

July 10, 2006

Salvatore F. DiMasi Speaker of the House of Representatives Massachusetts General Court State House Room 356 Boston, MA 02133	Robert E. Travaglini Senate President Massachusetts General Court State House Room 330 Boston, MA 02133
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Re: Judicial Pay

The Honorable Messrs DiMasi and Travaglini:

I write to urge the Senate and the House of Representatives to override Governor Romney's veto of the Legislature's recent passage of long overdue increases in pay for judges and court clerks in Massachusetts. This issue is of critical importance to the business community and all citizens of the Commonwealth who care about the quality of justice in our state.

As is now well known, the Legislature has not enacted pay increases for state judges and court clerks since 1998. For the last five years, these officials have had no increases in their pay. The average salary for a trial court judge in Massachusetts today stands at \$112,777, a figure that in 2004 ranked Massachusetts 46th among all states in salaries when adjusted for cost of living according to a survey of judicial salaries by the National Center for State Courts. In comparison, according to the same study, many comparable states such as Virginia, New York, Florida, Michigan, Connecticut, New Jersey, Illinois, California and Pennsylvania pay their trial court judges average salaries that range from \$130,000 to \$158,000. Clearly, Massachusetts significantly lags these states in the salaries we pay our trial court judges. Unfortunately, the same can not be said of our cost of living.

Starting salaries for law firm associates in Massachusetts average approximately \$125,000, with partners and senior level attorneys earning on average many times that amount. Government attorneys in the Commonwealth earn on average between \$112,000 and \$122,000 with some as high as \$225,000. Therefore, not only are judges paid significantly less on average than most private sector attorneys, they are also increasingly earning less than many government lawyers who appear before them.

The above figures illustrate clearly and starkly the unfairness inherent in the status quo. But more importantly, they illustrate a much deeper concern: the threat posed by the low level of judicial pay to the legal system in the Commonwealth of Massachusetts. Quite simply, if judicial salaries continue to remain fixed as the cost of living in Massachusetts goes up, fewer people of quality will elect to seek judgeships. As that occurs, the quality

of justice in the Commonwealth, already beset by limited resources and increased societal demands, will degrade even further. This is a significant concern to the business community which requires a well functioning court system to resolve disputes with both efficiency and fairness. As the quality of the judiciary in Massachusetts continues to erode, it will become yet another of the many factors that make Massachusetts an inhospitable place for business.

Governor Romney, in vetoing the judicial salary increase enacted by the Legislature, noted his concern with the size of the increase and its retroactive application. As a lawyer for a business, I am very cognizant of the need for prudence in all decisions regarding the spending of limited taxpayer funds. Given the stark realities presented by the figures cited above, however, and the need to remedy years of neglect, a larger than usual and slightly retroactive increase is justifiable in this case. For reference, if the increase passed by the Legislature and vetoed by the Governor is enacted, it will put Massachusetts trial court salaries within the lower half of the range of salaries of comparable states cited above. Thus, far from being a wasteful and excessive expenditure of taxpayer dollars, it will make Massachusetts competitive with similar states and only begin to compensate our judges and clerks for years of neglect on this issue.

It is unfortunate that the issue of judicial pay in the Commonwealth has been politicized. Like all public servants, most of our judges and court clerks toil in relative obscurity performing public services essential to the well being of our society. All of us depend on them to one degree or another. If good people decide to no longer pursue these appointments because they are unaffordable, a key pillar of our system of government will be seriously weakened. If that occurs, all citizens of Massachusetts will ultimately pay the price for that neglect.

For the above reasons, I strongly urge you to override the Governor's veto of this important legislation.

Sincerely,