

## Judges Get Age and Wage Boost in NC House Budget

Article By:

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Recently, my colleagues Whitney Campbell Christensen and Trafton Dinwiddie wrote about our State's newest proposed budget. As an appellate attorney, there were two portions of the state's budget that I found most intriguing, both of which relate to the State's judicial system. First, the budget increases the mandatory retirement age for judges and justices from 72 to 76. And second, it increases salaries for our appellate judges and justices.

### **Raises to Judicial Retirement Age**

As people are living longer, the judicial retirement age has become a hot-button issue. Federal judges are allowed to hold their offices for life—or, as the Constitution says, “during good Behaviour.” Many States, as laboratories of democracy, have concluded that lifetime tenure is inappropriate. Currently, more than 30 of the 50 States require their judges to retire when they reach a certain age—usually between 70 and 90. North Carolina has a mandatory judicial retirement age. Currently, judges, whether in the trial division or the appellate division, are required to retire on the last day of the month following their 72nd birthday.

Under the proposed budget, judges would be eligible to serve an additional four years on the bench. Appellate court judges serve eight-year terms and are allowed to seek partial terms—meaning they will be required to retire in the middle of a term. For example, under the current law, Chief Justice Paul Newby can serve only seven years of his eight-year term. By increasing the retirement age from 72 to 76, the Chief Justice would be able to finish out his full term as Chief and run for re-election if he chooses. The change affects more than Chief Justice Newby. In particular, Associate Justice Michael Morgan would be eligible to serve a full second term. And on the Court of Appeals, Judge John Tyson, who is currently slated to retire in July 2025, would be eligible to serve until 2029, while Judge John Arrowood would be eligible to serve six years, not two, in another term.

### **Increased Judicial Salaries**

In addition to raising the retirement age, the proposed budget increases judicial salaries. There has been a lot of news recently—especially in the federal court system—about relatively young judges retiring from the bench at an early age. Often, the justification for early retirement is the need to provide for a growing family or children entering college. While the same news has not reached North Carolina's court system, judicial salaries are still an important piece of public life. In particular,

because North Carolina has an elected judiciary, low judicial salaries could keep well-qualified candidates who may be better compensated in private practice from running for judicial office. Currently, North Carolina's judicial salaries are among the lowest in the country. In terms of dollar value, North Carolina ranks in the bottom five in judicial salaries, behind its neighbors South Carolina and Tennessee. Adjusted for cost of living, North Carolina still has among the 20 lowest judicial salaries in the country.

The current proposal to raise judicial salaries is modest; however, it is a step in the right direction. Currently, the Chief Justice makes \$172,278, and the six associate justices each make \$167,807. At the Court of Appeals, Chief Judge Donna Stroud makes \$165,153, while the other 14 judges make \$160,866. Under the proposed budget, beginning on July 1, 2024, the Chief Justice's salary would increase to \$185,437, and the associate justices would earn \$180,625. The Court of Appeals Chief Judge will make \$177,768. The other appellate judges would make \$173,153. Those changes amount to about a 7% increase in the salaries of our appellate judges and justices.

Where does that leave North Carolina among its neighbors? Salaries for our State's Supreme Court Justices are still on the low side. Again, they fall below Tennessee and South Carolina, which currently pay their justices \$208,704 and \$213,321, respectively. And our justices fall well behind our neighbor to the north—Justices on the Supreme Court of Virginia are among the best compensated in the country, making more than \$222,000 each year.

## **What's Next**

As Trafton and Whitney said, the process isn't yet complete. The House passed its budget on April 6, and the Senate is now in the process of drafting its own proposed budget. Once the Senate budget is finalized, a Conference Committee with members from both chambers will negotiate a final budget. The timeline for the final budget isn't clear, but it is anticipated that a budget will be in place by the end of the State's fiscal year on June 30.

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