

**WASHINGTON CITIZENS' COMMISSION
ON
SALARIES FOR ELECTED OFFICIALS**

**Study on Salaries of
Legislators
and
The Judiciary**

Project Report

November 18, 2004

**Owen-Pottier
Human Resource Consultants**

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Washington Citizens' Commission on Salaries for Elected Officials
2004 Study of Salaries for Legislators and Judicial Positions

I. INTRODUCTION

A. Purpose:

The purpose of this study is to provide the Washington Citizens' Commission on Salaries for Elected Officials a sound and rational basis on which to establish the salaries of the members of the legislature and of the judiciary of the State of Washington. In order to accomplish that objective, the Commission retained the services of Owen-Pottier Inc., Human Resource Consultants, to perform the research necessary to determine the intrinsic values of the positions in those two groups and to recommend appropriate alignments and salary rates for them.

The positions encompassed by the study include:

- Legislator - Member of the House of Representatives; Senator;
- Minority Leaders of the House of Representatives and Senate;
- Speaker of the House of Representatives; Senate Majority Leader;
- District Court Judge;
- Superior Court Judge;
- Court of Appeals Judge;
- Justice of the Supreme Court.

The recommended alignments of legislative and judicial positions are based on evaluation of job worth without regard for any incumbent's performance, nor their gender, ethnic heritage nor individual credentials. Each job is measured on what is required of any incumbent for fully competent performance.

B. Organization of the Report:

The following section of this report, Section II, explains the methodology used in carrying out the project and displays and describes the findings of the study. Section III provides recommendations and rationales that can serve to guide the Commission's salary determinations for these several positions.

II. METHODOLOGY AND PROJECT RESULTS

A. Communication and Involvement:

In any project of this kind, forthright communication about the purpose, scope and potential outcome of the project is critical with respect to those who may be affected. In this case, the Commission's Chair and its Director wisely went beyond just informing the groups affected, but also enlisted their active participation in selecting the members of their respective groups who would provide information upon which job value would depend. In addition, at the outset it was agreed that data for job evaluation would be obtained in substantial degree from incumbent members of the legislature and the judiciary.

1. **Legislature:**

The Commission Chair, Commission Director and the consultant met with a group of legislative leaders, the Secretary of the Senate and the Deputy Chief Clerk of the House. During this meeting the purpose and scope of the project were defined for the legislative group. The group was asked to select a representative sampling of legislators for interview by the consultant for the purpose of obtaining comprehensive understanding of the work of legislators. The group was asked to select legislators from different parts of the state and to include leadership positions as well as non-leadership positions.

During the meeting, the consultant explained the job evaluation system to be used. The Chair informed the group that briefings on the consultant's recommendations would be made to legislative leaders prior to final presentation to the public.

2. **Judiciary:**

Similarly, a meeting was held with key members of the staff of the Office of the Administrator of the Courts and the Board for Judicial Administration. A second meeting was held with members of the Board for Judicial Administration, Chaired by Mr. Chief Justice Alexander. All those members, as well, agreed to arrange for consultant interviews with a broad representation of the judges comprising the Judicial Branch.

They, too, were advised of the methods to be used and the opportunity for a briefing on the results.

B. Collection of Job Information:

1. **Legislature:**

Ten Senators were nominated for interview by the leadership group. They were equally divided between majority and minority caucuses. The list of nominees encompassed incumbents from various parts of the state and in differing roles.

Eleven Representatives were nominated by the House group. There was one more nominee from the majority party than the minority party because of the consultant's desire to interview the Speaker.

Scheduling interviews with members of both houses proved to be difficult. This was especially true of Representatives because all of them were running for re-election. Thus, the difficulty of scheduling interviews before both the primary and general elections resulted in the ability to hold interviews with about two-thirds of the nominees.

Although only about two-thirds of the nominees were interviewed, those who were interviewed provided excellent information and represented a good cross-section of members of the legislature. The legislators who were interviewed provided more than sufficient information for the consultant's evaluations. They offered solid information on the substance and content of their jobs, which was the focus of the interviews. In addition, they were able to address the issue of amount of time required of legislators during both the legislative sessions and interim periods. Although time spent is not a measurable element of Willis system evaluations, the required time component is useful for calculating comparable compensation with other jobs.

Interviews included legislators who hold full-time jobs, those who arrange with their employers for partial pay for less than full-time work and those who rely solely on legislator compensation for their living. All these were given serious consideration in development of recommended compensation policy.

In brief, the job information obtained from those who were interviewed fulfills all the requirements for understanding the legislators' jobs.

2. Judiciary:

Because of the relative regularity of judges' calendars, the consultant was able to interview all the twelve nominees of the judicial group. These nominees included: the Chief Justice of the Supreme Court, two judges of the Court of Appeals, five judges of Superior Court, and four District Court judges. All the judges who were selected proved to be excellent choices. They provided comprehensive information on required qualifications as well as useful insight to their added work in continuing development of the judiciary's responsiveness to the needs of citizens. In several cases, the consultant was able to observe incumbents in court sessions covering a range of functions including hearings, arraignments, civil motions and criminal jury trials. These observations enhanced an appreciation for the scope of judicial subject areas. The consultant solicited and received opinions written by Appellate Court judges in order to grasp the impact of appellate decisions.

C. Job Evaluation:

1. Evaluation Method:

The evaluation tool used to measure job value is the Willis system, the same method used continuously to evaluate classified, appointed and elected positions since the early 1970s. The consultant previously used the Willis system to evaluate a large portion of all those state service jobs and, thus, is able to apply the same evaluation discipline to the

legislative and judicial positions. It is important that a consistent set of values be applied to all positions in state service in order to assure fairness of alignment among all those positions.

The evaluation method relies on measurement of job content according to criteria or factors that are common to all kinds of work. Those factors are:

(a) Knowledge and Skills: This factor measures the knowledge, skills and abilities (“KSAs”) required of an incumbent for fully competent performance of a defined job. It is, essentially, what a person must know or be able to do. A key element is an understanding of one or more bodies of knowledge and considers both the breadth and depth of those bodies of knowledge. For legislators and judges, it is presumed that their required bodies of knowledge encompass complex profession-based bodies of knowledge involving the application of complex principles, theories and practices.

(b) Mental Demands (Complexity, Analysis, Decisions): This element measures the requirement to apply knowledge in analyzing data and making decisions. The factor considers such information as the extent to which an incumbent has clear procedures or whether the incumbent is required to analyze data and make decisions in situations involving precedents or analytical options. This factor may be thought of as the “mental effort” factor or the requirement to “figure things out”.

(c) Accountability: This factor measures the requirement of a position’s incumbent to be held accountable for actions and their consequences. It is measured according to: the scope of the job’s effect; the authority granted to the job to affect outcomes; and the manner in which an incumbent is expected to affect those results. The more direct a job’s expected contribution to results, the greater its value. The more that outcomes are shared with others, generally, the lesser its value.

In all cases, jobs are evaluated on the *requirements of the job and not on the performance or individual credentials of the incumbent.*

2. Evaluations of Legislative Positions:

(a) Legislator. Rationale: The evaluation emphasizes the breadth of knowledge required of a legislator in multiple and complex fields affecting public policy such as transportation, education, health care, social services, natural resources and fiscal management. The requirement to develop collaborative and constructive relationships also is considered. This includes such tasks as: having frequent and complex relationships with constituents; helping them to resolve their issues with government; speaking and debating before committees and the entire body of the respective house; interacting with lobbyists and special interest groups; convening and chairing a variety of groups to address legislative and regulatory issues. In addition to considering professional preparation, the evaluation recognizes the need for substantial maturity resulting from life experience. The evaluation also recognizes the requirement to understand the legislative process including knowing how to get legislation through committees and the legislative body.

The evaluation of legislator is defined as follows:

Knowledge and Skills: Full, solid, profession based; maximum interpersonal skill:
E1Y 212

Mental Demands: Discretion and decisions guided by policy and established precedent, but in somewhat untried or untested areas; subject to caucus influence:
E-4-k 92

Accountability: Actions are taken within a known field of statute, policy, caucus influence, and constituents' expressed concerns. Scope of impact is statewide with regard to statutes, budgets and formation of public policy. Exact dollar amount of impact uncertain because of diffusion among members. Impact is shared among all members of the respective house.
E3S 160

Summary: E1Y 212 E4-k 92 E3S 160 Total: 464

(b) Minority Leader - House and Senate. Rationale: In addition to regular legislative assignments, each leader performs administrative tasks, oversees caucus staff and is a key person on committee appointments. The evaluation takes into consideration both the continuing tasks of a legislator and also recognizes the job's requirement to perform in a leadership role both during legislative sessions and in planning and strategy meetings during the interim.

The evaluation recognizes an advanced level of profession-based knowledge, the application of knowledge in new and untried areas and substantial influence of outcomes in public policy arenas.

Summary Evaluation: E1Y 244 E4-L 122 E3S 184 Total: 550

(c) Speaker of the House; Senate Majority Leader. Rationale: Each position manages the work of the respective houses. Both have strong roles in personnel issues; decisions on selection of committee members; determining bills to go to the floors of the two houses; and substantial liaison with the Executive Branch.

The evaluation reflects requirement for a strongly advanced grasp of complex bodies of knowledge, the application of knowledge in somewhat uncharted waters, and a clear influence on outcomes of the legislature.

Summary Evaluation: F1Y 280 F4-m 160 F3S 244 Total: 684

3. Evaluations of Judicial Positions:

(a) District Court Judge. Rationale: Full practice of the broad range of the law together with full understanding of judicial practice. Body of knowledge approaches that of Superior Court Judge. Accountability limited by scope of civil judgments (maximum \$50,000) and of sentencing. The KSAs indicate the application of an advanced level of knowledge. Mental effort is measured in the zone reflecting thinking where there may be limited precedent. Accountability for soundness of judgment has a direct impact on issues in a substantial area of effect.

The evaluation grants credit for practice in an advanced profession-based body of knowledge. Mental challenge is measured at the level where decisions involve substantial analysis and thinking in areas that are somewhat untried and untested. The evaluation recognizes direct accountability for actions and their outcomes.

Summary Evaluation: F1Y 280 E4-L 140 E2D 212 Total: 632

(b) Superior Court Judge. Rationale: Strong practice of the full range of civil and criminal practice acquired through several years of successful practice as an attorney or as a judge in a court of limited jurisdiction together with full understanding of judicial practice. May serve as appeals judge for cases appealed from District Court. Highest level of trial court. Sentencing may include capital punishment cases. Trial of large and complex civil cases and of major felony cases.

The evaluation recognizes strongly advanced bodies of knowledge required to be applied in a variety of situations that may be unclear or untested and to be accountable for the soundness of decisions having very large societal impact.

Summary Evaluation: F1Y 320 F4-m 184 E3D 280 Total: 784

(c) Judge, Court of Appeals. Rationale: The Court of Appeals is required to review all cases appealed to that court. Opinions rendered may constitute legal precedent. There is statutory requirement to have served five years as an attorney in order to qualify. Typically, Appellate Court Judges will have served as trial court judges as well as practicing attorneys. Appellate practice requires strong research and analytical abilities in applying the law as well as excellent writing abilities.

The evaluation grants credit for mastery of complex bodies of knowledge, analysis and decision-making where major precedents are established, and accountability for judgments having long term consequences.

Summary Evaluation: G1Y 368 F4-m 212 F3D 320 Total: 900

(d) Supreme Court Justice. Rationale: Although the statute does not specify qualifications for justices of the Supreme Court, typically justices will have served several years as practicing attorneys and as trial court judges. The Court is the court of last resort and is required to hear all death penalty cases. Cases decided by the Supreme Court establish major legal precedent that may be referenced by courts of other states and by federal courts.

The evaluation recognizes the requirement for an incumbent to have a command of, essentially, the entire body of the law, to make judgments where there may be no precedents other than broad principles and concepts and where consequences of action have widespread impact, extending beyond the State of Washington.

Summary Evaluation: G1Y 424 F4-m 244 F3D 424 Total: 1092

Note: Although community service is not a documented part of the work of the judiciary, the incumbents interviewed, without exception, described the unwritten expectation that they contribute to the development of programs and initiatives to further the quality of life in the communities they serve. These include such actions as promoting programs for treating substance abuse, preventing domestic violence and creating social conditions that foster respect for the law. While not strictly part of the jobs of judges, the expectation that judges will play a significant role in these initiatives is taken into consideration.

D. Salary Comparisons:

The job evaluation process described above is intended to create fairness in the alignment or ranking of jobs. It relies on a consistent application of an objective method of measuring the substantive content of jobs according to criteria that are common to all kinds of work.

Compensation policy is based heavily on such evaluations but relies as well on market values for jobs. Thus, good compensation policy requires both internal fairness and marketplace competitiveness. In order to assess market competition for the positions under study in this project, several sources of salary information were used.

First, although some of the sources are internal to the State of Washington, they are “external” from the standpoint of representing compensation in the Executive Branch and among the state’s other Elected Officials.

On the two pages immediately following is the **Agency Head Salary Schedule** set by the Washington State Committee on Agency Officials’ Salaries. The current annual salary rates for each of these department or agency heads are displayed on this table. The importance of these data is that the State Committee on Agency Officials’ Salaries relies in part on evaluations of those jobs using the exact same evaluation tool as that used to evaluate legislator and judicial positions. Thus, it is possible to make direct comparisons between salaries of agency heads and the jobs studied in this project.

The chart, **Exempt Management Service, Exempt Bands and Salary Structure** provided by the Washington State Department of Personnel displays the job evaluation points (using the same job evaluation system as that used to evaluate legislative and judicial positions) and current salary ranges for the group of state positions exempt from the classified system but not heads of agencies. These comparisons are useful since they tend to relate more closely to legislative and judicial jobs. The data provided in this chart will be analyzed on page 13 of the report.

Another important comparison is that of the **Salaries of Elected Officials** displayed in a following table showing elected officials’ salaries. These salaries are set by the Washington Citizens’ Commission on Salaries for Elected Officials.

1. Legislative Comparisons:

Further salary comparison appropriate to the legislature is provided by the table **A Comparison of the Salaries of Legislator in the United States**. For many years the State of Washington has made comparison with compensation practices of eleven states which were recommended by the consulting firm Arthur Young & Company as being comparable for compensation comparisons. These recommendations were based on:

- Per capita state expenditures;

STATE COMMITTEE ON AGENCY OFFICIALS' SALARIES

Agency Head Salary Schedule

List Print Date: 12/21/2004

AGENCY NAME	INCUMBENT	SALARY PLATEAU	SFA	CURRENT MAXIMUM SALARY	CURRENT ANNUALIZED SALARY
Social & Health Services	Dennis Braddock	A	G	170,000	141,000
Transportation	Doug MacDonald	A	G	170,000	153,472
Financial Management	Marty Brown	A	G	170,000	131,246
Corrections	Joe Lehman	A-	G	135,000	115,000
Ecology	Linda Hoffman	A-	G	135,000	113,000
Labor & Industries	Paul Trause	A-	G	135,000	118,000
Information Services	Michael McVicker (<i>acting</i>)	B+	** G	135,000	112,000
Health	Mary Selecky	B+	* G	135,000	115,000
Revenue	Will Rice	B+	G	135,000	112,000
State Patrol	Lowell Porter	B+	G	135,000	120,000
Community, Trade & Economic Dev.	Juli Wilkerson	B+	G	135,000	115,000
Fish and Wildlife	Jeff Koenings	B+	G	135,000	115,000
Personnel	Eugene Matt	B+	G	135,000	113,000
Employment Security	Sylvia Mundy	B+	G	135,000	117,504
Retirement Systems	John Charles	B	G	115,000	115,000
Financial Institutions	Helen Howell	B	G	115,000	109,000
Health Care Authority	Pete Cutler (<i>acting</i>)	B	G	115,000	96,000
General Administration	Rob Fukai	B	G	115,000	110,000
Veterans' Affairs	John King	B	G	115,000	108,000
Lottery Commission	Kenneth Nakamura	B	G	115,000	106,000
Licensing	Fred Stephens	B	G	115,000	115,000
Parks & Recreation	Rex Derr	B	G	115,000	104,520
Agriculture	Valoria Loveland	B	G	115,000	115,000
Utilities & Transportation Comm., Chair	Marilyn Showalter	B	G	115,000	110,000
Member (Max = 90% of Chair Max)	Patrick Oshie	NA	G	103,500	97,033
Member (Max = 90% of Chair Max)	Dick Hemstad	NA	G	103,500	97,033
Industrial Insurance Appeals Board, Chair	Tom Egan	B-	G	115,000	86,517
Member (Max = Chair Max less \$1200)	Frank Fennerty	NA	G	113,800	82,192
Member (Max = Chair Max less \$1200)	Calhoun Dickinson	NA	G	113,800	82,192
Administrative Hearings	Art Wang	B-	G	115,000	95,676
State Library	Jan Walsh	C	I	100,000	89,004
Workforce Trng and Education Coord. Bd	Ellen Saunders	C	G	100,000	89,310
Criminal Justice Training Commission	Michael Parsons	C	I	100,000	94,723
Environmental Hearings Office, Chair	Bill Lynch	C	G	100,000	88,145
Member (Max = Chair Max less \$1200)	Bob Jensen	NA	G	98,800	83,738
Member (Max = Chair Max less \$1200)	Bill Clarke	NA	G	98,800	83,738
Liquor Control Board, Chair	Merritt Long (60%)	C	G	100,000	79,598
Member (Max = 95% of Chair Max)	Vera Ing (60%)	NA	G	95,000	75,698
Member (Max = 95% of Chair Max)	Roger Hoen (60%)	NA	G	95,000	75,698
Growth Mgmt Hearings Bd., Members (9)		C	G	100,000	88,145
Energy Facility Site Evaluation Council	James Luce (80%)	C	G	100,000	86,000
Interagency Comm. for Outdoor Rec.	Laura Johnson	C	G	100,000	86,000
Public Employment Relations Comm.	Marvin Schurke	C	I	100,000	100,000

STATE COMMITTEE ON AGENCY OFFICIALS' SALARIES

Agency Head Salary Schedule

List Print Date: 12/21/2004

AGENCY NAME	INCUMBENT	SALARY PLATEAU	SFA	CURRENT MAXIMUM SALARY	CURRENT ANNUALIZED SALARY
Human Rights Commission	Marc Brenman	D	I	100,000	100,000
State Printer	Larry Weber (<i>acting</i>)	D	G	100,000	78,387
Tax Appeals Board, Chair	Charlie Brydon	D	G	100,000	81,986
Member (Max = 95% of Chair Max)	Shirley Winsley	NA	G	95,000	75,698
Member (Max = 95% of Chair Max)	Georgia Gardner	NA	G	95,000	75,698
Public Disclosure Commission	Vicki Rippie	D	I	100,000	84,987
Personnel Appeals Board, Chair	Walter Hubbard	D	G	100,000	79,598
Member (Max = 95% of Chair Max)	Gerald Morgen	NA	G	95,000	75,698
Member (Max = 95% of Chair Max)	Busse Nutley	NA	G	95,000	75,698
Indeterminate Sentence Rev. Bd., Chair	John Austin	D	G	100,000	79,598
Member (Max = 95% of Chair Max)		NA	G	95,000	
Member (Max = 95% of Chair Max)	Julia Garratt (60%)	NA	G	95,000	75,698
WA State Historical Society	David Nicandri	D	I	100,000	100,000
Services for the Blind	Bill Palmer	E	G	90,000	72,097
Pollution Liability Insurance Agency	Roger Dovel	E	G	90,000	70,000
Minority & Women's Business Enterprises	Carolyn Crowson	E	G	90,000	72,624
Sentencing Guidelines Commission	Ida Leggett	E	G	90,000	74,810
State Conservation Commission	Mark Clark	E	I	90,000	78,750
Personnel Appeals Board, Exec. Sec.	Anita Hunter (<i>acting</i>)	E	G	90,000	72,631
Board of Accountancy	Dana McInturff	E	G	90,000	72,631
Traffic Safety Commission	Steve Lind (<i>acting</i>)	E	G	90,000	82,932
Eastern WA State Historical Society	Bruce Eldredge	E	I	90,000	78,439
Horse Racing Commission	Robert Leichner	F	I	85,000	68,208
Arts Commission	Kristin Tucker	F	G	85,000	64,768
Wa Cncl for Prev of Child Abuse/Neglect	Joan Sharp	G	G	85,000	59,000
African-American Affairs	Regina Jones	G	G	85,000	68,000
Asian Pacific-American Affairs	Ellen Abellera	G	G	85,000	68,000
Hispanic Affairs	Antonio Ginatta	G	G	85,000	56,000
Bd. of Volunteer Firefighters	Brigette Smith	G	I	85,000	75,000
SPECIALS - NO EVALUATIONS					
School for the Blind	Dr. Dean Stenehjem	N/A	***	G	96,720
School for the Deaf	Todd Reeves	N/A	***	G	96,720
Transportation Improvement Bd.	Stevan Gorcester	N/A	****	I	108,800

* Maximum salary equivalent to Plateau A if MD

** Governor may set actual annual salary up to a maximum of \$140,000

*** Maximum salary tied to Vancouver School District Salary Schedule

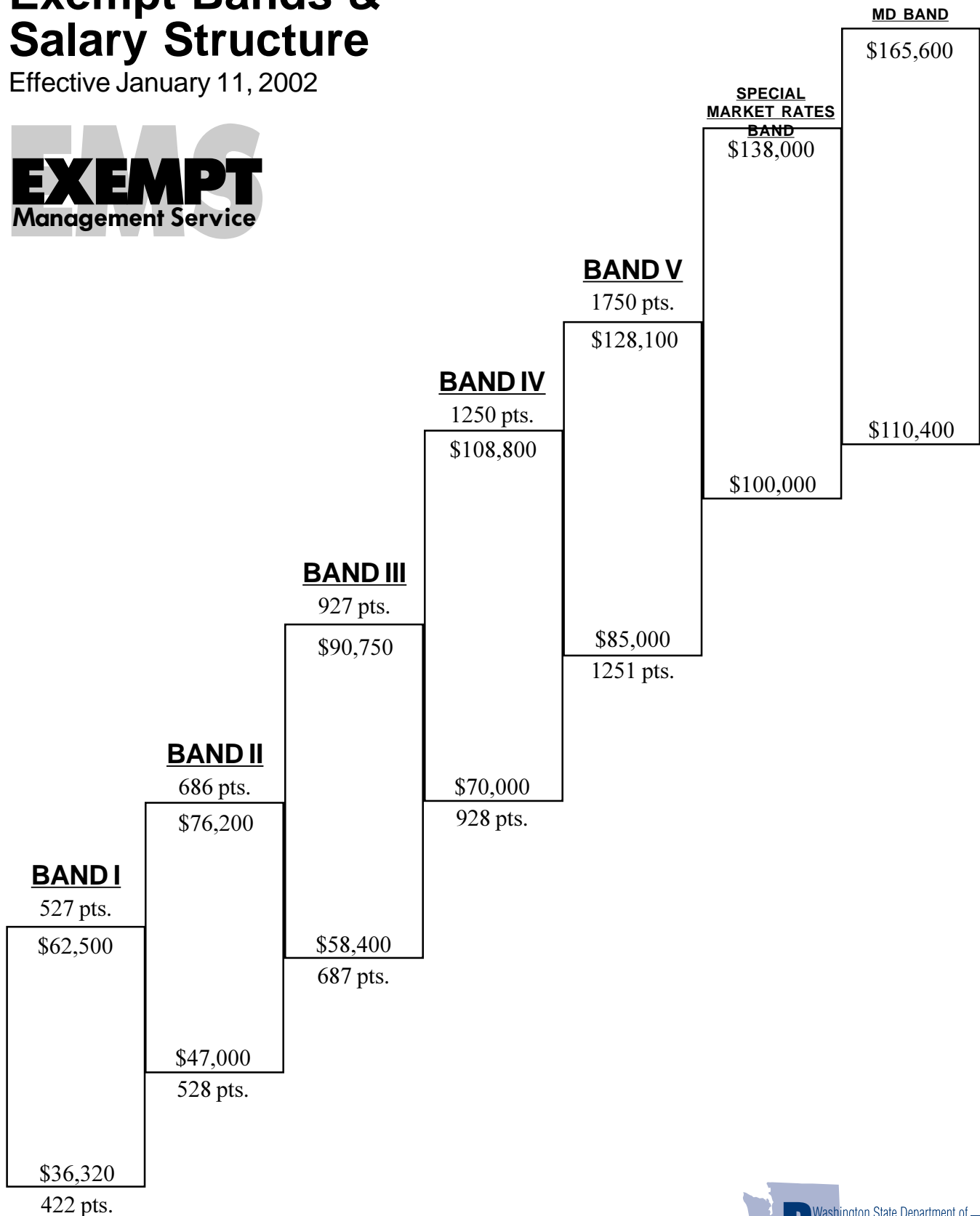
**** Maximum salary equivalent to EMS Band IV

Note: Boards and Commission members make a percentage of the salary of the Chair. Additionally, some are paid on a part-time basis (e.g. 60%).

Last Revised August 2004

Exempt Management Service Exempt Bands & Salary Structure

Effective January 11, 2002



**Washington Citizens' Commission on Salaries
For Elected Officials**

Current Salary Schedule for the State's Elected Officials

Position	Salary Effective Sept. 1, 2004
<i>Executive Branch</i>	
Governor	145,132
Lieutenant Governor	75,865
Secretary of State	101,702
Treasurer	101,702
Auditor	101,702
Attorney General	131,938
Superintendent of Public Instruction	103,785
Commissioner of Public Lands	103,785
Insurance Commissioner	101,702
<i>Judicial Branch</i>	
Supreme Court Justices	137,276
Court of Appeals Judges	130,678
Superior Court Judges	124,411
District Court Judges	118,458
<i>Legislative Branch</i>	
Legislator	34,227
Speaker of the House	42,227
Senate Majority Leader	42,227
House Minority Leader	38,227
Senate Minority Leader	38,227

1/26/2005
2004 Salary Schedule
Adopted May 19, 2003

- Per capita income;
- Average hourly earnings;
- Number of full-time state employees per capita; and
- Per capita state expenditures for education.

The list of eleven later was expanded to thirteen on the advice of the Washington State Office of Financial Management. The two additional states are Idaho and Montana, which were recommended because of their proximity to Washington. The selected states in the comparison are highlighted.

Ten of the thirteen states pay their legislators a salary. Three pay only per diem rates for their legislators. The consultant estimated an annual income for those states paying only a per diem based on Washington's established "long year" session of 105 days, but only 60 days for Nevada because of its statutory maximum.

In determining the appropriateness of these comparisons, the consultant referred to 2004 data supplied by the *National Conference of State Legislatures*. Information supplied by the Conference in its document "*Full-time and Part-time Legislatures*" makes distinctions among state legislatures according to whether they are full-time ("professionalized") or part-time citizen legislatures. These data are instructive in helping to determine fair and proper compensation for Washington's legislators.

Three of the states with which the State of Washington regularly makes compensation comparisons are reported by the Conference to have full-time legislatures. These are: California, Illinois and Michigan.

The Conference designates another group of legislatures as "hybrids". These are described as citizen legislatures who report that they devote two-thirds of a full-time job to being legislators but do not receive sufficient income from their legislative work to make a living. The Conference includes the State of Washington in this group along with twenty other states. For this "hybrid" group the Conference reports "time on the job" (of being a legislator) typically is 70% of a full-time job. The Conference includes time in session, constituent service, interim committee work and *election campaigns* in estimating this 70% figure. They report the average compensation for the group as **\$35,326**. It is important to note that the Conference's calculation of this compensation includes salary, per diem and other unvouchered expense payments

In order to provide a fair comparison with the market, the annual salary rates reported for California, Illinois and Michigan were reduced to 70% of full time. This 70% figure is based on the Conference's data and is corroborated by information provided by incumbent Washington legislators who were interviewed.

The average salary rate for the *ten states paying salaries* including the full-time legislatures at 70% is: **\$34,724**.

When the *three non-salary states* (Montana, Nevada and Utah) are included, the *average compensation for the thirteen states* is: **\$28,942**.

The average for the thirteen states with the three full-time legislatures included at full salary is: **\$34,352.**

An additional comparison with legislative salaries is provided by the table ***A Comparison of County Commission/Council Members' Salaries With That of Legislators.*** In recent years, some members of the legislature have asked that the establishment of legislators' salaries take into consideration the salaries of County Commissioners and County Council Members. Discussion of these comparisons is provided in the analysis on page 14 of the report.

A COMPARISON OF THE SALARIES OF LEGISLATOR IN THE UNITED STATES

State	Method of Setting Compensation	Annual Salary
California	Constitution/Comp Commission	99,000
Michigan	Comp Commission	79,650
New York	Constitution/Statute	79,500
Pennsylvania	Statute	66,203
Illinois	Statute/Comp Commission	55,788
Ohio	Constitution/Statute	54,942
Massachusetts	Statute	53,379
New Jersey	Constitution/Statute/Comp Com	49,000
Wisconsin	Statute	45,569
Oklahoma	Statute/Comp Commission	38,400
Delaware	Statute/Comp Commission	34,800
WASHINGTON	Constitution/Statute/Comp Com	34,227
Hawaii	Comp Commission	32,000
Missouri	Constitution/Statute	31,561
Maryland	Comp Commission	31,509
Minnesota	Statute/Comp Commission	31,140
Colorado	Statute	30,000
Florida	Statute	29,916
Connecticut	Comp Commission	28,000
Alaska	Statute/Comp Commission	24,012
Arizona	Comp Commission	24,000
Iowa	Statute/Comp Commission	21,380
Louisiana	Statute	16,800
Tennessee	Constitution/Statute	16,500
Georgia	Statute	16,200
Idaho	Comp Commission	15,646
Oregon	Statute	15,396
West Virginia	Comp Commission	15,000
North Carolina	Statute	13,951
Arkansas	Constitution/Statute	13,751
Rhode Island	Constitution	12,285
Nebraska	Constitution/Comp Commission	12,000
South Dakota	Constitution/Statute	12,000
Indiana	Statute	11,600
Maine	Constitution/Statute/Comp Com	11,384
South Carolina	Statute	10,400
Mississippi	Statute	10,000
Texas	Constitution	7,200
Vermont	Statute	589 per wk during session
New Hampshire	Constitution	200
Kentucky	Comp Commission	166 per calendar day
Nevada	Statute	139 per day, max 60 days
Wyoming	Statute	125 per legislative day
North Dakota	Statute/Comp Commission	125 per calendar day
Utah	Comp Commission	120 per calendar day
Kansas	Statute	78.75 per calendar day
Montana	Statute	76.80 per legislative day
Alabama	Constitution	10 per calendar day
Virginia	Constitution/Statute	18,000 Sen / 17,640 House
New Mexico	Constitution/Statute	-0-

Notes:

1. Source for salary data: National Conference of State Legislatures (NCSL).
2. Method of Selection data: *2004 Book of the States* published by the Council of State Governments (CSG).
3. Washington's Legislators ranked 12th in 2004 and in 2002.
4. **Arizona's** compensation commission recommendations are put on the ballot for a vote of the people.
5. The **Connecticut** General Assembly takes independent action pursuant to recommendations of the compensation commission.
6. **Delaware** salaries are implemented automatically if not rejected by resolution.
7. **Florida** statute provides members the same percentage increase as state employees.
8. **Hawaii** compensation commission recommendations take effect unless rejected by concurrent resolution or the governor. Any change in salary that becomes effective does not apply to the legislature to which the recommendation was submitted.
9. **Illinois** salaries are tied to employment cost index, wages and salaries for state and local government workers.
10. **Kentucky** compensation committee has not met since 1995. The most recent pay raise was initiated and passed by the General Assembly.
11. **Maine** recommendations are presented to the legislature in the form of legislation; the legislature must enact and the governor must sign into law.
12. The **Maryland** commission meets before each four-year term of office and presents recommendations to the General Assembly for action. Recommendations may be reduced or rejected; not increased.
13. In 1998, the **Massachusetts** voters passed a legislative referendum starting with the 2001 session. Members will receive an automatic increase or decrease according to the median household income for the commonwealth for the preceding two-year period.
14. In **Michigan** if resolution is offered, it is put to legislative vote; if the legislature does not vote the recommendation down, the new salaries take effect January 1 of the new year.
15. In **Minnesota** by May 1 in odd numbered years, the salary council submits salary recommendations to the presiding officers.
16. **Missouri** recommendations are adjusted by the legislature or governor if necessary.
17. **Montana** salaries are tied to the executive branch pay matrix.
18. In **Pennsylvania** each chamber receives a cost of living increase that is tied to the Consumer Price Index.
19. A 1991 **Texas** constitutional amendment was approved by voters to allow the Ethics Commission to recommend the salaries of members. Any recommendations must be approved by voters to be effective. This provision has yet to be used.
20. In 1998, in **Virginia** the Joint Rules Committee created a Legislative Compensation Commission. It was composed of two former governors and citizens that make recommendations regarding salary, per diem and office expenses.
21. The **West Virginia** compensation commission submits salary recommendations by resolution; they must be concurred with by at least four members of the commission. The Legislature must enact the resolution into law and may reduce, but not increase any item established in such resolution.
22. The **Wisconsin** commission plan is approved by the Joint Committee on Employment Relations and the governor. It is tied to state employee compensation.

13 Comparable States

Some years ago, the state hired the firm of Arthur Young & Company to determine the states that are comparable to Washington in aspects that most affect the salaries, benefits, and classification of state employees. The states highlighted **ORANGE** compare in:

1. Per capita state expenditures
2. Per capita income;
3. Average hourly earnings;
4. Number of full-time state employees per capita; and
5. Per capita state expenditures for education.

The list of states has remained stable over time, providing for continuity of data and decision-making. Originally, Idaho and Montana were not included. They were added because of their proximity to Washington.

1/26/05
Legislator Salaries

**A COMPARISON OF COUNTY COMMISSION/COUNCIL MEMBERS SALARIES
WITH THAT OF LEGISLATOR**

County	Position Title	Annual Salary	Hours / Week
King	Council Member	122,004	35
Clark	Commissioner	92,220	40
Kitsap	Commissioner	91,692	40
Snohomish	Council Member	86,724	40
Thurston	Commissioner	84,936	40
Benton	Commissioner	79,836	40
Skagit	Commissioner	76,500	40
Spokane	Commissioner	75,000	37.5
Pierce	Council Member	74,520	35
Island	Commissioner	67,812	40
Yakima	Commissioner	67,692	40
Cowlitz	Commissioner	67,212	37.5
Grays Harbor	Commissioner	66,996	40
Lewis	Commissioner	66,648	40
Jefferson	Commissioner	66,300	40
San Juan	Commissioner	64,164	40
Mason	Commissioner	63,720	40
Chelan	Commissioner	62,208	40
Grant	Commissioner	58,296	40
Clallam	Commissioner	56,388	40
Franklin	Commissioner	56,112	40
Kittitas	Commissioner	55,080	40
Lincoln	Commissioner	50,628	40
Okanogan	Commissioner	49,596	40
Douglas	Commissioner	49,500	40
Stevens	Commissioner	49,500	
Walla Walla	Commissioner	48,996	35
Skamania	Commissioner	47,808	40
Pacific	Commissioner	43,708	40
Whitman	Commissioner	42,576	40
Klickitat	Commissioner	37,800	32
Ferry	Commissioner	35,260	40
Wahkiakum	Commissioner	34,896	35
STATE OF WASHINGTON	LEGISLATOR	34,227	
Adams	Commissioner	31,752	22
Asotin	Commissioner	30,000	40
Columbia	Commissioner	26,676	23
Garfield	Commissioner	18,660	20
Whatcom	Council Member	15,492	20

Notes

1. In 1999 the Chair of the Senate Ways and Means Committee asked the Commission to look at county commission/council members' salaries as a comparison to the position of legislator.
2. In addition to the legislator identified above, other legislators have asked the Commission to use the county commission/council salaries as a benchmark for their positions; however, it should be noted that the nature of work of the county positions and the position of legislator is different. The county positions not only establish policy, they have significant administrative duties as well.
3. Source: The *2004 Salary and Benefit Survey* published by the Association of Washington Cities

1/26/2005
County Com – Legislator

2. Judicial Comparisons:

With regard to compensation of judicial positions, the following tables are provided:

Comparisons with salary practices for judicial positions comparable to those of Washington State are displayed in the table **Judicial Salary Comparison**. This table of 7 pages was provided by the Office of the Administrator of the Courts based on data reported by the *National Center for State Courts* (NCSC) and is drawn from the NCSC report titled **National Judicial Salary Comparison** of April 2004. The table shows comparison salaries for the four levels of courts and calculates a “normalized” salary rate for each level of court and for each state according to the cost of living of each respective state. This “normalized” comparison is founded on the idea that costs of living in various geographic areas affect “real value” of compensation. The table provides an explanation of these cost of living calculations. Note that not all states have Courts of Appeal or District Courts similar to Washington.

For the purposes of this project, reported salaries are used at *face value without applying the cost of living factor*.

Following that extensive table are two tables showing comparisons with law school faculty salaries. The table, **University of Washington Law School Salaries** and the table **Salaries of Washington State Law School Deans** provide comparisons with the state judicial salaries. Although these tables afford interesting contrasts in salaries, they are not recommended as the basis for setting judicial salaries.

A more relevant comparison is that of salaries of federal judges. That comparison is provided in the table **Salaries of Federal Judges**. Some useful comparisons can be made between Superior Court Judges and U. S. District Courts; between the state Appellate Court and the U. S. Circuit Court of Appeal; and between the state Supreme Court and the Associate Justices of the U. S. Supreme Court. It is not suggested here that those are exact matches, but they offer some basis for comparison.

Comparisons of judicial salaries with those of **attorneys in private and public practice** may have some relevance to salary policy. The Office of the Administrator of the Courts has provided four brief tables that display reported compensation practices among attorneys in Seattle and nationally. These will be analyzed and explained on page 16 of the report.

JUDICIAL SALARY COMPARISON

Rank of Washington versus Other States

November 2004			
COURT LEVEL	SALARY	----- ACTUAL	RANKING ----- NORMALIZED ¹
SUPREME	\$137,276	13/50	16/49
COURT OF APPEALS	\$130,678	10/39	12/39
SUPERIOR	\$124,411	11/50	15/49
DISTRICT	\$118,458	4/17	4/16

¹ Figures were calculated based on states' cost of living index.

October 2003			
COURT LEVEL	SALARY	----- ACTUAL	RANKING ----- NORMALIZED ¹
SUPREME	\$134,584	13/50	16/48
COURT OF APPEALS	\$128,116	11/39	16/39
SUPERIOR	\$121,972	11/50	17/48
DISTRICT	\$116,135	4/17	7/15

¹ Figures were calculated based on states' cost of living index.

October 2002			
COURT LEVEL	SALARY	----- ACTUAL	RANKING ----- NORMALIZED ¹
SUPREME	\$134,584	12/50	16/47
COURT OF APPEALS	\$128,116	11/39	16/39
SUPERIOR	\$121,972	10/50	19/47
DISTRICT	\$116,135	4/17	8/14

¹ Figures were calculated based on states' cost of living index.

October 2000			
COURT LEVEL	SALARY	----- ACTUAL	RANKING ----- NORMALIZED*
SUPREME	\$123,600	15/50	34/50
COURT OF APPEALS	\$117,420	13/39	31/39
SUPERIOR	\$111,549	13/50	32/50
DISTRICT	\$105,972	7/18	11/18

*Figures were calculated based on states' per capita income.

**JUDICIAL SALARY COMPARISON
HIGHEST APPELLATE COURT as of April 2004¹**

	Actual Salary		Normalized Salary
State		State	
1 California	175,575	1 Illinois	167,417
2 Illinois	168,706	2 Michigan	166,201
3 Michigan	164,610	3 Georgia	165,480
4 New Jersey	158,500	4 Alabama	164,348
5 Florida	155,150	5 Florida	155,233
6 Georgia	153,086	6 Delaware	141,915
7 Alabama	152,027	7 Pennsylvania	141,808
8 New York	151,200	8 Arkansas	140,850
9 Delaware	147,000	9 Tennessee	137,940
10 Pennsylvania	142,936	10 Nevada	136,207
11 Nevada	140,000	11 Virginia	135,896
12 Connecticut	138,404	12 Kentucky	135,149
13 Washington	137,276	13 California	134,678
14 Virginia	135,505	14 Ohio	133,472
15 Minnesota	133,564	15 Missouri	132,858
16 Rhode Island	132,816	16 Washington	132,034
17 Maryland	131,600	17 Minnesota	129,758
18 Ohio	128,400	18 Iowa	129,295
19 Massachusetts	126,943	19 Wisconsin	125,839
20 Arizona	126,525	20 Arizona	125,813
21 Arkansas	126,054	21 New York	125,763
22 Kentucky	124,415	22 South Carolina	125,070
23 Tennessee	123,684	23 Texas	124,748
24 Missouri	123,000	24 Nebraska	124,579
25 Iowa	122,500	25 Kansas	123,449
26 Wisconsin	122,418	26 Louisiana	122,637
27 South Carolina	119,510	27 Mississippi	122,552
28 Nebraska	119,276	28 Indiana	122,412
29 Louisiana	118,301	29 Utah	121,287
30 Alaska	117,900	30 Oklahoma	118,743
31 Hawaii	115,547	31 North Carolina	118,684
32 North Carolina	115,336	32 Maryland	116,557
33 Indiana	115,000	33 New Jersey	113,441
34 Kansas	114,769	34 Idaho	109,439
35 Utah	114,050	35 Colorado	108,998
36 Colorado	113,637	36 New Hampshire	108,212
37 New Hampshire	113,266	37 Connecticut	107,558
38 Texas	113,000	38 North Dakota	107,494
39 Mississippi	112,530	39 South Dakota	107,250
40 Vermont	109,771	40 Wyoming	103,417
41 Oklahoma	106,716	41 West Virginia	102,890
42 Oregon	105,200	42 Rhode Island	102,027
43 Wyoming	105,000	43 Massachusetts	100,912
44 Maine	104,929	44 Oregon	99,126
45 South Dakota	102,684	45 New Mexico	96,902
46 Idaho	102,125	46 Montana	95,768
47 New Mexico	99,170	47 Vermont	95,495
48 North Dakota	99,122	48 Alaska	90,984
49 Montana	95,493	49 Hawaii	73,938
50 West Virginia	95,000	50 Maine	N/A

N/A - ACCRA Factor was not available for Maine.

¹ All states reported salaries as of April 1, 2004 except Oklahoma which reported as of October, 2003 and Washington as of September 1 2004.

**JUDICIAL SALARY COMPARISON
INTERMEDIATE APPELLATE COURT as of April 2004¹**

Thirty-nine states have intermediate appellate courts

1	California	164,604	1	Georgia	164,456
2	Illinois	158,783	2	Alabama	163,267
3	Georgia	152,139	3	Illinois	157,570
4	Michigan	151,441	4	Michigan	152,905
5	Alabama	151,027	5	Florida	143,439
6	New Jersey	150,000	6	Pennsylvania	137,366
7	New York	144,000	7	Arkansas	136,424
8	Florida	143,363	8	Tennessee	131,516
9	Pennsylvania	138,459	9	Kentucky	129,679
10	Washington	130,678	10	Virginia	129,102
11	Connecticut	129,988	11	California	126,263
12	Virginia	128,730	12	Washington	125,688
13	Minnesota	125,852	13	Ohio	124,428
14	Arizona	123,900	14	Iowa	124,387
15	Maryland	123,800	15	Missouri	124,217
16	Arkansas	122,093	16	Arizona	123,203
17	Ohio	119,700	17	Minnesota	122,266
18	Kentucky	119,380	18	South Carolina	121,942
19	Tennessee	117,924	19	New York	119,774
20	Iowa	117,850	20	Kansas	119,174
21	Massachusetts	117,467	21	Wisconsin	118,718
22	South Carolina	116,521	22	Texas	118,510
23	Wisconsin	115,490	23	Nebraska	118,350
24	Missouri	115,000	24	Indiana	117,090
25	Nebraska	113,312	25	Louisiana	116,147
26	Louisiana	112,041	26	Utah	115,811
27	Alaska	111,384	27	Mississippi	114,406
28	Kansas	110,794	28	North Carolina	113,739
29	Hawaii	110,618	29	Oklahoma	113,178
30	North Carolina	110,530	30	Maryland	109,649
31	Indiana	110,000	31	Idaho	108,367
32	Colorado	109,137	32	New Jersey	107,357
33	Utah	108,900	33	Colorado	104,682
34	Texas	107,350	34	Connecticut	101,018
35	Mississippi	105,050	35	Oregon	96,865
36	Oregon	102,800	36	Massachusetts	93,380
37	Oklahoma	101,714	37	New Mexico	92,057
38	Idaho	101,125	38	Alaska	85,956
39	New Mexico	94,212	39	Hawaii	70,784

¹ All states reported salaries as of April 1, 2004 except Oklahoma which reported as of October, 2003 and Washington as of September 1 2004.

**JUDICIAL SALARY COMPARISON
GENERAL TRIAL COURT as of April 2004¹**

State	Actual Salary	State	Normalized Salary
1 Illinois	145,704	1 Illinois	144,591
2 California	143,838	2 Michigan	141,271
3 New Jersey	141,000	3 Delaware	135,350
4 Delaware	140,200	4 Florida	134,722
5 Michigan	139,919	5 Arkansas	131,993
6 New York	136,700	6 Georgia	131,810
7 Florida	134,650	7 Nevada	126,478
8 Nevada	130,000	8 Virginia	126,158
9 Virginia	125,795	9 Tennessee	125,842
10 Connecticut	125,000	10 Kentucky	124,213
11 Washington	124,411	11 Pennsylvania	123,155
12 Pennsylvania	124,135	12 Alabama	121,048
13 Georgia	121,938	13 Texas	120,506
14 Arizona	120,750	14 Arizona	120,070
15 Maryland	119,600	15 Washington	119,661
16 Rhode Island	119,579	16 South Carolina	118,817
17 Minnesota	118,141	17 Iowa	118,223
18 Arkansas	118,128	18 Missouri	116,656
19 Kentucky	114,348	19 Nebraska	115,236
20 South Carolina	113,535	20 Minnesota	114,774
21 Tennessee	112,836	21 Ohio	114,397
22 Massachusetts	112,777	22 New York	113,702
23 Iowa	112,010	23 Mississippi	113,447
24 Alabama	111,973	24 Wisconsin	111,995
25 Nebraska	110,330	25 California	110,334
26 Ohio	110,050	26 Utah	110,281
27 Texas	109,158	27 Louisiana	109,657
28 Alaska	109,032	28 Kansas	107,837
29 Wisconsin	108,950	29 North Carolina	107,557
30 Missouri	108,000	30 Oklahoma	106,706
31 Hawaii	106,922	31 Maryland	105,929
32 New Hampshire	106,187	32 Idaho	102,573
33 Louisiana	105,780	33 New Hampshire	101,449
34 Colorado	104,637	34 New Jersey	100,916
35 North Carolina	104,523	35 Colorado	100,365
36 Vermont	104,355	36 South Dakota	100,175
37 Mississippi	104,170	37 Wyoming	98,493
38 Utah	103,700	38 North Dakota	98,329
39 Kansas	100,255	39 West Virginia	97,474
40 Wyoming	100,000	40 Connecticut	97,142
41 Maine	98,377	41 Indiana	95,801
42 South Dakota	95,910	42 Rhode Island	91,859
43 Oklahoma	95,898	43 Vermont	90,784
44 Oregon	95,800	44 Oregon	90,269
45 Idaho	95,718	45 Massachusetts	89,651
46 North Dakota	90,671	46 Montana	88,418
47 Indiana	90,000	47 New Mexico	87,454
48 West Virginia	90,000	48 Alaska	84,141
49 New Mexico	89,501	49 Hawaii	68,419
50 Montana	88,164	50 Maine	N/A

N/A - ACCRA factor was not available for Maine.

¹ All states reported salaries as of April 1, 2004 except Oklahoma which reported as of October, 2003 and Washington as of September 1 2004.

**JUDICIAL SALARY COMPARISON DISTRICT COURT
as of April 2004**

Seventeen states have district courts with subject matter jurisdiction comparable to Washington State while the other thirty-three states combine functions of the district courts with the general trial courts.

State	Actual Salary	State	Normalized Salary
1 Michigan	138,000	1 Michigan	139,334
2 Alabama	125,000	2 Alabama	135,131
3 Florida	121,000	3 Florida	121,064
4 Washington	118,458	4 Washington	113,935
5 Massachusetts	113,000	5 Virginia	113,326
6 Virginia	113,000	6 Kentucky	111,886
7 Maryland	112,000	7 Nebraska	111,757
8 Rhode Island	112,000	8 Indiana	101,656
9 Nebraska	107,000	9 New Hampshire	101,270
10 New Hampshire	106,000	10 Maryland	99,197
11 Kentucky	103,000	11 North Carolina	94,577
12 Hawaii	100,761	12 Massachusetts	89,829
13 Maine	98,000	13 Rhode Island	86,037
14 Indiana	95,500	14 Wyoming	80,764
15 Alaska	92,000	15 Alaska	70,997
16 North Carolina	91,909	16 Hawaii	64,476
17 Wyoming	82,000	17 Maine	N/A

N/A- ACCRA Factor were not available for Maine.

¹ All states reported salaries as of April 1, 2004 except Washington which reported as of September 1 2004.

Appendix: ACCRA Factor¹, Survey of Judicial Salaries

State	ACCRA Factor*
Alabama	0.93
Alaska	1.30
Arizona	1.01
Arkansas	0.89
California	1.30
Colorado	1.04
Connecticut	1.29
Delaware	1.04
Florida	1.00
Georgia	0.93
Hawaii	1.56
Idaho	0.93
Illinois	1.01
Indiana	0.94
Iowa	0.95
Kansas	0.93
Kentucky	0.92
Louisiana	0.96
Maine	N/A
Maryland	1.13
Massachusetts	1.26
Michigan	0.99
Minnesota	1.03
Mississippi	0.92
Missouri	0.93
Montana	1.00
Nebraska	0.96
Nevada	1.03
New Hampshire	1.05
New Jersey	1.40
New Mexico	1.02
New York	1.20
North Carolina	0.97
North Dakota	0.92
Ohio	0.96
Oklahoma	0.90
Oregon	1.06
Pennsylvania	1.01
Rhode Island	1.30
South Carolina	0.96
South Dakota	0.96
Tennessee	0.90
Texas	0.91
Utah	0.94
Vermont	1.15
Virginia	1.00
Washington	1.04
West Virginia	0.92
Wisconsin	0.97
Wyoming	1.02

*Rounded numbers.

¹ ACCRA Factor is the average costs of goods and services purchased by a typical professional/manager household. The "basket" of goods and services consists of six components indices – grocery items, utilities, housing, transportation, health care and other goods and services. Source: NCSC, Survey of Judicial Salaries, Volume 29 Number 1, As of April 1, 2004(forthcoming).

NORMALIZATION OF INCOME

Comparing salaries between states can be misleading. States with a higher cost of living tend to have higher salary schedules. Each table includes a listing of the salaries adjusted for the differences in cost of living. The National Center for State Courts (NCSC) has derived an adjustment measure for most states called the ACCRA factor which was based on ACCRA Cost of Living Index.¹ This factor is used here to “normalize” salaries across all states. The “Normalization” formula is as follows:

Normalized Salary = Actual Judicial Salary / ACCRA Factor

Prior to the October 2002 report, AOC used per capita income to normalize salaries. The technique described above is the same, only the adjustment factor differs. Thus, care should be exercised in comparing the normalized results to prior years’ reports.

Cost of Living Index source:

ACCRA Factor, National Center for State Courts, ‘Survey of Judicial Salaries’
Volume 29, Number 1, as of April 1, 2004 (forthcoming).

Judicial Salary source:

National Center for State Courts, ‘Survey of Judicial Salaries’,
Volume 29, Number 1, As of April 1, 2004 (forthcoming).

¹ The ACCRA cost of living factors were derived by looking at average costs of goods and services purchased by a typical professional and/or managerial household. The “Basket” of goods and services consists of six components indices – grocery items, utilities, housing, transportation, health care and other goods and services. For more information about the ACCRA factor, please refer to NCSC, ‘Survey of Judicial Salaries’, Vol. 29, Number 1, as of April 1, 2004 (forthcoming)

UNIVERSITY OF WASHINGTON LAW SCHOOL SALARIES
A COMPARISON WITH THE POSITIONS IN THE JUDICIARY

Position	Current Annual Salary
Dean	227,880
Professor	186,672
Professor	184,572
Professor	180,000
Professor	172,680
Professor	166,668
Professor	164,004
Professor	160,008
Professor	157,344
Professor	156,000
Professor	154,008
Professor	144,000
Professor	142,668
Professor	139,176
Professor	137,280
SUPREME COURT JUSTICE	137,276
COURT OF APPEALS JUDGE	130,678
Professor	130,008
Professor	129,696
Professor	126,672
SUPERIOR COURT JUDGE	124,411
DISTRICT COURT JUDGE	118,458
Professor	99,168

Notes:

- (1) Information provided by the University of Washington Compensation Office
- (2) Data is from October 2004
- (3) The Professors listed are paid for 9 calendar months; the Dean is paid on an annual basis

UW Law School
1/26/05

SALARIES OF WASHINGTON STATE LAW SCHOOL DEANS

Position	Current Annual Salary
Law School Dean University of Washington	227,880
Law School Dean Seattle University	220,830
Law School Dean Gonzaga University	160,000 – 190,000 ⁽¹⁾

Notes:

(1) Current salary is close to the top of the range

SALARIES OF FEDERAL JUDGES

Position	Current Annual Salary
Chief Justice of the U.S. Supreme Court	203,000
Associate Justices of the U.S. Supreme Court	194,300
U.S. Circuit Courts of Appeal	167,600
U.S. District Courts	158,100
U.S. Court of Federal Claims	158,100
U.S. Court of International Trade	158,100
U.S. Bankruptcy Courts	142,324
U.S. Magistrates	142,324
SUPREME COURT JUSTICE	137,276
COURT OF APPEALS JUDGE	130,678
SUPERIOR COURT JUDGE	124,411
DISTRICT COURT JUDGE	118,458

Source: Administrative Office of the U.S. Courts.

MEDIAN* SALARIES OF SEATTLE ATTORNEYS IN PUBLIC AND PRIVATE PRACTICE

Position	Median* Base Salary including Annual Bonus
Attorney I (0-3 years experience)	\$84,881
Attorney II (2-5 years experience)	111,404
Attorney III (5-8 years experience)	\$149,912

Source: Salary Center – <http://salary.monster.com>

(Comparable with a report in *Washington Law and Politics* magazine (Feb. 2004) “Washington State’s Top 50 Law Firms”; Average Associate Starting Salary = \$83,434)

AVERAGE SALARIES OF SEATTLE ATTORNEYS IN PRIVATE PRACTICE

Position	Average Base Salary
Attorney – entry level ¹	\$98,966
Attorney - year 6 ²	\$143,833
Attorney – year 7 ²	\$153,333

Source: FindLaw Career Center – www.infirmation.co

¹ at 30 law firms

² at 12 law firms

NATIONAL PERCENTILE WAGE ESTIMATES

Position	50% (median)*	75%	90%
Attorney	\$91,490	\$139,130	Above \$145,600

Source: US Department of Labor; Bureau of Labor Statistics – www.bls.gov

LAW PARTNERS IN LARGE FIRMS - NATIONAL

Position	Salary
1 st year Associate Partner	\$135,000 not including annual bonus
Senior Partner	\$370,000 including bonus and profits

Source: National Law Journal – www.law.com (April 2003)

*median wage is the 50th percentile wage estimate – 50 percent of workers earn less than the median and 50 percent of workers earn more than the median.

III. ANALYSIS AND RECOMMENDATIONS

Chart A, following, displays several comparisons with salary practices for the legislature and for the judiciary.

Legislature: The line labeled **Legislature** is the trend line representing how legislators and legislative leaders are paid compared to the evaluation points for their respective offices. It is calculated according to the method described under Agency Actual below.

Judiciary: The line labeled **Judiciary** similarly represents the tendency of the state to pay judges and justices relative to their job evaluation points. The same statistical method is used.

Agency Actual: The heavy solid line represents the average actual rates of pay for agency head positions at the coordinates of actual pay and evaluation points. The line represents the state's salary practice for agency head positions. This line is useful in comparing the state's salaries for agency heads with those of the legislature and the judiciary.

The line is calculated using a series of plots or "observations" representing each of the jobs in the Agency Head group at the coordinates of evaluation points and present salary. The calculations use a standard statistical method of finding the "line of central tendency" or line of "best fit" to describe how the state pays its agency heads compared to the evaluation points for their jobs just as was done to analyze the salary practices of the legislature and the judiciary, above.

Exempt Management Service: On **Chart A** the line labeled **EMS** represents the salary policy of the state to compensate its administrative and professional staff who are exempt from classification but who are not heads of agencies. This group relates more closely to positions in the legislature. This line was calculated from the midpoint of salary range for bands I through V at the midpoint of evaluation points for each of those bands. These jobs are evaluated by the same method as that used to evaluate legislative and judicial positions.

Elected Officials: The heavy dashed line labeled "Elected Officials" represents the salary practice for the eight elected officials (excluding the Governor, the legislature and the judiciary) whose salaries are set by the Salary Commission. It is interesting to note that this salary practice closely parallels the actual salary practice of the agency heads.

10 State Legislatures and 13 State Legislatures: The diamond plot labeled "10 State Legislatures" is plotted at the same evaluation points as the recommended evaluation for Washington legislators. The average salary for the 10 comparable state legislatures is \$41,757, but when calculated at 70% for the three full-time legislatures, the average is \$34,724. The heavy bullet plot labeled "13 State Legislatures" is plotted at the same number of points with an average compensation of \$28,942. Calculation of these averages is explained on page 9. Because of the lack of precision in estimating annual income for the three "per-diem states", the more reliable comparison is the use of the ten

salaried legislatures with the three full-time legislatures valued at 70% of full-time to assure appropriate comparison with Washington.

Washington County Commissioners: The triangle plot represents the average salary of county commissioners and county council members of the state's counties. The average salary rate reported by the Association of Washington Cities in its 2004 *Salary and Benefit Survey* is \$58,287. The consultant evaluated the standard county commissioner job based on having set evaluations and salary ranges for county commissions of several counties in Washington State. That evaluation is 1036 points. Thus, the triangular plot at the coordinates of point value and average salary.

National Judiciary: The line labeled "National Judiciary" displays the tendency of comparative states to pay their judiciaries. For consistency, the judicial comparison was made with the same thirteen states as used for other state comparability assessments. It is clear from this analysis that the State of Washington compensates its judges more highly than the average of those thirteen states.

Note: Although Section II displays tables of compensation for federal judges and for attorneys in private and public practice, it is not possible to plot those on Chart A because those comparison jobs have not been evaluated. However, the data can be considered in establishing salaries for the Washington judiciary.

Legislature Analysis:

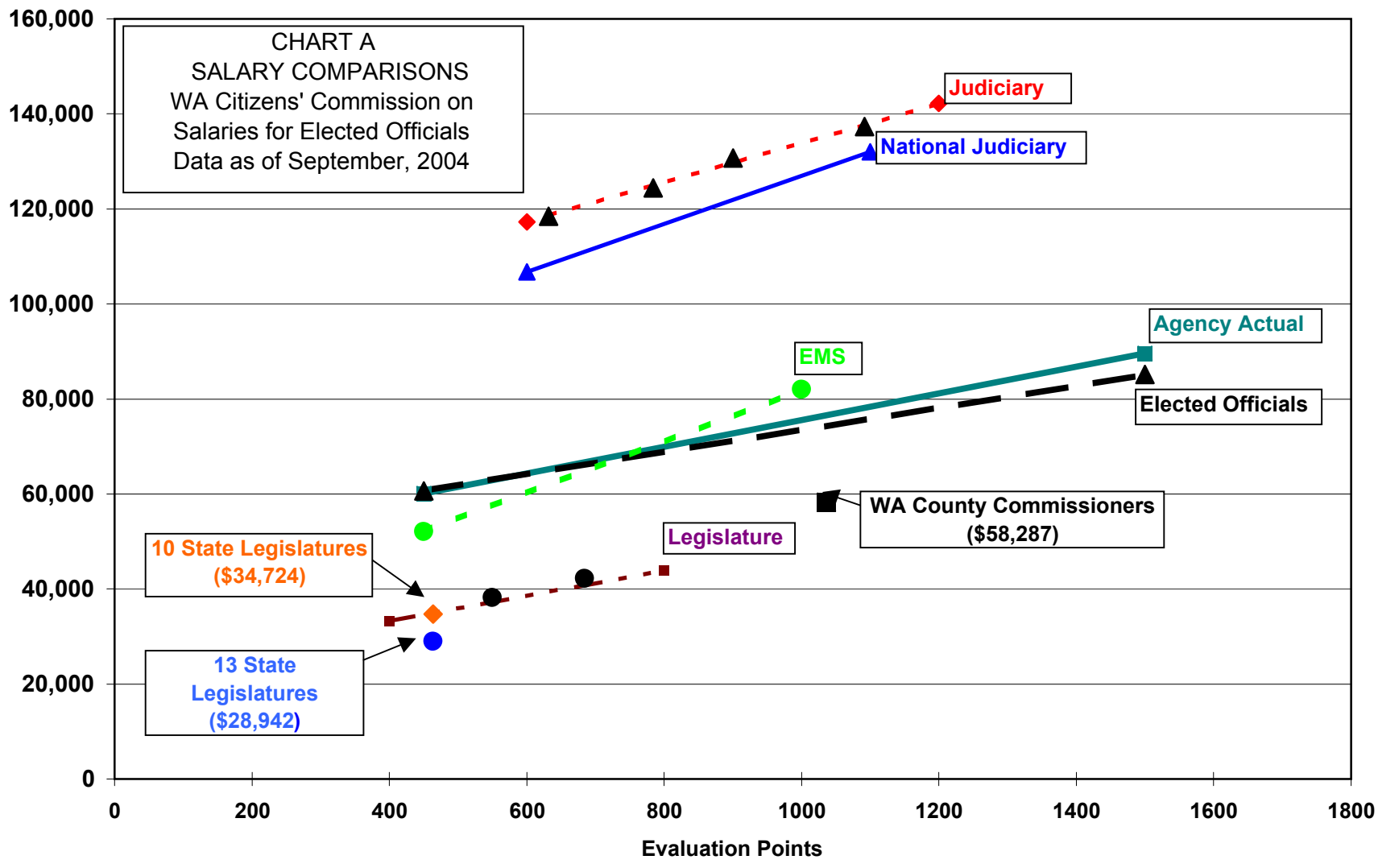
1. Comparison with other legislatures suggests that the present salary rate for legislators is almost exactly correct, if that comparison is the only one to be considered. The calculated average rate for legislators in the ten salary-paying states, is \$34,724. Present salary rate for Washington legislators is \$34,227. Alignment with other jobs in state service, however, also must be considered.

2. Exempt Management Service (EMS) compensation policy provides a degree of logical comparison. Positions in EMS tend to have significant roles in development of policy just as legislators do and a significant number of those EMS positions have regular liaison relationships with the legislature and with the federal government where policy issues are important (for example, in management of federally-funded programs in the Department of Transportation or the Department of Social and Health Services). The EMS group appears to have greater similarity to the legislature than the appointed officials included in Agency Heads or the major Elected Officials.

Assuming, as suggested by the National Conference of State Legislatures and confirmed by discussion with Washington State legislators, that the work of a legislator is, overall, about 70% of a full time job, it is possible to calculate possible salaries for legislators from the compensation ranges of EMS positions. Remember that EMS positions are evaluated by the same evaluation method, thus affording a reasonable basis for calculating parallel salary rates.

If legislators and legislative leaders were paid on the same basis as EMS salary ranges, then at 70% of a full-time job:

Legislators would be paid \$36,965 (about 7.4 % higher than present.)



Minority Leaders would be paid 40,242 (about 5% higher than present.)
Speaker and Sen. Majority Leader . . . 45,350 (about 6.9% higher than present.)

In the event the Salary Commission should find this comparison a reasonable basis for setting legislative salaries, it should be remembered that among EMS positions, those in the higher bands tend to be paid more highly because of the increasing scope of management accountability and impact on policy. Positions in the Exempt Management Service tend to be recruited on a national basis, often require advanced degrees and tend to be career jobs.

The Commission may consider, among other factors, the public service element of a citizen legislature.

The Commission also may consider that the possibility of aligning legislative jobs with the compensation policies of EMS could take place over a span of more than one year.

3. Other considerations:

Agency Heads and Elected Officials: **Chart A** provides useful comparisons of salary practices of both these groups. However, the *nature of work* of positions in both groups is different than that of legislators and legislative leaders. Therefore, these two groups are not recommended for purposes of setting salary policy for the legislative bodies.

County Commissioners and Council Members: Although several members of the legislature have requested comparison of legislative salaries with those of county commissioners, that comparison is not recommended as a sound basis for legislative salary policy. The legislative argument has been that county commissioners serve the legislative role in a much smaller arena, yet - in general - are paid more than legislators. The fallacy of that argument is that county commissioners also serve as the chief executive body of their respective counties and have direct accountability for budgetary, fiscal and operational management. As a smaller body, each commissioner carries a higher stake in answering for the actions of the whole and in the consequences of those actions.

Average salaries of county commissioners are shown on **Chart A** for comparison purposes, but those comparative salaries are not recommended for legislative salary setting.

Judicial Analysis:

As can be observed on **Chart A**, the present compensation of judges on the basis of evaluation points is significantly higher than that of agency heads, other elected officials and Exempt Management Service positions. However, evaluation points are not the sole basis for establishing compensation. Clearly, the compensation of judges responds to a different market than other positions in state service.

1. Comparison with the *National Survey of Judicial Salaries* of the National Center for State Courts, if taken alone, appears to suggest that members of the Washington State judiciary are paid competitively. The **Chart A** trend line for the Washington judiciary is about 8 percent higher than that of the thirteen-state trend line. (Note: the use of the same

thirteen-states is consistent with their use for other groups in state service. The average salaries of these thirteen states is higher than the national average.)

2. Salaries of the **federal bench** are not shown on the chart because there is no present information on which to base job evaluations. However, those salaries deserve consideration. A further difficulty in use of the data is that comparisons of federal judge positions with those of the state judiciary are not based on precise job matching. Some tentative comparisons are:

<u>Washington State</u>	<u>Federal Bench</u>	<u>% Variance</u>
<u>Supreme Court Justice</u>	<u>U.S. Supreme Court</u>	
\$137,276	\$194,300	29.3%
<u>Court of Appeals Judge</u>	<u>Circuit Court of Appeals</u>	
\$130,678	\$167,600	22%
<u>Superior Court</u>	<u>U.S. District Court</u>	
\$124,411	\$158,100	21.3%

A reasonable course of action for the Commission to follow is to move toward a degree of parity with the federal bench over time. Such action can be justified in part by the fact that federal judges perform substantially similar work as our state judges but have significantly more job security since they are appointed for life, while state judges must run for re-election.

Since Washington State judicial salaries are quite competitive with national judicial salary practices in state government, it is difficult to justify a large move toward parity with the federal bench. As the Commission develops compensation policy for the judiciary for the next biennium, it would be appropriate to consider a cost-of-living increase consistent with the Department of Labor's index (currently 2.6 percent) and to add a small one percentage point or two percentage point increase each year of the biennium to recognize the similarities with the federal bench.

3. The judiciary has proposed using the salaries of **law school professors and deans** as one portion of the basis for judicial salaries. The work of a dean is virtually all administrative in nature, and although an incumbent would be expected to be a well-qualified attorney, the nature of the work seems significantly different than that of any of the judicial positions.

The work of law school professors may have some comparability with judges, but again, the nature of the work is *teaching*, usually in a narrow part of the law. Compensation in universities follows rules of tenure, recognition for academic chairs and for external academic activities including scholarly publication as well as other expectations of higher education that are different than those of other jobs in state service.

Salary rates of law school professors are considered herein, but do not appear to be appropriate as the basis for setting judicial salaries.

In a similar way, compensation of **attorneys in private and public practice** provide an interesting comparison with the state's judicial positions. As noted earlier, these comparison jobs are not plotted on **Chart A** since they have not been evaluated. One might expect that the various levels of legal practice would be reflected in differing evaluations, but there is insufficient information for performing those evaluations.

Although the compensation of attorneys is useful as a reference point, those jobs ought not to be used as the basis for judicial compensation because the jobs are different. Compensation of attorneys is a function of several factors including individual performance, outcomes of contingent fee representation, overall performance of the law firm with which attorneys are members and the exigencies of the market. To a substantial degree, attorneys in private practice are compensated for the risks involved in such practice. Judges function in an environment in which salaries, benefits and pension plans are somewhat more reliable.

4. Alignment of Judicial Positions: One of the objectives of this project is to establish relationships among positions on the basis of the evaluation system in order to apply consistent standards to setting compensation.

For several years the judiciary has adopted a concept of developing cohesiveness and greater professional inclusiveness rather than exclusiveness of positions based on rank. This strategy appears to have worked toward a more effective judiciary. In interviews with judges, the consultant took note of substantial harmony and willingness to work together. There was a total lack of expression of professional jealousy.

Based on this cohesive philosophy, the judiciary has adopted a method of aligning the positions of the four levels of courts on a simple formula that the salaries at each level are five percentage points apart. For example, Court of Appeals judges' salaries are 95 percent of those of Supreme Court justices, etc.

The evaluations described on pages 8 and 9 were used to assess how judicial salaries would be calculated if they were aligned according to those evaluations. The result is remarkably close to the five percentage points of salary differences between levels of courts. By the evaluation method, Superior Court and Court of Appeals judges would be slightly closer together in salary, but not enough different to disrupt the system that is in place and that appears not only to be working but to be essentially fair.

It is recommended that the present system of alignment be maintained, recognizing that in any given year the alignment may vary slightly from the five percentage points simply because of percentages applied to salary increases.

Editorial Observation:

The degree of alignment of legislative and judicial salaries with their respective markets as well as the very modest possible adjustments to salaries suggest that the Salary Commission has done its work admirably.