

## Articles

### "Salary Gap Impedes Judicial Process in Texas"

Rocky Robinson  
*Houston Business Journal*  
April 1, 2005

Judges are the pillars of the Texas judicial system. Without them, the system grinds to a halt and is relegated to chaos. The system is not perfect, and reasonable minds can differ on how best to make improvements.

There is, however one area that needs to be addressed now - judicial compensation.

Plain and simple, state judges need a pay raise. Without one, we run the risk of losing qualified jurists at all levels of the Texas judicial system.

Consider the following:

- The average tenure of an appellate judge in Texas is less than one full term of six years.
- The salary and compensation package of a fresh-out-of law school, first-year-associate at some larger law firms exceeds the salaries of state District Court judges, Court of Appeals, Court of Criminal Appeals and Supreme Court justices.
- The recently published Survey of Judicial Salaries reveals that among the 50 states, Texas ranks 39th, 34th, and 27th for judicial pay in the highest courts, intermediate appellate courts and trial courts, respectively.
- According to the National Center for State Courts, Texas ranks 10th in judicial compensation among the 10 most popular states. Moreover, the median judicial salary in the 10 most largest states is \$153,750 for the highest courts; \$144,100 for intermediate appellate courts; and \$136,546 for trial courts. In Texas, Supreme Court Justices make \$113,000; Court of Appeals Justices make \$107,350; and District Court Justices bring up the rear at \$101,700.
- In 2004 dollars, a Texas Supreme Court Justice makes less than he or she made in 1990.

State judges make decent livings when compared to the population as a whole. Further, when they decided to take the oath of office, they entered public service.

But they had a reasonable expectation that their compensation would not fall woefully behind that of their peers in other states, not to mention fellow lawyers in the private sector. Almost any Texas jurist could leave the bench and easily double or triple his or her current salary in the private sector.

I have been privileged to practice law in Texas for over 25 years. We had an outstanding judiciary when I began my practice, each with several years of experience on the bench. It was that judicial experience, when coupled with other qualities such as temperament, integrity and intellect, which contributed significantly to their reputations.

Our current generation of judges similarly gets high marks for temperament, integrity, and intellect. Judicial experience is no less important. That, of course, takes time to accrue. Without an experienced judiciary, we run a substantial risk of losing institutional continuity necessary to the efficient operation of our judicial branch.

My father spent his career as a high school principal and superintendent. He lamented the loss of some of his best teachers to the private sector because of low salaries. The situation with our judges is strikingly similar. We are losing good judges who simply cannot afford to serve.

The State Legislature is now in session. The Senate Committee on Jurisprudence has recommended a pay increase for judges. If adopted by the Legislature and not vetoed (as in 2001) by the governor, the salaries of Texas judges would be brought closer to the median judicial salaries in the 10 largest states.

We deserve a highly qualified and experienced judiciary. If we do not increase our judicial salaries now, we will continue to lose good judges. If that happens, we all lose.