

1 JUDICIAL COMPENSATION COMMISSION

2 STATE OF LOUISIANA

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6 Meeting of the Judicial Compensation
7 Commission, held on Wednesday, January 21, 2004, in
8 the House of Representatives Committee Room 6,
9 State Capitol, Baton Rouge, Louisiana.

9

MEMBERS PRESENT:

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- 11 JAMES J. COLEMAN, SR., ESQ., Chairman
- 12 JUDGE ULYSSES GENE THIBODEAUX, Vice-Chairman
- 13 SENATOR CHARLES D. JONES
- 14 SENATOR ARTHUR J. LENTINI
- 15 REPRESENTATIVE JOSEPH F. TOOMY
- 16 REPRESENTATIVE DANIEL R. MARTINY
- 17 JUDGE FRANK A. MARULLO, JR.
- 18 CHARLES C. FOTI, JR.
- 19 JUDGE GRACE BENNETT GASAWAY
- 20 DOUG JOHNSON

16

STAFF PRESENT:

17

- 18 TIMOTHY J. PALMATIER, C.P.A., Attorney,
19 Chief Deputy Judicial Administrator,
20 Supreme Court of Louisiana
- 21 JAN JORDAN, Attorney
- 22 LORI HUTSON, Secretary

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21

REPORTED BY:

22

- 23 TONI T. CONNER
- 24 CERTIFIED COURT REPORTER

23

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25

1 PROCEEDINGS

2 MR. COLEMAN:

3 Let's call the meeting to order.

4 Would the secretary please call the
5 roll.

6 MS. HUTSON:

7 Mr. Coleman?

8 MR. COLEMAN:

9 Present.

10 MS. HUTSON:

11 Mr. Foti?

12 Judge Gasaway?

13 JUDGE GASAWAY:

14 (Indicating.)

15 MS. HUTSON:

16 Ms. Holt?

17 Mr. Johnson?

18 MR. JOHNSON:

19 Present.

20 MS. HUTSON:

21 Senator Jones?

22 Senator Lentini?

23 SENATOR LENTINI:

24 Here.

25 MS. HUTSON:

1 Representative Martiny?

2 REPRESENTATIVE MARTINY:

3 (Indicating.)

4 MS. HUTSON:

5 Judge Marullo?

6 JUDGE MARULLO:

7 Here.

8 MS. HUTSON:

9 Mr. Newburger?

10 Mr. Popwell?

11 Judge Thibodeaux?

12 JUDGE THIBODEAUX:

13 Here.

14 MS. HUTSON:

15 Representative Toomy?

16 REPRESENTATIVE TOOMY:

17 Here.

18 MS. HUTSON:

19 Ms. Winters?

20 MR. COLEMAN:

21 Do we have a quorum?

22 MS. HUTSON:

23 Yes, sir, we do.

24 MR. COLEMAN:

25 We'll have the meeting go through.

1 Let's start the meeting like we set up a
2 custom before and have a few moments so
3 each one silently can get a little divine
4 guidance.

5 Thank you so much.

6 And you know, as usual, that this
7 proceeding today is accessible on the
8 Internet, so I'd like each of the members
9 that are present to introduce themselves
10 before we start our remarks and then we
11 can begin the presentation for evidence,
12 and then when you also have a remark to
13 say, if you'd mention your name each time,
14 it would be helpful.

15 REPRESENTATIVE MARTINY:

16 Representative Danny Martiny.

17 REPRESENTATIVE TOOMY:

18 Representative Joe Toomy. I'm
19 Chairman of the House Judiciary Committee.

20 JUDGE THIBODEAUX:

21 I'm Gene Thibodeaux. I'm the Chief
22 Judge of the Third Circuit Court of
23 Appeal, and I'm appointed by the panel
24 of the Court of Appeal judges.

25 SENATOR LENTINI:

1 Art Lentini, Senate District 10.

2 MR. JOHNSON:

3 Doug Johnson, Senate president.

4 John Hainkel appointment.

5 JUDGE GASAWAY:

6 Grace Gasaway, and I represent the
7 City Court Judges Association and the City
8 Court of Hammond.

9 JUDGE MARULLO:

10 Frank Marullo representing the
11 District Judges Association.

12 MR. COLEMAN:

13 I think that all of us have had a
14 chance to read a lot of the information
15 that's been sent out to you. And do you
16 want me to go over a little bit of the
17 history or is everybody pretty much in
18 order with it? In my opening remarks I
19 was going to give you a little background,
20 but I don't think it's necessary for
21 everyone here.

22 In preparation for this meeting and
23 our December 17th meeting we received
24 reports from Mr. Palmatier, Ms. Grace
25 Barry, and Dr. Loren Scott, as well as

1 information from the Retired Judges
2 Association. If you'll recall too, Wayne
3 Lee, who is President of the Louisiana
4 State Bar Association, and others.
5 Following that meeting, a copy of each of
6 the reports were forwarded to you, along
7 with a copy of the transcript of that
8 meeting, with special requests by me that
9 you thoroughly review the information.

10 At this time I would like to request
11 a motion to approve the transcript of the
12 December 17th meeting.

13 REPRESENTATIVE MARTINY:

14 (Indicating.)

15 MR. COLEMAN:

16 Someone move to second it?

17 REPRESENTATIVE TOOMY:

18 Seconded.

19 MR. COLEMAN:

20 So honored.

21 I think that it would be in order for
22 us now -- I think you'll note in your
23 folder you have a copy of a column by Jim
24 Beam of the Lake Charles American Press,
25 and you also will see the Commission's

1 response to that article and a newspaper
2 printing of our response verbatim, which I
3 think dispelled some of the misconceptions
4 about the workings of the Commission.

5 Judge, would you like to tell a
6 little bit?

7 Judge Thibodeaux had done a wonderful
8 job in getting this cleared up and I would
9 like him to just make a report to you so
10 we can thank him for getting this clear.

11 JUDGE THIBODEAUX:

12 Mr. Beam is one of the retired
13 editors of the Lake Charles American
14 Press. Lake Charles is where I'm from.

15 I noticed the article which appeared
16 in the Lake Charles American Press I think
17 on January -- just before the Christmas
18 holidays.

19 The article, as Mr. Coleman stated,
20 contained many inaccuracies concerning the
21 composition of this board and the
22 functions of this Commission, and I
23 thought especially glaring was his
24 conclusion that the Commission was tacked
25 with individuals who are especially

1 favorable to the judiciary with no
2 empirical data and no basis for saying
3 that. I thought that that deserved a
4 response.

5 All too often we talk about judicial
6 independence, and when the judiciary is
7 attacked or when its Commission's
8 reporting to the judiciary's attacked, we
9 remain voiceless. I simply think that the
10 public needs to know and needs to be given
11 facts which support our position, and I
12 thought a response was appropriate.

13 So Mr. Coleman, Mr. Palmatier, and I
14 got together and drafted a letter which we
15 thought was an appropriate response. My
16 response, had it been my choice, would
17 probably have been a little more strident,
18 or a little less, but I think that it was
19 appropriate that we dispel some of the
20 misconceptions contained in that article.
21 And I think it's the purpose -- one of the
22 purposes of the Commission. And that is
23 to disseminate information that will give
24 the public an understanding of what our
25 various positions are.

1 MR. COLEMAN:

2 Thank you so much, Judge.

3 You have a copy of all that in your
4 file.

5 I think we ought to move on. And
6 I've asked Dr. Scott to sort of summarize
7 and review the four models that he
8 presented to us in his report of December
9 17th. There's a copy in each of your
10 folders of Dr. Scott's Power Point
11 presentation containing the models. And I
12 was wondering, Dr. Scott, if you would
13 briefly go over these models with us again
14 and then we'll open it up for discussion.

15 DR. SCOTT:

16 Sure. Thank you very much, Mr.
17 Coleman.

18 I put a sheet together for the
19 members of the committee. I don't know if
20 everybody has one. Hang on one second.
21 Anybody needs a copy of this?

22 What I've put together here is a
23 two-page document, front-and-back-page
24 document, that shows you the history, very
25 quickly again, of the four models that we

1 used to try to give you a benchmark from
2 which to make a recommendation on raises
3 for the judges.

4 Table 4 is the one I think we spent
5 the most time on, the southern average.
6 And what I had for you there in Table 4 is
7 what the salaries would need to be for the
8 three levels of judges in 2004 to bring
9 them up to the southern average. And then
10 the data show that these salaries at the
11 southern average tend to increase over
12 time, and so what I have done is I've
13 built in increases out through 2008 so
14 you'd see what these numbers would need to
15 be to keep up with the southern average.

16 Just as a point of reference, if you
17 look down right below that table, I've
18 showed you in 2004 what the raise would
19 need to be at each level in order to bring
20 each one of the judicial branches to the
21 southern average. So, for example, for
22 the higher court it would need to be nine
23 percent; the appellate court, nine point
24 two; and the general trial court, nine
25 point eight. And then if you wanted to go

1 out in the future and stay up with at the
2 time southern average, the growth rate in
3 each one of these categories is shown in
4 the next line. So you'd need to increase
5 the raise or the growth -- the growth in
6 salaries in 2005 by two point eight
7 percent, continue that two point eight
8 percent going out to the future for the
9 high court, and then it's three percent
10 for the other appellate courts.

11 If you just wanted to give a five
12 percent raise a year for two years, as I
13 point out in the bold face there, by 2005
14 you would be caught up with where the --
15 you'd be more than caught up with where
16 the southern average is at 2004, but by
17 2005 you'd be behind again. The reason
18 for that, as you can see, the growth rate
19 needed by 2005, the growth in salaries
20 needed in 2005 for higher court judges
21 would need to be eleven point eight
22 percent, which would be less than the ten
23 percent. That's if you have two
24 five-percent raises.

25 I know one of the things that you may

1 want to consider, for the first time, is
2 using this information. Rather than
3 giving across the board five percent to
4 each one of the judicial categories, you
5 may want to use that first line that says
6 raise in 2004 to establish different
7 raises for each judicial branch in order
8 to bring them up to the southern average
9 and keep things in line with what the
10 southern averages numbers are.

11 So, for example, if you wanted to
12 give the higher court judges four and a
13 half percent each year for two years to
14 cover that nine percent, you would need to
15 do -- the appellate court would need to be
16 four point six percent a year, and then in
17 the case of the general trial court it
18 would need to be four point nine percent
19 per year.

20 I think it would be the first time
21 that you've recommended a differential for
22 raises across judicial branches, but
23 that's what the data shows for the
24 southern averages is a reasonable
25 justification for such a distinction.

1 Mr. Coleman, do you want me to go
2 over the other four areas too or just go
3 over the southern average? I think the
4 southern average is the one you're
5 focusing on the most.

6 MR. COLEMAN:

7 How does the Commission feel about
8 it?

9 REPRESENTATIVE MARTINY:

10 I don't know.

11 MR. COLEMAN:

12 I think we're ready to discuss that
13 a little more. I think the meeting is
14 open for discussion.

15 According to what our expert has told
16 us, if we went for a two-year deal we
17 would get up to the southern average at a
18 four and a half percent increase for the
19 high courts, the appellate court a four
20 point six increase, and for the trial
21 judges and those under him four point
22 nine. That's city court judges and
23 others.

24 If that's done for two years, it does
25 bring us up to the southern average, but

1 we know we're kidding ourselves that other
2 states aren't going to increase, but at
3 least it will give us a real starting
4 opportunity according to the figures that
5 are given to us.

6 I'd like to hear some of the
7 sentiments of some of those at the table
8 on how they feel about it.

9 SENATOR LENTINI:

10 Let me ask you a question, please.

11 DR. SCOTT:

12 Yes, sir?

13 SENATOR LENTINI:

14 Mr. Scott, the Table 4, let me just
15 make sure I understand it. After the, for
16 example, higher court, Supreme Court,
17 after the nine percent raise is in place,
18 the Supreme Court Justices would make
19 129,558?

20 DR. SCOTT:

21 That's correct.

22 SENATOR LENTINI:

23 And for the appellate court, after
24 the nine point two percent increase, an
25 appellate court judge would make 123,262?

1 DR. SCOTT:

2 That's correct.

3 SENATOR LENTINI:

4 And a nine point eight increase for
5 the trial court -- general trial court?

6 After that increase, a trial court judge
7 would make 117,104?

8 DR. SCOTT:

9 That is correct.

10 SENATOR LENTINI:

11 The rest of the columns are the
12 growth rate if you applied the growth rate
13 as indicated on the table, correct?

14 DR. SCOTT:

15 That's if you -- if you apply the
16 second line under the table, which says
17 growth rate, if you apply that growth
18 rate, these are growth rates they've done
19 in the past, this will tell you, for
20 example, 2005, you need to pay higher
21 court judges 133,147.

22 So I think as Mr. Coleman was
23 pointing out, that what you'll be doing
24 with the suggested raises that we're
25 talking about here, by 2005 you'll have

1 done two things. You will have brought
2 the judges up to the 2004 southern
3 average. They will still be behind -- if
4 things continue as they have in the past,
5 you'll still be behind the southern
6 average in 2005, because they've been
7 growing by the amounts, two point five --
8 two point eight, three, and three across
9 the different branches.

10 So you will still be behind. But one
11 of the things that has happened is you
12 have narrowed the gap, because right now
13 the gap is nine percent. At the end of
14 the 2005, it will only be two point eight
15 percent. So you are getting -- if they
16 continue to do what they've done in the
17 past, you will have taken that gap from
18 nine percent, you'll still be behind them,
19 but you will have narrowed the gap from
20 nine percent to two point eight.

21 Is that making --

22 SENATOR LENTINI:

23 But just as a point of information,
24 what --

25 MR. COLEMAN:

1 Excuse me, Senator.

2 SENATOR LENTINI:

3 Just as a point of information, if
4 you know, what does a United States
5 District Court Judge make currently? I
6 know it's over 150, isn't it? U.S.
7 District Court.

8 DR. SCOTT:

9 If you'll hold on one second, I'll
10 tell you what that is, please.

11 One fifty-four seven for a District
12 Court, yes, sir.

13 SENATOR LENTINI:

14 Thank you.

15 MR. COLEMAN:

16 Representative Martiny.

17 REPRESENTATIVE MARTINY:

18 Dr. Scott, that would be splitting it
19 and doing it a two-year or the nine
20 percent will -- that's the whole nine --
21 that's over the two-year period?

22 DR. SCOTT:

23 Yes.

24 My understanding, the recommendation
25 is to give four and a half and four and a

1 half. And so by the -- you'll get
2 four and a half in 2004 and four and a
3 half in 2005, so for a total of nine
4 percent for the higher court judges.

5 You will have brought the higher
6 court judges up to the southern average
7 for 2004, but, in the meantime, they've
8 been getting raises across the southern
9 states. You'll be behind by about two
10 point eight percent. You'll be behind the
11 southern average by about two point eight
12 percent.

13 REPRESENTATIVE MARTINY:

14 Based on the past activity?

15 DR. SCOTT:

16 Yeah. If you look at past growth
17 rates, that's what it tends to be, yes,
18 sir.

19 REPRESENTATIVE MARTINY:

20 If they get four percent this year --
21 I mean four and a half percent this year,
22 will the four and a half percent be on
23 the -- it's going to be the same amount of
24 raise next year or it's going to be on the
25 total amount?

1 DR. SCOTT:

2 It will be four and a half percent --
3 they'll get four and a half percent on
4 what their base is now. They'll have a
5 new base and get four and a half percent
6 of the basis of that. Which will probably
7 end up being over the two-year time period
8 slightly -- will end up being slightly
9 more than nine percent, a fraction more
10 than that.

11 REPRESENTATIVE MARTINY:

12 I see.

13 DR. SCOTT:

14 Is that what you're asking?

15 REPRESENTATIVE MARTINY:

16 Yes. And do we have any idea if we
17 were to implement these numbers, as far as
18 the state fisc, what are we looking at as
19 the cost of implementing these raises?

20 DR. SCOTT:

21 I think that Tim has worked those
22 numbers up. I think he was able to tell
23 you what it would be per each one percent
24 raise.

25 Is that correct, Tim?

1 MR. PALMATIER:

2 Yes.

3 Chairmembers, my name is Tim
4 Palmatier. We figured out at a percentage
5 across the board, at one percent was right
6 at 400,000. So these are at four point
7 five and up to four point nine. It's
8 going to be less than 400,000 per
9 percentage. So you are looking at less
10 than two million dollars, probably around
11 a million eight to a million nine.

12 REPRESENTATIVE MARTINY:

13 Each year?

14 MR. PALMATIER:

15 Each year.

16 MR. COLEMAN:

17 How many judges are there?

18 MR. PALMATIER:

19 There are 325.

20 DR. SCOTT:

21 325 I believe.

22 MR. COLEMAN:

23 And the total payroll?

24 MR. PALMATIER:

25 About \$34 million for the state for

1 a year.

2 MR. COLEMAN:

3 And the total budget?

4 MR. PALMATIER:

5 A little over a hundred and -- almost
6 110 million, which represents about
7 four-tenths of one percent of the total
8 state budget.

9 REPRESENTATIVE MARTINY:

10 Well, you know, in our previous
11 meetings I've always been the one that
12 seemed to bring up the idea of this is all
13 well and good, but, you know, what can we
14 pass before the Legislature. And we've
15 had a lot of debate, as far as I see it,
16 on the issue of whether it's done by a
17 resolution or whether it's done by a bill.
18 And, you know, I've had a lot of time to
19 think about this in the past several weeks
20 since we last met, and I really think we
21 need to go back to why we were appointed,
22 I mean why we got to where we are. And it
23 doesn't make any sense to come here and to
24 spend the money on Dr. Scott and do all
25 this studying and then turn around and

1 then throw the numbers out of the window.
2 So I think while we may not be able to
3 implement -- you know, bring it to the
4 southern average, and you understand I'm
5 sure we're going to be met by people who
6 want to challenge that teachers haven't
7 met the southern average and all this
8 other stuff, I think we need to look at
9 what we have been directed to do, and that
10 is to come up with an amount that is fair
11 and reasonable under the circumstances.
12 And if these are the numbers for the
13 southern average for judges, although what
14 has been suggested may not make it exactly
15 the same, you know, I think that's what we
16 were charged to do and I think that's what
17 I think we should do. I don't know if a
18 motion is in order or if you want to have
19 some more discussion on it, but --

20 MR. COLEMAN:

21 Thanks. Let's see if we have some
22 discussion. Does anyone else want to
23 discuss this?

24 Representative Toomy.

25 REPRESENTATIVE TOOMY:

1 Well, before a motion's made, there's
2 two things in the report that I think are
3 noteworthy, regardless of what specific
4 action we take. And that's if you look at
5 the report, over the past 20 years the
6 judicial salaries in Louisiana have not
7 kept pace with the neighboring states,
8 with the south, with the nation, nor with
9 the Consumer Price Index. Which means the
10 real purchasing power has actually fallen
11 over the past 20 years. But I do think,
12 to the credit of the Judicial Compensation
13 Commission, as I understand the report,
14 that that shortfall has been reduced over
15 the years since the creation of the
16 Commission, and whatever action we can
17 take in implementing the nine percent
18 that's recommended might not bring us
19 immediately to the southern average, but
20 would at least bring us to the 2004
21 southern average in 2005, so that we would
22 be slightly behind, but we would be close
23 to approaching the southern average with
24 this recommendation over the next two
25 years. So I think that's quite

1 noteworthy.

2 So, as I understand it, whatever we
3 do in excess of the approximately three
4 percent would help to close that gap
5 between us and the southern average and
6 the nine percent would bring us to the
7 southern average as it exists in 2004.

8 Is that correct, Dr. Scott?

9 DR. SCOTT:

10 Yeah. If you do the nine percent,
11 you will get to the 2004 southern average.
12 And then if you wanted to -- actually, if
13 you wanted to stay up with the southern
14 average by 2005, you would need to add on
15 to the growth rate numbers in Line 2.

16 So basically if you choose to
17 distribute your raises according to Line 1
18 there, the nine point two, the nine point
19 eight, allocated over a two-year time
20 period, you're going to do two things
21 again. You're going to get them by 2005
22 to the 2004 wage levels, but you're also
23 going to narrow the gap even more, which
24 is what the Compensation Committee has
25 been doing over time.

1 MR. COLEMAN:

2 We're speaking now of four and a half
3 percent for two years for the higher
4 court, four point six percent increase for
5 the appellate court for two years, and
6 four point nine percent for the general
7 trial judges and under in the amount.

8 Representative Martiny.

9 Excuse me. I'm sorry. Senator
10 Jones.

11 SENATOR JONES:

12 Thank you. This is the first time
13 I've had the occasion to hear about the
14 suggested step disparity increase or raise
15 of four point five for the Supreme Court,
16 four point six for the appellate, and four
17 point nine for the general court, but it
18 seems to me to make sense that the higher
19 court makes more, appellate court makes
20 the next highest, and then of course the
21 general court. So if we spread it out
22 this way, it appears be an equitable kind
23 of approach to it and at the same time
24 accomplish the purpose of trying to get
25 them to the southern regional average.

1 I do anticipate hearing some other
2 groups talk about the southern average
3 before it's all done, but this seems to be
4 a reasonable and rational approach to me
5 and a balance between the courts to try to
6 get them where they need to be, and I'd
7 like to commend you for making such a
8 recommendation.

9 I think Representative Martiny was
10 indicating earlier about mentioning the
11 Legislature and what could possibly be
12 successful. I think that the majority of
13 the legislators understand that our judges
14 are not where they need to be from a
15 compensation perspective and want them to
16 get there, but wants to make sure that we
17 do it in a way that is something that we
18 can explain to the constituents, something
19 that is fair and balanced. And I think
20 with all that considered, this
21 accomplishes that purpose for once.
22 That's my impression.

23 MR. COLEMAN:

24 Thank you, Senator.

25 All right. We have --

1 MR. SIMONEAUX:

2 Could I be heard in support of the
3 raises? Or if I oppose them, I'd ask the
4 same questions, but I happen to support
5 them.

6 DR. SCOTT:

7 This is my aid, by the way.

8 MR. COLEMAN:

9 All right.

10 MR. SIMONEAUX:

11 I'll make a short statement.

12 Mr. Chairman and Members of the
13 Commission, I'm Frank Simoneaux, President
14 of the Louisiana Organization for Judicial
15 Excellence.

16 I've lived in legislatures. I know
17 that you people put up with the politics
18 of every issue that comes up.

19 First of all, let me say that we
20 support the increases for the judges.
21 I've known Loren Scott for quite a number
22 of years, and I notice that his
23 comparisons do not include the private
24 market, and typically that's what an
25 economist would do. But being this is a

1 political body and the Legislature's
2 political, he looked at what other
3 officials in other states make, the judges
4 of course. But it overlooks really the
5 source of where we get judges from.

6 Judges come from the private
7 practice. And I'm a practicing lawyer and
8 we have a small firm. I can tell you from
9 personal experience that the levels you're
10 talking about in private practice for
11 lawyers who are what I would say good
12 lawyers, but not voted necessarily
13 outstanding lawyers, in other words that
14 those lawyers you're looking at a range
15 here for these judges of about, oh, maybe
16 a fourth, fifth, seventh year associate
17 in a law firm. You're not looking at what
18 partners in firms earn, not nearly what
19 very successful lawyers earn, and that's
20 where you get the judges from and I don't
21 think they should be overlooked.

22 It is difficult of course to say that
23 you're going to simply look at the private
24 market, but, in fact, if you're a judge,
25 the people that you communicate with most

1 often are private lawyers who are earning
2 substantially more than the judges are.

3 I know that public officials are not
4 looked at in great stead all the time. It
5 may be that --

6 Let me back up to say that our
7 organization supports merit selection of
8 judges, which is appointment of judges,
9 but it --

10 Mr. Attorney General, someone's
11 calling you.

12 MR. FOTI:

13 It follows me around.

14 REPRESENTATIVE MARTINY:

15 There was a time when somebody would
16 have told you something.

17 MR. SIMONEAUX:

18 But I was about to say it could be
19 that to some extent judges are not
20 being paid what they should be paid
21 because judges are involved in political
22 elections and you have campaigns, you
23 raise a lot of money, a lot of diatribes
24 take place in campaigns for judges. It
25 may be this was harming.

1 So let me put a bug in your ear and
2 suggest that maybe the appointment of
3 judges would put everyone at a higher
4 level with not nearly the problem you have
5 today. The appointees in state government
6 earn more money than are in the papers
7 every day.

8 But going a little bit further than
9 that, the other thing is that I think the
10 public has a difficult time grasping what
11 judges earn, what they do, how often --
12 you know, we have publications about cases
13 handled by the judges, but they don't
14 understand that. If there was some way to
15 report to the public the hours that judges
16 spend at duty, and I know judges take home
17 some work, others don't probably, but if
18 there's some way to indicate really what
19 effort they put forth, it might help the
20 political aspects of paying judges what
21 they ought to make.

22 So the bottom line of what I say
23 today is that these salaries that we're
24 talking about, relative to the private
25 market, are very low compared to the

1 private market of what a young lawyer
2 could earn today.

3 So with that, I don't want to take
4 more of your time but to say we support
5 this effort. Whether judges are elected
6 or appointed, they should be paid
7 something that's substantial and somewhat
8 in line with what the market force is out
9 there.

10 MR. COLEMAN:

11 Thank you so much.

12 Before we entertain a motion, is
13 there anyone else that would like to speak
14 at all? An opportunity if anyone in the
15 public would like to.

16 If not, is anyone ready to make a
17 motion?

18 Representative Martiny.

19 REPRESENTATIVE MARTINY:

20 Mr. Chairman, I would make a motion
21 that we recommend that for the Supreme
22 Court Justices, the higher level, what we
23 refer to as the higher court judge, a four
24 and a half percent raise over each of the
25 next two years, for the appellate court

1 judges a four point six percent raise for
2 each of the next two years, and for the
3 general trial judges a four point nine
4 percent for each of the next two years in
5 accordance with the testimony of Dr.
6 Scott.

7 MR. COLEMAN:

8 And that will be for the trial court
9 judges and those all below them. City
10 court judges and all will be under the
11 four. Is that part of your motion?

12 REPRESENTATIVE MARTINY:

13 Is that -- well, I don't know.

14 DR. SCOTT:

15 Yes.

16 REPRESENTATIVE MARTINY:

17 Yes. Yes, it is.

18 MR. COLEMAN:

19 Is there a second?

20 Senator Jones.

21 SENATOR JONES:

22 I second the motion.

23 MR. COLEMAN:

24 Is there any further discussion?

25 All those in favor, signify by saying

1 aye.

2 ALL:

3 Aye.

4 MR. COLEMAN:

5 Any opposed?

6 Unanimous.

7 I'd like now to talk a bit about the
8 attempting to get the Compensation
9 Commission back to the way it was
10 originally.

11 Representative Toomy.

12 REPRESENTATIVE TOOMY:

13 Mr. Chairman, if I could, before we
14 got off the subject of recommendation on
15 the salary increases, I would suggest that
16 it would be appropriate, and I think one
17 of the reasons why the recommendation in
18 Table 4 was done over a couple of years
19 rather than one is with the fiscal
20 reality, and I would ask that the report
21 that we make reflect our consideration of
22 the state's fisc and a realization that we
23 have to take that into consideration.

24 MR. COLEMAN:

25 Any objection?

1 That will be included in the report.

2 Representative Toomy, you want to
3 tell us a little bit now about the change
4 in the law that will allow the Commission
5 to go back to its original status? You
6 can carry it we hope.

7 REPRESENTATIVE TOOMY:

8 Since the formation of the
9 Commission and up until the past two
10 years, the method by which the
11 recommendations of the Commission would be
12 carried to the Legislature would be in the
13 form of a resolution that the Legislature
14 would either vote up or down on and it
15 would not go to the governor. It would be
16 simply as any other resolution is handled.

17 That provision was amended two years
18 ago to provide that now and in the future
19 the recommendations of the Commission
20 would be handled as any other bill
21 introduced in the Legislature, subject to
22 change and approval of the governor.

23 There's been some thought, and Mr.
24 Coleman and others have expressed it on a
25 number of occasions, that changing that

1 process dilutes the role of the
2 Commission, and I believe that we want to
3 keep the Commission in place, as it is in
4 most other states, where there's more
5 weight given to the recommendation of the
6 Commission, and we would suggest that the
7 legislation return to its original format,
8 that the legislation be handled by a
9 resolution rather than by a bill.

10 And I think the history of the
11 Commission would show that the
12 recommendations of this Commission have
13 been reasonable and in each case have been
14 accepted by the Legislature.

15 MR. COLEMAN:

16 At our last meeting we passed a
17 resolution that we would support a change
18 in the law to get back to its original.
19 I'd like to know if any of the other
20 members of the Commission, Tim, if anyone
21 further would like to discuss it and what
22 support you think we are going to get in
23 changing the bill back to its original
24 recommended status.

25 Any further discussion on it?

1 Okay. Well, everyone knows it.
2 You'll be getting a copy of the new bill
3 and Representative Toomy has agreed to
4 introduce the bill and we're hoping that
5 it will go through before our vote on the
6 change of the judges' salaries. It's our
7 hope that that will be done.

8 Senator.

9 SENATOR JONES:

10 Representative Toomy and
11 Representative Martiny, what you were
12 making reference to is before we had a
13 resolution that was introduced by either
14 the house or the senate where both houses
15 would vote just up or down on it, and we
16 changed that to where now it has to be
17 just like any other appropriation bill to
18 appropriate money for a specific purpose,
19 for the raises, and what we're trying to
20 do now is go back to where we just have
21 a resolution. That's right?

22 REPRESENTATIVE MARTINY:

23 (Nodding head affirmatively.)

24 MR. COLEMAN:

25 I'm not sure what the national

1 recommendation is. The main purpose of it
2 is to try to keep the executive and the
3 judicial and the legislative branches
4 different, and that's what we are to do
5 here in the Commission, is to come up with
6 things that are reasonable. It keeps the
7 judges from having to be in the middle of
8 the Legislature to try and get what they
9 feel is entitled to them. And it's worked
10 very well in many other states and we want
11 to have it go back to the way it used to
12 be.

13 One of the concerns the Legislature
14 had was the Commission needed to be
15 increased and have more laymen on it,
16 which was done, and now 15 members of the
17 Commission and many laymen, and now we're
18 in a strong position than ever to really
19 give this a fair hearing and determine
20 exactly what should be done, as we did
21 today.

22 So I encourage all of you all to in
23 any way you can to help support the change
24 back to it.

25 Many of the commissioners earlier

1 felt that if the Commission is just going
2 to go through all this trouble when it's
3 going to be a legislative act, that
4 there's no reason, Dr. Scott can go talk
5 to them and then the Legislature can do
6 what they want to do. But we have spent
7 some time. We've studied it. I know each
8 one of the members here did a lot of work
9 on the papers that were sent to them and
10 we've come to a fair conclusion. So let's
11 hope that the Legislature will recognize
12 that and will amend the bill back to where
13 it was for the first four years of our
14 existence.

15 Any other business?

16 SENATOR JONES:

17 Mr. Chairman, I'd like to just as a
18 caveat point out that this is in no way a
19 reflection of our new governor or her
20 prerogative to sign or not sign by a
21 resolution to try to circumvent her
22 gubernatorial prerogative. We want to
23 make sure that it's clear that this is how
24 the law was before. And so it's not as a
25 result of this administration, it's just

1 for efficiency and to expedite matters and
2 us to be consistent with other states
3 and is in no way a reflection upon this
4 new governor having not to sign a bill by
5 virtue of the fact that we would pass a
6 resolution.

7 MR. COLEMAN:

8 Senator, our outgoing governor was
9 supportive of this resolution very much
10 too, so no reflection at all on anyone.
11 It's just the method in which we feel was
12 the most equitable way to handle the
13 salaries of the judges.

14 Is there any other business?

15 Do I hear a motion to adjourn?

16 REPRESENTATIVE MARTINY:

17 (Indicating.)

18 MR. COLEMAN:

19 So moved.

20 JUDGE THIBODEAUX:

21 (Indicating.)

22 MR. COLEMAN:

23 Judge Thibodeaux second.

24 Thank you so much.

25

1 REPORTER'S CERTIFICATE

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