

Circuit Courts

(LFB Budget Summary Document: Page 126)

LFB Summary Items for Which Issue Papers Have Been Prepared

<u>Item #</u>	<u>Title</u>
-	Temporary Reserve Judge Compensation (Paper #280)
-	Deletion of Obsolete Appropriation (Paper #281)
2	Repeal of Appropriations (see Paper #895 -- Supreme Court)

Gov Agency: Circuit Courts – Temporary Reserve Judge Compensation

Recommendations:

Paper No. 280 Alternative 1
****Brian should make motion.

Comments:

This alternative increases the temporary reserve judge per diem to equal 100% of a sitting judge's salary.

Reserve judges need to be fairly compensated. In 1978, at the time of court reorganization, reserve judges were paid **90%** of daily salary of a sitting court judge. Since then the compensation of reserve judges has been allowed to erode to 70% of the salary of the circuit judges they replace.

The Director of State Courts office argues that higher compensation available from other public and private agencies is decreasing the availability of reserve judges to the courts.

Fewer available reserve judges results in fewer cases tried and a slower, less responsive justice system.

***** Judge Froehlich, President of Wisconsin Trial Judges Association, says **90%** is his **bottom line** since at the time of court reorganization in 1978, reserve judges were paid 90% of a sitting court judge.

Gard has indicated to Amy Boyer that he will support "some" increase, but probably not the 100% requested.

Prepared by: Deb



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 5, 1999

Joint Committee on Finance

Paper #280

Temporary Reserve Judge Compensation (Circuit Courts)

CURRENT LAW

Compensation for temporary reserve judges is \$268.45 per day as of August 1, 1998. Under current law, compensation is increased each August 1, at the same percentage increase authorized for circuit court judges. The combined total of temporary reserve judge compensation, together with governmental retirement annuities, may not exceed the annual compensation of a circuit court judge during a calendar year. Temporary reserve judges are also reimbursed for travel expenses if serving outside their county of residence.

GOVERNOR

No provision.

DISCUSSION POINTS

1. The temporary reserve judge per diem is approximately 70% of a sitting circuit court judge's salary. The current annual salary of a circuit court judge is \$99,960.
2. In its budget request, the Director of State Courts office requested funding and statutory authority to allow temporary reserve judge per diems to be equivalent to the daily salary of a circuit court judge. A per diem equal to the current daily salary of a circuit court judge would be \$384.46. The request did not propose to alter the statutory cap on yearly compensation for temporary reserve judges. In addition, temporary reserve judge salaries would continue under the request to increase by the same percentage as circuit court judge salaries.
3. Under current law, the Chief Justice of the Supreme Court may appoint a judge who has served a total of six or more years as a Supreme Court justice, Court of Appeals judge or circuit court judge to serve as a reserve judge. Reserve judges typically fill in for sitting judges who are absent, or for temporary vacancies. According to the Director of State Courts office, reserve judges

are essential to the daily operation of circuit courts in Wisconsin; without them, cases may not be heard in a timely manner.

4. The Director of State Courts office argues that higher compensation available from other public and private agencies is decreasing the availability of reserve judges to the courts. The Director of State Courts indicates that 69 reserve judges served in 1998 and believes that the per diem rate is one factor that contributes to low availability of reserve judges.

5. The Director of State Courts office indicates that the pool of reserve judges would likely increase if the per diem was increased to 100% of a sitting judge's salary, because more judges would have incentive to retire and become reserve judges (in Wisconsin, there is no mandatory retirement age for judges).

6. According to 1993 statistics prepared by the National Center for State Courts, 24 states pay reserve judges the same daily rate as a sitting judge. Of the 24 states, four impose no salary cap, eight impose a daily limit (the per diem plus annuity cannot exceed the daily compensation of a sitting judge), three impose an annual cap on total earnings, three waive the reserve judge's pension during the time a reserve judge serves, and six have unclear language as to their policies. The Director of State Courts office proposes to maintain the current annual compensation limit, under which a temporary reserve judge's per diem and annuity amount cannot exceed the annual compensation of a sitting judge.

7. Approval of the Court's request to increase the temporary reserve judge per diem to equal the daily salary of a circuit court judge would require \$286,300 GPR in 1999-00 and \$312,300 GPR in 2000-01.

8. One could argue that a temporary reserve judge per diem should not equal the daily salary of a circuit court judge because a circuit court judge has additional administrative duties that reserve judges do not perform, such as serving on committees, supervising court staff and helping with other judges' caseloads within the district. The following table shows the fiscal effect of raising the per diem amount to various levels. The 1999-00 costs reflect an August 1, 1999 effective date.

Per diem % of a Sitting Judge's Salary	Per Diem	Fiscal Effect		
		1999-00	2000-01	Biennium
70%	\$268.45	\$0	\$0	\$0
75	288.35	47,700	52,000	99,700
80	307.57	95,400	104,100	199,500
85	326.79	143,100	156,100	299,200
90	346.02	190,900	208,200	399,100
95	365.24	238,500	260,200	498,700
100	384.46	286,300	312,300	598,600

9. The Committee may wish to maintain current law. The impact of increasing the temporary reserve judge per diem to a higher percentage of the daily salary rate of a sitting judge is unknown. One could argue that the pool of reserve judges may not increase due to an increase in compensation. As a result, more reserve judges in the current pool may reach the annual compensation cap, requiring the current pool to work fewer days.

10. Approximately 14 states (including Wisconsin) pay reserve judges a fixed per diem different from the daily rate of a sitting judge. According to the 1993 statistics, of the 14 states that paid reserve judges a fixed rate, Wisconsin had the fourth highest rate (\$225 per day).

ALTERNATIVES

1. Provide \$286,300 in 1999-00 and \$312,300 in 2000-01 to increase the temporary reserve judge per diem to equal the daily salary of a circuit court judge.

<u>Alternative 1</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$598,600

2. Provide \$238,500 in 1999-00 and \$260,200 in 2000-01 to increase the temporary reserve judge per diem to equal 95% of the daily salary of a circuit court judge.

<u>Alternative 2</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$498,700

3. Provide \$190,900 in 1999-00 and \$208,200 in 2000-01 to increase the temporary reserve judge per diem to equal 90% the daily salary of a circuit court judge.

<u>Alternative 3</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$399,100

4. Provide \$143,100 in 1999-00 and \$156,100 in 2000-01 to increase the temporary reserve judge per diem to equal 85% of the daily salary of a circuit court judge.

<u>Alternative 4</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$299,200

5. Provide \$95,400 in 1999-00 and \$104,100 in 2000-01 to increase the temporary reserve judge per diem to equal 80% the daily salary of a circuit court judge.

Alternative 5	GPR
1999-01 FUNDING (Change to Bill)	\$199,500

6. Provide \$47,700 in 1999-00 and \$52,000 in 2000-01 to increase the temporary reserve judge per diem to equal 75% of the daily salary of a circuit court judge.

Alternative 6	GPR
1999-01 FUNDING (Change to Bill)	\$99,700

7. Maintain current law.

Prepared by: Barbara Zabawa

MO# Alt. 3

2	BURKE	(Y)	N	A
	DECKER	Y	(N)	A
	JAUCH	(Y)	N	A
	MOORE	Y	(N)	A
	SHIBILSKI	(Y)	N	A
	PLACHE	(Y)	N	A
	COWLES	Y	(N)	A
	PANZER	Y	(N)	A
	GARD	Y	(N)	A
	PORTER	Y	(N)	A
	KAUFERT	Y	(N)	A
	ALBERS	Y	(N)	A
	DUFF	Y	(N)	A
	WARD	Y	(N)	A
	HUBER	(Y)	N	A
	RILEY	(Y)	N	A

AYE 6 NO 10 ABS _____

MO# Alt 5

	BURKE	(Y)	N	A
1	DECKER	(Y)	N	A
	JAUCH	(Y)	N	A
2	MOORE	Y	(N)	A
	SHIBILSKI	(Y)	N	A
	PLACHE	(Y)	N	A
	COWLES	Y	(N)	A
	PANZER	Y	(N)	A
	GARD	Y	(N)	A
	PORTER	Y	(N)	A
	KAUFERT	Y	(N)	A
	ALBERS	Y	(N)	A
	DUFF	Y	(N)	A
	WARD	Y	(N)	A
	HUBER	(Y)	N	A
	RILEY	(Y)	N	A

AYE 7 NO 9 ABS _____

MO# Alt. 6

2	BURKE	(Y)	N	A
	DECKER	(Y)	N	A
	JAUCH	(Y)	N	A
1	MOORE	(Y)	N	A
	SHIBILSKI	(Y)	N	A
	PLACHE	(Y)	N	A
	COWLES	Y	(N)	A
	PANZER	Y	(N)	A
	GARD	Y	(N)	A
	PORTER	Y	(N)	A
	KAUFERT	Y	(N)	A
	ALBERS	Y	(N)	A
	DUFF	Y	(N)	A
	WARD	Y	(N)	A
	HUBER	(Y)	N	A
	RILEY	(Y)	N	A

AYE 8 NO 8 ABS _____

CIRCUIT COURTS

Motion:

Move to require that the Director of State Courts submit a report, by October 1, 2000, to the Governor and Legislature (for distribution to the Joint Committee on Finance and other appropriate standing committees) regarding the recruitment, retention and compensation of reserve judges.

MO#			
2	BURKE	Y	N A
	DECKER	Y	N A
1	JAUCH	Y	N A
	MOORE	Y	N A
	SHIBILSKI	Y	N A
	PLACHE	Y	N A
	COWLES	Y	N A
	PANZER	Y	N A
	GARD	Y	N A
	PORTER	Y	N A
	KAUFERT	Y	N A
	ALBERS	Y	N A
	DUFF	Y	N A
	WARD	Y	N A
	HUBER	Y	N A
	RILEY	Y	N A

AYE 16 NO 0 ABS 0