

REPORT OF THE

JUDICIAL
COMPENSATION
COMMISSION

2024



ABOUT

THE JUDICIAL COMPENSATION COMMISSION (JCC) WAS CREATED IN 2007 BY THE 80TH TEXAS LEGISLATURE TO RECOMMEND THE PROPER SALARIES TO BE PAID BY THE STATE FOR ALL JUSTICES AND JUDGES OF THE SUPREME COURT, THE COURT OF CRIMINAL APPEALS, THE COURTS OF APPEALS, AND THE DISTRICT COURTS.

THE COMMISSION IS REQUIRED TO CONSIDER SEVERAL FACTORS, PRIMARILY FOCUSING ON THE LEVEL OF OVERALL COMPENSATION ADEQUATE TO ATTRACT THE MOST HIGHLY QUALIFIED INDIVIDUALS IN THE STATE TO SERVE IN THE JUDICIARY WITHOUT UNREASONABLE ECONOMIC HARDSHIP AND WITH JUDICIAL INDEPENDENCE UNAFFECTED BY FINANCIAL CONCERNS.

JUDICIAL COMPENSATION COMMISSION MEMBERS

MR. SCOTT J. SALMANS, CHAIR
MR. CARLOS AMARAL
MS. CINDY OLSON BOURLAND
MS. JJ CLEMENCE
MR. TONY FIDELIE, JR.
MR. PHIL JOHNSON
MS. LINDA W. KINNEY
MR. CURT NELSON

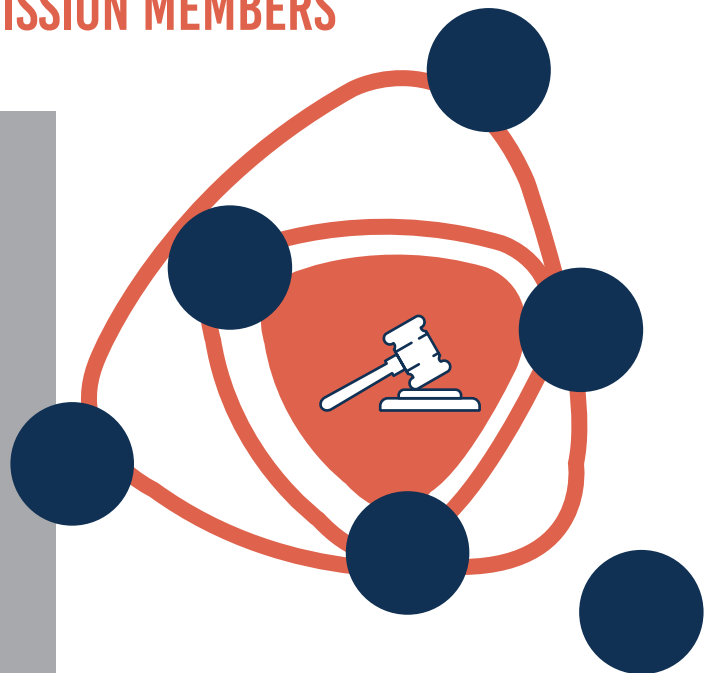


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EXECUTIVE

SUMMARY

In order to effectively meet the needs of the state of Texas and its citizens, a strong, independent, and competent judiciary is essential. Adequate judicial compensation is a crucial factor in supporting and maintaining a well-qualified judiciary.

In 2007, the Texas Legislature formed the Judicial Compensation Commission (the “Commission”) specifically to look at this factor and, each biennium, recommend the proper salaries to be paid by the state for all justices and judges of the Supreme Court, the Court of Criminal Appeals, the courts of appeals, and the district courts.

Recommended Judicial Compensation*

| JUDGE | CURRENT STATE BASE SALARY | RECOMMENDED 30% INCREASE TO CURRENT STATE BASE SALARY | ADDITIONAL COMPENSATION ¹⁶ | TOTAL | ADJUSTED NATIONAL RANKING ¹⁷ |
|--|------------------------------|--|--|-----------|---|
| SUPREME COURT CHIEF JUSTICE/ COURT OF CRIMINAL APPEALS PRESIDING JUDGE | \$170,500 | \$220,900 | N/A | \$220,900 | 21 |
| SUPREME COURT JUSTICE/ COURT OF CRIMINAL APPEALS JUDGE | \$168,000 | \$218,400 | N/A | \$218,400 | 22 |
| COURT OF APPEALS CHIEF JUSTICE | \$156,500 | \$202,700 | UP TO \$13,200 | \$215,900 | 21 |
| COURT OF APPEALS JUSTICE | \$154,000 | \$200,200 | UP TO \$13,200 | \$213,400 | 22 |
| DISTRICT COURT JUDGE | \$140,000 | \$182,000 | UP TO \$26,400 | \$208,400 | 28 |

* Cost of recommended salaries is provided in Appendix A


FINDINGS

Based on the information it has gathered and reviewed, the Commission makes the following findings:

IN ORDER TO MAINTAIN A STRONG, QUALIFIED AND INDEPENDENT JUDICIARY, AND IN ORDER TO ATTRACT QUALIFIED CANDIDATES AND RETAIN EXPERIENCED JUDGES, APPROPRIATE JUDICIAL COMPENSATION IS ESSENTIAL.



THE AGE OF JUDGES SERVING IN THE TEXAS JUDICIARY IS INCREASING, AND IT IS ANTICIPATED THAT MANY MAY RETIRE IN THE NEAR FUTURE MAKING IT MORE IMPORTANT THAN EVER TO SET COMPENSATION AT A LEVEL ADEQUATE TO RECRUIT A FUTURE GENERATION OF JUDGES TO THE BENCH.



THE LEGISLATURE INSTITUTED A TIERED JUDICIAL PAY SCALE EFFECTIVE SEPTEMBER 1, 2019, THAT IS BASED ON LONGEVITY PROVIDING FOR A 10 PERCENT RAISE AFTER 4 YEARS OF SERVICE, AND ANOTHER 10 PERCENT RAISE AFTER 8 YEARS AND LONGEVITY PAY AFTER 12 YEARS OF SERVICE.



THE LAST INCREASE IN THE BASE PAY FOR A DISTRICT COURT JUDGE WAS SEPTEMBER 1, 2013, AND SINCE, JUDGES IN EVERY STATE EXCEPT NEVADA HAVE RECEIVED INCREASES IN SALARY.



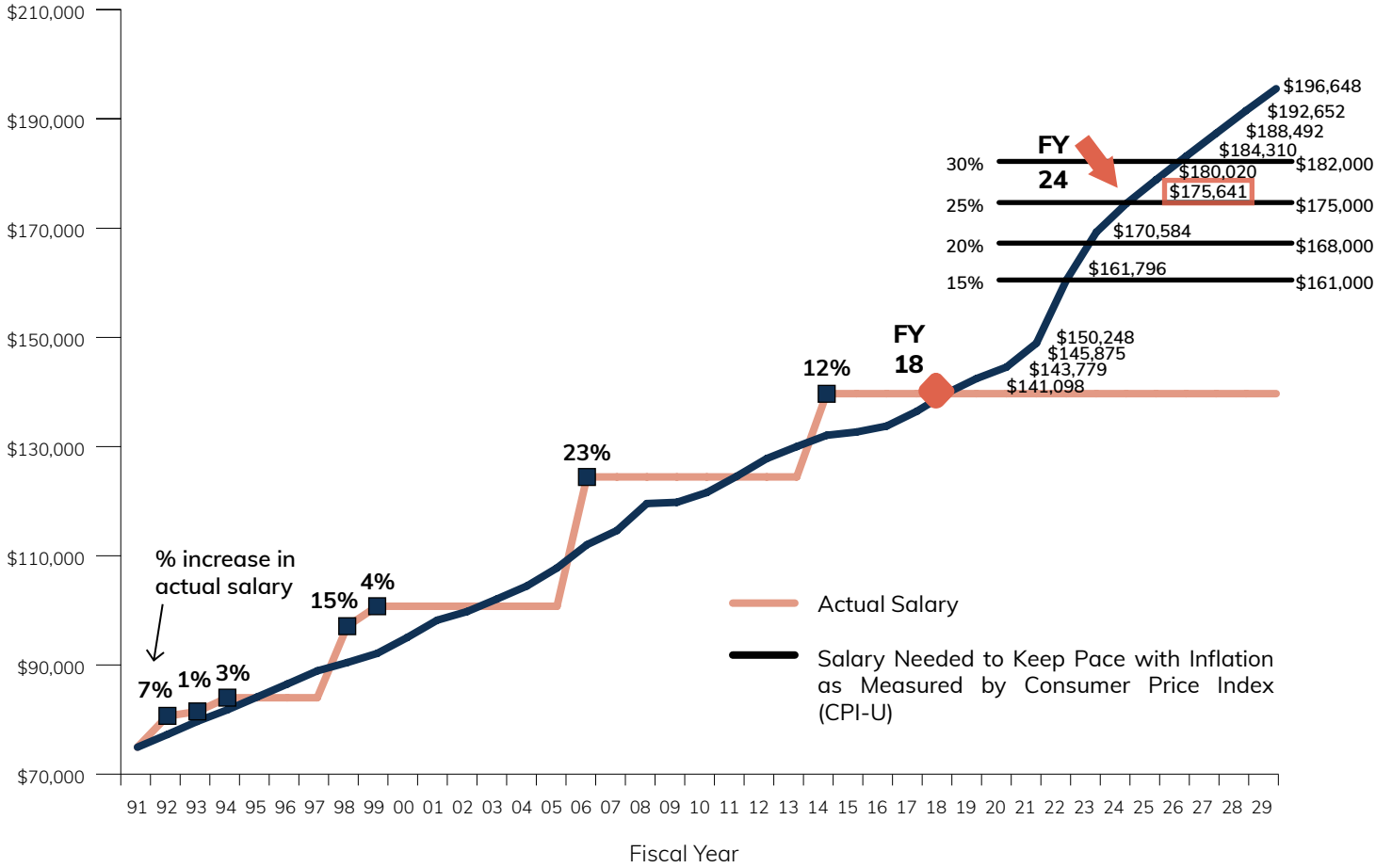
78 PERCENT OF APPELLATE AND DISTRICT JUDGES HAD 20 OR MORE YEARS OF EXPERIENCE AS AN ATTORNEY, AND 40 PERCENT HAD MORE THAN 30 YEARS.



AT THE END OF THE 2017-18 BIENNIUM, THE STATE BASE SALARY OF A DISTRICT JUDGE BEGAN TO LAG BEHIND THE RATE OF INFLATION AND IS CURRENTLY LOWER THAN THE SALARY PAID IN 1991 WHEN FACTORING INFLATION.



Base State Salary of District Judges



- Among the 6 most populous states, Texas ranks last in salaries for judges on the state’s highest courts, appellate courts and district courts.¹
- When comparing Texas judicial salaries to the rest of the country, Texas judges continue to fall behind. Texas judicial salaries rank 49th at the district (general jurisdiction) level, 40th at the intermediate appellate level, and 48th at the highest appellate level which includes the Texas Supreme Court and Court of Criminal Appeals.
- When adjusted for cost of living at the district level, judges at base salary are the lowest paid, ranked 50th out of 50 states.
- Since the last increase in base compensation in 2013, most states have increased compensation for judges an average of 29-32 percent.

The chart below shows the change in salaries across the 50 states from the time period of the last increase in base pay for Texas judges to present. Salaries increased in nearly every state, averaging 29 to 32 percent.

| | COURT OF LAST RESORT | INTERMEDIATE APPELLATE | GENERAL JURISDICTION |
|-------------------------------|---|------------------------------|---|
| NUMBER OF STATES | 50 | 40 | 50 |
| # STATES WITH INCREASE | 48 | 39 | 48 |
| % STATES WITH INCREASE | 96% | 98% | 96% |
| AVG. \$ INCREASE | \$49,865 | \$44,757 | \$40,228 |
| AVG. % INCREASE | 32% | 30% | 29% |
| | NO INCREASE FOR NEVADA AND TEXAS | NO INCREASE FOR TEXAS | NO INCREASE FOR NEVADA AND TEXAS |

¹ The six most populous states include California, Illinois, New York, Florida, Pennsylvania, and Texas.

RECOMMENDATIONS

As a result of its findings, the Commission recommends a 30% increase to the base pay of a district judge for the 2026-27 biennium. Raising the base pay of a district judge will also increase the base pay for the justices and judges of the Supreme Court, the Court of Criminal Appeals, and the 15 courts of appeals. The proposed base salaries for the 2026-27 biennium are shown in the table below:

| JUDGE | 30% INCREASE IN STATE BASE SALARY (0-4 YEARS EXPERIENCE) | ADDITIONAL COMPENSATION ² | TOTAL | ADJUSTED NATIONAL RANKING ³ |
|--|--|--------------------------------------|-----------|--|
| CHIEF JUSTICE – SUPREME COURT OR COURT OF CRIMINAL APPEALS | \$220,900 | N/A | \$220,900 | 21 |
| JUSTICE – SUPREME COURT OR COURT OF CRIMINAL APPEALS | \$218,400 | N/A | \$218,400 | 22 |
| CHIEF JUSTICE – COURT OF APPEALS | \$202,700 | UP TO \$13,200 | \$215,900 | 21 |
| JUSTICE – COURT OF APPEALS | \$200,200 | UP TO \$13,200 | \$213,400 | 22 |
| DISTRICT JUDGE | \$182,000 | UP TO \$26,400 | \$208,400 | 28 |

² If the Commission’s recommended salary increases are adopted, county supplements could increase. (See Tex. Gov’t Code Sec. §659.012-31.001 and 32.002.) The current maximum county supplement for courts of appeals justices is \$9,000 and for district court judges it is \$18,000.

³ Ranking is based on state salary without additional compensation.

OTHER RECOMMENDATIONS

The Legislature instituted a tiered pay structure for judges and prosecutors in 2019. After 4 years of service they receive a 10 percent increase and another 10 percent increase after 8 years of service. The Commission recommends creating a 3rd tier within the present compensation structure that can be viewed in the table below:

3rd Tier within Present Compensation Structure

| JUDGE | CURRENT SALARY (BASED ON EXPERIENCE) | MAXIMUM COUNTY SUPPLEMENT |
|---|---|---------------------------|
| CHIEF JUSTICE – SUPREME COURT OR COURT OF CRIMINAL APPEALS | 0-4: \$168,000 4-8: \$184,800 8-12: \$201,600 12+: \$218,400 CHIEF SUPPLEMENT: \$2,500 - \$3,000 | N/A |
| JUSTICE – SUPREME COURT OR COURT OF CRIMINAL APPEALS | 0-4: \$168,000 4-8: \$184,800 8-12: \$201,600 12+: \$218,400 | N/A |
| CHIEF JUSTICE – COURT OF APPEALS | 0-4: \$154,000 4-8: \$169,400 8-12: \$184,800 12+: \$200,200 CHIEF SUPPLEMENT: \$2,500 - \$3,000 | UP TO \$9,000 |
| JUSTICE – COURT OF APPEALS | 0-4: \$154,000 4-8: \$169,400 8-12: \$184,800 12+: \$200,200 | UP TO \$9,000 |
| DISTRICT JUDGE | 0-4: \$140,000 4-8: \$154,000 8-12: \$168,000 12+: \$182,000 | UP TO \$18,000 |

Currently, legislative retirement is linked to judicial pay.⁴ In the interest of an independent judiciary from other branches of government, the Commission is recommending the delinking of legislative retirement from judicial salaries in its entirety.

The Commission also recommends building in cost-of-living adjustments to mitigate the lagging of salary adjustments in the future for the state judiciary.

COST

The state fiscal impact of the judicial salary increases recommended by the Commission is estimated to be approximately \$99,845,000 for the 2026-27 biennium.⁵ Approximately 62 percent of the total cost is for judicial salaries, and 38 percent is for other salaries that are linked to the salary of a district judge. For more detailed information regarding the cost of implementing the Commission's recommended salaries, refer to Appendix A.



Comal County Courthouse

⁴ See Tex. Gov't Code Sec. 814.103(a).

⁵ This cost includes state-paid judicial salaries, longevity pay increases, increases in pay for state and county prosecutors, and increases in funding provided for statutory county court salaries.

HISTORY AND FUNCTION OF THE COMMISSION

The Judicial Compensation Commission was created by the 80th Legislature, effective September 1, 2007.⁶ It is composed of 9 members who are appointed by the Governor with the advice and consent of the Senate to serve six-year terms. No more than 3 members serving on the Commission may be licensed to practice law.

The Commission is responsible for making a report to the Texas Legislature each even-numbered year recommending the proper salaries to be paid by the state for all justices and judges of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals and the district courts. In recommending the proper salaries for the justices and judges, the Commission is required to consider the factors listed in Section 35.102(b) of the Texas Government Code. (See page 5).

The Commission held its first meeting of the biennium on May 15, 2024, and reviewed data relating to the factors to be considered in setting judicial compensation. The Commission met again for a public hearing and formal meeting to adopt the recommendations included in this report on July 31, 2024.



⁶ Acts 2007, 80th Legislature, Regular Session, Ch. 1090, September 1, 2007. Texas Government Code, Chapter 35.

CURRENT STRUCTURE OF JUDICIAL SALARIES

The current salary structure was enacted by the 86th Texas Legislature in HB 2384 and took effect September 1, 2019.⁷ The current salary structure rewards continued service on the bench by creating a tiered pay structure for Appellate, District and County Court at Law Judges. Under this pay structure, judges receive a raise after 4 years of service and then again after 8 years of service. The law also increased the amount of longevity pay for state judges and reduced the number of years of actual service needed to be entitled to longevity pay from 16 years to 12 years. The 2019 change to the pay structure did not raise the base pay of a district judge which is the benchmark that all state judicial salaries are based upon. The base salary for a district judge is \$140,000, which has remained the same since 2013.

In addition, Sections 31.001 and 32.001 of the Texas Government Code authorize counties to supplement the salaries of the justices on the 1st through 14th Courts of Appeals and the district court judges that have jurisdiction in their counties.

| CURRENT JUDICIAL COMPENSATION LEVELS | | | |
|---|--------------|-------------------------|-----------|
| JUDGE | STATE SALARY | ADDITIONAL COMPENSATION | TOTAL |
| SUPREME COURT CHIEF JUSTICE/ COURT OF CRIMINAL APPEALS PRESIDING JUDGE | \$170,500 | N/A | \$170,500 |
| SUPREME COURT JUSTICE/ COURT OF CRIMINAL APPEALS JUDGE | \$168,000 | N/A | \$168,000 |
| COURT OF APPEALS CHIEF JUSTICE | \$156,500 | UP TO \$9,000 | \$165,500 |
| COURT OF APPEALS JUSTICE | \$154,000 | UP TO \$9,000 | \$163,000 |
| DISTRICT COURT JUDGE | \$140,000 | UP TO \$18,000 | \$158,000 |

On the state’s highest courts, the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals are entitled to an additional \$2,500 from the state. None of the justices or judges sitting on the highest courts of Texas are entitled to receive any county supplements.

Presiding judges of the administrative judicial regions,⁸ and district judges who preside over silica or asbestos multi-district litigation are entitled to additional compensation as well.⁹

⁷ HB 2384

⁸ Tex. Govt. Code §74.051

⁹ Tex. Govt. Code §659.0125

REQUIRED

FACTORS FOR CONSIDERATION

In determining what a “proper” salary would be, the Commission is required to consider the following eight factors:

FACTOR 1

THE SKILL AND EXPERIENCE REQUIRED OF THE PARTICULAR JUDGESHIP AT ISSUE;

FACTOR 2

THE VALUE OF COMPENSABLE SERVICE PERFORMED BY JUSTICES AND JUDGES, AS DETERMINED BY REFERENCE TO JUDICIAL COMPENSATION IN OTHER STATES AND THE FEDERAL GOVERNMENT;

FACTOR 3

THE VALUE OF COMPARABLE SERVICE PERFORMED IN THE PRIVATE SECTOR, INCLUDING PRIVATE JUDGING, ARBITRATION, AND MEDIATION;

FACTOR 4

THE COMPENSATION OF ATTORNEYS IN THE PRIVATE SECTOR;

FACTOR 5

THE COST OF LIVING AND CHANGES IN THE COST OF LIVING;

FACTOR 6

THE COMPENSATION FROM THE STATE PRESENTLY RECEIVED BY OTHER PUBLIC OFFICIALS IN THE STATE, INCLUDING:

- A) STATE CONSTITUTIONAL OFFICEHOLDERS;
 - B) DEANS, PRESIDENTS, AND CHANCELLORS OF THE PUBLIC UNIVERSITY SYSTEMS; AND
 - C) CITY ATTORNEYS IN MAJOR METROPOLITAN AREAS FOR WHICH THAT INFORMATION IS READILY AVAILABLE;
-

FACTOR 7

OTHER FACTORS THAT ARE NORMALLY OR TRADITIONALLY TAKEN INTO CONSIDERATION IN THE DETERMINATION OF JUDICIAL COMPENSATION; AND

FACTOR 8

MOST IMPORTANTLY, THE LEVEL OF OVERALL COMPENSATION ADEQUATE TO ATTRACT THE MOST HIGHLY QUALIFIED INDIVIDUALS IN THE STATE, FROM A DIVERSITY OF LIFE AND PROFESSIONAL EXPERIENCES, TO SERVE IN THE JUDICIARY WITHOUT UNREASONABLE ECONOMIC HARDSHIP AND WITH JUDICIAL INDEPENDENCE UNAFFECTED BY FINANCIAL CONCERNS.¹⁰

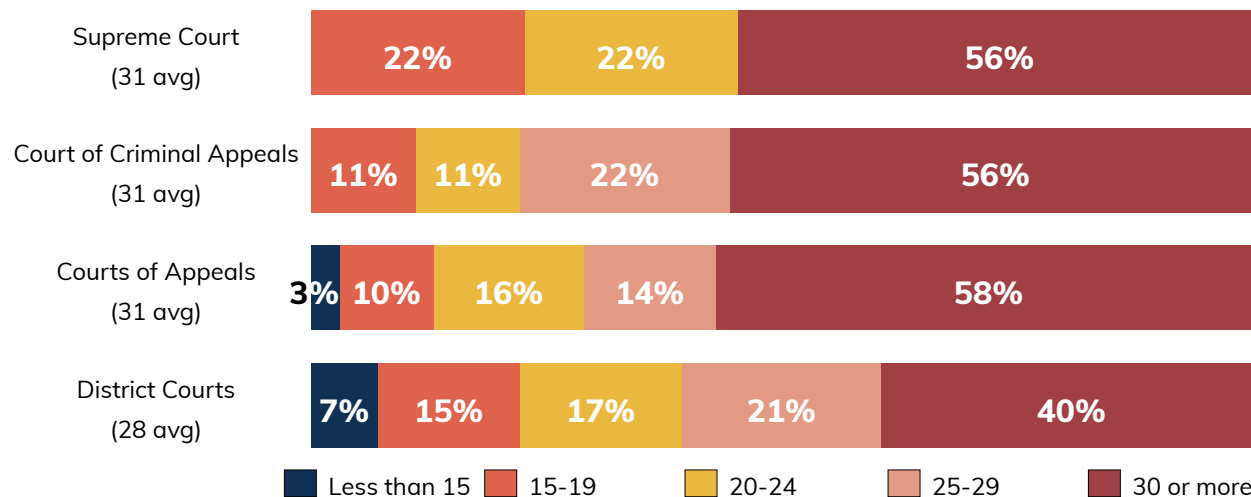
¹⁰ Government Code, Section 35.102(b).

The following is a summary of the Commission’s analysis of the data collected for purposes of determining the proper salary for the state’s justices and judges of the Supreme Court, the Court of Criminal Appeals, the courts of appeals, and the district courts.

Factor 1: Skill and Experience Required of the Particular Judgeship at Issue

In 2021, Texans passed a constitutional amendment to increase the qualifications to become a district and appellate judge. District judges must be at least 25 years old and have been a practicing lawyer or judge, or both combined for at least 8 years. Appellate court justices and judges must be at least 35 years of age and have practiced law or been the judge of a court of record and practiced law for at least 10 years. These changes in requirements will be applied to judges and justices elected or appointed to a term beginning after January 1, 2025.

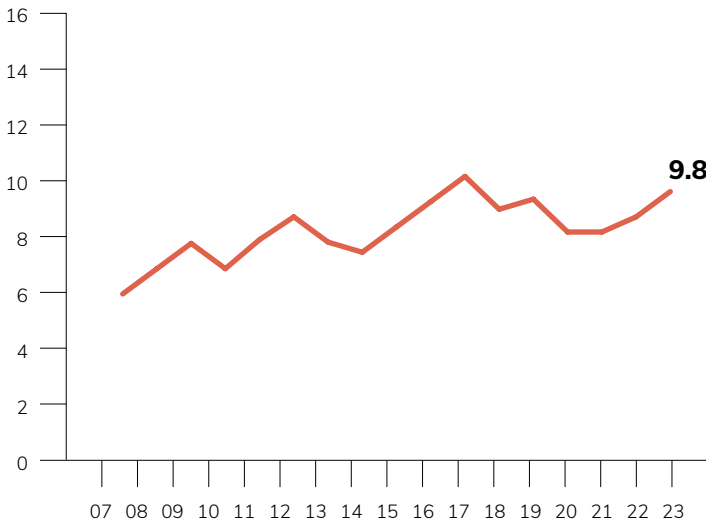
Years Licensed as a Texas Attorney



Data reviewed by the Commission show that the Texas state judiciary is very experienced. **78** percent of appellate and district judges have 20 or more years of experience as an attorney, and **40** percent have more than 30 years. In addition, current judges have been on the bench on average 5.7 to 11 years.

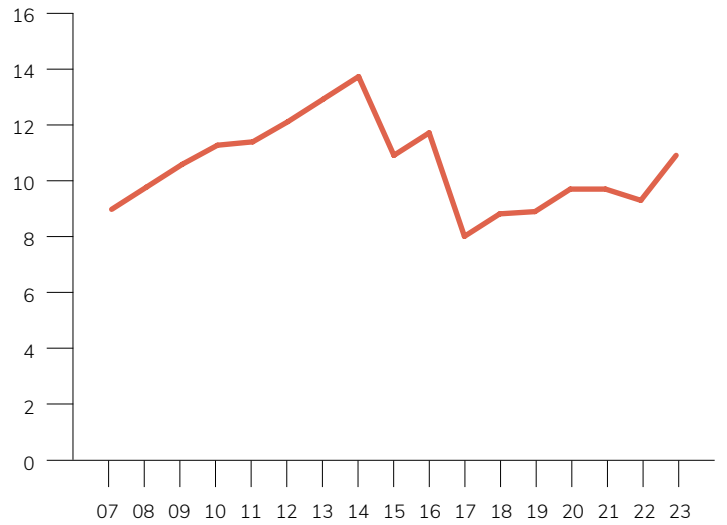
Average Years of Judges' Service on Current Bench

Supreme Court

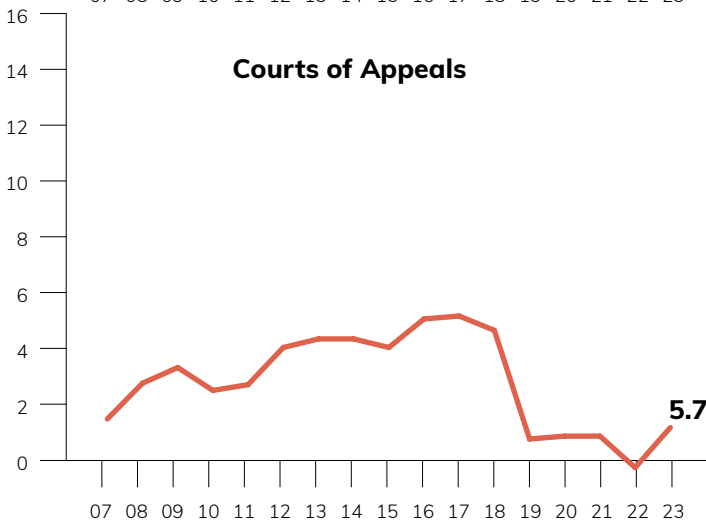


Court of Criminal Appeals

10.8

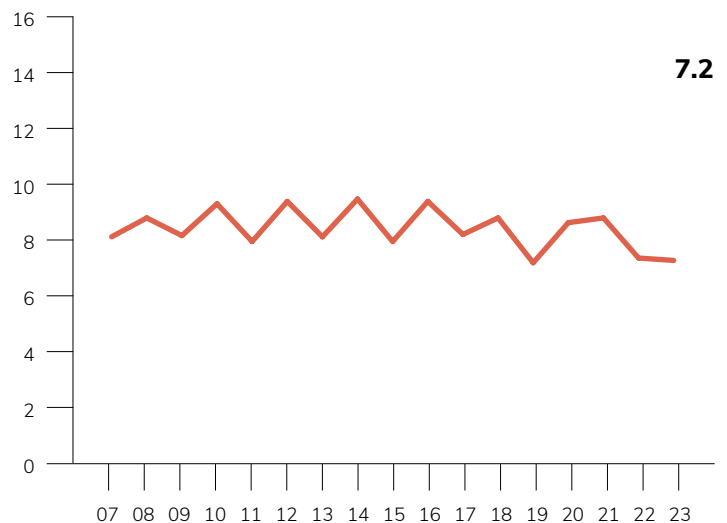


Courts of Appeals



District Courts

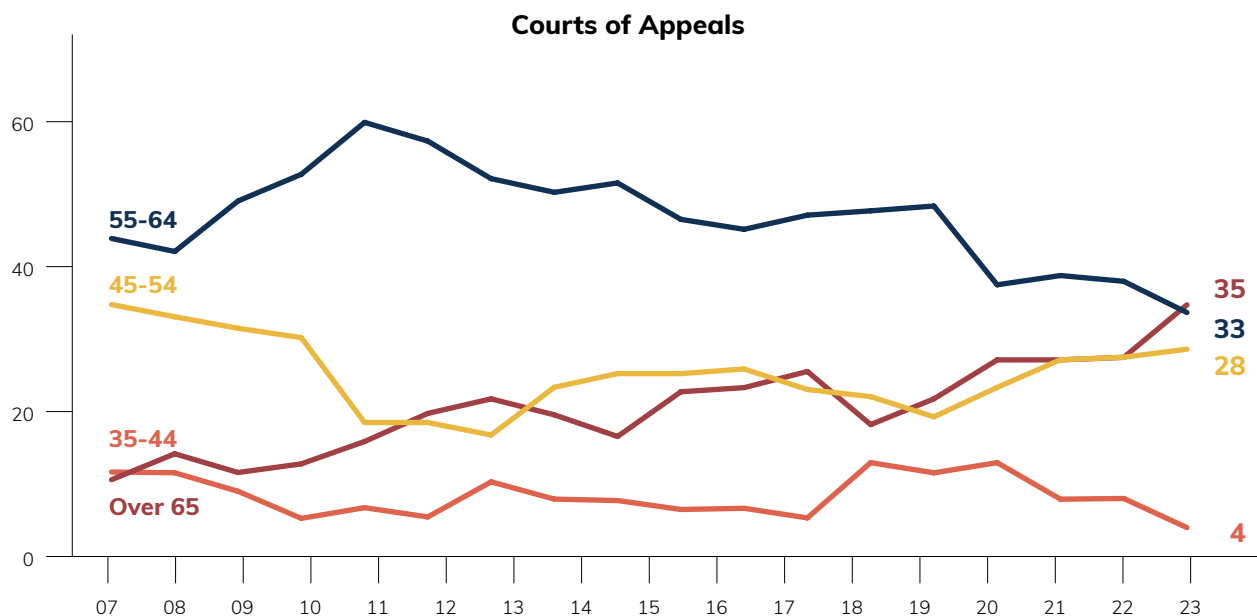
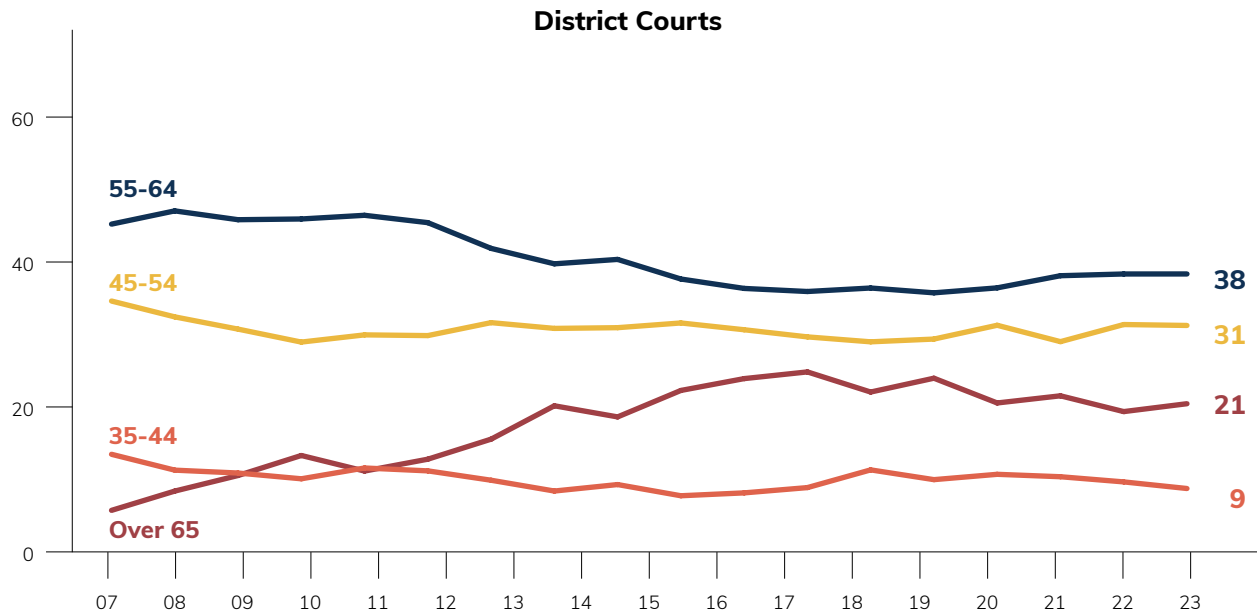
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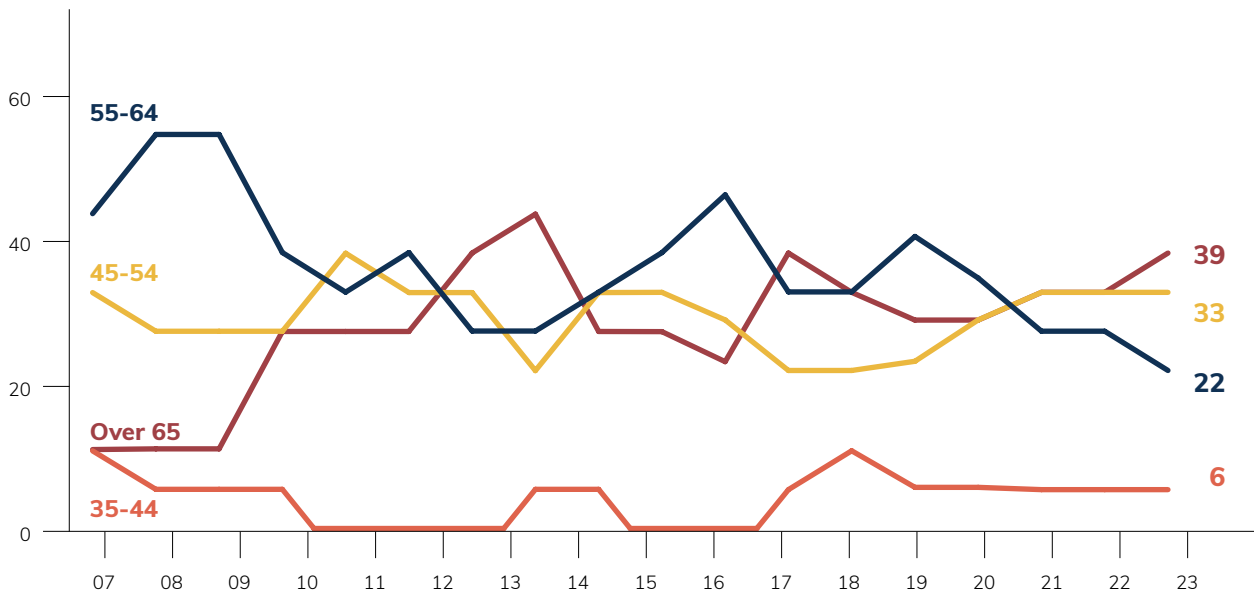
This information reveals that the Judiciary is able to attract individuals to the bench who have significant experience. While this experience may be viewed positively, it may also indicate that compensation is a barrier to younger, but still

experienced attorneys. Instead, those younger attorneys may be required to pursue private practice, where compensation levels are often significantly higher, before entering public service.

Demographic profile data shows the age of those serving as judges has increased. Sixty-one percent of judges serving on the Supreme Court and Court of Criminal Appeals are over 55. Sixty-five percent of judges serving on our state's intermediate courts of appeals are over 55 and 58 percent of district judges are over 55 years of age.



Highest Courts



With the reality that a large percentage of judges and justices may be retiring in the near future, it is more important than ever to ensure that compensation is set at a level adequate to recruit the future generation of judges and justices to the bench.

Factor 2: Value of Compensable Service Performed by Justices and Judges, as Determined by Reference to Judicial Compensation in Other States and the Federal Government

Other States - A wealth of data exists about the judicial salaries in other states. These data have been collected by the National Center for State Courts (“NCSC”) for each year since 1974. The NCSC provides data on the actual and “normalized” salaries of judges. The purpose of normalizing data is to allow for an apples-to-apples comparison of salaries between states by adjusting salaries in each state by a cost-of living factor to determine the purchasing power of that salary in a given state. The Center uses the most widely accepted United States source of cost-of-living indices, the indices produced by the Council for Community and Economic Research (C2ER, formerly known as the ACCRA organization).¹¹

For its comparison of compensation in other states, the Commission first focused on salaries in the 6 most populous states, including Texas.

¹¹ National Center for State Courts, Survey of Judicial Salaries, July 1, 2024

The Commission found that the state salaries of state judges in Texas continue to lag behind the salaries of judges at corresponding levels in all 5 states closest to Texas in population.

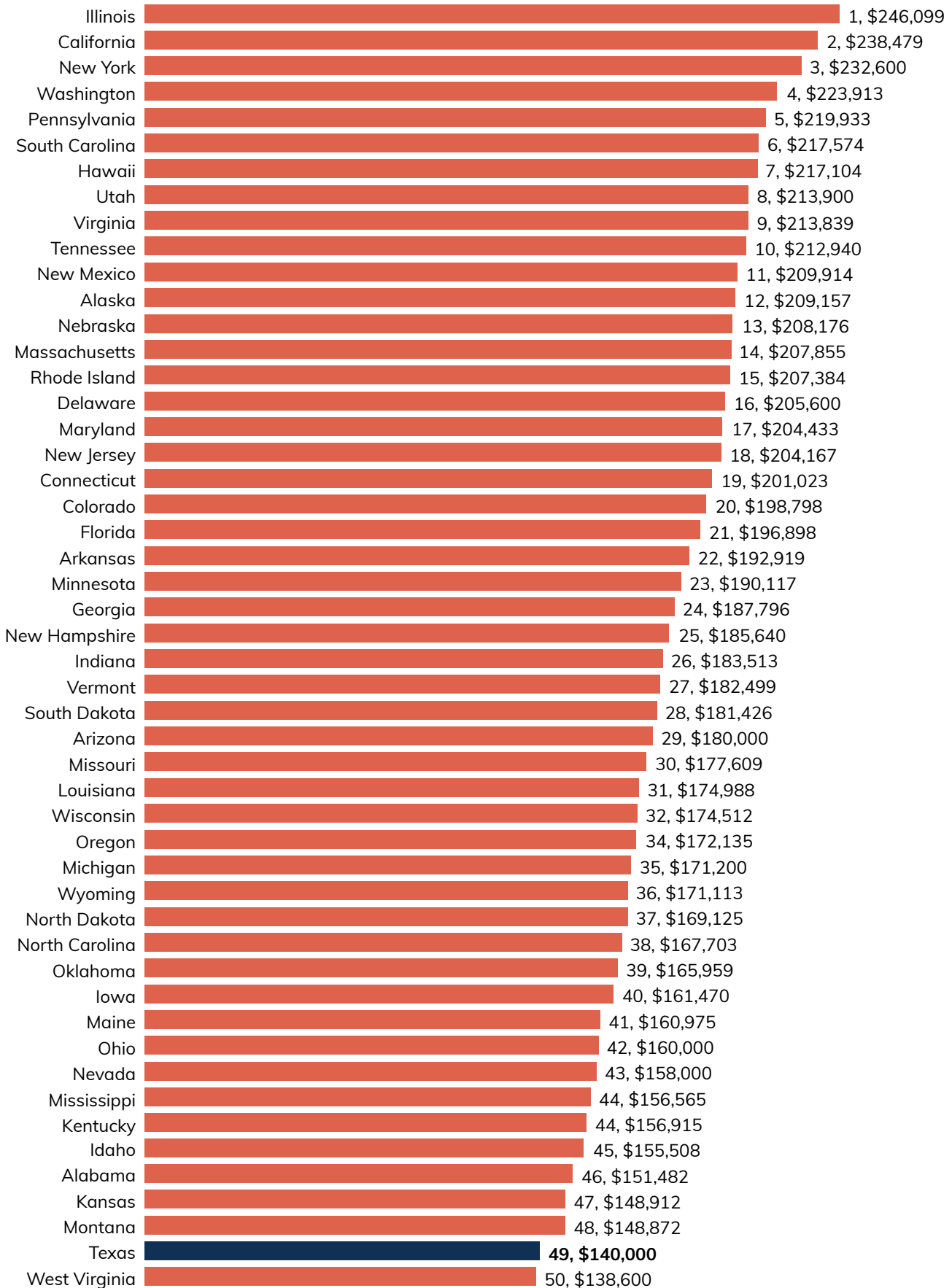
| STATE SALARIES OF JUDGES IN THE SIX MOST POPULOUS STATES AS OF JULY 2024 LISTED IN POPULATION ORDER | | | | | | |
|--|------------|-----------|-----------|-----------|--------------|-----------|
| JUDGE | CALIFORNIA | TEXAS | FLORIDA | NEW YORK | PENNSYLVANIA | ILLINOIS |
| HIGH COURTS | \$291,094 | \$168,000 | \$258,957 | \$257,500 | \$253,361 | \$284,948 |
| COURT OF APPEALS | \$272,902 | \$154,000 | \$218,939 | \$245,100 | \$239,059 | \$268,190 |
| GENERAL JURISDICTION COURTS | \$238,479 | \$140,000 | \$196,898 | \$232,600 | \$219,933 | \$246,099 |

When comparing Texas judicial salaries to the rest of the country, Texas judges continue to fall behind. Texas judicial salaries rank 49th at the district (general jurisdiction) level, 40th at the intermediate appellate level, and 48th at the highest appellate level which includes the Texas Supreme Court and Court of Criminal Appeals.

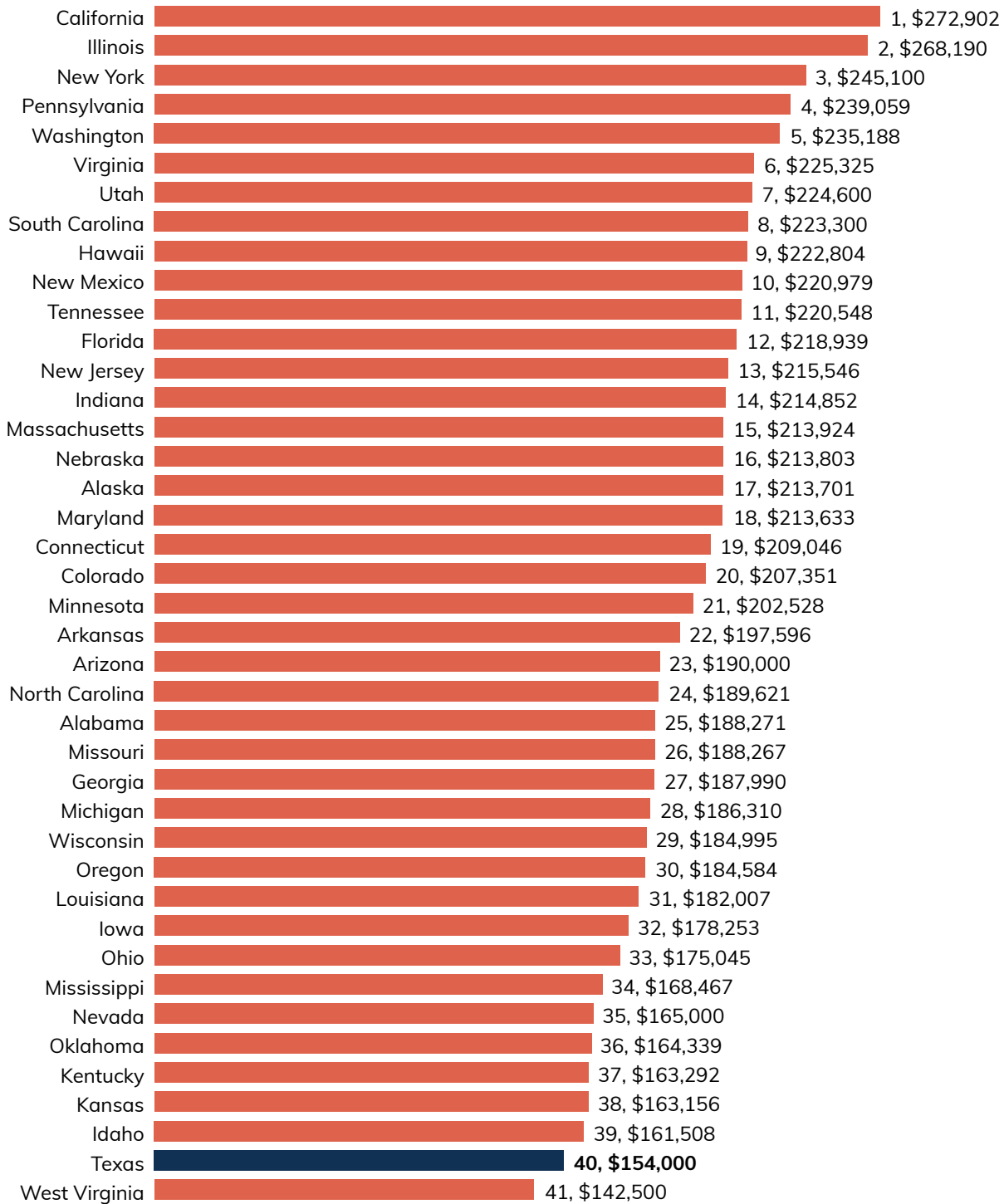


Comal County Courthouse

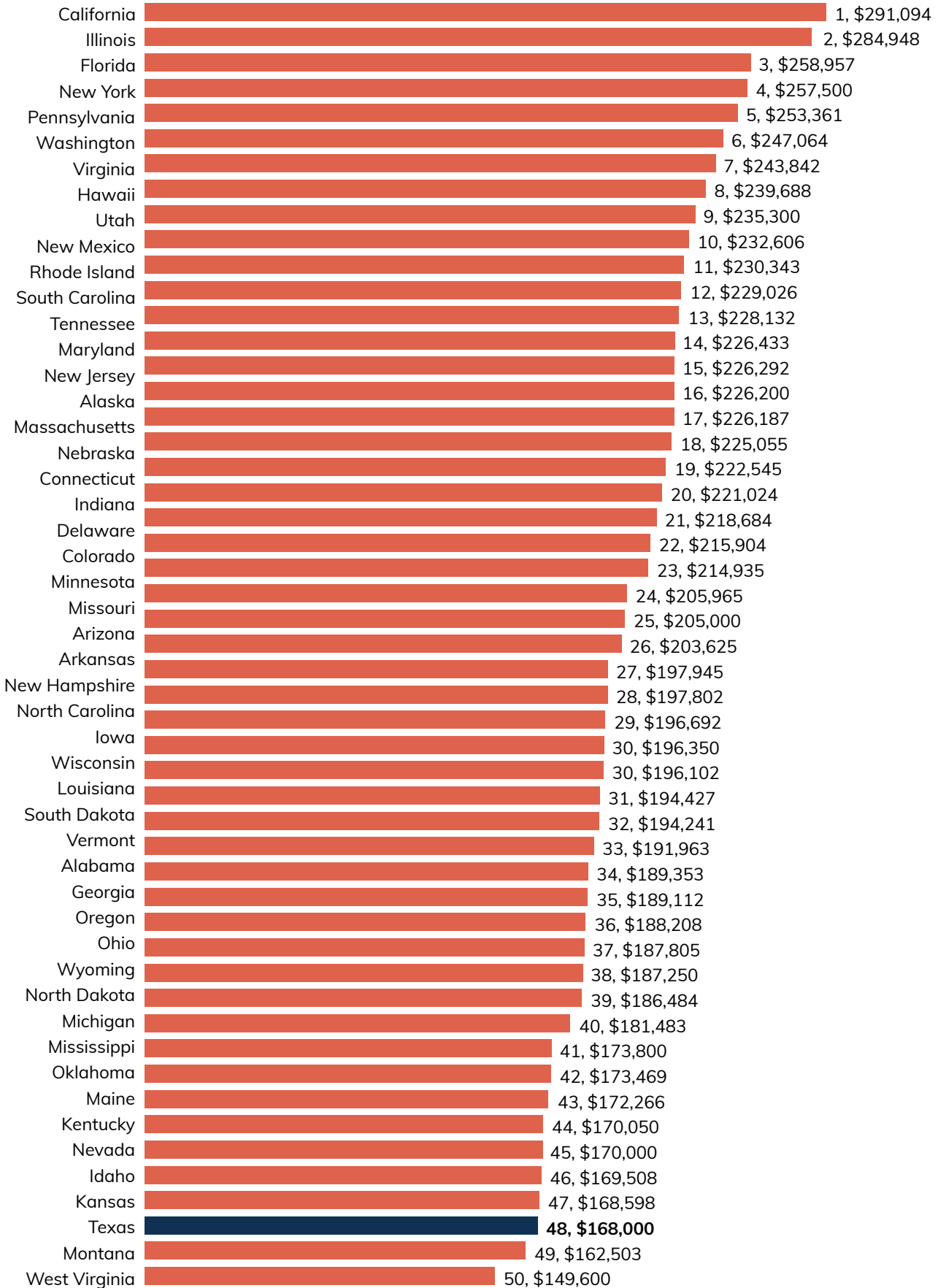
Salary of Judge on General Jurisdiction Court



Salary of Associate Justice on Intermediate Appellate Court



Salary of Associate Justice on Highest Appellate Court



Federal Judges¹² - This year, as with years past, the Commission chose not to tie its recommendation to the salaries of federal judges. No other state does so, and the federal salaries are not normalized; that is, a federal judge in California earns the same salary as a federal judge in Illinois, even though there is a large difference in the cost of living between those two states. The Commission did take notice that federal judge salaries far outpace Texas judges' salaries. For the previously stated reasons, the Commission did not consider the federal judges' salaries in making any recommendation.

Factor 3: Value of Comparable Services Performed in the Private Sector, Including Private Judging, Arbitration and Mediation

The Commission was unable to gather definitive information about the rates of compensation that can be obtained in the private sector by serving as a private judge, arbitrator or mediator. As a result, the Commission did not examine data for this factor.

Factor 4: Compensation of Attorneys in the Private Sector

The Commission reviewed data collected by the Texas Workforce Commission (TWC) for its Texas Wages and Employment Projections. TWC defines experienced workers as the wage earned by the upper two-thirds of all workers in the selected occupation. In 2023 the statewide average for an experienced lawyer's salary was \$222,207 and the average salary statewide for all lawyers was \$177,892.¹³

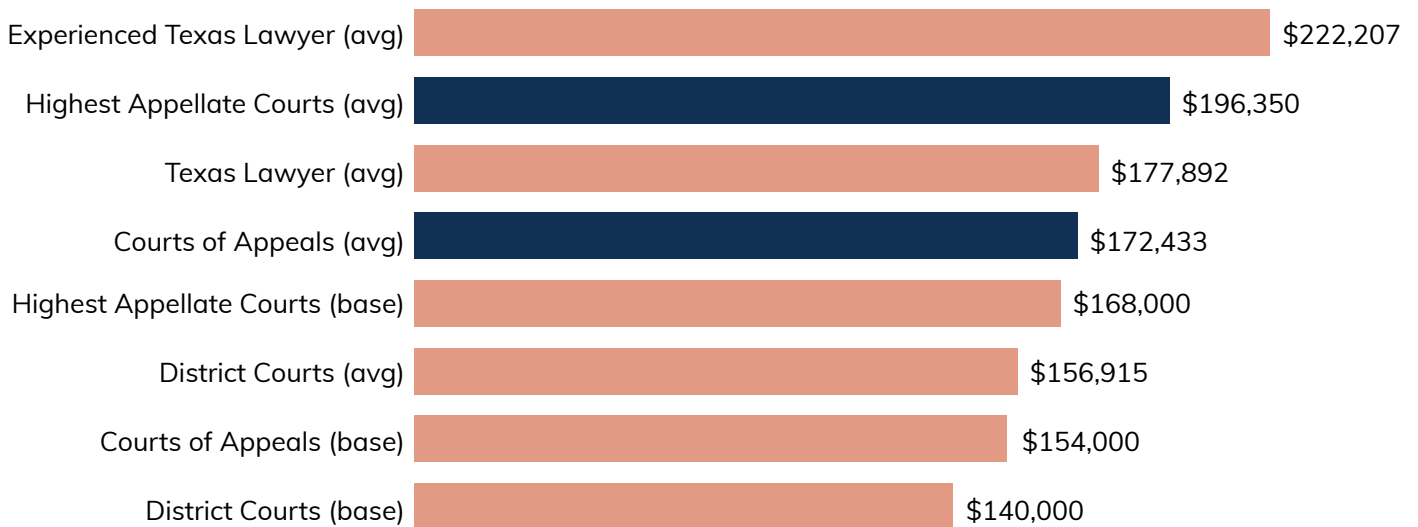
The base pay of a district judge is less than the average salary for lawyers statewide and significantly less than the average salary for an experienced lawyer. Forty percent of Texas' judges have been licensed attorneys for more than 30 years.

The current base district and courts of appeals salaries fall below the average salary of a Texas lawyer in 2023. All other judicial salaries fall below the average salary of an experienced lawyer in the state, defined as the wages earned by the upper 2/3 of all workers in the occupation.

¹² Federal district court judges are currently paid \$243,300, circuit court of appeals justices are paid \$257,900, associate justices on the United States Supreme Court are paid \$298,500 and the Chief Justice of the Supreme Court is paid \$312,200.

¹³ Texas Workforce Commission. Texas Wages and Employment Projections. Average lawyer salary found at <https://texaswages.com/WDAWages/WDASocDetails?soc=23-1011&wgeType=mean>. Average experienced lawyer salary found at <https://texaswages.com/WDAWages/WDASocDetails?soc=23-1011&wgeType=experience>.

Judicial and Texas Lawyer Salaries



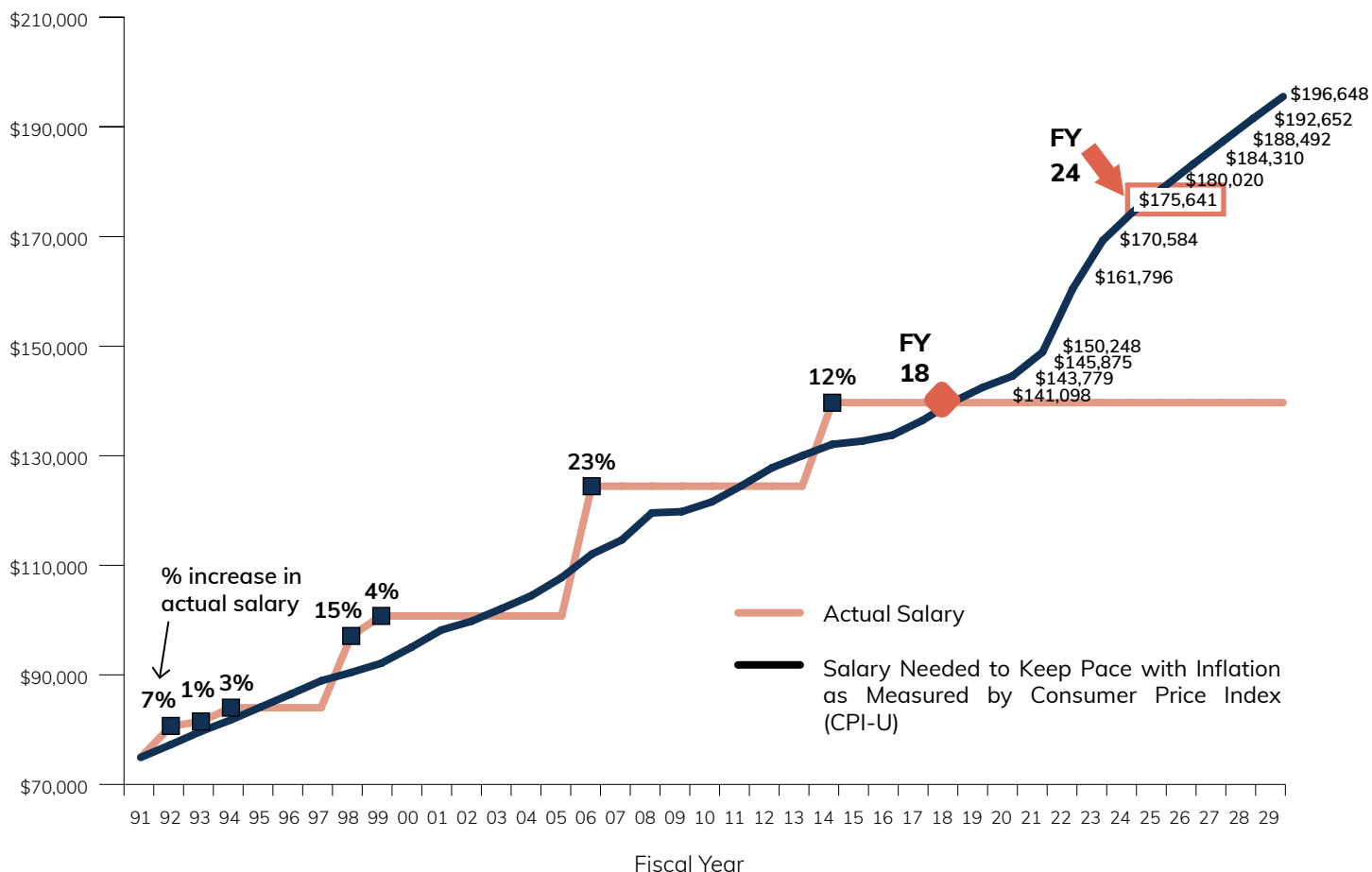
To become a judge, many attorneys may not only have to take a decrease in salary but may also have to relinquish many opportunities for income and investment due to the code of judicial conduct that is unique to the judicial branch of government.

Factor 5: Cost of Living and Changes in the Cost of Living

Reported by the U.S. Bureau of Labor Statistics, the Consumer Price Index for all Urban Workers (CPI-U) is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services, such as transportation, food and medical care.

The following chart illustrates the relationship between judicial salaries and the CPI-U from 1991 to present. From 1998 to 2005, judicial salaries stayed static while inflation (measured by the CPI-U) climbed by 20 percent. This trend continued again between 2005 and 2013, where judicial salaries remained unchanged while inflation increased by another 20 percent. The salary increase effective September 1, 2013, brought the salaries to an amount that is slightly above the rate of inflation after having been outpaced by inflation from December 2005 (when the last salary increase prior to the September 2013 increase was implemented) to September 2013, by 20.5 percent. Because the base salary of a district judge has not been raised since 2013, in FY18, the base state salary of a district judge fell below the compensation levels from 1991 when factoring in inflation. The base salary needed in 2024 to keep up with inflation is \$175,641.

Base State Salary of District Judges



As noted in previous reports, the Commission also finds this chart to be a compelling display of:

- the inconsistent and unpredictable changes made to judicial salaries over the years;
- the eroding power of inflation on judicial salaries; and
- the substantial increases that had to be made to “catch up” salaries with the cost of living due to the inconsistent and infrequent adjustments made to judicial salaries.

The Commission believes the tiered judicial pay structure that was instituted by the 86th Legislature was a tremendous step in the right direction for consistency for judicial salaries. However, it did not address the issue with recruitment as the base salary for state judges entering the bench has not been changed since 2013. Regular, systematic increases in the base salary would make judicial compensation more predictable and would offset the effects of inflation.

Factor 6: Compensation from the State Presently Received by Other Public Officials

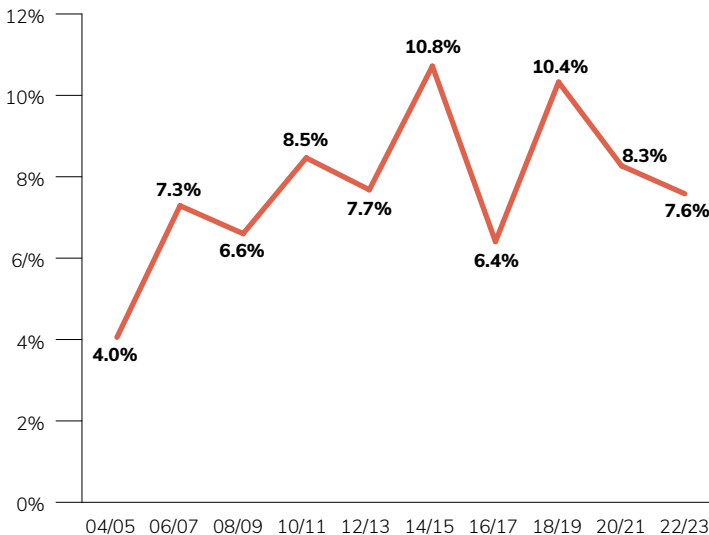
The Commission is required by statute to consider the compensation from the state presently received by other public officials in the state, including state constitutional officeholders; deans, presidents, and chancellors of the public university systems; and city attorneys in major metropolitan areas for which that information is readily available. The Governor of Texas and Attorney General make \$153,750. Chancellor salaries vary across Texas based on university size, location, experience, and education credentials of the chancellor. The average salary of a chancellor in Texas is \$299,200.¹⁴ This does not account for living expenses and other perks often provided that are not available to judges.

Factor 7: Other Factors Traditionally Considered

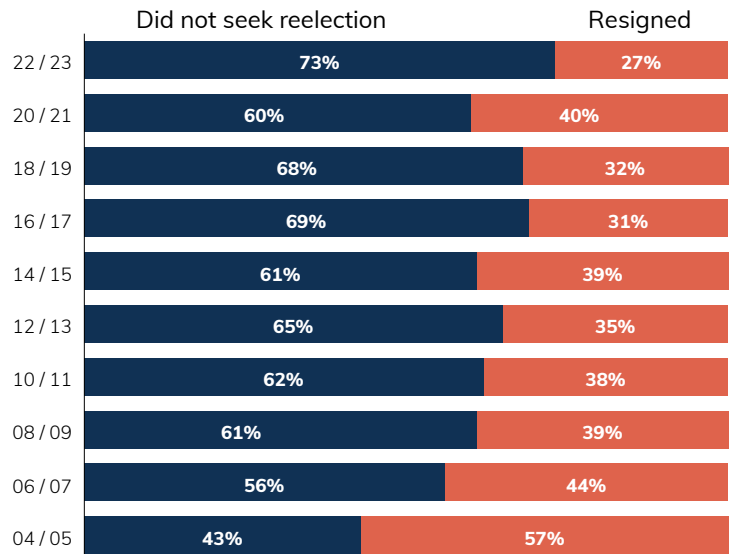
To provide the Legislature with information to facilitate legislation that ensures that the compensation of state judges is adequate and appropriate, the 79th Texas Legislature charged the Office of Court Administration (OCA) with collecting information related to state judicial turnover. Section 72.030 of the Texas Government Code requires OCA to obtain data on the rate at which state judges resign from office or do not seek re-election, as well as the reason for these actions. The results for the latest report are available on OCA’s website.

The judicial turnover rate for the fiscal year 2022-2023 biennium was 14 percent. The percentage of judges voluntarily leaving the judiciary declined slightly from the last biennium. However, the number of judges voluntarily leaving office by not seeking reelection has been generally increasing since 2004-2005.

Voluntary Turnover Rate



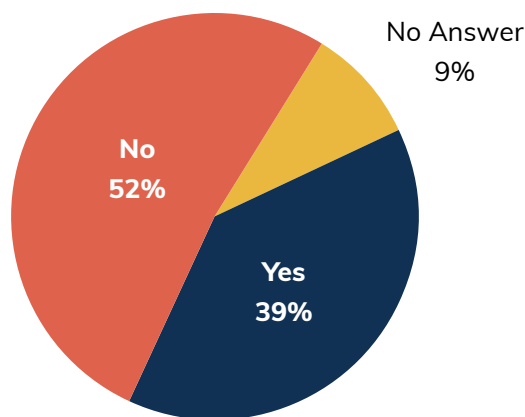
Judges Leaving Voluntarily



¹⁴ Chancellor Salary in Texas, www.salary.com, www.salary.com/research/salary/benchmark/chancellor-salary/tx, October 22, 2024.

Almost 90 percent of judges who left in Fiscal Years 2022 and 2023 indicated that retirement had a significant influence on their decision to leave and 26 percent identified salary as a factor. Although salary ranked 4th relative to other factors, almost 40 percent indicated that an increase in salary would have affected their decision to leave.

Would a change in salary compel you to continue serving as a state judge?



Factor 8: Level of Overall Compensation that is Adequate to Attract the Most Highly Qualified Individuals, from a Diversity of Life and Professional Experiences, to Serve in the Judiciary Without Unreasonable Economic Hardship and with Judicial Independence Unaffected by Financial Concerns

The Commission viewed the analysis required by the first 7 factors to be relevant to the analysis of the last factor. The Commission also recognizes that base compensation has not been increased for judges since 2013 creating potential recruiting problems. Based on those analyses, the Commission concludes that regular adjustments in compensation are necessary and appropriate to seek to attract the most highly qualified individuals, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns. Therefore, the Commission recommends that the base salary be increased by 30 percent with a regular cost-of-living adjustments thereafter.

OTHER

CONSIDERATIONS

Increases in the salaries of district judges result, by statute, in increases in pension benefits for other state officials and employees. The reasons why a judge's salary should or should not be increased, however, are different from the reasons why benefits of other public officials or employees should or should not be increased. This is evident in the fact that the Commission, in making its recommendation about judicial pay, is asked to consider factors that are specific to judges.

When a recommendation to increase judicial pay, however, leads to a significantly larger fiscal note than that required to increase judicial pay alone, the inevitable budget pressures make it, realistically, more difficult to achieve increase in judicial pay. Likewise, the linkage between an increase in a judge's pay and an increase in a legislator's pension benefits can lead to perceptions of a conflict of interest. Therefore, the Commission also recommends delinking legislative retirement from judicial pay.

The Commission recognizes the benefits of the tiered pay structure for appellate, district, and county court at law judges introduced by the 86th Texas Legislature and passed in HB 2384 which enacted a new salary structure for Texas judges that took effect September 1, 2019.¹⁵ To remain competitive for the longevity and retention of an experienced judiciary, the Commission recommends adding a third tier to the current structure. (See chart on page 9 illustrating compensation with the additional third tier.)



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¹⁵ HB 2384

CONCLUSION AND

RECOMMENDATIONS

Based on its evaluation of the factors the Commission is required to consider, the Commission concluded that it is necessary and appropriate to adjust judicial salaries and recommends that salaries be established as shown below for the 2026 -27 biennium:

Recommended Judicial Compensation*

| JUDGE | CURRENT STATE BASE SALARY | RECOMMENDED 30% INCREASE TO CURRENT STATE BASE SALARY | ADDITIONAL COMPENSATION ¹⁶ | TOTAL | ADJUSTED NATIONAL RANKING ¹⁷ |
|--|---------------------------|---|---------------------------------------|-----------|---|
| SUPREME COURT CHIEF JUSTICE/ COURT OF CRIMINAL APPEALS PRESIDING JUDGE | \$170,500 | \$220,900 | N/A | \$220,900 | 21 |
| SUPREME COURT JUSTICE/ COURT OF CRIMINAL APPEALS JUDGE | \$168,000 | \$218,400 | N/A | \$218,400 | 22 |
| COURT OF APPEALS CHIEF JUSTICE | \$156,500 | \$202,700 | UP TO \$13,200 | \$215,900 | 21 |
| COURT OF APPEALS JUSTICE | \$154,000 | \$200,200 | UP TO \$13,200 | \$213,400 | 22 |
| DISTRICT COURT JUDGE | \$140,000 | \$182,000 | UP TO \$26,400 | \$208,400 | 28 |

* Cost of recommended salaries is provided in Appendix A

¹⁶ If the Commission's recommended salary increases are adopted, county supplements could increase. (See Tex. Gov't Code Sec. 659.012.) The current maximum county supplement for courts of appeals justices is \$9,000 and for district court judges it is \$18,000.

¹⁷ Ranking is based on state salary without additional compensation..

APPENDIX A

ESTIMATED COST OF RECOMMENDATION

The following table provides more detailed information regarding potential fiscal impacts related to judicial salaries and budget items that are linked to judicial salaries, such as prosecutors' salaries.¹⁸

Estimated Fiscal Impact of Recommended Salaries

| | 2025 ANNUAL INCREASE | 2027 ANNUAL INCREASE | BIENNIAL INCREASE |
|---|----------------------|----------------------|---------------------|
| STATE JUDGE SALARY INCREASES | \$31,132,091 | \$31,132,091 | \$62,264,182 |
| HIGHEST COURTS | \$1,008,000 | \$1,008,000 | \$2,016,000 |
| COURTS OF APPEALS | \$4,264,470 | \$4,264,470 | \$8,528,940 |
| BUSINESS COURT | \$453,600 | \$453,600 | \$907,200 |
| DISTRICT COURTS | \$23,857,680 | \$23,857,680 | \$47,715,360 |
| MULTI-DISTRICT LITIGATION JUDGE | \$20,940 | \$20,940 | \$41,880 |
| ASSOCIATE JUDGES (90% OF DJ SALARY) | \$1,981,001 | \$1,981,001 | \$3,962,002 |
| DISTRICT ATTORNEYS¹⁹ | \$7,748,160 | \$7,740,160 | \$15,496,320 |
| COUNTY ATTORNEY SUPPLEMENTS | \$1,817,058 | \$1,817,058 | \$3,634,116 |
| STATUTORY COUNTY COURT JUDGE SALARY SUPPLEMENTS²⁰ | \$7,047,600 | \$7,047,600 | \$14,053,200 |
| TOTAL | \$49,468,589 | \$49,468,589 | \$99,844,378 |

*Employees Retirement System does not have current data for Retirement. Data for JRS 1, JRS 2, and ERS Retired Elected Class Members is not included.

¹⁸ See Government Code Sections 25.0015, 41.013, 45.175, 45.280, 46.002, 46.003 and 46.0031.

¹⁹ Includes the salary increase for the State Prosecuting Attorney.

²⁰ Funded by filing fees and court costs under Government Code Section 51.702.

APPENDIX B

COUNTY SUPPLEMENTS PAID TO DISTRICT COURT JUDGES

| NUMBER OF JUDGES | COUNTY SUPPLEMENT | TOTAL SALARY |
|------------------|--------------------|-------------------------|
| 438 | \$18,000+ | \$158,000 ²¹ |
| 16 | \$17,000 TO 17,999 | \$157,000 TO 157,999 |
| 4 | \$16,000 TO 16,999 | \$156,000 TO 156,999 |
| 3 | \$15,000 TO 15,999 | \$155,000 TO 155,999 |
| 9 | \$14,000 TO 14,999 | \$154,000 TO 154,999 |
| 0 | \$13,000 TO 13,999 | \$153,000 TO 153,999 |
| 2 | \$12,000 TO 12,999 | \$152,000 TO 152,999 |
| 4 | \$11,000 TO 11,999 | \$151,000 TO 151,999 |
| 1 | \$10,000 TO 10,999 | \$150,000 TO 150,999 |
| 1 | \$9,000 TO 9,999 | \$149,000 TO 149,999 |
| 5 | \$8,000 TO 8,999 | \$148,000 TO 148,999 |
| 3 | \$7,000 TO 7,999 | \$147,000 TO 147,999 |
| 2 | \$6,000 TO 6,999 | \$146,000 TO 146,999 |
| 2 | \$5,000 TO 5,999 | \$145,000 TO 145,999 |
| 2 | \$4,000 TO 4,999 | \$144,000 TO 144,999 |
| 2 | \$3,000 TO 3,999 | \$143,000 TO 143,999 |
| 1 | \$2,000 TO 2,999 | \$142,000 TO 142,999 |
| 0 | \$1,000 TO \$1,999 | \$141,000 TO 141,999 |
| 0 | \$1 TO 999 | \$140,001 TO 140,999 |
| 4 | \$0 | \$140,000 |

²¹ Any supplement amount over \$18,000 results in the district judge's state salary being reduced so that the total compensation from both state and county sources equals \$18,000.

APPENDIX C

COUNTY SUPPLEMENTS PAID TO INTERMEDIATE APPELLATE COURT JUDGES

| NUMBER OF JUDGES | COUNTY SUPPLEMENT | TOTAL SALARY |
|------------------|-------------------|--------------|
| 77 | \$9,000 | \$163,000 |
| 3 | \$8,001 | \$162,001 |



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