



REPORT OF THE WEST VIRGINIA JUDICIAL COMPENSATION COMMISSION

2024



West Virginia Judicial Compensation Commission

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Table of Contents

THE WEST VIRGINIA JUDICIARY AND THE WEST VIRGINIA JUDICIAL COMPENSATION COMMISSION.....	4
CURRENT JUDICIAL SALARIES	5
FACTORS REQUIRED TO BE CONSIDERED BY THE COMMISSION	6
FACTOR 1: THE SKILL AND EXPERIENCE REQUIRED OF JUSTICES, CIRCUIT COURT JUDGES, FAMILY COURT JUDGES, AND MAGISTRATE	7
FACTOR 2: THE VALUE OF COMPARABLE SERVICE PERFORMED BY JUSTICES AND JUDGES, AS DETERMINED BY REFERENCE TO JUDICIAL COMPENSATION IN OTHER STATE AND IN THE FEDERAL GOVERNMENT.....	7
FACTOR 3: VALUE OF COMPARABLE SERVICES PERFORMED IN THE PRIVATE SECTOR, INCLUDING PRIVATE JUDGING, ARBITRATION, AND MEDIATION.....	12
FACTOR 4: THE COMPENSATION OF ATTORNEYS IN THE PRIVATE SECTOR.....	12
FACTOR 5: COST OF LIVING.....	13
FACTOR 6: THE COMPENSATION PRESENTLY RECEIVED BY OTHER PUBLIC OFFICIALS IN THE STATE.....	13
FACTOR 7: LEVEL OF COMPENSATION THAT IS ADEQUATE TO ATTRACT THE MOST HIGHLY QUALIFIED INDIVIDUALS, FROM A DIVERSITY OF LIFE AND PROFESSIONAL EXPERIENCES, TO SERVE IN THE JUDICIARY WITHOUT UNREASONABLE ECONOMIC HARDSHIP AND WITH JUDICIAL INDEPENDENCE UNAFFECTED BY FINANCIAL CONCERNS	14
FACTOR 8: ANY OTHER INFORMATION THE COMMISSION MAY FIND RELEVANT IN ITS MISSION TO DETERMINE THE APPROPRIATE COMPENSATION FOR THE STATE’S JUDICIAL OFFICERS	14
CONCLUSIONS AND RECOMMENDATIONS	17

THE WEST VIRGINIA JUDICIARY AND THE WEST VIRGINIA JUDICIAL COMPENSATION COMMISSION

A. History of the West Virginia Judiciary

The Constitution of the State of West Virginia vests the state's judicial power in a supreme court of appeals, circuit courts, and such other courts that the legislature might establish.¹ When West Virginia separated from Virginia, its court system mirrored that of the mother state. The Constitution of 1863 established the West Virginia Supreme Court of Appeals (with three justices) and 11 circuit courts, and it provided several justices of the peace for every county.

The most important modern event for the West Virginia judiciary was the ratification of the Judicial Reorganization Amendment on November 5, 1974. The amendment ended the justice of the peace system and established a unified court system, unifying all state courts, except municipal courts, into a single system supervised and administered by the West Virginia Supreme Court of Appeals. The amendment organized the West Virginia judiciary into three levels: supreme court, circuit courts, and magistrate courts. In November 2000, the voters passed a constitutional amendment to allow the Legislature to create separate family courts. The new family courts went into effect on January 1, 2002. During the 2021 Regular Session, the Legislature passed Senate Bill 275, creating an Intermediate Court of Appeals. That court began operating on July 1, 2022.²

B. History and Function of the West Virginia Judicial Compensation Commission

A basic requirement to ensuring that citizens and businesses can manage their affairs effectively is a stable and predictable judiciary. Therefore, to effectively and efficiently address the needs of the State of West Virginia and its citizens, it is essential to have and support a competent judiciary.

The Judicial Compensation Commission ("Commission") was created by the 82nd Legislature, effective June 10, 2016. It is composed of five members, the Dean of the West Virginia University College of Law, two members appointed by the President of the Senate, and two members appointed by the Speaker of the House. Appointed members serve four-year terms.

The Commission is responsible for making a report to the West Virginia Legislature no later than September 1 of each year recommending the appropriate compensation to be paid by the state for all supreme court justices, circuit court judges, family court judges, and magistrates. In recommending the appropriate compensation for the justices, judges, and magistrates, the Commission is required to consider the factors listed in West Virginia Code §4-2C-3.

The Commission believes that its purpose is to provide a market analysis of the fair and appropriate compensation of the judicial officers included in the statute. The Commission understands that it is not within its scope to consider changes to the organizational structure, numbers of positions,

¹W.Va. Const. Art. VIII.

² West Virginia Code §51-11-1 *et seq.*

or jurisdictional scope of the judiciary, or other financial issues unrelated to compensation. The Commission will provide the Legislature with the best market analysis possible for its consideration in making decisions regarding judicial compensation.

The minutes of the Commission's meetings are available on the Commission's webpage at: http://www.wvlegislature.gov/Interims/judicial_comp.cfm.

CURRENT JUDICIAL SALARIES

The current compensation for supreme court justices, intermediate court of appeals judges, circuit court judges, family court judges, and magistrates is set forth in the West Virginia Code. During the 2020 Regular Session of the Legislature, the judicial compensation statutes were amended to provide an immediate increase to family court judges from \$94,500 to \$103,050 on July 1, 2020. The justices and judges, however, received a delayed and incremental increase in salary. Supreme court justice salaries were increased from \$136,000 to \$142,800 beginning July 1, 2021, and \$149,600 beginning July 1, 2022; circuit court judges from \$126,000 to \$132,300 beginning July 1, 2021, and \$138,600 beginning July 1, 2022; family court judges from \$94,500 to \$103,050 beginning July 1, 2021; and magistrates from \$57,500 to \$60,375 beginning July 1, 2021, and to \$63,250 beginning July 1, 2022. The intermediate court judge salaries are \$142,500, beginning July 1, 2022.

For current judicial compensation as of July 1, 2024, see chart below.

CURRENT JUDICIAL SALARIES		
	July 1, 2024	Statutory Authority
Supreme Court Justices	\$149,600	W.Va. Code §51-1-10a
Intermediate Court Judges	\$142,500	W.Va. Code §51-2-13
Circuit Court Judges	\$138,600	W.Va. Code §51-2-13
Family Court Judges	\$103,050	W.Va. Code §51-2A-6(a)
Magistrates	\$63,250	W.Va. Code §50-1-3

FACTORS REQUIRED TO BE CONSIDERED BY THE COMMISSION

By law, the Commission is required to consider the following eight factors in making its recommendations for the appropriate salaries of the state's judicial officials:

- 1) The skill and experience required of the particular judgeship at issue;
- 2) The value of comparable service performed by justices and judges, as determined by reference to judicial compensation in other states and in the federal government;
- 3) The value of comparable service performed in the private sector including, but not limited to, private judging, arbitration, and mediation;
- 4) The compensation of attorneys in the private sector;
- 5) The cost of living;
- 6) The compensation presently received by other public officials in the state;
- 7) The level of overall compensation adequate to attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve the judiciary without unreasonable hardship and with judicial independence unaffected by financial concerns; and
- 8) Any other information the commission may find relevant in its mission to determine the appropriate compensation for the state's judicial officers.³

The following is a summary of the Commission's analysis of the data collected for purposes of determining the proper salaries for the state's justices, judges, and magistrates.

³W.Va. Code § 4-2C-3(b)

FACTOR 1: THE SKILL AND EXPERIENCE REQUIRED OF JUSTICES, INTERMEDIATE COURT OF APPEALS JUDGES, CIRCUIT COURT JUDGES, FAMILY COURT JUDGES, AND MAGISTRATES

The minimum requirements for supreme court justices, intermediate court of appeals judges, circuit court judges, family court judges, and magistrates are set forth in the West Virginia Constitution and the West Virginia Code. Justices and intermediate court of appeals judges must have been admitted to practice law for at least ten years prior to their election.⁴ Circuit court and family court judges must have been admitted to practice law for at least five years prior to their election.⁵ Magistrates are required to be at least twenty-one years of age; to have a high school education or its equivalent; and to not have been convicted of a misdemeanor involving moral turpitude or of any felony. Magistrates are not required to be licensed to practice law, and, indeed, the West Virginia Constitution expressly prohibits the legislature and judiciary from enacting laws or rules that would require magistrates to be so licensed.

A review of the data shows a very high level of skill and experience in the current judiciary. In fact, the average years of admission of the justices and judges far exceed the minimums required by law to hold those positions. The five current justices of the West Virginia Supreme Court of Appeals have been admitted to practice law in this State for an average of thirty-six years, ranging from fourteen to fifty-three years of admission. The three Intermediate Court of Appeals judges have been admitted to practice in this state for an average of thirty-seven years, ranging from thirty-two to forty-two years of admission. The seventy-three current circuit court judges have been admitted to practice law in this State for an average of thirty-three years, ranging from eleven to sixty-two years of admission. The forty-seven current family court judges have been admitted to practice law in this State for an average of thirty years, ranging from fourteen to forty-seven years of admission. This review demonstrates that individuals with significant experience are, and remain, attracted to the bench. It is essential that such talent continue to be attracted to the bench, as well as be retained, and it is the view of the Commission that judicial compensation should be adequate to do so.

FACTOR 2: THE VALUE OF COMPARABLE SERVICE PERFORMED BY JUSTICES AND JUDGES, AS DETERMINED BY REFERENCE TO JUDICIAL COMPENSATION IN OTHER STATES AND IN THE FEDERAL GOVERNMENT

Other States – Data regarding judicial salaries in each state is readily available for comparison. This data is collected by the National Center for State Courts (“NCSC”) and is published in January and July of each year.⁶ The NCSC also provides information on the “normalized” salaries of judges. This normalized data incorporates the cost of living in each state and then compares the salaries, which allows for an apples-to-apples comparison of salaries between states by adjusting salaries in each state by a cost of living factor to determine the purchasing power of that salary in a given state.

⁴W.Va. Const. Art. VIII § 7 and W.Va. Code §51-11-3(d)(1).

⁵W.Va. Const. Art. VIII §§ 7 and 16; W.Va. Code §51-2A-4.

⁶See https://www.ncsc.org/__data/assets/pdf_file/0017/51164/JSS-Handout-July-2024.pdf.

For its comparison of compensation in other states, the Commission focused on salaries in the surrounding states and those states with the most similar population. *These figures are listed in the charts below.*⁷

Salaries of Judges in West Virginia's Surrounding States as of July 1, 2024

State	Highest Court	Rank	Intermediate Appellate Court	Rank	General Jurisdiction Court	Rank	GJ with Cost of Living	Rank
West Virginia	\$149,600	54	\$142,500	41	\$138,600	53	\$145,435	48
Kentucky	\$170,050	48	\$163,292	38	\$156,565	47	\$169,259	30
Ohio	\$187,805	39	\$175,045	34	\$160,975	44	\$174,027	28
Maryland	\$226,433	16	\$213,633	18	\$204,433	19	\$161,735	35
Virginia	\$243,842	8	\$225,325	6	\$213,839	11	\$208,623	7
Pennsylvania	\$253,361	6	\$239,059	4	\$219,933	6	\$215,621	4

Salaries of Judges in Similarly Populated States as of July 1, 2024

State	Highest Court	Rank	Intermediate Appellate Court	Rank	General Jurisdiction Court	Rank	GJ with Cost of Living	Rank
West Virginia	\$149,600	54	\$142,500	41	\$138,600	53	\$145,435	48
New Mexico	\$232,606	12	\$220,979	10	\$209,914	13	\$208,870	6
Nebraska	\$225,055	20	\$213,803	16	\$208,176	15	\$206,524	9
Hawaii	\$239,688	10	\$222,804	9	\$217,104	8	\$145,512	47
Idaho	\$169,508	50	\$161,508	40	\$155,508	48	\$155,820	41

West Virginia's justices are among the lowest paid in the United States and its territories, ranking 54rd of 55.⁸ The salaries of the circuit judges are 53rd of 55, leading only Puerto Rico and the Northern Mariana Islands. The Intermediate Appellate Court judges are also paid less than others, as their salary ranks them 41st of 42, leading only Puerto Rico. Factoring in the cost of living, West Virginia judge salaries are ranked 48th of 52 in the rankings.⁹

To determine the national trends in increases for judicial compensation, the Commission compared the mean judicial salaries from January 1, 2023 to January 1, 2024. The mean change in salary for Highest Courts, Appellate Courts, and General Jurisdiction Courts, for this annual period is 3.8%, 3.3%, and 4.7%, respectively.

⁸ The data is ranked from numbers 1 to 55, which includes all 50 states, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. West Virginia leads only Puerto Rico and the Northern Mariana Islands.

⁹ All 50 states, plus the District of Columbia and Puerto Rico are included in this comparison.

It is also useful to compare West Virginia judicial salaries to the mean and median judicial salaries of the states listed above. *These mean and median figures are listed in the following chart.*

West Virginia Salaries Compared to States in Factor 2

West Virginia and Mean/Median	Highest Court	Intermediate Appellate Court	General Jurisdiction Court
West Virginia	\$149,600	\$142,500	\$138,600
Mean Salary	\$209,795	\$197,795	\$187,875
Median Salary	\$225,744	\$213,718	\$206,305

The Commission also sought information with which to compare West Virginia's family court judge salaries. West Virginia's family court judges hear cases involving divorce, annulment, separate maintenance, paternity, grandparent visitation; issues involving allocation of parental responsibility; and family support proceedings except child abuse and neglect proceedings. The NCSC has identified 33 states as having a "family court", however, these courts have a wide variation in their duties and jurisdiction.¹⁰ Also, neither the NCSC nor the National Council for Juvenile and Family Court Judges (NCJFCJ) collect salary information for family court judges.

However, despite the lack of national information on family court judge salaries, an individual review of the states in Factor 2 was undertaken to compare salaries of judges who have jurisdiction in family, domestic, and juvenile proceedings. For purposes of this evaluation, judges who have jurisdiction over these matters are included, although the judge may not be specifically designated as a "family court judge" or within a "family court." Many states simply place domestic and juvenile matters within the jurisdiction of the General Jurisdiction Courts. Therefore, the salaries of those judges are relevant to this analysis. *See the following table for salary information for the states listed in Factor 2:*

Family Court Judges	
State	Salary
West Virginia	\$103,050
Virginia	\$186,849

¹⁰ In Alabama, for example, family court is used interchangeably with juvenile court and has jurisdiction over nearly all matters involving minors, including delinquency, paternity, and child support matters. Wisconsin's family courts handle divorce, paternity, and child support cases. Others, such as Vermont, have a family court for each county which handles all family-related matters, including abuse and neglect cases.

Pennsylvania	\$219,933
Maryland	\$204,433
Kentucky	\$156,564
Ohio	\$160,975
New Mexico	\$201,921
Idaho	\$155,212
Hawaii	\$205,296
Nebraska	\$173,408

Of the states listed, judges whose jurisdiction encompasses family, domestic, juvenile, and related proceedings earn an average salary of \$176,854. This average salary is significantly higher than those of West Virginia's family court judges and is relevant to the Commission's evaluation.

The Commission also sought information by which to compare West Virginia's magistrate salaries with equivalent courts. The NCSC gathers information about the nation's courts of limited jurisdiction, which include municipal, district, justice, and magistrate courts. Because of the differing jurisdictions of these courts, it is difficult to make direct comparisons between courts in different states.

One major difference between these courts is the educational background required to serve in the role of magistrate or justice of the peace. West Virginia is one of only eleven states¹¹ in the country that do not require a law degree to serve as a magistrate or equivalent.¹² Two other states, Colorado and New Mexico, use population to determine whether a law degree is required. The Commission sought to compare those 11 states as the most similar to West Virginia magistrate court judges. Of those states, only Pennsylvania and Delaware have fixed salaries, at \$109,963 and \$87,242, respectively.¹³ The remainder of the states' salaries are based upon productivity, population, or established by the county that court serves and vary widely. Because of the wide variation in methods to determine magistrate salaries, the Commission concludes that the information available results in a speculative average and should be given limited value to its overall analysis.

¹¹ Arizona, Delaware, Georgia, Mississippi, Montana, Oregon, Pennsylvania, South Carolina, Texas, West Virginia, and Utah.

¹² The National Center for State Courts compiles information about limited jurisdiction courts throughout the U.S. at: http://www.judicialselection.us/judicial_selection/methods/limited_jurisdiction_courts.cfm.

¹³ Both Delaware and Pennsylvania's judges are among the highest paid in the country, with their highest court judges earning approximately \$200,000 per year.

As a part of its analysis of total compensation of judicial officers, the Commission also considered facts regarding each state’s judicial retirement plan in its analysis, including required contributions to the plans and the amount of benefits that a judge can expect to receive upon retirement. Of the ten states in the comparison, five were defined benefit plans and five were either hybrid plans that includes defined contribution and defined benefit or were moving to a defined contribution plan. Upon comparing West Virginia’s judicial retirement benefits with those of the surrounding states, the Commission concludes that those retirement benefits are fair and comparable to the other states. However, as these benefits are based upon salary earned during the judges’ careers, any disparity will affect those retirement benefits.

Federal Government – The salaries of federal justices, judges, and magistrates far exceed the salaries of West Virginia state justices, judges, and magistrates. While the Commission has considered federal judicial salaries in its analysis, the Commission has chosen to rely more heavily on state judicial salaries in its recommendations. Due to the inherent differences between state and federal government, federal judicial salaries do not carry the same weight as judicial salaries in other states, particularly those in other states similarly situated to our own. The Commission does note that judicial salaries at the federal level have increased annually, and that such regular increases may help attract and retain quality federal judicial appointees. *See the following chart.*

Year	District Judges	Circuit Judges	Associate Justices	Chief Justice
2024	\$243,300	\$257,900	\$298,500	\$312,200
2023	\$232,600	\$246,600	\$285,400	\$298,500
2022	\$223,400	\$236,900	\$274,200	\$286,700
2021	\$218,600	\$231,800	\$268,300	\$280,500
2020	\$216,400	\$229,500	\$265,600	\$277,700
2019	\$210,900	\$223,700	\$258,900	\$270,700
2018	\$208,000	\$220,600	\$255,300	\$267,000

FACTOR 3: VALUE OF COMPARABLE SERVICES PERFORMED IN THE PRIVATE SECTOR, INCLUDING PRIVATE JUDGING, ARBITRATION, AND MEDIATION

The Commission requested information from the American Arbitration Association (AAA) regarding pay information private sector arbitrators. According to AAA, there is not good “salary” information on arbitrators, because most arbitrators are engaged in other types of private legal work and handle arbitrations as only a portion of their full-time practice. However, AAA indicated that the standard rate for arbitrators in West Virginia is \$300 per hour.

The Bureau for Labor Statistics keeps some wage data on arbitrators and mediators. As of May 2023, the average salary throughout the country is \$71,540 per year. The top ten percent of arbitrators and mediators earned more than \$152,730. There is no state specific information for West Virginia on these positions. In addition, the BLS includes any arbitrator or mediator that has a bachelor’s degree. It does not distinguish between attorney arbitrators and mediators, which would be more relevant to this analysis.

After reviewing the information received regarding both arbitrator and mediator compensation, the Commissioners determined that it was not sufficiently helpful and should be given limited weight in its overall analysis.

FACTOR 4: THE COMPENSATION OF ATTORNEYS IN THE PRIVATE SECTOR

The Commission reviewed data from several sources regarding compensation of attorneys in the private sector. First, the Commission reviewed data collected by the Department of Labor’s Bureau of Labor Statistics (BLS) regarding wages of West Virginia attorneys.¹⁴ According to the BLS’s May 2023 data, attorneys in West Virginia earned an annual mean wage of \$114,460. However, this information averages all attorney salaries, regardless of experience level.

Obtaining information regarding salary levels of attorneys in private practice in West Virginia based on years of experience is more difficult. Information collected by the National Association of Law Placement (NALP) does provide some insight, however. NALP compiles data on attorney salaries for attorneys with up to eight years of practice experience, but not for attorneys with more than eight years of practice experience. NALP’s most recent Associate Salary Report has information regarding regions, including the South, which contains West Virginia. The median starting salary for a First Year Associate in the South Region \$135,000.¹⁵

The average years of practice experience among members of the West Virginia bench greatly exceeds the limits of the NALP data. Nonetheless, this data does provide a relevant, if not clearly precise, benchmark for the Commission to use in its analysis.

¹⁴ See https://www.bls.gov/oes/current/oes_wv.htm#23-0000.

¹⁵ See <https://www.nalp.org/uploads/PressReleases/NALPPressReleaseAssociateSalarySurveyMay2023Final.pdf>

FACTOR 5: COST OF LIVING

The Commission considered various sources of information regarding West Virginia's cost of living compared to neighboring states and the national average. U.S. News and World Report's yearly Affordability Rankings¹⁶ considers West Virginia as the 4th most affordable state in the nation. This ranking combines both the cost of living and housing affordability, which are ranked 8th and 1st respectively. This statistic is a good indicator of the overall affordability and cost of living in West Virginia.

In its semi-annual report on judicial compensation, the NCSC includes rankings of the salaries of circuit court judges based upon the cost of living. Although West Virginia is considered one of the most affordable states in the country, the salaries of circuit court judges are still ranked 48th of 52 states and territories included in the analysis.

FACTOR 6: THE COMPENSATION PRESENTLY RECEIVED BY OTHER PUBLIC OFFICIALS IN THE STATE

The Commission is required by statute to consider the compensation from the state presently received by other public officials in the state. Those public officials are not defined by the statute. Thus, the Commission reviewed information regarding the highest paid West Virginia state employees, constitutional officers, and other department heads.

A survey of the salaries of other public officials and workers in the state for the calendar year 2023, with the exception of higher education, shows that 30 public officials and workers were paid more than supreme court justices, and an additional 13 public officials and workers were paid more than circuit court judges. Those individuals with salaries higher than justices and circuit court judges included the governor (with an annual salary of \$150,000), medical doctors working for the Divisions of Health or Rehabilitative Services, and the heads of several departments and divisions within the executive branch. Public officials with salaries lower than supreme court justices and circuit court judges included the treasurer and auditor.

The Commission also examined information comparing national trends in judicial salaries at the highest court level versus governors' salaries. Upon review of data from July 2024, the average high court judge salary was \$207,249, as compared to the average Governor salary of \$148,990.¹⁷ West Virginia's salaries, at \$149,600 and \$150,000, respectively, do not follow the national trends that the highest court judges earn nearly \$60,000 more than the governor. The Commission finds this information relevant to its efforts to adjust judicial compensation appropriately.

As noted in the discussion of Factor 2 in this report, which compares judicial compensation throughout the country, the Commission believes that it is essential that judicial salaries be set at levels that adequately attract and retain future generations.

¹⁶ See <https://www.usnews.com/news/best-states/rankings/opportunity/affordability>.

¹⁷ <https://www.csg.org/2023/01/20/state-executive-salaries-regional-and-state-level-comparisons/>

FACTOR 7: LEVEL OF COMPENSATION THAT IS ADEQUATE TO ATTRACT THE MOST HIGHLY QUALIFIED INDIVIDUALS, FROM A DIVERSITY OF LIFE AND PROFESSIONAL EXPERIENCES, TO SERVE IN THE JUDICIARY WITHOUT UNREASONABLE ECONOMIC HARDSHIP AND WITH JUDICIAL INDEPENDENCE UNAFFECTED BY FINANCIAL CONCERNS

The Commission viewed the analysis required by the first six factors to be relevant to the analysis of the seventh factor. Based on those analyses, the Commission concludes that regular, periodic adjustments in compensation are both necessary and appropriate in order to attract and retain the most highly qualified individuals, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns.

Attracting judges from a diversity of life and professional experiences is necessary in order to have a state judiciary with broad and deep experiences that are reflective of our society as a whole. Having a judiciary that is not affected by financial concerns is also essential. The rule of law—and thus the political and social fabric of our society—is imperiled if the citizens of our state do not see the judiciary as qualified and experienced, and also if judges in our state cannot serve without financial hardship and the risk that their judicial independence might be compromised by financial concerns.

Therefore, the Commission recommends that judicial salaries be increased as detailed in the Conclusions and Recommendations section, during the next legislative session.

FACTOR 8: ANY OTHER INFORMATION THE COMMISSION MAY FIND RELEVANT IN ITS MISSION TO DETERMINE THE APPROPRIATE COMPENSATION FOR THE STATE’S JUDICIAL OFFICERS

The Commission also considered information provided and presented by members of the judiciary. At the Commission’s August 24, 2017 meeting, the Administrative Director of the West Virginia Supreme Court of Appeals, (Hon. Gary Johnson), two circuit court judges (Hon. Derek C. Swope and Hon. John A. Hutchison) and one family court judge (Hon. Kenneth D. Ballard) presented information to the Commission regarding judicial compensation for supreme court justices, circuit court judges, and family court judges. No magistrate representative appeared. The Commission has considered the judiciary’s input on these issues, which included the following information:

JSC 2017 Report: In a report prepared by the Judicial Salary Commission (“JSC”) for the Commission’s August 24, 2017, meeting, the JSC compiled data on judicial workloads, salary histories, and comparative salary studies for supreme court justices and circuit court judges in this and other jurisdictions. According to the report, the current salary levels for supreme court justices and circuit court judges are below the national average and are below that of comparable judicial officials in the contiguous states of Pennsylvania, Maryland, Virginia, and Ohio. In addition to other information, the report included a compilation of several workload studies that showed an upward trend in the workload

for circuit court judges in West Virginia. While no similar information was available for supreme court justices, the report indicated that the West Virginia Supreme Court of Appeals ranked number 1 in the nation in the amount of incoming cases per 100,000 people. The report provided “potential salaries” in the amount of \$181,996 for supreme court justices and \$168,616 for circuit court judges.

West Virginia Family Court Judges Workload Needs Assessment Study – Final Report 2014: Provided by Judge Ballard to the Commission, the 2014 final report indicated that, at that time, West Virginia needed 50.29 family court judges to handle the volume and complexity of the workload. It is also of note that Judge Ballard stated in his presentation that West Virginia family court judges are the only judicial officers in the United States of America that are required to hold a law degree and earn less than \$100,000 per year.

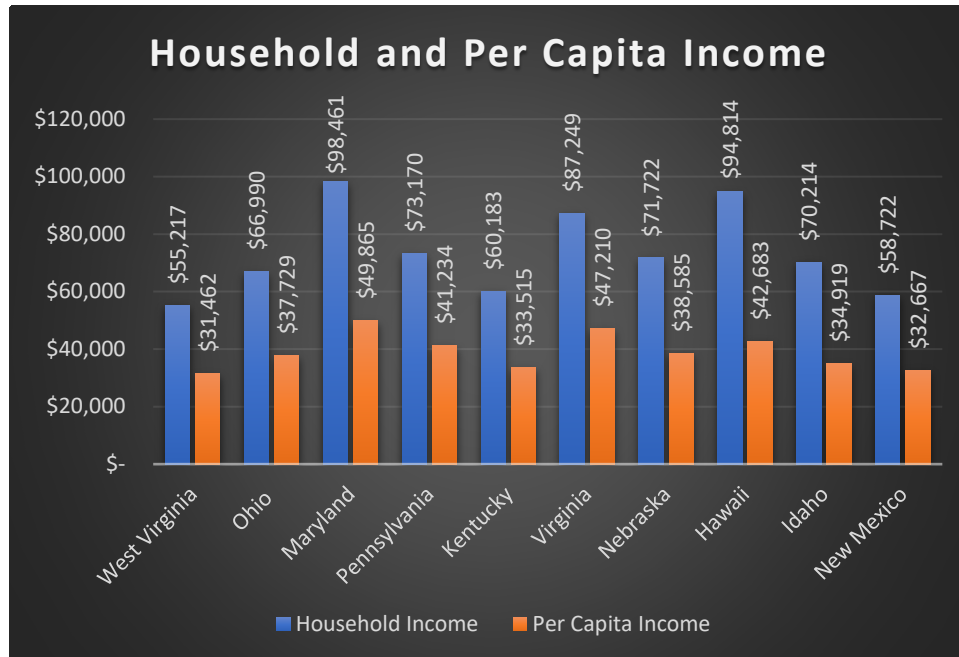
In preparation for the 2018 Report, Circuit Court Judge Derek Swope provided updated compensation information for the supreme court justices and the circuit court judges. In addition, Family Court Judge Derek Tallman provided information on behalf of the Family Court Judges Association.

The Commission also considered information from the U.S. Census Bureau regarding the growth and decline of population in the states examined for Factor 2. *See the following chart:*

State	July 2022	July 2023	Percentage Change
West Virginia	1,774,035	1,770,071	0.23
Ohio	11,759,697	11,785,935	0.22
Maryland	6,163,981	6,180,253	0.26
Pennsylvania	12,972,091	12,961,683	0.08
Kentucky	4,511,563	4,526,154	0.32
Virginia	8,679,099	8,715,698	0.42
Nebraska	1,968,060	1,978,379	0.52
Hawaii	1,439,399	1,435,138	0.30
Idaho	1,938,996	1,964,726	1.30
New Mexico	2,113,476	2,114,371	0.04

The comparison from the chart shown above demonstrates that the West Virginia population has declined. From July 2022 to July 2023, West Virginia has lost 0.23% of its population. These figures show that population trends in West Virginia suggest that judicial workloads may decrease over time.

The Commission considered information from the U.S. Census Bureau regarding the 2023 median household income and per capita income in West Virginia and the states examined in Factor 2. *See the following chart:*



The information indicated that West Virginia has the lowest median household income, and lowest per capita income of the states in the comparison. The Commission deemed this relevant to a decision regarding compensation all state government employees.

In preparation for the publication of the 2024 Report, the Commission considered information provided by the West Virginia Supreme Court during its August 20, 2024 meeting. Information was provided by Keith Hoover, Deputy Administrative Director and Counsel regarding the 2024 Elections. Mr. Hoover explained that 52 of 80 Circuit Court Judge races, and 39 of 48 Family Court Judge races, were unopposed. Further, there were only 190 candidates for judicial office of the 4,464 active in-state bar members. For Magistrate Court, 108 of the 169 Magistrate Court races went unopposed. This information demonstrated the current lack of candidates for judicial roles within the state. In addition, Mr. Hoover provided turnover rates of 30%, 22%, and 20% for Circuit Court Judges, Family Court Judges, and Magistrates following the 2024 election. Currently, Circuit Court Judges have 12.9 years of experience on the bench, which will be reduced to 6.2 years of experience when the new terms begin on January 1, 2025.

Deputy Administrative Director Hoover also pointed out to the Commission that all state employees have received across the board raises for Fiscal Years 2023, 2024, and 2025, which totaled \$7,750. However, because no mechanism is built into the statute, the judicial officers addressed in this report did not receive the across the board raises. Further, there have been significant increases to PEIA premiums in the last two years, which the across the board raises were intended to offset. Again, the judicial officers received no increase to offset the large premium increases. This has had a negative effect on judicial compensation.

Circuit Court Judge Stacy Nowicki-Eldridge, Family Court Judge Heather Wood, and Magistrate Jean Ann Luikart also addressed the Commission. The presenters offered the Commission their personal experiences and challenges with their respective roles. The Commission heard information regarding the demands of each of the roles, including the emotional and traumatic subject matter, the long hours required to keep pace with mandatory deadlines and large workloads, and difficulty maintaining a work-life balance as a result. The Commission expressed its gratitude to the presenters for their work in these very difficult and important positions and acknowledged the need for adequate compensation in order to continue to attract and retain qualified individuals to these roles. The Commission found the information provided by Court useful and relevant to its analysis.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Based on the information it has gathered and reviewed, the Commission makes the following conclusions:

- In order to maintain a strong, qualified and independent judiciary, and in order to attract qualified candidates and retain experienced judges, appropriate judicial compensation is essential. To date, judicial compensation in West Virginia has been determined on an ad hoc basis, which has resulted in adjustments being made approximately every five to six years. This ad hoc approach has resulted in a lack of predictability in ensuring that judicial compensation is sufficient to attract and retain a competent and well-qualified judiciary.
- Regular and systematic increases in judicial compensation are both necessary and appropriate in order to achieve and maintain appropriate judicial compensation. Such increases would make judicial compensation more predictable and are essential to ensure that judicial compensation remains at levels sufficient to attract and retain a competent and well-qualified judiciary.
- The age of judges serving in the West Virginia judiciary is increasing, and it is anticipated that many may retire in the near future. This fact further reinforces the importance of setting judicial compensation at levels that are adequate to attract competent and well-qualified persons to the judiciary.
- During the 2020 Regular Session of Legislature, the salaries of the judges addressed in this report were raised as following:
 - Supreme Court Justice from \$136,000 to \$142,800 beginning July 1, 2021, and \$149,600 beginning July 1, 2022;
 - Circuit court judge from \$126,000 to \$132,300 beginning July 1, 2021, and \$138,600 beginning July 1, 2022;
 - Family court judges from \$94,500 to \$103,950 beginning July 1, 2020;
 - Magistrates from \$57,500 to \$60,375 beginning July 1, 2021, and \$63,250 beginning July 1, 2022.
- During the 2021 Regular Session of the Legislature, an Intermediate Court of Appeals was created and began operating on July 1, 2022. The salaries for those judges are \$142,500.

- As of July 2024, the salaries of West Virginia's supreme court justices rank 54th in the 55 states, District of Columbia, and U.S. Territories. The Intermediate Court of Appeals judges salaries place them at 41st of 42 of the jurisdictions. Finally, circuit court judge salaries are ranked at 53rd of 56 in the analysis.
- The NCSC has determined the cost of living places West Virginia's circuit court judges at 48th of the 52 states and territories in its analysis.
- The mean and median salary for high court judges in the states examined in Factor 2 is \$209,795 and \$225,744, respectively.
- The mean and median salary for the intermediate court of appeals judges in states examined in Factor 2 is \$197,795 and \$213,718, respectively.
- The mean and median salary for circuit court judges in states examined in Factor 2 is \$187,875 and \$206,305, respectively.
- From January 2023 to January 2024, the national mean percentage increase for salaries of high courts justices, intermediate appellate court judges, and general jurisdiction courts, is 3.8%, 3.3%, and 4.7%, respectively.
- The Commission was able to determine the salaries of family court judges, and other judges who performed family court judge functions, for the states in Factor 2. The average for those judges is \$176,854.
- The Commission was unable to determine the mean and median salaries for magistrates due to the very limited number of comparable courts and wide variation in how those salaries are determined within those courts.
- The salaries of attorneys with eight years of private practice experience in West Virginia and the surrounding region indicate that the salaries of Supreme Court and Circuit Court judges are below the salaries of such attorneys.
- West Virginia's judicial retirement benefits are comparable to those in the surrounding states and states with similar population.
- High court judge and Governor salaries throughout the nation average \$207,249 and \$148,990, respectively. Currently, West Virginia's Supreme Court Justices and Governor earn \$149,600 and \$150,000, respectively. The Commission finds that West Virginia does not follow the national trend that its Supreme Court Justices earn nearly \$60,000 more than the Governor.
- The 2014 West Virginia Circuit Judge Workload study, performed by the National Center for State Courts, concluded that the state's judicial workload for trial courts required eighty-nine judges rather than the seventy judges then sitting. Today, the number of circuit judges has been increased to 76 and caseloads at circuit court level have decreased approximately 16 percent since 2014, suggesting the workload is more balanced since the 2014 study.
- The Supreme Court's caseload has fallen by fifty percent in the last fifteen years. However, because of revision to the Rules of Appellate procedure, which guaranteed the right to an appeal, the Supreme Court's workload has increased to address this change in rules.
- Currently, the opioid epidemic in West Virginia has increased the workload demands on all levels of West Virginia's judicial system.

- The judiciary is a vital factor in economic development and the degree of judicial independence has been correlated with economic growth. Adequate compensation of judges is a factor in judicial independence and contributes to prevent judges from seeking profits or favors and shield them from potential corruptive practices seeking to influence their decisions.

Recommendations

Based upon a 4-0 vote, with one member not present, the Commission recommends that the salaries of the Supreme Court Justices, Intermediate Court of Appeals Judges, Circuit Court Judges, Family Court Judges, and Magistrates be increased by 12%, which represents a 6.1% cost-of-living adjustment and a 5.9% increase to make judicial compensation more competitive. Also, the Family Court Judges would receive an additional \$10,000 and Magistrates an additional \$5,000. The 2024 recommendation amounts are as follows:

Judicial Officer	2024 Recommendations
Supreme Court Justice	\$167,552
Intermediate Court Judge	\$159,600
Circuit Court Judge	\$155,232
Family Court Judge	\$125,416
Magistrate	\$75,840

For reference purposes, below is a table of the current salaries set by statute:

Judicial Officer	Current Salary
Justice	\$149,600
Intermediate Court Judges	\$142,500
Circuit Judge	\$138,600
Family Court Judge	\$103,950
Magistrate	\$63,250

