

**SENATE . . . . . No. 1763**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to establish a commission on judicial compensation..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 162 of Chapter 6 as it appears in the 2004 Official Edition of the  
2 General Laws is hereby amended by striking all references to “judicial” in paragraph one.

3 SECTION 2: Chapter 6 as it appears in the 2004 Official Edition of the General Laws is  
4 hereby amended by adding the following new section:

5 Section 6A, Commission on Judicial Compensation, Benefits and Pension

6 (1) Establishment of Commission. A Judicial Commission on Judicial Compensation,  
7 Benefits and Pension (Commission) is hereby created that shall establish, subject to the veto  
8 power of the individual houses of the Great and General Court, the salary and benefits, including  
9 retirement, to be paid from the state treasury and other sources for all justices and judges of this  
10 state, including retired justices and judges sitting on assignment.

11 (2) Appointment of Members. The Commission shall consist of five members selected  
12 from among the registered voters of this state: one shall be appointed by the Governor, one by  
13 the Senate President, one by the Speaker of the House of Representatives; the current President

14 of the Massachusetts Bar Association, and the President of the Massachusetts Judges  
15 Conference. The public official with the power to appoint a member shall be the person in office  
16 on the day of commencement of the member's term.

17       Terms of Office: The initial members of the Judicial Compensation Commission shall  
18 serve for a term of two years, commencing than January 1, 2008 or sooner, and may continue to  
19 serve for no more than six years, at the discretion of the appointing authority. The Presidents of  
20 the Massachusetts Bar Association and the Massachusetts Judges Conference appointments shall  
21 be coterminous with their respective positions.

22       (3) Vacancies: Any vacancy on the Commission shall be filled promptly for the  
23 remainder of the term in the same manner in which such position was originally filled under  
24 Section 2.

25       (4) Designation of Chairperson. The members of the Judicial Compensation Commission  
26 shall, by majority vote, designate a chairperson from among their number who shall serve for  
27 two years from the date of election or until his or her successor is designated by majority vote  
28 and assumes the responsibilities.

29       (5) Meeting, Quorum, Concurrence. The Commission shall meet, either in person or by  
30 teleconference, on the call of the chairperson or on the request of at least three members. The  
31 presence of at least three members shall be required to conduct a meeting. The concurrence of at  
32 least three members shall be required for any formal action taken by the commission.

33       (6) Compensation; Reimbursement of Reasonable Travel Expenses. The members of the  
34 Commission shall receive no compensation for their services.

35 (7) Annual Report Required. Not later than December 1 of each year, the Judicial  
36 Compensation Commission shall make its annual report to the Great and General Court, The  
37 Governor and the Chief Justice of the Supreme Judicial Court. The annual report shall include  
38 findings, conclusions, and recommendations as to the proper salary and benefits, including  
39 retirement, to be paid from the state treasury, for all justices and judges of this state, including  
40 retired justices and judges sitting on assignment. The annual report shall also include such  
41 legislative proposals as the Commission deems necessary to implement these recommendations.

42 (8) Directive of Commission.. The Commission is established in recognition of the fact  
43 that inadequate compensation, which results in unreasonable economic hardship, prevents many  
44 highly qualified individuals from serving as judges or prevents them from serving on the bench  
45 for a sufficiently long period of time. This economic reality severely undermines the essential  
46 goal of maintaining the highest level of public confidence in the State Judiciary. The  
47 Commission shall therefore conduct its study and make its recommendations with respect to all  
48 aspects of judicial compensation in this Massachusetts to the end that the judicial compensation  
49 structure shall be adequate to ensure that the most highly qualified individuals in this state,  
50 selected from a diversity of life and professional experiences, will be attracted to the state  
51 judiciary and will be able to serve and to continue to serve without unreasonable economic  
52 hardship and with a level of judicial independence unaffected by financial concerns.

53 (9) Criteria for Recommendations. In order to make findings, conclusions, and  
54 recommendations as to the proper salary and benefits for all justices and judges in  
55 Massachusetts, and in order to fulfill the directive of this Commission, the Commission may  
56 consider, but shall not be limited to, the following factors:

- 57 (a) the skill and experience required of the particular judgeship at issue;
- 58 (b) the value of compensable service performed by justices and judges, as determined by  
59 reference to judicial compensation in other states and the federal government as referenced in  
60 studies conducted by the National Center for State Courts
- 61 (c) the compensation of attorneys in the private sector;
- 62 (d) the average consumer prices commonly known as the cost of living, as well as the  
63 changes in such measure.
- 64 (e) such other factors, not confined to the foregoing, that are nominally or traditionally  
65 taken into consideration in the determination of such compensation; and
- 66 (f) most importantly, that the level of overall compensation creates parity with the ten  
67 states of highest compensation, when adjusted for “cost of living” according to the national  
68 judicial compensation survey conducted by the National Center for State Courts. And further,  
69 that said compensation ensures that the most highly qualified individuals in Massachusetts,  
70 selected from a diversity of life and professional experiences, will be attracted to the judiciary  
71 and will be able to serve there and to continue to serve there without unreasonable economic  
72 hardship and with a level of judicial independence unaffected by financial concerns.

73 (10) Binding Nature of Report. The recommendations made by the Judicial  
74 Compensation Commission in its annual report to the Great and General Court, the Governor and  
75 the Chief Justice of the Supreme Judicial Court shall be binding and have full force of law  
76 immediately upon the 90th day following the lodging of the annual report with the clerk of the  
77 House and the Senate, provided that neither a majority of the Senate nor a majority of the House

78 of Representatives votes to reject any or all such recommendations within 90 days following the  
79 lodging of the annual report with the clerk of the House and Senate. In the event that either a  
80 majority of the Senate and/ or a majority of the House of Representatives votes to reject one or  
81 more, but not all, of such recommendations, the recommendations rejected by neither a majority  
82 of the Senate nor a majority of the House of Representatives shall be binding and have full force  
83 of law immediately upon the [90th] day following the lodging of the annual report with the clerk  
84 of the House and Senate.