

March 8, 2023

Compensation Council

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I write to you in my capacity as Chair of Minnesota's Commission on Judicial Selection. Governor Walz appointed me as Chair of the Commission in October 2020, and he reappointed me in December 2022. I write in support of increases to judicial salaries.

Pursuant to statute, Minn. Stat. §480b.01, the Commission recruits, evaluates, and recommends to the Governor candidates for the state district court bench and Workers' Compensation Court of Appeals. Although not required by statute, the Governor has also elected to follow a similar merit selection process when appointing judges to the Minnesota Court of Appeals and Minnesota Supreme Court.

One of our statutory mandates is to recruit qualified candidates for judicial office. We do that by engaging with the lawyers in Minnesota's ten judicial districts, providing presentations on the application and appointment process, and providing feedback to candidates if and when they are not successful in their pursuit. We ask judges about the lawyers appearing before them, to help us identify qualified candidates, and we encourage wide disbursement of postings when a vacancy is announced, including through the Governor's appointments website.

Serving as a judge is hard work. Judges encounter people in difficult, painful, frustrating, heartbreaking situations, and judges carry an extremely heavy caseload. Judges must handle criminal, civil, family, juvenile, probate, and real estate matters, irrespective of the judge's own professional background and experience. We are fortunate to have an extraordinary bench in Minnesota; we have bright, dedicated, hard-working, compassionate judges who come from varied backgrounds and bring with them a rich diversity of lived experiences.

It is imperative to the Commission's statutory mandate that judges be compensated fairly and commensurate with other positions in the legal profession. As the Compensation Council's March 29, 2021 letter to Speaker Hortman and Speaker Miller observed, Professor Kristine West's study, "Minnesota Judicial Court Salaries," found that while median salaries of judges are comparable with attorneys with ten years of experience, the gap between judges and attorneys is increasing over time.

In certain judicial districts, the Commission has difficulty attracting candidates in private practice. In some instances, lawyers are forthright with Commission members that the decrease in pay is an insurmountable obstacle. In other instances, we have to infer from the data—in particular where we have only applicants who practice in the public sector. For example, 59.7% of applicants across judicial districts practice in the public sector.

Research shows that a diverse bench improves the quality of judicial decision-making. That includes diversity of professional experience. While we cannot and do not expect candidates to have experience in all of the types of law that they will encounter if appointed to the bench, we

know that it helps if the members of a particular county or particular district or court among themselves have diverse professional experiences. It is imperative to ensure that judicial compensation is increased and competitive enough to attract candidates from the private sector.

I appreciate the work of this Council and careful consideration of appropriate compensation increases. I apologize that I was not able to be with you in person today, but the Commission has an orientation and training at the time this Council requests testimony about judicial compensation. Please let me know if I can provide any additional information or data.

Sincerely,

Erin Sindberg Porter