

ASSEMBLY, No. 1311

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman CHARLES

1 AN ACT establishing a Judicial Compensation Commission and
2 supplementing Title 2B of the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. The Legislature finds and declares that providing adequate
8 compensation to the judges of this State is a critical factor in
9 preserving the standards of judicial excellence that New Jersey has
10 long maintained. The Legislature further finds that inadequate
11 compensation, which results in unreasonable economic hardship,
12 prevents many highly qualified individuals from serving as judges or
13 prevents them from serving on the bench for a sufficient period of
14 time. This economic reality severely undermines the essential goal of
15 maintaining the highest level of public confidence in the State
16 judiciary. It is, therefore, the intent of the Legislature to establish an
17 independent commission to investigate and make recommendations
18 concerning judicial salaries, in order to determine the amount of
19 compensation necessary to create the most qualified applicant pool and
20 to retain an experienced judiciary.

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22 2. There is hereby created a "Judicial Compensation Commission."
23 The commission shall consist of seven members, appointed as follows:
24 two shall be appointed by the President of the Senate, who shall not
25 be of the same political party, two shall be appointed by the Speaker
26 of the General Assembly, who shall not be of same political party, and
27 three shall be appointed by the Governor, not more than two of whom
28 shall be of the same political party. The commission shall at all times
29 remain bipartisan in its membership, comprised of no more than four
30 members of any one political party. The members shall serve for
31 six-year terms commencing on January 1 following the year of the
32 appointment, except that of those first appointed, two shall be
33 appointed for a term of two years, two for four years, and three for six
34 years. Members shall be eligible for reappointment to the commission
35 but shall be limited to two consecutive terms. The commission shall

1 elect a chairman from among its members.

2 Vacancies in the membership of the commission shall be filled in the
3 same manner as the original appointments were made. The members
4 of the commission shall serve without compensation, but they shall be
5 eligible for reimbursement for necessary and reasonable expenses
6 incurred in the performance of their official duties within the limits of
7 funds appropriated for this purpose.

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9 3. No member of the commission shall hold any other public office,
10 nor shall any member be an employee or member of any State
11 department, agency, board, or other State commission during such
12 member's tenure on the Judicial Compensation Commission. A
13 violation of this section by any member of the commission shall result
14 in immediate constructive resignation, and the resulting vacancy shall
15 be filled according to section 2 of this act.

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17 4. For the purpose of complying with the provisions of Article V,
18 Section IV, paragraph 1 of the New Jersey Constitution, the
19 commission is allocated within the Department of Treasury, but,
20 notwithstanding that allocation, the commission shall be independent
21 of any supervision or control by the Department of Treasury or any
22 officer or employee thereof.

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24 5. The commission shall establish, subject to the veto power of the
25 individual houses of the Legislature and of the Governor pursuant to
26 section 9 of this act, the salary and benefits, including retirement
27 benefits, to be paid from the State treasury and other sources for all
28 justices and judges of this State, including retired justices and judges
29 sitting on assignment.

30

31 6. The commission is authorized to:

32 a. Call to its assistance and avail itself of the services of employees
33 of any State, county or municipal department, board, bureau,
34 commission or agency as it may require and as may be available to it
35 for that purpose. All departments, agencies and divisions are
36 authorized and directed, to the extent not inconsistent with law, to
37 cooperate with the commission; and

38 b. Meet and hold hearings at the place or places it designates
39 during the sessions or recesses of the Legislature.

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41 7. The commission shall report to the Legislature and the Governor
42 annually concerning its findings, conclusions, and recommendations as
43 to the proper salary and benefits to be paid from the State treasury and
44 other sources for all judges and justices of this State, including retired
45 judges and justices sitting on assignment. The report shall also include
46 such legislative proposals as the commission deems necessary to

1 implement these recommendations.

2

3 8. The commission shall conduct its study and make its
4 recommendations with respect to all aspects of judicial compensation
5 in this State to the end that the judicial compensation structure shall
6 be adequate to ensure that the most highly qualified individuals in this
7 State, selected from a diversity of life and professional experiences,
8 will be attracted to the State judiciary and will be able to serve and to
9 continue to serve without unreasonable economic hardship and with
10 a level of judicial independence unaffected by financial concerns.

11

12 9. In order to carry out its responsibilities, the commission shall
13 consider the following factors, among others:

14 a. the skills and experience required of persons qualified to serve
15 as judges in the State;

16 b. the workload and time required of persons who serve as judges;

17 c. the value of compensable service performed by judges and
18 justices, as determined by reference to judicial compensation in other
19 states and the federal government;

20 d. the value of comparable service performed in the private sector,
21 including private judging, arbitration, and mediation, based on the
22 responsibility and discretion required in the particular judgeship at
23 issue and the demand for such services in the private sector;

24 e. the compensation of attorneys in the private sector;

25 f. the average consumer prices commonly known as the cost of
26 living, as well as the changes in such measure;

27 g. the overall compensation presently received by other public
28 officials in this State, including State constitutional office holders and
29 deans, presidents, and chancellors of the public university system, and
30 also including prosecutors, chiefs of police and county counsel; and

31 h. such other factors, not confined to the foregoing, that are
32 normally or traditionally taken into consideration in the determination
33 of such compensation.

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35 10.a. A commission recommendation shall take effect at the end of
36 a period of 90 calendar days after the date on which the
37 recommendation is submitted to the General Assembly, the Senate and
38 the Governor on a day on which both Houses shall be meeting in the
39 course of a regular or special session unless, between the date of
40 transmittal and the end of the 90-day period, any of the following
41 occurs:

42 (1) A majority of the members of the General Assembly votes to
43 reject any or all such recommendations; or

44 (2) A majority of the members of the Senate votes to reject any or
45 all such recommendations; or

46 (3) The Governor rejects any or all such recommendations.

1 the Governor rejects any of the recommendations.

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6 Establishes a Judicial Compensation Commission.