

# JUDICIAL COMPENSATION COMMISSION



DEPARTMENT OF LEGISLATIVE SERVICES 2012

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# **Judicial Compensation Commission**

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**Department of Legislative Services  
Office of Policy Analysis  
Annapolis, Maryland**

**January 2012**

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**Karl S. Aro**  
Executive Director

**DEPARTMENT OF LEGISLATIVE SERVICES**  
**OFFICE OF POLICY ANALYSIS**  
**MARYLAND GENERAL ASSEMBLY**

**Warren G. Deschenaux**  
Director

January 2012

The Honorable Martin O'Malley  
Governor of Maryland

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate

The Honorable Michael E. Busch  
Speaker of the House of Delegates

Gentlemen:

Herewith, the Judicial Compensation Commission transmits to you the commission's 2011 review of judicial compensation in Maryland. In accordance with § 1-708 of the Courts and Judicial Proceedings Article, joint resolutions setting forth the commission's fiscal 2013-2016 salary recommendations will be introduced in both houses of the General Assembly for their consideration in January 2012.

As you are aware, judicial salaries have remained stagnant since 2008. The commission's recommendations for salary increases were rejected by the General Assembly during the 2008 and 2009 sessions. During this time, national and regional salary rankings for Maryland's associate judges have slipped at every level of court. This has made the State's judicial compensation structure less competitive than when the commission's recommendations were first rejected in 2008, underscoring the need to address judicial compensation in Maryland.

While we believe our previous recommendations remain sound, the commission is acutely aware of the economic crisis before the State. Therefore, we recommend that judicial salaries not be increased during fiscal 2013. Instead, the commission is recommending a three-year phased-in increase for fiscal 2014 through 2016 only, as illustrated in the following table. Pursuant to statute, judges will not receive any general salary increases proposed by the Governor for State employees in any fiscal year in which a judge's salary is increased in accordance with this resolution.

	<u>Current Salary</u>	<u>Proposed 7/1/2012</u>	<u>Proposed 7/1/2013</u>	<u>Proposed 7/1/2014</u>	<u>Proposed 7/1/2015</u>	<u>Phase-in</u>
<b>Court of Appeals</b>						
Chief Judge	\$181,352	\$181,352	\$190,463	\$200,121	\$210,358	\$29,006
Judge	162,352	\$162,352	171,463	181,121	191,358	29,006
<b>Court of Special Appeals</b>						
Chief Judge	152,552	\$152,552	161,663	171,321	181,558	29,006
Judge	149,552	\$149,552	158,663	168,321	178,558	29,006
<b>Circuit Court</b>	140,352	\$140,352	149,463	159,121	169,358	29,006
<b>District Court</b>						
Chief Judge	149,552	\$149,552	158,663	168,321	178,558	29,006
Judge	127,252	\$127,252	136,363	146,021	156,258	29,006

In addition to proposing salary recommendations, the Budget Reconciliation and Financing Act of 2011 also tasked the commission with reviewing judicial pensions and including recommendations in our report. Taking into account both the sustainability of the pension systems as well as last year's increase in contributions for State employees, the commission believes that the contribution rate for newly appointed judges should be increased from 6 to 8% effective July 1, 2012.

On behalf of each commission member, I thank you for the privilege of serving you and the State of Maryland.

Sincerely,

Elizabeth J. Buck  
Chairman

EJB/FMA/ckt

cc: Judge Robert M. Bell  
Secretary T. Eloise Foster  
Mr. Karl S. Aro  
Mr. Warren G. Deschenaux

# **Maryland Judicial Compensation Commission 2011 Membership Roster**

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**Elizabeth J. Buck**  
**Chair**

## **Members**

Thomas Barbera

Ray Langston

Annette Jones Funn

John Paterakis

Edward J. Gilliss

Alice G. Pinderhughes

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## Executive Summary

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The Judicial Compensation Commission transmitted its proposal to the Governor on January 16, 2012. (See **Appendix 1.**)

### Salary Proposals

The commission has examined salaries paid to Maryland officials, federal judges, and judges in all other states and received information or presentations from the Department of Legislative Services and the Judiciary. Based on a review of this information, the Judicial Compensation Commission proposes a \$29,006 increase for all judges to be phased in over a four-year period. The commission recommends that salaries remain at current levels in fiscal 2013, with salary increases to begin in fiscal 2014.

The commission voted to recommend the following salaries effective for each of the next four fiscal years:

<b>Current Salary/Fiscal 2013 Salary Effective July 1, 2012</b>	
Court of Appeals	
Chief Judge	\$181,352
Judge	162,352
Court of Special Appeals	
Chief Judge	152,552
Associate Judge	149,552
Circuit Court Judge	140,352
District Court	
Chief Judge	149,552
Associate Judge	127,252

### **Fiscal 2014 Salary Effective July 1, 2013**

Court of Appeals	
Chief Judge	\$190,463
Judge	171,463
Court of Spec. Appeals	
Chief Judge	161,663
Associate Judge	158,663
Circuit Court Judge	149,463
District Court	
Chief Judge	158,663
Associate Judge	136,363

### **Fiscal 2015 Salary Effective July 1, 2014**

Court of Appeals	
Chief Judge	\$200,121
Judge	181,121
Court of Spec. Appeals	
Chief Judge	171,321
Associate Judge	168,321
Circuit Court Judge	159,121
District Court	
Chief Judge	168,321
Associate Judge	146,021

### **Fiscal 2016 Salary Effective July 1, 2015**

Court of Appeals	
Chief Judge	\$210,358
Judge	\$191,358
Court of Spec. Appeals	
Chief Judge	\$181,558
Associate Judge	\$178,558
Circuit Court Judge	\$169,358
District Court	
Chief Judge	\$178,558
Associate Judge	\$156,258

## **Legislative Action**

By statute, the commission's salary recommendations to the General Assembly for the 2012 session must be introduced as a joint resolution in each house of the General Assembly by the fifteenth day of the session.

Section 1-708(d) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland provides that the General Assembly may not amend the resolution to increase the recommended salaries. Should the General Assembly not adopt or amend the joint resolution to reduce the proposal within 50 days after its introduction, the salaries recommended by the commission become effective for fiscal 2013 on July 1, 2012, and on July 1 each subsequent year through July 1, 2015. If the General Assembly rejects any or all of the commission's salary recommendations, the salaries of the judges remain unchanged, unless, pursuant to the Courts and Judicial Proceedings Article, § 1-703(b), the judges' salaries are increased by the same percentage awarded to State employees.

## **Benefits**

The commission was also provided information about the Maryland Judge's Retirement System as well as an overview of the status of other pension plans. The commission recommends that the pension contribution rate be increased from 6% to 8% for judges appointed on or after July 1, 2012.

# Chapter 1. Introduction

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In 1980 the General Assembly created the Judicial Compensation Commission by adding § 1-708 to the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

## Statutory Provisions and Reporting Requirements

The commission includes seven members, all appointed to six-year terms by the Governor and nominated as follows: two by the President of the Senate, two by the Speaker of the House of Delegates, one by the Maryland State Bar Association, and two at large. The commission elects a chairman from among its membership. Appointees serve a six-year term and are eligible for reappointment. Members of the General Assembly, State and local employees or officers, and judges or former judges are not eligible for appointment to the commission.

When established, the commission was required to review judicial salaries and pensions every two years and make recommendations every four years; however, the commission could review and make recommendations more often. In recent years, the meeting schedule and reporting requirements have changed numerous times, which will be discussed in further detail later in this chapter. Current statutory provisions require that on or after September 1, 2011, September 1, 2013, and every four years thereafter, the commission must review salaries and pensions and make written recommendations to the Governor and General Assembly on or before the next ensuing regular session of the General Assembly.

Section 1-708, which appears in **Appendix 1**, also provides the following:

- A joint resolution incorporating the commission's salary recommendations must be introduced in each house of the General Assembly by the fifteenth day of the session following the commission's proposals.
- The General Assembly may amend the joint resolution to decrease, but not increase, any of the commission salary recommendations. The General Assembly may not reduce the salary of a judge below current levels. Failure to adopt or amend the joint resolution within 50 calendar days after its introduction results in adoption of the salaries recommended by the commission. If the General Assembly rejects any of the commission's recommendations, the salaries of the judges remain unchanged, unless modified under other provisions of law.

- Commission pension recommendations shall be introduced as legislation by the presiding officers of the Senate and the House of Delegates. These recommendations shall become effective only if passed by both houses.

Judicial salaries are also adjusted in accordance with §§ 1-702 and 1-703 of the Courts and Judicial Proceedings Article. Pursuant to the Budget Reconciliation and Financing Act (BRFA) of 2005, § 1-703 provides that general State employee salary increases apply to judges only in years in which judges' salaries are not increased in accordance with a resolution from the commission's recommendations. Section 1-702 provides that the Chief Judge of the District Court receive a salary equivalent to the salary paid to an Associate Judge of the Court of Special Appeals.

### Activities to Date

Since it began its deliberations in late-1980, the commission has made numerous salary proposals, the first of which applied to fiscal 1983. **Exhibit 1.1** summarizes the commission's previous salary proposals and subsequent General Assembly action from fiscal 1983 through 2009.

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#### Exhibit 1.1 Salary Proposals

<u>Fiscal Year</u>	<u>Judicial Compensation Commission Proposal</u>	<u>Assembly Action</u>	<u>General Employee Increase</u>
2011	Four-year phase-in of \$39,858	Reject	None <sup>(12)</sup>
2010	Four-year phase-in of \$39,858	None	None <sup>(12)</sup>
2006 - 2009 <sup>(1)</sup>	Four-year phase-in of \$15,000-\$30,000	None <sup>(1)</sup>	Not Applicable <sup>(2)</sup>
2005	Four-year phase-in of \$15,000-\$30,000	Reject	\$752
2004	None	None	None
2003	5% increase	Reject	None
2002	None	None	4% <sup>(3)</sup>

2001	\$10,000	Reject	4% <sup>(4)</sup>
2000	None	None	\$1,275 <sup>(5)</sup>
1999	\$11,275	None <sup>(6)</sup>	\$1,275 <sup>(5)</sup>
1998	\$9,000	Reject	None
1997	2.9%, 9.5-10%	2.9-3.0% <sup>(7)</sup>	None
1996	None	None	2%
1995	3-8.1%	Reject	3%
1994	None	None	None <sup>(8)</sup>
1993	None	None	None <sup>(9)</sup>
1992	None	None	None <sup>(9)</sup> <sup>(10)</sup>
1991	4%	4-25% <sup>(11)</sup>	4%
1990	None	None	4%
1989	10.5-14.3%	10.5-14.3%	4%
1988	13.0-22.7%	6.4-11.8%	2.50%
1987	None	None	3.50%
1986	6.3-8.9%	Reject	4%
1985	11.2-13.9%	9%	6%
1984	None	None	None
1983	10.5-12.1%	10.5-12.1%	9%

## Notes:

(1) The Judicial Compensation Commission's recommended increases took effect because the General Assembly failed to act on the resolution within the required 50-day time frame. The commission indicated in its report that it would not make recommendations again until fiscal 2010 if the proposed four-year salary increases took effect.

(2) Pursuant to legislation enacted in 2005, general employee salary increases do not apply to judges in years in which salaries are increased in accordance with a resolution from the commission's recommendations.

(3) For fiscal 2002, the General Assembly approved a 4% cost-of-living (COLA) effective January 1, 2002. By statute, members of the Judiciary received the same percentage COLA.

(4) The General Assembly approved a 4% COLA effective November 15, 2000.

(5) For fiscal 1999 and 2000, the General Assembly approved a COLA in the dollar amount of \$1,275 for all State employees. By statute, members of the Judiciary received the same percentage COLA.

(6) The Judicial Compensation Commission's recommended increase took effect because the General Assembly failed to act on the resolution within the required 50 day time frame.

(7) For fiscal 1997, the General Assembly approved the 2.9% increase recommended for the Chief Judge of the Court of Appeals. All others were amended to a 3.0% increase. All salary adjustments were delayed until October 1, 1996.

(8) In fiscal 1994, executive and judicial employees (except judges) received in-grade increments but no general salary increase. Legislative branch employees received a uniform 3% increase but no increments.

(9) Employees in all three branches of government did not receive in-grade increments in fiscal 1992 and 1993.

(10) All employees of the executive, legislative, and judicial branches, except judges and elected officials, were required to take one to five days leave without pay in fiscal 1992.

(11) The Chief Judge of the Court of Appeals received a 25% salary increase.

(12) From January 2009 through June 2011, all State employees except judges were subject to furloughs. During that time, employees did not receive increments or step increases. Additionally, the Budget Reconciliation and Financing Act of 2011 prohibits merit increase for all State employees until April 1, 2014. A cost-of-living adjustment is expected for State employees on January 1, 2013 and January 1, 2014.

Source: Department of Legislative Services.

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The commission made no formal recommendations other than to endorse the general salary increase for fiscal 1984, 1987, 1990, 1992, 1993, 1994, 1996, 2000, 2002, and 2004. The commission made formal recommendations in 1983, 1985, 1988, 1989, and 1991, which were adopted by the General Assembly. The commission made formal recommendations in 1986, 1995, 1998, 2001, and 2003, which were rejected.

The commission recommended salary increases for 1997 ranging from 9.5 to 10%, with the exception of the Chief Judge of the Court of Appeals, for whom a 2.9% increase was recommended. The General Assembly amended the proposal to a 3.0% increase, with the Chief Judge maintaining a 2.9% increase, and delayed implementation by three months.

The commission recommended an \$11,275 salary increase for fiscal 1999 for all members of the Judiciary. This recommendation was adopted, effective July 1, 1998, when the General Assembly failed to act on the resolution within the required 50 days.

The commission's recommendations for fiscal 2001 and 2003 were rejected. The commission's recommended salary increase of \$10,000 for fiscal 2001 for all members of the Judiciary was rejected. The commission recommendation for a 5% increase for all judges in fiscal 2003 effective January 1, 2003, was rejected. The commission's recommendation during the 2004 legislative session, a four-year phased-in salary increase for fiscal 2005-2008, was also rejected.

During the 2005 legislative session, the commission resubmitted the salary recommendations that were not adopted during the 2004 session. The *Supplement to the 2004 Report of the Judicial Compensation Commission* advised that, if the salaries were increased as proposed, the commission did not intend to make another salary recommendation until 2010.

When the General Assembly failed to act on the legislation within the required time period, the proposal was implemented by operation of law, rendering the salary structure

effective as shown in **Exhibit 1.2**. This represents the last salary proposal of the commission that was implemented.

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**Exhibit 1.2**  
**Judicial Compensation Commission**  
**Implemented Salary Proposal**

<u>Judges Salary Proposal</u>	<u>Prior Salary</u>	<u>Effective 7-1-2005</u>	<u>Effective 7-1-2006</u>	<u>Effective 7-1-2007</u>	<u>Effective 7-1-2008</u>	<u>Phase-in</u>
<b>Court of Appeals</b>						
Chief Judge	\$151,352	\$155,852	\$163,352	\$172,352	\$181,352	\$30,000
Associate Judge	132,352	136,852	144,352	153,352	162,352	30,000
<b>Court of Special Appeals</b>						
Chief Judge	\$127,552	\$131,302	\$137,552	\$145,052	\$152,552	\$25,000
Associate Judge	124,552	128,302	134,552	142,052	149,552	25,000
<b>Circuit Court</b>	\$120,352	\$123,352	\$128,352	\$134,352	\$140,352	\$20,000
<b>District Court</b>						
Chief Judge	\$124,552	\$128,302	\$134,552	\$142,052	\$149,552	\$25,000
Associate Judge	112,252	114,502	118,502	122,752	127,252	15,000

Source: Department of Legislative Services.

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Chapter 444 of 2005 (the BRFA of 2005) also limited the frequency of review of judicial compensation and recommendations by the commission by establishing a schedule of once every four years, instead of the prior requirements that the commission review judicial compensation every two years and make recommendations at least every four years.

The commission met in 2008 and made recommendations for a four-year phased-in salary plan for fiscal 2010-2013 that was introduced by Senate Joint Resolution 4/House Joint Resolution 2 of the 2009 session; however, no further action was taken on the joint resolutions. Instead, Chapter 2 of 2009, an emergency measure, established, for the 2009 session only, that the failure of the General Assembly to act on a joint resolution by the fiftieth day of session would not allow the recommended salary increases to become effective.

In recognition of the failure to take salary action for the Judiciary, the time period for the commission's meeting schedule was altered to allow another meeting in the fall of 2009. This action aligned the schedule of the commission with the meeting schedules of the Governor's and General Assembly's compensation commissions. Although the commission did not hold a formal meeting in 2009, the members participated in a telephone poll and voted to resubmit the same salary recommendations that were submitted in the prior session, as shown in **Exhibit 1.3**.



**Exhibit 1.3**  
**Judicial Compensation Commission**  
**Salary Proposal for the 2010 Session**

<u>Position</u>	<u>Current Salary</u>	<u>Beginning 7/1/2009</u>	<u>Beginning 7/1/2010</u>	<u>Beginning 7/1/2011</u>	<u>Beginning 7/1/2012</u>	<u>Percent Change</u>
<b>Court of Appeals</b>						
Chief Judge	\$181,352	\$190,463	\$200,121	\$210,358	\$221,210	+ 22%
Associate Judge	\$162,352	\$171,463	\$181,121	\$191,358	\$202,210	+ 25%
<b>Court of Special Appeals</b>						
Chief Judge	\$152,552	\$161,663	\$171,321	\$181,558	\$192,410	+ 26%
Associate Judge	\$149,552	\$158,663	\$168,321	\$178,558	\$189,410	+ 27%
<b>Circuit Court</b>	\$140,352	\$149,463	\$159,121	\$169,358	\$180,210	+ 28%
<b>District Court</b>						
Chief Judge	\$149,552	\$158,663	\$168,321	\$178,558	\$189,410	+ 27%
Associate Judge	\$127,252	\$136,363	\$146,021	\$156,258	\$167,110	+ 31%

Source: Department of Legislative Services.

The recommendations were again rejected by the General Assembly during the 2010 session. However, Chapter 484 of 2010 (the BRFA of 2010) altered the meeting schedule of the commission again to allow for a review of salaries in 2011 and 2013, then every four years thereafter.

## **Chapter 2. Compensation Principles and Data**

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Over the last 28 years, certain compensation principles have guided the commission's judicial salary recommendations. This chapter discusses the compensation principles and summarizes salary data reviewed by the commission.

### **Compensation Principles**

The commission considered many compensation principles and variables when developing its recommendations for the next four fiscal years. The commission members identified these themes through independent research and from the testimony of jurists who appeared before the commission. Among the topics discussed were:

- salary levels compared to other states' judges, federal judges, and other Maryland officials;
- economic and fiscal conditions;
- the ability to attract and retain qualified individuals from diverse backgrounds; and
- workplace conditions.

The commission regarded these factors as applicable and relevant in recommending judicial salaries. It also recognized that all of the issues would need to be collectively considered. For example, achieving parity with the private sector would place Maryland's judicial salaries higher than other states' judges, federal judges, or many cabinet secretaries. Conversely, relying only on salary levels in other states could result in a recommendation too low to attract qualified individuals.

Other principles were difficult to quantify. Cultural, racial, and professional diversity were issues of concern. The need to obtain diversity of jurists, enlist experienced applicants, and attract individuals with a broad range of public and private sector experience were also emphasized. Moreover, it is challenging to recruit skilled individuals to try the most complex cases when the current salary structure equally compensates all judges within each level of court.

### **Comparability**

Comparability relates to salaries paid to Maryland judges as compared to judges in other states and federal judges and compared to other important elected and appointed officials in

Maryland State government and the University of Maryland System. Below are some of the categories the commission considered worthy of comparison when considering the salaries of Maryland judges.

## **Judges in Other States**

The National Center for State Courts routinely surveys all states to compare salaries at each judicial level. Combined with a recent Judiciary Administrative Office of the Courts (AOC) salary survey, the commission used this data to determine the salary rankings of Maryland judges compared to judges at similar levels in other states. The judicial structure of each state is unique, which results in differences in how judges are appointed, elected, and re-elected, the jurisdictions of the court on which they serve, and the method of compensation. These national and regional rankings are shown in **Appendix 2** of this report. The data indicates that 48 states and the District of Columbia have provided salary increases to judges since January 2005 when the commission last met. However in some cases, direct comparisons could not be made from state to state. Few states have the equivalent of Maryland's Chief Judge of the District Court, for instance, so no comparison could be made under this category. However, that position is funded by Maryland statute at the same level as an associate judge on the Court of Special Appeals.

## **Federal Judges**

Comparisons between the salaries of Maryland judges and federal judges were seriously deliberated due to the State's proximity to Washington, DC. Commission members in prior years heard testimony indicating that Maryland judges have left the bench to accept positions in federal courts. Though the two jobs differ slightly, the high compensation, regular salary increases, and lifetime tenure make a federal judicial appointment very attractive. A listing of federal judges' salaries appears in **Appendix 3**.

## **Salaries of Maryland Officials**

The commission reviewed the salaries of various Maryland officials, including cabinet secretaries, university presidents, and constitutional officers. In fiscal 2012, the salaries for incumbent cabinet secretaries range from \$104,092 to \$195,000, and the salaries of public higher education institution presidents range from \$233,000 to \$710,000. More information regarding salaries for Maryland officials can be found in **Appendix 4**.

Salaries for the Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, and Secretary of State are established every four years by the Governor's Salary Commission. As required by the Maryland Constitution, the commission develops salary

recommendations and submits them to the General Assembly for approval. Although the commission last recommended increases in 2010 for the 2011-2014 term, the proposal was rejected by the General Assembly. The salaries of constitutional officers as shown in **Appendix 4** have remained the same since calendar 2006.

The General Assembly Compensation Commission submits salary recommendations for the members of the General Assembly. The commission met in 2009 and recommended that salaries remain at current levels for calendar 2011 and 2012. The commission also recommended that if the State's annual unemployment rate is 5% or lower for calendar 2012, the salary for members and the presiding officers of the General Assembly would increase by \$2,000 on January 1, 2013, and remain at that level for calendar 2014. If the State unemployment rate for calendar 2012 is greater than 5%, but is 5% or lower for calendar 2013, the salary for members and officers of the General Assembly would increase by \$2,000 for calendar 2014 only. This recommendation was rejected, which left salaries at their current level as shown in **Appendix 7**. These salaries have also remained the same since calendar 2006.

## **Judicial Pensions**

Comparisons between the pension systems for Maryland judges and those for judges in other states and federal judges were reviewed and considered by the Judicial Compensation Commission. Maryland's State Employee Pension Systems underwent significant changes at the 2011 legislative session, and the commission was charged by the General Assembly with making specific recommendations concerning appropriate benefit and member contribution levels for the Maryland Judge's Retirement System. The number of members of the Maryland Judge's Retirement System is only a fraction of the membership of the various State Employee Pension Systems; however, the members of the Maryland Judge's Retirement System receive a considerable retirement salary benefit.

### **Pensions of Maryland Judges**

Maryland judges contribute 6% of their annual salary for the first 16 years of service toward a full retirement benefit of 2/3 of the salary of an active judge in a comparable position to the retired member. The benefit accrues at a fraction of this rate for each year of service prior to 16 years. No contribution is required after 16 years of service. Maryland judges may retire at the age of 60 and are required to retire at the age of 70. In addition to the annual retirement salary benefit, Maryland judges are also entitled to survivor benefits, disability benefits, and retiree health benefits.

### **Pensions of Judges in Other States**

The National Center for State Courts conducted a State Survey of Retirement Programs for Intermediate Appellate Court and General Jurisdiction Trial Court Judges as of May 2010,

shown in **Appendix 8**. Utilizing the information gathered in this survey, the commission considered how Maryland's system compares with those of other states. Maryland's contribution rate of 6% is slightly below the normative contribution rate, which is 7-9%. Maryland's retirement benefit after 16 years of service (66.7%), which constitutes Maryland's maximum benefit, is within the average range when compared to the benefits of the other states after 16 years of service.

After 10 years of service, which is the approximate average level of service of Maryland judges, Maryland's retirement benefit (41.7%) is also about average when compared to the benefits received in other states. Other states have a higher maximum benefit than Maryland's (66.7%), and for this reason, the commission considered that generally, Maryland judges have a slightly more rapidly accruing retirement benefit that maxes out sooner than the benefits in some other states.

Further, 34 states provided the vesting requirements for their judicial retirement benefits. Of these, 7 states, including Maryland, have no vesting requirement with members immediately vested in their retirement benefit. There are 14 states that require 1-5 years of service before vesting. Another 12 states require 6-10 years of service before vesting, and one state requires 11 years of service prior to vesting.

In addition to the retirement salary benefit, the commission reviewed other characteristics of state judicial pension systems. For example, of the 37 states that provided information for the survey, 27, including Maryland, have members participate in Social Security.

The commission also considered the impact that reemployment of judges by state employers after retirement from the bench had on the retirement benefits received in Maryland and surrounding states. In Maryland, retired judges may be reemployed by the State, a county, or municipality with no reduction of benefits provided that proper notice of intent and compensation is given to the Board of Trustees. In Delaware, retired judges may be employed by the state in a temporary, casual, seasonal, or substitute position without any earnings limitations or without affecting their current pension benefits. In the District of Columbia, retired judges may receive compensation for work as senior judges; however, the work as a senior judge does not count toward the calculation of their benefit and their compensation as senior judge in addition to their retirement benefit may not exceed the annual salary of an active judge.

In Ohio, retired judges do not have reemployment restrictions so long as they comply with notice requirements. Pennsylvania suspends benefits for retired judges that return to full-time service with certain exceptions. Virginia suspends benefits for retired judges returning to service with exceptions for temporary, part-time hourly, or adjunct faculty positions. West Virginia has no restriction on reemployment; however a reemployed retired judge receiving benefits may not participate in any other plan or receive years of service credit during their reemployment.

Finally, the commission reviewed changes made to judicial pension plans in other states in 2011. Alabama, Arizona, Colorado, New Jersey, and North Dakota each increased the contribution requirement to varying degrees. Several other states considered changes to their plans and may enact changes in 2012.

## **Federal Judicial Pension Benefits**

Federal judges appointed to a life term have a retirement benefit in the form of an annuity equal to their salary at the time of retirement. There is no required contribution for this benefit. They may retire based upon a formula that combines age with years of service, and when the combination equals 80, they qualify for a full retirement benefit. Beginning at the age of 65 with 15 years of service federal judges may retire with mandatory retirement at the age of 70. Federal judges do have a required contribution for survivor benefits.

## **The Economy**

The commission is once again considering judicial salaries during challenging economic times. The national and State economic situation has continued to deteriorate since the commission last submitted recommendations. The Department of Legislative Services briefed the commission on recent developments in the economic and financial climate that have directly affected revenues for the general fund balance, such as declines in existing home sales and employment income, as shown in **Appendix 9**. The expectation for revenues in fiscal 2013 was cited at \$1.0 billion less than required to support the budget with the possibility of further deterioration. The commission carefully considered the economic situation in its deliberations over salary recommendations particularly with regard to fiscal 2013.

## **Recruitment and Advancement**

The commission focused on the current salary structure's ability to attract to the bench attorneys with diversity and depth of experience. More attorneys with public sector experience are attracted to the bench than those in the private sector. The very attorneys with the broad experience required to handle the variety of cases from the bench are often the very attorneys making lucrative salaries at private law firms. It is difficult to attract attorneys that would have to take a significant pay cut to serve on the bench, and often judicial vacancies attract applicants that do not have sufficient experience.

## **Workplace Conditions**

The commission also found relevant the increased caseloads in the courts. In addition to the increase in case volume and complexity, judges are also handling more challenging dockets

due to the increase of *pro se* litigants. Cases with unrepresented individuals consume more time from the bench, as judges must be particularly cautious in ensuring that the rights of all parties are protected. There have also been numerous instances in which the courts have collaborated with the executive and legislative branches of government to address issues, such as foreclosure, which have created additional workload for the courts. And finally, the introduction of problem-solving courts, such as drug courts and mental health courts, has increased workload by greatly increasing the frequency of hearings.

## **The Future**

The commission expressed concern that the salaries of Maryland's judges keep pace with the projected earnings of judges in other states, especially those in the mid-Atlantic region. The Maryland Judicial Conference has consistently strived to achieve parity with the salary structure of the federal judiciary. Former reports of the commission have also expressed this goal. While the Judiciary and the commission acknowledged that full parity with the federal system may not be attainable under the current economic climate, the proposed increases will close the gap that exists between the current salaries.

## **Chapter 3. Fiscal 2013 - 2016 Salary and Pension Recommendations**

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The commission met two times in the fall of 2011 to consider salary recommendations. The Department of Legislative Services provided information on the State's economic condition, the State retirement system, national and regional salary rankings for all levels of courts, and salary information for various Executive and Legislative branch officials. The commission also heard presentations from the Maryland Judiciary and the Maryland State Bar Association on the workload of the courts and obstacles to recruiting and retaining talented individuals on the bench.

In October 2011, the commission finalized its recommendations to increase the salaries of all Maryland judges by \$29,006 over the next four years. Joint resolutions that will be introduced in the 2012 session will propose that salaries remain at current levels through fiscal 2013, with salary increases to begin in fiscal 2014. Specifically, the joint resolution will propose the following annual salary increases for all judges at each of the seven levels: (1) \$9,111 beginning July 1, 2013; (2) \$9,658 beginning July 1, 2014; and (3) \$10,237 beginning July 1, 2015. Those changes, as well as current salary levels, are presented in **Exhibit 3.1**.



**Exhibit 3.1**  
**Judicial Compensation Commission Salary Recommendations**  
**Fiscal 2013-2016**

	<u>Total Judgeships</u>	<u>Current Salary</u>	<u>Proposed FY 2013</u>	<u>Proposed FY 2014</u>	<u>Proposed FY 2015</u>	<u>Proposed FY 2016</u>	<u>Phase-in</u>
<b><u>Court of Appeals</u></b>							
Chief Judge	1	\$181,352	\$181,352	\$190,463	\$200,121	\$210,358	\$29,006
Judge	6	162,352	\$162,352	171,463	181,121	191,358	29,006
<b><u>Court of Special Appeals</u></b>							
Chief Judge	1	152,552	\$152,552	161,663	171,321	181,558	29,006
Judge	12	149,552	\$149,552	158,663	168,321	178,558	29,006
<b><u>Circuit Court</u></b>	157	140,352	\$140,352	149,463	159,121	169,358	29,006
<b><u>District Court</u></b>							
Chief Judge	1	149,552	\$149,552	158,663	168,321	178,558	29,006
Judge	111	127,252	\$127,252	136,363	146,021	156,258	29,006
<b>Average Salary</b>		<b>\$151,852</b>	<b>\$151,852</b>	<b>\$160,963</b>	<b>\$170,621</b>	<b>\$180,858</b>	
<b>Increase at 6%<sup>1</sup></b>				<b>\$9,111</b>	<b>\$9,658</b>	<b>\$10,237</b>	<b>\$29,006</b>
Incremental Salaries <sup>2</sup>			\$0	\$2,743,947	\$2,908,494	\$3,082,914	\$8,735,355
Incremental Social Security (at 1.45%)			\$0	\$39,787	\$42,173	\$44,702	\$126,663
Incremental Pensions <sup>3</sup>			\$0	\$1,627,038	\$1,724,647	\$1,828,113	\$5,179,798
<b>Incremental Fiscal Impact</b>			<b>\$0</b>	<b>\$4,410,772</b>	<b>\$4,675,314</b>	<b>\$4,955,729</b>	<b>\$14,041,816</b>

<sup>1</sup>Increase per judge; based on average salary of prior year's judicial salary structure.

<sup>2</sup>Includes salary increases for Public Defender, State Prosecutor, and members of Workers Compensation Commission, whose salaries are tied to judicial salaries. Does not include incremental costs for states attorneys, whose salaries are also tied to judicial salaries but are funded locally.

<sup>3</sup>61.20% pension rate for judges. 14.05% pension rate for all other state employees.

Note: Average Salary is based on the current salary structure for each level of court, not the weighted average of all judges.

Sources: Cheiron - Actuary to State Retirement Pension System; Social Security Administration

The recommended flat dollar increase impacts each judge differently depending on which level of court he/she serves. As **Exhibit 3.2** outlines, the percent salary growth at each level of court increases as salary decreases. This is because a flat dollar hike in pay is of greater benefit to those at lower salaries. However, as the salary of the lowest paid judges goes up with each annual dollar increase, the resulting percent growth declines slightly. The inverse is true of the highest paid judges. Therefore, in year two the highest paid judge would effectively receive a 5% increase while the lowest paid judges would receive 7.2%. By year four, the highest paid judge would receive a 5.1% increase while the lowest paid judges would receive 7.0%. Over the four-year period, however, the actual salary gap between the highest and lowest paid judges would be maintained at \$54,100.

**Exhibit 3.2**  
**Judicial Compensation Commission Salary Recommendations**  
**Fiscal 2013-2016**

	<u><b>Current Salary</b></u>	<u><b>% Increase Year 1</b></u>	<u><b>% Increase Year 2</b></u>	<u><b>% Increase Year 3</b></u>	<u><b>% Increase Year 4</b></u>
<u><b>Court of Appeals</b></u>					
Chief Judge	\$181,352	0.0%	5.0%	5.1%	5.1%
Judge	162,352	0.0%	5.6%	5.6%	5.7%
<u><b>Court of Special Appeals</b></u>					
Chief Judge	152,552	0.0%	6.0%	6.0%	6.0%
Judge	149,552	0.0%	6.1%	6.1%	6.1%
<u><b>Circuit Court</b></u>	140,352	0.0%	6.5%	6.5%	6.4%
<u><b>District Court</b></u>					
Chief Judge	149,552	0.0%	6.1%	6.1%	6.1%
Judge	127,252	0.0%	7.2%	7.1%	7.0%
<b>Average</b>		<b>0.0%</b>	<b>6.1%</b>	<b>6.1%</b>	<b>6.1%</b>

Source: Department of Legislative Services.

Chapter 397 of 2011 (the Budget Reconciliation and Financing Act of 2011) also required the commission to include recommendations in its report on appropriate benefit and member contribution levels, which take into account the sustainability of the pension systems. Accordingly, the commission was provided information about the Maryland Judge's Retirement

System as well as a brief overview of the status of other pension plans. The commission voted to recommend that the contribution rate for judges appointed after July 1, 2012 increase from 6 to 8%.

### **Fiscal Impact of Salary Recommendations**

Under the commission's current recommendation, judges at all levels would receive salary increases of equal amount. Based on 6% of the average salary structure in the preceding year, each judge would receive increases of \$9,111 in fiscal 2014, \$9,658 in fiscal 2015, and \$10,237 in fiscal 2016, for an overall increase of \$29,006 over a four-year period. The total cost to the State of this action would be \$14.0 million. This amount includes \$8.7 million for salary increases assuming that no new judgeships are granted over the four-year period. This also reflects the incremental cost to the State for Social Security and pensions which increase as salaries rise.

The commission's proposal also affects the retirement benefit paid to retired judges. After 16 years of service, a member of the Judges' Retirement System (JRS) becomes eligible for the maximum retirement allowance of two-thirds of the annual salary of an active judge in a similar position. **Exhibit 3.1** indicates that the approximate increase in pension costs as a result of the recommendations will be \$1.6 million in year two and \$5.2 million over the four-year period. This is based on the contribution rate determined by the State's actuary, which is estimated to be 61.20% in fiscal 2013.

# **Appendix 1. Annotated Code of Maryland**

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## **Article - Courts and Judicial Proceedings**

### **Title 1. Court Structure and Organization**

#### **Subtitle 7. Judicial Salaries and Allowances**

##### **§ 1-701. Compensation not to be diminished during term.**

A judge's salary may not be diminished during his continuance in office.

[1973, 1st Sp. Sess., ch. 2, § 1.]

##### **§ 1-702. Judicial salaries established.**

(a) In general. - Subject to the provisions of § 1-701 of this subtitle, a judge shall have the salary provided in the State budget.

(b) Chief Judge of the District Court. - The Chief Judge of the District Court, during the period he serves as Chief Judge, shall have a salary equivalent to the annual salary then payable to an associate judge of the Court of Special Appeals.

[An. Code 1957, art. 26, §§ 47, 144; 1973, 1st Sp. Sess., ch. 2, § 1; 2006, ch. 44, § 6.]

##### **§ 1-703. Pay plan; automatic salary increases**

(a) Pay plan. - Title 8, Subtitle 1 of the State Personnel and Pensions Article applies to judicial salaries, except for the provisions of § 8-108(c) of the State Personnel and Pensions Article.

(b) Automatic salary increases; exception.

(1) Except as provided in paragraph (2) of this subsection, whenever a general salary increase is awarded to State employees, each judge shall receive the same percentage increase in salary as awarded to the lowest step of the highest salary grade for employees in the Standard Pay Plan.

(2) In any year that a judge's salary is increased in accordance with a resolution under § 1-708 of this subtitle, the judge may not receive a salary increase under paragraph (1) of this subsection.

[An. Code 1957, art. 26, § 47; 1973, 1st Sp. Sess., ch. 2, § 1; 1993, ch. 22, § 1; 1995, ch. 3, § 1; 1996, ch. 347, § 15; 1997, ch. 743; 2002, ch. 19, § 1; 2003, ch. 21, § 1; 2005, ch. 444, § 1.]

#### **§ 1-704. Budget treatment of increases in judicial salaries**

Any increase in judicial salary shall be included in the portion of the budget bill relating to the executive department, and not the portion relating to the judiciary department. Any proposed increase in judicial salary is subject to legislative review and approval.

[An. Code 1957, art. 26, § 47; 1973, 1st Sp. Sess., ch. 2, § 1.]

#### **§ 1-705. Supplementation of salaries prohibited**

(a) Supplementation" defined. - In this subtitle, "supplementation" means any payment from a political subdivision to a judge or the surviving spouse of a judge, by way of salary, allowances, or pension. The word includes, but is not limited to, any payment in the form of salary, bonus, pension, spouse's benefit, or expense or travel allowance except: (1) reimbursable expenses actually incurred in connection with the duties of judicial office to the extent permitted by § 1-706; and (2) any pension supplementation expressly permitted by public general law. "Supplementation" excludes payment of benefits under a local group health or hospitalization plan if a judge is entitled to those benefits by law.

(b) Prohibition. - Supplementation of a judge's salary is prohibited.

[An. Code 1957, art. 26, § 47; 1973, 1st Sp. Sess., ch. 2, § 1.]

#### **§ 1-706. Reimbursement for expenses**

(a) In general. - A judge is entitled to mileage, at the rate for State employees, for officially authorized travel outside his county of residence on judicial business. He is also entitled to reimbursement for reasonable costs of meals, lodging, and other expenses actually incurred with the officially authorized travel in accordance with provisions of the State joint travel regulations provided that such reimbursement is approved by the judge authorizing the travel and provided for in the State budget.

(b) Additional expenses. - Reimbursable expenses actually incurred by a circuit court judge in connection with his duties, other than the expenses described in subsection (a) of this section, shall be paid by the political subdivision in which the circuit court judge resides, as provided in that subdivision's budget, and as first approved by the State Administrative Office of the Courts.

[An. Code 1957, art. 26, §§ 47, 144; 1973, 1st Sp. Sess., ch. 2, § 1; 1975, ch. 279.]

#### **§ 1-707. Health or hospitalization benefits for certain judges of District Court**

A judge of the District Court who has continued in office as a judge of that Court pursuant to the provisions of Article IV, § 41-1(a) of the Maryland Constitution, and who on July 4, 1971 was a participant in a group health or group hospitalization plan provided by a local subdivision, and who within six months from July 5, 1971, elected to remain a member of that plan, may continue

as a member of the plan. In this event, the local subdivision shall continue to make on behalf of the judge any contributions to the plan required by its terms or by law. The State shall periodically reimburse the local subdivision for contributions made pursuant to this section.

[An. Code 1957, art. 26, § 144; 1973, 1st Sp. Sess., ch. 2, § 1; 1984, ch. 255; 1985, ch. 10, § 3; 2006, ch. 44, § 6.]

### **§ 1-708. Judicial Compensation Commission**

(a) Salaries and pensions of judges. - The salaries and pensions of the judges of the Court of Appeals, the Court of Special Appeals, the circuit courts of the counties, and the District Court shall be established as provided by this section, §§ 1-701 through 1-707 of this subtitle, and Title 27 of the State Personnel and Pensions Article.

(b) Established.

(1) There is a Judicial Compensation Commission. The Commission shall study and make recommendations with respect to all aspects of judicial compensation, to the end that the judicial compensation structure shall be adequate to assure that highly qualified persons will be attracted to the bench and will continue to serve there without unreasonable economic hardship.

(2) The Commission consists of seven members appointed by the Governor. No more than three members of the Commission may be individuals admitted to practice law in this State. In nominating and appointing members, special consideration shall be given to individuals who have knowledge of compensation practices and financial matters. The Governor shall appoint:

(i) Two members from a list of the names of at least five nominees submitted by the President of the Senate;

(ii) Two from a list of the names of at least five nominees submitted by the Speaker of the House of Delegates;

(iii) One from a list of the names of at least three nominees submitted by the Maryland State Bar Association, Inc.; and

(iv) Two at large.

(3) A member of the General Assembly, officer or employee of the State or a political subdivision of the State, or judge or former judge is not eligible for appointment to the Commission.

(4) The term of a member is 6 years, commencing July 1, 1980, and until the member's successor is appointed. However, of the members first appointed to the Commission, the Governor shall designate one of the members nominated by the President of the Senate to serve for 3 years and one for 6 years; one of the members nominated by the Speaker to serve for 4 years and one for

5 years; the member nominated by the Maryland State Bar Association, Inc., to serve for 3 years; and one of the members at large to serve for 2 years, and one for 6 years. A member is eligible for reappointment.

(5) Members of the Commission serve without compensation, but shall be reimbursed for reasonable expenses incurred in carrying out their responsibilities under this section.

(6) The members of the Commission shall elect a member as chairman of the Commission.

(7) The concurrence of at least five members is required for any formal Commission action.

(8) The Commission may request and receive assistance and information from any unit of State government.

(c) Written recommendations and funding. - On or after September 1, 2011, September 1, 2013, and every 4 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section and make written recommendations to the Governor and General Assembly on or before the next ensuing regular session of the General Assembly. The Governor shall include in the budget for the next ensuing fiscal year the funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.

(d) Recommendation as house joint resolution.

(1) The salary recommendations made by the Commission shall be introduced as a joint resolution in each House of the General Assembly not later than the fifteenth day of the session. The General Assembly may amend the joint resolution to decrease any of the Commission salary recommendations, but no reduction may diminish the salary of a judge during his continuance in office. The General Assembly may not amend the joint resolution to increase the recommended salaries. If the General Assembly fails to adopt or amend the joint resolution within 50 days after its introduction, the salaries recommended by the Commission shall apply. If the joint resolution is adopted or amended in accordance with this section within 50 days after its introduction, the salaries so provided shall apply. If the General Assembly rejects any or all of the Commission's salary recommendations, the salaries of the judges affected remain unchanged, unless modified under other provisions of law.

(2) The Governor or the General Assembly may not increase the recommended salaries, except as provided under § 1-703(b) of this subtitle.

(e) Legislation. - The recommendation of the Commission as to pensions shall be introduced by the presiding officers of the Senate and the House of Delegates in the form of legislation, and shall become effective only if passed by both Houses.

(f) Changes in salaries and pensions. - Any change in salaries or pensions adopted by the General Assembly under this section takes effect as of the July 1 of the year next following the year in which the Commission makes its recommendations.

(g) Sections unaffected. - This section does not affect § 1-702(b), § 1-703(b), or §§ 1-705 through 1-707 of this subtitle, or Title 27 of the State Personnel and Pensions Article.

[1980, ch. 717; 1982, ch. 820, § 3; 1992, ch. 131, § 12; 1994, ch. 468; 1997, ch. 14, § 1; 1998, ch. 21, § 2; 2005, ch. 25, § 13; ch. 444, § 1; 2006, ch. 44, § 6; 2009, ch. 2; 2010, ch. 72; ch. 484, § 2.]



## Appendix 2. National Judicial Salary Rankings

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### Appendix 2.1A Highest Appellate Court – Chief Judge

<u>Rank</u>	<u>State</u>	<u>Salaries</u>	<u>Last Changed</u>
1	California	\$228,856	11/14/2007
2	Illinois	207,066	7/1/2010
3	Pennsylvania	195,138	1/1/2009
4	Virginia	195,104	11/24/2008
5	Delaware	194,750	7/1/2007
6	Alaska	192,936	7/1/2010
7	New Jersey	192,795	1/1/2009
8	Rhode Island	182,300	8/10/2011
9	Maryland	181,352	7/1/2008
10	Alabama	181,127	10/1/2008
11	Connecticut	175,645	7/1/2007
12	Iowa	170,850	7/1/2008
13	Tennessee	170,340	7/1/2009
14	Georgia	167,210	1/1/2008
15	Michigan	164,610	1/1/2002
16	Washington	164,221	9/1/2008
17	Minnesota	160,579	7/1/2008
18	Arizona	160,000	1/1/2009
19	Florida	157,976	7/1/2009
20	Louisiana	157,050	7/1/2010
21	Arkansas	156,864	1/1/2000
22	Hawaii	156,727	7/1/2010
23	New York	156,000	1/1/1999
24	Indiana	153,295	7/1/2011
25	Texas	152,500	12/1/2005
26	Wisconsin	152,495	2/9/2009
27	New Hampshire	151,477	1/2/2009
28	Massachusetts	151,239	7/23/2006
29	Ohio	150,850	1/1/2008
30	Utah	147,350	7/1/2008
31	Oklahoma	147,000	7/1/2008
32	South Carolina	144,029	6/2/2008
33	Nebraska	142,760	9/1/2010
34	Colorado	142,708	7/1/2008

35	North Carolina	140,932	7/1/2008
36	Kentucky	140,504	1/1/2000
37	Nevada	140,000	7/1/2006
38	Missouri	139,534	7/1/2008
39	Kansas	139,310	6/15/2008
40	Maine	138,138	7/1/2008
41	Vermont	135,408	7/9/2007
42	Wyoming	131,500	7/1/2009
43	Oregon	128,556	7/1/2008
44	New Mexico	125,691	7/1/2008
45	North Dakota	121,513	7/1/2008
46	Idaho	121,006	7/1/2008
47	West Virginia	121,000	7/1/2005
48	South Dakota	120,173	7/1/2008
49	Mississippi	115,390	7/1/2003
50	Montana	107,404	7/1/2007
<b>Average</b>		<b>\$155,425</b>	
District of Columbia		\$180,000	1/6/2008
Federal System		\$217,400	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries.

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**Appendix 2.1B**  
**Regional Judicial Salary Rankings**  
**Highest Appellate Court – Chief Judge**

<u>Rank</u>	<u>State</u>	<u>Salaries</u>	<u>Last Changed</u>
1	Pennsylvania	\$195,138	1/1/2009
2	Virginia	195,104	11/24/2008
3	Delaware	194,750	7/1/2007
4	New Jersey	192,795	1/1/2009
5	Rhode Island	182,300	8/10/2011
6	<b>Maryland</b>	<b>181,352</b>	<b>7/1/2008</b>
7	District of Columbia	180,000	1/6/2008
8	Connecticut	175,645	7/1/2007
9	New York	156,000	1/1/1999
10	North Carolina	140,932	7/1/2008
11	West Virginia	121,000	7/1/2005

Source: National Center for State Courts Survey of Judicial Salaries.

**Appendix 2.2A**  
**National Judicial Salary Rankings**  
**Highest Appellate Court – Associate Judge**

<b><u>Rank</u></b>	<b><u>State</u></b>	<b><u>Salaries</u></b>	<b><u>Last Changed</u></b>
1	California	\$218,237	11/14/2007
2	Illinois	207,066	7/1/2010
3	Alaska	192,372	7/1/2010
4	Pennsylvania	189,620	1/1/2009
5	New Jersey	185,482	1/1/2009
6	Delaware	185,050	7/1/2007
7	Virginia	183,839	11/24/2008
8	Alabama	180,005	10/1/2008
9	Georgia	167,210	1/1/2008
10	Rhode Island	165,726	8/10/2011
11	Tennessee	165,336	7/1/2009
12	Michigan	164,610	1/1/2002
13	Washington	164,221	9/1/2008
14	Iowa	163,200	7/1/2008
15	Connecticut	162,520	1/1/2007
16	<b>Maryland</b>	<b>162,352</b>	<b>7/1/2008</b>
17	Florida	157,976	7/1/2009
18	Arizona	155,000	1/1/2009
19	Indiana	153,295	7/1/2011
20	New York	151,200	1/1/1999
21	Hawaii	151,118	7/1/2010
22	Texas	150,000	12/1/2005
23	Louisiana	149,572	7/1/2010
24	New Hampshire	146,917	1/2/2009
25	Massachusetts	145,984	7/23/2006
26	Minnesota	145,981	7/1/2008
27	Utah	145,350	7/1/2008
28	Arkansas	145,204	1/1/2000
29	Wisconsin	144,495	2/9/2009
30	Nebraska	142,760	9/1/2010
31	Ohio	141,600	1/1/2008
32	Nevada	140,000	7/1/2006
33	Colorado	139,660	7/1/2008
34	Oklahoma	137,655	7/1/2008
35	North Carolina	137,249	7/1/2008
36	South Carolina	137,171	6/2/2008
37	Missouri	137,034	7/1/2008
38	Kansas	135,905	6/15/2008

39	Kentucky	135,504	1/1/2000
40	Wyoming	131,500	7/1/2009
41	Vermont	129,230	7/9/2007
42	Oregon	125,688	7/1/2008
43	New Mexico	123,691	7/1/2008
44	West Virginia	121,000	7/1/2005
45	Idaho	119,506	7/1/2008
46	Maine	119,476	7/1/2008
47	South Dakota	118,173	7/1/2008
48	North Dakota	118,121	7/1/2008
49	Mississippi	112,530	7/1/2003
50	Montana	106,185	7/1/2007
<b>Average</b>		<b>\$150,172</b>	
District of Columbia		\$179,500	1/6/2008
Federal System		\$208,100	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries

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**Appendix 2.2B**  
**Regional Judicial Salary Rankings**  
**Highest Appellate Court – Associate Judge**

<b><u>Rank</u></b>	<b><u>State</u></b>	<b><u>Salaries</u></b>	<b><u>Last Changed</u></b>
1	Pennsylvania	\$189,620	1/1/2009
2	New Jersey	185,482	1/1/2009
3	Delaware	185,050	7/1/2007
4	Virginia	183,839	11/24/2008
5	District of Columbia	179,500	1/6/2008
6	Rhode Island	165,726	8/10/2011
7	Connecticut	162,520	1/1/2007
<b>8</b>	<b>Maryland</b>	<b>162,352</b>	<b>7/1/2008</b>
9	New York	151,200	1/1/1999
10	North Carolina	137,249	7/1/2008
11	West Virginia	121,000	7/1/2005

Source: National Center for State Courts Survey of Judicial Salaries.

**Appendix 2.3A**  
**National Judicial Salary Rankings**  
**Intermediate Appellate Court – Chief Judge**

<b><u>Rank</u></b>	<b><u>State</u></b>	<b><u>Salaries</u></b>	<b><u>Last Changed</u></b>
1	California	\$204,285	1/1/2007
2	Illinois	194,888	7/1/2010
3	Pennsylvania	184,432	1/1/2009
4	Alaska	181,752	7/1/2010
5	Alabama	179,441	10/1/2008
6	Virginia	171,383	11/24/2008
7	New Jersey	167,023	1/1/2008
8	Georgia	166,186	1/1/2008
9	Tennessee	162,336	7/1/2009
10	Connecticut	160,722	1/1/2007
11	Washington	156,328	9/1/2008
12	Iowa	153,000	7/1/2008
13	Maryland	152,552	7/1/2008
14	Michigan	151,441	1/1/2002
15	Florida	150,077	7/1/2009
16	Arizona	150,000	1/1/2009
17	Louisiana	149,570	7/1/2010
18	Indiana	149,015	7/1/2011
19	New York	148,000	1/1/1999
20	Hawaii	145,532	7/1/2010
21	Minnesota	144,429	7/1/2008
22	Arkansas	142,969	1/1/2000
23	Utah	140,750	7/1/2008
24	Massachusetts	140,358	7/23/2006
25	Texas	140,000	12/1/2005
26	Colorado	137,201	7/1/2008
27	Wisconsin	136,316	2/9/2009
28	South Carolina	135,799	6/2/2008
29	Nebraska	135,622	9/1/2010
30	North Carolina	135,061	7/1/2008
31	Kansas	134,750	6/15/2008
32	Kentucky	133,044	1/1/2000
33	Oklahoma	132,825	7/1/2008
34	Ohio	132,000	1/1/2008
35	Missouri	128,207	7/1/2008
36	Oregon	125,688	7/1/2008
37	New Mexico	119,406	7/1/2008
38	Idaho	118,506	7/1/2008
39	Mississippi	113,190	7/1/2003

<b>Average</b>	<b>\$148,823</b>	
Federal System	\$179,500	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries.

**Appendix 2.3B**  
**Regional Judicial Salary Rankings**  
**Intermediate Appellate Court – Chief Judge**

<u>Rank</u>	<u>State</u>	<u>Salaries</u>	<u>Last Changed</u>
1	Pennsylvania	\$184,432	1/1/2009
2	Virginia	171,383	11/24/2008
3	New Jersey	167,023	1/1/2008
4	Connecticut	160,722	1/1/2007
5	<b>Maryland</b>	<b>152,552</b>	<b>7/1/2008</b>
6	New York	148,000	1/1/1999
7	North Carolina	135,061	7/1/2008

Source: National Center for State Courts Survey of Judicial Salaries.

**Appendix 2.4A**  
**National Judicial Salary Rankings**  
**Intermediate Appellate Court – Associate Judge**

<b><u>Rank</u></b>	<b><u>State</u></b>	<b><u>Salaries</u></b>	<b><u>Last Changed</u></b>
1	California	\$204,599	11/14/2007
2	Illinois	194,888	7/1/2010
3	Alaska	181,752	7/1/2010
4	Pennsylvania	178,914	1/1/2009
5	Alabama	178,878	10/1/2008
6	New Jersey	175,534	1/1/2009
7	Virginia	168,322	11/24/2008
8	Georgia	166,186	1/1/2008
9	Tennessee	159,840	7/1/2009
10	Washington	156,328	9/1/2008
11	Connecticut	152,637	1/1/2007
12	Michigan	151,441	1/1/2002
13	Florida	150,077	7/1/2009
14	Arizona	150,000	1/1/2009
<b>15</b>	<b>Maryland</b>	<b>149,552</b>	<b>7/1/2008</b>
16	Indiana	149,015	7/1/2011
17	Iowa	147,900	7/1/2008
18	New York	144,000	1/1/1999
19	Louisiana	142,477	7/1/2010
20	Arkansas	140,732	1/1/2000
21	Hawaii	139,924	7/1/2010
22	Utah	138,750	7/1/2008
23	Minnesota	137,552	7/1/2008
24	Texas	137,500	12/1/2005
25	Wisconsin	136,316	2/9/2009
26	Nebraska	135,622	9/1/2010
27	Massachusetts	135,087	7/23/2006
28	Colorado	134,128	7/1/2008
29	South Carolina	133,741	6/2/2008
30	Ohio	132,000	1/1/2008
31	North Carolina	131,531	7/1/2008
32	Kansas	131,518	6/15/2008
33	Oklahoma	130,410	7/1/2008
34	Kentucky	130,044	1/1/2000
35	Missouri	128,207	7/1/2008
36	Oregon	122,820	7/1/2008
37	Idaho	118,506	7/1/2008
38	New Mexico	117,506	7/1/2008

39	Mississippi	105,050	7/1/2003
	<b>Average</b>	<b>\$146,648</b>	
	Federal System	\$179,500	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries.

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**Appendix 2.4B**  
**Regional Judicial Salary Rankings**  
**Intermediate Appellate Court – Associate Judge**

<b><u>Rank</u></b>	<b><u>State</u></b>	<b><u>Salaries</u></b>	<b><u>Last Changed</u></b>
1	Pennsylvania	\$178,914	1/1/2009
2	New Jersey	175,534	1/1/2009
3	Virginia	168,322	11/24/2008
4	Connecticut	152,637	1/1/2007
<b>5</b>	<b>Maryland</b>	<b>149,552</b>	<b>7/1/2008</b>
6	New York	144,000	1/1/1999
7	North Carolina	131,531	7/1/2008

Source: National Center for State Courts Survey of Judicial Salaries.



**Appendix 2.5A**  
**National Judicial Salary Rankings**  
**General Jurisdiction Courts – Associate Judges**

<b><u>Rank</u></b>	<b><u>State</u></b>	<b><u>Salaries</u></b>	<b><u>Last Changed</u></b>
1	Illinois	\$178,835	7/1/2010
2	California	178,789	11/14/2007
3	Alaska	177,888	7/1/2010
4	Delaware	168,850	7/1/2007
5	New Jersey	165,000	1/1/2009
6	Pennsylvania	164,602	1/1/2009
7	Virginia	158,134	11/24/2008
8	Tennessee	154,320	7/1/2009
9	Georgia	149,873	1/1/2011
10	Rhode Island	149,207	8/10/2011
11	Washington	148,832	9/1/2008
12	Connecticut	146,780	1/1/2007
13	Arizona	145,000	1/1/2009
14	Florida	142,178	7/1/2009
<b>15</b>	<b>Maryland</b>	<b>140,352</b>	<b>7/1/2008</b>
16	Michigan	139,919	1/1/2002
17	New Hampshire	137,804	1/2/2009
18	Iowa	137,700	7/1/2008
19	New York	136,700	1/1/1999
20	Louisiana	136,544	7/1/2010
21	Arkansas	136,257	1/1/2000
22	Hawaii	136,127	7/1/2010
23	Alabama	134,943	10/1/2008
24	Utah	132,150	7/1/2008
25	Nebraska	132,053	9/1/2010
26	South Carolina	130,312	6/2/2008
27	Nevada	130,000	7/1/2006
28	Massachusetts	129,694	7/23/2006
29	Minnesota	129,124	7/1/2008
30	Wisconsin	128,600	2/9/2009
31	Colorado	128,598	7/1/2008
32	North Carolina	127,957	7/1/2008
33	Indiana	127,280	7/1/2011
34	Wyoming	125,200	7/1/2009
35	Texas	125,000	12/1/2005
36	Kentucky	124,620	1/1/2000
37	Oklahoma	124,373	7/1/2008
38	Vermont	122,867	7/9/2007

39	Ohio	121,350	1/1/2008
40	Missouri	120,484	7/1/2008
41	Kansas	120,037	6/15/2008
42	West Virginia	116,000	7/1/2005
43	Oregon	114,468	7/1/2008
44	Idaho	112,043	7/1/2008
45	Maine	111,969	7/1/2008
46	New Mexico	111,631	7/1/2008
47	South Dakota	110,377	7/1/2008
48	North Dakota	108,236	7/1/2008
49	Mississippi	104,170	7/1/2003
50	Montana	99,234	7/1/2007
<b>Average</b>		<b>\$134,649</b>	
District of Columbia		\$169,300	1/6/2008
Federal System		\$169,300	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries.

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**Appendix 2.5B**  
**Regional Judicial Salary Rankings**  
**General Jurisdiction Courts – Associate Judges**

<b><u>Rank</u></b>	<b><u>State</u></b>	<b><u>Salaries</u></b>	<b><u>Last Changed</u></b>
1	District of Columbia	\$169,300	1/6/2008
2	Delaware	168,850	7/1/2007
3	New Jersey	165,000	1/1/2009
4	Pennsylvania	164,602	1/1/2009
5	Virginia	158,134	11/24/2008
6	Rhode Island	149,207	8/10/2011
7	Connecticut	146,780	1/1/2007
8	<b>Maryland</b>	<b>140,352</b>	<b>7/1/2008</b>
9	New York	136,700	1/1/1999
10	North Carolina	127,957	7/1/2008
11	West Virginia	116,000	7/1/2005

Source: National Center for State Courts Survey of Judicial Salaries.

## Appendix 3. Federal Court Salaries

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<b>Federal Court Salaries</b>				
	<u><b>2007</b></u>	<u><b>2008</b></u>	<u><b>2009</b></u>	<u><b>2010</b></u>
<b><u>Supreme Court</u></b>				
Chief Justice	\$212,100	\$217,400	\$223,500	\$223,500
Associate Justice	203,000	208,100	213,900	213,900
<b><u>Court of Appeals</u></b>				
Judges	175,100	179,500	184,500	184,500
<b><u>Trial Courts</u></b>				
District Court Judges, International Trade Court Judges, and Claims Court Judges	165,200	169,300	174,000	174,000
Bankruptcy Judges and Magistrate Judges	152,000	156,000	161,000	161,000

Notes: (1) Salaries for bankruptcy judges and Magistrate judges who are judicial officers of the U.S. District courts are set at 92% of a district judge's pay.

(2) There are currently no bills before Congress seeking additional salary increases.

Sources: United States Courts; Administrative Office of the Courts.

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## Appendix 4. Salaries of Selected Maryland Officials

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### Salaries of Selected Maryland Officials 2011-2014 Term

<b><u>Constitutional Officers</u></b>	<b><u>Annual Salary</u></b>
Governor	\$150,000
Lieutenant Governor	125,000
Attorney General	125,000
Comptroller	125,000
Treasurer	125,000
Secretary of State	87,500
 <b><u>General Assembly</u></b>	
Members	43,500
President of the Senate	56,500
Speaker of the House	56,500

Source: Maryland Budget Bills.

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## Appendix 5. Salaries of Maryland Cabinet Secretaries

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### Salaries of Maryland Cabinet Secretaries Fiscal 2012

<b><u>Cabinet Secretaries</u></b>	<b><u>2012</u></b>
Superintendent of Schools	\$195,000
Public Safety and Correctional Services	166,082
Business and Economic Development	155,000
Budget and Management	166,082
Health and Mental Hygiene	166,082
State Police	166,082
Transportation	166,082
Juvenile Services	156,060
Human Resources	142,800
Higher Education	154,194
Housing and Community Development	148,778
Natural Resources	148,778
Labor, Licensing, and Regulation	155,941
General Services	138,374
Environment	115,346
Agriculture	130,050
Aging	124,848
Planning	124,848
Disabilities	122,038
Veterans Affairs	104,092

Sources: Executive Pay Plan; budget bills.

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## Appendix 6. Salaries of Public Higher Education Institution Presidents

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### Salaries of Public Higher Education Institution Presidents

<u>Institution</u>	<u>FY 2012</u>
University of Maryland Baltimore <sup>1</sup>	\$710,000
University of Maryland College Park	464,600
Bowie State University	272,800
Towson University	369,300
University of Maryland Eastern Shore	263,200
Frostburg State University	272,800
Coppin State University	233,000
University of Baltimore	278,700
Salisbury State University	279,800
University of Maryland University College	306,800
University of Maryland Baltimore County	420,400
University System of Maryland Office <sup>2</sup>	490,000
St. Mary's College of Maryland	310,000
Morgan State University	375,000

Notes: (1) Compensation package for the President of University of Maryland, Baltimore including funding from grants.

(2) The University System of Maryland Office is the governing body of the University System of Maryland. The listed number represents the Chancellor's salary.

Source: Department of Legislative Services.

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## Appendix 7. Other Compensation Commissions

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### Governor's Salary Commission

The Governor's Salary Commission met in 2009 and proposed salaries for the 2011-2014 term as shown below.

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#### Recommended Salary Changes for the Governor and Lieutenant Governor

<u>Year of Term</u>	<u>Calendar Year</u>	<u>Governor</u>	<u>% Increase Over Current Salary</u>	<u>Lieutenant Governor</u>	<u>% Increase Over Current Salary</u>
First	2011	\$150,000	N/A	\$125,000	N/A
Second	2012	150,000	N/A	125,000	N/A
Third	2013	155,000	3.3	129,167	3.3
Fourth	2014	160,000	6.7	133,333	6.7

Source: Department of Legislative Services.

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The General Assembly rejected the recommendations; therefore, the salaries of the Governor and Lieutenant Governor remain the same.

### General Assembly Compensation Commission

The General Assembly Compensation Commission also met in 2009 to propose salary recommendations. The commission recommended that salaries remain at current levels (\$43,500 for members and \$56,500 for Presiding Officers) for calendar 2011 and 2012. The commission also recommended that if the State's annual unemployment rate is 5% or lower for calendar 2012, the salary for members and the Presiding Officers of the General Assembly would increase by \$2,000 on January 1, 2013, and remain at that level for calendar 2014. If the State unemployment rate for calendar 2012 is greater than 5%, but is 5% or lower for calendar 2013, the salary for members and officers of the General Assembly would increase by \$2,000 for calendar 2014 only.

This recommendation was also rejected.

## Appendix 8

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State Survey of Retirement Programs for Intermediate Appellate Court and General Jurisdiction Trial Court Judges  
Data As Of May 2010

The questions in this section may apply to states that have a defined benefit retirement program exclusive to judges.																
State	Intermediate Appellate or other General Jurisdiction Trial Court Judges	Do your judges participate in a defined benefit retirement program that is exclusive to state employees?	Do your judges participate in a defined benefit retirement program that is available to all state employees?	If your state pays any or all of the judge's retirement cost, what is the percent or amount?	What is the percent of salary or dollar amount that judges are required to contribute towards their retirement?	What is the percent of salary or dollar amount that judges are required to contribute towards their retirement?	Do your retirement programs vary by jurisdiction?	Describe your state's defined benefit retirement formula, or formulas.	How many years are required until a judge is vested in the retirement system?	How many years before they may collect retirement?	What is the minimum age before a judge can collect retirement, if applicable?	What is the mandatory retirement age for judges, if applicable?	What is the maximum amount and/or percent of salary a judge can receive upon retirement?	What is the maximum amount and/or percent of salary a judge can receive for disability retirement?	Do your state judges participate in social security?	Additional Comments
California	Both	No	Yes	n/a	0%	0%	No	JRS I: 75% for 20 yrs of service at age 60 JRS II: 65% for 10 yrs of service at age 66 65% for 14 yrs of service at age 68 65% for 12 yrs of service at age 69 65% for 10 yrs of service at age 70+ 3.75% of final compensation - 3 years of service up to a max of 75%	JRS I: 10 years JRS II: 5 years at age 70 20 years at age 65 10 years at age 65 12 years at age 65 15 years at age 62 16 years at age 61 17 years at age 60 Applicable: 18 years at any age Trial: 25 years at any age	n/a	75%	75% for JRS I 65% for JRS II	No	California has a two-tiered judicial retirement system. Judges and judges appointed or elected before 11/1/84 are members of JRS I. All JRS I formulas are based on a percent of active judicial salary.		
Alabama	Both	No	Yes	n/a	6%	6%	No	75% of salary on date of retirement	10 years	Cancelled run for office after age 70	n/a	75% of salary on date of retirement	30% at 5 years 35% at 6 years 40% at 7 years 55% at 8 years 55% at 9 years 75% at 10+ years	Yes		
Alaska	Both	No	Yes	n/a	7% - contributions end after 15 years	7%	No	5% per year of service of the monthly salary authorized at retirement, plus 1% increase when current judge's salary increases	5 years	Age 60 or 55 withdrawal	Age 70	75% of monthly salary of current judge/judge	75% of monthly salary of current judge/judge	No		
Arizona	Both	No	Yes	n/a	7%	7%	No	4% per year, no age restrictions to retire	5 years	Age 70	Age 70	80% at 10 years 40% at 5 years 20% at 45 years	80% at 10 years 40% at 5 years 20% at 45 years	No	In Arizona, judges are members of the Unified Judicial Retirement System which is not exclusive to judges, but does not include regular state employees. A judge with 2+ years of service may retire before meeting age or service requirements with a maximum reduction of 30%.	
Colorado	Both	Yes	Yes	n/a	8%	8%	No	2.5% of H&S - years of service; H&S is 1/12th of highest avg salary where contributions were paid for 12 consecutive months	5 years	Rule of 60 at age 55 30 years at age 50 5 years or less at age 65	n/a	100.0%	100%	No	In Colorado, there is one retirement program for all state employees with different provisions for judges. A special schedule of benefits applies to members of the Judicial Division limited benefits 71172.	
Connecticut	Both	No	Yes	n/a	5%	5%	No	Yield of salary in office at retirement; additional longevity of 1% to 4% may be due if the judge has 10 or more than 25 years service	10 years	Age 70 regardless of years	Age 70	85%	85%	No		
Delaware	Both	No	Yes	n/a	n/a	n/a	No	1/24th per year up to 12 years inclusive; thereafter, 1/48th per year up to a total of 24 years of service	12 years	Age 62 or any age if 24 yrs sec (including other state service)	n/a	75% of 3 highest actual salaries (excl. retirement benefit) at 12 years, whichever is greater	Calculated based on actual salaries (excl. retirement benefit) at 12 years, whichever is greater	Yes	In Delaware, judges contribute 3% of savings per year plus 2% of earnings the exceed the Social Security wage base for the first 24 years of service. The Social Security wage base for 2010 is \$108,800.	
Florida	Both	Yes	No	n/a	50	50	No	-	-	-	-	-	-	-	No	In Florida, retirement is solely state contributory; therefore, there is no cost to judges.
Georgia	Appellate Trial	Yes	Yes	n/a	7.5%	7.5%	County employees vary	66.66% of salary for 15 years of service at age 60 plus 1% per year thereafter; 10% of salary with a minimum of 5% of final reduced benefit for 10 to 15 years of service at age 60	10 years	16 years, or 10 years for early retirement	Age 60	66% of salary - 1% (Yrs sec >16 and <20)	66% of salary - 1% (Yrs sec >16 and <20)	Yes, unless in a jurisdiction that has opted out	In Georgia, salary is defined for different members in O.C.G.A. 47-22-100. For judges and select judges of state courts, juvenile court judges, and members of the Law Dept./Aggravated Counsel, salary is defined as average annual compensation during the 24 consecutive months of service producing the highest average.	
Hawaii	Both	Yes	Yes	n/a	7.8%	7.8%	No	3.5% of average final compensation for each year of service plus an annuity based on retirement contributions	10 years	10 years at any age if hired after 03/01/99 then 5 years at age 55 or 25 withdrawal if under age 55	Age 70	75% of average final compensation	50%	Yes	In Hawaii, all state employees are members of the same retirement system, but the judicial pension plan differs from that of other state employees. If a judge is hired prior to 03/01/99, the judge is eligible for 50% of final salary for each year under age 55, 3% for each year under age 45, and 2% thereafter. If a judge is permanently disabled with 10+ years of service, they receive ordinary disability pension for life based on the regular retirement formula. There is a minimum benefit of 30% of average final compensation, if disabled as a result of a job-related accident, a judge is entitled to 100% of accumulated contributions and pension of 50% of average final comp for life, regardless of credited service.	
Idaho	Both	No	Yes	n/a	6%	6%	No	5% for first 10 years; 2.5% for next 10 years	4 years	4 years at age 65 10 years at age 60 15 years at age 55 20 years at age 50	n/a	75%	75%	Yes		
Illinois	Both	No	Yes	n/a	2.5% retirement annuity; 1% increase; 2.5% service annuity	2.5%	No	Hired prior to 1/1/71: 3.5% for first 10 years, then 5% for each year after 10 years with a minimum of 55% of final salary Hired on/after 1/1/71: 2% for each year with a maximum of 60% of final salary plus 2% of average final compensation	No vesting requirement	Hired prior to 1/1/71: 5 years at age 62 10 years at age 60 20 years at age 55 10 years at age 50 withdrawal Hired on/after 1/1/71: 8 years at age 67	n/a	85% of final salary	Temporary disability is 50% of salary at time of disability; permanent disability equals the retired retirement benefit	No	In Illinois, final average compensation is the average of the highest 60 months salary over the last 10 years of service. The average final compensation for calendar year 2011 is \$106,600. For years thereafter, the figure will be increased or decreased by a percentage equal to the percentage change in consumer price index during the preceding calendar year.	



**State Survey of Retirement Programs for Intermediate Appellate Court and General Jurisdiction Trial Court Judges  
Data As Of May 2010**

State	Intermediate Appellate and/or General Jurisdiction Trial Court Judges	Do your judges participate in a defined benefit retirement program that includes all state employees?	Do your judges participate in a defined benefit retirement program that is exclusive to judicial officers?	What is the percent of salary or dollar amount that judges are required to contribute towards their retirement?	If your state pays any or all of the judge's share of the retirement cost, what is the percent or amount?	Do your retirement programs vary by jurisdiction?	The questions in this section only apply to states that have a defined benefit retirement program exclusive to judges							Additional Comments	
							Describe your state's defined benefit retirement formula, or formulas.	How many years are required until a judge is vested in the retirement system?	How many years must a judge serve before they may collect retirement?	What is the minimum age before a judge can collect retirement, if applicable?	What is the mandatory retirement age for judges, if applicable?	What is the maximum amount and/or percent of salary a judge can receive upon retirement?	What is the maximum amount and/or percent of salary a judge can receive for disability retirement?		Do your state judges participate in social security?
Indiana	Both	No	Yes	6% first 22 years	n/a	No	24% for 8 years of service 27% for 9 years of service 30% for 10 years of service 33% for 11 years of service 50% for 12 years of service 1% increase per year of service for years 13 - 21 60% for 22+ years of service	8 years	30 years at age 55 8 years at age 65 Rule of 85: years of service plus age = 85	Age 75 (court system is not unified and age restrictions may vary)	60% of the applicable salary	60% of the applicable salary	Yes	Indiana has two judicial retirement plans; one for judges who began service before 8/1/85 & one for judges who began service on/after 8/1/85. The first plan provides benefits at a percent of the salary currently being paid to the office. The second provides benefits at a percent of salary at retirement, plus increases based on the percent of judicial salary increases. If a judge retires before age 65 & they do not meet the rule of 85, their pension is reduced by 0.1% for each month they retire before age 65.	
Iowa	Both	No	Yes	9.35% eff. 7/1/10 until system fully funded	n/a	No	3.25% * years of service; not to exceed 65% of high 3 years salary	4 years	4 years at age 65 20 years at age 50	Age 72	65%	65%	Yes		
Kansas	Both	No	Yes	6% first 20 years, then 2% per year thereafter	n/a	No	3.5% per year	Immediate	2 quarters (2 quarters "rounds" to 1 year) Age 65 w/1 year Age 62 w/10 yrs	Age 75 at term end	70%	70%	Yes		
Louisiana	Both	Yes	Yes	11.5%	n/a	No	3.5% per year	Immediate, but no pension until age 70 or 12 years at age 55	18 years at any age 20 years at age 50 w/12 as judge 12 years at age 55 10 years at age 65 Age 70 regardless of years	Age 70 unless during term of office	100%	50%	No	In Louisiana, judges are currently members of the state employees' retirement system provisions that provide for increased contributions and a greater accrual rate. Legislation is pending which eliminates the judicial retirement provisions for all judges on or after 1/1/11. If a judge reaches age 70 during a term of office, the remainder of the term may be served (up to 10 years for appellate judges and 6 years for trial court judges).	
Maine	Both	Yes	Yes	7.65%	n/a	No	(Prior svc yrs * 10 + 75% of 11/30/84 salary of position) + (AFC * yrs svc through 6/30/96 * 2%) + (AFC * yrs svc from 7/1/96 * 3%)	5 years	5 years	Age 60 w/10 years prior to 7/1/93 or age 62	n/a	70% of AFC if in service on/after 12/1/84 50% of avg final comp Hired before 10/16/92: 66% avg final comp	Hired on/after 10/16/92: 50% of avg final comp Hired before 10/16/92: 66% avg final comp	No	In Maine, all employees are part of the same retirement program, but judges have a different retirement formula. AFC, or average final comp, is the average of your 3 highest years of earnable comp. A judge who is age 70 with one year of service is eligible for benefits.
Maryland	Both	No	Yes	6% - until 18 years of service are accrued	n/a	No	66667 * salary of active judge * (years of service up to 16) divided by 16	Immediate	n/a	Age 60	Age 70	56% of salary if an active judge	2/3rd of salary if 3+ years of service	Yes	
Massachusetts	Both	No	Yes	See additional comments section	n/a	No	If appointed on or after 1/2/75, 75% of salary at retirement  If age 70 unless less than 10 years continuous judicial service, benefit is reduced by 10% for each year short of 10 years	10 years	If appointed on or after 1/2/75: 10 years at age 70  15 years at age 65 10 years at age 70 w/reduction	Age 70	75% of salary at retirement	75% of salary at retirement	No	In Massachusetts, if a judge was appointed before 1/2/75, they do not contribute towards their retirement. If appointed between 1/2/75 & 12/31/78, contribution rate is 7%. If appointed between 1/1/79 & 12/31/87 and did not previously work for the Commonwealth or a political subdivision thereof, contribution rate is 7% for the first 30k and 9% for the balance. If appointed after 1/1/88 and did not previously work for the Commonwealth or a political subdivision thereof, contribution rate is 8% for the first 30k, 9% for 30k - 45k, and 10% for over 45k.	
Michigan	Appellate	No	Yes	5%	n/a	No	3% of final comp per year of service if less than 12 years; 50% of final comp, plus (2.5% of final comp * years of service) if over 12 years but less than 16	8 years	8 years at age 60 18 yrs (last 6 continuous) at age 55 25 yrs (last 6 continuous) at any age	Cannot run for reelection after age 70	60%	60%	Yes	In Michigan, there are two retirement plans for judges. Judges appointed or elected prior to 3/31/97 are members of the defined benefit plan, unless they elected to transfer to the 401(k) plan and those appointed or elected on/after 3/31/97 are members of the 401(k) defined contribution plan. Trial court judges in the defined benefit plan had the option of including \$2,250 of their local salary supplement or 40% of their local supplement in their pension contribution & final pension amount. Some trial court judges also receive pensions from their local funding units.	
	Trial	No	Yes	3.5% - 7%	n/a	No	3% of final comp per year of service if less than 12 years; 50% of final comp, plus (2.5% of final comp * years of service) if over 12 years but less than 16	8 years	8 years at age 60 18 yrs (last 6 continuous) at age 55 25 yrs (last 6 continuous) at any age	Cannot run for reelection after age 70	60%	60%	Yes		
Minnesota	Both	No	Yes	8%	n/a	No	Prior to 7/1/80: 2.7% of high-five average salary for each year of service After 7/1/80: 3.2% of high-five average salary for each year of service	5 years	5 years	Age 65 or 60 w/reductions	Age 70	76.6%	1 yr salary + 25% of high-five avg salary to max age of 70	Yes	In Minnesota, if a judge retires before age 65, the monthly benefits are reduced by 6% for each year before age 65.
Mississippi	Both	Yes	No	7.25% - will increase to 9% on 7/1/2010	n/a	No	-	-	-	-	-	-	-	-	
Missouri	Both	No	Yes	30	n/a	No	50% of salary for the highest court held on a full-time basis	No vesting requirement	12 years at age 62 15 years at age 60 20 years at age 55	Age 70	50% of salary for highest court held on full-time basis	50% of salary on disability date plus 10% through the MOSERS LT Disability Plan; total 60% of monthly salary	Yes		
Montana	Both	No	Yes	7%	n/a	No	3.33% of current salary or highest average comp per year of service for first 15 years; plus 1.785% per year for each year after 15 years	5 years	5 years at age 60 5 yrs at any age if involuntary term	n/a	n/a	n/a	Yes		
Nebraska	Both	No	Yes	8% up to 20 years 4% > 20 years	n/a	No	3.5% * avg of 3 highest 12 month periods of comp * years of service; maximum years of service = 20	No vesting requirement	No minimum	Age 65 or 55 w/reductions	n/a	70% of final average comp	70% of final average comp	Yes	
New Hampshire	Both	No	Yes	10%	n/a	No	70% for 15 years service at age 60; 1% added for each year beyond 7 years service to max of 75%  75% for 10 years of service at age 65  45% for 7 years service at age 70; 10% added for each year beyond 7 years to max of 75%	No vesting requirement	15 years at age 60 10 years at age 65 7 years at age 70	Age 70	75% of salary	75%	No	In New Hampshire, for all retirement formulas, salary is based upon compensation received in the previous 52 weeks, including any longevity pay, leading up to the date of retirement plus three days pay representing terminal pay. When a full-time employee reaches 10 years of service, they receive \$300 per year as longevity pay. For each 5 year block of service after 10 years, the full-time employee receives an additional \$300 per year.	

[illegible]



**State Survey of Retirement Programs for Intermediate Appellate Court and General Jurisdiction Trial Court Judges**  
**Data As Of May 2010**

State	Intermediate Appellate and/or General Jurisdiction Trial Court Judges	Do your judges participate in a defined benefit retirement program that includes all state employees?	Do your judges participate in a defined benefit retirement program that is exclusive to judicial officers?	What is the percent of salary or dollar amount that judges are required to contribute towards their retirement?	If your state pays any or all of the judge's share of the retirement cost, what is the percent or amount?	Do your retirement programs vary by jurisdiction?	The questions in this section only apply to states that have a defined benefit retirement program <u>exclusive to judges</u> .								Additional Comments
							Describe your state's defined benefit retirement formula, or formulas.	How many years are required until a judge is vested in the retirement system?	How many years must a judge serve before they may collect retirement?	What is the minimum age before a judge can collect retirement, if applicable?	What is the mandatory retirement age for judges, if applicable?	What is the maximum amount and/or percent of salary a judge can receive upon retirement?	What is the maximum amount and/or percent of salary a judge can receive for disability retirement?	Do your state judges participate in social security?	
Texas	Both	No	Yes	8%	n/a	No	50% of final compensation at retirement; increased by 10% of final compensation if member has not been out of office for 1 year or if member has served as visiting judge within 1 year of benefit commencement	10 years if age 65 & in office; reduced if age 60 & in office	10 years at age 65 & in office 12 years at age 65 20 years at any age Appellate: 12 years at age 58 Appellate: 12 years and Rule 70 Reduced: 10 yrs, age 60 & in office Reduced: 12 years at age 60		Age 75	90%	90% with 7 years	Yes	In Texas, contributions end after 20 yrs service, or 12 yrs service on an appellate court and after attaining the Rule of 70 (age plus yrs of service) unless the judge elects to continue making contributions for enhanced benefits. If the judge elects to make contributions after 20 yrs of service, or 12 yrs appellate and Rule 70, they receive an additional 2.3% per subsequent year.
Utah	Both	No	Yes	\$0	n/a	No	5% up to 10 years of service Additional 2.25% for 10 to 20 years Additional 1.00% for over 20 years	8 years	6 years	n/a	Age 75	No maximum	65%	Yes	In Utah, retirement is solely state contributory; therefore, there is no cost to judges.
West Virginia	Trial	Yes, Judges can elect the Public Employees Retirement System	Yes, Judges can elect the Judicial Retirement System; remaining questions reflect this system	10.5%	n/a	No	Appointed/Elected prior to 7/1/05: 75% of the office's current salary (will increase if office's salary increases)  Appointed/Elected after 7/1/05: 75% of final average salary (highest 36 months)	Prior to 7/1/05: 16 yrs of svc (w/12 as judge) at age 65 After 7/1/05: 16 yrs of svc (w/14 as judge) at age 65  Prior to 7/1/05: 24 yrs of svc (w/12 as judge) at any age After 7/1/05: 24 yrs of svc (w/14 as judge) at any age  Prior to 7/1/05: 8 yrs of svc as judge after attaining age 65		n/a	The maximum is the same as the retirement formula	For the unexpired term, benefits equal salary of the office	Yes	In West Virginia, they do not have intermediate appellate courts. All responses are for general jurisdiction trial court judges. A judge may receive an actuarially reduced benefit at age 62 with 16 years of service (w/12 as judge) if appointed or elected before 7/1/05, or 16 years of service (w/14 as judge) if appointed or elected after 7/1/05. At the end of the term, the disability benefit is 75% of current office salary if appointed or elected before 7/1/05, after 7/1/05 the benefit is calculated with respect to judge's final average salary.	
Wisconsin	Both	Yes	No	\$0	n/a	No	-	-	-	-	-	-	-	-	

Data were collected from, and verified by each state's Administrative Office of the Courts in the survey of judicial retirement programs conducted by the California Administrative Office of the Courts and distributed by the National Center for State Courts in May 2010.

## Appendix 9

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# **Maryland Budget Status**

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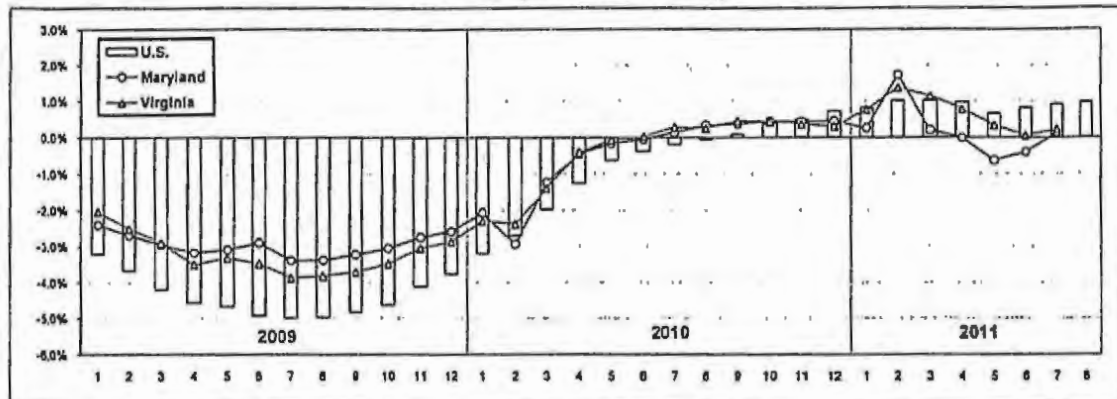
**Presentation to the  
Judicial Compensation Commission**

**Department of Legislative Services  
Office of Policy Analysis  
Annapolis, Maryland**

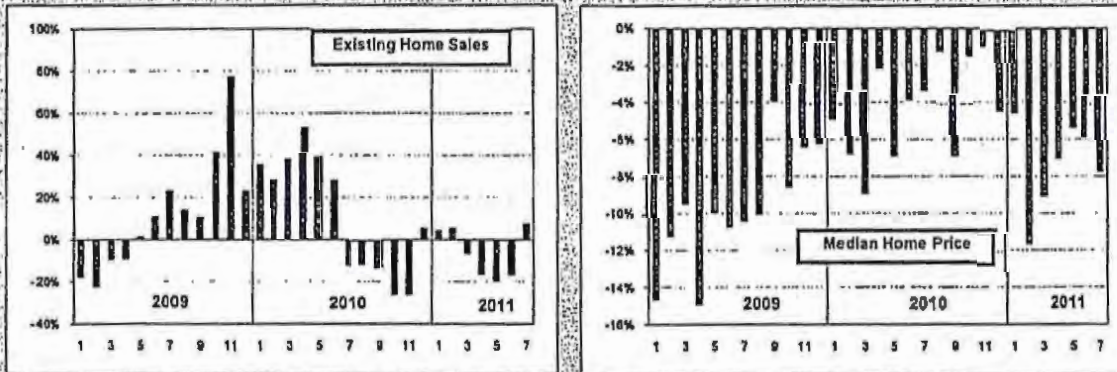
**September 7, 2011**

## MARYLAND ECONOMIC DASHBOARD

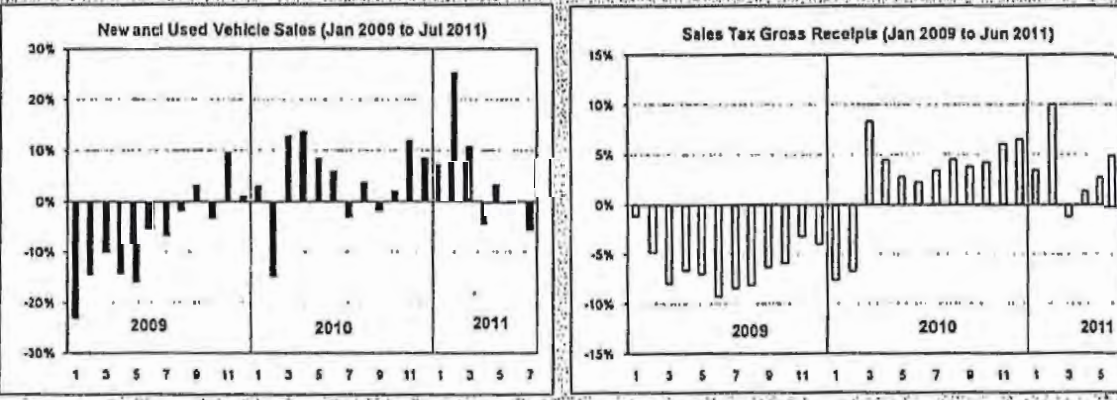
Payroll Employment – January 2009 to August 2011  
Year-over-year Percent Change



Maryland Real Estate Market – January 2009 to July 2011  
Year-over-year Percent Change



Maryland Vehicle Sales and Sales Tax Gross Receipts  
Year-over-year Percent Change



Prepared by: Maryland Department of Legislative Services

Sources: U.S. Department of Labor, Maryland Association of Realtors, Maryland Motor Vehicle Administration,

Contact: Theresa Tuszyński (410-948-5510)

Updated: September 8, 2011

**Actual and Estimated General Fund Revenue  
Fiscal Year 2011**

	Fiscal Year 2011				Fiscal Year 2010 - 2011		
	2011	Estimated <sup>1</sup>	Difference from Estimate		2010	Growth FY 10 - FY 11	
	Actual		\$	%	Actual	\$	%
<b>INCOME TAXES</b>							
Individual	6,643,428,888	6,339,319,000	304,109,888	4.8%	6,178,242,639	465,186,249	7.5%
Corporations	571,301,425	611,310,000	(40,008,575)	-6.5%	689,310,989	(118,009,564)	-17.1%
<b>Total</b>	<b>7,214,730,313</b>	<b>6,950,629,000</b>	<b>264,101,313</b>	<b>3.8%</b>	<b>6,867,553,628</b>	<b>347,176,685</b>	<b>5.1%</b>
<b>SALES AND USE TAXES</b>	<b>3,656,043,473</b>	<b>3,708,261,000</b>	<b>(52,217,527)</b>	<b>-1.4%</b>	<b>3,522,773,696</b>	<b>133,269,777</b>	<b>3.8%</b>
<b>STATE LOTTERY RECEIPTS</b>	<b>499,393,851</b>	<b>492,550,000</b>	<b>6,843,851</b>	<b>1.4%</b>	<b>491,008,631</b>	<b>8,385,220</b>	<b>1.7%</b>
<b>OTHER REVENUES</b>							
Business Franchise Taxes	210,171,002	202,919,000	7,252,002	3.6%	202,451,759	7,719,244	3.8%
Tax on Insurance Companies	285,942,114	287,044,000	(1,101,886)	-0.4%	277,006,782	8,935,333	3.2%
Estate and Inheritance Taxes	216,044,159	194,709,000	21,335,159	11.0%	173,473,468	42,570,691	24.5%
Tobacco Tax	407,570,396	412,548,000	(4,977,604)	-1.2%	405,915,108	1,655,288	0.4%
Alcoholic Beverages Excises	30,434,733	30,504,000	(69,267)	-0.2%	29,873,865	560,868	1.9%
Motor Vehicle Fuel Tax	5,000,000	5,000,000	-	0.0%	8,385,845	(3,385,845)	-40.4%
Highway User Revenues	377,054,884	370,012,000	7,042,884	1.9%	N/A	377,054,884	N/A
District Courts	86,867,248	86,458,000	409,248	0.5%	87,331,485	(464,237)	-0.5%
Clerks of Court	29,263,499	31,227,000	(1,963,501)	-6.3%	35,483,707	(6,220,208)	-17.5%
Hospital Patient Recoveries	74,233,348	74,649,000	(415,652)	-0.6%	72,690,184	1,543,164	2.1%
Interest on Investments	58,380,514	54,000,000	4,380,514	8.1%	50,223,150	8,157,364	16.2%
Miscellaneous	386,234,327	318,981,636	67,252,691	21.1%	335,928,466	50,305,861	15.0%
<b>Total</b>	<b>2,167,196,225</b>	<b>2,068,051,636</b>	<b>99,144,589</b>	<b>4.8%</b>	<b>1,678,763,818</b>	<b>488,432,407</b>	<b>29.1%</b>
<b>TOTAL CURRENT REVENUES</b>	<b>13,537,363,863</b>	<b>13,219,491,636</b>	<b>317,872,227</b>	<b>2.4%</b>	<b>12,560,099,774</b>	<b>977,264,089</b>	<b>7.8%</b>
Extraordinary Revenues <sup>2</sup>		3,700,000	See Note 2		27,015,264	See Note 2	
<b>GRAND TOTAL</b>	<b>13,537,363,863</b>	<b>13,223,191,636</b>	<b>314,172,227</b>	<b>2.4%</b>	<b>12,587,115,038</b>	<b>950,248,826</b>	<b>7.5%</b>

<sup>1</sup> The fiscal year 2012 budget increased 2011 revenue estimates by \$60.5 million; the estimates for the individual income tax, sales and use tax, and miscellaneous revenues have been adjusted accordingly.

<sup>2</sup> The extraordinary revenues in 2010 and 2011 reflect the 2010 tax amnesty program. For administrative reasons, receipts from the tax amnesty in fiscal year 2011 cannot be detailed and are included in the revenue source to which they pertain.

There were additional budgeted transfers from other funds into the general fund totaling \$1.098 billion in fiscal year 2010 and \$347.0 million in fiscal year 2011.



## 2011 Fund Balance Analysis

June Estimated Ending Balance		\$646
Close-out Adjustments		
Revenues Over Estimate	\$314.2	
Transfers Over Estimate	6.1	
Reversions Over Estimate	<u>23.8</u>	
		\$344
Actual Ending Balance		\$990
Used to Balance 2012		\$590
Available for FY 2013*		\$401

\* Does not reflect deficiencies or revised revenue estimates

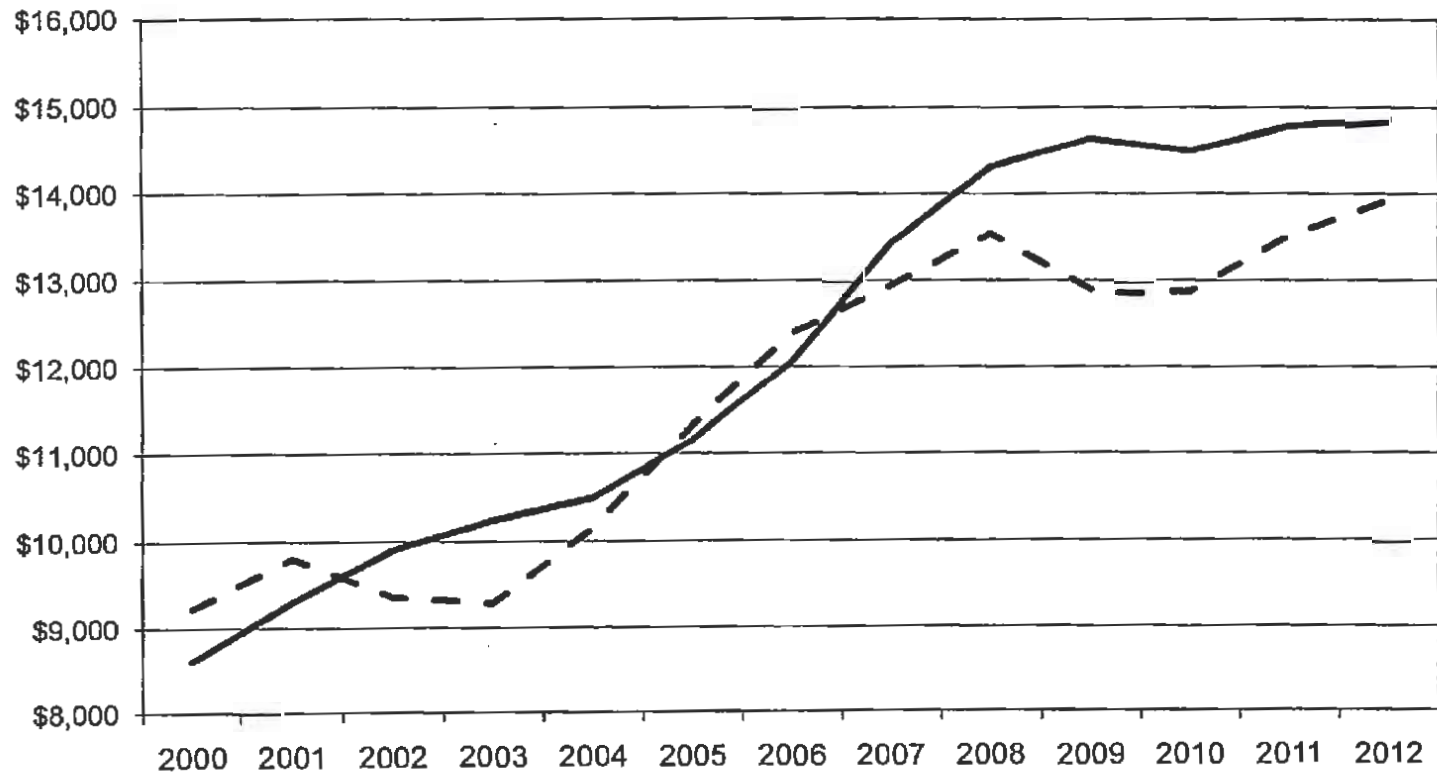
## Eyeballing the Fiscal 2013 General Fund Balance

	<u>Cash</u>	<u>Structural</u>
June Forecast Shortfall for FY 2013	(\$1,078)	(\$1,113)
Revenue Write Ups (Base Revenues)		
FY 2011 Close-out	314	
FY 2012	300	
FY 2013	<u>300</u>	<u>300</u>
	914	300
September Forecast Growth Adjustment*		
FY 2012	(43)	
FY 2013	<u>(249)</u>	<u>(249)</u>
	(292)	(249)
Budget Deficiencies		
FY 2012	(\$250)	(\$150)
Potential 2013 Balance	(\$706)	(\$1,161)

\*Assumes 3% on taxes and fees in 2012 and 2013

# Ongoing General Fund Revenues and Spending

Fiscal 2000-2012  
(\$ in Millions)



## Appendix 10

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Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Botts

Typed by: Susanne

Stored – 11/16/11

Proofread by \_\_\_\_\_

Checked by \_\_\_\_\_

By: **Leave Blank**

## SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Judicial Compensation Commission – Recommendations**

3 FOR the purpose of establishing the compensation of the members of the Judiciary in  
4 this State in accordance with Section 1–708 of the Courts and Judicial  
5 Proceedings Article of the Annotated Code of Maryland.

6 WHEREAS, Section 1–708(b)(2) of the Courts and Judicial Proceedings Article  
7 of the Annotated Code of Maryland establishes a seven–member Judicial  
8 Compensation Commission appointed by the Governor with two members appointed  
9 on nomination of the President of the Senate, two members appointed on nomination  
10 of the Speaker of the House of Delegates, one member appointed on nomination of the  
11 Maryland State Bar Association, and two members appointed at large. The Judicial  
12 Compensation Commission is constituted as follows: appointments made on the  
13 nomination of the President of the Senate: John Paterakis and Elizabeth Buck;  
14 appointments made on the nomination of the Speaker of the House of Delegates:  
15 Thomas Barbera and Raymond Langston; appointment made on the nomination of the  
16 Maryland State Bar Association: Edward Gilliss; and appointments at large: Annette  
17 J. Funn and Alice G. Pinderhughes. The Commission members elected Elizabeth Buck  
18 to serve as the chair of the Commission. The Commission is charged with reviewing  
19 the salaries of the judges of the Judiciary of Maryland and making written  
20 recommendations to the Governor and the General Assembly on or after September 1,  
21 2011, September 1, 2013, and every 4 years thereafter; and



WHEREAS, Section 1-708(d) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland provides as follows: the General Assembly may amend this Joint Resolution to decrease any of the Commission's salary recommendations, but no reduction may diminish the salary of a judge during the judge's continuance in office. The General Assembly may not amend this Joint Resolution to increase these recommended salaries. Should the General Assembly not adopt or amend this Joint Resolution within 50 days of its introduction, the salaries recommended herein shall apply during fiscal years 2013 through 2016. Should the General Assembly reject any or all of the salaries herein recommended, the salaries of the judges so affected shall remain unchanged during fiscal years 2013 through 2016 unless modified under other provisions of the law; and

WHEREAS, The Judicial Compensation Commission held two meetings in 2011 (September and October). The Commission considered many aspects and facets of judicial compensation. The Commission, by a vote of five or more of its members as required by § 1-708(b)(7) of the Courts Article, has recommended no change in judicial salaries for fiscal year 2013 and an increase in judicial salaries for fiscal years 2014 through 2016; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That after considering the recommendations of the Judicial Compensation Commission, beginning July 1, 2012, judicial salaries shall be as follows:

Position	Current Salary	Proposed Salary
Court of Appeals		
Chief Judge	181,352	181,352
Associate Judge	162,352	162,352
Court of Special Appeals		
Chief Judge	152,552	152,552
Associate Judge	149,552	149,552
Circuit Courts		
Judge	140,352	140,352
District Court		
Chief Judge	149,552	149,552
Associate Judge	127,252	127,252;

and be it further

1           RESOLVED, That beginning July 1, 2013, judicial salaries shall be as follows:

2	Position	Proposed Salary
3	Court of Appeals	
4	Chief Judge	190,463
5	Associate Judge	171,463
6	Court of Special Appeals	
7	Chief Judge	161,663
8	Associate Judge	158,663
9	Circuit Courts	
10	Judge	149,463
11	District Court	
12	Chief Judge	158,663
13	Associate Judge	136,363;

14   and be it further

15           RESOLVED, That beginning July 1, 2014, judicial salaries shall be as follows:

16	Position	Proposed Salary
17	Court of Appeals	
18	Chief Judge	200,121
19	Associate Judge	181,121
20	Court of Special Appeals	
21	Chief Judge	171,321
22	Associate Judge	168,321
23	Circuit Courts	
24	Judge	159,121
25	District Court	
26	Chief Judge	168,321
27	Associate Judge	146,021;

28   and be it further

29           RESOLVED, That beginning July 1, 2015, judicial salaries shall be as follows:

1	Position	Proposed Salary
2	Court of Appeals	
3	Chief Judge	210,358
4	Associate Judge	191,358
5	Court of Special Appeals	
6	Chief Judge	181,558
7	Associate Judge	178,558
8	Circuit Courts	
9	Judge	169,358
10	District Court	
11	Chief Judge	178,558
12	Associate Judge	156,258.

13           RESOLVED, That a copy of this Resolution be forwarded by the Department of  
14 Legislative Services to the Honorable Martin O'Malley, Governor of Maryland; the  
15 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the  
16 Honorable Michael E. Busch, Speaker of the House of Delegates.

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Schafer

Typed by: Gail

Stored – 11/16/11

Proofread by \_\_\_\_\_

Checked by \_\_\_\_\_

By: Leave Blank

## A BILL ENTITLED

1 AN ACT concerning

2 **Judges' Retirement System – Contribution Rates for New Members**

3 FOR the purpose of altering the rate of member contributions for individuals who  
4 become members of the Judges' Retirement System on or after a certain date;  
5 and generally relating to the Judges' Retirement System.

6 BY repealing and reenacting, with amendments,  
7 Article – State Personnel and Pensions  
8 Section 27–202  
9 Annotated Code of Maryland  
10 (2009 Replacement Volume and 2011 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – State Personnel and Pensions**

14 27–202.

15 (a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this  
16 section, a member's contribution rate is 6% of the member's earnable compensation.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1           (b)    **THE CONTRIBUTION RATE FOR AN INDIVIDUAL WHO BECOMES A**  
2 **MEMBER ON OR AFTER JULY 1, 2012, IS 8% OF THE MEMBER'S EARNABLE**  
3 **COMPENSATION.**

4           (c)    After 16 years of service as a member, a member does not make any  
5 further contributions.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 July 1, 2012.