

Judicial Compensation Meeting
Meeting Agenda
Tuesday, November 24, 2020
10:00 A.M. Via Zoom

1. Convene Meeting
 - The Meeting was convened by Chairman George Jepsen at 10:00 A.M.
2. Remarks by the Chair
 - The minutes from the previous meeting, November 12, were approved unanimously.
3. Discussion of Draft Findings
 - I. The Overall Economic Climate in the State & II. The Rate of Inflation (Commissioner Kennedy)
 - The pandemic created damage to retail, hospitality, and restaurant industries.
 - The state finished with a budget surplus in 2020 of almost \$40 million which increased the rainy day fund of almost \$3 billion.
 - Increase in revenue came from New York residents buying homes in Connecticut and there was a very large increase in home improvement.
 - Some economists believe there will be a Biden boom due to vaccines.
 - Lots of uncertainty but there is a significant rainy day fund and vaccines could be promising.
 - III. Levels of Compensation Received by Judges of Other States and the Federal Government (Commissioner Klein)
 - Significant compensation increase from 2019-2020 because of unusually high cost of living adjustment for federal judges.
 - Each federal district judge has life tenure and salary stays the same forever.
 - Compared to other states, Connecticut ranks 20th in the country in raw numbers, but 40th after cost-of-living adjustments.
 - IV. Levels of Compensation Received by Attorneys Employed by Government Agencies, Academic Institutions, and Private and Nonprofit Organizations (Commissioner Frank)
 - Private practice average compensation in larger firms:
 - Associates: \$90,000 - \$165,000/year
 - Junior partners: \$160,000 - \$250,000/year
 - Senior partners: \$250,000 - \$1,000,000/year
 - Compensation is based on 2 factors:
 - Revenue generated by the hours lawyers work
 - Revenue generated by the clients the lawyers originate
 - Firms provide healthcare benefits, and many provide 401ks.

- Salaries in smaller firms vary – some do quite well (well over \$1 million/year) while other barely get by.
- The numbers are lower for criminal lawyers (\$50,000 - \$200,000/year).
- Public attorneys compensation ranges well below private practice.

V. The State's Interest in Attracting Highly Qualified and Experienced Attorneys to Serve in Judicial Capacities (Commissioner Woodard)

- In 2013 there were 220 candidates on the approved list of highly qualified and experienced attorneys.
- Currently, there are 274 candidates on the approved list (increase of 24%).
- Private sector vs. public sector candidates that have actually been appointed to the bench shows a concerning trend.
- Trend of actually appointed private sector attorneys:
 - From 1990 to 2012: Judicial appointments from private sector shows downward trend (from 77% to 60%)
 - From 2012 to 2018: 41% of attorneys appointed to the bench were from the private sector (significant drop).
- Highly qualified and highly experienced attorneys are not seeking positions on the state bench because of compensation.

VI. Compensation Adjustments Applicable to Employees of the State During Applicable Fiscal Years (Commissioner Jarem)

- Almost all of the union contracts expire on June 30, 2021. As a result, general wage increases that were put into place this past July were the last ones under most comparable agreements (with the exceptions of the state police and judicial information technology and legal services).
- OFA's Fiscal Accountability Report estimates an assumed 2.5% increase per year beginning in 2022 for personal services and wage-related costs
- Wages itself are estimated at 1% overall given the lack of anticipated wage increases based on currently negotiated contracts.
- In 2012, the Judicial Compensation Committee recommended a 5.3% increase over the next four years
 - Legislature approved less (full amount in FYs 14 and 15 and 3 % in FY 16)
- While the prior commission was recommending increases to try to bring the Judiciary back up to comparable levels with their public sector counterparts, those raise for other members of the unions have outpaced the increases that have been provided to judges over the past eight years.

VII. The State's Ability to Fund Increases in Compensation

- Commissioner Monte Frank:
 - Fully support the Chief Justice's recommendations.
 - Trouble that the legislature didn't follow through with the commission's recommendations in 2012.

- Reduction of private practice attorneys applying to the bench is a problem (a wide breadth of experience is needed).
- Concern is junior partners in private practice may not leave private practice for the bench because of financial reasons.
- Commissioner William Dow:
 - Fully endorse the Chief Justice's recommendations.
 - The job will become a lot harder because of COVID-19 so there needs to be highly qualified and experienced attorneys applying to the bench.
- Commissioner Ross Hollander:
 - Agree with Chief Justice's recommendations.
- Commissioner Russell Jarem:
 - Connecticut judiciary is woefully under compensated compared to its peers and given the importance of work they do, agree with the Chief Justice's recommendations.
- Commissioner Tony Marone:
 - Support the Chief Justice's recommendations.
- Commissioner Michael Pollard:
 - Chief Justice has the framework of a very strong business case in justifying the compensation.
 - COVID-19 can be a big factor because projections look dire.
 - Numbers don't necessarily incorporate a worst case scenario which is possible.
 - Leaning strongly in support, but there are some other factors to think through more carefully.
- Commissioner Leander Dolphin:
 - Fully support the Chief Justice's recommendations.
 - Uncomfortable with Connecticut being so far behind in compensation rate.
- Commissioner John Kennedy:
 - Fully support the Chief Justice's recommendations.
- Commissioner Gary Klein:
 - Support the Chief Justice's recommendations.
 - Don't think the working conditions are nearly as good as the president of the Judge's Association said – not only are judges underpaid, they don't have working conditions that are befitting of the importance of their role in our society.
- Commissioner Lincoln Woodard:
 - Fully support the Chief Justice's recommendations.
 - Connecticut is ranked in the 40s with the cost-of-living adjustment compared to other state judges and it will still be in the low 30s even if these raises were granted.
- Chairman George Jepsen:
 - The Chief Justice did a good job in providing thoughtful recommendations that didn't overreach.
 - Modest increase that only incrementally moves into the mainstream when adjusted for inflation on a national basis.

- Commissioner Jennifer Amara:
 - The Chief Justice's proposal was very modest (maybe too modest) but support it.
- 4. Discussion on recommendations and drafting of final report
 - A draft report will be circulated ahead of the next meeting.
- 5. Adjournment
 - Chairman Jepsen adjourned the meeting at 11:15 A.M.