

President's Corner



By Allen M. Terrell, Jr., Esquire

Judicial Compensation

While it is difficult in the current economic climate to consider any proposal to increase the State's expenditures, it would be myopic not to do so in the area of judicial compensation. As members of the DSBA, we must unite in support of an increase in Delaware judicial salaries. We urge the Delaware Compensation Commission to recommend in its upcoming report an increase in statewide judicial salaries.

For a brief background, the Delaware Compensation Commission was created in 1984 by then Governor Pierre S. DuPont, IV. It has statutory authority to issue a report to the Governor every four years on the compensation and expenditures of the Governor, state officers (including Lieutenant Governor, Attorney General, State Auditor, and State Treasurer), and all judges and court commissioners of the Supreme Court, the Court of Chancery, the Superior Court, the Court of Common Pleas, the Family Court, the Chief Magistrate, the Justices of the Peace, and the Public Defender. 29 *Del. C.* § 3303. The remuneration for all offices provided for in the report shall take effect and have the force and effect of law as of July 1st of the year in which the report is issued, unless the General Assembly rejects by joint resolution the report in its entirety within 30 days of commencement of its session. 29 *Del. C.* § 3304. Thus, the Commission's report sets judicial salaries for four years! During that period our judges are subject to the impact of inflation and cost of living. Delaware judicial compensation has not kept pace with inflation.

The Delaware Compensation Commission's report is due early next year. The current Commission members [Ernest

Dianastasis, Scott Green, Mike Jackson, Dennis Loftus, Pete Ross, and Harold Slatcher] are all conscientious and hard working. Their task is admittedly difficult. They receive reports and data from many sources. A committee of the DSBA has studied the issue of judicial compensation and has determined that judicial pay has failed to keep pace with inflation for the past four years. The committee has developed its own recommendations as to modest increases in judicial pay for all courts that would adjust for this problem and plans to present its recommendations to the Delaware Compensation Commission. Your committee's recommendations will be based on statistical evidence of salaries of judges around the country, as well as much other information. It will show that Delaware judges have seen no real compensation increases over the last four years. That is not true in many states. Salaries for high court judges in 40 states have increased 12% over the past three years.

Many members of the Delaware judiciary took substantial pay cuts to serve on the bench. While it is an honor to serve in the public sector, Delaware may only be able to recruit its best and brightest legal minds to the bench if they are paid enough not to feel that they must sacrifice so much to leave the more lucrative private sector. While it may be costly in budgetary terms to support a modest increase in judicial salaries, not doing so would be more costly to Delaware's interests in the long term.

It is critical that the Delaware Compensation Commission consider the long-term effects of maintaining a well-compensated judiciary in Delaware. It is indisputable that an independent

judiciary is the cornerstone of an effective democratic system of government. It is also indisputable that Delaware has one of the most effective court systems in the country, a system which is the envy of many other states. Finally, it is indisputable that Delaware receives a significant amount of its annual revenue from corporate franchise tax largely due to the reputation of the efficient court system and the judges who are well-versed in the applicable law. Therefore, please support an appropriate increase in judicial compensation in any way you can, including contacting members of the Compensation Commission and legislators who you know. ☺

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Sessions will resume in January 2009.

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