

JUDICIAL BRANCH

I. Comparative Factors

Much as with the Executive Branch functions outlined above, many of the same contextual factors can be relevant for interpreting the differences found in compensation for judicial positions across states – including differences in organizational structure, scale, and scope of responsibilities and functional duties, regional labor market differences, timing factors, and differences in non-salary compensation. Of particular note with regard to the Judiciary, past Delaware Compensation commissions have taken note of the State’s role as a major center for corporate activity and the importance of maintaining a highly qualified Delaware Judiciary in maintaining this position.

In the state comparisons to follow, judicial salary data is drawn from the *Survey of Judicial Salaries* conducted by the National Center for State courts based on pay levels as of January 1, 2012. More detailed information may be found on-line at the NCSC Judicial Salary Resource Center: http://www.ncsconline.org/d_kis/salary_survey/home.asp In addition, the Council of State Governments’ *The Book of the States 2012* (which relies on NCSC data for judicial salary comparisons) includes information regarding differences in functional responsibilities, method of selection and retention, legal credential requirements, and other considerations that may be relevant for contextualizing comparative pay. Again, excerpts from *The Book of the States* are included as an attachment to this summary, and the complete resource for 2012 and prior years may be found at the following link: <http://knowledgecenter.csg.org/drupal/view-content-type/1219>

II. State Comparisons

Again, the charts below compare Delaware judicial salaries with the salaries reported in *Survey of Judicial Salaries* for the seven (7) neighboring states identified as key reference points by past Delaware Compensation Commissions: Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, and Virginia, and also present Delaware’s ranking among the 50 states. In addition, consistent with the approach taken by the 2005 Delaware Compensation Commission, data is also included for those states that compete with Delaware as national and international business centers – adding Illinois, California, Florida, and Georgia to the neighboring states of New York and New Jersey within this category. In the NCSC data, due to the January timeframe for their survey, salaries for Delaware do not include the 1.0% general increase provided in July 2012. In the charts below, however, we report the current Delaware salaries that include this increase. Among the comparison states, there may be others that have similarly provided increases since January 2012 not reflected in the available data.

Delaware Compensation Commission 2012

	DE	NJ	PA	MD	VA	NY	NC	MA	IL	CA	FL	GA	DE Rank of 12 States	DE Rank of 50 States
Chief Justice - Supreme Court ¹	\$200,631	\$192,795	\$200,993	\$181,352	\$195,104	\$182,600	\$142,623	\$151,239	\$211,228	\$228,856	\$157,976	\$167,210	4	4
Associate Justice - Supreme Court ²	\$190,639	\$185,482	\$195,309	\$162,352	\$183,839	\$177,000	\$138,896	\$145,984	\$211,228	\$218,237	\$157,976	\$167,210	4	5
Chancellor - Court of Chancery ³	\$191,360	\$171,731	\$172,951	\$91,700	\$125,899	\$108,500	\$129,492	\$135,087	\$109,321	\$156,724	\$93,111	\$152,139	1	1
President Judge - Superior Court ⁴	\$191,360	\$171,731	\$172,951	\$91,700	\$125,899	\$108,500	\$129,492	\$135,087	\$109,321	\$156,724	\$93,111	\$152,139	1	1
Vice Chancellor - Court of Chancery ⁵	\$180,233	\$165,000	\$169,541	\$140,352	\$158,134	\$136,700	\$125,875	\$129,694	\$182,429	\$178,789	\$142,178	\$148,891	2	3
Associate Judge - Superior Court ⁶	\$180,233	\$165,000	\$169,541	\$140,352	\$158,134	\$136,700	\$125,875	\$129,694	\$182,429	\$178,789	\$142,178	\$148,891	2	3

Source: The National Center for State Courts, Judicial Salary Resource Center, queries of COLR Associate Justices, COLR Chiefs, General Jurisdiction Judges, and General Jurisdiction Presiding Judges

The following positions in the Delaware Judiciary do not have a reported match in the NCSC survey: Family Court and Court of Common Pleas positions, Justice of the Peace, Chief Magistrate, and Commissioners.

With regard to recent trends in judicial salary increases, the NCSC 2012 *Survey of Judicial Salaries* noted the following:

The average annual percent change for the four judicial positions, and the state court administrators analyzed by the Survey, is .55% for 2011. As indicated in the table below, this increase is far less than the pre-recession (2003-2007) average increase of 3.24%. The lower 2008/2009 average increase of 1.67% was not unexpected as the nation's economy, and by extension government revenues, was mired in the vast economic recession. The 2011 average increase of .55% continues the downward trend. The ongoing impact of the sluggish economic recovery on tax revenue and on state budgets is anticipated to level off or possibly get worse before substantial improvement is seen. The following table summarizes current salaries for the major judicial positions.

	Mean	Median	Range	Pre-Recession			
				2003-07	2008-09	2010-11	
Chief, Highest Court	\$157,759	\$152,200	\$115,160 to \$228,856	3.19%	1.58%	0.67%	
Associate Justice, Court of Last Resort	\$152,606	\$146,917	\$112,530 to \$218,237	3.21%	1.88%	0.64%	
Judge, Intermediate Appellate Courts	\$146,887	\$140,732	\$105,050 to \$204,599	3.20%	1.60%	0.36%	
Judge, General-Jurisdiction Trial Courts	\$137,151	\$132,500	\$104,170 to \$180,802	3.30%	1.91%	0.58%	
State Court Administrators	\$136,547	\$130,410	\$89,960 to \$211,272	3.30%	1.38%	0.89%	
				Average	3.24%	1.67%	0.63%

Source: The National Center for State Courts, *Survey of Judicial Salaries*, Vol. 37 No. 1, As of January 1, 2012

¹ Grouped with "COLR Chiefs" by The National Center for State Courts

² Grouped with "COLR Associate Justices" by The National Center for State Courts

³ Grouped with "General Jurisdiction Presiding Judges" by The National Center for State Courts

⁴ Grouped with "General Jurisdiction Presiding Judges" by The National Center for State Courts

⁵ Grouped with "General Jurisdiction Judges" by The National Center for State Courts

⁶ Grouped with "General Jurisdiction Judges" by The National Center for State Courts



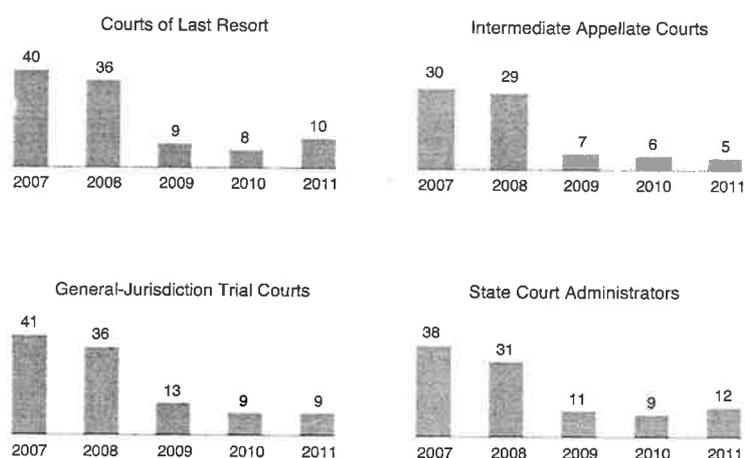
Judicial Salaries

The *Survey of Judicial Salaries*, published for nearly 30 years by the National Center for State Courts (NCSC) with the support of state court administrative offices across the United States, serves as the primary record of compensation for state judicial officers and state court administrators.

This issue of the *Survey of Judicial Salaries* reports salary data as of January 1, 2012. This cut-off date is important because states implement salary changes at various points during the year. However, a standard and unchanging cutoff date must be established to publish salary data in a timely and predictable fashion. Various tables and graphics show the number of states with salary increases, salary rankings across states, and the impact of cost-of-living indices on judicial salaries.

Beginning in 2009, only a handful of states have reported judicial salary increases.

Number of States Reporting Salary Increases



Through January 1, 2012, the average annual percent increase in salaries for the courts of last resort, the intermediate appellate courts, and general-jurisdiction judges was close to zero, only 0.63%, on average, across all states. This is nearly the same percentage increase seen in calendar year 2010. In addition, the number of states that increased salaries was very low by historical standards. For courts of last resort, only 10 states increased salaries in calendar year 2011; for intermediate appellate courts only 5 states; and for general-jurisdiction judges, just 9 states. For the state court administrators, the percent increase in salaries during 2011 was .94%, nearly the same as the 2010 increase. Twelve states increased salaries for state court administrators during 2011. The bar charts here summarize the number of states increasing judicial salaries over the past five years.

Note: This online version is the definitive version of the *Survey of Judicial Salaries*, Vol. 37 No. 1

Judicial Salaries at a Glance

The average annual percent change for the four judicial positions, and the state court administrators analyzed by the *Survey*, is .55% for 2011. As indicated in the table below, this increase is far less than the pre-recession (2003-2007) average increase of 3.24%. The lower 2008/2009 average increase of 1.67% was not unexpected as the nation's economy, and by extension government revenues, was mired in the vast economic recession. The 2011 average increase of .55% continues the downward trend. The ongoing impact of the sluggish economic recovery on tax revenue and on state budgets is anticipated to level off or possibly get worse before substantial improvement is seen. The following table summarizes current salaries for the major judicial positions.

	Mean	Median	Range	Average Annual % Change		
				Pre-Recession 2003-07	2008-09	2010-11
Chief, Highest Court	\$157,759	\$152,500	\$115,160 to \$228,856	3.19%	1.58%	0.67%
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State Court Administrators	\$136,547	\$130,410	\$89,960 to \$211,272	3.30%	1.38%	0.89%
Average				3.24%	1.67%	0.63%

Salaries and Rankings for Appellate and General-Jurisdiction Judges - Listed Alphabetically by State Name

The table below lists the salaries and rankings for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general-jurisdiction trial courts (actual salaries and cost-of-living-adjusted salaries) as of January 1, 2012. Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available—either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of “1.” The lowest salary has a rank of “51” except for intermediate appellate courts, which exist in only 39 states. The mean, median, and salary range for each of the positions are also shown.

	Highest Court		Intermediate Appellate Court		General-Jurisdiction Trial Court				
	Salary	Rank	Salary	Rank	Salary	Rank	Adjusted for Cost of Living Adjustment Factor	Adjusted Salary	Adjusted Rank
Alabama	\$180,005	9	\$178,878	5	\$134,943	25	93.05	\$145,015	13
Alaska	\$192,372	4	\$181,752	4	\$177,888	4	133.68	\$133,068	24
Arizona	\$155,000	20	\$150,000	14	\$145,000	15	102.99	\$140,784	18
Arkansas	\$145,204	30	\$140,732	20	\$136,257	23	90.15	\$151,141	8
California	\$218,237	1	\$204,599	1	\$178,789	2	130.03	\$137,503	20
Colorado	\$139,660	34	\$134,128	28	\$128,598	33	101.46	\$126,749	33
Connecticut	\$162,520	17	\$152,637	11	\$146,780	14	133.11	\$110,271	45
Delaware	\$188,751	5			\$178,449	3	105.65	\$168,913	3
District of Columbia	\$184,500	7			\$174,000	5	143.50	\$121,251	36
Florida	\$157,976	19	\$150,077	13	\$142,178	16	97.68	\$145,555	11
Georgia	\$167,210	12	\$166,186	8	\$149,873	11	94.59	\$158,439	7
Hawaii	\$151,118	23	\$139,924	21	\$136,127	24	168.02	\$81,018	51
Idaho	\$119,506	48	\$118,506	37	\$112,043	47	92.63	\$120,955	37
Illinois	\$209,344	2	\$197,032	2	\$180,802	1	95.07	\$190,171	1
Indiana	\$151,328	21	\$147,103	17	\$125,647	35	92.25	\$136,200	21
Iowa	\$163,200	16	\$147,900	16	\$137,700	21	95.26	\$144,548	16
Kansas	\$135,905	40	\$131,518	32	\$120,037	43	93.06	\$128,987	29
Kentucky	\$135,504	41	\$130,044	34	\$124,620	37	91.53	\$136,147	22
Louisiana	\$150,772	24	\$143,647	19	\$137,744	20	95.11	\$144,823	14
Maine	\$119,476	49			\$111,969	48	113.07	\$99,023	50
Maryland	\$162,352	18	\$149,552	15	\$140,352	17	124.17	\$113,037	41
Massachusetts	\$145,984	27	\$135,087	27	\$129,694	30	122.18	\$106,153	47
Michigan	\$164,610	14	\$151,441	12	\$139,919	18	92.89	\$150,628	9
Minnesota	\$145,981	28	\$137,552	23	\$129,124	31	103.33	\$124,966	34
Mississippi	\$112,530	51	\$105,050	39	\$104,170	51	92.63	\$112,457	42
Missouri	\$137,034	38	\$128,207	35	\$120,484	42	93.18	\$129,302	27
Montana	\$121,434	47			\$113,928	46	100.10	\$113,810	40
Nebraska	\$142,760	32	\$135,622	26	\$132,053	28	92.77	\$142,340	17
Nevada	\$170,000	10			\$160,000	8	97.16	\$164,674	5
New Hampshire	\$146,917	26			\$137,804	19	119.93	\$114,906	39
New Jersey	\$185,482	6	\$175,534	6	\$165,000	7	129.71	\$127,206	32
New Mexico	\$123,691	46	\$117,506	38	\$111,631	49	99.33	\$112,383	43
New York	\$151,200	22	\$144,000	18	\$136,700	22	130.03	\$105,131	48
North Carolina	\$137,249	36	\$131,531	31	\$124,382	38	96.78	\$128,517	30
North Dakota	\$134,135	42			\$119,330	44	97.03	\$122,978	35
Ohio	\$141,600	33	\$132,000	30	\$121,350	41	93.93	\$129,198	28
Oklahoma	\$137,655	35	\$130,410	33	\$124,373	39	90.42	\$137,550	19
Oregon	\$125,688	45	\$122,820	36	\$114,468	45	106.85	\$107,130	46
Pennsylvania	\$195,309	3	\$184,282	3	\$169,541	6	101.85	\$166,468	4
Rhode Island	\$165,726	13			\$149,207	12	125.74	\$118,660	38
South Carolina	\$137,171	37	\$133,741	29	\$130,312	29	97.76	\$133,294	23
South Dakota	\$118,173	50			\$110,377	50	99.47	\$110,968	44
Tennessee	\$167,976	11	\$162,396	9	\$156,792	10	90.43	\$173,391	2
Texas	\$150,000	25	\$137,500	24	\$132,500	26	90.92	\$145,740	10
Utah	\$145,350	29	\$138,750	22	\$132,150	27	91.28	\$144,777	15
Vermont	\$129,245	44			\$122,867	40	122.15	\$100,588	49
Virginia	\$183,839	8	\$168,322	7	\$158,134	9	96.83	\$163,309	6
Washington	\$164,221	15	\$156,328	10	\$148,832	13	102.56	\$145,118	12
West Virginia	\$136,000	39			\$126,000	34	96.32	\$130,809	26
Wisconsin	\$144,495	31	\$136,316	25	\$128,600	32	97.29	\$132,186	25
Wyoming	\$131,500	43			\$125,200	36	98.38	\$127,259	31
Mean	\$152,606		\$146,887		\$137,151				
Median	\$146,917		\$140,732		\$132,500				
Range	\$112,530 to \$218,237		\$105,050 to \$204,599		\$104,170 to \$180,802				

Using the ACCRA Cost-of-Living Index

The Council for Community and Economic Research—C2ER (formerly the ACCRA organization)—is the most widely accepted U.S. source for cost-of-living indices, with nearly 400 reporting jurisdictions across America. The cost-of-living indices used in this report were developed by examining the average costs of goods and services for the latest four running fiscal quarters. The factors reflect an average of the reporting jurisdictions in a particular state (i.e., the cost-of-living index for Virginia is the average of the cost-of-living indices for each reporting jurisdiction in Virginia). More detailed information can be found at www.accra.org or www.c2er.org.

Salaries and Rankings for Appellate and General-Jurisdiction Judges - Listed in Order of State Rank

The tables below list the salaries for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general-jurisdiction trial courts (actual salaries and cost-of-living-adjusted salaries) as of January 1, 2012. Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available—either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. The listings are in rank order from highest to lowest salary. The mean, median, and salary range for each of the positions are also shown.

Highest Court		Intermediate Appellate Court		General-Jurisdiction Trial Court			
				Salary	Adjusted for Cost of Living		
California	\$218,237	California	\$204,599	Illinois	\$180,802	Illinois	\$190,171
Illinois	\$209,344	Illinois	\$197,032	California	\$178,789	Tennessee	\$173,391
Pennsylvania	\$195,309	Pennsylvania	\$184,282	Delaware	\$178,449	Delaware	\$168,913
Alaska	\$192,372	Alaska	\$181,752	Alaska	\$177,888	Pennsylvania	\$166,468
Delaware	\$188,751	Alabama	\$178,878	District of Columbia	\$174,000	Nevada	\$164,674
New Jersey	\$185,482	New Jersey	\$175,534	Pennsylvania	\$169,541	Virginia	\$163,309
District of Columbia	\$184,500	Virginia	\$168,322	New Jersey	\$165,000	Georgia	\$158,439
Virginia	\$183,839	Georgia	\$166,186	Nevada	\$160,000	Arkansas	\$151,141
Alabama	\$180,005	Tennessee	\$162,396	Virginia	\$158,134	Michigan	\$150,628
Nevada	\$170,000	Washington	\$156,328	Tennessee	\$156,792	Texas	\$145,740
Tennessee	\$167,976	Connecticut	\$152,637	Georgia	\$149,873	Florida	\$145,555
Georgia	\$167,210	Michigan	\$151,441	Rhode Island	\$149,207	Washington	\$145,118
Rhode Island	\$165,726	Florida	\$150,077	Washington	\$148,832	Alabama	\$145,015
Michigan	\$164,610	Arizona	\$150,000	Connecticut	\$146,780	Louisiana	\$144,823
Washington	\$164,221	Maryland	\$149,552	Arizona	\$145,000	Utah	\$144,777
Iowa	\$163,200	Iowa	\$147,900	Florida	\$142,178	Iowa	\$144,548
Connecticut	\$162,520	Indiana	\$147,103	Maryland	\$140,352	Nebraska	\$142,340
Maryland	\$162,352	New York	\$144,000	Michigan	\$139,919	Arizona	\$140,784
Florida	\$157,976	Louisiana	\$143,647	New Hampshire	\$137,804	Oklahoma	\$137,550
Arizona	\$155,000	Arkansas	\$140,732	Louisiana	\$137,744	California	\$137,503
Indiana	\$151,328	Hawaii	\$139,924	Iowa	\$137,700	Indiana	\$136,200
New York	\$151,200	Utah	\$138,750	New York	\$136,700	Kentucky	\$136,147
Hawaii	\$151,118	Minnesota	\$137,552	Arkansas	\$136,257	South Carolina	\$133,294
Louisiana	\$150,772	Texas	\$137,500	Hawaii	\$136,127	Alaska	\$133,068
Texas	\$150,000	Wisconsin	\$136,316	Alabama	\$134,943	Wisconsin	\$132,186
New Hampshire	\$146,917	Nebraska	\$135,622	Texas	\$132,500	West Virginia	\$130,809
Massachusetts	\$145,984	Massachusetts	\$135,087	Utah	\$132,150	Missouri	\$129,302
Minnesota	\$145,981	Colorado	\$134,128	Nebraska	\$132,053	Ohio	\$129,198
Utah	\$145,350	South Carolina	\$133,741	South Carolina	\$130,312	Kansas	\$128,987
Arkansas	\$145,204	Ohio	\$132,000	Massachusetts	\$129,694	North Carolina	\$128,517
Wisconsin	\$144,495	North Carolina	\$131,531	Minnesota	\$129,124	Wyoming	\$127,259
Nebraska	\$142,760	Kansas	\$131,518	Wisconsin	\$128,600	New Jersey	\$127,206
Ohio	\$141,600	Oklahoma	\$130,410	Colorado	\$128,598	Colorado	\$126,749
Colorado	\$139,660	Kentucky	\$130,044	West Virginia	\$126,000	Minnesota	\$124,966
Oklahoma	\$137,655	Missouri	\$128,207	Indiana	\$125,647	North Dakota	\$122,978
North Carolina	\$137,249	Oregon	\$122,820	Wyoming	\$125,200	District of Columbia	\$121,251
South Carolina	\$137,171	Idaho	\$118,506	Kentucky	\$124,620	Idaho	\$120,955
Missouri	\$137,034	New Mexico	\$117,506	North Carolina	\$124,382	Rhode Island	\$118,660
West Virginia	\$136,000	Mississippi	\$105,050	Oklahoma	\$124,373	New Hampshire	\$114,906
Kansas	\$135,905			Vermont	\$122,867	Montana	\$113,810
Kentucky	\$135,504			Ohio	\$121,350	Maryland	\$113,037
North Dakota	\$134,135			Missouri	\$120,484	Mississippi	\$112,457
Wyoming	\$131,500			Kansas	\$120,037	New Mexico	\$112,383
Vermont	\$129,245			North Dakota	\$119,330	South Dakota	\$110,968
Oregon	\$125,688			Oregon	\$114,468	Connecticut	\$110,271
New Mexico	\$123,691			Montana	\$113,928	Oregon	\$107,130
Montana	\$121,434			Idaho	\$112,043	Massachusetts	\$106,153
Idaho	\$119,506			Maine	\$111,969	New York	\$105,131
Maine	\$119,476			New Mexico	\$111,631	Vermont	\$100,588
South Dakota	\$118,173			South Dakota	\$110,377	Maine	\$99,023
Mississippi	\$112,530			Mississippi	\$104,170	Hawaii	\$81,018
Mean	\$152,606		\$146,887		\$137,151		\$132,461
Median	\$146,917		\$140,732		\$132,500		\$130,809
Range	\$112,530 to \$218,237		\$105,050 to \$204,599		\$104,170 to \$180,802		\$81,018 to \$190,171

Information in this Survey is collected from designated representatives in each state. The National Center for State Courts has protocols in place to help ensure the accuracy of the data that are collected, analyzed, and ultimately reported.