

Judicial compensation board recommends 17-plus percent increase for judges, justices

Shawn Ashley, Quorum Call

(QC) The Board on Judicial Compensation voted Tuesday to recommend a 17.58 percent increase in judges' and justices' salaries.

The seven members of the board, who are appointed by the governor, House speaker and Senate president pro tempore, unanimously agreed Oklahoma's judicial salaries are below those of the surrounding states and targeted the increase to meet the average salaries of district judges in those states.

"We're always catching up," said Thomas Forster, one of the board's members. "I think, right now, we need to make a drastic move."

The proposed increase would increase a district judge's salary from \$167,703 annually to \$197,189 per year. The Supreme Court chief justice, the highest paid member of the judicial branch, would increase from \$198,212 to \$233,062. Other states judges would also receive the pay increase.

The Legislature can allow the recommended pay increases to take effect automatically by taking no action on the recommendation. It also can disapprove it or amend it.

During the board's meeting in 2023, it recommended a 17.0 percent increase. Gov. Kevin Stitt told lawmakers during the last public budget summit with legislative budget negotiators he would not veto the budget if, among other things, they gave special, associate and district judges only a 7.0 percent raise and no raise for appellate judges. Lawmakers agreed.

During the 2025 session, lawmakers extended the 7.0 percent raise to appellate judges in HB2770. The bill, by Rep. Chad Caldwell, R-Enid, Rep. John Kane, R-Bartlesville, Sen. Chuck Hall, R-Perry, and Sen. John Haste, R-Broken Arrow, increases pay for Supreme Court justices, Court of Criminal Appeals judges, and Court of Criminal Appeals judges. Stitt did not sign the bill but allowed it to become law absent his signature.

Before taking action Tuesday, the board heard from Supreme Court Chief Justice Dustin Rowe, Oklahoma Court of Criminal Appeals Presiding Judge Gary Lumpkin, McAfee & Taf Managing Director Michael Lauderdale, and Cleveland County District Judge Thad Balkman, a former legislator and President of the Oklahoma Judges Association, which he said represents approximately one-half of the state's trial judges.

Rowe said he is concerned some of the best and brightest no longer be interested in becoming judges and justices because of the pay. He pointed to the decline in applications for judicial vacancies as an indicator. A vacancy in 2015, he noted, drew 15 applicants. The three most recent vacancies this year had drawn a combined 10 applicants or 3.33 per judgeship.

"This trend is concerning," Rowe said.

Rowe noted the Legislature, via the statute that established the board, outlined what it wanted them to consider, including salaries of judges in other states, particularly the neighboring states, and attorneys in the Oklahoma public and private sectors, as well as compensation for state, county and municipal officials and changes in the cost of living.

Oklahoma's district court judges' salaries, the base for state-to-state comparison, are the lowest in the seven-state region, said Rowe.

A new private sector attorney, Lauderdale said, begins their career making around \$115,000. He and Rowe said an attorney with five years of private sector experience could expect to make \$145,000 to \$175,000. The numbers just go up from there, Lauderdale and Rowe said. An attorney with 15-plus years of experience could expect to make \$375,000 or more.

Rowe noted several state agency directors, agency attorneys, and assistant attorneys general make more than Oklahoma district judges.

Rowe said district judges' current salary -- \$167,703 -- is below the inflation adjusted amount from 2010. District judges' salaries were then \$123,373. Adjusted for inflation, that would be \$184,295, Rowe said. Over the course of the past 20 years, judges' salaries have increased 2.91 percent on average, below the rate of inflation, Rowe said.

Kevin Martin, a board member, asked whether attorneys viewed a judicial appointment as temporary or the peak of their career. Rowe said those appointed to judicial posts typically view them as taking them into retirement. He noted judges and justices are prohibited by law from private practice while on the bench, so they have to give up their practices.

"It is difficult to resume private practice," Rose said.

Lumpkin, who has served on the bench since 1982, said judicial compensation had been "hit and miss" until the board was created in 2005. Lumpkin said the current structure required the salaries to be examined every other year, but that still means they are trying to catch up with those years when there were no increases.

Forster asked Lumpkin whether he was underpaid or overpaid.

"My wife and I have always lived on what we earned," said Lumpkin. He later added, "I don't know if I am underpaid. I know what I'm paid."

Like Rowe, he said he was concerned about the effect salaries would have on recruiting new members to the bench. "To entice younger attorneys with families, the compensation must be at a level to support their families and not lead them into the temptation of certain opportunities out there," he said.

Lauderdale, too, expressed concerns about attracting new members of the bench. Referring to the decline in application for judicial vacancies, Lauderdale said, "It's troubling to me to see that

trend going down, and I think that is going to continue because of the compensation... We are going to wake up one day and find we're not getting the best and the brightest.”

Lauderdale said an experience attorney would find it hard to leave his practice. “Unless they have the heart to be a judge, it’s going to be difficult to look at your wife and your two kids who are about to go to college and say you are going to take a 50 percent pay cut,” he said.

Responding to a question from board member Lauren Brooky, Lauderdale said he and other attorneys would advocate with the Legislature for approval of their recommendation. “We will be pretty active in trying to get your recommendation through,” he said.

Balkman echoed Rowe and Lauderdale’s concerns regarding judges salaries and encouraged the board to consider an increase that would bring them to the regional average. Balkman noted two individuals had been appointed to serve in his district who found the salaries too low and had returned to private practice.

Board members also discussed whether to suggest the Legislature consider an alternative method of determining judicial salaries that would provide for automatic increases, such as setting them at a percentage of federal judges’ pay, which is increased annually for cost of living. The board ultimately moved away from a specific recommendation and agreed to suggest the Legislature adopt a judicial compensation structure that includes annual cost of living adjustments to avoid recommendations from the board for disproportionate increases.

The board’s recommended salary increase and suggestion for annual cost of living adjustments were sent Tuesday to Gov. Kevin Stitt; House Speaker Kyle Hilbert, R-Bristow; House Appropriation and Budget Chair Trey Caldwell, R-Faxon; Senate President Pro Tempore Lonnie Paxton, R-Tuttle; and Senate Appropriations Chair Chuck Hall, R-Perry.