

Salaries of Elected State Judges

In August 2005, the 79th Legislature amended statutes relating to the compensation of state judges (H.B. 11, 79th Legislature, Second Called Session). Effective December 1, 2005, the annual state salary of a district judge increased to \$125,000. While Chapter 32 of the Government Code authorizes the state salaries of district court judges to be supplemented from county funds, amendments made to Section 659.012 of the Government Code limit the total annual salary for a district judge to a combined sum from state and county sources of \$5,000 less than the combined salary from state and county sources provided for a justice of a court of appeals.¹ In addition, the enactment eliminated special provisions created in Chapter 32 during the 78th Legislature allowing unrestricted payment by certain counties of an annual supplemental salary to district judges.

The annual state salary of a justice of a court of appeals increased to 110 percent of the annual state salary of a district judge. The chief justice of an appellate court receives \$2,500 more than the other justices of the court. While Chapter 31 of the Government Code authorizes the counties in each court of appeals district to pay each justice of the court of appeals for that district for judicial and administrative services rendered, amendments made to Section 659.012 of the Government Code limit the total salary for a justice of a court of appeals to a combined sum from state and county sources of \$5,000 less than the state salary paid to a justice of the Supreme Court. This same provision limits the chief justices of the courts of appeals to receive a combined salary of \$2,500 less than the state salary paid to justices of the Supreme Court.

Finally, the annual state salary of a justice of the Supreme Court or a judge of the Court of Criminal Appeals increased to 120 percent of the annual state salary of a district judge. The chief justice or presiding judge of these courts receives \$2,500 more than the other justices or judges on the courts.

Beginning September 1, 2007, judges became entitled to monthly longevity pay of \$20 for each year of service credited in the retirement system (maximum of \$320 per month) after completing 16 years of service. In addition, district judges presiding over silica or asbestos multi-district litigation became entitled to receive, in addition to their regular district judge salary and supplement, the maximum amount of compensation set by the Texas Judicial Council for a presiding judge of an administrative judicial region under Sec. 74.051(b) of the Government Code.

In June 2009, the 81st Legislature amended the statutes relating to longevity pay (S.B. 497, 81st Legislature, Regular Session). Effective September 1, 2009, judges became entitled to monthly longevity pay equal to 3.1 percent of their current monthly state salary, rather than \$20 a month, for each year of service credited in the retirement system after completing 16 years of service. In addition, the counties' commissioners courts were authorized to provide longevity pay calculated in accordance with these criteria to any active state judge who had previously served as a statutory county court judge in the county and would be entitled to longevity pay if the service credit the judge or justice earned as a statutory county court judge was established in the applicable retirement system.

Furthermore, this legislation clarified that longevity pay is not included as part of the judge's or justice's combined salary from state and county sources for purpose of the salary limitations provided by Section 659.012.

Judicial Salaries Compared with Salaries of Private Practitioners

In 2009, the State Bar of Texas conducted a survey of the salaries received by full-time attorneys in the state during the previous year.² Results of the survey showed the average income of private practitioners to be \$166,381, and the median income was \$120,324.

Salaries of State Judges in the Six Most Populous States

According to data obtained from the National Center for State Courts, the state salaries of state judges in Texas lagged behind the salaries of judges at corresponding levels in the five states closest to Texas in population. (See chart on next page).

1. Attorney General Opinion GA-0437 (2006).

2. State Bar of Texas, *Private Practitioner 2009 Income Fact Sheet* (Austin: Department of Research and Analysis, State Bar of Texas).

Salary Summary for Elected State Judges as of September 1, 2011

Judge ¹	State Salary	Additional Compensation ²	Other	Total
Chief Justice – Supreme Court or Court of Criminal Appeals	\$152,500	N/A		\$152,500
Justice – Supreme Court or Court of Criminal Appeals	\$150,000	N/A		\$150,000
Chief – Court of Appeals	\$140,000	up to \$7,500 ³		up to \$147,500
Justice – Court of Appeals	\$137,500	up to \$7,500 ³		up to \$145,000
Presiding Judge of Administrative Judicial Region (active district judge)	\$125,000	up to 15,000 ³	not to exceed \$33,000 ⁴	up to \$173,000
Presiding Judge of Administrative Judicial Region (retired or former judge)	N/A	N/A	\$35,000 - \$50,000 ⁵	up to \$50,000
District Judge – Local administrative judge who serves in county with more than 5 district courts	\$125,000	up to \$15,000 ³	\$5,000 ⁶	up to \$145,000
District Judge	\$125,000	up to \$15,000 ³		up to \$140,000
District Judge – Presiding judge of silica or asbestos multi-district litigation	\$125,000	up to \$15,000 ³	not to exceed \$33,000 ⁷	up to \$173,000

Notes:

- Entitled to monthly longevity pay of 3.1 percent of current monthly state salary for each year of service credited in the retirement system after completing 16 years of service.
- Additional compensation provided by counties in judicial and appellate districts for extra judicial service performed by judges and justices. Government Code Secs. 31.001 and 32.001.
- The state salary of a district judge whose county supplement exceeds \$15,000, or appellate justice whose county supplement exceeds \$7,500, will be reduced by the amount of the excess so that the maximum salary the judge or justice receives from state and county sources is \$140,000 (district judge), \$145,000 (appellate justice), or \$147,500 (appellate chief justice). Government Code Secs. 659.012, 31.001 and 32.001.
- Presiding judges' salary set by Texas Judicial Council. Government Code Sec. 74.051(b). Paid by counties in administrative judicial region on a pro rata basis based on population.
- Presiding judges' salary based on number of courts and judges in region. Government Code Sec. 74.051(c). Paid by counties in administrative judicial region on a pro rata basis based on population.
- Government Code Sec. 659.012(d).
- Government Code Sec. 659.0125.

Salaries of State Judges in the Six Most Populous States as of July 1, 2011 ¹ Listed in Population Order

Judge	California	Texas	New York	Florida	Illinois	Pennsylvania
Chief Justice – Court of Last Resort	\$228,856	\$152,500	\$156,000	\$157,976	\$209,344	\$195,138
Associate Justice – Court of Last Resort	\$218,237	\$150,000	\$151,200	\$157,976	\$209,344	\$189,620
Chief – Intermediate Court of Appeals	\$204,599	\$140,000 ² \$147,190 ³	\$148,000	\$150,077	\$197,032	\$184,432
Justice – Intermediate Court of Appeals	\$204,599	\$137,500 ² \$144,817 ³	\$144,000	\$150,077	\$197,032	\$178,914
Judge – General Jurisdiction Trial Courts	\$178,789	\$125,000 ² \$138,427 ³	\$136,700	\$142,178	\$180,802	\$164,602

Notes:

- Source: Knowledge and Information Services Division, National Center for State Courts, survey of judicial salaries as of July 1, 2011. The National Center for State Courts attempts to use actual salaries whenever possible. Thus, the data for each state will include local supplements whenever relevant and feasible.
- Basic state salary. Does not include supplements paid by counties.
- Average salary statewide, including supplements paid by counties as of October 1, 2011.