

SENATE NO. 974

AN ACT TO ESTABLISH A COMMISSION ON JUDICIAL COMPENSATION, BENEFITS AND PENSION

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 162 of Chapter 6 as it appears in the 2004 Official Edition of the General
2 Laws is hereby amended by striking all references to “judicial” in paragraph one.

3 SECTION 2: Chapter 6 as it appears in the 2004 Official Edition of the General Laws is hereby
4 amended by adding the following new section:

5 Section 6A, Commission on Judicial Compensation, Benefits and Pension

6 (1) Establishment of Commission. A Judicial Commission on Judicial Compensation, Benefits
7 and Pension (Commission) is hereby created that shall establish, subject to the veto power of the
8 individual houses of the Great and General Court, the salary and benefits, including retirement,
9 to be paid from the state treasury and other sources for all justices and judges of this state,
10 including retired justices and judges sitting on assignment.

11 (2) Appointment of Members. The Commission shall consist of five members selected from
12 among the registered voters of this state: one shall be appointed by the Governor, one by the

13 Senate President, one by the Speaker of the House of Representatives; the current President of
14 the Massachusetts Bar Association, and the President of the Massachusetts Judges Conference.
15 The public official with the power to appoint a member shall be the person in office on the day
16 of commencement of the member's term.

17 Terms of Office: The initial members of the Judicial Compensation Commission shall serve for
18 a term of two years, commencing than January 1, 2008 or sooner, and may continue to serve for
19 no more than six years, at the discretion of the appointing authority. The Presidents of the
20 Massachusetts Bar Association and the Massachusetts Judges Conference appointments shall be
21 coterminous with their respective positions.

22 (3) Vacancies: Any vacancy on the Commission shall be filled promptly for the remainder of the
23 term in the same manner in which such position was originally filled under Section 2.

24 (4) Designation of Chairperson. The members of the Judicial Compensation Commission shall, by
25 majority vote, designate a chairperson from among their number who shall serve for two years
26 from the date of election or until his or her successor is designated by majority vote and assumes
27 the responsibilities.

28 (5) Meeting, Quorum, Concurrence. The Commission shall meet, either in person or by
29 teleconference, on the call of the chairperson or on the request of at least three members. The
30 presence of at least three members shall be required to conduct a meeting. The concurrence of at
31 least three members shall be required for any formal action taken by the commission.

32 (6) Compensation; Reimbursement of Reasonable Travel Expenses. The members of the
33 Commission shall receive no compensation for their services.

34 (7) Annual Report Required. Not later than December 1 of each year, the Judicial Compensation
35 Commission shall make its annual report to the Great and General Court, The Governor and the
36 Chief Justice of the Supreme Judicial Court. The annual report shall include findings,
37 conclusions, and recommendations as to the proper salary and benefits, including retirement, to
38 be paid from the state treasury, for all justices and judges of this state, including retired justices
39 and judges sitting on assignment. The annual report shall also include such legislative proposals
40 as the Commission deems necessary to implement these recommendations.

41 (8) Directive of Commission.. The Commission is established in recognition of the fact that
42 inadequate compensation, which results in unreasonable economic hardship, prevents many
43 highly qualified individuals from serving as judges or prevents them from serving on the bench
44 for a sufficiently long period of time. This economic reality severely undermines the essential
45 goal of maintaining the highest level of public confidence in the State Judiciary. The Commission
46 shall therefore conduct its study and make its recommendations with respect to all aspects of
47 judicial compensation in this Massachusetts to the end that the judicial compensation structure
48 shall be adequate to ensure that the most highly qualified individuals in this state, selected from a
49 diversity of life and professional experiences, will be attracted to the state judiciary and will be
50 able to serve and to continue to serve without unreasonable economic hardship and with a level
51 of judicial independence unaffected by financial concerns.

52 (9) Criteria for Recommendations. In order to make findings, conclusions, and recommendations
53 as to the proper salary and benefits for all justices and judges in Massachusetts, and in order to
54 fulfill the directive of this Commission, the Commission may consider, but shall not be limited
55 to, the following factors:

56 (a) the skill and experience required of the particular judgeship at issue;

- 57 (b) the value of compensable service performed by justices and judges, as determined by
58 reference to judicial compensation in other states and the federal government as
59 referenced in studies conducted by the National Center for State Courts
- 60 (c) the compensation of attorneys in the private sector;
- 61 (d) the average consumer prices commonly known as the cost of living, as well as the
62 changes in such measure.
- 63 (e) such other factors, not confined to the foregoing, that are nominally or traditionally
64 taken into consideration in the determination of such compensation; and
- 65 (f) most importantly, that the level of overall compensation creates parity with the ten
66 states of highest compensation, when adjusted for “cost of living” according to the
67 national judicial compensation survey conducted by the National Center for State
68 Courts. And further, that said compensation ensures that the most highly qualified
69 individuals in Massachusetts, selected from a diversity of life and professional
70 experiences, will be attracted to the judiciary and will be able to serve there and to
71 continue to serve there without unreasonable economic hardship and with a level of
72 judicial independence unaffected by financial concerns.

73 (10) Binding Nature of Report. The recommendations made by the Judicial Compensation
74 Commission in its annual report to the Great and General Court, the Governor and the Chief
75 Justice of the Supreme Judicial Court shall be binding and have full force of law immediately
76 upon the 90th day following the lodging of the annual report with the clerk of the House and the
77 Senate, provided that neither a majority of the Senate nor a majority of the House of
78 Representatives votes to reject any or all such recommendations within 90 days following the
79 lodging of the annual report with the clerk of the House and Senate. In the event that either a

80 majority of the Senate and/ or a majority of the House of Representatives votes to reject one or
81 more, but not all, of such recommendations, the recommendations rejected by neither a majority
82 of the Senate nor a majority of the House of Representatives shall be binding and have full force
83 of law immediately upon the [90th] day following the lodging of the annual report with the clerk
84 of the House and Senate.