCt	State Industrial Court
Ct	Court	SupCt	Supreme Court
DC	District Court	Supp	Supplement
		VCh	Vice Chancellor

**Courts of Appellate and General Jurisdictions
and State Court Administrators**

Salaries

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Alabama	40,000	39,500	34,515	CCivA 38,000 CC-A 35,000 PJ 38,500	State CC 27,500 Local supps. 1,200 to 14,700 Authority for local supps is based upon local acts and general acts of local application.
Alaska ^a	52,992	52,992 to 60,410 depending on location and cost of living differentials	50,784		SC 48,576 to 57,076 depending on location and cost of living differentials
Arizona	47,500	47,500	35,677	CA 45,500	SC 43,500 Comm. 34,800, set by Presiding Judge not to exceed 80% salary of the judge
Arkansas ^a	39,297	36,023	28,949		CC 33,510 ChC 33,510
California ^b	70,212	66,082	49,820	CA 61,952	SC 51,624
Colorado	48,600	45,600	39,925	CA CJ 42,300 AJ 41,500	DC 38,350
Connecticut ^a	44,000	40,000	42,000 SCA is also a SupCt AJ		SC J 38,500 or 28,500
Delaware ^a	42,500	42,000	32,200		SC PJ 39,500 AJ 39,000 ChC Ch 39,500 VCh 39,000
Florida	45,350	45,350	35,700	DC A 43,050	CC 40,850
Georgia	46,000	46,000	33,000	45,500	SC 38,500 Local supps to 14,400
Hawaii	47,500	45,000	40,000		CC 42,500
Idaho ^a	38,000	38,000	35,500		DC 35,000
Illinois	58,000	58,000	53,000	AC 53,000	CCJ 50,500 AJ 45,000

^aSee Appendix I

^bSee Appendix II

Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
	PC 300 to 45,000			DC 24,750 Local supp up to 11,000	Recorder's Court 500 to 22,000	
			Magistrate Ct. 7,126 to 38,902	DC 41,068 to 48,255 depending on location and cost of living differentials		
		JP 6,900 to 20,500 based on registered voters in precinct			PolC 1,200 to 46,521 set by mayor and city council	
		JP 1,200 to 3,600	9,000 to 24,000		MC 2,400 to 31,500 PolC 1,200 to 3,600* *Beebe County City Court 1,200 to 3,600	CP 100-900 based on cases* *This court is provided over by the CoC judge who receives this in addition to his regular salary.
		JC 3,575 to 38,409			MC 47,497	
Juv* 38,350 SC* 38,350 *Denver	PC* 38,350 *Denver PC fees up to 38,500		Denver 32,800 Others 3,300 to 32,800		MC 500 to 30,000	
Family Court CJ 38,500 AJ 38,000		JP 11,000			MC Wilmington CJ 32,748 AJ 31,579 AJ part time 13,684	CP CJ 38,500 AJ 38,000
			Pop. less than 40,000: 29,500 Pop. more than 40,000: 38,550			
Juv Full time 18,375 to 42,000 Part time 2,400 to 24,400	PC 5,000 to 42,000		3,600 to 12,000	State Court full time 15,000 to 42,500 part time 2,400 to 18,000 DC 40,000 Magistrate Dis of DC Lawyers full time 26,700 Lay full time 14,000 to 20,000 Lay part time 10,000 to 11,000	MC up to 39,156	

Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Indiana ^a	38,100 Subsistence allowance 3,000	38,100 3,000	Sup Ct Adm 34,125 Ex Dir-St. Ct. Administration 34,125	CA 38,100 Subsistence allowance 3,000	CC & SC & Crim C 26,500 to 31,500 depending on county population and assessed valuation
Iowa	50,000	45,000	25,935	CA CJ 43,000 J 42,500	DC CJ 42,000 AJ 40,000
Kansas ^a	37,250	36,250	32,625	CA CJ 36,000 J 35,000	Dist J 32,625 Local supps 1,500 only in certain urban counties A Dist J 30,500 Local supps up to 1,500 Dist Magistrate Judge 14,000 to 16,250
Kentucky	39,500	39,000	34,000	CJ 37,500 J 37,000	CC 35,000
Louisiana	54,000	54,000	48,600	CA 51,300	DC base 45,900 48,600 where population exceeds 225,000
Maine ^a	33,500	32,000	30,000		SC 31,500
Maryland ^{a, b}	49,000	47,800	42,500	CSA C ¹ 46,100 AJ 44,900	CC 42,500
Massachusetts ^a	48,000	46,638	44,500	AC CJ 45,070 AJ 43,621	SC CJ 42,053 AJ 42,053
Michigan	56,500	56,500 Comm. 33,450 to 40,841	51,302	CA 51,500	CC 30,850 Local supps 3,500 to 21,000 Recorders Court (Detroit) 49,414
Minnesota ^a	52,000	49,000	up to 44,100		DC 42,000
Mississippi	CJ 47,000 PJ 46,500	46,000			CC 41,000 ChC 41,000

^aSee Appendix I

^bSee Appendix II

Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
	PC 26,500 to 31,500 (St. Joseph County only)		23,500		MC PJ 30,500 AJ 29,500	
				A Dist J 33,000	Ma: rates full time 33,000 part time 8,750	
					MC by city up to 18,678	
Juv 48,000		JP (average) 1,200 to 1,800		DC 27,500		
					New Orleans MC 34,000 Traffic Ct 34,000 City Court 10,000 plus local supps. New Orleans 43,000 Parish Courts 30,000 to 48,100	
	PC 4,500 to 12,020			DC CJ 30,000 DpCJ 29,800 J 29,000		
	Orphans' Court Part time salaried 600 to 22,500 others 15 to 25 per day			DC CJ 44,900 AJ 36,100		
iv CJ 42,053 AJ 36,018	PC CJ 42,053 AJ 37,580		Housing Ct CJ 42,053 AJ 36,018	DC CJ 42,053 AJ 36,018	MC (Boston) CJ 42,053 AJ 36,018	Land Court CJ 42,053 AJ 42,053
	PC Full time 27,765 Part time 9,450 Local supps up to 21,595			DC 27,765 local supps up to 18,510	MC 3,000 to 15,850 part time	CP Detroit 45,422
Family Court 29,000 Harrison County	PC 42,000 Hennepin and Ramsey Counties only	JP	Earned in the law 42,000 Not learned in the law 27,000		CoMC 42,000 Hennepin and Ramsey Counties only	
			5,400 to 40,000 depends on pop		MC set locally	

Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Missouri	52,500	50,000 Comm. 50,000	40,000	CA 47,500	CC 145,000 AJ 27,000 to 33,000 MDV determined by local ordinance
Montana	37,000	36,000	20,000		DC 35,000
Nebraska	43,000	43,000	33,700		DC 39,500 Local supply 1,500 where population exceeds 150,000
Nevada	47,250	47,250	32,667		DC 43,000
New Hampshire	42,400	40,810	31,190		SC CJ 40,810 AJ 39,750
New Jersey	58,500	56,000	Ad Dir Ct 48,000 Acting Ad Dir Ct 53,000	SC App Div 53,000	SC assignment judges 51,000 SC 48,000
New Mexico ^a	38,165	38,165	34,500	CA 36,456	DC 35,317
New York ^a	63,143	60,575	57,000	App Div Sup Ct 1,2,3,4th Depts PJ 55,266 AJ 51,627	SC 1st through 11th Judicial Districts 48,998
North Carolina	48,000	47,000	42,000	CA CJ 45,500 AJ 44,500	SC 39,500
North Dakota	38,000	36,800	32,659		DC 34,500
Ohio	55,000	51,000	42,369	CA 47,000	CC Pleas 33,000 to 43,500
Oklahoma	39,200 CCrA 39,200	39,200 CCrA 39,200	26,000 to 36,200	CA 36,200	DC Div 33,200 ADivJ Pop. over 400,000 29,200 30,000 to 300,000 27,200 10,000 to 29,999 25,200 under 10,000 22,000 Spec J (lawyer and nonlawyer) 23,000
Oregon	46,847	45,707	41,461	CA CJ 45,707 AJ 44,619 Tax Court 41,985	CC 41,461
Pennsylvania	57,500	55,000	50,000	SC & Commonwealth Ct PJ 54,500 AJ 53,000	CP PJ 45,000 to 47,500 depending on number of judges and population 145,000

^aSee Appendix I

^bSee Appendix II

Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts	
Juv 39,500 Supp for pop. exceeding 150,000 1,500	PC 28,500 to 34,450 Based on pop. AJ up to 21,375	JP up to 17,400 Yellowstone County			City Ct up to 24,996 Billings MC 35,700	Workmen's Comp. Ct 37,050	
	PC 12,881	JC set locally 434 to 32,000		DC 4,100 to 32,300 depending on pop	MC set locally 1,000 to 32,000 MC 150 to 5,100 depending on pop		
HDRC 48,000	SrC up to 35,000				MC up to 36,000		
	PC 1,000 to 7,040		Magistrate Ct. 4,800 to 22,329		MC Albuquerque 28,139	Small Claim Ct. Albuquerque 20,000	
Family Court NYC 42,451 Other 36,000 to 48,998	SrC NYC 48,998 Other 36,000 to 48,998		(outside NYC) 36,000 to 48,998	Nassau Co DC PJ 44,500 AJ 42,000 Suffolk Co DC 42,451 PJ 45,330 AJ 40,990 DC Ct 33,250 AJ 32,000	NYC Civil Ct 42,451 NYC Crim Ct 42,451 Others 25,000 to 42,000	Ct of Claims PJ 27,000 AJ 48,998	
		CoJC up to 7,000	Of increased jurisdiction 21,000 to 27,600 Others: 9,600 to 10,990		MC set by gov. body of each municipality		
Juv 33,000 to 43,500 DR 33,000 to 43,500	PC 33,000 to 43,500		part time 6,500 to 14,000		MC 28,750 to 38,750 part time 15,000 to 25,000		
Oklahoma has special courts manned by District Judges who receive only expenses. Courts of Tax Review and Bank Review.						MC set locally by ordinance	StIndus Ct 33,200
		JP 1,020 to 16,800		DC 37,163	MC & City Cis 2,100 to 29,664 Some part time		
		JP 10,500 to 19,500 excluding Philadelphia and depending on size of magisterial district			MC Philadelphia PJ 41,500 AJ 40,000 Traffic Ct Philadelphia PJ 22,000 AJ 21,000		

Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Rhode Island ^{a, b}	42,400 to 50,880	41,300 to 49,560	35,145 to 41,074		SC PJ 40,200 to 48,240 AJ 39,100 to 46,920 Based on longevity
South Carolina ^a	55,827	49,140	35,690		CC 49,140
South Dakota	37,000	35,000	32,000		PCirJ 34,000 CirJ 33,000 Law trained magistrate up to 26,718 Magistrate (part time) up to 10,437
Tennessee ^b	58,100	53,667	49,195	CA & CCrA PJ 50,984 AJ 49,195	CC 44,722 ChC 44,722 CrC 44,722 Equity C 44,722
Texas	51,900 CCrA 51,900	51,400 CCrA 51,400	35,400	CCivA CJ 45,900 AJ 45,400 Local supps to 5,000	DC state salary 35,700 Local supps up to 13,700 Same figures for CrDC
Utah ^a	36,000	35,500	33,500		DC CJ & Chmn. Jud. Cncl. 34,500 J 33,500
Vermont	35,245	33,655	31,800		SCoC 31,800 AssJ .37 per day
Virginia ^a	51,000 plus 4,000 in lieu of travel expense	50,000	44,500		CC 44,500
Washington ^a	45,000	45,000	35,100	CA 42,000	SC 39,000 ProTemJ 93.60 per day ProTemAtty 156.00 per day
West Virginia	35,000	35,000	33,075		CC 31,500
Wisconsin ^a	55,299	48,920	44,868		CC state pay 36,151 local supps to 6,806
Wyoming	45,000	45,000	26,500		42,500
District of Columbia	52,250 DC Court of Appeals	51,750	49,050 ExecOff of DC Courts		SC CJ 49,550 AJ 49,050
Federal System	75,000	72,000	Ad Dir Ct 54,500	CA 57,500	DC 54,500
American Samoa	58,781	51,244	15,198		
Puerto Rico	32,600	32,000	30,600		SC 26,000 DC 19,300
Virgin Islands	NA	NA			Territorial Ct PJ 47,500 AJ 45,000

^aSee Appendix I

^bSee Appendix II

Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Plea Courts
Family Ct CJ 40,200 to 46,230 AJ 39,100 to 44,965 Based on longevity	PC up to 11,440 Probate judges are part time			DC CJ 37,472 to 41,219 AJ 36,472 to 43,646 Based on longevity		
Family Ct 39,597	PC set locally		Set locally		MC set locally	
Juv set locally	PC set locally		Gen Sess Ct 1,800 to 36,380		MC set locally	
	PC 5,764 to 48,400	JP 18 to 24,000	"Constitutional" 600 to 49,400 Civil, Crim., Crim Appeals, Statutory 5,764 to 48,400		MC up to 34,000	
Juv 33,500		JP		CC 30,150 DC 30,740		
JDRDC 33,604 to 40,050	PC 6,530 to 24,730			Gen DC 33,604 to 40,050 Part time, 8,396 to 27,830 DC 33,000	MC Seattle 34,250 Other 9,000 not to exceed superior court Magistrates 10,000 to 18,000	
		JP based on pop. If justice receives more than 15,000 is considered full- time 1,000 to 15,000			MC set locally	
		JP 7,500 to 15,000 Ceiling—Board of County Comm. may fix salaries not to exceed	CoC 25,000 to 32,500		MC set locally not to exceed 15,000	
			Court of Claims 57,500	Court of Customs and Patent Appeals 57,500	Customs Court 54,500	
		JP 6,000 to 8,400			MC 12,000 to 13,000	Traffic and Small Claims Ct. 11,000 to 15,958

Appendix 1

Future Salaries and Pending Legislation

Alabama: The Judicial Compensation Commission is submitting its study of salaries to the legislature. The content of that study is unknown at this time.

Alaska: The Alaska Court System has requested increases in judicial salaries of approximately 18 percent over the next two years.

Arkansas: The salaries of Supreme Court justices, Circuit Court judges, Chancery Court judges, Municipal Court judges, and the Executive Secretary of the Judicial Department will be increased, effective July 1, 1979. The amount of the increase has yet to be determined by the Arkansas Legislature.

Connecticut: Those judges who were promoted from the court of limited jurisdiction on July 1, 1978, will receive a \$6,000 increase on July 1, 1979, and an annual increment of \$1,000 for four years thereafter.

Idaho: A 10 percent increase for magistrate salaries has been requested.

Indiana: A bill to raise judicial salaries is presently pending in the legislature.

Kansas: Legislation enacted in 1978 provides for salary increments through 1982. Supreme Court chief justice: \$39,500—1980; \$41,750—1981; \$44,000—1982. Supreme Court jus-

tices: \$38,500—1980; \$40,750—1981; \$43,000—1982. Court of Appeals chief judge: \$38,000—1980; \$40,000—1981; \$42,000—1982. Court of Appeals judges: \$37,000—1980; \$39,000—1981; \$41,000—1982. District Court judges: \$34,750—1980; \$36,875—1981; \$39,000—1982. District Court associate judges: \$32,667—1980; \$34,834—1981; \$37,000—1982. In addition, county supplements to district judges and associate judges salaries will be phased out during this time period; supplements are not to exceed \$1,000 during 1980, \$500 during 1981, and no such supplements are to be paid after 1981. Salary changes will occur on January 1 of each year.

Maine: Legislation is being introduced that would increase judicial salaries by seven percent.

Maryland: The budget bill for fiscal 1980 calls for an increase in judicial salaries.

Massachusetts: The following salary changes will take effect July 1, 1979: Supreme Court chief justice \$52,000, associate justices \$50,000; Appeals Court chief judge \$47,000, associate judges \$45,000; Superior Court chief judge \$44,500, associate judges \$42,500; chief judges of Probate Court, Land Court, Municipal Court (Boston), Juvenile Court, District Court, and Housing Court \$44,500, associate judges of these courts \$42,500; Chief Administrative Justice of the Trial Court \$47,000. In addition, the classification of part-time or special judges in the District Court will be eliminated on this date.

Minnesota: Legislation to increase judicial salaries by approximately seven

percent is being introduced to the legislature.

New Mexico: Requests for increases in judicial salaries are being presented to the legislature.

New York: The Judiciary Budget proposes a minimum salary for full-time city court judges of \$36,000; a minimum salary of \$40,000 for County, Family, and Surrogate judges; and a 20 percent increase for all state-paid judges.

Oklahoma: Legislation to increase all judicial salaries by eight percent is pending.

Rhode Island: Legislation to increase all judicial salaries by 5½ percent is pending.

Utah: Senate Bill #49 is now pending. The bill calls for the following increases: Supreme Court chief justice \$42,300, associate justices \$41,625; District Court judges and Juvenile Court judges \$39,363.

Virginia: The following salary changes will take effect January 1, 1980: Circuit Court judges \$47,000; District Court judges \$42,300; Juvenile and Domestic Relations Court judges \$42,300.

Washington: The State Salary Commission is considering increases in salaries for the judiciary.

Wisconsin: The local supplement to Circuit Court judges will be assumed in two phases by the state, so that these judges will be paid entirely by the state as of August 1, 1980.

Puerto Rico: Legislation that would increase the salaries of general jurisdiction and limited jurisdiction judges is now pending in the legislature.

Appendix II Floating Salary Statutes

California and Tennessee provide for judicial salary increases based on a consumer price index. California utilizes the California consumer price index while Tennessee uses the U.S. consumer price index. Maryland provides automatic salary increases for the judiciary based on general salary increases awarded to all state employees. Rhode Island provides for longevity increases as shown in this section. The statutory authority for these automatic salary increases follows.

California: The California Government Code § 68203, 1964, as amended, (Supp 1976) provides:

"In addition to the increase provided under this section on September 1, 1968, on the effective date of the 1969 amendments to this section and on September 1 of each year thereafter, the salary of each justice and judge named in Sections 68200 to 68202, inclusive, shall be increased by that amount which is produced by multiplying the then current salary of each justice or judge by the percentage by which the figure representing the California consumer price index as compiled and reported by the California Department of Industrial Relations has increased in the previous calendar year."

The judges named in 68200 to 68202 include the Chief Justice of California, associate justices of the Supreme Court, justices of courts of appeal, superior court judges and municipal court judges.

Assembly Bill 3644, enacted as Chapter 1183, Statutes of 1976, amends Government Code 68203 to freeze judicial salaries (for all but justice court judges) at the September 1, 1976, level (as reflected in this survey) until July 1, 1978, at which time judicial salaries will be increased by the Consumer Price Index (cost of living) for the preceding calendar year (1977) but not to exceed 5 per cent. Annual adjustments per this formula will thereafter be made on July 1 of each year.

Maryland: Maryland Code, Courts and Judicial Proceedings, § 1-703, 1974, Pay Plan: Automatic Salary Increases, provides:

"(a) Pay plan.—Section 27, Article 64A of the Code applies to judicial

salaries, except for its provisions authorizing emergency salary increases with approval of the Board of Public Works.

"(b) Automatic salary increases.—Whenever a general salary increase is awarded to state employees, each judge shall receive the same percentage increase in his salary as awarded to the lowest step of the highest salary grade for classified employees in the state salary plan."

Rhode Island: Personnel Rules and Regulations of the State of Rhode Island provide:

Judges as well as all other court personnel are entitled to longevity increments. Longevity after seven years 5%, after eleven years 10%, after fifteen years 15%, after twenty-five years 20%.

Tennessee: Tennessee Code Annotated, § 8-2303, 1973, as amended (Supp 1977) provides:

"On July 1, 1975, the base salaries provided in this section, as adjusted, shall be adjusted to reflect the percent of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics between that figure for the calendar year 1974 and the calendar year 1973. Each succeeding July 1, a similar adjustment shall be made, based on the percent of change in the average consumer price index between the two (2) calendar years preceding July 1 of the year in which the adjustment is made

... No annual salary adjustment as provided by this section shall be made after July 1, 1982. No annual salary adjustment made as provided by this section shall exceed five percent (5%)."

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Survey of Judicial Salaries



National Center for State Courts

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Foreword

This survey of judicial salaries lists salary figures as of July 31, 1979. Bold face figures in the salary charts ("Courts of Appellate and General Jurisdictions and State Court Administrators" and "Courts of Special and Limited Jurisdiction") indicate changes since the April 1979 update that appeared in the summer issue of the *State Court Journal*.

The "Judicial Salaries in Appellate and Trial Courts" table lists the date of last salary change for highest, intermediate appellate or general trial court judges for each state court system. This table, like the "Rank Order of Judicial Salaries" table, utilizes salaries paid to associate justices for the highest court and intermediate appellate courts. The general trial court salaries refer to the state-paid salary without supplements. Salaries including supplements appear in parentheses immediately beneath the figures for the state-paid salary.

Appendix I lists salaries scheduled to take effect in the future and pending legislation that could affect judicial salaries. Appendix II indicates the states that provide for "floating" judicial salaries on the consumer price index or other cost of living adjuster.

Every effort has been made to ensure the accuracy of the survey data; figures for each state have been obtained from its office of court administration. If errors have occurred, or any of the figures are in any way misleading, please let us know promptly, so that correction can be made before the next publication of judicial salary information.

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The National Center for State Courts

The National Center for State Courts is a nonprofit organization dedicated to the modernization of court operations and the improvement of justice at the state and local level throughout the country. It functions as an extension of the state court systems, working for them at their direction and providing for them an effective voice in matters of national importance.

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Rank Order of Judicial Salaries, Income, and Population

Population and income figures are from the U.S. Department of Commerce and Bureau of Census, *Statistical Abstract of the United States 1978*. Where another state has the same rank, rank is shown in parentheses. The salaries reported for the highest appellate court refer to the salaries paid to associate justices. The general trial court salaries refer to standard state-paid salaries for ranking purposes.

Rank	Highest Appellate Court and Salary	General Trial Court and Salary	Per Capita Personal Income	Population		
1	California	69,386	California	54,205	Alaska	California
2	New York	60,575	South Carolina	52,088	Connecticut	New York
3	Illinois	58,000	New York	48,998	New Jersey	Texas
4	Tennessee	57,799	Alaska	48,576	Nevada	Pennsylvania
5	Michigan	56,500	Tennessee	48,166	California	Illinois
6	New Jersey	56,000	New Jersey	48,000	Illinois	Ohio
7	Pennsylvania	55,000	Delaware	46,000	Delaware	Michigan
8	Louisiana	54,000	Louisiana	45,900	Hawaii	Florida
9	Alaska ^b	52,992	Illinois (9)	45,000	Michigan	New Jersey
10	Minnesota	52,500	Minnesota (9)	45,000	Maryland	Massachusetts
11	South Carolina	52,088	Missouri (9)	45,000	Wyoming	North Carolina
12	Texas	51,400	Pennsylvania (9)	45,000	New York	Indiana
13	Ohio	51,000	Virginia	44,500	Washington	Virginia
14	Maryland	50,700	Oregon	43,949	Massachusetts	Georgia
15	Missouri (15)	50,000	Arizona (15)	43,500	Colorado	Missouri
16	Massachusetts (15)	50,000	Iowa (15)	43,500	Kansas	Wisconsin
17	Virginia (15)	50,000	Nevada	43,000	Minnesota	Tennessee
18	North Carolina	49,356	Maryland (18)	42,500	Ohio	Maryland
19	Delaware (19)	49,000	Massachusetts (18)	42,500	Pennsylvania	Minnesota
20	Iowa (19)	49,000	Wyoming (18)	42,500	Oregon	Louisiana
21	Wisconsin	48,920	Hawaii (18)	42,500	Indiana	Alabama
22	Georgia	48,530	Washington	41,700	Wisconsin	Washington
23	Oregon	48,449	North Carolina	41,484	Iowa	Kentucky
24	Washington	48,200	Rhode Island ^b	41,251	Virginia	Connecticut
25	Arizona	47,500	Mississippi	41,000	Texas	Iowa
26	Nevada	47,250	Florida	40,850	Rhode Island	South Carolina
27	Mississippi	46,000	Georgia	40,617	Nebraska	Ohio
28	Colorado	45,600	New Hampshire	39,750	Florida	Colorado
29	Florida	45,350	Nebraska	39,500	Missouri	Mississippi
30	Wyoming (30)	45,000	Wisconsin	39,414	New Hampshire	Oregon
31	Hawaii (30)	45,000	Colorado	38,350	Arizona	Kansas
32	Rhode Island ^b	43,572	Montana	37,000	Oklahoma	Arizona
33	Nebraska	43,000	North Dakota	36,750	North Dakota	Arkansas
34	Indiana	42,000	Utah	36,000	Montana	West Virginia
35	New Hampshire	40,810	Arkansas	35,858	Georgia	Nebraska
36	Oklahoma	40,700	Texas	35,700	West Virginia	Utah
37	Connecticut	40,000	West Virginia	35,500	Idaho	New Mexico
38	Alabama	39,500	New Mexico	35,317	South Dakota	Maine
39	North Dakota	39,200	Kentucky (39)	35,000	Kentucky	Rhode Island
40	Kentucky	39,000	Indiana (39)	35,000	North Carolina	Hawaii
41	Arkansas	38,545	Idaho (39)	35,000	Utah	Idaho
42	New Mexico	38,165	Maine	33,705	Louisiana	New Hampshire
43	Idaho (43)	38,000	Vermont	33,540	New Mexico	Montana
44	Montana (43)	38,000	South Dakota (44)	33,000	Vermont	South Dakota
45	Utah (43)	38,000	Ohio (44) ^b	33,000	Tennessee	North Dakota
46	West Virginia (43)	38,000	Kansas	32,625	Maine	Nevada
47	Kansas	36,250	Michigan	30,850	South Carolina	Delaware
48	Vermont	35,300	Connecticut	28,500	Alabama	Vermont
49	South Dakota	35,008	Alabama	27,500	Arkansas	Alaska
50	Maine	34,240	Oklahoma	23,400	Mississippi	Wyoming

^a Local Supplements may be added to state pay.

^b Rank is based on lower figure of salary range.

Judicial Salaries in Appellate and Trial Courts

Salaries including supplements are shown in parentheses immediately beneath the figures for state-paid salaries. Salary ranges can reflect cost-of-living differences as in Alaska, longevity increases as in Rhode Island, or may be determined by such factors as population or caseload of jurisdiction. The national average for each level of court is shown following Wyoming. For the highest and the general trial courts these averages are based on figures for the 50 states. For intermediate appellate courts the average is that of the 30 states that have such courts. All averages are based on the lowest salary of the range or on salaries without supplements.

	Highest Court	Intermediate Appellate Court	General Trial Court	Date of Last Salary Change
Alabama	39,500	38,000	27,500 (42,200)	4-25-78
Alaska	52,992 to 60,410		48,576 to 57,076	7-1-78
Arizona	47,500	45,500	43,500	1-1-79
Arkansas	38,545	39,803	35,856	7-1-79
California	69,386	65,050	54,205	
Colorado	45,600	41,500	38,350	1-1-79
Connecticut	40,000		28,500	1-1-79
Delaware	49,000		46,000	3-1-79
Florida	45,350	43,050	40,850	1-1-79
Georgia	48,530	48,002	40,617 (54,617)	7-1-79
Hawaii	45,000	43,750	42,500	1-1-76
Idaho	38,000		35,000	7-1-78
Illinois	58,000	53,000	45,000	12-1-78
Indiana	42,000 (45,000)	42,000 (45,000)	35,000 to 37,500	7-1-79
Iowa	49,000	46,500	43,500	7-1-79
Kansas	36,250	35,000	32,625 (34,125)	1-1-79
Kentucky	39,000	37,000	35,000	6-30-76
Louisiana	54,000	51,300	45,900 to 48,600	7-1-78
Maine	34,240		33,705	7-1-79
Maryland	50,700	47,600	42,500	7-1-79
Massachusetts	50,000	45,000	42,500	7-1-79
Michigan	56,500	51,500	40,850 (52,005)	1-1-79
Minnesota	52,500		45,000	7-1-79
Mississippi	46,000		41,000	7-1-78
Missouri	50,000	47,500	45,000	1-1-78
Montana	38,000		37,000	7-1-79
Nebraska	43,000		39,500	1-1-79
Nevada	47,250		43,000	1-1-79
New Hampshire	40,810		39,750	6-16-78
New Jersey	56,000	53,000	48,000	1-1-78
New Mexico	38,165	36,456	35,117	7-1-78
New York	60,575	51,627	48,998	10-1-78
North Carolina	49,356	46,728	41,484	7-1-79
North Dakota	39,200		36,750	7-1-79
Ohio	51,000	47,000	33,000 to 43,500	5-1-78
Oklahoma	40,700	37,700	23,400 to 34,700	7-1-79
Oregon	48,449	47,296	43,949	7-1-79
Pennsylvania	55,000	53,627	45,000	7-1-76
Rhode Island	43,572 to 52,286		41,251 to 49,501	7-1-79
South Carolina	52,088		52,088	7-10-79
South Dakota	35,000		33,000	7-1-78
Tennessee	57,799	52,983	48,166	7-1-79
Texas	51,400	45,400 (50,400)	35,700 (49,400)	9-1-78
Utah	38,000		36,000	7-1-79
Vermont	35,300		33,540	7-1-79
Virginia	50,000		44,500	7-1-78
Washington	48,200	44,900	41,700	7-1-79
West Virginia	38,000		35,500	7-1-79
Wisconsin	48,920	44,804	39,414 (42,957)	7-1-79
Wyoming	45,000		42,500	3-10-78
National Average	46,568	46,067	39,951	
District of Columbia	51,750		49,050	3-27-77
Federal System	72,000	57,500	54,500	3-1-77
American Samoa	51,244		NA	10-1-78
Commonwealth of Puerto Rico	36,000		26,000	7-1-79
Virgin Islands	NA		45,000	1-10-79

Key to Abbreviations

AC	Appellate Court	DCA	District Court of Appeals
AdDirCt	Administrative Director of the Court	DisJ	District Judge
ADistJ	Associate District Judge	DpCJ	Deputy Chief Judge
AJ	Associate Judge, Justice	Equity C	Equity Court
AppDiv	Appellate Division	ExecOff	Executive Officer
AssJ	Assistant Judge	GenSessCt	General Sessions Court
CA	Court of Appeals	J	Judge
CC	Circuit Court	JC	Justice Courts
CCivA	Court of Civil Appeals	JDRC	Juvenile and Domestic Relations Court
CCrA	Court of Criminal Appeals	JP	Justice of the Peace
Ch	Chancellor	Juv	Juvenile Court
ChC	Chancery Court	MC	Municipal Court
CirJ	Circuit Judge	MDV	Municipal Division Judge
CJ	Chief Judge, Justice	PC	Probate Court
Co	County	PCirJ	Presiding Circuit Judge
CoC	County Court	PJ	Presiding Judge
CoDC	County District Court	PoC	Police Court
Comm	Commissioner	SC	Superior Court
Comp	Compensation	SCA	State Court Administrator
CP	Court of Common Pleas	SCoC	Superior County Court
CrC	Criminal Court	SpecJ	Special Judge
CrDC	Criminal District Court	SrC	Surrogate Court
CSA	Court of Special Appeals	StIndustCt	State Industrial Court
Ct	Court	SupCt	Supreme Court
DC	District Court	Supp	Supplement
		VCh	Vice Chancellor

Courts of Appellate and General Jurisdictions
and State Court Administrators

Salaries

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Alabama ^b	40,000	39,500	34,515	CCivA 38,000 CCrA 38,000 PJ 38,500	State CC 27,500 Local supps. 1,200 to 14,700 Authority for local supps is based upon local acts and general acts of local application.
Alaska ^a	52,992	52,992 to 60,410 depending on location and cost of living differentials	50,784		SC 48,576 to 57,076 depending on location and cost of living differentials
Arizona	47,500	47,500	40,280	CA 45,500	SC 43,500 Comm. 34,800, set by Presiding Judge, not to exceed 80% salary of SC Judge
Arkansas ^a	42,048	38,545	30,975	39,803	CC 35,856 ChC 35,856
California ^b	73,723	69,386	57,305	CA 65,050	CA 54,205
Colorado	48,400	45,600	39,925	CA CJ 42,300 AJ 41,500	DC 38,350
Connecticut ^a	44,000	40,000	42,000 SCA is also a Sup Ct AJ		SC J 38,500 or 28,500 ^a
Delaware ^a	49,500	49,000	34,500		SC PJ 46,500 AJ 46,000 ChC Ch 46,500 VCh 46,000
Florida ^a	45,350	45,350	35,700	DCA 43,050	CC 40,850
Georgia ^a	48,530	48,530	34,815	48,002	SC 40,617 Local supps to 14,000
Hawaii	47,500	45,000	40,000	CJ 45,000 AJ 43,750	CC 42,500
Idaho ^a	38,000	38,000	37,250		DC 35,000
Illinois	58,000	58,000	53,000	AC 53,000	CCJ 50,500 AJ 45,000

^aSee Appendix I

^bSee Appendix II

Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
	PC 300 to 45,000			DC 24,750 Local supp up to 11,000	Recorders Court 500 to 22,000	
			Magistrate Ct. 7,126 to 38,902	DC 41,068 to 48,255 depending on location and cost of living differentials		
		JP 6,900 to 20,500 based on registered voters in precinct			PoC 1,200 to 46,521 set by mayor and city council	
		JP 1,200 to 3,600	9,000 to 24,000		MC 2,400 to 35,500 City Court 1,200 to 3,600	CP 100,900 based on cases.* *This court is presided over by the CoC judge who receives this in addition to his regu salary
		JC 3,300 to 40,329			MC 49,872	
Juv* 38,350 SC* 38,350 *Denver	PC* 38,350 *Denver PC fees up to 38,500		Denver 32,800 Others 3,300 to 20,850		MC 500 to 20,850	
Family Court CJ 45,500 AJ 45,000		JP 16,000			MC Wilmington CJ 32,748 AJ 31,579 AJ part time 13,684	CP CJ 45,500 AJ 45,000
			Pop. less than 40,000) 29,500 Pop. more than 40,000) 38,550			
Juv Full time 18,375 to 42,000 Part time 2,400 to 24,400	PC 5,000 to 42,000		3,600 to 12,000	State Court full time 15,000 to 42,500 part time 2,400 to 18,000 DC 40,000 Magistrate Dis of DC Lawyers full time 28,635 Lay full time 14,700 to 21,000 Lay part time 10,500 to 13,000	MC up to 39,156	

Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court		State Court Administrator	Intermediate Appellate Court	General Trial Court
	CJ	AJ			
Indiana ^a	42,000 Subsistence allowance 3,000	42,000 3,000	Sup Ct Adm 37,550 Ex Dir-St. Ct. Administration 37,550	CA 42,000 Subsistence allowance 3,000	CC & CS & Crim C 35,500 to 37,500 depending on county population and assessed valuation
Iowa	54,000	49,000	35,000	CA CJ 47,500 J 46,500	DC CJ 45,500 AJ 43,500
Kansas ^a	37,250	36,250	32,625	CA CJ 36,000 J 35,000	Dist J 32,625 Local supps 1,500 only in certain urban counties A Dist J 30,500 Local supps up to 1,500 Dist Magistrate Judge 14,000 to 16,250
Kentucky	39,500	39,000	42,000	CJ 37,500 J 37,000	CC 35,000
Louisiana ^a	54,000	54,000	48,600	CA 51,300	DC base 45,900 48,600 where population exceeds 225,000
Maine ^a	35,845	34,240	32,100		SC 33,705
Maryland ^{a, b}	52,500	50,700	45,500	CSA CJ 49,300 AJ 47,600	CC CJ 45,500 CC AJ 42,500
Massachusetts ^a	52,000	50,000	47,000	AC CJ 47,000 AJ 45,000	SC CJ 44,500 AJ 42,500
Michigan ^a	56,500	56,500 Comm. 33,450 to 40,841	51,302	CA 51,500	CC 30,850 Local supps 5,500 to 21,155 Recorders Court (Detroit) 48,772 plus \$2.00 cost of living adjustment
Minnesota ^a	56,000	52,500	44,500		DC 45,000
Mississippi	CJ 47,000 PJ 46,500	46,000	41,000		CC 41,000 ChC 41,000

^aSee Appendix I

^bSee Appendix II

Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
	PC 35,500 to 37,500		30,500		MC PJ 35,500 to 37,500 AJ 29,500	
				A Dist 36,000	Magistrates full time 36,000 part time 10,000	
					MC by city up to 18,678	
				DC 27,500		
Jw 48,600		JP (average) 1,200 to 1,800			New Orleans MC 34,000 Traffic Ct 34,000 City Court 10,000 plus local supps New Orleans 43,000 Parish Courts 30,000 to 48,100	
	PC 4,500 to 12,020			DC CJ 32,100 DpCJ 31,600 131,030		
	Orphans' Court Part time salaried 600 to 22,500 others 20 to 25 per day			DC CJ 47,600 AJ 40,900		
Jus CJ 44,500 AJ 42,500	PC CJ 44,500 AJ 42,500		Housing Ct CJ 44,500 AJ 42,500	DC CJ 44,500 AJ 42,500	MC (Boston) CJ 44,500 AJ 42,500	Land Court CJ 44,500 AJ 42,500
	PC Full time 27,765 Part time 9,000 Local supps up to 21,595			DC 27,765 local supps up to 18,510	MC 2,700 to 15,850 part time	CP Detroit 45,422 including cost of living adjustment
	PC 45,000 Hennepin and Ramsey Counties only		Learned in the law 45,000 Not learned in the law 29,500		CoMC 45,000 Hennepin and Ramsey Counties only	
Family Court 29,000 Harrison County		JP	5,400 to 40,000 depends on pop.		MC set locally	

Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Missouri ^a	52,500	50,000 Comm. 50,000	40,000	CA 47,500	CC J 45,000 AJ 27,000 to 33,000 MDV determined by local ordinance
Montana ^a	39,000	38,000	21,200		DC 37,000
Nebraska ^b	43,000	43,000	36,500		DC 39,500 Local supps 1,500 where population exceeds 150,000
Nevada	47,250	47,250	27,672		DC 43,000
New Hampshire	42,400	40,810			SC CJ 40,810 AJ 39,750
New Jersey ^a	58,500	56,000	Ad Dir Ct 48,000 Acting Ad Dir Ct 53,000 JAd Dir limited to judicial salary	SC App Div 53,000	SC assignment judges 51,000 SC 48,000
New Mexico ^a	38,165	38,165	34,500	CA 36,450	DC 35,317
New York ^a	63,141	60,575	57,000	AppDiv Sup Ct 1,2,3,4th Depts PJ 55,266 AJ 51,627	SC 1st through 11th Judicial Districts 48,998
North Carolina	50,400	49,356	44,100	CA CJ 47,784 AJ 46,728	SC 41,484
North Dakota	38,300	36,800	32,659		DC 34,500
Ohio	55,000	51,000	42,369	CA 47,000	CC Pleas 33,000 to 43,500
Oklahoma	40,700 CCrA 40,700	40,700 CCrA 40,700	26,000 to 37,700	CA 37,700	DC Divd 34,700 ADivd Pop. over 300,000 30,700 30,000 to 300,000 28,700 10,000 to 29,999 26,700 under 10,000 23,400 Spec J (lawyer and nonlawyer) 24,460
Oregon ^a	49,658	48,499	41,461	CA CJ 49,658 AJ 48,449 Tax Court 44,504	CC 43,949
Pennsylvania ^a	57,500	55,000	50,000	SC & Commonwealth Ct PJ 54,500 AJ 53,000	CP PJ 45,000 to 47,500 depending on number of judges and population J 45,000

^aSee Appendix I

^bSee Appendix II

Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
		JP up to 17,400 Yellowstone County			City Ct up to 24,996 Billings	Workmen's Comp. Ct 37,050
Juv 39,500 Supp for pop. exceeding 150,000 1,500	PC 28,500 to 34,450 Based on pop. AJ up to 21,375	JC set locally 4,34 to 32,000			MC set locally 1,080 to 32,000	
	PC (part-time) 12,881			DC 4,100 to 39,750 depending on caseload	MC 150 to 5,100 depending on pop.	
IDRC 48,000	SrC up to 35,000				MC up to 36,000	
	PC 1,000 to 7,040		Magistrate Ct 4,800 to 22,329		MC Albuquerque 28,139	Small Claim Ct Albuquerque 20,000
Family Court NYC 42,451 Other 36,000 to 48,998	SrC NYC 48,998 Other 36,000 to 48,998		(outside NYC) 36,000 to 48,998	Nassau Co DC PJ 44,500 AJ 42,000 Suffolk Co DC 42,451 PJ 45,330 AJ 40,990 DC CJ 34,920 AJ 33,600	NYC Civil Ct 42,451 NYC Crim Ct 42,451 Others 25,000 to 42,000	Ct of Claims PJ 51,627 AJ 48,998
		CoC up to 7,000	Of increased jurisdiction 21,000 to 27,600 Others 9,600 to 10,990		MC set by gov. body of each municipality	
Juv 33,000 to 43,500 DR 33,000 to 43,500	PC 33,000 to 43,500		part time 6,500 to 14,000		MC 28,750 to 36,750 part time 15,000 to 25,000	
Oklahoma has special courts manned by District Judges who receive only expenses. Courts of Tax Review and Bank Review.					MC set locally by ordinance	S Indust Ct 34,700
		JP 1,070 to 16,800 Subject to local ordinance		DC 39,393	MC & City Ct 2,100 to 29,664 Some part time Subject to local ordinance	
		JP 10,500 to 19,500 excluding Philadelphia and depending on size of magisterial district			MC Philadelphia PJ 41,500 AJ 40,000 Traffic Ct Philadelphia PJ 22,000 AJ 21,000	

Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Rhode Island ^{a, b}	44,732 to 53,678	43,572 to 52,286	32,271 to 37,078		SC PJ 42,411 to 50,893 AJ 41,251 to 49,501 Based on longevity
South Carolina ^a	59,177	52,088	37,831		52,088
South Dakota	37,000	35,000	32,000		PCrJ 34,000 CrJ 33,000 Law trained magistrate up to 28,588 Magistrate (part time) up to 11,167
Tennessee ^b	62,616	57,799	52,983	CA & CCrA PJ 54,909 AJ 52,983	CC 48,166 ChC 48,166 CrC 48,166 Equity C 48,166
Texas ^d	51,900 CCrA 51,900	51,000 CCrA 51,400	38,400	CCrA CJ 45,900 AJ 45,400 Local supps to 5,000	DC state salary 35,700 Local supps up to 13,700 Same figures for CrDC
Utah ^a	38,500	38,000	36,000		DC CrA Chmn. Just. Cnel. J 37,000 36,000
Vermont	37,180	35,500	33,550		SCCr 33,540 AssJ 30 ⁰⁰ per day
Virginia ^a	51,000 plus 4,000 in lieu of travel expense	50,000	44,500		CC 44,500
Washington ^a	48,200	48,200	37,500	CA 44,900	SC 41,700 Pro Tem 99.60 per day Pro Tem Actv 166.00 per day
West Virginia	38,000	38,000	35,500		CC 35,500
Wisconsin ^a	55,299	48,920	44,868		CC state pay 39,414 Local supps to 3,543
Wyoming	45,000	45,000	30,000		42,500
District of Columbia	52,250 DC Court of Appeals	51,750	49,050 Exec Off of DC Courts		SC CJ 49,550 AJ 49,050
Federal System	75,000	72,000	Ad Dir Ct 54,500	CA 57,500	DC 54,500
American Samoa	58,781	51,344	15,198		Handled by CJ
Puerto Rico	36,600	36,000	30,000		SC 30,000 DC 24,000
Virgin Islands	NA	NA			Territorial Ct PJ 47,500 AJ 45,000

^aSee Appendix I
^bSee Appendix II

Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
Family CT CJ 42,411 to 48,772 AJ 41,251 to 47,438 Based on longevity	PC up to 12,089 Probate judges are part time			DC CJ 39,533 to 43,486 AJ 38,372 to 46,046 Based on longevity		
Family Ct 44,275	PC set locally		Set locally		MC set locally	
Juv set locally	PC set locally		Gen Sess Ct 1,800 to 36,380		MC set locally	
	PC 5,764 to 48,400	JP 18 to 24,000	"Constitutional" 600 to 49,400 Civil, Crim., Crim Appeals Statutory 5,764 to 48,400		MC up to 34,000	
Juv 36,000		JP set locally on rec SCA		CC 32,400 DC 32,430		
JD/DC 33,604 to 40,050	PC 6,880 to 26,090			Gen DC 33,604 to 40,050 Part time 8,396 to 27,830 DC 33,000	MC Seattle 34,250 Other 9,000 not to exceed superior court Magistrates 10,000 to 18,000	
		JP based on pop. If justice receives more than 12,500 is considered full- time. 1,500 to 22,500			MC set locally	
		JP 7,500 to 15,000 Ceiling—Board of County Comm may fix salaries not to exceed	CoC 25,000 to 32,500		MC set locally not to exceed 15,000	
			Court of Claims 57,500	Court of Customs and Patent Appeals 57,500	Customs Court 54,500	U.S. Magistrates \$42,500 or \$48,500 U.S. Bankruptcy \$50,000
Juv. Ct handled by CJ, Dom Ct by AJ				Land and Title Ct handled by AJ		Tr. Sn. DC
		JP 6,000 to 8,400			MC 12,000 to 13,000	

Appendix 1

Future Salaries and Pending Legislation

Alabama: The 1979 legislature approved a cost-of-living increase of 0 to 7 percent to be reviewed and adjusted quarterly according to funds in the state treasury. Circuit Court judges will receive an increase to \$34,000 effective October 1, 1979.

Arkansas: As of July 1, 1980, salaries will be as follows: Supreme Court chief justice: \$46,253; associate justices \$42,399; Appeals Court, each judge \$39,903; Circuit Court \$39,441, Chancery Court, \$39,441; County Court \$9,000 to \$24,000; Court of Common Pleas \$100 to \$900; Municipal Court \$2,400 to \$35,500; City Court \$1,200 to \$3,600 Justice of the Peace Court \$1,200 to \$3,600; executive secretary \$33,143.

Connecticut: Judges who were members of Superior Court on June 30, 1978, receive \$38,500; those appointed on or after July 1, 1978, receive \$28,500, in second year of service \$34,500, and annual increments of \$1,000 thereafter up to \$38,500. Effective January 1, 1980, Supreme Court chief justice \$46,640, associate justices \$42,400; Superior Court judges serving on June 30, 1978, \$40,810, Superior Court judges appointed on or after July 1, 1978, \$30,210 for first year and increase to \$36,570 for second year, with annual increments up to \$40,810; chief court administrator \$44,520.

Delaware: Justices of the Peace will receive \$17,000 effective January 1, 1980.

Florida: As of September 1, 1979, Supreme Court justices \$48,525; \$51,921—9/1/80. District Courts of Appeal \$46,063; \$49,287—9/1/80. Circuit Court judges \$43,709; \$46,769—9/1/80. County Court judges \$41,248, 44,135—9/1/80.

Georgia: State Court full-time judges' salaries will increase in either October, 1979, or January, 1980, to a range of \$15,000 to \$44,310; and Probate Court judges to \$44,310.

Kansas: Legislation enacted in 1978 provides for salary increments through 1982. Supreme Court chief justice \$39,500 — 1980; \$41,750 — 1981; \$44,000—1982. Supreme Court justices \$38,500 — 1980; \$40,750 — 1981; \$43,000—1982. Court of Appeals chief judge \$38,000—1980; \$40,000—1981; \$41,000—1982. District Court judges \$34,750 — 1980; \$36,875 — 1981; \$39,000—1982. District Court associate judges \$32,667—1980; \$34,834—1981; \$37,000—1982. County supplements to district judges and associate judges will be phased out during this period; supplements may not exceed \$1,000 during 1980, \$500 during 1981, and no supplements may be paid after 1981. All salary changes will be effective January 1.

Louisiana: Effective September 1, 1979, Supreme Court chief justice and associate justices \$56,200; Courts of Appeal judges \$53,500; District Court judges \$48,100, and where population exceeds 225,000 \$50,800; Municipal Court (New Orleans) judges \$35,000; Traffic Court (New Orleans) \$35,000; Juvenile and Family Court \$50,800; City Courts \$11,000 plus local supplements; New Orleans City Court \$43,000; Parish

Courts \$35,000 to \$50,300; judicial administrator \$50,800.

Maine: On July 1, 1981, a 7 percent increase for all state court judges and the state court administrator will go into effect.

Michigan: As of January 1, 1980, Supreme Court chief justice and associate justices \$60,500.

Minnesota: As of July 1, 1980, Supreme Court chief justice \$59,000, associate justices \$56,000; District Court judges \$48,000; County Court judges learned in the law \$48,000, not learned in the law \$31,500; Probate Courts (Hennepin and Ramsey Counties only) \$48,000; County Municipal Courts (Hennepin and Ramsey Counties only) \$48,000; state court administrator \$47,000.

Missouri: Effective July 1, 1980, Circuit Court associate judges \$32,500-\$38,500.

Montana: As of July 1, 1980, Supreme Court chief justice \$41,000, associate justices \$40,000; District Court judges \$39,000; state court administrator \$22,400.

Nebraska: As of January 1, 1981, Supreme Court justices \$48,314; District Court justices \$44,382; Juvenile Court judges \$44,382; Metro County judges \$41,517; other county courts \$40,112; Workmen's Compensation courts \$41,517.

New Jersey: The Supreme Court has limited the salary of a nonjudge Administrative Director to that of a trial judge, at present \$48,000. A judge holding this position is limited to his judicial salary.

New Hampshire: Effective August 22, 1979, full-time District Court judges will receive \$39,750. Effective January

1, 1980, District and Municipal judges will receive a 50 percent increase based on caseload, determined from October 1 of previous year through September 30.

New Mexico: An increase in salary of Director, Administrative Office of the Courts, to \$35,000 is pending.

New York: On April 6, 1979, salary increases to be effective October 1, 1979, were passed by the legislature. Court of Appeals chief judge \$67,563, associate judges \$64,815; Appellate Division, Supreme Court (1st, 2nd, 3rd, and 4th Departments) presiding justice \$59,135, associate justices \$55,241; Supreme Court (1st through 11th Judicial Districts) judges \$52,428. County and city-level judges received salary adjustments effective April 1 as part of the court-unification plan, which established two minimum salaries: \$42,520 for county-level judges and \$38,240 for full-time city-court judges. State administrative judge \$60,990 effective October 1, 1979.

Oregon: A 6 percent salary increase will go into effect July 1, 1980. Up to 3.8 percent salary increase will be effective July 1, 1981.

Pennsylvania: Legislation and a lawsuit concerned with judicial salaries are pending.

Texas: Legislation has been passed establishing salaries through fiscal 1980 (beginning September 1). Supreme Court chief justice \$57,200—1979; \$60,100—1980; justices \$56,700—1979; \$59,600—1980. Court of Criminal Appeals presiding judge \$57,200—1979; \$60,100—1980; judges \$56,700—1979; \$59,600—1980. Court of Civil Appeals chief justice \$48,200—1979; \$50,700—1980; associate justices \$47,700—1979; \$50,200—1980 (subject to local supplementation to within \$1,000 of higher courts). District Court judges \$40,500—1979; \$42,500—1980 (subject to local supplementation to within \$1,000 of Court of Civil Appeals salaries).

Virginia: As of January 1, 1980, Circuit Court judges \$47,000; General District Court judges \$42,300; Juvenile and Domestic Relations judges \$42,300.

Washington: Effective July 1, 1980, Supreme Court \$48,200; Court of Appeals judges \$44,900; Superior Court judges \$41,700; District Court (full-time) \$35,000; state court administrator \$40,200.

Wisconsin: A 7 percent increase in fiscal 1980-81 is pending. Increase would be effective by statute "when a judge of the same court takes the oath of office." Effective dates would be August 1, 1980, or first Monday in January, 1981 (depending on interpretation of constitution) for Supreme Court; August 1, 1980, for Court of Appeals; first Monday in January 1981 for Circuit Court; and August 1, 1981, for director of courts.

Appendix II Floating Salary Statutes

California and Tennessee provide for judicial salary increases based on a consumer price index. California utilizes the California consumer price index while Tennessee uses the U.S. consumer price index. Maryland provides automatic salary increases for the judiciary based on general salary increases awarded to all state employees. Rhode Island provides for longevity increases as shown in this section. The statutory authority for these automatic salary increases follows.

California: The California Government Code § 68203, 1964, as amended, (Supp 1976) provides:

"In addition to the increase provided under this section on September 1, 1968, on the effective date of the 1969 amendments to this section and on September 1 of each year thereafter, the salary of each justice and judge named in Sections 68200 to 68202, inclusive, shall be increased by that amount which is produced by multiplying the then current salary of each justice or judge by the percentage by which the figure representing the California consumer price index as compiled and reported by the California Department of Industrial Relations has increased in the previous calendar year."

The judges named in 68200 to 68202 include the Chief Justice of California, associate justices of the Supreme Court, justices of courts of appeal, superior court judges and municipal court judges.

Assembly Bill 3844, enacted as Chapter 1183, Statutes of 1976, amends Government Code 68203 to freeze judicial salaries (for all but justice court judges) at the September 1, 1976, level (as reflected in this survey) until July 1, 1978, at which time judicial salaries will be increased by the Consumer Price Index (cost of living) for the preceding calendar year (1977) but not to exceed 5 per cent. Annual adjustments per this formula will thereafter be made on July 1 of each year.

Maryland: Maryland Code, Courts and Judicial Proceedings, § 1-703, 1974, Pay Plan: Automatic Salary Increases, provides:

"(a) Pay plan.—Section 27, Article 64A of the Code applies to judicial

salaries, except for its provisions authorizing emergency salary increases with approval of the Board of Public Works.

"(b) Automatic salary increases.—Whenever a general salary increase is awarded to state employees, each judge shall receive the same percentage increase in his salary as awarded to the lowest step of the highest salary grade for classified employees in the state salary plan."

Rhode Island: Personnel Rules and Regulations of the State of Rhode Island provide:

Judges as well as all other court personnel are entitled to longevity increments. Longevity after seven years 5%, after eleven years 10%, after fifteen years 15%, after twenty-five years 20%.

Tennessee: Tennessee Code Annotated, § 8-2303, 1973, as amended (Supp 1977) provides:

"On July 1, 1975, the base salaries provided in this section, as adjusted, shall be adjusted to reflect the percent of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics between that figure for the calendar year 1974 and the calendar year 1973. Each succeeding July 1, a similar adjustment shall be made, based on the percent of change in the average consumer price index between the two (2) calendar years preceding July 1 of the year in which the adjustment is made

...
No annual salary adjustment as provided by this section shall be made after July 1, 1982. No annual salary adjustment made as provided by this section shall exceed five percent (5%)."

Council of State Court Representatives

Alabama

C. C. Torbert, Jr.
Chief Justice, Supreme Court

Alaska

Roger G. Connor
Justice, Supreme Court

Arizona

Frank X. Gordon, Jr.
Justice, Supreme Court

Arkansas

C. R. Hise, Executive Secretary
Judicial Department, Supreme Court

California

Paul J. Gampell
Director, Administrative Office of
the Courts

Colorado

James D. Thomas
State Court Administrator

Connecticut

John P. Coffey
Chief Justice, Supreme Court

Delaware

William Duffy
Justice, Supreme Court

District of Columbia

Larry Polansky
Executive Officer, Courts of the
District of Columbia

Florida

Arthur J. England, Jr.
Chief Justice, Supreme Court

Georgia

Hyam K. Undercoller
Presiding Justice, Supreme Court

Hawaii

Tom T. Ohufu, Deputy
Administrative Director of
the Courts

Idaho

Allan G. Shepard
Justice, Supreme Court

Illinois

Robert C. Uffner
Justice, Supreme Court

Indiana

Richard M. Givan
Chief Justice, Supreme Court

Iowa

Robert G. Allbre
Justice, Supreme Court

Kansas

David Prager
Justice, Supreme Court

Kentucky

Charles D. Cole
Director, Administrative Office of
the Courts

Louisiana

Pascal F. Calogero, Jr.
Justice, Supreme Court

Maine

Sidney W. Wernick
Justice, Supreme Judicial Court

Maryland

David H. Row
Associate Judge of the Supreme
Bench of Baltimore City

Massachusetts

Edward F. Hennessey
Chief Justice, Supreme Judicial Court

Michigan

John Fitzgerald
Deputy Chief Justice, Supreme Court

Minnesota

Robert J. Shevan
Chief Justice, Supreme Court

Mississippi

R. P. Sugg
Justice, Supreme Court

Missouri

Robert T. Donnelly
Justice, Supreme Court

Montana

John C. Harrison
Justice, Supreme Court

Nebraska

Norman M. Kraszka
Chief Justice, Supreme Court

Nevada

John Mowbray
Chief Justice, Supreme Court

New Hampshire

John W. King
Justice, Superior Court

New Jersey

Arthur J. Simpson, Jr.
Acting Administrative Director of the
Courts

New Mexico

Dan Serna, Jr.
Chief Justice, Supreme Court

New York

Herbert R. Evans
Chief Administrative Judge

North Carolina

Joseph Branch
Chief Justice, Supreme Court

North Dakota

William L. Paulson
Justice, Supreme Court

Ohio

Frank D. Calkbrenza
Chief Justice, Supreme Court

Oklahoma

B. Don Barnes
Justice, Supreme Court

Oregon

Loren D. Hicks
State Court Administrator

Pennsylvania

Samuel J. Roberts
Justice, Supreme Court

Rhode Island

Walter J. Kane
Court Administrator

South Carolina

J. Wondrow Lewis
Chief Justice, Supreme Court

South Dakota

Roger L. Wollman
Chief Justice, Supreme Court

Tennessee

Ray L. Brock
Chief Justice, Supreme Court

Texas

Joe R. Greenhill
Chief Justice, Supreme Court

Utah

Thornley K. Swan
Chief Judge, Utah Judicial Council

Vermont

Franklin S. Billings, Jr.
Justice, Supreme Court

Virginia

Albert S. Harrison, Jr.
Justice, Supreme Court

Washington

Charles T. Wright
Justice, Supreme Court

West Virginia

Fred H. Caplan
Chief Justice, Supreme Court

Wisconsin

Nathan S. Heffernan
Justice, Supreme Court

Wyoming

A. G. McClintock
Justice, Supreme Court

American Samoa

Richard I. Miyamoto
Chief Justice, High Court

Guam

Paul J. Abbate
Presiding Judge, Superior Court

Puerto Rico

Jose Trias Monge
Chief Justice, Supreme Court

Virgin Islands

Eileen R. Peterson
Judge, Territorial Court

National Center for State Courts 300 Newport Avenue Williamsburg, Virginia 23185

8 seek court seat

Eight persons have applied for the Anchorage District Court seat left vacant by the recent resignation of Judge Laurel Peterson.

Deadline for the applications was 4:30 p.m. Friday.

The applicants are L. Eugene Williams, Elaine B. Vondrasek, Donald L. Starks, George E. Weiss, Charles R. Avery, Lucy Merrill Lowden, James Michael Bendell and Robert Dennis Frenz. All are of Anchorage except Lowden, who lives in Ketchikan.

Michael Rubenstein, executive director of the Judicial Council, said an advisory poll of Alaska Bar Association members will be conducted before the names go to the council for interviews and review.

The council is required to submit at least two names to Gov. Hammond, Rubenstein said. Hammond then has 45 days to make the appointment.

There is no time limit on the council's deliberation, he said.

Anch. Daily News June 23, 1979



Anchorage Daily News

Supreme Court chief justice Jay A. Rabinowitz eulogizes the late Superior Court judge Peter Kalamarides in a memorial service Friday. Rabinowitz is flanked by Juneau state Sen. Bill Fitzgerald and U.S. District Court Judge J. h

Final goodbye for judge

By **DON HUNTER**
Daily News reporter

Father, friend, policeman, lawyer, legislator, judge — Peter J. Kalamarides was remembered as all at a memorial service in a crowded Alaska Supreme Courtroom Friday.

Kalamarides died May 6 when his float plane crashed on takeoff from Campbell Lake.

Chief Justice Jay A. Rabinowitz, recalling his first meeting with Kalamarides in 1958, called him "a man of great strength.

"I practically demolished my hand on our first handshake," he said.

"Throughout his life in the law, as a legislator and as a judge, Pete always did his best," said Superior Court Presiding Judge Ralph Moody, who took the bar exam here with Kalamarides more than 30 years ago. "The ability, the actions and the example of Judge Kalamarides will be with us a long time."

U.S. District Court Judge James Fitzgerald noted that Kalamarides "would be the last one who would want a memorial service such as this to be a sorrowful event." And, indeed, smiles were not rare at Friday's gathering.

Attorney Wendell Kay, another Juneau veteran

of the early days of statehood, recalled leaving a party on a snowy night in the capital city.

Kalamarides, said Kay, lost his footing as he stepped out from the party, bounced down and landed under a parked car. When Kay asked if he'd missed a step, Kalamarides ruefully called back up, "No, I think I hit 'em all."

Kalamarides son, Joseph, described his father as "a family man" who abandoned his political career to spend more time near his family.

After the family home was torn apart by the 1964 earthquake, the younger Kalamarides recalled, "my father stressed the fact that we were a family, that we should endure..."

"He raised us to be strong, and to endure."

State Sen. Bill Ray of Juneau issued an emotional address to the departed friend he "loved as a brother."

Noting the wealth of friends present at the service said, "Rejoice, my brother; rest easy. God knows you too."

A scholarship fund has been established in memory of Kalamarides. Contributions can be made through LeRoy E. DeVeaux, LeRoy Barker, Ron West or Ami Ivanov, all local attorneys.

A seat on the bench, an eye on Anchorage



Judge Ralph Moody, robed and ready, presides over a Superior Court session. He handles disputes and labor hassles, sentences car thieves and drug dealers.

By DON HUNTER
Daily News reporter

Bet you thought the only thing Alaska and Alabama had in common was the big A.

Wrong.

There's Ralph Moody.

The man whose scowl would stop a pacemaker. Whose craggy features would grace a granite cliff. Whose bark is so bad his bite is unthinkable.

He doesn't leap tall buildings. He doesn't have to. He has an office — only on the third floor, granted — but the tall buildings come to him.

Every once in a while, though, the gruff mask slips a bit and a small, crinkly grin pushes out, betraying a nature that's downright...well, merry.

This inner man with the surprising grin is the Moody who supervises the first-thing-in-the-morning, last-thing-at-night excursions of his St.

Bernard, Nuggett. Who walks to and from work all but a few days of the year while lawyers who are decades younger power by in Porches. Whose office boasts a repository for scores of cartoon clippings lampooning lawyers, clients and, yes, judges.

This is the Ralph Moody whose addiction to the printed page is fed by current events periodicals — Newsweek, Time, Fortune, Business Week — because the courtroom parade he reviews every day makes novels passe.

There are a few other things that occasionally slip out of Ralph Moody, too. Like Mobeel, where he spent some time growing up in the Depression years. Now, most of us know about Mobile, Ala. At least enough to know that it's not pronounced "mobul." But you have to have rambled through a few cotton fields to really appreciate Judge Moody's pronunciation: "Mobeel," with the lingering, swaying "eel" and the breath of a julp in the background. That, friends, is the mark of a southerner.

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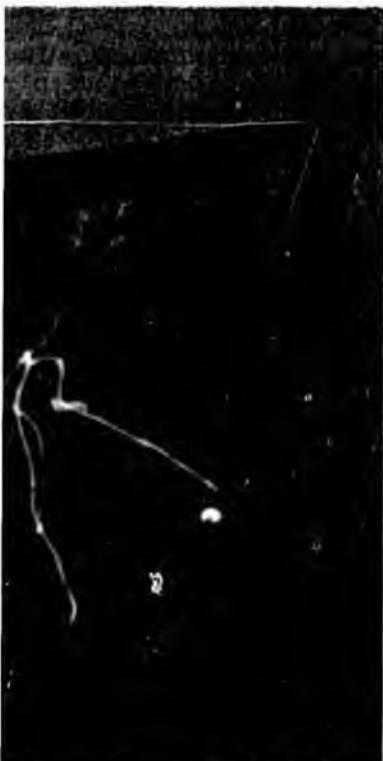
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'Marijuana laws aren't enforced...'

Q. You've outlined your legal philosophy as "If you've got a law, you should enforce it." How do you think Alaska's legal establishment — law enforcement and the courts — lives up

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A. Early in April, the state Supreme Court



Anchorage Daily News / Fran Dummer

from which he rules on property

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Anchorage Daily News / Fran Durner

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So when Ralph Moody pulls on his famous slippers, dons the black robe and takes to the Superior Court bench on the third floor of the Boney Memorial Courthouse, what we have is a southerner who graduated from the University of Alabama's law school in 1940, traveled around wartime Europe for a few years with the military's Signal Corps, decided to move to Honolulu and wound up in Anchorage.

Hearing Moody tell it, it doesn't sound at all strange.

"I'd been in the service six years, had lost all contact with the constituents I'd have practiced law in (in Alabama). So I just decided I'd go down to Washington and see if there were any places open in the government. They had openings in Honolulu and Anchorage in the Office of Price Administration. I chose Honolulu, sent in my application, but it had already been filled so I came to Alaska."

The Office of Price Administration enjoyed his services all of three weeks. Then he moved to a lawyer job with the Army Corps of Engineers.

In the 33 years since he first set foot in the two-horse town with the three-dog nights, Moody's eye has been as close to the development of Anchorage and Alaska as any other's.

He was a member of the Territorial Senate in the days when \$100 went a long way in a campaign instead of being the kick-off point for reporting contributions. A member of the first state legislature. The state's second attorney general. In June, 1962 he was appointed to the bench and he's been behind it ever since, ruling on property disputes, sentencing car thieves and drug dealers, pondering labor hassles, adjusting the scales of blind justice.

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'Marijuana laws aren't enforced...'

Q. You've outlined your legal philosophy as "if you've got a law, you should enforce it." How do you think Alaska's legal establishment — law enforcement and the courts — lives up to that responsibility?

A. Poorly, poorly in one sense, because if the people don't support a law, it's not going to be enforced. I don't have to tell you the marijuana laws aren't being enforced. That's because people don't believe in them, or people haven't been arrested, or haven't been convicted. All we're doing is teaching people or giving people the inclination that if they can get by without obeying the marijuana laws, they can get by without obeying cocaine laws, or heroin laws, or speeding laws and things like that.

I don't think it makes any difference what I think about whether it's a good law or not. I think if we've got them, we ought to enforce them. If we don't, we ought to get rid of them. That's not my job on the bench, as to whether I like them or not. But I think I have a duty, if it's on there, to enforce it...

In many instances, the legislature is just as much to blame as anybody else for passing these laws. Don't go down and pass them if you don't want them enforced. And if you're going to enforce them, appropriate enough money to get people to enforce them. And give you enough judges and DA's and investigators so you can prepare a case.

Q. Speaking of the legislature, do you feel we need a limit on the length of legislative session?

A. I certainly think we do. The Territorial Legislature I was in, it was 90 days. We never had any problems. Of course I realize it would probably be bigger today. But I was in the first state legislature and we didn't have a court system, we didn't have an executive branch. We set up the executive branch, the judicial, and not only that, but the legislative authority...We put all that out in, I think it was 70, 71 days, 81 days. We worked night and day. I'm not saying these people don't work, but I know lots of people who work that don't accomplish much...We need more efficient legislators.

Alaska is in the process of a pilot program allowing still cameras and television



Anchorage Daily News/Fran Durner

Moody: "The Territorial Legislature I was in, it was 90 days...We need more efficient legislators."

cameras in the courtroom. Do you think the courts should be that open to the public?

A. I think it's very good. I'm just not certain that most court proceedings are interesting enough for people to cover them. But I think it's good if they want to cover them.

In fact, the election contest as far as I know was the first time an actual trial was seen (on television) in the court. It may be because of the nature of that, but obviously I knew it (the contest) was there, but once we got into it.

suspect no one even knew it was here. I really think it's good...if you can get enough interest in it and people looking at it.

A. Early in April, the state Supreme Court issued a ruling that clears the way for more advertising by lawyers in the print and broadcast media. What do you think of the practice?

A. I don't know; I don't need an attorney. They (the advertisements) haven't impressed me too much, but maybe if I needed an attorney they would.

This is not against them, but I think if I needed, I would go to someone who had had an experience with an attorney and ask them who was a good attorney. If I want a doctor, I don't choose a doctor just by looking at his name. I think probably it's good from the standpoint that, at least, lawyers can advertise what they charge for things.

Q. What about the cost of legal advice in Alaska?

A. It's real high, too high. The only people who can get good legal advice today are the very rich and the very poor. I mean, from the standpoint of cost...I don't have any solution for it, I just know the problem.

Q. The new Lieutenant governor has been seeking public input on ways to revise and improve the state's election procedures. Since you presided over the Hickett-Mardes challenge to the primary election, you should have an excellent perspective on where some of those improvements should be made. What is your advice to Terry Miller and the legislature?

A. I think there are lots of seeds to be cultivated in the lawsuit on allegations and what-not. And I don't know whether they're true or not. But I think all of them ought to be looked at. I think the things that happened in that election are things that just shouldn't happen. Now, I don't want to get into who's right on the election, but I think it's commendable that somebody's doing something about it.

Q. Could you be more specific about the problems with the election you think should be cured, or reviewed?

A. I don't want to get into that. I mentioned them in (the decision) and I don't want to get too much into my decision now.

Hearing Moody tell it, it doesn't sound at all strange.

"I'd been in the service six years, had lost all contact with the constituency I'd have practiced law in (in Alabama). So I just decided I'd go down to Washington and see if there were any places open in the government. They had openings in Honolulu and Anchorage in the Office of Price Administration. I chose Honolulu, sent in my application, but it had already been filled so I came to Alaska."

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Now presiding judge in the Third District Superior Court, Moody found his place in Alaska's scheme of things never so apparent as during a few heated weeks last fall, when the state's political birds came to nest in his courtroom, bearing a challenge of the primary election results. The governor's office was the golden egg they pursued.

For those of exceptionally short memory, Moody found irregularities in the handling of the primary election to be of such magnitude that he called for another. On appeal, the state Supreme Court overturned that decision and sent Gov. Jay S. Hammond and Chancy Croft into the November finals.

Looking back on calmer days, Moody remembers when the only two blocks of paved street in Anchorage fronted the federal building and City Hall. "The others were all gravel or dirt. In the springtime it was a terrible breakup.

"But everybody knew everybody at that time. You'd get on the phone to call someone, the operator would say, 'They aren't here; I saw them walking down the street.'

"If you were looking for someone, somebody could tell you where they were.

"As I recall, there were 11 or 12 attorneys in Anchorage. It was quite informal, cooperative in the sense that if you wanted to take a deposition, you'd call up and say, 'When can we take it? Tomorrow or next week.' If you wanted to go to trial, you could say, 'Let's go to trial tomorrow...'"

The game of politics was played in a slightly different past in those days, too, says the territorial candidate. And the price of a ticket was a good deal more reasonable.

Reminiscing about his fling in politics, Moody recalls he "went to the party meeting one night, and they were having a terrible time getting someone to run.

"Someone said, 'Why don't you run?' and I said, 'Well, I don't know, I'm practicing law and I don't have any particular interest.' And they said, 'Why don't you run?' and I said 'I will.'"

All the candidates kicked in \$100 to the Democratic Party, for which the party prepared brochures and bought radio time. "I'd say in my campaign, in my first term, I probably spent \$300, total."

Moody, somewhat shyly, allows that legislators in those days, and immediately after statehood, may have been just a little better — or at least "more efficient" — than the current breed.

And what of his philosophy of law, this man who has been a judge in Alaska for 17 years?

"I think if you've got a law, you should obey it...or you get rid of it," says Moody, not one often given to windy oratory. "Everybody has to live by rules, whether it's society, or a church, a dance hall, or a bingo game. You have to have rules and you have to abide by them. If you don't, you have to pay the penalty."



District Court

State of Alaska

FOURTH JUDICIAL DISTRICT
604 BARNETTE STREET, ROOM 313
FAIRBANKS, ALASKA
99701

March 9, 1979

Honorable Charles H. Parr, Chairman
House Judiciary Committee
Mail Stop Number 3100
Pouch V
Juneau, Alaska 99811

Dear Representative Parr:

There are several aspects of the staffing of the district courts which the legislature should review. Judge Miller discussed some of them briefly with Representative Fred Brown recently, and this letter is to set out much more precisely the matters they discussed.

1. There are many persons whose jobs, on paper at least, are non-judicial but who have been appointed by the presiding superior court judges as magistrates or acting district court judges. These people are classified as clerks of court, law clerks, and even secretaries. The two superior court law clerks in Fairbanks and the deputy court administrator in Anchorage are typical of this group.

2. In Anchorage, five magistrates have been appointed who are doing full-time judicial work. There are only seven district court judges there. Of the five magistrates, two have been candidates for district court judgeships but have been passed over in the judicial selection process.

3. Full-time magistrates such as Magistrates Sheldon Sprecker and Ed Crutchfield are sent frequently to both urban and rural courts as acting district judges. Magistrate Crutchfield is now assigned to Fairbanks one week of each

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month, and has spent a good deal of time assigned to Barrow. Magistrate Sprecker is assigned to Anchorage from time to time. Probably other full-time magistrates are used similarly.

4. In many communities having a full-time magistrate, there is also an "acting" magistrate, a position not recognized by statute. Typical of these are Linda Harding at Delta and Virginia Pine at Tok. I believe they are classified as deputy clerks of court, but when Magistrate Crutchfield is in Fairbanks or Barrow, and Magistrate Lathrop is ill, Mrs. Harding and Mrs. Pine are judges. Training seminars are held by the court system for "acting" magistrates, to train them in the judicial function. This suggests a substantial volume of work or an indefensible waste of public funds for seminars.

5. In every community where the combined caseload of the superior and district court is light, and a superior court judge has been appointed with the expectation that he will perform comfortably all the judicial work in that place, a magistrate, acting magistrate, or acting district judge has been appointed also, so that an increase of judicial officers has occurred. This is true at Sitka, Bethel, Kodiak, Kenai, and Nome. The same increase in judicial officers has occurred at those places where there is one district court judge but no superior court judge, as in Homer, Valdez, Wrangell and Petersburg. Judges Bosshard and Hornaday of Valdez and Homer are often assigned as visiting judges in Anchorage--the magistrates do the judicial work during their absences if not at other times.

6. There are fourteen or more full-time magistrates in smaller communities which have a large enough caseload to justify a district court judge. I believe one of them is a lawyer. In a few of these towns, it might not be possible to obtain a qualified applicant for the position of district court judge. I am told that Magistrates Saxton (Palmer) and Sprecker (Glennallen) have resigned or announced their intentions of doing so shortly.

We were surprised that Mr. Brown was unaware that much of the judicial work of the district courts is done by persons who are not district court judges, but we ourselves had not realized until undertaking this summary how the character of the court has changed. There are 20 or more full-time magistrates and acting district court judges, and only fifteen

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professionally qualified judges. Our estimate is that there are about twenty "acting" magistrates in addition. We are unable to find out how many law clerks, court clerks, and other court system employees devote what percentage of their time to the performance of judicial functions, but know that the figures are substantial.

Anyone reading AS 22.15, the chapter which creates the district courts, would think that Alaska abandoned the J.F. system to the maximum practical extent many years ago. In fact, however, a very large portion of the district courts' work is done by J.P.'s who are shielded from public participation and Judicial Council evaluation in their selection or retention, who have no judicial independence and who are not qualified.

While it is late in this legislative session, we hope that something can be done. Our recommendations for legislative action are:

(a) Return to the legislature the power to set the numbers of district court judges and magistrates and to designate their regular seats of office. These powers are now delegated to the supreme court under AS 22.15.020.

(b) Designate as seats of office for magistrates only those places where a full-time judicial officer is not necessary or a qualified applicant cannot be obtained. "Grandfather rights" should be afforded some incumbent full-time magistrates--I think particularly of Magistrate Crutchfield here. (See the discussion below about the possibility of traffic magistrates, however.)

(c) Repeal AS 22.15.170(b), the section which permits the appointment of acting district court judges. The state no longer needs such a provision and it is badly abused.


(d) Study whether minor traffic cases such as speeding, stop sign violations and other infractions should be (1) removed from the court system and heard by administrative hearing officers (New York does this); or (2) heard by traffic magistrates within the district courts; or (3) continue to be heard by district judges. If the legislature

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concludes that there should be traffic magistrates at urban locations, the legislature should set their qualifications clearly and limit their powers to those necessary for hearing traffic infractions. Setting of bail in felony and misdemeanor cases and imposing sentences of as much as one year's imprisonment should not be intrusted to them, nor should small claims cases, which require more ready knowledge of law, more patience, and more skill than any other cases brought in the district courts.

All of us will be glad to work with you further and to supply any additional information we have.

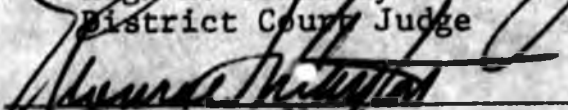
Yours very truly,




Mary Alice Miller
District Court Judge



Hugh H. Connelly
District Court Judge



Monroe N. Clayton
District Court Judge



Stephen R. Cline
District Court Judge

cc: Members of House Judiciary Committee
Members of Senate Judiciary Committee
Alaska Judicial Council
Local Representatives and Senators
Honorable Patrick M. Rodey, Senator



**Superior Court
State of Alaska**

FOURTH JUDICIAL DISTRICT
604 BARNETTE STREET
FAIRBANKS, ALASKA
99701

JAMES R. BLAIR, PRESIDING JUDGE

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1979

Office of Administrative Director
Alaska Court System

March 19, 1979

Mr. Arthur H. Snowden
Administrative Director
Alaska Court System
303 'K' Street
Anchorage, Alaska 99501

Dear Mr. Snowden:

You have asked me to explain the use of acting district judges in the Fourth Judicial District. I must assume that your request is prompted by the letter dated March 9, 1979, signed by the four district court judges from this district.

As presiding judge of this district I am empowered to appoint acting district judges by AS 22.15.170(b). I do not like to use acting district judges and do not do so unless it is absolutely necessary in order to get the required work done.

Magistrate Crutchfield has been used as an acting district judge many times. He served nearly full time in that capacity when Arthur Robson was suspended. It is very handy to be able to use Magistrate Crutchfield as a district judge and saves the taxpayers

Mr. Arthur H. Snowden

March 19, 1979

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a considerable amount of money. To the best of my knowledge there have been no complaints about Magistrate Crutchfield's ability.

Recent events have caused our district court to have more trials than there are judges available to handle them. When this happens I have several alternatives. I can either find judges other than district judges to handle the trials or I can allow the criminal cases to be dismissed because of the 120-day rule.

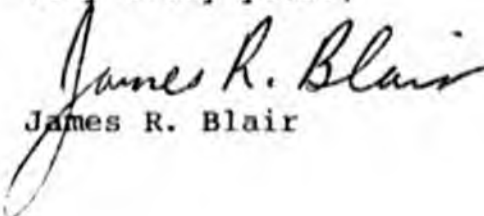
I recently appointed the two law clerks in this district to serve as acting district judges under AS 11.15.170(b). This allows them to handle arraignments, traffic trials and other non-complicated matters thus freeing the duly appointed district court judges to try more complicated cases. I am able to use qualified law clerks who are law school graduates to handle non-complicated matters at absolutely no cost to the taxpayer. This results in the completion of cases that could not otherwise be tried.

If the legislature wishes to follow the recommendations of the duly appointed district judges and repeal AS 11.15.170(b), it can clearly do so. It should realize what the results will be. Either additional district judges will have to be appointed to handle the cases, or cases will be dismissed. The former is extremely expensive and the latter simply makes a joke of the whole judicial system.

I think it is important to stress that there have been no complaints from litigants or attorneys in my district about the competence of the acting district judges to perform their limited functions.

The fact that four district court judges are unhappy is no reason to change a reasonable, logical system which allows us to operate less expensively and with more efficiency than we otherwise could.

Very truly yours,


James R. Blair

JRB:cjm



Arthur Snowden II

Supreme Court

State of Alaska

March 20, 1979

CHIEF JUSTICE
JAY A. RABINOWITZ

JUSTICES
ROGER G. CONNOR
ROBERT BOOCHEVER
EDMOND W. BURKE
WARREN W. MATTHEWS, JR.

P. O. BOX 850
FAIRBANKS, ALASKA
99707
907-452-1339
907-456-9201

The Honorable Charles H. Parr
Chairman, House Judiciary Committee
Mail Stop Number 3100
Pouch V
Juneau, Alaska 99811

Dear Representative Parr:

I received a copy of the letter of March 9, 1979, addressed to you by the four District Court Judges - Miller, Connelly, Clayton and Cline. I shall not attempt to address each paragraph of the letter separately as it would take an undue amount of your time.

Generally, the letter contends that Acting District Court Judges and Acting Magistrates are performing judicial services in the State. It is interesting to note that the Supreme Court has not received any complaints on this matter from litigants. Obviously, in a State as large as ours, it is impossible at this time and within the financial constraints dictated by necessity to furnish judges who are lawyers in all areas and at all times. Magistrates and Acting Magistrates, however, do not hear contested cases other than small claims, unless the parties consent. They do handle a host of lesser functions.

We have attempted to streamline the judicial system by assigning single Superior Court Judges at major locations. In those instances, to utilize judicial time adequately, the Judges have travelled to various other communities for the purpose of providing judicial services. Obviously, when the

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Chief of Administrative Director
Alaska Court System


March 20, 1979

Judge is away from his home community such as Sitka, Bethel, Kodiak, Kenai and Nome, it is necessary that someone be able to handle the judicial functions in his or her absence. This is accomplished by the use of Magistrates. In many circumstances, these Magistrates are utilized primarily to perform other valuable services to the Court System. They additionally perform services as Magistrates to assist in this manner.

Without the flexibility whereby the Superior Court may appoint Acting District Court Judges, and the Presiding Superior Court Judges may appoint Magistrates, the system could not function efficiently. To substitute legally trained District Court Judges in every instance would involve an enormous expense and one, in my opinion, which is not justified at this time. The primary rationales for the use of Acting District Court Judges and Acting Magistrates is to enable our trial judges to meet their constantly expanding caseloads and allow the Alaska Court System the flexibility to meet its obligations to bring judicial services to Alaska's citizens.

I am indeed sorry that your valuable time has been taken up by this matter and regret that the District Court Judges did not see fit to advise me of their suggestions before writing to you. If you wish to have a more detailed response, I will be pleased to furnish it to you.

Sincerely yours,


Jay A. Rabinowitz
Chief Justice
Supreme Court of Alaska

JAR:dvw

cc: Members of House Judiciary Committee
Members of Senate Judiciary Committee
Alaska Judicial Council
Local Representatives and Senators
Hon. Patrick M. Rodey, Senator
Hon. Mary Alice Miller
Hon. Hugh H. Connelly
Hon. Monroe N. Clayton
Hon. Stephen R. Cline
Justice, Supreme Court