

SUBJECT: Higher salary for presiding judges of administrative judicial regions

COMMITTEE: Judiciary — committee substitute recommended

VOTE: 5 ayes — Hartnett, Hughes, Alonzo, Hopson, Solis

0 nays

4 absent — Gonzales, Keel, Straus, Van Arsdale

WITNESSES: For — B.B. Schraub, Olen Underwood, presiding judges

Against — None

BACKGROUND: The governor, with the advice and consent of the Senate, currently appoints one judge in each of the nine administrative judicial regions to serve as the presiding judge of that region. Under Government Code, ch. 74, a presiding judge's duties include:

- ensuring the promulgation of regional rules of administration within policies and guidelines set by the Supreme Court;
- advising local judges on case flow management and auxiliary court services;
- recommending to the chief justice of the Supreme Court any needs for judicial assignments from outside the region and any operational or procedural changes necessary to improve the administration of justice;
- acting for a local administrative judge who does not perform his or her required duties;
- implementing and executing any rules adopted by the Supreme Court and performing the duties assigned by the chief justice; and
- providing the Supreme Court or the Office of Court Administration with statistical information.

Under sec. 74.051(b), a presiding judge may earn a maximum salary of \$23,000 a year, set biennially by the Texas Judicial Council. However, under sec. 74.051(c), a presiding judge who: a) is a retired or former district judge or a retired appellate judge; and b) presides over an administrative region with 30 or more courts and is on a list of retired and

former judges subject to assignment, may earn a higher salary depending on the number of judges and courts in the region. These presiding judges' annual salaries are as follows:

- 30 to 49 courts and judges — \$25,000
- 50 to 69 courts and judges — \$30,000
- 70 to 89 courts and judges — \$35,000
- 90 or more courts and judges — \$40,000

The salary of a presiding judge of an administrative judicial region is paid by the counties in the region.

DIGEST:

CSHB 1686 would increase the salary of a presiding judge of an administrative judicial region to a maximum of \$33,000 year. A presiding judge who met the criteria under Government Code, sec. 74.051(c) would receive a salary increase of \$10,000 a year.

This bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 1686 would give regional presiding judges a much needed pay raise. The last time these judges received a raise was in 1999, and they have taken on increased workloads since then. For instance, presiding judges now are responsible for approving the indigent defense task force plans, which change frequently in areas such as Harris County. In addition, docket loads have increased over the last few years. Because presiding judges are responsible for finding ways to manage caseloads, their workloads also have grown.

The salary increase will help ensure that Texas retains quality judges. Many presiding judges, especially those with past judicial experience, can earn significantly more in the private sector. Current salaries, therefore, discourage judges from remaining in public service.

While the bill would increase costs to counties, according to the fiscal note the maximum increase for raises to all nine judges would total \$90,000 per year. This increase, divided among the counties, would cost each county relatively little.

OPPONENTS
SAY:

Judges receive adequate compensation for their work under current law. Individuals are attracted to this field of work not for the pay but out of desire to serve the public.

This bill would impose an unfunded mandate on counties. Counties have more pressing needs that require their limited financial resources.

NOTES:

The committee substitute changed the effective date of the bill from September 1, 2003, to September 1, 2005.