

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6643 SENATE STATE AFFAIRS

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FY 1985 but have declined since that time. For example, the number of filings in State Superior Court rose 26.9 percent between FY 1982 and FY 1985 but fell by 13.8 percent between FY 1985 and FY 1988.

A similar trend is observable in the number of dispositions although the overall decline in caseloads is not marked. The Court of Appeals did not commence operation until mid-September 1980 which is the primary reason for the apparent major increase in disposition caseloads for the Supreme Court between FY 1982 and FY 1983.

It is assumed that the recent decline in court filings mirrors the general decline in other sectors of the Alaska economy.

RESTRICTIONS ON JUDICIAL ACTIVITIES

An analysis of judicial compensation should include consideration of the restrictions applicable to the men and women of the judiciary. Judges are subject to rigid standards of conduct which require them to curtail their social, political and financial activities to a greater degree than other public officials.

Public confidence in the judiciary can only be expected in a system in which the judiciary is seen as scrupulously unbiased and free of conflicts of interest. The Code of Judicial Conduct, which is incorporated in the Alaska Rules of Court, contains seven canons derived from model canons developed by the Alaska Bar Association. These canons are:

- Canon 1: A judge should uphold the integrity and independence of the judiciary.
- Canon 2: A judge should avoid impropriety and the appearance of impropriety in all his activities.
- Canon 3: A judge should perform the duties of his office impartially and diligently.
- Canon 4: A judge may engage in activities to improve the law, the legal system and the administration of justice.
- Canon 5: A judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties.
- Canon 6: A judge should regularly file reports of compensation received for quasi-judicial and extra-judicial activities.
- Canon 7: A judge should refrain from political activity inappropriate to his judicial office.

Specific activities prohibited under these canons include the following:

1. Judges must refrain from engaging in political activities. [Canon 7].
2. Judges cannot practice law, or act as arbitrator or mediator for compensation. [Canon 5].
3. A judge can participate in some charitable activities but cannot solicit funds for such organizations or maintain an association with an organization which would regularly come before him in court. [Canon 5].
4. A judge cannot engage in "financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with

lawyers or persons likely to come before the court on which he serves" [Canon 5c(1)].

5. A judge is required to divest himself or herself of investments or other financial interests that might result in frequent disqualifications. [Canon 5c(3)]. A judge must make public disclosure of his or her financial activities. [Canon 6].
6. A judge must not act in any manner that would convey the impression that family, social or other relationships might be influencing his or her judicial conduct or judgment. [Canon 2].
7. The judicial duties of a judge take precedence over all of the judge's other activities. [Canon 3].

The imposition of this strict code, some of the requisites of which are also contained in Title 22 of the Alaska Statutes, may have a profound impact on the life of a judge. The canons clearly indicate that the judge's mantle of responsibility does not disappear when a judge leaves the courthouse.

Failure of justices or judges to adhere to the requirements of the canons can lead to serious consequences. These include investigations and recommendations as to discipline by the Commission on Judicial Conduct, discipline by the Alaska Bar Association, impeachment proceedings originating in the State Senate leading to possible removal from office, and possible criminal prosecution.

Aside from adherence to the judicial canons, justices and judges are also required to file detailed financial statements with the Alaska Public Offices Commission, as required by the Conflict of Interest Law.³² The reporting requirements for the judicial branch are the same as those for senior members of the executive branch.

Commission on Judicial Conduct

The Commission on Judicial Conduct, formerly called the Commission on Judicial Qualifications, was created as a result of a 1968 amendment to the State Constitution and operates independent of the Alaska Court System.

As specified by AS 22.30.010, the Commission consists of nine members: three state court judges or justices elected by their peers; three lawyers, with at least ten years' experience, nominated by the Alaska Bar Association and appointed by the Governor; and three lay persons appointed by the Governor. The gubernatorial appointees are subject to confirmation by a majority of the members of the Legislature in a joint session.

The Commission is empowered to investigate complaints against state judges and justices or may itself instigate such investigations. It may refer matters to the Supreme Court with a recommendation that a judge be reprimanded, suspended, removed or retired from office or publicly or privately censured by the Supreme Court.

³². AS 39.50 *et seq.*

In 1987, the Commission reported receiving fifty enquiries and making eighty-five dispositions. Of those dispositions, four dated from 1983, three from 1984, sixteen from 1985, thirty-nine from 1986 and twenty-three from 1987. At the end of 1987, twenty-seven enquiries remained unresolved and two formal proceedings were carried over to 1988. The reason for any perceived laxity in complaint dispositions is the lack of full funding for the Commission.

JUDICIAL SALARIES AND BENEFITS

A. SALARIES

The current base salaries for justices and judges in the State Supreme, Appeals, Superior and District Courts have been in effect since 1985. They are as follows:

1. **Supreme Court Justice**\$85,728
equivalent to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau.
2. **Court of Appeals Judge**\$79,992
equivalent to Step E, Range 29 of the salary schedule in AS 39.27.011(a) for Juneau.
3. **Superior Court Judge**\$77,304
equivalent to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau.
4. **District Court Judge**.....\$66,816
equivalent to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau.

Pursuant to Title 22 of the Alaska Statutes, performance requirements are made a condition for judicial compensation.¹³ No salary warrant may be issued to any state justice or judge until he or she has filed an affidavit that no matter referred to him or her has been uncompleted or undecided for a period of more than six months.

In addition to base salary, justices and judges receive geographic cost of living adjustments similar to those received by other state employees except that judicial geographic cost of living adjustments use a base and 5 tiers rather than the base and 9 tiers used for state general government employees.¹⁴

By location, current judicial geographic cost of living adjustments are calculated as follows:

1. Base area — Anchorage34 judges
(0%) Juneau
 Ketchikan
2. Tier 1 — Wrangell-Petersburg4 judges
(3.5%) Palmer
 Sitka

¹³. Section 14, Chapter 50, SLA 1959; Section 30, Chapter 50, SLA 1959; Section 17, Chapter 184, SLA 1959; and Section 1, Chapter 12, SLA 1980.

¹⁴. Section 4, Chapter 80, SLA 1978.

| | | | |
|----|-------------------|--|----------|
| 3. | Tier 2 (7%) | — Kenai Homer | 2 judges |
| 4. | Tier 3 (10.5%) | — Kodiak | 1 judge |
| 5. | Tier 4 (14%) | — Fairbanks | 9 judges |
| 6. | Tier 5 (17.5%) | — Kotzebue Nome Barrow Bethel Valdez | 5 judges |

A number of proposals were promulgated during the 1988 legislative session which were designed to change the geographic cost of living adjustments for all state employees, none of which passed.

B. BENEFITS

Some of the employee benefits available to Alaska justices and judges are identical to those for state general government employees. In addition, benefits for district court judges are not always the same as those for justices and judges of the higher courts.

Benefits available to the Alaska judiciary which are different from those for general government employees include provisions for retirement, vacation leave, sick leave, leave without pay, administrative leave, leave of absence and unwritten provisions for training. Benefits which are the same for both members of the Alaska judiciary and general government employees include supplemental benefits, health insurance and military leave.

1. Retirement

All state justices and judges with at least five years of service and who are at least sixty years of age are entitled to a retirement benefit of five percent of the currently effective salary, excluding geographic cost of living adjustments, of the office from which the justice or judge retires, multiplied by the number of years of service up to a maximum of seventy-five percent of the current salary for that office. Justices or judges who retire at age fifty-five are entitled to an actuarially equivalent program.

Justices and judges in office on or since July 1, 1978 contribute seven percent of their salary to the retirement program for their first fifteen years of service. Justices and judges appointed before July 1, 1978, and those with more than fifteen years of service, make no contributions.

2. Supplemental Benefits

Judges also contribute 6.13 percent of their salary to Alaska's Supplemental Benefits System (SBS), with the State contributing an equal amount. The benefits available

to the judiciary under the SBS program are the same as those available to the executive branch.

3. Vacation Leave

Supreme court justices, court of appeals and superior court judges are entitled to an annual vacation of not more than thirty working days. No more than fifteen working days of unused vacation time in any one year or a total of no more than thirty working days can be accumulated. Requests for vacation leave of one week or more must be submitted to the chief justice or presiding judge of the respective court at least four months in advance.

District court judges and full-time magistrates have the same annual vacation entitlement as other state employees.³⁵ Senate Bill 285, introduced in 1987, attempted to make leave provisions for district court judges the same as other levels of the judiciary. However, the bill did not pass.

4. Sick Leave

Supreme court justices, court of appeals and superior court judges are entitled to unlimited sick leave except that maternity leave, although counted as sick leave, is limited to nine weeks unless there are extenuating medical circumstances.

District court judges and full-time magistrates have the same sick leave entitlement as other state employees.³⁶

5. Leave Without Pay

Supreme court justices, court of appeals and superior court and district court judges may be granted leave without pay under the same conditions as other court system employees, namely if all annual leave has been utilized and more is needed. Periods of up to five working days without pay may be granted at the discretion of the chief justice or the presiding judge of the respective court. Leave without pay for more than five working days must also be approved by the administrative director of the court system.

6. Administrative Leave

In consultation with the presiding judge of the respective court, the Chief Justice of the Supreme Court may assign one or more justices, judges or magistrates to attend conferences, seminars or schools to further legal education or professional qualifications. Travel expenses and per diem may be provided. In addition, a justice, judge or magistrate not so assigned during a calendar year may receive administrative leave not to exceed five working days to attend conferences, seminars or schools when authorized by the administrative director. Administrative leave may not be accrued.

³⁵. AS 39.20.200 — 39.20.330.

³⁶. *Id.*

The Alaska Court System has no written regulations pertaining specifically to training. However, one training program which the Court System encourages justices and judges to attend is the National Judicial College in Reno, Nevada. Each year, the Court System attempts to send one-quarter of the members of the Alaska judiciary to this program, with the course for new judges taking three to four weeks and subsequent courses taking one to two weeks. The Court System reviews the course content to ensure its relevance. During the training period, justices and judges receive full salary and all benefits. The time taken counts as administrative leave.

7. Leave of Absence

Upon approval by the Supreme Court, a justice or judge may take a leave of absence without salary of up to one year to pursue "appropriate" activities such as formal educational programs for professional self-improvement or teaching at educational institutions. During any leave of absence, a justice or judge receives no salary and does not accrue vacation or personal leave. In addition, no payments into the retirement or supplemental benefits funds are made during the justice or judge's leave of absence, nor do retirement or supplemental benefits accrue. However, the Alaska Court System does continue to maintain the state group health care and basic life insurance benefits for the justice or judge and his dependents during the leave of absence period.

8. Health Insurance

Justices and judges are covered by the same basic health insurance plan which is available to other State employees. Like other state employees, they may also elect to receive additional health insurance coverage under the State's Supplemental Benefits System.

9. Sabbaticals

Alaska currently has no formal sabbatical program for members of the judiciary. Individual judges have been granted a one year leave of absence by the Supreme Court as discussed above in Section 7.

COMPARISON WITH OTHER STATES

A. SALARIES

The National Center for State Courts conducts periodic surveys of judicial salaries. The most recent data available for state and federal court systems are current as of November 1988 and are shown in Table 10.

As indicated by Table 10, the salaries of Alaska Supreme Court justices ranked 11th among the states, and were also exceeded by the District of Columbia. Salaries of Alaska Court of Appeals judges ranked 14th among those states with separate appellate courts; while salaries of Alaska Superior Court judges ranked 14th among state general jurisdiction trial courts, and were also exceeded by the District of Columbia.

B. BENEFITS

The American Bar Association's Judicial Administration Division conducted a survey of judicial benefits in all 50 states plus the District of Columbia, Guam and Puerto Rico between November 1986 and October 1987. The data compiled generally reflect benefits as of early 1987.

The following "ideal" criteria were developed to serve as a means of evaluating and comparing the fringe benefits of the various judicial jurisdictions:

1. Judges who are at least age 65, with at least 15 years of service, should be eligible to receive a pension equal to 75 percent of the currently effective salary of the office from which he or she retired, thus, providing for COLA;
2. Judges should not have to contribute to the judicial retirement fund. The fund should be underwritten by the state;
3. Regardless of existing mandatory retirement laws, judges should be allowed, if deemed able, the opportunity to serve after retirement. Retired judges should be compensated for their actual hours of service at a rate equal to that paid to current sitting judges;
4. Judges who become permanently disabled while in service, and who have completed at least 2 years of judicial service, should be eligible to receive disability benefits, taking into consideration the judge's years of service, and the impact of the disability on his or her future earning capacity;

5. The surviving spouse and dependent children of a judge should be eligible to receive a benefit equal to 50 percent of the currently effective salary of the office held by the judge at the time of death, or from which the deceased judge retired;
6. The State should provide basic health and major medical insurance coverage for judges and their families, involving at most a \$100 deductible per person, and requiring minimal or no contributions by judges;
7. The State should provide basic dental coverage for judges and their families, involving at most a \$50 deductible per person, and requiring minimal or no contributions by judges;
8. State statutes should grant immunity to judges from liability for damages arising out of acts performed in the discharge of official duties which are not wanton, reckless or malicious;
9. The State should represent judges, or provide for reimbursement of fees of private counsel in such actions;
10. The State should pay any plaintiff's attorney fees assessed against judges in such actions;
11. The State should pay for attorney fees for judges involved in disciplinary or ethics proceedings;
12. Judges should be reimbursed for reasonable expenses incurred in attending educational conferences and in job-related travel; and
13. Judges should be authorized to take:
 - 20 vacation days per year;
 - 12 sick days per year;
 - 12 weeks of maternity leave;
 - 5 days, equalling 40 hours, of educational leave per year;
 - 10 holidays per year;
 - periodic paid sabbatical leave.

Tables 11, 12 and 13 summarize the results of the above survey. Although actuarial comparisons of judicial benefits in the various states are beyond the scope of this report, it is apparent that benefits available to Alaska judges are equal to, if not superior, to those of almost all other states. The only criteria which Alaska did not meet were contributions to the judicial retirement fund, survivor's benefits, the lack of a judicial immunity statute and provisions for sick leave, maternity leave and sabbatical leave.

C. COST OF LIVING

Cost of living differentials are another factor to be taken into account when comparing Alaska salaries or benefits with those in other states. This topic is covered in Appendix A and Tables 19, 20 and 21.

COMPARISON WITH PRIVATE ATTORNEYS

Little reliable information is available on which to base comparisons of judicial salaries with those of private attorneys. A survey of Alaska attorneys proposed to be undertaken by the Alaska Judicial Council is still in the planning stage.

Altman & Weil, Inc., as reported in The 1988 Survey of Law Firm Economics, found the average 1987 income for lawyers in the Western states (excluding California) to be \$95,971. The same survey listed the average income for lawyers in California as \$101,762, Southwestern states as \$119,117, West Central states as \$96,437, East Central states as \$100,634, Southern states as \$93,293 and Northeastern states as \$89,031. It listed the average income for lawyers nationally as \$105,572.

Since judicial candidates are expected to have higher than "average" qualifications, Altman & Weil's findings for total compensation (a definition which includes salary, medical benefits, group insurance benefits, employer's share of social security, worker's compensation and unemployment compensation, and dividends paid by a professional corporation) received by law firm partners and shareholders based on years of experience were also reviewed. These findings can be summarized as follows:

| Length of Service in Years | Total Compensation (Salary & Benefits) | | |
|----------------------------------|--|-------------------|-----------------|
| | All Firm Average | Calif. Average | West Average |
| 31 — 35..... | \$183,815 | \$204,407 | \$171,426 |
| 26 — 30..... | 182,113 | 174,408 | 159,768 |
| 21 — 25..... | 168,958 | 193,375 | 153,193 |
| 16 — 20..... | 153,262 | 155,271 | 151,736 |
| 11 — 15..... | 127,710 | 141,040 | 125,320 |

Testimony before the Commission by senior partners in both large and small law firms practicing in Alaska indicated that the above figures were conservative in relation to what a successful, experienced lawyer in the private sector could expect to earn in this State.

In general, the Commission recognizes the following:

1. It is extremely difficult to obtain an accurate idea of the current salaries of attorneys in private practice in Alaska;
2. The salaries paid to the Alaska judiciary are seen as an impediment to some private attorneys who might otherwise be interested in a judicial career; and
3. The benefits accruing to those who do pursue a judicial career, particularly the provisions for retirement, may be an offsetting factor in some cases.

COMPARISON WITH OTHER STATE EMPLOYEES AND GOVERNMENT ATTORNEYS

Alaska judicial salaries were compared with those of top officials in the state executive branch: the Governor, Lieutenant Governor, commissioners and selected officials in independent state agencies; the University of Alaska and Municipality of Anchorage officials.¹⁷ They were also compared with those of Alaska-based federal district court judges, with federal, state and municipal attorneys, and with state administrative, legal and judicial officials.¹⁸

In addition to observations included in the analysis of executive branch salaries, the following conclusions were reached:

1. Alaska federal district court judges, who are not eligible to receive the federal Cost of Living Allowance (COLA), are paid annual salaries of \$89,500, some \$4,000 more than that received by a state supreme court justice. Furthermore, a state superior court judge receives over \$12,000 less than his federal district court counterpart although the position and responsibilities are similar.
2. Alaska-based federal claims court judges receive an annual salary approximately midway between that received by a state appeals court judge and a state supreme court justice while federal bankruptcy court judges and U.S. Magistrates receive salaries approximately midway between that received by a state district court judge and a state superior court judge.
3. Top federal attorneys based in Alaska are eligible to receive COLA. As a result, the U.S. Attorney and top legal officials in the Department of the Interior and the Department of Transportation each receive annual salaries greater than any member of the Alaska judiciary.

¹⁷. See Table 3.

¹⁸. See Table 14.

LEGISLATIVE HISTORY

The following is an outline of the major legislative events since Statehood which have shaped and changed the Alaska judiciary. Statutes pertaining to the judicial branch are contained in Title 22 of the Alaska Statutes and the Alaska Court Rules.³⁹ It should be noted that changes in the number of district court judges are normally made by rule rather than legislative enactment. In addition, a history of changes in judicial and executive branch compensation is contained in Table 1 and a summary of the currently authorized number of justices and judges in the four state court divisions is shown in Table 5.

CONSTITUTIONAL PROVISIONS

1959 — Article IV of the State Constitution provides for a unified judicial system with judicial power to be “vested in a supreme court, a superior court and the courts established by the legislature”. The jurisdiction of the courts and boundaries of judicial districts were to be established by law.

The Supreme Court was to consist of three justices, one of whom was to serve as Chief Justice. The number of justices could be increased by law at the request of the Supreme Court.

The Superior Court was to consist of five judges. The number of judges could be increased by law.

In addition, the Constitution established the Alaska Judicial Council to solicit, screen and nominate applicants for vacant judgeships; to conduct studies for the improvement in the administration of justice; and to make reports and recommendations to the Legislature and the Supreme Court.

Other provisions relating to the judiciary, which are incorporated in the State Constitution, are those relating to minimum judicial qualifications; mandatory retirement at the age of 70, except for special assignments; judicial impeachment procedures; and restrictions on non-judicial activities of judges. Finally the Constitution specified that justices, judges and members of the Alaska Judicial Council shall be compensated as prescribed by law. However, the compensation of justices and judges cannot be diminished during their terms of office unless by general law applying to all salaried state officials.

³⁹. Title 22 of the Alaska Statutes contains the following chapters: 05 — The Supreme Court; 07 — The Court of Appeals; 10 — The Superior Court; 15 — The District Courts; 20 — Officers and Employees; 25 — Retirement and Death Benefits; and 30 — Judicial Qualifications.

1968 — 2d FCCS SCS CSHJR 74:⁴⁰

Provided for the disqualification, suspension, removal from office, retirement and censure of judges and justices; and provided for a Commission on Judicial Qualifications.

1970 — FCCS SCS CSHJR 11:⁴¹

Eliminated the separate appointment of the Chief Justice of the Supreme Court.

LEGISLATIVE ENACTMENTS AND COURT RULES_____

1959 — Section 1, Chapter 50, SLA 1959 and Section 16, Chapter 50, SLA 1959:

Established and set qualifications and compensation for a three-member Supreme Court and an eightmember Superior Court:

- First judicial district..... 2 judges
- Second judicial district..... 1 judge
- Third judicial district 3 judges
- Fourth judicial district..... 2 judges

In addition, the legislation required that in order for justices and judges to be issued salary warrants, they had to certify that no matters referred to them for opinion or decision were outstanding for more than 6 months.

— Section 1, Chapter 184, SLA 1959:

Established district magistrate courts in each of the four judicial districts of the Superior Court with limited jurisdiction in civil and criminal cases. Under this legislation, a total of 11 district magistrate positions were established:

- First judicial district..... 3
- Second judicial district..... 1
- Third judicial district 4
- Fourth judicial district..... 3

Provided for 53 deputy magistrates:

- First judicial district.....10
- Second judicial district 7
- Third judicial district.....19
- Fourth judicial district17

In addition, the legislation imposed the same six month rule requirement for compensation of district court judges as required of supreme court justices and superior court judges.

The new law further provided that the number of district magistrates and deputy magistrates within each judicial district could be increased or decreased by rule of the Supreme Court.

⁴⁰. The Constitutional provisions affected were Article IV, §§ 10 and 13.

⁴¹. Constitutional provisions affected were Article IV, §§ 182 and 16.

1962 — Section 1, Chapter 119, SLA 1962:

Amended Sec. 25(1), Chapter 50, SLA 1959 by increasing the number of superior court judges to 9, allocated as follows:

- First judicial district 2
- Second judicial district..... 1
- Third judicial district 4
- Fourth judicial district 2

The legislation became effective January 1, 1963.

1966 — Section 3, Chapter 24, SLA 1966:

Renamed the District Magistrate Court as the District Court and district magistrates as district judges.

Assigned district court judges by judicial district as follows:

- First judicial district 3
- Second judicial district..... 1
- Third judicial district 4
- Fourth judicial district 2

1967 — Section 1, Chapter 83, SLA 1967:

Expanded the Supreme Court to 5 justices.

Expanded the Superior Court to 11 judges:

- First judicial district 2
- Second judicial district..... 1
- Third judicial district 6
- Fourth judicial district 2

1968 — Section 1, Chapter 162, SLA 1968:

Related to the appointment of acting district court judges and established minimum qualifications for such acting appointees.

— Section 1, Chapter 164, SLA 1968:

Made district court judges subject to approval or rejection by the voters under the provisions of AS 22.15.170.

1970 — Section 1, Chapter 44, SLA 1970:

Expanded superior court to 16 judges:

- First judicial district 3
- Second judicial district..... 1
- Third judicial district 9
- Fourth judicial district 3

The legislation became effective July 1, 1970.

1972 — Section 1, Chapter 36, SLA 1972:

Increased jurisdiction of district court from \$3,000 to \$10,000 in cases involving the recovery of money or damages; and to \$15,000 for the recovery of money or damages in motor vehicle tort cases exclusive of costs, interest and attorney fees.

The same legislation extended the civil and criminal jurisdiction of the district courts statewide.

1975 — Section 1, Chapter 166, SLA 1975:

Superior court expanded to 17 judges:

- First judicial district..... 3
- Second judicial district..... 1
- Third judicial district.....10
- Fourth judicial district 3

Legislation effective immediately.

1976 — Section 1, Chapter 193, SLA 1976:

Expanded superior court to 20 judges:

- First judicial district..... 4
- Second judicial district..... 1
- Third judicial district.....10
- Fourth judicial district 5

Upgraded Bethel district court judgeship in the Fourth judicial district to a superior court position.

Established two new superior court judgeships, one in the First judicial district at Sitka and one in the Fourth judicial district at Fairbanks.

Legislation effective immediately.

1978 — Sections 2 and 4-8, Chapter 80, SLA 1978:

Entitled judicial branch employees to receive a geographic cost of living adjustment to salaries equal to 3.5 percent of annual salary, times the number of pay step increases for a state employee working in the same election district where AS 39.27.020 specifies zero to five pay step increases.

In an election district where AS 39.27.020 specifies more than five pay steps, the number of pay step increases for judicial branch employees is limited to five.

Any retirement benefits to which justices or judges may be entitled are computed only on annual salary, for example pre-geographic cost of living adjustments.

— Section 1, Chapter 23, SLA 1978:

Increased small claims jurisdiction of district courts to \$2,000.

1980 — Section 1, Chapter 12, SLA 1980:

Established three member criminal Court of Appeals.

— Sections 5-9, Chapter 12, SLA 1980:

Changed residency requirement for supreme court justices and superior court judges from three to five years immediately prior to appointment.

— Section 12, Chapter 12, SLA 1980:

Changed qualifications of district court judges to specify residence in Alaska for at least five years immediately preceding appointment and to (1) have been engaged in the active practice of law for not less than three years immediately preceding appointment or (2) to have served at least seven years as a magistrate in the State of Alaska. The same legislation indicated that the Supreme Court may prescribe additional qualifications.

— Section 1, Chapter 34, SLA 1980:

Expanded superior court to 23 judges:

- First judicial district..... 4
- Second judicial district 2
- Third judicial district.....12
- Fourth judicial district 5

Legislation effective July 1, 1980.

— Alaska Court Rules

Changed Rule 19 of the Administrative Rules with respect to the number of district court judges and magistrates:

- First judicial district..... 3 judges and 12 magistrates
- Second judicial district..... 1 judge and 18 magistrates
- Third judicial district 9 judges and 18 magistrates
- Fourth judicial district 5 judges and 16 magistrates

1982 — Section 1, Chapter 70, SLA 1982:

Increased number of superior court judges from 23 to 26 through the upgrading of district court to superior court judgeships in the First judicial district at Wrangell-Petersburg and the Second judicial district at Barrow and the addition of one new superior court judgeship in the Third judicial district at Palmer. The new allocation of superior court judgeships by judicial district:

- First judicial district..... 5
- Second judicial district 3
- Third judicial district.....13
- Fourth judicial district 5

1983 — Section 1, Chapter 65, SLA 1983:

Expanded superior court to 27 judges, allocated as follows:

- First judicial district 5
- Second judicial district 3
- Third judicial district 14
- Fourth judicial district 5

Legislation effective immediately.

1984 — Section 2, Chapter 137, SLA 1984:

Increased superior court to 29 judges with the following allocation:

- First judicial district 5
- Second judicial district 3
- Third judicial district 16
- Fourth judicial district 5

Section 3 of the same legislation changed the number of district court judges to the following:

- First judicial district 3
- Second judicial district 1
- Third judicial district 12
- Fourth judicial district 4

— Sections 77-78, Chapter 6, SLA 1984:

Restated the composition and general powers of the Supreme Court and the jurisdiction of the Superior Court.

— Alaska Court Rules

Changed Rule 19 of the Administrative Rules with respect to the number of district court judges and magistrates.

- First judicial district 2 judges and 12 magistrates
- Second judicial district 0 judges and 18 magistrates
- Third judicial district 11 judges and 18 magistrates
- Fourth judicial district 4 judges and 16 magistrates

1985 — Section 3, Chapter 17, SLA 1985:

Increased jurisdiction of the district court to \$25,000 for all types of civil cases. All types of actions within these monetary limits required to be filed in District Court except where provided by Supreme Court rule.

Gave district court authorization over domestic violence cases.

1987 — Section 7, Chapter 38, SLA 1987:

Increased civil jurisdiction of the district court to \$35,000.

RECOMMENDATIONS

A. THE BASE SALARIES

The Commission makes the following salary recommendations for the judicial branch:

| | |
|------------------------------------|--------------------|
| Chief Justice, Supreme Court | \$100,000 per year |
| Supreme Court Justices | \$ 99,500 per year |
| Appeals Court Judges | \$ 94,000 per year |
| Superior Court Judges..... | \$ 92,000 per year |
| District Court Judges | \$ 78,000 per year |

The Commission also makes the following recommendations:

1. **Sabbatical Leave:** Leave of absence provisions should be revised to include provision for up to one year of sabbatical leave for justices and judges at one-half salary. Eligibility for sabbaticals should accrue after 7 years of service with a requirement for a minimum of 2 years of service following a sabbatical. The Commission believes that the specific criteria for sabbaticals should be left to the discretion of the Chief Justice and the Supreme Court.
2. **Maternity Leave:** Justices and judges should be allowed 12 weeks of maternity leave for the same reasons set forth in the section on executive salary recommendations.
3. **Other Leave:** The Chief Justice and the Supreme Court should review current leave policies which include vacation leave, sick leave, leave without pay, administrative leave and leave of absence, and establish a more cohesive leave policy for all justices and judges.
4. **Geographic Cost of Living Adjustments:** The current cost of living adjustment system, as it applies to the judiciary, should be modified as follows:

| | |
|---------------|---|
| 0 percent: | Anchorage, Juneau, Ketchikan, Wrangell-Petersburg, Sitka, Palmer, Kenai and Homer |
| 3.5 percent: | Fairbanks |
| 10.5 percent: | Kodiak, Valdez |
| 17.5 percent: | Kotzebue, Nome, Barrow and Bethel |

Furthermore, it is the Commission's recommendation that the foregoing percentages be applied only to the first \$40,000 of base salary, representing the basic cost of food, shelter and associated amenities.⁴²

5. **District Court Legislation.** Legislation should be enacted to bring the benefits accruing to district court judges in line with those of other members of the state judiciary.

The Commission also observed that a number of district court judges are acting as superior court judges. It is the Commission's recommendation that, when district court judges act in the capacity of superior court judges, they should be paid as such and that the Alaska Court System should provide for the added expense in its budget.

6. **Administrative Director of Court System and Deputy.** The salary of the Administrative Director should be no more than the base salary of a superior court judge and should be increased only when the salaries of superior court judges are increased.

The salary of the Deputy Administrative Director should be no more than that of deputy commissioners in the executive branch and should be increased only when the salaries of deputy commissioners are increased.⁴³

B. RATIONALE

As the Appendices indicate, the Commission made an extensive study of the subject of judicial compensation. In doing so it discovered that, while the Alaska judiciary, in 1984, was ranked first in the nation with respect to base salary amounts, by November of 1986, it had fallen to fifth position and, as of this date, it is ranked at the following levels:

| | |
|------------------------|--------------------------|
| Supreme Court | Eleventh |
| Court of Appeals | Fourteenth |
| Superior Court | Fourteenth ⁴⁴ |

⁴². The Commission also supports the changes which have been proposed with respect to all other state government employees. In this regard, the Commission agrees with the Opinion and Decision of Arbitrator In Arbitration Between Alaska Public Employees Association and State of Alaska, October 20, 1986.

⁴³. The Commission recognizes that the salaries of the Administrative Director and the Deputy Administrative Director are without the scope of its legislative mandate. However, it was the consensus of the Commissioners that such personnel should not, under any circumstances, be paid salaries which are higher than that of superior and appellate court judges, not to mention higher than the Governor of the State of Alaska. In the event that the proposed judicial salaries are not enacted or are enacted at a lower level, the salaries of the administrative director and the deputy administrative director should remain frozen until such time as they reach parity with superior court judges and deputy commissioners respectively.

⁴⁴. Table 10. No comparisons could be made with respect to the district court level because of the dramatic variations in jurisdiction of those courts from state to state. However, it is worthy of note that Alaska's district court judges have a broader, more extensive jurisdiction than most similar courts.

Moreover, the Alaskan position will suffer further erosion when pay raises already approved in Connecticut, Idaho, Kentucky, Minnesota, Mississippi, Nebraska and Tennessee become effective in 1989 and 1990.

The Commission further recognized, as it did with respect to executive salaries, that inflation has eroded judicial compensation. From 1985 to July 1988 alone, the Anchorage Consumer Price Index has risen 7.1 percent.

In addition, the testimony presented to the Commission made it clear that the gap between income earned by private attorneys and the salaries of the judiciary was continuing to grow. Most alarming was evidence that the most highly qualified private practitioners were not applying for the bench because of the great disparity in salaries and the fact that experienced members of the judiciary were leaving public service to return to private practice. It is further noted that the trend perceived by the Commission is one of nationwide proportions. Given the foregoing, and in the interests of preserving an experienced, well qualified judiciary, the Commission had little hesitation in making its salary recommendations.⁴⁵

With respect to the recommendation for a formal sabbatical leave policy, the Commission noted that several factors support it, not the least of which are the incentive which it provides for qualified persons both to seek judicial appointment and to remain in such a position and the necessity to minimize the stress which is a natural outgrowth of the position.⁴⁶

Sabbatical leaves are more and more being viewed as a method both of additional compensation and of ensuring a healthy, permanent judiciary. Thus, in 1988, at its midwinter meeting, the House of Delegates of the American Bar Association overwhelmingly voted in favor of a resolution urging that the states adopt programs providing for sabbaticals.

The Commission believes that such a program will prove beneficial to Alaska's judiciary and hence should be adopted.

⁴⁵. The court system contends that, with appropriate cost of living adjustments, "supreme court salaries rank 37th of the 45 states which can be ranked by available cost of living indices in 1988. Similarly, court of appeals salaries rank 33rd of 35 ranked states and superior court salaries rank 33rd of 45 ranked states in 1986." *Judicial Salary Paper* at 9 (October, 1988).

⁴⁶. Robbins, *Has The Time Come for Judicial Sabbaticals?*, 71 *Judicature*, No. 6 at 306 (1988).

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
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JUDICIAL QUALIFICATIONS

According to the American Bar Association, "the quality of a court system is determined chiefly by the quality of its judges. Judges should be selected on the basis of ability, character, training and experience, by a procedure that assures that selection is made on a merit basis."¹⁹

In August of 1983, the American Bar Association approved guidelines for reviewing qualifications of candidates for state judicial office in the following areas: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, health, financial responsibility, and public service.

Although prescribed judicial qualifications in Alaska appear, at first glance, to be relatively straightforward, candidates for judicial office are closely screened and evaluated. The performance of Alaska judges is subject to evaluation by the Alaska Judicial Council and is ultimately judged by the voters in retention elections.²⁰ In order to become and remain a Supreme, Appellate, Superior or District Court judge in Alaska, one must:

1. Possess the minimum qualifications prescribed by the State Constitution and general law;
2. Be considered one of two or more candidates deemed "most qualified" for the judicial vacancy when nominated; and
3. Perform his or her judicial duties to the satisfaction of the electorate.

A. LEGISLATIVE REQUIREMENTS

As prescribed by Title 22 of the Alaska Statutes and/or the Alaska Rules of Court, the following minimum qualifications must be met in order for a person to be considered by the Alaska Judicial Council for nomination to a judgeship:

Supreme Court

1. Be a U.S. citizen;
2. Have been an Alaska resident for 5 years immediately before appointment;
3. Have been engaged in the active practice of law for at least 8 years immediately prior to appointment;
4. Be licensed to practice law in Alaska at the time of appointment.²¹

¹⁹. American Bar Association, *Standards Relating to Court Organization*, (1984).

²⁰. Alaska Constitution, Article IV, Section 6.

²¹. AS 22.05.070.

Court of Appeals

Same qualifications as for the Supreme Court.²²

Superior Court

Same qualifications as for Supreme Court and Court of Appeals except that the candidate must have engaged in the active practice of law for not less than 5 years prior to appointment.²³

District Court

1. Be a U.S. citizen;
2. Have been an Alaska resident for at least 5 years immediately prior to appointment;
3. Have been engaged in the active practice of law for not less than 3 years immediately prior to appointment or have served at least 7 years as a magistrate in the State;
4. Be at least 21 years of age.²⁴

In addition, Rule 19 of the Administrative Rules of Court mandates that district court judges have a law degree.²⁵

B. EDUCATION AND QUALIFICATIONS

As set forth in the applicable statutes and rules, the members of the Alaska judiciary must be members of the Alaska Bar Association. Implicit in that requirement is the necessity for a formal post high school education which generally means acquisition of a four year undergraduate degree and subsequent graduation from the three year program of an American Bar Association accredited law school. Thus, most attorneys have seven years of higher education.

After graduating from law school, in order to practice law, each prospective attorney must take and pass a rigorous two and one-half day examination administered by the state in which he or she intends to practice. Upon passage of the written exam, and after demonstrating good moral character, the candidate is admitted to the Bar. Every applicant for the bench in Alaska must have completed these requisites.

C. ALASKA JUDICIAL COUNCIL EVALUATION

The Alaska Judicial Council operates independently of the court system. It was created by the State Constitution to perform two primary functions. They are to solicit, screen and nominate applicants for gubernatorial appointments to vacant judgeship positions and conduct studies for improvement in the administration of justice and to make recommendations to the Legislature and the Supreme Court.²⁶

²². AS 22.07.040.

²³. AS 22.10.090.

²⁴. AS 22.15.160.

²⁵. The currently authorized judgeships in the State of Alaska are set forth in Table 5.

²⁶. Alaska Constitution, Article IV, Section 8.

The Council is comprised of the Chief Justice of the Alaska Supreme Court who serves as chair and *ex officio* member; three attorney members appointed by the Board of Governors of the Alaska Bar Association; and three non-attorney members appointed by the Governor and subject to confirmation by the majority of members of the Legislature sitting in joint session. These six members serve for six year terms.

With regard to the Council's primary function, nomination of judicial candidates, applicants for gubernatorial appointments to vacant judgeships must undergo a comprehensive review process. They must first complete the Council's "Application for Judicial Appointment" questionnaire, together with appendices, provide a physician's certification of the applicant's health and submit a legal writing sample. Each applicant is then evaluated by the following means:

1. **The Bar Survey.** All active members of the Alaska Bar Association are asked, by an independent firm, to rate each candidate on a 5-point scale in five areas: professional competence, judicial temperament, integrity, suitability of experience for the position, and fairness. Members are asked to indicate whether their ratings are based on direct professional experience, other personal contacts or reputation.²⁷
2. **Letters of Reference.** Confidential letters of reference are solicited by the Council as part of its evaluation process.
3. **Investigation of Applicants.** The Council is empowered to conduct such investigations as may be necessary or desirable into the applicants' background for the purpose of evaluating fitness for judicial appointment.
4. **Screening.** Following its review of the applications, investigative and survey data, the Council screens the various candidates for formal interviews.
5. **Interviews.** As the final stage of the evaluation process, applicants are invited to a one-half hour interview with the full Alaska Judicial Council where they are asked about their judicial philosophy and are given an opportunity to respond to or explain any information of importance gathered during the investigation.

Following the interviews, the Alaska Judicial Council submits a list of nominees to the Governor of those candidates deemed to be the "most qualified." This list must include at least two names.

D. SELECTION BY THE GOVERNOR_____

The Governor has 45 days to appoint a nominee from the list submitted by the Alaska Judicial Council to fill a particular judicial vacancy.

²⁷. The Alaska Bar Association is comprised mainly of attorneys living and practicing law in the State of Alaska and state court judges.

E. RETENTION BY VOTERS

As provided by Alaska law, judges are periodically required to stand for retention by the voters. They do not run against other candidates — the voters merely vote to either retain or not retain particular judges or justices. District Court judges must stand for retention in the first general election held not sooner than one year after appointment and every four years thereafter. Supreme Court, Court of Appeals and Superior Court justices and judges stand in the first general election held not sooner than three years after initial appointment and ten, eight and six years respectively thereafter.

As part of the retention election process, the Alaska Judicial Council is responsible for conducting retention evaluations. The Council uses a three-part plan to evaluate all judges eligible for retention in a given election year, as follows:

1. The Council surveys all active members of the Alaska Bar Association and all State peace officers and probation officers. Bar Association members are asked to rate each appellate judge or justice on a 5-point scale in twelve categories and each trial court judge on the same scale in 21 categories. Peace and probation officers do not rate appellate judges but rate all trial court judges in 16 categories. All survey respondents indicate the amount and nature of their experience before each judge. Peace and probation officers evaluate trial judges using the same criteria except for those relating to the judge's legal reasoning, knowledge of civil and criminal law, and settlement skills. Following the Council's review, quantitative evaluations of all judges who have filed for retention are made public.
2. Brief narrative questionnaires are completed by selected counsel who have appeared before each judge or justice during the current term. The purpose of these questionnaires is to validate the results of initial survey findings and to obtain further information on aspects of judicial performance. Council questionnaire results are summarized and submitted to the Council for review.
3. Each justice or judge seeking retention is asked to complete a personal questionnaire regarding his or her judicial performance, health and judicial and non-judicial activities during the current term of office.

Following a review of these and other appropriate data, the Alaska Judicial Council votes to recommend either for or against each judge up for retention. These findings are made public for consideration by the voters.

Since Statehood, one Supreme Court justice and two District Court judges have been rejected by the voters, the latter on the recommendation of the Alaska Judicial Council.

The Alaska Judicial Council believes that its extensive review of potential candidates and monitoring of judicial performance have contributed to the quality of persons seeking judicial office. This belief is bolstered by higher Bar ratings for more recently appointed justices and judges, for example those appointed using the above conditions of review by the Council.²⁸ The Council also considers that the high proportion of justices and judges who make the judiciary a lifetime career is an indication of their commitment to the office.²⁹

²⁸. See Table 6.

²⁹. See Table 7.

JUDICIAL RESPONSIBILITIES

The four levels of state courts in Alaska are Supreme, Appeals, Superior and District, each with different powers, duties and responsibilities. The Supreme Court and the Court of Appeals are referred to as appellate courts, while the Superior and District Courts are referred to as trial courts. Unlike many other states, Alaska has no municipal courts.

A. DIVISION OF RESPONSIBILITY

The responsibilities of the state courts are set out in Title 22, Alaska Statutes. In general, they can be summarized as follows:

1. Supreme Court

The five member Supreme Court is the highest court in Alaska.

The Supreme Court is empowered by the Alaska Constitution to establish rules governing the administration of all state courts and those governing practice and procedure in civil and criminal cases.

The Supreme Court hears cases on appeal from throughout the State.

- An appeal may be taken to the Supreme Court from any final judgment entered by the Superior Court in a civil action or proceeding;
- In criminal and certain quasi-criminal actions, the Supreme Court has the discretion to accept or deny a litigant's request that it review decisions made by the Court of Appeals; and³⁰
- The Supreme Court may take jurisdiction of a case pending before the Court of Appeals if the latter court certifies that the case involves a significant question of constitutional law or an issue of substantial public interest.

2. Court of Appeals

The three member Court of Appeals has the authority to hear appeals from judgments in criminal and certain quasi-criminal cases in which prisoners are challenging the legality of their confinement and cases involving probation and parole decisions.

- Criminal appeals from the District Court can be taken to the Superior Court or the Court of Appeals, at the option of the defendant; and

³⁰. Quasi-criminal actions are defined as infractions with minimal fines and no jail time or loss of license.

- A defendant who appeals from District Court to Superior Court may ask the Court of Appeals to review the Superior Court decision, although the Court of Appeals may refuse such requests.

3. Superior Court

The Superior Court currently has 29 members allocated among four judicial districts. It is the trial court of general jurisdiction, with original jurisdiction in all civil and criminal matters. The jurisdiction of the Superior Court is summarized by the Alaska Court System as follows:

- It handles all felony criminal trials and all civil matters where the amount in controversy exceeds \$35,000;
- It serves as an appellate court of appeals from the District Court;
- It hears cases involving children who have committed crimes or who are abused or neglected;
- It hears cases involving the property of deceased or incompetent persons;
- It hears cases involving the involuntary commitment of persons to institutions for the mentally ill; and
- It handles domestic relations matters.

4. District Court

The District Court currently has 17 members allocated among four judicial districts. The Supreme Court has the power to increase or decrease the number of District Court judges within each division through changes in Rule 19 of the Administrative Rules of Court. The jurisdiction of the District Court is summarized by the Alaska Court System as follows:

- It hears State misdemeanors and violations of city and borough ordinances;
- It issues summonses, arrest warrants and search warrants;
- It hears first appearances and preliminary hearings in felony cases;
- It issues absentee ballots and records vital statistics in some areas of the State;
- It serves as coroner, holds inquests and acts as temporary taker of property of decedents;
- It hears civil cases valued up to \$35,000;
- It hears small claims cases to a maximum amount of \$5,000;
- It handles cases involving children on an emergency basis; and
- It hears domestic violence cases.

B. CASELOADS

Alaska Court System caseload statistics from Fiscal Year 1982 through Fiscal Year 1988 were examined.¹¹ In general, the number of filings in the Supreme and Appeals Courts increased significantly between FY 1982 and FY 1984 and again between FY 1985 and FY 1986. Filings in the Superior Court increased through

¹¹ See Tables 8 and 9.

FY 1985 but have declined since that time. For example, the number of filings in State Superior Court rose 26.9 percent between FY 1982 and FY 1985 but fell by 13.8 percent between FY 1985 and FY 1988.

A similar trend is observable in the number of dispositions although the overall decline in caseloads is not marked. The Court of Appeals did not commence operation until mid-September 1980 which is the primary reason for the apparent major increase in disposition caseloads for the Supreme Court between FY 1982 and FY 1983.

It is assumed that the recent decline in court filings mirrors the general decline in other sectors of the Alaska economy.

RESTRICTIONS ON JUDICIAL ACTIVITIES

An analysis of judicial compensation should include consideration of the restrictions applicable to the men and women of the judiciary. Judges are subject to rigid standards of conduct which require them to curtail their social, political and financial activities to a greater degree than other public officials.

Public confidence in the judiciary can only be expected in a system in which the judiciary is seen as scrupulously unbiased and free of conflicts of interest. The Code of Judicial Conduct, which is incorporated in the Alaska Rules of Court, contains seven canons derived from model canons developed by the Alaska Bar Association. These canons are:

- Canon 1: A judge should uphold the integrity and independence of the judiciary.
- Canon 2: A judge should avoid impropriety and the appearance of impropriety in all his activities.
- Canon 3: A judge should perform the duties of his office impartially and diligently.
- Canon 4: A judge may engage in activities to improve the law, the legal system and the administration of justice.
- Canon 5: A judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties.
- Canon 6: A judge should regularly file reports of compensation received for quasi-judicial and extra-judicial activities.
- Canon 7: A judge should refrain from political activity inappropriate to his judicial office.

Specific activities prohibited under these canons include the following:

1. Judges must refrain from engaging in political activities. [Canon 7].
2. Judges cannot practice law, or act as arbitrator or mediator for compensation. [Canon 5].
3. A judge can participate in some charitable activities but cannot solicit funds for such organizations or maintain an association with an organization which would regularly come before him in court. [Canon 5].
4. A judge cannot engage in "financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with

lawyers or persons likely to come before the court on which he serves" [Canon 5c(1)].

5. A judge is required to divest himself or herself of investments or other financial interests that might result in frequent disqualifications. [Canon 5c(3)]. A judge must make public disclosure of his or her financial activities. [Canon 6].
6. A judge must not act in any manner that would convey the impression that family, social or other relationships might be influencing his or her judicial conduct or judgment. [Canon 2].
7. The judicial duties of a judge take precedence over all of the judge's other activities. [Canon 3].

The imposition of this strict code, some of the requisites of which are also contained in Title 22 of the Alaska Statutes, may have a profound impact on the life of a judge. The canons clearly indicate that the judge's mantle of responsibility does not disappear when a judge leaves the courthouse.

Failure of justices or judges to adhere to the requirements of the canons can lead to serious consequences. These include investigations and recommendations as to discipline by the Commission on Judicial Conduct, discipline by the Alaska Bar Association, impeachment proceedings originating in the State Senate leading to possible removal from office, and possible criminal prosecution.

Aside from adherence to the judicial canons, justices and judges are also required to file detailed financial statements with the Alaska Public Offices Commission, as required by the Conflict of Interest Law.¹² The reporting requirements for the judicial branch are the same as those for senior members of the executive branch.

Commission on Judicial Conduct

The Commission on Judicial Conduct, formerly called the Commission on Judicial Qualifications, was created as a result of a 1968 amendment to the State Constitution and operates independent of the Alaska Court System.

As specified by AS 22.30.010, the Commission consists of nine members: three state court judges or justices elected by their peers; three lawyers, with at least ten years' experience, nominated by the Alaska Bar Association and appointed by the Governor; and three lay persons appointed by the Governor. The gubernatorial appointees are subject to confirmation by a majority of the members of the Legislature in a joint session.

The Commission is empowered to investigate complaints against state judges and justices or may itself instigate such investigations. It may refer matters to the Supreme Court with a recommendation that a judge be reprimanded, suspended, removed or retired from office or publicly or privately censured by the Supreme Court.

¹². AS 39.50 *et seq.*

In 1987, the Commission reported receiving fifty enquiries and making eighty-five dispositions. Of those dispositions, four dated from 1983, three from 1984, sixteen from 1985, thirty-nine from 1986 and twenty-three from 1987. At the end of 1987, twenty-seven enquiries remained unresolved and two formal proceedings were carried over to 1988. The reason for any perceived laxity in complaint dispositions is the lack of full funding for the Commission.

JUDICIAL SALARIES AND BENEFITS

A. SALARIES

The current base salaries for justices and judges in the State Supreme, Appeals, Superior and District Courts have been in effect since 1985. They are as follows:

1. **Supreme Court Justice**\$85,728
equivalent to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau.
2. **Court of Appeals Judge**\$79,992
equivalent to Step E, Range 29 of the salary schedule in AS 39.27.011(a) for Juneau.
3. **Superior Court Judge**\$77,304
equivalent to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau.
4. **District Court Judge**.....\$66,816
equivalent to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau.

Pursuant to Title 22 of the Alaska Statutes, performance requirements are made a condition for judicial compensation.³³ No salary warrant may be issued to any state justice or judge until he or she has filed an affidavit that no matter referred to him or her has been uncompleted or undecided for a period of more than six months.

In addition to base salary, justices and judges receive geographic cost of living adjustments similar to those received by other state employees except that judicial geographic cost of living adjustments use a base and 5 tiers rather than the base and 9 tiers used for state general government employees.³⁴

By location, current judicial geographic cost of living adjustments are calculated as follows:

1. Base area — Anchorage34 judges
(0%) Juneau
 Ketchikan
2. Tier 1 — Wrangell-Petersburg4 judges
(3.5%) Palmer
 Sitka

³³. Section 14, Chapter 50, SLA 1959; Section 30, Chapter 50, SLA 1959; Section 17, Chapter 184, SLA 1959; and Section 1, Chapter 12, SLA 1980.

³⁴. Section 4, Chapter 80, SLA 1978.

| | | | |
|----|-------------------|--|----------|
| 3. | Tier 2 (7%) | — Kenai Homer | 2 judges |
| 4. | Tier 3 (10.5%) | — Kodiak | 1 judge |
| 5. | Tier 4 (14%) | — Fairbanks | 9 judges |
| 6. | Tier 5 (17.5%) | — Kotzebue Nome Barrow Bethel Valdez | 5 judges |

A number of proposals were promulgated during the 1988 legislative session which were designed to change the geographic cost of living adjustments for all state employees, none of which passed.

B. BENEFITS

Some of the employee benefits available to Alaska justices and judges are identical to those for state general government employees. In addition, benefits for district court judges are not always the same as those for justices and judges of the higher courts.

Benefits available to the Alaska judiciary which are different from those for general government employees include provisions for retirement, vacation leave, sick leave, leave without pay, administrative leave, leave of absence and unwritten provisions for training. Benefits which are the same for both members of the Alaska judiciary and general government employees include supplemental benefits, health insurance and military leave.

1. Retirement

All state justices and judges with at least five years of service and who are at least sixty years of age are entitled to a retirement benefit of five percent of the currently effective salary, excluding geographic cost of living adjustments, of the office from which the justice or judge retires, multiplied by the number of years of service up to a maximum of seventy-five percent of the current salary for that office. Justices or judges who retire at age fifty-five are entitled to an actuarially equivalent program.

Justices and judges in office on or since July 1, 1978 contribute seven percent of their salary to the retirement program for their first fifteen years of service. Justices and judges appointed before July 1, 1978, and those with more than fifteen years of service, make no contributions.

2. Supplemental Benefits

Judges also contribute 6.13 percent of their salary to Alaska's Supplemental Benefits System (SBS), with the State contributing an equal amount. The benefits available

to the judiciary under the SBS program are the same as those available to the executive branch.

3. Vacation Leave

Supreme court justices, court of appeals and superior court judges are entitled to an annual vacation of not more than thirty working days. No more than fifteen working days of unused vacation time in any one year or a total of no more than thirty working days can be accumulated. Requests for vacation leave of one week or more must be submitted to the chief justice or presiding judge of the respective court at least four months in advance.

District court judges and full-time magistrates have the same annual vacation entitlement as other state employees.³⁵ Senate Bill 285, introduced in 1987, attempted to make leave provisions for district court judges the same as other levels of the judiciary. However, the bill did not pass.

4. Sick Leave

Supreme court justices, court of appeals and superior court judges are entitled to unlimited sick leave except that maternity leave, although counted as sick leave, is limited to nine weeks unless there are extenuating medical circumstances.

District court judges and full-time magistrates have the same sick leave entitlement as other state employees.³⁶

5. Leave Without Pay

Supreme court justices, court of appeals and superior court and district court judges may be granted leave without pay under the same conditions as other court system employees, namely if all annual leave has been utilized and more is needed. Periods of up to five working days without pay may be granted at the discretion of the chief justice or the presiding judge of the respective court. Leave without pay for more than five working days must also be approved by the administrative director of the court system.

6. Administrative Leave

In consultation with the presiding judge of the respective court, the Chief Justice of the Supreme Court may assign one or more justices, judges or magistrates to attend conferences, seminars or schools to further legal education or professional qualifications. Travel expenses and per diem may be provided. In addition, a justice, judge or magistrate not so assigned during a calendar year may receive administrative leave not to exceed five working days to attend conferences, seminars or schools when authorized by the administrative director. Administrative leave may not be accrued.

³⁵. AS 39.20.200 — 39.20.330.

³⁶. *Id.*

The Alaska Court System has no written regulations pertaining specifically to training. However, one training program which the Court System encourages justices and judges to attend is the National Judicial College in Reno, Nevada. Each year, the Court System attempts to send one-quarter of the members of the Alaska judiciary to this program, with the course for new judges taking three to four weeks and subsequent courses taking one to two weeks. The Court System reviews the course content to ensure its relevance. During the training period, justices and judges receive full salary and all benefits. The time taken counts as administrative leave.

7. Leave of Absence

Upon approval by the Supreme Court, a justice or judge may take a leave of absence without salary of up to one year to pursue "appropriate" activities such as formal educational programs for professional self-improvement or teaching at educational institutions. During any leave of absence, a justice or judge receives no salary and does not accrue vacation or personal leave. In addition, no payments into the retirement or supplemental benefits funds are made during the justice or judge's leave of absence, nor do retirement or supplemental benefits accrue. However, the Alaska Court System does continue to maintain the state group health care and basic life insurance benefits for the justice or judge and his dependents during the leave of absence period.

8. Health Insurance

Justices and judges are covered by the same basic health insurance plan which is available to other State employees. Like other state employees, they may also elect to receive additional health insurance coverage under the State's Supplemental Benefits System.

9. Sabbaticals

Alaska currently has no formal sabbatical program for members of the judiciary. Individual judges have been granted a one year leave of absence by the Supreme Court as discussed above in Section 7.

COMPARISON WITH OTHER STATES

A. SALARIES

The National Center for State Courts conducts periodic surveys of judicial salaries. The most recent data available for state and federal court systems are current as of November 1988 and are shown in Table 10.

As indicated by Table 10, the salaries of Alaska Supreme Court justices ranked 11th among the states, and were also exceeded by the District of Columbia. Salaries of Alaska Court of Appeals judges ranked 14th among those states with separate appellate courts; while salaries of Alaska Superior Court judges ranked 14th among state general jurisdiction trial courts, and were also exceeded by the District of Columbia.

B. BENEFITS

The American Bar Association's Judicial Administration Division conducted a survey of judicial benefits in all 50 states plus the District of Columbia, Guam and Puerto Rico between November 1986 and October 1987. The data compiled generally reflect benefits as of early 1987.

The following "ideal" criteria were developed to serve as a means of evaluating and comparing the fringe benefits of the various judicial jurisdictions:

1. Judges who are at least age 65, with at least 15 years of service, should be eligible to receive a pension equal to 75 percent of the currently effective salary of the office from which he or she retired, thus, providing for COLA;
2. Judges should not have to contribute to the judicial retirement fund. The fund should be underwritten by the state;
3. Regardless of existing mandatory retirement laws, judges should be allowed, if deemed able, the opportunity to serve after retirement. Retired judges should be compensated for their actual hours of service at a rate equal to that paid to current sitting judges;
4. Judges who become permanently disabled while in service, and who have completed at least 2 years of judicial service, should be eligible to receive disability benefits, taking into consideration the judge's years of service, and the impact of the disability on his or her future earning capacity;

5. The surviving spouse and dependent children of a judge should be eligible to receive a benefit equal to 50 percent of the currently effective salary of the office held by the judge at the time of death, or from which the deceased judge retired;
6. The State should provide basic health and major medical insurance coverage for judges and their families, involving at most a \$100 deductible per person, and requiring minimal or no contributions by judges;
7. The State should provide basic dental coverage for judges and their families, involving at most a \$50 deductible per person, and requiring minimal or no contributions by judges;
8. State statutes should grant immunity to judges from liability for damages arising out of acts performed in the discharge of official duties which are not wanton, reckless or malicious;
9. The State should represent judges, or provide for reimbursement of fees of private counsel in such actions;
10. The State should pay any plaintiff's attorney fees assessed against judges in such actions;
11. The State should pay for attorney fees for judges involved in disciplinary or ethics proceedings;
12. Judges should be reimbursed for reasonable expenses incurred in attending educational conferences and in job-related travel; and
13. Judges should be authorized to take:
 - 20 vacation days per year;
 - 12 sick days per year;
 - 12 weeks of maternity leave;
 - 5 days, equalling 40 hours, of educational leave per year;
 - 10 holidays per year;
 - periodic paid sabbatical leave.

Tables 11, 12 and 13 summarize the results of the above survey. Although actuarial comparisons of judicial benefits in the various states are beyond the scope of this report, it is apparent that benefits available to Alaska judges are equal to, if not superior, to those of almost all other states. The only criteria which Alaska did not meet were contributions to the judicial retirement fund, survivor's benefits, the lack of a judicial immunity statute and provisions for sick leave, maternity leave and sabbatical leave.

C. COST OF LIVING

Cost of living differentials are another factor to be taken into account when comparing Alaska salaries or benefits with those in other states. This topic is covered in Appendix A and Tables 19, 20 and 21.

COMPARISON WITH PRIVATE ATTORNEYS

Little reliable information is available on which to base comparisons of judicial salaries with those of private attorneys. A survey of Alaska attorneys proposed to be undertaken by the Alaska Judicial Council is still in the planning stage.

Altman & Weil, Inc., as reported in The 1988 Survey of Law Firm Economics, found the average 1987 income for lawyers in the Western states (excluding California) to be \$95,971. The same survey listed the average income for lawyers in California as \$101,762, Southwestern states as \$119,117, West Central states as \$96,437, East Central states as \$100,634, Southern states as \$93,293 and Northeastern states as \$89,031. It listed the average income for lawyers nationally as \$105,572.

Since judicial candidates are expected to have higher than "average" qualifications, Altman & Weil's findings for total compensation (a definition which includes salary, medical benefits, group insurance benefits, employer's share of social security, worker's compensation and unemployment compensation, and dividends paid by a professional corporation) received by law firm partners and shareholders based on years of experience were also reviewed. These findings can be summarized as follows:

| Length of Service in Years | Total Compensation (Salary & Benefits) | | |
|----------------------------------|--|-------------------|-----------------|
| | All Firm Average | Calif. Average | West Average |
| 31 — 35..... | \$183,815 | \$204,407 | \$171,426 |
| 26 — 30..... | 182,113 | 174,408 | 159,768 |
| 21 — 25..... | 168,958 | 193,375 | 153,193 |
| 16 — 20..... | 153,262 | 155,271 | 151,736 |
| 11 — 15..... | 127,710 | 141,040 | 125,320 |

Testimony before the Commission by senior partners in both large and small law firms practicing in Alaska indicated that the above figures were conservative in relation to what a successful, experienced lawyer in the private sector could expect to earn in this State.

In general, the Commission recognizes the following:

1. It is extremely difficult to obtain an accurate idea of the current salaries of attorneys in private practice in Alaska;
2. The salaries paid to the Alaska judiciary are seen as an impediment to some private attorneys who might otherwise be interested in a judicial career; and
3. The benefits accruing to those who do pursue a judicial career, particularly the provisions for retirement, may be an offsetting factor in some cases.

COMPARISON WITH OTHER STATE EMPLOYEES AND GOVERNMENT ATTORNEYS

Alaska judicial salaries were compared with those of top officials in the state executive branch: the Governor, Lieutenant Governor, commissioners and selected officials in independent state agencies; the University of Alaska and Municipality of Anchorage officials.¹⁷ They were also compared with those of Alaska-based federal district court judges, with federal, state and municipal attorneys, and with state administrative, legal and judicial officials.¹⁸

In addition to observations included in the analysis of executive branch salaries, the following conclusions were reached:

1. Alaska federal district court judges, who are not eligible to receive the federal Cost of Living Allowance (COLA), are paid annual salaries of \$89,500, some \$4,000 more than that received by a state supreme court justice. Furthermore, a state superior court judge receives over \$12,000 less than his federal district court counterpart although the position and responsibilities are similar.
2. Alaska-based federal claims court judges receive an annual salary approximately midway between that received by a state appeals court judge and a state supreme court justice while federal bankruptcy court judges and U.S. Magistrates receive salaries approximately midway between that received by a state district court judge and a state superior court judge.
3. Top federal attorneys based in Alaska are eligible to receive COLA. As a result, the U.S. Attorney and top legal officials in the Department of the Interior and the Department of Transportation each receive annual salaries greater than any member of the Alaska judiciary.

¹⁷. See Table 3.

¹⁸. See Table 14.

LEGISLATIVE HISTORY

The following is an outline of the major legislative events since Statehood which have shaped and changed the Alaska judiciary. Statutes pertaining to the judicial branch are contained in Title 22 of the Alaska Statutes and the Alaska Court Rules.³⁹ It should be noted that changes in the number of district court judges are normally made by rule rather than legislative enactment. In addition, a history of changes in judicial and executive branch compensation is contained in Table 1 and a summary of the currently authorized number of justices and judges in the four state court divisions is shown in Table 5.

CONSTITUTIONAL PROVISIONS

1959 — Article IV of the State Constitution provides for a unified judicial system with judicial power to be “vested in a supreme court, a superior court and the courts established by the legislature”. The jurisdiction of the courts and boundaries of judicial districts were to be established by law.

The Supreme Court was to consist of three justices, one of whom was to serve as Chief Justice. The number of justices could be increased by law at the request of the Supreme Court.

The Superior Court was to consist of five judges. The number of judges could be increased by law.

In addition, the Constitution established the Alaska Judicial Council to solicit, screen and nominate applicants for vacant judgeships; to conduct studies for the improvement in the administration of justice; and to make reports and recommendations to the Legislature and the Supreme Court.

Other provisions relating to the judiciary, which are incorporated in the State Constitution, are those relating to minimum judicial qualifications; mandatory retirement at the age of 70, except for special assignments; judicial impeachment procedures; and restrictions on non-judicial activities of judges. Finally the Constitution specified that justices, judges and members of the Alaska Judicial Council shall be compensated as prescribed by law. However, the compensation of justices and judges cannot be diminished during their terms of office unless by general law applying to all salaried state officials.

³⁹. Title 22 of the Alaska Statutes contains the following chapters: 05 — The Supreme Court; 07 — The Court of Appeals; 10 — The Superior Court; 15 — The District Courts; 20 — Officers and Employees; 25 — Retirement and Death Benefits; and 30 — Judicial Qualifications.

1968 — 2d FCCS SCS CSHJR 74:⁴⁰

Provided for the disqualification, suspension, removal from office, retirement and censure of judges and justices; and provided for a Commission on Judicial Qualifications.

1970 — FCCS SCS CSHJR 11:⁴¹

Eliminated the separate appointment of the Chief Justice of the Supreme Court.

LEGISLATIVE ENACTMENTS AND COURT RULES_____

1959 — Section 1, Chapter 50, SLA 1959 and Section 16, Chapter 50, SLA 1959:

Established and set qualifications and compensation for a three-member Supreme Court and an eightmember Superior Court:

- First judicial district..... 2 judges
- Second judicial district..... 1 judge
- Third judicial district 3 judges
- Fourth judicial district..... 2 judges

In addition, the legislation required that in order for justices and judges to be issued salary warrants, they had to certify that no matters referred to them for opinion or decision were outstanding for more than 6 months.

— Section 1, Chapter 184, SLA 1959:

Established district magistrate courts in each of the four judicial districts of the Superior Court with limited jurisdiction in civil and criminal cases. Under this legislation, a total of 11 district magistrate positions were established:

- First judicial district..... 3
- Second judicial district..... 1
- Third judicial district 4
- Fourth judicial district 3

Provided for 53 deputy magistrates:

- First judicial district10
- Second judicial district 7
- Third judicial district.....19
- Fourth judicial district17

In addition, the legislation imposed the same six month rule requirement for compensation of district court judges as required of supreme court justices and superior court judges.

The new law further provided that the number of district magistrates and deputy magistrates within each judicial district could be increased or decreased by rule of the Supreme Court.

⁴⁰. The Constitutional provisions affected were Article IV, §§ 10 and 13.

⁴¹. Constitutional provisions affected were Article IV, §§ 182 and 16.

1962 — Section 1, Chapter 119, SLA 1962:

Amended Sec 25(1), Chapter 50, SLA 1959 by increasing the number of superior court judges to 9, allocated as follows:

- First judicial district..... 2
- Second judicial district..... 1
- Third judicial district 4
- Fourth judicial district 2

The legislation became effective January 1, 1963.

1966 — Section 3, Chapter 24, SLA 1966:

Renamed the District Magistrate Court as the District Court and district magistrates as district judges.

Assigned district court judges by judicial district as follows:

- First judicial district 3
- Second judicial district..... 1
- Third judicial district 4
- Fourth judicial district 2

1967 — Section 1, Chapter 83, SLA 1967:

Expanded the Supreme Court to 5 justices.

Expanded the Superior Court to 11 judges:

- First judicial district 2
- Second judicial district..... 1
- Third judicial district 6
- Fourth judicial district 2

1968 — Section 1, Chapter 162, SLA 1968:

Related to the appointment of acting district court judges and established minimum qualifications for such acting appointees.

— Section 1, Chapter 164, SLA 1968:

Made district court judges subject to approval or rejection by the voters under the provisions of AS 22.15.170.

1970 — Section 1, Chapter 44, SLA 1970:

Expanded superior court to 16 judges:

- First judicial district 3
- Second judicial district..... 1
- Third judicial district 9
- Fourth judicial district 3

The legislation became effective July 1, 1970.

1972 — Section 1, Chapter 36, SLA 1972:

Increased jurisdiction of district court from \$3,000 to \$10,000 in cases involving the recovery of money or damages; and to \$15,000 for the recovery of money or damages in motor vehicle tort cases exclusive of costs, interest and attorney fees.

The same legislation extended the civil and criminal jurisdiction of the district courts statewide.

1975 — Section 1, Chapter 166, SLA 1975:

Superior court expanded to 17 judges:

- First judicial district..... 3
- Second judicial district..... 1
- Third judicial district.....10
- Fourth judicial district..... 3

Legislation effective immediately.

1976 — Section 1, Chapter 193, SLA 1976:

Expanded superior court to 20 judges:

- First judicial district..... 4
- Second judicial district..... 1
- Third judicial district.....10
- Fourth judicial district..... 5

Upgraded Bethel district court judgeship in the Fourth judicial district to a superior court position.

Established two new superior court judgeships, one in the First judicial district at Sitka and one in the Fourth judicial district at Fairbanks.

Legislation effective immediately.

1978 — Sections 2 and 4-8, Chapter 80, SLA 1978:

Entitled judicial branch employees to receive a geographic cost of living adjustment to salaries equal to 3.5 percent of annual salary, times the number of pay step increases for a state employee working in the same election district where AS 39.27.020 specifies zero to five pay step increases.

In an election district where AS 39.27.020 specifies more than five pay steps, the number of pay step increases for judicial branch employees is limited to five.

Any retirement benefits to which justices or judges may be entitled are computed only on annual salary, for example pre-geographic cost of living adjustments.

— Section 1, Chapter 23, SLA 1978:

Increased small claims jurisdiction of district courts to \$2,000.

1980 — Section 1, Chapter 12, SLA 1980:

Established three member criminal Court of Appeals.

— Sections 5-9, Chapter 12, SLA 1980:

Changed residency requirement for supreme court justices and superior court judges from three to five years immediately prior to appointment.

— Section 12, Chapter 12, SLA 1980:

Changed qualifications of district court judges to specify residence in Alaska for at least five years immediately preceding appointment and to (1) have been engaged in the active practice of law for not less than three years immediately preceding appointment or (2) to have served at least seven years as a magistrate in the State of Alaska. The same legislation indicated that the Supreme Court may prescribe additional qualifications.

— Section 1, Chapter 34, SLA 1980:

Expanded superior court to 23 judges:

- First judicial district..... 4
- Second judicial district 2
- Third judicial district.....12
- Fourth judicial district 5

Legislation effective July 1, 1980.

— Alaska Court Rules

Changed Rule 19 of the Administrative Rules with respect to the number of district court judges and magistrates:

- First judicial district..... 3 judges and 12 magistrates
- Second judicial district..... 1 judge and 18 magistrates
- Third judicial district 9 judges and 18 magistrates
- Fourth judicial district 5 judges and 16 magistrates

1982 — Section 1, Chapter 70, SLA 1982:

Increased number of superior court judges from 23 to 26 through the upgrading of district court to superior court judgeships in the First judicial district at Wrangell-Petersburg and the Second judicial district at Barrow and the addition of one new superior court judgeship in the Third judicial district at Palmer. The new allocation of superior court judgeships by judicial district:

- First judicial district..... 5
- Second judicial district 3
- Third judicial district.....13
- Fourth judicial district 5

1983 — Section 1, Chapter 65, SLA 1983:

Expanded superior court to 27 judges, allocated as follows:

- First judicial district..... 5
- Second judicial district 3
- Third judicial district.....14
- Fourth judicial district 5

Legislation effective immediately.

1984 — Section 2, Chapter 137, SLA 1984:

Increased superior court to 29 judges with the following allocation:

- First judicial district..... 5
- Second judicial district 3
- Third judicial district.....16
- Fourth judicial district 5

Section 3 of the same legislation changed the number of district court judges to the following:

- First judicial district..... 3
- Second judicial district..... 1
- Third judicial district.....12
- Fourth judicial district 4

— Sections 77-78, Chapter 6, SLA 1984:

Restated the composition and general powers of the Supreme Court and the jurisdiction of the Superior Court.

— Alaska Court Rules

Changed Rule 19 of the Administrative Rules with respect to the number of district court judges and magistrates.

- First judicial district..... 2 judges and 12 magistrates
- Second judicial district 0 judges and 18 magistrates
- Third judicial district.....11 judges and 18 magistrates
- Fourth judicial district 4 judges and 16 magistrates

1985 — Section 3, Chapter 17, SLA 1985:

Increased jurisdiction of the district court to \$25,000 for all types of civil cases. All types of actions within these monetary limits required to be filed in District Court except where provided by Supreme Court rule.

Gave district court authorization over domestic violence cases.

1987 — Section 7, Chapter 38, SLA 1987:

Increased civil jurisdiction of the district court to \$35,000.

RECOMMENDATIONS

A. THE BASE SALARIES

The Commission makes the following salary recommendations for the judicial branch:

| | |
|------------------------------------|--------------------|
| Chief Justice, Supreme Court | \$100,000 per year |
| Supreme Court Justices | \$ 99,500 per year |
| Appeals Court Judges | \$ 94,000 per year |
| Superior Court Judges..... | \$ 92,000 per year |
| District Court Judges | \$ 78,000 per year |

The Commission also makes the following recommendations:

1. **Sabbatical Leave:** Leave of absence provisions should be revised to include provision for up to one year of sabbatical leave for justices and judges at one-half salary. Eligibility for sabbaticals should accrue after 7 years of service with a requirement for a minimum of 2 years of service following a sabbatical. The Commission believes that the specific criteria for sabbaticals should be left to the discretion of the Chief Justice and the Supreme Court.
2. **Maternity Leave:** Justices and judges should be allowed 12 weeks of maternity leave for the same reasons set forth in the section on executive salary recommendations.
3. **Other Leave:** The Chief Justice and the Supreme Court should review current leave policies which include vacation leave, sick leave, leave without pay, administrative leave and leave of absence, and establish a more cohesive leave policy for all justices and judges.
4. **Geographic Cost of Living Adjustments:** The current cost of living adjustment system, as it applies to the judiciary, should be modified as follows:
 - 0 percent: Anchorage, Juneau, Ketchikan, Wrangell-Petersburg, Sitka, Palmer, Kenai and Homer
 - 3.5 percent: Fairbanks
 - 10.5 percent: Kodiak, Valdez
 - 17.5 percent: Kotzebue, Nome, Barrow and Bethel

Furthermore, it is the Commission's recommendation that the foregoing percentages be applied only to the first \$40,000 of base salary, representing the basic cost of food, shelter and associated amenities.⁴²

5. **District Court Legislation.** Legislation should be enacted to bring the benefits accruing to district court judges in line with those of other members of the state judiciary.

The Commission also observed that a number of district court judges are acting as superior court judges. It is the Commission's recommendation that, when district court judges act in the capacity of superior court judges, they should be paid as such and that the Alaska Court System should provide for the added expense in its budget.

6. **Administrative Director of Court System and Deputy.** The salary of the Administrative Director should be no more than the base salary of a superior court judge and should be increased only when the salaries of superior court judges are increased.

The salary of the Deputy Administrative Director should be no more than that of deputy commissioners in the executive branch and should be increased only when the salaries of deputy commissioners are increased.⁴³

B. RATIONALE

As the Appendices indicate, the Commission made an extensive study of the subject of judicial compensation. In doing so it discovered that, while the Alaska judiciary, in 1984, was ranked first in the nation with respect to base salary amounts, by November of 1986, it had fallen to fifth position and, as of this date, it is ranked at the following levels:

| | |
|------------------------|--------------------------|
| Supreme Court | Eleventh |
| Court of Appeals | Fourteenth |
| Superior Court | Fourteenth ⁴⁴ |

- ⁴² The Commission also supports the changes which have been proposed with respect to all other state government employees. In this regard, the Commission agrees with the Opinion and Decision of Arbitrator In Arbitration Between Alaska Public Employees Association and State of Alaska, October 20, 1986.
- ⁴³ The Commission recognizes that the salaries of the Administrative Director and the Deputy Administrative Director are without the scope of its legislative mandate. However, it was the consensus of the Commissioners that such personnel should not, under any circumstances, be paid salaries which are higher than that of superior and appellate court judges, not to mention higher than the Governor of the State of Alaska. In the event that the proposed judicial salaries are not enacted or are enacted at a lower level, the salaries of the administrative director and the deputy administrative director should remain frozen until such time as they reach parity with superior court judges and deputy commissioners respectively.
- ⁴⁴ Table 10. No comparisons could be made with respect to the district court level because of the dramatic variations in jurisdiction of those courts from state to state. However, it is worthy of note that Alaska's district court judges have a broader, more extensive jurisdiction than most similar courts.

Moreover, the Alaskan position will suffer further erosion when pay raises already approved in Connecticut, Idaho, Kentucky, Minnesota, Mississippi, Nebraska and Tennessee become effective in 1989 and 1990.

The Commission further recognized, as it did with respect to executive salaries, that inflation has eroded judicial compensation. From 1985 to July 1988 alone, the Anchorage Consumer Price Index has risen 7.1 percent.

In addition, the testimony presented to the Commission made it clear that the gap between income earned by private attorneys and the salaries of the judiciary was continuing to grow. Most alarming was evidence that the most highly qualified private practitioners were not applying for the bench because of the great disparity in salaries and the fact that experienced members of the judiciary were leaving public service to return to private practice. It is further noted that the trend perceived by the Commission is one of nationwide proportions. Given the foregoing, and in the interests of preserving an experienced, well qualified judiciary, the Commission had little hesitation in making its salary recommendations.⁴⁵

With respect to the recommendation for a formal sabbatical leave policy, the Commission noted that several factors support it, not the least of which are the incentive which it provides for qualified persons both to seek judicial appointment and to remain in such a position and the necessity to minimize the stress which is a natural outgrowth of the position.⁴⁶

Sabbatical leaves are more and more being viewed as a method both of additional compensation and of ensuring a healthy, permanent judiciary. Thus, in 1988, at its midwinter meeting, the House of Delegates of the American Bar Association overwhelmingly voted in favor of a resolution urging that the states adopt programs providing for sabbaticals.

The Commission believes that such a program will prove beneficial to Alaska's judiciary and hence should be adopted.

⁴⁵. The court system contends that, with appropriate cost of living adjustments, "supreme court salaries rank 37th of the 45 states which can be ranked by available cost of living indices in 1988. Similarly, court of appeals salaries rank 33rd of 35 ranked states and superior court salaries rank 33rd of 45 ranked states in 1986." *Judicial Salary Paper* at 9 (October, 1988).

⁴⁶. Robbins, *Has The Time Come for Judicial Sabbaticals?*, 71 *Judicature*, No. 6 at 306 (1988).

LEGISLATIVE
BRANCH

LEGISLATIVE BRANCH ORGANIZATION

1988

President of Senate



Senate
(20 members)



Committees

Speaker



House
(40 members)



Committees

Legislative Affairs Agency

Office of the Ombudsman

INTRODUCTION

The Alaska State Officers' Compensation Commission last submitted its recommendations for compensation of the legislative branch on April 6, 1987. The findings and recommendations contained in this Report should be viewed as a supplement to the earlier Report, together with an update of previously submitted information.

QUALIFICATIONS FOR OFFICE

The general qualifications for office for legislators are set out in the Alaska Constitution and the Alaska Statutes.

A. LEGISLATIVE REQUIREMENTS

As required by the State Constitution and the Alaska Statutes, the following minimum qualifications must be met by members of the Alaska Legislature:

1. Be at least 25 years of age in order to run for the Senate;
2. Be at least 21 years of age in order to run for the House;
3. Be a qualified voter of the State; and
4. Have been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his or her filing for office.

Article II, Section 1 of the Alaska Constitution sets the Senate membership at twenty and that for the House of Representatives at forty. Article VI of the Constitution provides for periodic legislative reapportionment.

B. OTHER REQUIREMENTS

In addition to these basic minimum qualifications, the legislative candidates must run successfully in both primary and general elections. Further, the legislator must be re-elected in order to retain the position.

LEGISLATIVE BRANCH RESPONSIBILITIES

A. DIVISION OF RESPONSIBILITY

As provided by Article II of the Alaska Constitution, the legislative power of the State is vested in a bicameral legislature which consists of a twenty member Senate and a forty member House of Representatives.

The term of Representatives is two years and that of Senators is four. The terms of Senators are staggered so that half are elected every two years. When a vacancy in the Legislature occurs, the Governor appoints a member to serve for the remainder of the unexpired term.

The Legislature meets each year. By virtue of a 1984 constitutional amendment, regular sessions may not exceed 120 consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each House of the legislature. Special sessions may be called by the Governor or by vote of two-thirds of the Legislature.

RESTRICTIONS ON ACTIVITIES OF LEGISLATIVE BRANCH

Article II, Section 5 of the Alaska Constitution provides that no legislator may hold any other office or position of profit in federal or state governments. The same Section also prohibits legislators from taking other posts for which they have voted salary increases. Section 5 is quoted as follows:

“No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.”

As elected officials, the activities of legislators routinely receive close public scrutiny. In addition, details relating to personal finances and campaign contributions are required to be disclosed in financial reports filed with the Alaska Public Offices Commission. The filing requirements for legislators parallel those of senior members of the executive branch and justices and judges, which have been more fully discussed earlier in this Report.

Another restriction on the activities of legislators is the need to spend almost one-third of each year in Juneau, the State capital, necessitating the maintenance of two households. In addition, most legislators have careers in their home areas which they put aside when the legislature is in session, a situation which is difficult. Furthermore, although legislators participate in the State retirement program, they will not realize benefits from that system unless they have either previously accrued time in the system or are successful in being re-elected.

LEGISLATIVE BRANCH SALARIES AND BENEFITS

Alaska state legislators receive a relatively modest base salary.⁴⁷ However, in addition to the same benefits as those available to general government employees, legislators receive allowances for per diem while the legislature is in session, plus moving time, and while undertaking committee or other legislative business when the legislature is not in session. Legislators also receive a flat office expense allowance and may or may not be reimbursed for travel expenses to and from their home districts.

A. SALARIES

The current base salary for state legislators is \$22,140 per year. This is equivalent to Step A, Range 10 of the state salary schedule for Juneau.

In addition to base salary, the presiding officer in each house of the Legislature receives an annual \$500 honorarium.

B. SESSION PER DIEM (Short Term and Long Term)

Legislators are entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

Legislators are entitled to receive per diem at the **short-term** rate of \$80 per day during a legislative session if they are not living at their permanent place of residence; and while on committee business or other legislative business in a place that is not their permanent place of residence; i.e. a minimum of \$9,600 per year.⁴⁸

Legislators are entitled to receive per diem at the **long-term** rate of \$60 per day during a legislative session if they are living at their place of permanent residence; and while engaged in committee business or other legislative business at their place of permanent residence; i.e. a minimum of \$7,200 per year.⁴⁹

C. MOVING PER DIEM

Legislators may also collect per diem, plus an allowance for spouses and dependents, for "moving in" and "moving out" time immediately before and after the legislative

⁴⁷. See Tables 15 and 16.

⁴⁸. The session length of 120 days times \$80 per day.

⁴⁹. The session length of 120 days times \$60 per day.

session. According to current session moving and travel policies, moving per diem is calculated as follows:

"A standard per diem for the legislator, half of the standard per diem for his or her spouse, and an eighteen dollar (\$18) per day per diem for each of his or her dependents while en route, up to a maximum of 5 days per person. Additionally, (a) upon arrival at the capital for the first session of a legislature, a legislator, or his or her spouse, and dependents are entitled to per diem at the same rate as per diem while en route for not more than ten (10) days while looking for housing; (b) upon arrival at the capital for the second session of a legislature, a legislator, his or her spouse, and dependents are entitled to per diem at the same rate as per diem while en route for not more than five (5) days while looking for housing; and (c) at the end of every legislative session, a legislator, his or her spouse, and dependents are entitled to per diem at the same rate as per diem while en route for a period not to exceed five (5) days."

D. OFFICE ALLOWANCE

Each legislator receives a check in the amount of \$4,000 at the beginning of the legislative session which may be used for stationery, postage, stenographic services and other expenses at the discretion of the individual.

E. TRAVEL

Travel on committee business is paid out of the pertinent committee budget. In addition, the leadership in each House has funds which may be used to pay for a legislator's travel on approval of the presiding officer. However, many Legislators either use personal funds or use the \$4,000 office allowance for travel to their home districts. Finally, travel to and from Juneau at the beginning and end of each legislative session is paid for all legislators as well as their spouses and dependents.

F. BENEFITS

Currently, legislators receive the same health insurance and supplemental benefits as commissioners and other state employees. They may also participate in the Public Employees Retirement System.

G. LEAVE

Legislators are not subject to regulations relating to hours of employment, annual leave, sick leave, overtime and compensatory time. However, if a legislator wants to be excused during the legislative session, he or she must first obtain permission from either the President of the Senate or the Speaker of the House.

COMPARISONS

In 1987, the State Officers' Compensation Commission reviewed three different methods of comparison often used to assist in developing recommended compensation levels. These methods and the Commission's conclusion as to their relevance are described below.

A. COMPARISON WITH OTHER STATES

The states with the highest compensation levels generally have legislatures which meet year-round. For the other states, compensation levels fluctuated widely. The Commission found that the variation among the states precluded it from drawing any meaningful conclusions.

B. COMPARISON WITH PRIVATE SECTOR

The Commission found that the part-time status of legislative service, and its public service aspects, precluded meaningful comparison with positions of similar responsibility in the private sector. The Commission recognized that a very high level of responsibility is inherent in legislative service. However, unlike other highly responsible positions, legislators are not required to show years of experience, degree of expertise or prior accomplishments in a related field.

C. COMPARISON WITH STATE EMPLOYEES

The Commission considered the argument that legislators should not receive less compensation than do their staff but determined that such an argument was not relevant since the Legislature itself sets staff salaries.

D. COST OF LIVING

Cost of living differentials are another factor to be taken into account when comparing Alaska salaries/benefits with those in other states. This topic is covered in Appendix A and Tables 19, 20 and 21.

LEGISLATIVE HISTORY

The following is an outline of the major legislative events since Statehood which have shaped and changed the Alaska legislative branch. The basic character of this branch was established by the Alaska Constitution. Changes since that time have been enacted through state statutes.

CONSTITUTIONAL PROVISIONS

1959 — Article II of the State Constitution, as amended, contains provisions which outline legislative power; membership; qualifications for office; terms of office; the filling of vacancies; disqualification from office; immunity; salary and expenses; the length and timing of legislative sessions; special sessions; adjournment; interim committees; rules; the form and passage of bills; vetoes; and impeachment. Specifically, the Constitution contains the following provisions of relevance to this Report:

The legislative power of the State is vested in a Legislature consisting of a Senate with a membership of twenty and a House of Representatives with a membership of forty. (Section 1).

A member of the Legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year immediately preceding his or her filing for office. A senator shall be at least 25 years of age and a representative at least 21 years of age. (Section 2).

Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years. (Section 3).

A vacancy in the Legislature shall be filled for the unexpired term as provided by law. If no provision is made, the Governor shall fill the vacancy by appointment. (Section 4).

Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation. (Section 7).

There shall be a Legislative Council, and the Legislature may establish other interim committees. The Council and other interim committees may meet between legislative sessions. They may perform duties and employ personnel as

provided by the Legislature. Their members may receive an allowance for expenses while performing their duties. (Section 11).

1983 — **SCS CS HJR 2 [Rules]:**

Limited the length of a regular legislative session to not more than 120 days, effective December 30, 1984.

LEGISLATIVE ENACTMENTS, REFERENDUMS, INITIATIVES AND REPORTS

1959 — Set the annual salary of legislators at \$3,000, plus \$40 per day of per diem to cover expenses incurred during the legislative session.

1961 — **Section 2, Chapter 26, SLA 1961:**

Lowered the annual salary of legislators to \$2,500; provided for an annual office allowance of \$300; and set two per diem rates, \$25 per day for legislators who lived permanently in Juneau and \$35 per day for all others.

The office allowance was allocated in a lump sum to each legislator for postage, stationery, stenographic services and other expenses. The expenses were not vouchered and the allowance was reported to the U.S. Internal Revenue Service as income.

1966 — **Section 1, Chapter 149, SLA 1966:**

Increased the annual salary of legislators to \$6,000.

1970 — **Section 9, Chapter 193, SLA 1970:**

Raised the annual salary of legislators to \$9,000 and increased the annual office allowance to \$4,000.

Per diem was set at \$35 per day for all legislators but could be claimed only for the first 90 days of the legislative session, plus travel to and from Juneau and settling-in time.

1976 — **Section 6, Chapter 148, and Section 7, Chapter 263, SLA 1976:**

Increased legislative salaries to \$14,720 and, for the first time, were tied to the state pay scale.¹⁰

Session per diem was increased to \$48 per day for all legislators except those from Juneau whose per diem rate remained at \$35 per day during the session.

The legislation also created a retirement system designed specifically for elected officers entitled the Elected Officers' Retirement System (EPORS) which had more generous provisions than did the Public Employees' Retirement System (PERS).

— **State Referendum**

Voters rejected the legislative pay raise which had the effect of reducing legislative salaries to \$9,000 per year.

¹⁰. Thirty-three percent of Range 28, Step A.

The Alaska Supreme Court subsequently ruled that the new retirement system (EPORS) could not be repealed for those legislators already participating in the system.

1977 — Alaska Salary Commission Report

Recommended that legislative salaries be raised to \$11,750 per year. The Legislature adopted this salary recommendation but failed to adopt other recommendations which proposed a vouchered accounting system for office allowances and a two tier system for per diem which provided for a lower rate after 100 days of a session had elapsed.

1979 — Alaska Salary Commission Report

Recommended that legislative salaries be raised to \$12,690 with adjustments to reflect cost of living increases. The House passed a bill essentially adopting the Commission's recommendations but the Senate version, which was adopted, provided for a significantly higher legislative salary.

1980 — Sections 14 and 28, Chapter 3, SLA 1980:

Abolished the Alaska Salary Commission. The same legislation approved three separate pay rates for legislators as follows:

- salary for 1979 was retroactively increased to \$15,000 for the full year;
- an increase of \$17,280 per year was retroactively approved to January 1, 1980;
- an annual salary of \$18,768 was set for 1981.⁴¹

Future legislative salaries would increase in tandem with increases authorized for that level on the state pay scale.

1983 — Section 2, Chapter 83, SLA 1983:

Eliminated per diem and raised the base salary for legislators to Step A, Range 22 of the state pay scale, effective June 21, 1983. This had the effect of increasing legislative salaries to \$46,800 per year.

1984 — Ballot Initiative Petition:

A petition drive was launched to place the issue of legislative compensation on the 1986 general election ballot.

1985 — Section 1, Chapter 87, SLA 1985:

Removed legislators' salaries from the state pay scale and froze legislative compensation at \$46,800 per year.

1986 — Chapter 124, SLA 1986:

Created the State Officers' Compensation Commission to review and recommend compensation for the legislative, judicial and executive branches of government.

The same legislation set the base salary for legislators at Step A, Range 10 of the State pay scale, \$22,140, and reinstated per diem at \$80 per day, effective January 1987.

⁴¹ This was equal to Step A, Range 10 of the state pay scale.

RECOMMENDATIONS

A. THE BASE SALARIES

The Commission makes the following salary recommendations for the legislative branch:

| | |
|------------------------------|-------------------|
| President of the Senate..... | \$40,500 per year |
| Speaker of the House..... | \$40,500 per year |
| All other Legislators | \$40,000 per year |

The Commission also makes the following recommendations:

1. **Interim Per Diem.** When the legislature is not in session, legislators should be paid per diem only for bona fide legislative business requiring overnight travel.
2. **Per Diem Rates.** The Department of Administration should review per diem rates paid to all State employees. The Commission believes that current per diem rates are too low to adequately cover reasonable lodging and meal expenses in most Alaska towns and cities.
3. **Office Allowances.** The present lump-sum distribution for legislative office expenses should be eliminated. An account system should be instituted in the Legislative Affairs Agency whereby each legislator could "charge" up to \$4,000 for stationery, printing, postage and office equipment.
4. **Travel.** The Commission considers that, in order to maintain constituent contact, each legislator should be reimbursed for two round-trip visits to his or her home district during the legislative session.
5. **Benefits.** The Commission recommends that the current system of retirement and other legislative benefits be retained.

B. RATIONALE

Since much of the rationale for the foregoing recommendations is already contained in the Commission's 1987 Report, it will not be reiterated. However, some supplementary comments are in order.

With respect to the recommended legislative salary issue, the Commission concluded that salaries for the three co-equal branches of state government should bear some equivalence. Thus, having determined that the salaries of the Governor of the State of Alaska and its Chief Justice should both be \$100,000 per year, an attempt was made to equate those full-time salaries with the part-time service rendered by legislators.

The \$40,000 figure was derived from a recognition that, for a 120 day session,

a salary equivalent to the chief executive would be approximately \$30,000. The Commission further recognized that legislators should also be compensated for work performed when the Legislature is not in session. As a review of Tables 17 and 18 indicate, long term per diem ranged from a low of zero dollars to a high of \$6,450 in 1987 and from zero to \$8,350 in 1988.

As Table 17 demonstrates, the recommendation with respect to legislative salaries is on par with what some members were in fact paid when wages, long term per diem and session per diem are combined. What is achieved with the flat figure is not only recognition of the true extent of legislative salaries but also parity among all members of the legislative branch.

Further, as with the Chief Justice, the respective leaders of the legislative branch, namely the President of the Senate and the Speaker of the House of Representatives, were accorded an honorarium in recognition of their leadership roles.

In conformity with the previous recommendations of the Commission, the foregoing salary figures are supported on the condition that no per diem be paid except for bona fide legislative business requiring overnight travel. As it observed in 1987, the Commission considers that

“present procedures allow the use of interim per diem as a salary supplement rather than as an expense reimbursement, especially when per diem is collected for work in legislators’ home towns. Current statutes are so loosely worded that, at least in theory, legislators may collect per diem for one hour’s work spent writing to constituents. The point of per diem is to cover the expenses of travel required by work. It should be so limited.

The policies and procedures for claiming per diem should reflect accountability for expenditures, and all claims and collections should be well documented. Controls on, and accountability of per diem should apply equally, whether the per diem is charged against a legislative committee budget or against leadership funds.”²

Since that conclusion, rendered in 1987, the Commission has received evidence which more than adequately supports it.

At the Commission’s request, the Legislative Affairs Agency prepared a report detailing the compensation received by legislators during calendar year 1987. That report is appended hereto as Table 17. As it reveals, in no case was session per diem limited to \$9,600.

Furthermore, moving per diem ranged from a low of zero to a high of \$4,902 while per diem earned while legislators were in their home offices, ranged likewise from a low of zero to a high of \$6,450. The differences in moving travel were zero to \$1,334 and the differences in moving mileage ranged from zero to \$887. Out of session, in district travel, categorized as long term travel and long term mileage, likewise ranged from a low of zero to a high of \$2,807.75. As a result of such

². 1987 Final Report, State Officers’ Compensation Commission at 18 (April 6, 1987).

disparities, total legislative compensation ranged from \$35,738.04 to \$55,068.40, a difference of some \$20,000.

A similar report was reviewed for calendar year 1988. It reveals that total legislative compensation ranged from a low of \$34,725 to a high of \$56,569, a difference of almost \$22,000. In 1988, all legislators received the same base salary, office allowance and, allowing for different allowances paid to Juneau-based legislators, the same session per diem. Moving per diem ranged from zero to \$3,018, long term per diem ranged from zero to \$8,350, and short term expenses/per diem ranged from zero to \$11,576. Even given the disparate moving and travel expenses associated with movement throughout Alaska, it is hard to justify such disparity in compensation.

The Commission believes that the retirement and benefits system should be reviewed in depth. While the Commission did at least approach the subject, it is not equipped to make an in depth study either in terms of staffing or financial resources.

APPENDIX
A

COST OF LIVING

There are several comparative cost of living measurements available, each with strengths and weaknesses.

The only measure of change in costs over time for Alaska is provided by the Anchorage consumer price index produced by the U.S. Department of Labor, Bureau of Labor Statistics.³³ In addition, the American Chamber of Commerce Researchers Association (ACCRA) gathers price data for close to 250 cities throughout the United States and compiles them into an Inter-City Cost of Living Index.³⁴ ACCRA data for Alaska are somewhat suspect since they are not collected in a consistent manner. Furthermore, the ACCRA index does not include state and local taxes which are a relatively minor element in metropolitan areas. Nevertheless, the index does provide some indication of relative living costs among U.S. cities.

A review of changes in the consumer price index for Anchorage, Seattle and the U.S. indicates that consumer prices have generally risen more slowly in Anchorage than "Outside." Thus, while costs here are still high, the differential between Alaska and the remainder of the country is considerably less than it once was.

An analysis of per capita income by state was also undertaken as a measure of Alaska's position relative to other states. According to data developed by the U.S. Bureau of Economic Analysis, Alaska ranked fifth nationally in 1987 after Connecticut, New Jersey, Massachusetts and New York. Per capita income for Alaska in 1987 was virtually unchanged from 1986, reflecting the State's relatively depressed economic condition, but nevertheless was 117 percent of the national average.³⁵

However, no firm conclusion could be reached as to the percentage by which Alaska salaries should be adjusted to reach parity with those of their continental counterparts. The Commission could only conclude, from the resources available to it, that the federal COLA system, which makes a 25 percent adjustment, is not an accurate reflection of the disparity. Indeed, it would appear to be exceedingly high.

³³. See Table 19.

³⁴. See Table 20.

³⁵. See Table 21.

APPENDIX
B

TABLE 1

LEGISLATIVE HISTORY

ALASKA EXECUTIVE AND JUDICIAL BRANCH BASE SALARIES

| Year | Executive Branch | | | Judicial Branch | | | | |
|------|---------------------|---------------------|-------------------|-----------------------------|---------------|---------------|----------------|-----------------------|
| | Governor | Lt. Governor | Commissioners | Supreme Court Chief Justice | Supreme Court | Appeals Court | Superior Court | District Court |
| 1959 | \$25,000 | \$18,000 | \$12,000-\$17,000 | \$23,500 | \$22,500 | ² | \$19,000 | \$10,000 ¹ |
| 1965 | 27,500 | 21,000 | 20,000 | 25,500 | 24,500 | ² | 21,000 | 12,960 ¹ |
| 1967 | | 24,500 | 23,600 | 27,000 | 26,000 | ² | 23,000 | 17,500 ¹ |
| 1969 | 32,000 | 28,500 | 27,500 | 30,000 | 28,000 | ² | 26,500 | 19,000 |
| 1970 | 40,000 | 36,000 | 33,000 | ² | 36,000 | ² | 33,000 | 25,000 |
| 1974 | 50,000 | 44,000 | 40,000 | ² | 44,000 | ² | 40,000 | 33,500 |
| 1975 | | | | ² | 44,942 | ² | 41,197 | 34,830 |
| 1976 | | | 48,576 | ² | 52,992 | ² | 48,576 | 41,068 |
| 1979 | 65,000 | 58,500 | 57,500 | ² | 55,000 | ² | 57,500 | 49,000 |
| 1980 | 70,068 | 65,352 | 63,120 | ² | 70,068 | \$65,352 | 63,120 | 54,480 |
| 1982 | 77,760 ³ | 72,564 ³ | 70,116 | ² | 77,760 | 72,564 | 70,116 | 60,600 |
| 1983 | 81,648 | 76,188 | 73,620 | ² | 81,648 | 76,188 | 73,620 | 63,636 |
| 1985 | ⁴ | ⁴ | 77,304 | ² | 85,728 | 79,992 | 77,304 | 66,816 |

¹ Maximum salary.

² Appeals Court created in 1980. Permanent Supreme Court Chief Justice position eliminated in 1970.

³ Salary effective December 1982.

⁴ Salaries of Governor and Lieutenant Governor frozen by Legislature.

Sources: Alaska Court System.

Alaska Statutes— Chapter 50, SLA 1959; Chapter 105, SLA 1959; Chapter 184 SLA 1959; Chapter 128, SLA 1962; Chapter 115, SLA 1965; Chapter 156, SLA 1966; Chapter 83, SLA 1967; Chapter 123, SLA 1967; Chapter 101, SLA 1969; Chapter 193, SLA 1970; Chapter 71, SLA 1972; Chapter 34, SLA 1974; Chapter 205, SLA 1975; Chapter 148, SLA 1976; Chapter 263, SLA 1976; Chapter 80, SLA 1978; Chapter 3, SLA 1980; Chapter 50, SLA 1982; Chapter 83, SLA 1983; Chapter 87, SLA 1985.

TABLE 2
**COMPARISON OF
 STATE GOVERNORS SALARIES**

JULY 1988

| Rank | State | Annual Salary | Rank | State | Annual Salary |
|------|---------------------|---------------------|------|----------------------|----------------------|
| 28 | Alabama | \$ 70,223 | 49 | Montana | 50,452 |
| 19 | Alaska | 81,648 | 47 | Nebraska | 58,000 |
| 24 | Arizona | 75,000 | 23 | Nevada | 77,500 |
| 50 | Arkansas | 35,000 | 37 | New Hampshire | 68,005 |
| 11 | California | 85,000 | 11 | New Jersey | 85,000 |
| 29 | Colorado | 70,000 | 42 | New Mexico | 63,000 |
| 22 | Connecticut | 78,000 | 1 | New York | 130,000 ¹ |
| 29 | Delaware | 70,000 | 2 | North Carolina | 105,000 |
| 4 | Florida | 98,905 | 44 | North Dakota | 60,886 |
| 9 | Georgia | 86,706 | 40 | Ohio | 65,000 |
| 21 | Hawaii | 80,000 | 29 | Oklahoma | 70,000 |
| 48 | Idaho | 55,000 | 24 | Oregon | 75,000 |
| 7 | Illinois | 93,266 | 11 | Pennsylvania | 85,000 |
| 39 | Indiana | 65,988 | 35 | Rhode Island | 69,900 |
| 29 | Iowa | 70,000 | 18 | South Carolina | 83,232 |
| 38 | Kansas | 66,950 ¹ | 46 | South Dakota | 59,051 |
| 36 | Kentucky | 68,364 | 11 | Tennessee | 85,000 |
| 26 | Louisiana | 73,440 | 8 | Texas | 91,600 |
| 29 | Maine | 70,000 | 45 | Utah | 60,000 |
| 11 | Maryland | 85,000 | 41 | Vermont | 63,606 |
| 11 | Massachusetts | 85,000 | 11 | Virginia | 85,000 |
| 3 | Michigan | 100,077 | 6 | Washington | 93,900 |
| 5 | Minnesota | 94,204 | 27 | West Virginia | 72,000 |
| 42 | Mississippi | 63,000 | 10 | Wisconsin | 86,149 |
| 20 | Missouri | 81,000 | 29 | Wyoming | 70,000 |

¹ Official salary not fully taken by current incumbent.

Source: Alaska State Officers' Compensation Commission survey, July 1988.

TABLE 3
**COMPARISON OF ANNUAL SALARIES
 SENIOR ALASKA STATE OFFICIALS**

1987

| | |
|-----------------------------------|--|
| Elected State Executives | Governor.....\$ 81,648 |
| | Lieutenant Governor 76,188 |
| Appointed State Executives | Commissioners (28E).....\$ 77,304 |
| Independent State Agencies | |
| Alaska Housing Finance Corp. | Executive Director (28F)\$ 79,992 |
| Alaska Industrial Dev. Auth. | Executive Director (28E)..... 77,304 |
| Alaska Munic. Bond Bank Auth. | Executive Director (28D) 74,472 |
| Alaska Permanent Fund Corp. | Executive Director..... 92,212 |
| Alaska Permanent Fund Corp. | Comptroller..... 86,700 |
| Alaska Power Authority | Executive Officer (29F) 82,812 |
| Alaska Public Utilities Commiss. | Executive Director (26D) 69,276 |
| Alaska Public Utilities Commiss. | Commissioners (26C)..... 66,816 |
| Alaska Railroad Corporation | Chief Executive Officer 125,000 |
| Alaska Seafood Marketing Inst. | Executive Director (26B)..... 64,620 |
| Alaska State Building Authority | Executive Director (28C) 71,880 |
| Alcoholic Beverage Control Board | Director (26J) 77,268 |
| Commercial Fisheries Entry Comm. | Commissioner (26C)..... 66,816 |
| Oil and Gas Conservation Commiss. | Chairman/Commissioner (27E) 74,472 |
| Oil and Gas Conservation Commiss. | Commissioner (27D)..... 71,880 |
| Postsecondary Education Co.mmiss. | Executive Director (28J) 82,992 |
| Public Offices Commission | Director (24A)..... 56,244 |
| University of Alaska | President\$ 95,273 ¹ |
| | Chancellor-Anchorage 90,715 ¹ |
| | Chancellor-Fairbanks 91,595 ¹ |
| | Chancellor-Juneau 80,654 ¹ |
| Municipality of Anchorage | Mayor\$ 70,000 |
| | City Manager.....\$ 54,000 — 82,000 |
| Anchorage School District | Superintendent \$ 92,000 ² |

¹ Budgeted salaries, excluding geographic cost of living adjustments, housing allowance, etc.

² Salary will be \$96,000 for 1988/89 school year.

| | |
|---|--|
| Sources: Alaska Office of the Governor. | Alaska Postsecondary Education Commission. |
| Alaska Commercial Fisheries Entry Commission. | Alaska Power Authority. |
| Alaska Department of Administration. | Alaska Public Offices Commission. |
| Alaska Department of Commerce and Economic Development. | Alaska Railroad Corporation. |
| Alaska Department of Revenue. | Alaska State Building Authority. |
| Alaska Housing Finance Corporation. | Anchorage School District. |
| Alaska Permanent Fund Corporation. | University of Alaska. |
| | Municipality of Anchorage. |

TABLE 4
**SALARIES OF STATE EMPLOYEES
 RELATIVE TO COMMISSIONERS**

1987

| | |
|---|---------------------|
| Commissioners | \$ 77,304 |
| Department of Commerce and Economic Development | |
| Executive Director, Alaska Power Authority | 82,812 |
| Executive Director, Alaska Industrial Development Authority | 77,304 |
| Chief Executive Officer, Alaska Railroad Corporation..... | 125,000 |
| Department of Education | |
| Executive Director, Postsecondary Education Commission | 82,992 |
| Department of Health and Social Services | |
| Clinical Services Director | 94,744 ¹ |
| Staff Psychiatrist (2) | 93,348 ¹ |
| Staff Psychiatrist (2) | 89,280 ¹ |
| Department of Law | |
| Attorney VI | 86,292 |
| Attorney V | 83,292 |
| Attorney VI (2) | 83,172 |
| Attorney V (2)..... | 80,280 |
| Attorney VI..... | 80,160 |
| Deputy Attorney General | 79,992 |
| Attorney V (12)..... | 77,376 |
| Department of Natural Resources | |
| Chief, Petroleum Geology | 80,160 |
| Petroleum Manager..... | 80,160 |
| Department of Revenue | |
| Deputy Commissioner of Treasury | 79,992 |
| Executive Director, Permanent Fund Corporation..... | 91,212 |
| Chief Investment Officer, Permanent Fund Corp. | 87,900 |
| Comptroller, Permanent Fund Corporation | 86,700 |
| Executive Director, Alaska Housing Finance Corporation | 79,992 |

¹ 1988 salaries.

Sources: Alaska Department of Commerce and Economic Development; Alaska Power Authority; Alaska Railroad Corporation; Alaska Department of Education; Alaska Department of Health and Social Services; Alaska Department of Law; Alaska Department of Natural Resources; Alaska Department of Revenue; Alaska Permanent Fund Corporation; and Alaska Housing Finance Corporation.

TABLE 5

CURRENTLY AUTHORIZED JUDGESHIPS

ALASKA SUPREME, APPEALS, SUPERIOR AND DISTRICT COURTS

I. SUPREME COURT

5 justices — 4 based in Anchorage; 1 based in Fairbanks

II. COURT OF APPEALS

3 judges — all based in Anchorage

III. SUPERIOR COURT

a. First Judicial District

5 judges — 1 based in Ketchikan; 1 based in Sitka; 2 based in Juneau;
1 based in Wrangell/Petersburg

b. Second Judicial District

3 judges — 1 based in Nome; 1 based in Kotzebue; 1 based in Barrow

c. Third Judicial District

16 judges -- 12 based in Anchorage; 1 based in Kodiak; 1 based in Kenai; 1 based in Palmer;
1 based in Valdez

d. Fourth Judicial District

5 judges — 4 based in Fairbanks; 1 based in Bethel

IV. DISTRICT COURT

a. First Judicial District

2 judges — 1 based in Ketchikan; 1 based in Juneau

b. Second Judicial District

None

c. Third Judicial District¹

11 judges — 9 based in Anchorage; 1 based in Homer; 1 based in Palmer

d. Fourth Judicial District

4 judges — all based in Fairbanks

¹ State Statutes provide for 12 District Court judges in the third judicial district. Administrative Rule 19 of the Alaska Court System provides for only 11 District Court judges in this judicial district.

Source: Alaska Court System, 1987 Annual Report.

TABLE 6
RETENTION SURVEY SCORES
ALASKA JUDICIAL SYSTEM
 BY DATE OF ORIGINAL APPOINTMENT¹

| Bar Rating ² | Date of Original Appointment | | | | | |
|-------------------------|------------------------------|--------------|-------------|--------------|-------------|--------------|
| | 1962 — 1975 | | 1976 — 1979 | | 1980 — 1984 | |
| | No. | % | No. | % | No. | % |
| 4.0 or higher | 3 | 12.0 | 3 | 25.0 | 8 | 38.1 |
| 3.5 — 3.9 | 8 | 32.0 | 6 | 50.0 | 10 | 47.6 |
| 3.0 — 3.4 | 10 | 40.0 | 2 | 16.7 | 3 | 14.3 |
| Under 3.0 | 4 | 16.0 | 1 | 8.3 | 0 | 0.0 |
| TOTAL | 25 | 100.0 | 12 | 100.0 | 21 | 100.0 |

¹ Note: Data covers all judges appointed between 1962 and 1984 who have been evaluated in at least one retention election evaluation. Where a judge has been evaluated more than once, only the most recent evaluation was used unless the judge moved to a different court.

² Bar rating is on a 5-point scale where
 1 = unacceptable
 2 = deficient
 3 = acceptable
 4 = good
 5 = excellent

Source: Alaska Judicial Council.

TABLE 7
OUTCOME OF APPOINTMENTS
ALASKA JUDICIAL SYSTEM

1959 — 1986

| Outcome of Appointments | Supreme Court | | Superior Court | | District Court ¹ | |
|---|---------------|--------------|----------------|--------------|-----------------------------|--------------|
| | No. | % | No. | % | No. | % |
| Maintained Judicial Career | | | | | | |
| Still on bench | 5 | 35.7 | 29 | 54.7 | 15 | 34.1 |
| Retired/died in office | 3 | 21.4 | 12 | 22.6 | 5 | 11.4 |
| Appointed to other court | 3 | 21.4 | 8 | 15.1 | 7 | 15.9 |
| Subtotal | 11 | 78.6 | 49 | 92.5 | 27 | 61.4 |
| Left Judicial Career | | | | | | |
| Involuntarily retired/not retained/resigned after "unqualified" | 1 | 7.1 | 1 | 1.9 | 4 | 9.1 |
| Resigned, now in private practice/other | 2 | 14.3 | 1 | 1.9 | 8 | 18.2 |
| Unknown | 0 | 0.0 | 2 | 3.8 | 5 | 11.4 |
| Subtotal | 3 | 21.4 | 4 | 7.6 | 17 | 38.6 |
| TOTAL | 14 | 100.0 | 53 | 100.0 | 44 | 100.0 |

¹ Note: Data for District Court judges are for 1968 — 1986 only. Data for Appeals Court judges are omitted as all three original judges are still serving.

Source: Alaska Judicial Council.

TABLE 8
CASELOAD TRENDS — FILINGS
ALASKA STATE COURTS
 FY 1982 — FY 1988

| Court | FY 1982 | | FY 1983 | | FY 1984 | | FY 1985 | | FY 1986 | | FY 1987 | | FY 1988 | |
|-----------------------------|---------|----------|----------|---------|----------|----------|----------|---------|----------|----------|----------|---------|----------|--|
| | # | # | % Change | # | % Change | # | % Change | # | % Change | # | % Change | # | % Change | |
| Supreme | 409 | 509 | 24.4 | 541 | 6.3 | 528 | -2.4 | 631 | 19.5 | 587 | -7.0 | 607 | 3.4 | |
| Appeals | 459 | 584 | 27.2 | 531 | -9.1 | 506 | -4.7 | 588 | 16.2 | 523 | -11.1 | 497 | -5.0 | |
| Superior | | | | | | | | | | | | | | |
| First | 1,960 | 2,274 | 16.0 | 2,571 | 13.1 | 2,565 | -0.2 | 2,366 | -7.8 | 2,326 | -1.7 | 2,251 | -3.2 | |
| Second | 648 | 776 | 19.8 | 881 | 13.5 | 878 | -0.3 | 1,056 | 20.3 | 988 | -6.4 | 769 | -22.2 | |
| Third | 11,423 | 11,732 | 2.7 | 12,889 | 9.9 | 14,430 | 12.0 | 13,978 | -3.1 | 12,975 | -7.2 | 12,620 | -2.7 | |
| Fourth | 3,137 | 3,582 | 14.2 | 4,119 | 15.0 | 3,917 | -4.9 | 3,671 | -6.3 | 3,316 | -9.7 | 3,315 | -0.0 | |
| | 17,168 | 18,364* | 7.0 | 20,460 | 11.4 | 21,790 | 6.5 | 21,071 | -3.3 | 19,605 | -7.0 | 18,955 | -3.3 | |
| District¹ | | | | | | | | | | | | | | |
| First | 14,360 | 11,582 | -19.3 | 14,035 | 21.2 | 15,655 | 11.5 | 14,875 | -5.0 | 12,839 | -13.7 | 12,482 | -2.8 | |
| Second | 2,172 | 1,977 | -9.0 | 2,096 | 6.0 | 2,291 | 9.3 | 2,690 | 17.4 | 2,351 | -12.6 | 2,814 | 19.7 | |
| Third | 80,548 | 90,381 | 12.2 | 96,905 | 7.2 | 100,893 | 4.1 | 96,042 | -4.8 | 97,281 | 1.3 | 92,675 | -4.7 | |
| Fourth | 20,873 | 23,298 | 11.6 | 22,435 | -3.7 | 16,862 | -24.8 | 17,480 | 3.7 | 18,540 | 6.1 | 20,033 | 8.1 | |
| | 117,953 | 127,238* | 7.9 | 135,471 | 6.5 | 135,701* | 0.2 | 131,087 | -3.4 | 131,011* | -0.1 | 128,001 | -2.3 | |

¹ District Court statistics for higher volume District Courts only, but include magistrate cases in those locations.

FY 1981 — Court of Appeals established in 1980 and commenced operation in mid-September 1980.

FY 1983 — Upgrading of District to Superior Court judgeships in Wrangell/Petersburg and Barrow.

Superior Court judgeship added in Palmer.

Addition of 2 District Court judgeships in Anchorage.

FY 1985 — Upgrading of District to Superior Court judgeship in Valdez.

Addition of 2 Superior Court judgeships in Anchorage.

FY 1986 — Legislature funded an additional acting District Court judgeship in Palmer.

Source: Alaska Court System Annual Reports.

TABLE 9
CASELOAD TRENDS — DISPOSITIONS
ALASKA STATE COURTS
 FY 1982 — FY 1988

| Court | FY 1982 | | | FY 1983 | | | FY 1984 | | | FY 1985 | | | FY 1986 | | | FY 1987 | | | FY 1988 | | |
|----------|---------|----------------------|----------|---------|----------|----------------------|----------|---------|----------|----------------------|----------|---------|----------|---|----------|---------|----------|---|----------|--|--|
| | # | # | % Change | # | % Change | # | % Change | # | % Change | # | % Change | # | % Change | # | % Change | # | % Change | # | % Change | | |
| Supreme | 422 | 538 | 27.5 | 567 | 5.4 | 434 | -14.6 | 645 | 33.3 | 522 | -19.1 | 649 | 24.3 | | | | | | | | |
| Appeals | 328 | 594 | 81.1 | 526 | -11.4 | 461 | -12.4 | 688 | 49.2 | 483 | -29.8 | 469 | -2.9 | | | | | | | | |
| Superior | | | | | | | | | | | | | | | | | | | | | |
| First | 1,593 | 1,578 | -0.9 | 2,049 | 29.8 | 2,112 | 3.1 | 2,061 | -2.4 | 2,121 | 2.9 | 1,816 | -14.4 | | | | | | | | |
| Second | 612 | 600 | -2.0 | 857 | 42.8 | 776 | 19.5 | 1,056 | 36.1 | 1,030 | -2.5 | 828 | -19.6 | | | | | | | | |
| Third | 9,856 | 9,317 | -5.5 | 9,763 | 4.8 | 11,576 | 18.6 | 11,522 | -4.7 | 2,318 | 6.9 | 11,528 | -6.4 | | | | | | | | |
| Fourth | 2,619 | 3,075 | 17.4 | 3,279 | 6.6 | 4,097 | 24.9 | 4,067 | -0.7 | 3,036 | -25.4 | 3,096 | 2.0 | | | | | | | | |
| | 14,680 | 14,570 | -0.7 | 15,948 | 9.5 | 18,561 | 16.4 | 18,706 | 0.8 | 18,505 | -1.1 | 17,268 | -6.7 | | | | | | | | |
| District | | | | | | | | | | | | | | | | | | | | | |
| First | 13,953 | 10,731 | -23.1 | 13,570 | 26.5 | 14,524 | 7.0 | 14,016 | -3.5 | 12,452 | -11.2 | 12,168 | -2.3 | | | | | | | | |
| Second | 2,080 | 2,044 | -1.7 | 1,980 | -3.1 | 2,137 | 7.9 | 2,805 | 31.3 | 2,451 | -12.6 | 2,866 | 16.9 | | | | | | | | |
| Third | 74,851 | 88,935 | 18.8 | 92,041 | 3.5 | 91,383 | -0.7 | 86,935 | -4.9 | 90,018 | 3.5 | 86,813 | -3.6 | | | | | | | | |
| Fourth | 20,145 | 23,373 | 16.0 | 21,980 | -6.0 | 15,976 | -27.3 | 18,255 | 14.3 | 17,962 | -1.6 | 20,015 | 11.4 | | | | | | | | |
| | 111,029 | 125,083 ¹ | 12.7 | 129,571 | 3.6 | 124,020 ¹ | -4.3 | 122,011 | -1.6 | 122,883 ¹ | 0.7 | 121,862 | -0.8 | | | | | | | | |

¹ District Court statistics for higher volume District Courts only, but include magistrate cases in those locations.

FY 1981 — Court of Appeals established in 1980 and commenced operation in mid-September 1980.

FY 1983 — Upgrading of District to Superior Court judgeships in Wrangell/Petersburg and Barrow.

Superior Court judgeship added in Palmer.

Addition of 2 District Court judgeships in Anchorage.

FY 1985 — Upgrading of District to Superior Court judgeship in Valdez.

Addition of 2 Superior Court judgeships in Anchorage.

FY 1986 — Legislature funded an additional acting District Court judgeship in Palmer.

Source: Alaska Court System Annual Reports.

TABLE 10
**COMPARISON OF JUDICIAL SALARIES
 STATE AND FEDERAL COURT SYSTEMS**
 NOVEMBER 1988

| State | Highest Court | | Appellate Court | | General Trial Court | |
|----------------------|---------------------|------|---------------------|------|------------------------|------|
| | Salary | Rank | Salary | Rank | Salary | Rank |
| Alabama | \$ 82,880 | 17 | \$ 81,880 | 12 | \$ 76,760 ¹ | 15 |
| Alaska | 85,728 ¹ | 11 | 79,992 | 14 | 77,304 ¹ | 14 |
| Arizona | 84,000 | 14 | 82,000 | 11 | 80,000 | 10 |
| Arkansas | 66,010 | 39 | 63,763 | 32 | 61,513 | 35 |
| California | 103,469 | 2 | 97,003 | 2 | 84,765 | 4 |
| Colorado | 72,000 | 32 | 67,500 | 29 | 63,000 | 34 |
| Connecticut | 81,920 ² | 19 | 76,172 ² | 19 | 72,766 ² | 20 |
| Delaware | 84,400 | 13 | | | 79,900 | 11 |
| Florida | 92,822 | 6 | 87,362 | 7 | 81,902 | 7 |
| Georgia | 80,514 | 21 | 79,931 | 15 | 77,973 ¹ | 13 |
| Hawaii | 78,500 | 25 | 73,500 | 23 | 69,500 | 24 |
| Idaho | 62,738 | 45 | 61,738 | 34 | 58,800 | 42 |
| Illinois | 93,266 | 4 | 87,780 | 6 | 75,113 | 16 |
| Indiana | 66,000 | 40 | 61,000 | 35 | 56,000 | 45 |
| Iowa | 72,900 | 30 | 69,800 | 27 | 66,000 | 30 |
| Kansas | 70,142 | 35 | 67,638 | 28 | 60,978 | 38 |
| Kentucky | 66,946 | 37 | 64,213 | 31 | 61,481 | 36 |
| Louisiana | 74,966 | 28 | 71,767 | 25 | 68,569 | 25 |
| Maine | 77,300 | 26 | | | 73,100 | 19 |
| Maryland | 86,900 | 10 | 83,800 | 9 | 82,200 | 5 |
| Massachusetts | 90,450 | 8 | 83,708 | 10 | 80,360 | 8 |
| Michigan | 100,000 | 3 | 96,000 | 3 | 92,000 ¹ | 2 |
| Minnesota | 80,010 | 23 | 73,811 | 22 | 70,770 | 22 |
| Mississippi | 70,800 | 34 | | | 61,200 | 37 |
| Missouri | 81,009 | 20 | 75,447 | 20 | 69,885 | 23 |
| Montana | 50,452 | 50 | | | 49,178 | 50 |
| Nebraska | 63,512 | 44 | | | 58,750 | 43 |
| Nevada | 73,500 | 29 | | | 67,000 | 28 |
| New Hampshire | 70,102 | 36 | | | 68,269 | 26 |
| New Jersey | 93,000 | 5 | 90,000 | 4 | 85,000 | 3 |
| New Mexico | 62,184 | 46 | 59,052 | 37 | 55,980 | 46 |
| New York | 115,000 | 1 | 102,500 | 1 | 95,000 | 1 |
| North Carolina | 79,668 ¹ | 24 | 75,432 ² | 21 | 66,972 ² | 29 |
| North Dakota | 59,140 | 47 | | | 55,519 | 47 |
| Ohio | 85,250 | 12 | 80,000 | 13 | 65,250 | 33 |
| Oklahoma | 71,406 | 33 | 66,944 | 30 | 59,506 | 41 |
| Oregon | 72,362 | 31 | 70,639 | 26 | 65,645 | 31 |
| Pennsylvania | 91,500 | 7 | 89,500 | 5 | 80,000 | 10 |
| Rhode Island | 82,967 ² | 16 | | | 74,317 ² | 18 |
| South Carolina | 83,883 | 15 | 79,690 | 16 | 79,690 | 12 |
| South Dakota | 58,697 | 48 | | | 54,808 | 48 |
| Tennessee | 65,650 | 41 | 63,125 | 33 | 60,600 | 40 |
| Texas | 80,371 | 22 | 79,371 ¹ | 17 | 72,442 ¹ | 21 |
| Utah | 64,000 | 42 | 60,800 | 36 | 57,600 | 44 |
| Vermont | 63,900 | 43 | | | 60,700 | 39 |
| Virginia | 88,286 | 9 | 83,872 | 8 | 81,959 | 6 |
| Washington | 82,700 | 18 | 78,600 | 18 | 74,600 | 17 |
| West Virginia | 55,000 | 49 | | | 50,000 | 49 |
| Wisconsin | 76,859 | 27 | 72,366 | 24 | 67,842 | 27 |
| Wyoming | 66,500 | 38 | | | 63,500 | 33 |
| Mean | 77,231 | | 76,694 | | 69,439 | |
| Median | 77,900 | | 76,172 | | 68,419 | |
| District of Columbia | 95,000 | | | | 89,500 | |
| Federal System | 110,000 | | 95,000 | | 89,500 | |

¹ Median salary. ² Base salary is supplemented by increments for length of service.

Source: National Center for State Courts, November 1988.

TABLE 11 COMPARISON OF STATE JUDICIAL RETIREMENT AND INSURANCE PROVISIONS

1987

| State | Person @ 75% of Salary | No Judge Contribution | Mandatory Retirement | Retired Judges Compensated | Disability Benefits After 2 Yrs | Survivor's Benefit @ 50% Salary | Life Insurance Coverage | Health Insurance \$100 Ded. | Dental Insurance \$100 Ded. |
|----------------------|------------------------|-----------------------|----------------------|----------------------------|---------------------------------|---------------------------------|-------------------------|-----------------------------|-----------------------------|
| Alabama | A' | B | Yes | B | A | B | C | A | A |
| Alaska | A | B | Yes | A | A | B | A | A | A |
| Arizona | B' | B' | Yes | A' | B' | B' | A | B' | A' |
| Arkansas | B' | B' | Yes | C | A' | B' | A' | A' | C' |
| California | B | B | No | B | A | B | C | A' | A' |
| Colorado | B | B | Yes | B | B | B | A | B | B |
| Connecticut | B' | B' | Yes | B' | A' | B | B | A | A |
| Delaware | B | B | No | B | A | A | B | B | B |
| District of Columbia | B | B | Yes | A | A | B | A | B | A |
| Florida | B | A | Yes | C | A | B | B | B | B |
| Georgia | A | B | Yes | B | A' | B | A' | B' | B' |
| Guam | A | A | No | N/A | A | B | B | B | A |
| Hawaii | B | B | No | A | A | B | A | B | A |
| Idaho | B' | B' | Yes' | A' | B' | B' | A | B | A |
| Illinois | B | B | Yes | A | B | B | A | B | A |
| Indiana | B | B | Yes' | B' | A | B | B | A | A |
| Iowa | B | B | Yes | A | B | B | A | B | A |
| Kansas | B' | B' | Yes | B | A' | B | A | B | B |
| Kentucky | A | B | No | B | A | B | A | B | B |
| Louisiana | B | B | Yes | B | A | B | B | B | C |
| Maine | A | A | No | B | A | B | A | B | B |
| Maryland | B | B | Yes' | A | A | B | C | B | C |
| Massachusetts | B | B | Yes | A' | A | B | A | A | A |
| Michigan | B | B | Yes | B | B | B | A | A' | N/A |
| Minnesota | B | B | Yes | A | A | B | A | A | A |
| Mississippi | B | B | No | A | B | B | B | B | C |
| Missouri | B | A | Yes | C | B | B | A | B | C |
| Montana | B | B | Yes | B | A | B | A | B | A |
| Nebraska | B | B | No | B | A | B | A | B | C |
| Nevada | B | A | No | A | B | B | A | B | A |
| New Hampshire | A | A | Yes | C | A | A | A | A | A |
| New Jersey | B | B | Yes | B | A | B | A | A | A |
| New Mexico | A' | B' | No | B | B | A | A | B | B |
| New York | B | B | Yes | B | A | B | B | B | A |
| North Carolina | B | B | Yes | B | B | B | A | B | B |
| North Dakota | B | B | No | A | A | B | B | A | C |
| Ohio | B | B | Yes | A | B | B | N/A | N/A | N/A |
| Oklahoma | B' | B' | No | B | B | B | A | B | B |
| Oregon | B | A | Yes | B | A | B | A | A | A |
| Pennsylvania | B | B | Yes | B | A | B | A | A | A |
| Puerto Rico | B | B | Yes | C | A | A | B | B | N/A |
| Rhode Island | A | A | No | A | B | B | B | A | A |
| South Carolina | B | B | Yes | A | A | B | A | B | B |
| South Dakota | B | B | Yes | C | B | B | A | B | C |
| Tennessee | B | B | No | A | B | B | A | B | B |
| Texas | B' | B' | Yes | A' | B' | B' | A | B | C |
| Utah | B | B | Yes | A | A | B | A | A | A |
| Vermont | B | B | Yes | A | A | B | B | B | A |
| Virginia | B | A | Yes | B | A | B | A | B | B |
| Washington | B' | B' | Yes | B' | B | B | A | A | A |
| West Virginia | B | B | No | C | B | B | B | A | C |
| Wisconsin | B | B | No | A' | A | B | B | A | C |
| Wyoming | B' | A' | Yes' | A | B | B | B | B | B |

Key: A — meets or exceeds criteria. B — provisions exist, but either do not meet criteria or are not specific.
C — no formal provisions. N/A — no information available. ' Criteria not met by all court levels.

Source: American Bar Association, Judicial Administration Division.

TABLE 12
**COMPARISON OF STATE JUDICIAL
 IMMUNITY AND EXPENSES PROVISIONS**
 1987

| State | Judicial Immunity Statute | State Represents Judge | State Pays Judge's Attorney Fees | State Pays Fees of Disc/ Ethics Proc. | Educational Expenses Reimbursed | Travel Expenses Reimbursed |
|----------------------|---------------------------------|------------------------------|--|---|---------------------------------------|----------------------------------|
| Alabama | No | Yes | Yes | Yes | Yes | N/A |
| Alaska | No | Yes | Yes | Yes | Yes | N/A |
| Arizona | No | N/A | Yes | No | Yes ¹ | Yes ¹ |
| Arkansas | No | Yes | Yes | No | Yes ¹ | Yes ¹ |
| California | No | Yes ¹ | Yes ¹ | No | Yes | N/A |
| Colorado | No | Yes | N/A | No | Yes | Yes |
| Connecticut | Yes | Yes | N/A | No | Yes | Yes |
| Delaware | Yes | Yes | N/A | No | ² | N/A |
| District of Columbia | No | Yes | Yes | Yes | Yes | N/A |
| Florida | No | Yes | Yes | No | Yes | N/A |
| Georgia | No ¹ | Yes ¹ | Yes ¹ | No ¹ | Yes ¹ | N/A |
| Guam | No | Yes | No | No | No | N/A |
| Hawaii | No | Yes | N/A | No | Yes | N/A |
| Idaho | No | Yes | Yes | No | Yes | N/A |
| Illinois | No | Yes | Yes | No | Yes | Yes |
| Indiana | No | Yes | N/A | No | N/A | N/A |
| Iowa | No | Yes | N/A | No | Yes | N/A |
| Kansas | Yes | Yes | Yes | No | Yes | N/A |
| Kentucky | No | Yes | N/A | No | Yes | Yes |
| Louisiana | No | Yes | Yes | Yes | Yes | N/A |
| Maine | Yes | Yes | Yes | No | Yes | Yes |
| Maryland | No | Yes | N/A | No | Yes | Yes |
| Massachusetts | No | Yes | N/A | No | Yes | Yes |
| Michigan | Yes | Yes | ² | No | Yes ¹ | N/A |
| Minnesota | No | Yes | Yes | No | Yes | N/A |
| Mississippi | No | Yes | N/A | No | Yes | N/A |
| Missouri | No | Yes | Yes | No | Yes | N/A |
| Montana | Yes | Yes | Yes | N/A | Yes | N/A |
| Nebraska | No | Yes | N/A | No | Yes | Yes |
| Nevada | No | Yes ¹ | N/A | No | Yes | Yes |
| New Hampshire | No | Yes | Yes | ² | Yes | N/A |
| New Jersey | ¹ | Yes | Yes | No | Yes | N/A |
| New Mexico | No | Yes | Yes | No | Yes | N/A |
| New York | No | Yes | N/A | No | Yes | N/A |
| North Carolina | No | Yes | N/A | No | Yes | N/A |
| North Dakota | No | Yes | N/A | No | Yes | N/A |
| Ohio | N/A | N/A | N/A | N/A | N/A | N/A |
| Oklahoma | No | Yes | N/A | No | Yes ¹ | N/A |
| Oregon | No | Yes | Yes | No | Yes | N/A |
| Pennsylvania | No | Yes | Yes | No | N/A | N/A |
| Puerto Rico | No | Yes | N/A | No | Yes | N/A |
| Rhode Island | No | Yes | Yes | Yes | Yes | Yes |
| South Carolina | ² | Yes | ² | No | N/A | N/A |
| South Dakota | No | Yes | Yes | Yes | Yes | N/A |
| Tennessee | No | Yes | N/A | No | Yes | ² |
| Texas | No | Yes | Yes | No | Yes | N/A |
| Utah | ² | Yes | Yes | No | Yes | Yes |
| Vermont | No | Yes | N/A | No | Yes | N/A |
| Virginia | No | Yes | Yes | No | Yes | Yes |
| Washington | No | Yes ¹ | N/A | No | Yes | N/A |
| West Virginia | No | Yes | N/A | No | Yes | Yes |
| Wisconsin | No | Yes | ² | Yes | Yes ¹ | N/A |
| Wyoming | No | Yes | N/A | N/A | Yes | N/A |

N/A — no information available. ¹ Criteria not met by all court levels. ² Provisions exist but are not specific.
 Source: American Bar Association, Judicial Administration Division.

TABLE 13
**COMPARISON OF STATE JUDICIAL
 LEAVE PROVISIONS**
 1987

| State | 20 Vacation Days | 12 Sick Days | 12 Weeks Maternity Leave | 40 Hours Educational Leave | Sabbatical | 10 Holidays |
|----------------------|------------------------|--------------------|--------------------------------|----------------------------------|----------------|----------------|
| Alabama | C | C | C | C | C | A |
| Alaska | A | B | B | A | B | A |
| Arizona | C ¹ | C ¹ | C ¹ | C ¹ | C ¹ | A |
| Arkansas | C | C | C | C | C | A |
| California | A | C | C | C | C | A ¹ |
| Colorado | C | C | C | C | C | A |
| Connecticut | A ¹ | C | C | C | C | A |
| Delaware | C | C | C | C | C | A |
| District of Columbia | A | C | C | C | C | A |
| Florida | C | C | C | C | C | A |
| Georgia | C | C | C | C | C | A |
| Guam | B | A | B | A | C | A |
| Hawaii | A | A | C | C | C | A |
| Idaho | A | A | B | C | B | A |
| Illinois | C | C | C | C | C | A |
| Indiana | C ¹ | C | C | C | C | A |
| Iowa | A | C | C | A | C | B |
| Kansas | C | C | C | C | C | B |
| Kentucky | C | C | C | C | C | A |
| Louisiana | C | C | C | C | C | A |
| Maine | A | C | C | C | C | A |
| Maryland | A | B | C | C | C | A |
| Massachusetts | A ¹ | A ¹ | C | A ¹ | C | A |
| Michigan | C | C | C | C | C | A |
| Minnesota | A | C | C | A | C | A |
| Mississippi | C | A | B | C | C | A |
| Missouri | C | C | C | C | C | A |
| Montana | C | C | C | C | C | A |
| Nebraska | C | C | C | C | C | A |
| Nevada | C | C | C | C | C | A |
| New Hampshire | C | C | C | C | C | A |
| New Jersey | A | C | C | A | C | A |
| New Mexico | C | C | C | C | C | A |
| New York | A ¹ | C | C | A ¹ | C | A |
| North Carolina | A ¹ | C | B | C | C | A |
| North Dakota | C | C | C | C | C | B |
| Ohio | N/A | N/A | N/A | N/A | N/A | N/A |
| Oklahoma | C | C | C | C | C | A |
| Oregon | C | C | C | C | B | A |
| Pennsylvania | C | C | C | C | C | A |
| Puerto Rico | A | A | B | B | B | A |
| Rhode Island | A | B | C | C | C | A |
| South Carolina | C | C | C | C | C | A |
| South Dakota | C | C | C | C | C | B |
| Tennessee | C | C | C | C | C | A |
| Texas | C | C | C | C | C | C |
| Utah | A | C | C | C | C | A |
| Vermont | C | C | C | C | C | A |
| Virginia | C ¹ | C ¹ | C | C ¹ | C | A |
| Washington | C | C | C | C | C | A |
| West Virginia | C | C | C | C | C | A |
| Wisconsin | A | A ¹ | C | B ¹ | C | B |
| Wyoming | C | C | C | C | C | A |

Key: A — meets or exceeds criteria. B — provisions exist, but either do not meet criteria or are not specific.
 C — no formal provisions. N/A — no information available. ¹Criteria not met by all court levels.

Source: American Bar Association, Judicial Administration Division.