



SUPREME COURT OF KANSAS

KANSAS JUDICIAL CENTER
301 SW 10TH AVE.
TOPEKA, KANSAS 66612-1507

SHAWN C. JURGENSEN
SPECIAL COUNSEL
TO THE CHIEF JUSTICE

PHONE: (785) 368-6327
FAX: (785) 291-3274

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Shawn Jurgensen, Special Counsel to the Chief Justice

Senate Ways and Means Committee

SB 152—Concerning the salaries of statewide elected officials,
judges, and members of the governor's cabinet

Chairman Billinger and members of the committee, thank you for the opportunity to testify in support of SB 152, particularly those provisions that address under market judge pay.

The Kansas judiciary struggles to attract the number of well-qualified private sector attorneys needed to maintain a healthy, professionally diverse bench. Kansas deserves a judicial system served by judges who have professional experience representing Main Street businesses, small and large corporations, and individuals facing a wide array of legal problems. Quite simply, attorneys in the private sector—that is, the attorneys with this diverse experience—command salaries that outpace what the judicial branch offers. Even attorneys in the public sector often have salaries greater than Kansas judges.

For example, some Kansas City law firms now pay \$170,000 per year to first year associates. These brand-new attorneys start their careers making more than the district court judge before whom they appear. Yet, these associates lack the statutory qualifications to be a judge. As you know, to qualify for a district judge position, K.S.A. 20-334(a)(3) requires an attorney have at least five years of experience in the active practice of law as a lawyer, as a judge of a court of record or of any court in this state, as a full-time teacher of law in an accredited law school, or as an attorney working in any combination of these positions. The pay gap increases as these associates progress in their careers, making it even more difficult for them to consider a career in public service as a judge.

Kansans, through their legislature, have given judges profound responsibilities. You have called upon them to impose death and other criminal sentences that deprive others of life and liberty and to conduct the many other criminal and civil proceedings that result in life-altering judgments. Kansans want highly qualified individuals making those decisions.

Today, the Kansas judicial branch asks you to adopt a judicial pay formula that will bring judge pay to market so that it can begin to attract the number of well-qualified private sector

attorneys it needs. SB 152, in its current form, seeks to codify a formula for only appellate judges. The judicial branch respectfully requests the committee favorably consider the draft balloon attached to this testimony that would codify a salary formula for all classes of judges within the judiciary.

The court system does not ask the legislature to match private sector pay or the pay of the federal judiciary, instead it seeks a measuring stick more affordable for Kansas taxpayers—bringing judicial salaries to market by setting them at a fraction of federal judge pay. The attached balloon accomplishes that while accounting for compression issues we have previously discussed with you, your colleagues, and legislative leadership.

As has been the case for decades, district court judge pay is the lodestar. In the attached balloon, district judge pay is set at 75 percent of a federal district judge's salary. From there, the balloon adopts a pay differential that largely resembles the current structure between classes of judges set by you and your colleagues. There are legacy compression issues the balloon accounts for, with acknowledgment from you and your colleagues.

A competitive salary is critical to attracting well-qualified candidates. Favorably considering and adopting this balloon, and SB 152, better arms the judiciary to attract the number of well-qualified candidates it needs.

I would be happy to stand for questions.

Proposed Judicial Branch Balloon for SB 152

(a) Subject to appropriations and except as provided further, on July 1, 2023, and each July 1 thereafter:

(1) a district judge, who is not a chief judge of a judicial district, shall receive for services an annual salary equal to 75 percent of the annual rate of pay for a district judge of the United States, on such date;

(2) a district magistrate judge shall receive for services an annual salary equal to 55 percent of a district judge's salary as determined under (a)(1) of this section;

(3) a chief judge of the district court shall receive for services an annual salary equal to 105 percent of a district judge's salary as determined under (a)(1) of this section;

(4) a judge of the court of appeals who is not chief judge of the court of appeals shall receive for services an annual salary equal to 110 percent of a district judge's salary as determined under (a)(1) of this section;

(5) the chief judge of the court of appeals shall receive for services an annual salary equal to 115 percent of a district judge's salary as determined under (a)(1) of this section;

(6) a justice of the supreme court who is not chief justice of the supreme court shall receive for services an annual salary equal to 120 percent of a district judge's salary as determined under (a)(1) of this section; and

(7) the chief justice of the supreme court shall receive for services an annual salary equal to 125 percent of a district judge's salary as determined under (a)(1) of this section.

(b) If for any reason such federal salary is decreased, the salaries established in this section shall remain the same for the next ensuing fiscal year unless diminished by general law applicable to all salaried officers of the state.