

COMPENSATION COUNCIL HEARING

February 19, 2021

Testimony concerning the Minnesota Attorney General's Compensation by Richard Allyn

1. Richard Allyn background and qualifications
 - Former MN Chief Deputy Attorney General - 3 years
 - Former Solicitor General- 3 years
 - Former lead Criminal Division- 2 years
 - Currently Partner at Robins Kaplan LLP, Minneapolis - since 1983
 - Past member of Executive Board
 - Past chair of Hiring Committee

2. Overview of Attorney General's Duties and

The MN AG is the State's chief legal officer, particularly for the Executive branch of state government as well as assisting county attorneys. He oversees legal work for over 100 state agencies, boards and commissions and handles over 7000 open legal files per year. He manages a staff of over 335 employees with a \$40m+ annual budget. The size and complexity of the litigation supervised by the AG is enormous and his good work and judgment is vital for the citizens and taxpayers of Minnesota. Besides defending agencies and statues the AG is the leading protector of state interests in court.

3. Consideration of comparable public lawyer salaries shows the Minnesota Attorney General is falling further and further behind.

2016,2017,2018,2019,2020,2021 Minnesota Attorney General	\$121,248	.95 of the Governor salary. [see State Official's Comp. 12/18 Attached as Ex. 1]
2020 Minnesota Supreme Court	Chief Judge: \$205,362	(2018: \$195,467)
2020 MN Court of Appeals	Chief Judge: \$184,708	(2018: \$175,808)
2020 Trial Court Judge	Chief Judge: \$173,392	(2018: \$165,037)
2021 Hennepin Co. Attorney	\$195,065	
2021 Ramsey County Attorney	\$185,004	
2020 Stearns County Attorney	\$178,782	

2021 Dakota County Attorney	\$192,837	
2021 Anoka County Atty	\$188,000	
2021 U of Mn General Counsel	\$367,180	
2018 Minneapolis City Attorney	Range: \$165,122 to \$202,221	
2017 MnSCU General Counsel	\$173,188	
2021 US Attorney	\$172,394	
2020 Ass't US Atty	Average: \$142,000 Range: \$65,463 -\$164,100	

4. Consideration of other public sector salaries - State Gov't and Education

2021 Commissioner of Administration	\$144,991	
2021 Commissioner of MMB	\$154,992	
2019 St. Paul School Superintendent	\$232,000	
2019 Minnetonka School Superintendent	\$240,938	
2019 Minneapolis School Superintendent	\$225,000	
2019 Albert Lea School Superintendent	\$176,042	
2019 Alexandria School Superintendent	\$168,000	
2019 Brainerd School Superintendent	\$168,000	

5. Consideration of private sector salaries in Twin Cities reflects a still greater disparity.

See: The National Association of Legal Placement Directory of legal Employers, Comparison Report: Salaries for 2020 - EXHIBIT 2.

Information on 2020 salaries paid to entry-level lawyers is attached as **EXHIBIT 2**. In 2020, the average starting pay for a first year lawyer coming out of law school into the 18 largest Twin City law firms was **\$149,333**,

approximately \$10,000 more than in 2018. Many attorneys in the private sector receive salaries of two to ten times those of the over 139 attorneys the AG supervises. Further, in addition to the Attorney General, assistant and deputy attorney general staff are falling further behind their government peers:

<u>Average Attorney Salary</u>		<u>Average Attorney Manager</u>
MN Atty Genl	\$101,209	\$141,459
Ramsey County	\$115,919	\$145,538
Hennepin County	\$128,501	\$154,633
US Atty in MN	\$144,358	\$172,500

These disparities are pose increasing threats for recruiting and retention.

6. 2021 Recommendation for Minnesota Attorney General's salary:

In 2003, the Attorney General's salary was \$114,288. In the eighteen years since then there has only been a 3% increase in 2015 and 2016 to \$121,248. The Cost of Living Index has risen over 37% from 2003 through 2019 and in the last four years alone the CPI has risen 7.5%. Mindful of the challenging times facing the state and its citizens, and recognizing the Attorney General is falling further behind any reasonable measure of living costs, consideration of the following request is submitted as follows:

Re-adopt the Compensation Council's April 1, 2019 Findings and Recommendations and commence on 1/1/22:

$$.95 \times \$160,000 = \$152,000$$

Questions?

Ex 1.

Salaries for governor, lieutenant governor, attorney general, state auditor, secretary of state, and judges are established by state law or by the legislature, depending on the position. Salaries for legislators are prescribed by a Legislative Salary Council in each odd-numbered year.

Salaries for Constitutional Officers

As required by the Minnesota Constitution, salaries for constitutional officers are prescribed by law. [Art. V, § 4](#). The 2013 Legislature passed legislation increasing the governor's salary by 3 percent on January 1, 2015, and by 3 percent on January 1, 2016. [Laws 2013, ch. 142, art. 6, § 12](#). Salaries of the other constitutional officers are a specified percentage of the governor's salary, so those salaries also increased by 3 percent in 2015 and 3 percent in 2016. [Laws 2001, 1st spec. sess., ch. 10, art. 1, § 2](#). The salaries of the constitutional officers have not increased since 2016.

Officer	% of Governor's Salary	Current Salary
Governor	—	\$127,629
Attorney General	95%	\$121,248
State Auditor	85%	\$108,485
Secretary of State	75%	\$95,722
Lt. Governor	65%	\$82,959

The governor can veto legislation establishing compensation for constitutional officers because, according to the constitution, the compensation is set "by law."

Salaries for Judges

The Minnesota Constitution stipulates that the legislature must establish compensation for judges and that judges' salaries cannot be reduced while they are in office. [Art. VI, § 5](#). The most recent salary increases for judges were 2.5 percent on July 1, 2017, and 2.5 percent on July 1, 2018. These increases were funded in [Laws 2017, ch. 95, art. 1, sections 2, 3, and 4](#). Annual salaries for various judges are as follows.

Official	Current Salary
Supreme Court, chief	\$195,467
Supreme Court, justice	\$177,697
Court of Appeals, chief	\$175,808
Court of Appeals, judge	\$167,437
District Court, chief	\$165,037
District Court, judge	\$157,178

The constitutional provisions governing judges have been interpreted to mean that the governor may not veto provisions setting judges' compensation because their compensation is prescribed "by the legislature." *Gardner v. Holm*, 241 Minn. 125, 62 N.W. 2d 52 (1954).

Salaries for Legislators

Prior to 2016, the Minnesota Constitution provided that legislators' compensation was set by law. Under that structure, the annual salary for representatives and senators was \$31,140 and had remained at that amount since 1999.

At the 2016 state general election, the voters ratified a constitutional amendment requiring that legislator salaries be set by a newly established Legislative Salary Council. The council consists of members appointed by the governor and chief justice of the Supreme Court. Council members are prohibited from communicating with legislators during the period beginning when the council convenes its first meeting and ending the date it submits its salary determinations.

The council must report its determinations, and the rationale used to reach them, by March 31 of each odd-numbered year. If it directs a salary adjustment, the adjustment takes effect July 1 of that year.

On March 17, 2017, the Legislative Salary Council prescribed a salary of \$45,000 for legislators. The new salary became effective July 1, 2017.

The Compensation Council's role in establishing salaries for constitutional officers and judges

A 16-member Compensation Council exists to assist the legislature in establishing the compensation of constitutional officers and judges. [Minn. Stat. § 15A.082](#). Members of the Compensation Council are appointed in January of each odd-numbered year. The council must make its recommendations to the legislature by April 15 of that year.

By law, the council's recommendations take effect if an appropriation to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date.

Insurance benefits and pension plans

Constitutional officers, legislators, and judges all are members of the state employee group insurance plan and receive the same insurance benefits as state employees.

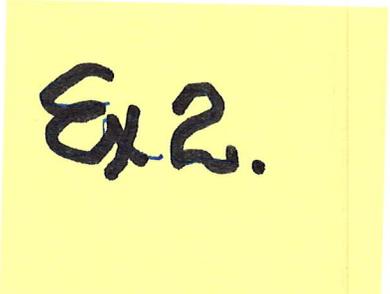
Most legislators (those first elected after July 1, 1997, and some elected before then) and all constitutional officers are members of a defined contribution pension plan. Under this plan, the member contributes a percent of his or her salary (5.75 percent in fiscal year 2019, and 6 percent beginning in fiscal year 2020) and the state contributes separately (6 percent of salary in fiscal year 2019 and 6.25 percent beginning in fiscal year 2020). This money is invested, and upon leaving state service, the elected official is eligible to receive whatever money is in the account.

Judges belong to a defined benefit pension plan, in which the benefit is determined by multiplying years of service times a service-credit percentage and applying this percentage to the judge's average high-five years of salary.



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COMPARISON REPORT: Salaries for 2020

Information on salaries paid to summer and entry-level associates only

	1L Summer	2L Summer	3L Summer	Entry Level
	2020	2020	2020	2020
Ballard Spahr LLP, Minneapolis, Minnesota	2,788	2,788		145,000
Barnes & Thornburg LLP, Minneapolis, Minnesota	2,400	2,400		125,000
Dorsey & Whitney LLP, Dorsey & Whitney LLP - U.S. Offices				
Dorsey & Whitney LLP, Minneapolis, Minnesota	2700	2700	2700	140000
Faegre Drinker LLP, Minneapolis, Minnesota	2,885	2,885	2,885	150,000
Fish & Richardson P.C., Minneapolis, Minnesota	3,654	3,654	3,654	190,000

Fox Rothschild LLP, Minneapolis, Minnesota	2692.31	2692.31		140000
Fredrikson & Byron, P.A., Fredrikson & Byron, P.A., Greenberg Traurig, Minneapolis, Minnesota	2,700	2,700		
Jones Day, Minneapolis, Minnesota	3,269	3,269	3,269	170,000
Lathrop GPM LLP, Minneapolis, Minnesota				130,000
Lathrop GPM LLP, St. Cloud, Minnesota				116,000
Maslon LLP, Minneapolis, Minnesota	2500	2600		135000
Merchant & Gould, Merchant & Gould - Firmwide (Multiple Locations)	2500	2500		150000
Quarles & Brady, Minneapolis, Minnesota	2692	2692		140,000
Robins Kaplan LLP, Minneapolis, Minnesota	2,653	2,653		140,000
Shumaker & Siefert, 06770		2400		130000-145000
Stinson LLP, Firm-wide	2300	2300		125,000-132,500
Stinson LLP, Minneapolis, Minnesota	2300	2300		132,500
Stoel Rives, Minneapolis, Minnesota	2,693	2,693		140,000
Taft Stettinius & Hollister LLP, Minneapolis, Minnesota	2692.00	2692.00	2692.00	140000.00

Winthrop & Weinsline, P.A., Minneapolis, Minnesota	2700	2700	0	140,000
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Aves. \$ 149,333

Salaries of Minnesota Officials
6/21/2019

Constitutional Officers	1999 Jan 4	2003 Jan 6	2004 Jan 1	2005 July 1	2006 July 1	2007 July 1	2008 July 1	2009-2012	2013 July 1	2014 July 1	2015 January 1	2015 July 1	2016 January 1	2016 July 1	2017 July 1	2018 July 1	2019 July 1	2020 July 1									
Governor																											
Attorney General		114,288									117,716		121,248														
Auditor		102,257									105,325		108,485														
Sec. of State		90,227									92,934		95,722														
Lt. Governor		78,197									80,543		82,959														
Judges																											
Supreme Ct. Chief Justice			146,920	1.5%	149,124	1.5%	151,361	3.0%	155,902	3.0%	160,579	0.0%	167,002	4.0%	172,012	3.0%	178,893	4.0%	186,048	4.0%	190,699	2.5%	195,467	2.5%	200,354	2.5%	205,362
Supreme Ct. Assoc. Justice			133,564	1.5%	135,567	1.5%	137,601	3.0%	141,729	3.0%	145,981	0.0%	151,820	4.0%	156,375	3.0%	162,630	4.0%	169,135	4.0%	173,363	2.5%	177,697	2.5%	182,140	2.5%	186,693
Ct. of Appeals Chief Judge			132,144	1.5%	134,126	1.5%	136,138	3.0%	140,222	3.0%	144,429	0.0%	150,206	4.0%	154,712	3.0%	160,901	4.0%	167,337	4.0%	171,520	2.5%	175,808	2.5%	180,203	2.5%	184,708
Ct. of Appeals Judge			125,852	1.5%	127,740	1.5%	129,656	3.0%	133,546	3.0%	137,552	0.0%	143,054	4.0%	147,346	3.0%	153,240	4.0%	159,369	4.0%	163,353	2.5%	167,437	2.5%	171,623	2.5%	175,914
District Court Chief Judge			124,047	1.5%	125,908	1.5%	127,797	3.0%	131,631	3.0%	135,580	0.0%	141,003	4.0%	145,233	3.0%	151,042	4.0%	157,084	4.0%	161,011	2.5%	165,037	2.5%	169,162	2.5%	173,392
District Court Judge			118,141	1.5%	119,913	1.5%	121,712	3.0%	125,363	3.0%	129,124	0.0%	134,289	4.0%	138,318	3.0%	143,851	4.0%	149,605	4.0%	153,345	2.5%	157,178	2.5%	161,108	2.5%	165,136
Legislators																											
			31,140												44.5%												
															45,000												
																	46,500	3.3%									

James Fox
3/22/19

Constitutional Officer Salaries

Relevant Comparisons

Minnesota is:

- Ranked 22nd in estimated population in 2018
- Ranked 19th in per capita spending (state and federal \$)

Yet, the current Constitutional Salaries are:

- Governor: 35th
- Attorney General: 33rd
- Sec of State: 31ST
- Auditor: 28th

Corrections Suggested by Rank Method

Adjusting the Constitutional Officer's salaries to approximately the 20th rank would involve:

- Governor's salary: \$150,000 (currently \$127,629 or 100%) + 3 - 3.5%
- Attorney General: \$137,000 91% (currently \$121,248 or 95% of Gov. salary)
- Sec of State: \$110,000 73% (currently \$95,722 or 75% of Gov. salary)
- Auditor: \$127,000 84% (currently \$108,485 or 85% of Gov. salary)

St Gov.:

2018