

# Washington Law Review

---

Volume 13 | Number 3

---

7-1-1938

## Judicial Salaries in Washington: The Chart on the Opposite Page Contains Some Interesting Facts and Figures

S. Harold Shefelman

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>



Part of the Judges Commons

---

### Recommended Citation

S. H. Shefelman, State Bar Journal, *Judicial Salaries in Washington: The Chart on the Opposite Page Contains Some Interesting Facts and Figures*, 13 Wash. L. Rev. & St. B.J. 248 (1938).

Available at: <https://digitalcommons.law.uw.edu/wlr/vol13/iss3/12>

This State Bar Journal is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact [cnyberg@uw.edu](mailto:cnyberg@uw.edu).

HIGHEST COURT NISI PRIUS COURTS

State	Rank by Sal.		Rank by Sal.		2 Salary	Rank by Sal.		3 Population (1936 Est.)	Rank by Pop.	4 State Income in Millions Inc.		5 State Wealth in Thousands	Rank by Wealth	6 No. of Lawyers 1938	Rank in No. of Lawyers
	1 Salary	Rank	Max. Min.	Rank		Millions	Inc.			Millions	Inc.				
Alabama.....	\$ 6,000.00	38	\$5,000	29	18	2,864,000	16	586	28	\$3,002,043	30	1,416	27		
Arizona.....	6,600.00	36	\$3,000-4,400	41	48	406,000	44	163	43	1,514,291	43	443	42		
Arkansas.....	7,000.00	30	3,600	47	43	2,023,000	23	363	34	2,599,617	32	1,538	40		
California.....	11,000.00	11	4,500-10,000	10	34	6,059,000	6	3,631	4	15,031,734	5	6,745	4		
Colorado.....	6,500.00	37	5,000	30	19	1,066,000	33	431	30	3,229,412	29	1,539	24		
Connecticut.....	12,000.00	6	12,000	6	2	1,734,000	28	1,042	14	5,286,445	17	1,339	28		
Delaware.....	10,000.00	12	3,500-5,000	38	44	289,000	46	151	44	623,765	47	171	48		
Florida.....	6,000.00	39	5,000-7,500	20	20	1,642,000	31	569	27	2,440,491	34	1,137	33		
Georgia.....	7,000.00	31	5,000-9,000	12	21	3,060,000	13	768	19	3,896,759	25	2,531	14		
Idaho.....	5,000.00	43	4,000	43	39	485,000	42	165	42	1,533,941	41	652	31		
Illinois.....	15,000.00	4	7,200-15,000	4	10	7,845,000	3	3,907	3	22,232,726	3	8,943	2		
Indiana.....	10,000.00	13	4,200-10,000	11	38	1,459,000	11	1,379	11	8,329,794	12	3,307	10		
Iowa.....	7,500.00	21	5,000	31	22	2,543,000	20	937	15	10,511,682	9	2,494	15		
Kansas.....	6,000.00	40	4,000	44	40	1,886,000	25	686	21	6,264,058	15	1,676	22		
Kentucky.....	5,000.00	44	4,800	39	31	2,883,000	15	682	22	3,582,391	26	2,382	16		
Louisiana.....	12,000.00	7	5,000-8,500	14	23	2,122,000	22	636	25	3,416,860	28	1,206	31		
Maine.....	8,000.00	18	7,500	17	8	853,000	35	350	35	2,006,631	38	801	36		
Maryland.....	11,500.00	9	8,500	13	6	1,674,000	29	789	18	3,990,730	24	2,118	16		
Massachusetts.....	14,000.00	5	12,000	7	3	4,425,000	8	2,356	7	12,960,639	6	4,654	7		
Michigan.....	12,000.00	8	6,000-13,500	5	14	4,783,000	7	2,236	6	11,404,661	8	3,037	11		
Minnesota.....	8,500.00	17	6,000-7,500	19	15	2,635,000	19	1,092	13	8,547,918	13	2,613	13		
Mississippi.....	7,500.00	23	5,000	32	24	2,008,000	24	342	36	2,177,690	37	1,158	32		
Missouri.....	7,500.00	22	4,700-8,000	16	33	3,959,000	10	1,433	10	9,981,409	10	4,506	8		
Montana.....	7,500.00	24	4,800	40	32	531,000	39	256	37	2,223,189	36	875	25		
Nebraska.....	7,500.00	25	5,000	33	25	1,364,000	32	492	29	5,320,075	16	1,528	25		
Nevada.....	7,500.00	26	6,000-7,200	22	16	100,000	46	54	48	541,716	48	230	47		
New Hampshire.....	7,000.00	32	7,000	23	11	508,000	41	220	38	1,374,135	42	379	43		
New Jersey.....	18,000.00	3	3,500-16,000	1	45	4,238,000	9	2,215	8	11,704,189	7	3,918	9		
New Mexico.....	6,000.00	41	5,250	28	17	422,000	43	136	46	651,636	45	342	45		
New York.....	22,000.00	1	15,000	2	1	12,935,000	1	9,019	1	37,035,262	1	16,473	1		
North Carolina.....	8,000.00	19	7,500	18	9	3,457,000	12	863	16	4,543,110	21	1,685	23		
North Dakota.....	5,000.00	45	3,500	48	46	703,000	36	182	40	2,467,772	33	629	33		
Ohio.....	12,000.00	9	3,300-12,000	8	47	6,713,000	4	3,084	5	18,489,352	4	6,485	5		
Oklahoma.....	5,000.00	46	4,000	45	41	2,520,000	21	650	24	3,993,524	23	2,818	12		
Oregon.....	7,500.00	27	5,000-6,500	26	26	1,017,000	34	397	32	3,419,459	27	1,424	26		
Pennsylvania.....	19,500.00	2	9,500-15,000	3	4	10,136,000	2	4,810	3	28,633,745	2	6,764	3		
Rhode Island.....	10,000.00	14	9,500-10,500	9	5	681,000	38	382	33	1,924,326	39	515	41		
South Carolina.....	6,750.00	35	6,750	24	12	1,860,000	26	413	31	2,404,485	35	989	34		
South Dakota.....	4,800.00	48	4,300	42	37	692,000	37	190	39	2,925,968	31	700	37		
Tennessee.....	7,500.00	28	5,000	34	27	2,864,000	17	655	23	4,228,951	22	2,040	19		
Texas.....	8,000.00	20	5,000	35	28	6,117,000	5	1,919	9	9,650,668	11	5,223	6		
Utah.....	5,000.00	47	4,000	46	42	516,000	40	179	41	1,535,477	40	527	40		
Vermont.....	6,000.00	42	5,000	36	29	380,000	45	138	45	842,040	46	344	44		
Virginia.....	7,500.00	29	4,500-7,500	21	35	2,671,000	18	804	17	4,891,570	19	1,981	17		
Washington.....	7,000.00	33	4,500-6,000	27	36	1,643,000	30	708	20	5,122,405	18	2,337	20		
West Virginia.....	10,000.00	15	5,000	37	30	1,630,000	27	578	26	4,677,919	20	1,326	30		
Wisconsin.....	10,000.00	16	8,000	15	7	2,908,000	14	1,357	12	7,866,081	14	1,879	21		
Wyoming.....	7,000.00	34	6,500	25	13	233,000	47	122	47	976,239	44	268	46		

# Judicial Salaries in Washington

**The Chart on the Opposite Page Contains Some Interesting Facts and Figures**

The compensation paid the judges of both the Supreme Court and the Superior Courts of the State of Washington has remained unchanged since it was set by the Legislature of 1919 (Laws of Washington 1919, Ch. 77, Sec. 1, page 154) except for a slight adjustment upward with respect to the salaries of Superior Court judges in Class A counties by the Legislature of 1923 (Laws of Washington 1923, Ch. 169, page 545). The many changes that have transpired since 1919, all bearing directly on the question of the adequacy or inadequacy of the judges' salaries as, for example, the increased volume of work demanded of our judges and the raised standards of living throughout the country with the resultant increased cost of living, to mention but two, require that we re-examine the question of judicial salaries in Washington under present conditions.

The salary of a Supreme Court judge in Washington is fixed at \$7,000 per annum and of a Superior Court judge in Class A counties at \$6,000 per annum, in counties of the First Class at \$5,000 per annum, and in all other counties at \$4,500 per annum. (Rem. Rev. Stat., Secs. 11053 and 11053-1.)

The judicial office is so unique that there is no similar position in the community with which it can be compared for the purpose of testing the adequacy of the compensation paid. Perhaps the best approach is to compare the salaries paid our judges with those paid the judges in other states. For this purpose, the accompanying table has been compiled showing salaries paid judges in each of the forty-eight states and also comparative data on population, income, wealth, and number of lawyers. No figures are available directly showing the volume of litigation in the various states, but the composite picture presented by the various items shown in the table should give a fair approximation of the volume of judicial work.

Washington is tied with Arkansas, Georgia, New Hampshire and Wyoming for thirtieth place with respect to the salary paid to its Supreme Court judges. As to Superior Court judges, if we take the highest figure in this state, the \$6,000 paid in Class A counties, we stand twenty-seventh; or if we consider the lowest figure, \$4,500 paid in counties other than Class A, or First Class counties, we stand tied for thirty-fourth place. Yet, Washington stands seventeenth in the number of practicing lawyers, eighteenth in wealth, twentieth in income for tax purposes and thirtieth in population.

Twenty-two states, or almost one-half of the states in the Union, pay the judges of their *nisi prius* courts a higher salary than Washington pays the judges of its Supreme Court, and obviously, therefore, a substantially higher salary than it pays the judges of its Superior Courts.

In Maryland, the state most nearly comparable to the State of Washington as shown by the above table, it being eighteenth in number of lawyers, whereas Washington is seventeenth, twenty-ninth in population, Washington being thirtieth, eighteenth in income, Washington standing twentieth, and twenty-fourth in wealth, Washington rating eighteenth, the judges of the court of last resort receive \$11,500 per annum and the judges of the *nisi prius* courts \$8,500, offering a striking contrast with the salaries paid our judges in Washington.

To bring the comparison nearer home, Oregon, our neighbor to the south, although comparing rather poorly with Washington in the other factors appearing in the table, pays its Supreme Court judges \$7,500 and its *nisi prius* judges \$5,000 to \$6,500, exceeding Washington by \$500 in each instance. British Columbia, our neighbor to the north, pays these judicial salaries:

Chief Justice of the Court of Appeals, \$10,000; four Justices of Appeal, \$9,000; Chief Justice of the Supreme Court, \$10,000; five Puisne Judges of the Supreme Court, \$9,000; fourteen judges of the County Court, \$5,000.

Although many other comparisons could be made with like results, I believe the inadequacy of judicial compensation in our state is rather conclusively established. It should be the vital concern of every member of the Bar to see to it that our courts are presided over by the ablest judges obtainable. In the present unsettled state of our social and economic affairs, courage, ability and integrity are necessary upon the Bench today as perhaps never before. Chief Justice Hughes, in his address before the American Law Institute in May of 1937, took occasion to utter these stirring and meaningful words:

“The success of democratic institutions lies in the success of the processes of reason as opposed to the tyranny of force. Between these society must choose. If society chooses the processes of reason, it must maintain the institutions which embody those processes. Institutions for the exercise of the law-making power and for the execution of laws must have their fitting complement in institutions for the interpretation and application of laws, for the safeguarding of individual rights, through a competent and independent judiciary. The firm and true administration of justice is thus the primary concern of civilized society.”

Again, in his great concern for the courts of the land, the Chief Justice, in his address before the same body in May of this year,

specifically adverted to the problem of the judiciary, saying:

“Still the prime necessity in making the judicial machinery work to the best advantage is the able and industrious judge, qualified by training, experience and temperament for his office.”

If we aspire to place, or retain, upon the Bench men “qualified by training, experience and temperament” we must see that they are fairly paid. To be sure, we have upon the Bench of the State of Washington today, many men who possess the desired attributes. We should deem ourselves fortunate to that extent; but it should not blind our eyes to the necessity of increasing judicial salaries if we are to retain these qualified men and add others to their number. While the judges themselves may feel a proper hesitancy about approaching our legislature and people concerning so personal a matter, the Bar of this state should feel no such qualms. We owe a duty to the public and to the judicial system of which we, as lawyers, are an integral part, as well as to the judicial office itself, to call attention to the needed change.

S. HAROLD SHEFFELMAN *of the Seattle Bar.*

---

### The Connecticut Survey

The Association of American Law Schools has published the report of the first survey to have been undertaken of the standing of the lawyer before the public. Local residents (distinguishing the “householder” from “business man”) had on the average of .8 legal matters each during a one-year period and in the conduct of these legal matters 35.2% consulted advisers (usually lawyers) while 64.8% sought no advice. Among the business men, having an average of 4 matters each per year, 17.7% sought advice while 82.2% did not.

“About 147 residents who had had legal business but had not gone to a lawyer were asked their reasons. The answer of 65 was either that it was unnecessary or that a lawyer could not help (this last was sometimes accompanied by the statement that the other fellow had no money and sometimes by remarks indicating suspicion of lawyers); the rest either that they had put it off or that they knew no lawyer to go to or that they could not afford one,” says the report. (47 YALE L. J. 1282).

The members of the bar are trained and equipped to render all of these people sound, honest advice and guidance at a minimum of expense. Why aren't we doing it?

1. Because in the past a few of our members have been guilty of overcharge, impatience, and discourtesy, embittering those we should properly serve.

2. Because the public, in general, doesn't understand the importance and economy of proper guidance in incidental affairs.

Is not the organized bar derelict in its obligations both to the public and its own membership if it ignores this challenge?