



*A nonprofit organization improving justice through leadership and service to courts*

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**Testimony to the Senate Committee on Ways and Means**

The Honorable Donna Mercado Kim, Chair

The Honorable Shan S. Tsutsui, Vice Chair

Monday, March 29, 2010, 9:00 am

State Capitol, Conference Room 211

by

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Bill No. and Title: House Bill No. 2964, H.D. 1, Relating to Salaries

I am honored to have this opportunity to testify before you in regards to Hawaii House Bill No. 2964. Let me start by explaining the mission of the National Center for State Courts (NCSC). The NCSC was established in 1971 at the urging of then Chief Justice Warren Burger as a non-profit organization dedicated to serving as a central resource available to all state judiciaries. As part of our mission, we collect comparable information on the work and administration of all state judiciaries and identify best or promising practices states might wish to consider adopting. We are heavily involved in providing the information, analysis, and practical resources needed for continuing to provide a high-quality judiciary in a time of recession.

Since 1974 the NCSC has continuously monitored and analyzed state judicial compensation trends through annual and (more recently) semi-annual surveys of the 50 states. Our Web site provides a comprehensive data base of the survey findings and notes factors that should be taken into account if valid state-to-state comparisons are to be made (accessible at: [http://www.ncsconline.org/d\\_kis/salary\\_survey/home.asp](http://www.ncsconline.org/d_kis/salary_survey/home.asp)). Through the generous funding of the Cade Foundation, the NCSC carried out an extensive analysis of judicial compensation in Hawaii, resulting in recommendations that were subsequently adopted by your legislature. The NCSC recently completed an in-depth study of judicial compensation in New York State, and has offered testimony before legislative committees and commissions charged with reviewing public employee compensation in a variety of states.

Based on its 36 years of experience, the NCSC recommends that comparisons of judicial compensation among states be made using cost-of-living adjusted salaries to measure the adequacy of compensation levels. Starting in 2005 our salary survey reports have included cost-of-living adjusted judicial salaries. In the most recent survey (July 2009) Hawaii's judges ranked on that basis as 51<sup>st</sup> in the nation, lower than all other states and the District of Columbia. This is a decline from the situation in 2005, when Hawaii ranked 49<sup>th</sup> in the nation.

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The NCSC continues to urge states to adhere to four key objectives when making decisions on judicial compensation, objectives first stated in the 2002 Cade Foundation funded report:

*Equity:* Judicial compensation should be broadly comparable to remuneration received by attorneys taking similar career paths and by other public servants having comparable responsibility, training, and experience.

*Regularity:* The real value of judicial compensation should be maintained through adjustments that respond to inflation.

*Objectivity:* Judicial compensation should be set by reference to an agreed-upon set of objective criteria that can be easily evaluated by the public.

*Separate from politics:* Decisions on judicial compensation should not be used to express dissatisfaction with specific court decisions.

Finally, the potential economic impact of low judicial compensation levels on the economy is often overlooked. States have a strong interest in attracting and retaining businesses that create jobs and tax revenues and contribute to economic prosperity. A high-quality, stable judiciary is one factor that makes a state attractive when investment and re-investment decisions are made by businesses.