

**JUDICIAL, DISTRICT ATTORNEY,  
AND CIRCUIT PUBLIC DEFENDER  
COMPENSATION COMMISSION**

**REPORT**

**DECEMBER 15, 2016**

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December 15, 2016

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Chairman  
Senate Judiciary Committee

Dear All,

The Judicial, District Attorney, and Circuit Public Defender Compensation Commission submits this report pursuant to O.C.G.A. § 15-22-4(a)(1).

Sincerely,

A handwritten signature in cursive script that reads "Gus Makris".

Gus Makris

## CONTENTS

I.	INTRODUCTION	1
II.	ANALYTICAL FRAMEWORK	2
III.	STRUCTURE OF THE JUSTICE SYSTEM	4
IV.	JUDICIAL COMPENSATION	6
V.	DISTRICT ATTORNEY AND PUBLIC DEFENDER COMPENSATION	15
VI.	COMPENSATION SURVEY	19
VII.	RECOMMENDATIONS	21

### *EXHIBITS*

The chief justice of the Supreme Court of Georgia is the eighty-ninth highest paid judge in the state. Certain superior court judges are the highest paid trial court judges in the country, and other superior court judges are among the lowest paid trial court judges in the country. The pay of two assistant district attorneys, or two assistant public defenders, who have the same experience and do the same job, may differ by thousands of dollars.

This report addresses how this came to be and recommends how it can be improved.

## I. INTRODUCTION

Every day judges and district attorneys and public defenders address someone's life or liberty or property. They address life or liberty or property that has been affected by violence, government power, child abuse, elections, contract disputes, discrimination, family dissolution, fraud, taxes, negligence, and more. They are relied on to address these matters not arbitrarily, but evenly, independent of the parties involved, independent of public or political opinion, and constrained by the Constitution, the Georgia Code, and the decisions of other courts. In other words, they are relied on to uphold the rule of law.<sup>1</sup>

That reliance must be well placed. The judge who must set free a hated felon because his right to a fair trial was violated, the district attorney who must take on a murderous gang, the public defender who alone stands between the power of the state and the indigent accused – they must have character and intelligence. They must be well-qualified lawyers.

Recognizing this need, in 2015 the General Assembly passed and Governor Nathan Deal signed House Bill 279, which created the Judicial, District Attorney, and Circuit Public Defender Compensation Commission (the "Commission"). In broad terms, the law instructs the Commission to review compensation paid to justices, judges, district attorneys, and public defenders, to review the resources and caseload balance of the justice system, and to issue reports and recommendations to the executive counsel of the Governor, the Office of Planning and Budget, and the chairpersons of the House and Senate Appropriations and Judiciary Committees.

The Commission has been assigned a multi-year project. It submitted its first report on December 15, 2015, shortly after it was constituted. With this report it meets its obligation to submit a second report by December 15, 2016. Thereafter it must submit a report at least every two years.<sup>2</sup> The Commission dissolves on June 30, 2020, unless it is continued by the General Assembly prior to that date.<sup>3</sup>

In 2016 the Commission studied compensation. It held public meetings on January 11, May 4, and October 27, and it received reports from judges, district attorneys, and public defenders. It also conducted significant research on its own. This report contains its findings and recommendations. In subsequent years the Commission will study other matters, including the resources and caseload balance of the justice system.

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<sup>1</sup> We take this for granted. We shouldn't. See, e.g., Bearak, Max. "An entire generation of a city's lawyers was killed in Pakistan," *The Washington Post*, August 9, 2016, ("A generation of lawyers has been wiped out in Quetta, and it will leave Baluchistan, in more ways than one, lawless.")

<sup>2</sup> O.C.G.A. § 15-22-4.

<sup>3</sup> O.C.G.A. § 15-22-5.

## II. ANALYTICAL FRAMEWORK

In many ways the task of the Commission has been to compare. Compare this to that. Compare current compensation to past compensation. Compare compensation in this state to compensation in that state. Compare compensation in this circuit to compensation in that circuit. Compare public sector compensation to private sector compensation. And so on. Is the compensation equal? Should it be equal? Is it different? Should it be different? How different? These are difficult and complex questions, and they are part of an analysis that is perhaps more art than science.<sup>4</sup>

The Commission began its analysis with the basic economic principle that the level of compensation defines the pool of applicants.<sup>5</sup> If the pay is too low, fewer well-qualified candidates will apply, and so positions are more likely to be filled by others who are less-qualified. With this in mind the Commission collected relevant data to form an idea of the compensation necessary to attract well-qualified lawyers.

Not long ago federal judges undertook a similar analysis in an effort to raise their pay. It generated significant interest. In 2007 Chief Justice John Roberts said that the failure to raise judicial pay had created a “constitutional crisis” in the federal courts.<sup>6</sup> Justice Scalia remarked that as a result of insufficient pay “we cannot attract the really bright lawyers” because “it’s too much of a sacrifice.”<sup>7</sup> Justice Alito feared that “eroding judicial salaries will lead, sooner or later, to less capable judges and ultimately to inferior adjudication.”<sup>8</sup> Other judges, lawyers, and commentators largely agreed.<sup>9</sup> Some disagreed, however, and published studies purporting to show that pay had little effect on the quality of federal judges.<sup>10</sup>

These debates, now about ten years old, are not directly relevant to the Commission’s task, but they display how traditional economic analysis can fall short in evaluating compensation for well-qualified lawyers who choose to serve the public interest. The available tools to measure the quality of these lawyers and the effects of pay are, according to a prominent scholar, “so extremely crude that they cannot tell us much,” and so “it makes far more sense . . . to rely on basic economic intuition and more direct anecdotal evidence.”<sup>11</sup> The Commission basically agrees with this view.

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<sup>4</sup> These are difficult and complex questions for employers in the private sector, too. See Weber, Lauren. “Why there is No Science in Your Salary,” *The Wall Street Journal*, August 2, 2016.

<sup>5</sup> See, e.g., Corcoran, Kevin. “Judicial Salaries Loom as Big Issue; The Resignation of a Supreme Court Justice Spurs a Call for Better Pay for Indiana’s Judges,” *Indianapolis Star*, October 11, 1999.

<sup>6</sup> Chief Justice John G. Roberts, Jr., *2006 Year-End Report on the Federal Judiciary*, January 1, 2007. Available at: <https://www.supremecourt.gov/publicinfo/year-end/2006year-endreport.pdf>.

<sup>7</sup> Posting of Peter Lattman to *Wall Street Journal Law Blog* (December 14, 2006) (quoting a December 13, 2006 speech by Justice Scalia). Available at: <http://blogs.wsj.com/law/2006/12/14/justice-scalia-bemoans-judicial-pay>.

<sup>8</sup> Committee on the Judiciary, Subcommittee On Courts. *Federal Judicial Compensation: Hearing Before the House*. 110th Congress. 1st session, April 19, 2007.

<sup>9</sup> Parker, Laura. “Pay Gap Dismays Federal Judges,” *USA Today*, September 23, 2007.

<sup>10</sup> Scott Baker, *Should We Pay Federal Circuit Judges More?*, 88 B.U. L. Rev. 63 (2008); Stephen J. Choi, G. Mitu Gulati & Eric A. Posner, *Are Judges Overpaid? A Skeptical Response to the Judicial Salary Debate*, 1 J. of Legal Analysis 47 (2009).

<sup>11</sup> Frank B. Cross, *Perhaps We Should Pay Federal Circuit Judges More*, 88 B.U. L. Rev. 815 (2008) (comments were specific to judicial compensation).

The Commission undertook its analysis with one overall purpose in mind: compensation of judges, district attorneys, and public defenders should advance the public interest. That is the task.

Questions about whether this or that salary is “fair” or “unfair” have been evaluated in light of the overall purpose of advancing the public interest. Questions of fairness ask us to consider how people should be treated in relation to one another, and they are not new. In fact they are as old as the Greeks. They can be traced to Aristotle, who in his *Nicomachean Ethics* was the first to set forth the principle of equality, which is that “things that are alike should be treated alike, while things that are unlike should be treated unlike in proportion to their unalikehood.”<sup>12</sup> That principle has endured. It has a logical appeal, but that appeal is exceeded many times over by its emotive force. And so its violation, or perceived violation, stirs a response – indignation and the impression, whether true or not, that things have been arranged or manipulated unfairly. That tends to lower morale, lower effort, increase turnover and thereby lower the effectiveness and quality of, in this case, lawyers, which in turn negatively affects the public interest.<sup>13</sup> To this extent questions of fairness are important.

Another comment. As will be discussed, the compensation structure of the justice system is riddled with anomalies and inconsistencies; a few are set forth in the opening paragraph of this report. They present complicated problems that, nevertheless, share a core simplicity. Judges, district attorneys, and public defenders exercise and apply state authority, and so the state pays them, but the state also allows many of them to be paid by the counties in which they serve. Those payments – called local or county supplements – are numerous, varied, and miscellaneous. They are the result of thousands of people making thousands of disconnected decisions that may be influenced by any number of related factors, including local politics, the state budget, the county budget, the recent financial crisis, state compensation that is below-market, and a lack of cost-of-living adjustments. They present questions of “internal” consistency – how should judges and lawyers within the justice system be paid relative to one another? The answer to that question depends largely on one’s answer to another question that heretofore may not have been squarely addressed – to what extent is the justice system a state system, and to what extent is it a local system? The Commission also analyzed questions of “external” consistency – how should judges and lawyers within the justice system be paid relative to lawyers outside the justice system?

With these ideas in mind the Commission has sought to form a view of the way things should be, to understand the way things are, and to make recommendations that help draw the latter toward the former. Of course the Commission makes its recommendations without an opinion about all the things that must be funded by a necessarily limited state budget and, therefore, without the burden of choosing between two good things, weighing all the trade-offs, and reckoning the related long-term and second-order effects.

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<sup>12</sup> *Nicomachean Ethics*, v.3 1131a-31b (W. Ross trans. 1925). This principle is indeterminate until the categories of “alike” and “unalike” are defined. See Peter Westen, *The Empty Idea of Equality*, 95 Harv. L. Rev. 537 (1982); Erwin Chemerinsky, *In Defense of Equality: A Reply to Professor Westen*, 81 Mich. L. Rev. 575 (1983).

<sup>13</sup> See research in the area of behavioral economics (not to mention common sense). Frank B. Cross, *Perhaps We Should Pay Federal Circuit Judges More*, 88 B.U.L. Rev. at 824-25 (2008), citing Ernst Fehr & Simon Gächter, *Fairness and Retaliation: The Economics of Reciprocity*, 14 J. Econ. Persp. 159 (2000); George A. Akerlof & Janet L. Yellen, *The Fair Wage-Effort Hypothesis and Unemployment*, 105 Q.J. Econ. 255 (1990).

### III. STRUCTURE OF THE JUSTICE SYSTEM

#### A. Courts

Georgia is divided into forty-nine judicial circuits. Each circuit consists of one or more counties. The Atlanta Circuit, for example, consists of only Fulton County, while the Ocmulgee Circuit consists of Baldwin, Greene, Hancock, Jasper, Jones, Morgan, Putnam, and Wilkinson counties.<sup>14</sup>

Each circuit is home to one superior court. The superior court exercises general jurisdiction over civil and criminal cases and exclusive jurisdiction over other cases, including those relating to divorce and title to land. It may also review decisions of juvenile, magistrate, municipal, probate, and state courts, all of which are courts of limited jurisdiction.<sup>15</sup> These courts hear certain traffic cases, misdemeanors, civil disputes, and minor infractions. They preside over cases that arise within their geographic boundaries, and they are funded solely by the counties or cities in which they reside.<sup>16</sup>

Superior courts are permitted to establish “accountability courts” – drug, mental health, and veterans courts permitted to use alternative sentencing in an effort to rehabilitate nonviolent offenders. Accountability courts are established and run by the superior court judges themselves.<sup>17</sup>

Each superior court has a number of judges, including one chief judge. The Atlanta Circuit has twenty judges – more than any other circuit – and each of the Cobb, Gwinnett, and Stone Mountain circuits has ten judges. There are thirty-six circuits with four or fewer judges, but every circuit has at least two judges. In total there are two hundred twelve superior court judges.<sup>18</sup> Though they generally preside over cases in their circuit, superior court judges may preside in any court upon the request and with the consent of the judges of that court.<sup>19</sup>

Generally, decisions of the superior court may be appealed to the Court of Appeals, which exercises appellate jurisdiction in all cases not reserved to the Supreme Court or conferred on other courts by law.<sup>20</sup> Decisions of the Court of Appeals are binding as precedent on all courts other than the Supreme Court. The Court of Appeals consists of fifteen judges, including one chief judge. It sits in divisions consisting of three judges, and the chief judge

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<sup>14</sup> O.C.G.A. § 15-6-1. Georgia is the only state in which circuits are given a geographical name, rather than a numerical name.

<sup>15</sup> Ga. Const. 1983, Art. VI, Sec. IV, Para. I; O.C.G.A. § 15-6-8. Why the “superior” court? The court was given its title by the Constitution of 1777. The word “superior” was used by writers on English law to express the greater status accorded to the common law courts located in Westminster over all the other courts in the English galaxy of judicial bodies. The superior court was to be the ultimate court in Georgia and was superior to existing courts held by the justices of the peace at that date. Surrency, Edwin. *The Creation of a Judicial System: The History of Georgia Courts, 1733 to Present*. Gaunt, 2001, p. 62.

<sup>16</sup> In general, Ga. Const. 1983, Art. VI, Sec. I, Para. I and Title 15, chapters 7, 8, 9, 10, and 11.

<sup>17</sup> O.C.G.A. §§ 15-1-15 through 15-1-18.

<sup>18</sup> O.C.G.A. § 15-6-2.

<sup>19</sup> O.C.G.A. § 15-1-9.1.

<sup>20</sup> Ga. Const. 1983, Art. VI, Sec. V, Para. III.



assigns cases among the divisions in such a manner as to equalize their work.<sup>21</sup> The Court of Appeals is located in Atlanta.

The Supreme Court exercises appellate jurisdiction. It is the court of last resort on questions of Georgia law, and its decisions are binding as precedent on all other courts.<sup>22</sup> It consists of nine justices and is located in Atlanta.<sup>23</sup>

## **B. District Attorneys and Public Defenders**

### **1. District Attorneys**

Each circuit has one district attorney who is elected by the residents of the circuit. The district attorney represents the state in all criminal cases in the superior court of that circuit and in all cases appealed from that superior court to the Court of Appeals and the Supreme Court.

The district attorney in any given circuit may appoint one assistant district attorney for each superior court judge in that circuit, plus one additional assistant district attorney.<sup>24</sup> For example, the district attorney in the Macon Circuit may appoint six assistant district attorneys because that circuit has five superior court judges. The district attorney also appoints one special drug prosecutor. The district attorneys may appoint additional assistant district attorneys, subject to available funds.<sup>25</sup>

### **2. Public Defenders**

Public defenders represent indigent individuals accused of a crime. In Georgia that translates to public defenders representing between 80% and 90% of all criminal defendants in the superior, juvenile, and appellate courts.

The public defender program is administered by the Georgia Public Defender Council (“GPDC”). The GPDC is led by its director, who is appointed by the Governor. The director, in turn, appoints a circuit public defender in forty-three of the forty-nine judicial circuits in the state. There are six circuits – Bell-Forsyth, Blue Ridge, Cobb, Douglas, Gwinnett, and Houston – that opted out of the GPDC at its inception in 2003. Each of those circuits consists of a single county that continues to administer its own public defender program.

In each of the other forty-three circuits the circuit public defender is the lead public defender and is permitted to appoint one assistant public defender for each superior court judge in the circuit, other than the chief judge. For example, the Ocmulgee circuit has five superior court judges (including the chief judge), so the public defender may appoint four assistant public defenders. The GPDC may appoint additional assistant public defenders, subject to available funds.<sup>26</sup>

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<sup>21</sup> O.C.G.A. § 15-3-1.

<sup>22</sup> Ga. Const. 1983, Art. VI, Sec. VI, Para. VI.

<sup>23</sup> O.C.G.A. § 15-2-1.1.

<sup>24</sup> O.C.G.A. § 15-18-14(a)(1)(A).

<sup>25</sup> O.C.G.A. § 15-18-14(a)(1)(C).

<sup>26</sup> O.C.G.A. § 17-12-27(a)(2).

## IV. JUDICIAL COMPENSATION

### A. State Compensation

The state pays each Supreme Court justice an annual salary of \$175,600.<sup>27</sup> It pays each Court of Appeals judge an annual salary of \$174,500.<sup>28</sup> It pays each superior court judge an annual salary of \$126,265 as well as an additional \$6,000 to each superior court judge who presides in a circuit that has established an accountability court.<sup>29</sup> Accountability courts have been established in forty-six circuits.

Almost all superior court judges are paid additional compensation by the counties that comprise the circuits in which they preside. This additional compensation – referred to as a local or county supplement – is authorized by the Constitution and state law.<sup>30</sup>

### B. Local Supplements

#### 1. Introduction

House Bill 279, the same bill that created the Commission, capped local supplements by providing that a county or counties comprising a judicial circuit could not increase the aggregate local supplement paid to a superior court judge if the supplement was at least \$50,000 as of January 1, 2016.

Local supplements vary widely. For example, Burke, Columbia, and Richmond counties, which comprise the Augusta Circuit, together pay the judges of that circuit an annual supplement of \$75,200, which brings their total compensation to \$207,465. That makes them the highest paid trial court judges in the entire country, even after taking into account the pay of U.S. district judges. On July 1, 2017, the supplement will rise to \$80,200, and the total compensation will rise to \$212,465.<sup>31</sup> On the other hand, the counties comprising the Alapaha Circuit do not pay their superior court judges any supplement. The compensation detail for all two hundred twelve superior court judges is set forth in *Exhibit A*. Total local supplements come to \$8,514,496, which averages \$40,163 per superior court judge.<sup>32</sup>

Supreme Court justices and Court of Appeals judges are not paid local supplements. This leads to at least one result that is contrary to all reason and common sense: eighty-eight superior court judges are paid more than the Supreme Court justices and Court of Appeals judges who review their decisions.

<sup>27</sup> O.C.G.A. §§ 15-2-3(b)(1); 45-7-4(a)(18).

<sup>28</sup> O.C.G.A. §§ 15-3-5(b)(1); 45-7-4(a)(19).

<sup>29</sup> O.C.G.A. §§ 15-6-29, 15-6-29.1, 45-7-4.

<sup>30</sup> Ga. Const. 1983, Art. VI, Sec. VII, Para. V; O.C.G.A. § 15-6-29.

<sup>31</sup> In December of 2015, before the cap took effect on January 1, 2016, Burke and Columbia counties increased their local supplements by \$5,100 and \$10,000, respectively. See Hodson, Sandy, et al. “Augusta Judicial Circuit Superior Court judges getting pay raises,” *The Augusta Chronicle*, December 15, 2015.

<sup>32</sup> This calculation can be derived from *Exhibit A* by multiplying the supplement for each circuit by the number of judges in that circuit to find the total supplement for each of the forty-nine circuits, and then adding together the total supplements for each of the forty-nine circuits. That total is \$8,483,988, using \$80,200 for the supplement paid to the superior court judges of the Augusta circuit. Additional chief judge supplements total \$30,508. \$8,514,496 = \$8,483,988 + \$30,508.

Georgia is nearly alone in this regard, according to the National Center for State Courts (the “NCSC”). The NCSC is an independent not-for-profit organization dedicated to improving the administration of justice through leadership and service to state courts. It provides research, information, and consulting services to state courts on key policy issues. It was founded in 1971, and since 1974 it has monitored and analyzed state judicial salary trends. For several years it has published a semi-annual judicial compensation survey.

The NCSC informed the Commission that, to the best of its knowledge, judges of the general-jurisdiction trial courts receive local supplements in only three states – Georgia, California, and Texas.<sup>33</sup> Georgia stands as an outlier among these outliers.

In California compensation for judges is consistent throughout the state with respect to salaries. It is inconsistent only with respect to a hodge-podge of locally-provided fringe benefits, including health insurance, retirement benefits, transportation allowances, stipends, and “flex plans” that help judges defray health care costs.<sup>34</sup> In Texas counties may pay supplements to trial court judges, but the supplements are capped so that the maximum total salary of a trial court judge is no more than \$5,000 less than the salary of an appellate court justice. Counties may also pay supplements to appellate court justices, but the supplements are similarly capped so that the maximum total salary of an appellate court justice is no more than \$5,000 less than the salary of a Supreme Court justice. The result is that in 2016 the supplements for the trial court judges and appellate court justices were capped at \$18,000 and \$9,000, respectively.<sup>35</sup> Again, the NCSC is not aware of any other states that permit local supplements.

The Commission could not undertake a complete and exhaustive project to research judicial compensation in the other forty-nine states, but in its own research it did find that at least one other state allows supplements. In 1995 Indiana capped local supplements at \$5,000 per judge; that cap still applies.<sup>36</sup> The Commission also found that in 2000 Alabama phased out local supplements in “recognition of the disparity in compensation of [trial court] judges caused by varying amounts of local supplements . . . and the need for a uniform plan of compensation.”<sup>37</sup> As a result, Alabama trial court judges elected or appointed after October

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<sup>33</sup> Jarret Hann, Analyst, National Center for State Courts, email communication to Gus Makris, Chair of the Commission, August 11, 2016.

<sup>34</sup> Most judges receive relatively modest benefits, but the judges of the Superior Court of Los Angeles County receive significant benefits, approximately \$50,000 per year. In 2009 the California legislature, concerned about the disparity, asked the Judicial Council of California to study the issue and submit a report. It did so, but the legislature apparently did not heed the advice in the report, because in 2015 the Court of Appeals reiterated the advice in a decision about the legality of supplemental benefits. See Judicial Council of California, Historical Analysis of Disparities in Judicial Benefits: Report to the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and both the Senate and Assembly Committees on Judiciary, (December 15, 2009); Sturgeon v. County of Los Angeles, (2015) 242 Cal. App. 4th 1437, 1450.

<sup>35</sup> State law sets minimum salaries. The actual salaries are set by the Texas Legislature in its General Appropriations Act. See Texas Government Code 659.102; Texas Report of the Judicial Compensation Commission, November 21, 2014, p. 5-6. The state pays an additional \$2,500 to a chief justice of an appellate court and the chief justice of the Supreme Court.

<sup>36</sup> Ind. Code Ann. §§ 36-3-6-3(c); 36-2-5-14(b) (“Beginning July 1, 1995, [a local supplement] made under this subsection may not exceed five thousand dollars (\$5,000) for each judge or full-time prosecuting attorney in any calendar year.”) See Ind. P.L. 279-1995 §§ 21, 22; Ind. P.L. 280-1995 §§ 23, 24; Ind. P.L. 2-1996 §§ 289, 291.

<sup>37</sup> Code of Ala. § 12-10A-1.

1, 2001 are paid by the state alone.<sup>38</sup> In a similar way, Wisconsin eliminated local supplements in 1980.<sup>39</sup>

## 2. Some History

Georgia introduced local supplements in 1904. An act approved in that year set the annual salaries of Supreme Court justices and superior court judges at \$4,000 and \$3,000, respectively.<sup>40</sup> (The Court of Appeals was not established until 1906.) The same act, as amended in 1905 and 1906, went on to say that superior court judges of judicial circuits containing a city with at least 34,000 people “shall receive a salary of five thousand dollars per annum, the difference [*i.e.*, \$2,000] . . . to be paid out of the treasury of the counties in which said cities are located.”<sup>41</sup> At that time only three cities – Atlanta, Augusta, and Savannah – had at least 34,000 people.<sup>42</sup>

In December of 1909, Walter A. Clark, the treasurer of Richmond County, which contains Augusta, stopped paying the \$2,000 supplement, apparently on the ground that it was unconstitutional. Henry C. Hammond, judge of the superior court of the Augusta Circuit, disagreed. He sued.<sup>43</sup>

He lost. At that time Article 6, Section 13 of the Constitution provided that the General Assembly could delegate to a county the power to tax only if the tax proceeds were used for certain purposes, including providing for schools, building roads, maintaining prisons, helping the poor, and paying for “expenses of the courts.” That phrase, according to the Supreme Court, did not include the salaries of superior court judges. It was therefore unconstitutional to require some counties to tax their residents to fund the salary of a superior court judge. In arriving at that conclusion the Court examined the history of judicial compensation in Georgia, and it found, with one brief exception, an “uninterrupted” and “uniform practice” of paying the salaries of judges from the state treasury only.<sup>44</sup>

The Supreme Court issued that decision on July 14, 1910. About three weeks later, on August 3, 1910, the General Assembly proposed that Article 6, Section 13 be amended. That amendment was ratified in an election held on October 5, 1910. It read as follows:

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<sup>38</sup> Op. Attorney General Alabama No. 2000-249 (2000).

<sup>39</sup> 74 Op. Attorney General Wisconsin 100 (1985) (“county supplements to judicial pay were abolished as of July 1, 1980” and “[t]he state thus became the sole provider of judicial compensation.”). In Michigan state law says that trial court judges receive a salary payable by the state “and may receive from any county in which he or she regularly holds court an additional salary as determined from time to time by the county board of commissioners,” but this is a county supplement in name only. State law sets state salary of trial court judges, and then it provides that if counties provide a supplement of exactly \$45,724, then the state will reimburse the county for that supplement. If, however, the counties provide a supplement that is more or less than \$45,724, the state will not reimburse the supplement. M.C.L.S. § 600.555. As a result, the Commission understands that all counties provide supplements and receive reimbursements of exactly \$45,724.

<sup>40</sup> Acts 1904, p. 72.

<sup>41</sup> Acts 1904, p. 73; Acts 1905, p. 100; Acts 1906, p. 56.

<sup>42</sup> The law referred to the population according to the 1900 census. The populations of Atlanta, Augusta, and Savannah were 89,872, 39,441, and 54,244, respectively.

<sup>43</sup> Clark v. Hammond, 134 Ga. 792 (1910).

<sup>44</sup> In 1865, after the Civil War ended, Georgia introduced district courts. It abolished them in 1872, but while they existed salaries of district judges were paid by the counties that comprised the district. See Clark v. Hammond, 134 Ga. at 795-96.

Provided, however, That the counties of Chatham, Fulton, and Richmond shall pay from their respective county treasuries to the Superior Court Judges of the Circuit of which they are a part . . . such sums as will, with the salaries paid each Judge from the State Treasury, make a salary of \$5,000.00 per annum to each Judge; and said payments are declared to be a part of the Court expenses of such counties, such payments to be made to the Judges now in office as well as their successors.<sup>45</sup>

In the subsequent eighteen years Article 6, Section 13 was amended ten more times.<sup>46</sup> By 1928 it required Chatham County to pay a \$5,000 supplement; it required Richmond County to pay a \$2,000 supplement; it required Muscogee County to pay a \$3,000 supplement; it permitted Fulton County to pay any supplement it wanted; and it permitted Clark, Floyd, Sumter, and Bibb counties to pay a supplement of up to \$1,000.

By 1945, when Georgia adopted a new Constitution, there were three provisions relating to local supplements. One granted to the General Assembly the right by legislative act to authorize counties to offer supplements without having to secure a constitutional amendment.<sup>47</sup> Another provided that any supplement in effect at the time the Constitution was adopted would remain in force until otherwise altered. The third provided that Richmond County had to pay a \$2,000 supplement to its superior court judges.<sup>48</sup>

Supplements continued to expand with apparently little study until 1971. In that year the General Assembly created the State Commission on Compensation (the “Old Commission”) “for the purpose of assisting the General Assembly in setting the compensation of constitutional State officers,” including judges and district attorneys.<sup>49</sup> The assistance included making “recommendations to the General Assembly concerning the elimination, increase or decrease of county supplements.”<sup>50</sup> After the Old Commission submitted its report, by law the legislature had to introduce a bill containing the recommendations in that report.<sup>51</sup>

The Old Commission submitted its first report on December 8, 1971 (attached as *Exhibit D*).<sup>52</sup> At that time Supreme Court justices and Court of Appeals judges were paid \$32,500, and superior court judges were paid \$24,800, plus local supplements. The Old Commission recommended that each Supreme Court justice be paid \$40,000 and that each Court of Appeals judge be paid \$39,500.<sup>53</sup> It also recommended that each superior court judge be paid \$26,500 “plus such county supplements as may now be or are hereafter fixed by law;

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<sup>45</sup> Acts 1910, p. 43; section 1099, *A Treatise on the Constitution of Georgia*, Walter McElreath, published 1912 by the Harrison Company.

<sup>46</sup> Constitution of the State of Georgia, 1877, Including All Amendments Through 1928, Compiled by Ella May Thornton, State Librarian, p. 101.

<sup>47</sup> *Houlihan v. Atkinson*, 205 Ga. 720, 729-30 (1949).

<sup>48</sup> Ga. Const. 1945, Art. VI, Sec. XII, Para. I.

<sup>49</sup> Acts 1971, p. 103. The Old Commission, though dormant, remains on the books. See O.C.G.A. §§ 45-7-90 through 45-7-96.

<sup>50</sup> 1971 Op. Attorney General Georgia No. 71-173.1; “Salary Cleanup,” *The Atlanta Constitution*, May 30, 1971.

<sup>51</sup> O.C.G.A. § 45-7-95(b).

<sup>52</sup> The Commission would like to thank Steven Engerrand, Deputy State Archivist of the Georgia Archives, for his excellent research assistance.

<sup>53</sup> Also see Shipp, Bill. “17.6 Pct. Pay Boost Is Asked for Carter,” *The Atlanta Constitution*, December 16, 1971.

provided, however, that no Act shall be passed or continued in force authorizing county supplements which, together with the salary received from the State, shall exceed the sum of \$39,000 per year, and to the extent of such excess said Act shall be ineffective.”

That recommendation was not taken up. Instead the House passed a different bill that ultimately was not signed into law.<sup>54</sup>

The Old Commission submitted its second report on December 4, 1972 (attached as *Exhibit J*). It again recommended that each Supreme Court justice be paid \$40,000 and that each Court of Appeals judge be paid \$39,500. But this time it recommended that each superior court judge be paid \$32,500 without any cap on supplements; specifically, “plus such county supplements . . . as may now be provided by Law.” It did, however, attach an “unofficial opinion of this Commission” (emphasis in original). It read as follows:

The salary recommendations for Justices of the Supreme Court and Judges of the Court of Appeals and Judges of the Superior Court were made with the intent of establishing a proper salary level relationship among these various courts and with the knowledge that approximately 45% of the Superior Court Judges receive local salary supplements. If these recommendations of the Commission are adopted, the Commission recommends that the local salary supplements be adjusted so as not to create again an imbalance between the salaries of the justices and judges of the various courts herein dealt with. The Commission also recommends a similar reevaluation of supplements received by District Attorneys in the light of the increased salaries recommended for District Attorneys.

Presumably, the effect of including this statement as an “unofficial” opinion was that it was not required to be a part of the bill that by law had to be introduced in the legislature.

A few months later, in the 1973 legislative session, the General Assembly was flooded with twenty-four compensation bills, including at least one that contained recommendations in the 1972 Report. The bill that passed included the Old Commission’s recommendations on judicial and district attorney pay, but provisions that would have regulated local supplements were dropped during the legislative process.<sup>55</sup> The bill was later signed into law by Governor Jimmy Carter.<sup>56</sup>

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<sup>54</sup> Jordan, Bill. “House Ignores State Pay Plan,” *The Atlanta Constitution*, March 4, 1972 (“Ignoring recommendations from a special salary commission established to end fights over pay raises, the Georgia House has voted to give huge salary increases to state officials.”); Stewart, Jim. “\$600,000 State Officials’ Raises Studied,” *The Atlanta Constitution*, November 30, 1972 (“The figures [proposed in the 1972 Report] are virtual carbon copies of the same pay raises passed by the House last year but later knocked down by the Senate”).

<sup>55</sup> Dakin, Milo. “Pay Hike Bills Flood Legislature,” *The Atlanta Constitution*, January 18, 1973; Taylor, Ron. “Full Cost of Salary Boosts Kept Secret,” *The Atlanta Constitution*, February 25, 1973; Cutts, Ben. “Pay of 10 Judges Here Would Be Near Top in U.S.,” *The Atlanta Constitution*, February 27, 1973 (“A provision that would have limited the salaries of superior court judges was quietly deleted from a rough draft of Senate Bill 108 . . . the pay bill does not restrict local supplements paid to superior court judges.”).

<sup>56</sup> Acts 1973 Vol. 1, p. 701. The bill generated a colorful exchange between Court of Appeals Judge Randall Evans and Governor Jimmy Carter. In a letter dated February 26, 1973 Judge Evans requested that Governor Carter veto the “salary increase bill,” mostly because it established, for the first time, that Supreme Court justices would

The Old Commission recommended additional salary increases in 1976, but this time it made no recommendations to regulate local supplements. The next report that this Commission found was the one submitted in 1986. It shows that in that year 82% of superior court judges received supplements. The highest supplement was \$19,052, paid to the judges of the Atlanta circuit. The median supplement was \$9,000. (Note also that 39% of district attorneys received a supplement; the median was \$6,838.) The report submitted in 1990 also included a schedule of local supplements. It shows that 78% of superior court judges received supplements. The highest was \$30,000, again paid to the judges of the Atlanta circuit.<sup>57</sup>

The current Constitution, which was adopted in 1983, provides that judges shall receive compensation “as provided by law;” that “county supplements are hereby continued and may be granted or changed by the General Assembly;” that “County governing authorities which had the authority on June 30, 1983, to make county supplements continue to have such authority;” and that an “incumbent’s salary, allowance, or supplement shall not be decreased during the incumbent’s term in office.”<sup>58</sup>

### 3. Current Practice

This brief history provides some context for our current consideration. As far as the Commission can tell, the proliferation of local supplements has proceeded without any particular aim or pattern or necessity. Instead they seem to have expanded for reasons particular to the political histories of the various courts and counties.

Whatever the history, at present local supplements seem to be loosely based on several related ideas. The first is that supplements are necessary to mitigate the lack of cost-of-living-adjustments and raises that judges have endured in recent years. (See *Exhibit D*.) As discussed later in this report, that is a true concern, but it is a true concern for Supreme Court justices and Court of Appeals judges, too, and state law does not permit those judges to receive supplements. Accordingly, it does not seem that the General Assembly has permitted supplements to allay its concerns about its failure to increase judicial salaries.

The second idea is that different superior courts may have different caseload balances and that local supplements correspond to those differences. Whatever bearing this idea may have at first blush is overcome by the sheer impossibility of it. Counties that pay the supplements would have to monitor the caseload balance in their circuits, understand the total caseload balance in the entire state, and then come to a statewide agreement to pay supplements in proportion to the relative caseload balance in each circuit. Or perhaps the General Assembly would have to monitor the relative caseload and then allocate additional

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be paid more than Court of Appeals judges. Judge Evans added that “this legislation is more unpopular than any law that has been enacted in the past twenty years,” and that if a poll were taken, “excluding those of us who are directly affected and our near relatives,” it would reveal that “the people violently oppose this legislation in a ratio of something like fifty one.” In a letter dated the same day, Governor Carter replied that he did not intend to veto the bill and suggested that Judge Evans “dramatize [his] displeasure by refusing to accept the new salary recommended by the Commission.” Governor Carter added, “I thought it was generally accepted that the Supreme Court was the senior court, followed by the Court of Appeals, the Superior Court, etc.”

<sup>57</sup> The reports from 1976, 1986, and 1990 are available at the Georgia State Archives.

<sup>58</sup> Ga. Const. 1983, Art. VI, Sec. VII, Para. V.

compensation accordingly. Needless to say, that does not happen, and no one has suggested that it should.

That's because it shouldn't. The circuits should be organized in such a manner as to equalize their work. The Commission believes that is what the General Assembly referred to in House Bill 279 when it charged the Commission with studying the "caseload demands of judicial officers, prosecuting attorneys, and public defenders and the allocation of such officials, including staffing resources and jurisdictional structure."<sup>59</sup> This has long been the design. An ordinance adopted by the 1877 constitutional convention declared that "[t]here shall be sixteen judicial circuits in this State, and it shall be the duty of the General Assembly to organize and proportion the same in such manner as to equalize the business and labor of the judges in said several circuits, as far as may be practicable."<sup>60</sup>

As stated at the beginning of this report, this year the Commission studied compensation, not caseload balances and related topics, and so it does not at present have an opinion on these matters. Nevertheless, the Commission believes that compensation should be structured based on the premise that judges work equally. If upon further study that premise turns out to be incorrect, the solution would be to equalize the work, not unequalize the pay.

There may be a third idea that can go unexpressed. Aside from differences in the quantity of cases, across the state there are also differences in the nature and complexity of cases, and local supplements, the idea goes, correspond to those differences. The Commission rejects this idea. Legal disputes often do not lend themselves to easy comparison. Compare, for example, a complex business litigation case affecting thousands of jobs and sophisticated shareholders and millions of dollars, with a divorce case involving little money and several children with an abusive father or a drug-addicted mother. Which case requires more intelligence? Which case requires more wisdom? Which case is more important?

The fourth idea is that the salary of a superior court judge is a local concern and that local counties are better suited to address local concerns. Along the same lines, the fifth idea is that the cost of living varies dramatically across the state and that local supplements help mitigate those variations. These two ideas are addressed in turn.

It is true that superior court judges are elected locally and that the local community has an interest in retaining good judges, but in all relevant respects superior court judges are officers of the state. The superior court is one court among all the courts that comprise a single, statewide judicial system.<sup>61</sup> Its jurisdiction is set forth in the state Constitution.<sup>62</sup> Vacancies are filled by appointment of the Governor of the state.<sup>63</sup> The power to discipline and remove superior court judges is vested in the state Judicial Qualifications Commission.<sup>64</sup> Superior court judges may exercise judicial power in any court in the state upon the request and consent of the judges of that court.<sup>65</sup> Indeed, in certain circumstances a superior court

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<sup>59</sup> O.C.G.A. § 15-22-4(a)(2)(C).

<sup>60</sup> Clark, R.H., et al., *The Code of the State of Georgia*. Jas P. Harrison & Co., 1882, p. 1328.

<sup>61</sup> Ga. Const. 1983, Art. VI, Sec. I, Para. II.

<sup>62</sup> Ga. Const. 1983, Art. VI, Sec. IV, Para. I.

<sup>63</sup> Ga. Const. 1983, Art. VI, Sec. VII, Para. III.

<sup>64</sup> Ga. Const. 1983, Art. VI, Sec. VII, Para. VI.

<sup>65</sup> Ga. Const. 1983, Art. VI, Sec. I, Para. III.



judge can preside in place of a Supreme Court justice.<sup>66</sup> And superior court judges apply and interpret state law, often hearing cases in which a local county is a party. For these reasons superior court judges are officers of the state, and their compensation is a state concern.<sup>67</sup>

Regarding the cost of living, it is true that it differs from circuit to circuit, sometimes dramatically, and that local supplements may mitigate these differences. Nevertheless, for several reasons the Commission is not persuaded that these differences justify supplements.

First, and perhaps most importantly, if the purpose of local supplements is to mitigate differences in the cost of living, then they should be tied to the cost of living in each circuit as measured by a recognized index. But they are not tied to any index, they never have been, and no one has suggested that they should be. Indeed, it is difficult to see how local supplements could be even theoretically tied to differences in the cost of living, given that the supplements are issued at different times by different people in different counties with different budgets. Moreover, Supreme Court justices and Court of Appeals judges receive no supplements, even though most of them live in and around the area of the state with the highest cost of living. In short, the differences in local supplements bear no relationship to the actual differences in the cost of living because in fact there is no systematic plan or formula to mitigate differences in the cost of living.

Second, even if supplements were based on differences in the cost of living, it is not clear why that should be so, why judges should be compensated based on their cost of living. And it is *their* cost of living. They chose to live there before they became judges, presumably because they came to the conclusion that, whatever the cost, on balance the benefits were higher.<sup>68</sup> Their decision to live in a more expensive area should not influence their compensation any more than their decision to purchase anything else that is more or less expensive.

This principle is taken for granted in other contexts. Other officers or employees of the state are not compensated based on their local cost of living. Each member of the General Assembly is paid the same \$17,342, even though the cost of living varies widely among the legislative districts spread across the state.<sup>69</sup> Moreover, disparities in the cost of living are hardly unique to Georgia, and yet, to the best of the NCSC and Commission's knowledge, counties in this state are the only ones in the country that pay material supplements.<sup>70</sup> Indeed, when the entire country is considered, the disparities are far greater, and yet the salaries of federal judges are uniform. The judges of the U.S. District Court for the Southern District of New York are paid the same as the judges of the U.S. District Court for the District of Idaho.

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<sup>66</sup> O.C.G.A. § 15-2-2.

<sup>67</sup> See also Freeman v. Barnes, 282 Ga. App. 895 (2006) (Trial court did not err in determining that a deceased superior court judge was a state employee but not a county employee for purposes of the exclusive remedy provision under O.C.G.A. § 34-9-11(a) of the Georgia Workers' Compensation Act; the fact that the county paid the judge a local supplement did not make the judge a county employee.)

<sup>68</sup> It is true that areas with a higher cost of living generally offer employment with higher compensation, but, as countless commuting Georgians can attest, there is no requirement to live next-door to one's job.

<sup>69</sup> Legislators in certain leadership positions are paid more.

<sup>70</sup> With the exception of Los Angeles County and some counties in Texas. See notes 34 and 35 above.

This principle is taken for granted in other contexts because, even if local supplements provide some value by mitigating some problems, there are a number of competing values, and perhaps the most important one is the appearance of equal treatment.<sup>71</sup> Permitting one superior court judge to be paid tens of thousands of dollars more than another superior court judge who is vested with the same power and charged with the same duties is reasonably perceived, especially by the uninitiated, as unfair. It suggests that the state of Georgia attaches a different level of importance to its different superior courts, and that the level of importance varies depending on the budget of the local county. It also suggests that superior court judges are above the appellate judges who review their decisions. There is a reason no one questions whether federal district judges should be paid the same amount, or asks why federal appellate judges are paid more than federal district judges, or wonders why other states pay their trial court judges the same amount. It simply seems more fair.

*More fair, not fair.* A uniform rule providing for equal compensation of superior court judges would leave room for improvement. Leave that room. No general rule fits every corner; that is the nature of a *general* rule. To carve out this and then that exception in pursuit of perfect fairness inevitably carves the rule to pieces. The choice is not between the current compensation structure and an idealized alternative, whatever that may be. It is between the current compensation structure beset with anomalies and inconsistencies and an alternative compensation structure that is internally consistent and aligned with the rest of the country.

For these reasons the Commission believes that local supplements are fundamentally misconceived, and it recommends that they be phased out and eventually eliminated. However, as described in more detail later in this report, in recognition that many lawyers accepted judicial appointments or were elected to the bench with the understanding and expectation of a salary that included a local supplement, the Commission recommends that the current local supplements paid to current superior court judges be “grandfathered.”

One other comment. As noted later in this report, the Commission understands that assistant U.S. attorneys receive locality payments that are based on differences in the cost of living, but for a few reasons the Commission believes those payments are distinguishable from supplements paid to superior court judges. First, locality payments to assistant U.S. attorneys are actually based on cost-of-living indexes. Second, they are relatively minor in comparison. The locality pay of two federal prosecutors in Georgia who receive \$100,000 in base pay would differ by, at most, approximately \$5,000. Third, locality payments are controlled by the federal government – the employer of the federal prosecutors – not a government local to the area in which they happen to serve. A federal prosecutor in San Francisco receives locality payments from the federal government, not the San Francisco city council. And yet superior court judges receive local supplements not from the state, but from local counties. These features suggest that locality payments for federal prosecutors are necessary to attract and retain well-qualified lawyers to serve as federal prosecutors in all areas of the country.

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<sup>71</sup> See, e.g., Antonin Scalia, *The Rule of Law as a Law of Rules*, 56 U. Chi. L. Rev. 1175, 1178 (1989).

## V. DISTRICT ATTORNEY AND PUBLIC DEFENDER COMPENSATION

### A. District Attorneys and Circuit Public Defenders

The state pays each district attorney an annual salary of \$120,072.<sup>72</sup> It pays an additional \$6,000 to district attorneys who serve circuits that have established accountability courts.<sup>73</sup>

Counties are permitted to pay local supplements to district attorneys, too, and, like the supplements paid to superior court judges, they vary widely.<sup>74</sup> They are set forth in *Exhibit B*.

District attorneys have been permitted to receive local supplements since the establishment of the office of district attorney in 1968. In that year the Constitution was amended to change the name of the office of solicitor to the office of district attorney.<sup>75</sup> Also in that year the General Assembly passed a law that abolished the old fee-based compensation system for district attorneys (which also permitted local supplements),<sup>76</sup> prohibited district attorneys from engaging in the private practice of law, and made district attorneys full-time state officers with an annual salary of \$18,000.<sup>77</sup> The law also provided that “nothing contained within this Act shall be construed so as to prohibit any county or combination of counties from supplementing the salary” of a district attorney.<sup>78</sup>

The state pays each circuit public defender an annual salary of \$99,526.<sup>79</sup> It pays an additional \$6,000 to circuit public defenders who work in circuits that have established accountability courts.<sup>80</sup> Counties are also authorized to pay supplements to circuit public defenders.<sup>81</sup> They are set forth in *Exhibit C*.

For reasons previously discussed, the Commission believes that local supplements are fundamentally misconceived, and it recommends that they be phased out and eventually eliminated, as described in more detail later in this report.

### B. Assistant District Attorneys and Assistant Public Defenders

Since 1984 assistant district attorneys have been paid according to a pay schedule.<sup>82</sup> The schedule is developed annually by the Prosecuting Attorneys’ Council (“PAC”) as part of the yearly budget process. It designates a salary according to an assistant district attorney’s

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<sup>72</sup> O.C.G.A. §§ 15-18-10(a); 45-7-4(a)(21).

<sup>73</sup> O.C.G.A. § 15-18-10.1.

<sup>74</sup> O.C.G.A. § 15-18-10(b).

<sup>75</sup> The amendment was proposed by the General Assembly on April 8, 1968 and approved in an election held on November 5, 1968. Acts 1968, Vol. 1, pg. 1567; “23 Amendments Will Be On All Georgia Ballots,” *The Atlanta Constitution*, November 3, 1968. Cox, Calvin. “There’s Nothing to Do,” *The Atlanta Constitution*, November 9, 1968.

<sup>76</sup> Ga. Const. 1945, Art. VI, Sec. XII, Para. I.

<sup>77</sup> Acts 1968, p. 992.

<sup>78</sup> *Id.* at 994.

<sup>79</sup> O.C.G.A. § 17-12-25(a).

<sup>80</sup> O.C.G.A. § 17-12-25.1.

<sup>81</sup> O.C.G.A. § 17-12-25(b).

<sup>82</sup> O.C.G.A. §§ 15-18-14, 15-18-19(e).

“class,” of which there are four, and “step,” of which there are thirteen. Assistant district attorneys are assigned to classes and steps according to their knowledge and experience. Generally, an assistant district attorney advances one step for each year of experience and may advance to another class once he satisfies the requirements, but those decisions are largely within the discretion of the district attorney. The current pay schedule is attached as *Exhibit F*. Here is a summary.

	Class 1	Class 2	Class 3	Class 4
Step 1	\$44,828	\$48,062	\$53,032	\$61,344
Step 13	\$77,425	\$83,386	\$94,198	\$106,361

Currently, across the state’s forty-nine judicial circuits there are approximately 385 assistant district attorneys who are paid according to the pay schedule. They are referred to as “state-paid” assistant district attorneys.

There are approximately 160 similarly “state-paid” assistant public defenders that are paid according to their own pay schedule, which differs from the assistant district attorney pay schedule; assistant public defenders are paid slightly less. (Compare *Exhibits F* and *G*.) Also, the state salary of an assistant public defender is capped at 90% of the circuit public defender’s compensation, while an assistant district attorney’s compensation is not similarly capped.<sup>83</sup> Note also that prior to July 1, 2016, there was no pay schedule for public defenders. The law called for a schedule, but until recently the GPDC could not implement one because it did not receive sufficient funding from the state. Instead, each public defender office received a budget and made due as best it could.

It is not an exaggeration to say that a properly funded pay schedule is indispensable to the district attorney and public defender offices. It offers a future to lawyers who choose to serve the public interest. These lawyers did not choose their jobs to get rich, but with a properly funded pay schedule they can at least look to their future and plan. They can know that if they put in so many years here, or enough work there, they can expect to be paid that, by then. And that encourages these lawyers to make a career of serving the public interest, which indeed serves the public interest. Every lawyer can recount the uncertainty that accompanies the first couple years of practicing law, how much they learned in those initial years, and how much they relied on a more senior lawyer or mentor. It is the more senior lawyers who take on the most challenging work and have the knowledge and ability to develop and train the new and the inexperienced. If there is substantial uncertainty about whether the pay schedule will be properly funded, those senior lawyers do not make plans to stay, and they have less incentive to invest their time and energy in the future of the district attorney and public defender offices.

The question, then, is whether the pay schedule is sufficiently funded. There is evidence that it is not, that these lawyers are paid below market compensation, and that this negatively affects the public interest.

To begin with, in addition to the state-paid assistant district attorneys and assistant public defenders compensated under the pay schedule, across the state there are

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<sup>83</sup> Compare O.C.G.A. § 15-18-14(c)(4) with O.C.G.A. § 17-12-27(e)(4).

approximately 360 assistant district attorneys and an unknown number of (but at least one hundred) assistant public defenders who are hired and paid directly by the counties. The counties hire these “county-paid” lawyers for the simple reason that the state does not provide enough money for the district attorneys and public defenders to hire the number of lawyers that are needed to handle the caseload in their respective offices; they turn to the counties to fill the gap.

County-paid assistant district attorneys are concentrated in areas with higher populations. For example, while the Atlanta circuit has approximately twenty-five state-paid assistant district attorneys, it has approximately seventy-five county-paid assistant district attorneys. The Cobb, Columbus, Eastern, Gwinnett, and Stone Mountain judicial circuits each has between roughly twenty and forty county-paid assistant district attorneys.

In more populated areas, the salaries of county-paid lawyers generally exceed the salaries of state-paid lawyers, since the counties have difficulty hiring well-qualified lawyers at the salaries set forth in the state pay schedule. So, for example, a county may pay \$100,000 to an assistant district attorney, while the state may pay \$70,000 to another assistant district attorney with the same experience in the same county. In an effort to keep the salaries relatively even, and to avoid losing the state-paid lawyer, the district attorney often solicits funds from the county and uses the funds to pay, in this example, a \$30,000 supplement to the state-paid assistant district attorney.

Very few, perhaps a handful, of state-paid assistant public defenders receive small local supplements, although there is no official data available. On the other hand, local supplements paid to state-paid assistant district attorneys are widespread and vary significantly. An informal survey of district attorneys indicates that about half of the state-paid assistant district attorneys receive local supplements. In some circuits they may average between \$2,000 and \$5,000 per lawyer. In other circuits they are between \$7,000 and \$14,000. In a few cases senior prosecutors receive supplements as high as \$20,000 to \$40,000. Here are some of the comments from the district attorneys who responded to the survey.

- “County salaries are much higher than state pay . . . I have to provide supplements to keep them relatively even.”
- “Because we found we could not attract (and keep) new ADAs paying the state’s starting salary . . . our office adopted a new prosecutor pay scale . . . regardless of [the] employing entity.”
- “Our ADAs . . . receive no county supplements. I currently have a state position open that was vacated by a veteran prosecutor . . . All the résumés I am receiving are from recent graduates or non-prosecutors.”
- “[State-paid ADAs] have to be supplemented to keep up with what similarly county-paid . . . ADAs get paid.”

The problem has been exacerbated since FY2010, when the pay schedule was largely frozen. Between then and FY2017 assistant district attorneys were eligible to advance eight steps on the pay schedule, which would have resulted in a 44% increase in salary on average. Instead salaries have increased only 14% on average. (Assistant district attorneys also took twenty-four furlough days.) So, for example, according to the PAC there is a mid-level

assistant district attorney in Lowndes County who is paid \$46,662 and, based on the pay schedule, should be paid \$59,557. And there is an experienced assistant district attorney in Thomas County who is paid \$67,272 and, based on the pay schedule, should be paid \$87,543.

In addition to state-paid and county-paid prosecutors and public defenders, there is a third category. In some cases counties, typically rural counties, need to hire additional prosecutors or public defenders, but they may not want to undertake the obligation to process payments, withhold and pay taxes, and otherwise manage the payroll. In those cases the counties pay amounts to the PAC or the GPDC, as the case may be, which in turn hires these “state-paid county reimbursed” (“SPCR”) lawyers and pays them with the funds received from the counties. There are approximately 50 SPCR assistant district attorneys and 225 SPCR assistant public defenders. These lawyers are not paid according to the pay schedule. Instead they are paid according to the agreement the counties make with the PAC or the GPDC.

This tripartite pay structure can have dizzying effects and create administrative burdens. It is not uncommon for lawyers to move between the six different job categories – state-paid, county-paid, and SPCR assistant district attorneys and assistant public defenders – in search of increased compensation and better employment prospects. In this way the compensation structure encourages circuits to compete with one another. Put differently, the compensation structure encourages the justice system to compete with itself, where different divisions of the same organization attempt to hire away employees of other divisions. In general, lawyers are drawn toward circuits near Atlanta and other high-population areas that offer higher compensation and proximity to higher-paying private sector jobs.

In addition to these “internal” movements, there is evidence that many talented young lawyers leave for the private sector after three to five years. The Commission understands that there is a recent example of a young, promising assistant public defender with a few years of experience in a rural circuit who left to join a personal injury law firm in Atlanta to double his salary. He did not want to leave, and he enjoyed being a public defender, but he could not pass up the opportunity.

Stories like these are unavoidable, as public service rightly requires financial sacrifice. But as the stories pile up, and the anecdotal becomes the ordinary, the public interest begins to suffer. The turnover rates for assistant district attorneys for each year from FY2010 through FY2015 were 7%, 19%, 11%, 26%, 17%, and 18%, respectively. The turnover rates for assistant public defenders over the same period were 23%, 16%, 14%, 20%, 12%, and 14%, respectively. It is probably fair to say that these numbers understate the impact on the public interest, since it is the more experienced lawyers who leave the agencies, taking with them their knowledge and expertise. That is, if 15% of the public defenders leave, more than 15% of the total knowledge and expertise leaves with them.

There is something else to consider. In 2007 Congress passed and President Bush signed the College Cost Reduction and Access Act, which established, among other things, the Public Service Loan Forgiveness Program.<sup>84</sup> It provides that if, beginning on October 1, 2007, an individual is employed full-time by certain public service employers and makes one hundred twenty qualifying payments on his eligible federal student loans after that date (including payments under certain income contingent repayment plans), then the federal

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<sup>84</sup> Pub. L. 110-84, 121 Stat. 784, 800-01 (2007).

government will forgive that individual's federal student loans. Thus, the first loan balances will be forgiven in October 2017. At that time, district attorney and public defender offices may face a disproportionately high number of resignations (although it is not clear how many), since assistant district attorneys and assistant public defenders carry an average school debt burden of approximately \$110,000.

## VI. COMPENSATION SURVEY

In making its recommendations the Commission considered various data, including the following. Compensation figures are for the year 2016, unless otherwise noted.

Judicial and District Attorney Salaries Over Time. Salaries of justices, judges, and district attorneys have fluctuated significantly in real terms over the last thirty years. *Exhibits D and E*, which do not account for local supplements, set forth salaries from 1986 through 2016 in nominal and real (2016-adjusted) dollars. The schedules reveal that state compensation has steadily and significantly declined over the last fifteen or sixteen years. In real terms the compensation of Supreme Court justices and Court of Appeals judges has decreased by approximately \$32,000 since 2001. In real terms the compensation of superior court judges and district attorneys has decreased by approximately \$15,000 and \$5,000, respectively, since 2002, not taking into account local supplements. The decrease is due to the fact that cost-of-living-adjustments and raises over that period have not kept pace with the increased cost of living. In the Commission's view, the lack of cost-of-living-adjustments has in turn contributed to the growth of local supplements, as superior court judges and district attorneys have turned to counties to increase their compensation when the state has failed to do so.

Federal Judges. The chief justice of the United States is paid \$260,700. The associate justices of the U.S. Supreme Court are paid \$249,300. U.S. Circuit judges are paid \$215,400. U.S. district judges are paid \$203,100.<sup>85</sup>

Federal Prosecutors. Assistant U.S. attorneys are paid according to a salary scale that is administratively determined and based primarily on the number of years of professional experience. A prosecutor with no more than two years of experience is paid at least \$51,811, at most \$88,079, and on average \$69,945. A prosecutor with at least nine years of experience is paid at least \$79,717, at most \$135,519, and on average \$107,618. Prosecutors also receive "locality pay," an amount equal to a percentage of their base pay that differs depending on the area in which they live. The percentage for San Francisco is 35.75%, which is the highest in the country. The percentage for Atlanta is 19.58%. The minimum percentage for any area is 14.35%. So, for example, prosecutors in Georgia with a base pay of \$100,000 would receive additional locality pay between \$14,350 and \$19,580, depending on where they live. Total pay, including locality pay, is limited to \$160,200, regardless of where the prosecutor lives.<sup>86</sup>

State Judges. The National Center for State Courts publishes a semi-annual survey that sets forth judicial salaries in each of the fifty states. The most recent survey sets forth the compensation as of January 1, 2016. Information from that survey is set forth in *Exhibit*

<sup>85</sup> Retrieved from: <http://www.uscourts.gov/judges-judgeships/judicial-compensation>.

<sup>86</sup> Retrieved from: <https://www.justice.gov/usao/career-center/salary-information/administratively-determined-pay-plan-charts>.

H. Note that some information may be slightly outdated. For example, the survey says that the 2016 salaries of the Georgia Supreme Court justices and Court of Appeals judges are \$167,210 and \$166,186, respectively, but those were the 2015 salaries. Also, the survey says that the 2016 salary of New York trial court judges is \$174,000, but in 2016 that salary was raised to \$193,000, and the salaries of the intermediate appellate court and highest court were raised proportionally.<sup>87</sup> Also note that, due to the effect of local supplements, some Georgia superior court judges are the highest paid trial court judges in the country, while others are among the lowest paid.<sup>88</sup>

State Prosecutors and Public Defenders. In 2014 the National Association for Law Placement (NALP) conducted a national public sector and public interest attorney salary survey. The median salaries of prosecutors with no experience, five years of experience, and eleven to fifteen years of experience were \$51,100, \$63,600, and \$80,000, respectively. The median salaries for public defenders with no experience, five years of experience, and eleven to fifteen years of experience were \$50,400, \$63,000, and \$84,500, respectively.<sup>89</sup> Presumably these averages have increased since 2014.

Large Atlanta Law Firms. In 2016 the starting base salary for first-year associates of large Atlanta law firms was raised to \$155,000.<sup>90</sup> According to a 2016 survey conducted by Major, Lindsey, & Africa, a national legal recruiting firm, the average and median salaries of partners in Atlanta law firms are \$850,000 and \$701,000, respectively.<sup>91</sup>

Law Professors. The median salaries during the 2012-13 academic school year for University of Georgia Law School assistant professors, associate professors, and tenured professors were \$121,400, \$144,000, and \$180,765, respectively.<sup>92</sup>

Population and Economy. Georgia is the eighth most populous state in the country. Between 2014 and 2015 its population increased by approximately 118,000 people. Only Texas, Florida, and California had larger increases during that time.<sup>93</sup> The Atlanta metropolitan area is the ninth most populous metropolitan area in the country.<sup>94</sup> Georgia has the tenth largest gross domestic product among the states.<sup>95</sup>

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<sup>87</sup> Report of the New York Commission on Legislative, Judicial and Executive Compensation dated December 24, 2015. On April 1, 2016 the state of New York adopted the commission's recommendations. Retrieved from: [http://www.nysac.org/blog\\_home.asp?Display=58](http://www.nysac.org/blog_home.asp?Display=58).

<sup>88</sup> The survey says that Georgia superior court judges are paid \$156,252. Presumably that is an average figure, although it is not clear how it was calculated.

<sup>89</sup> NALP 2014 Public Sector and Public Interest Salary Report, Table 1. Retrieved from: <http://www.nalp.org/july14research#table1>.

<sup>90</sup> Hobbs, Meredith. "King & Spalding, Alston Raise Associate Pay," *Daily Report*, June 21, 2016. Hobbs, Meredith. "Troutman, Kilpatrick and Sutherland Raise Associate Pay," *Daily Report*, July 1, 2016.

<sup>91</sup> Lowe, Jeffrey. "2016 Partner Compensation Survey, Exhibit 1.4 – Total Compensation by City." *Major Lindsey & Africa*.

<sup>92</sup> Society of American Law Teachers, *SALT Equalizer*, Volume 2015, Issue 1. Retrieved from: <https://www.saltlaw.org/wp-content/uploads/2014/05/SALT-salary-survey-2015-final.pdf>.

<sup>93</sup> United States Census. (2015.) *North Carolina Becomes Ninth State With 10 Million or More People, Census Bureau Reports*. [Press Release]. Retrieved from: <http://www.census.gov/newsroom/press-releases/2015/cb15-215.html>.

<sup>94</sup> Annual Estimates of the Population of Metropolitan and Micropolitan Statistical Areas: April 1, 2010 to July 1, 2015. Retrieved from: <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>.

<sup>95</sup> U.S. Department of Commerce, Bureau of Economic Analysis, Gross domestic product by state. Retrieved from: <http://www.bea.gov/iTable/drilldown.cfm?reqid=70&stepnum=11&AreaTypeKeyGdp=5&GeoFipsGdp=XX&Class>



## VII. RECOMMENDATIONS

In light of the foregoing findings and analysis, the Commission makes the following recommendations with one purpose in mind – compensation of justices, judges, district attorneys, and public defenders should advance the public interest. These recommendations would advance the public interest by establishing a satisfactory compromise between the financial sacrifices that rightly attend public service and the need to attract well-qualified lawyers to serve in all forty-nine circuits. These recommendations would also establish a proper salary relationship among the various courts and are based on the understanding that Georgia attaches the same level of importance to the administration of justice in each of its forty-nine circuits.

### A. Supreme Court

The Commission recommends that the chief justice receive a salary of \$205,000 and that the other Supreme Court justices receive a salary of \$200,000. Compared to judges who serve on the highest courts of other states, this salary would make Georgia Supreme Court justices the eighth-highest paid in the country, in line with Georgia's population and GDP rankings. This salary would also be comparable to a U.S. district judge's salary, which is \$203,100. In real terms this salary would still be below the salary paid to Supreme Court justices from 1999 through 2003.

In total these salaries would cost the state an additional \$224,600.<sup>96</sup>

### B. Court of Appeals

The Commission recommends that the chief judge receive a salary of \$195,000 and that the other Court of Appeals judges receive a salary of \$190,000. Compared to judges who serve on the intermediate appellate courts of other states, this salary would make Georgia Court of Appeals judges the seventh-highest paid in the country. In real terms this salary would still be below the salary paid to Court of Appeals judges from 1999 through 2003.

In total these salaries would cost the state an additional \$237,500.<sup>97</sup>

### C. Superior Court

The Commission recommends that the General Assembly give superior court judges the choice to be compensated in one of two ways.

- (1) Continue to receive the current state salary of \$126,265, the current \$6,000 accountability court supplement, and any current local supplement, which shall be fixed at its current amount; or

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KeyGdp=NAICS&ComponentKey=200&IndustryKey=1&YearGdp=2015Q2&YearGdpBegin=-1&YearGdpEnd=-1&UnitOfMeasureKeyGdp=Levels&RankKeyGdp=1&Drill=1&nRange=5.

<sup>96</sup>  $(\$200,000 - \$175,600) \times 9 + \$5,000 = \$224,600$ .

<sup>97</sup>  $(\$190,000 - \$174,500) \times 15 + \$5,000 = \$237,500$ .

- (2) Receive a state salary of \$175,000, if an accountability court is established, or \$165,000, if an accountability court is not established, and no local supplements.

The Commission recommends that only current superior court judges be given the choice to be compensated under systems (1) or (2). Superior court judges elected or appointed after an effective date would be compensated under system (2) only. In addition, the Commission recommends that the state provide cost-of-living adjustments only to judges who are compensated under system (2).

Compared to judges who serve on the trial courts of other states, a state salary of \$175,000 (with no local supplements) would make Georgia superior court judges the eighth-highest paid in the country. Also, since the average local supplement paid to superior court judges is \$40,163, and therefore the average salary is \$172,428,<sup>98</sup> this salary recommendation approximates the current average salary of a superior court judge.

If all superior court judges were compensated under system (2), it would cost the state an additional \$9,304,820,<sup>99</sup> and it would save the counties \$8,514,496.<sup>100</sup> Thus, on net it would cost \$790,324.

Another recommendation. In many instances local law provides that the salaries of local officials or other employees bear a mathematical relationship to the state salary of a superior court judge. Thus, the General Assembly cannot adjust the salary of a superior court judge without also adjusting the salaries of an unknown number of local officials by an unknown amount. This is without reason, as far as the Commission can tell, and so it recommends that the relationship be severed and that state law instead tie these local salaries to an independent baseline – say, the “Local Salary Baseline” – that the General Assembly sets at \$126,265 (the current state salary of a superior court judge) and periodically adjusts as appropriate.

#### **D. District Attorneys and Circuit Public Defenders**

The Commission recommends that the General Assembly give district attorneys and circuit public defenders the choice to be compensated in one of two ways.

- (1) Continue to receive the current state salaries of \$120,072 and \$99,526, respectively, the current \$6,000 accountability court supplement, and any current local supplement, which shall be fixed at its current amount; or
- (2) Receive a state salary of \$160,000, if an accountability court is established, or \$150,000, if an accountability court is not established.

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<sup>98</sup> \$172,428 = \$132,265 + \$40,163. This calculation is based on the premise that all superior courts establish accountability courts.

<sup>99</sup> Calculation is based on all the assumption that accountability courts are established in every circuit. Total state compensation currently paid to superior court judges is \$28,040,180 = 212 x \$132,265. If this recommendation were adopted, total state compensation paid to superior court judges would be \$37,345,000 = (212 x \$175,000) + (49 x \$5,000). \$37,345,000 – \$28,040,180 = \$9,304,820.

<sup>100</sup> This calculation can be derived from *Exhibit A* by multiplying the supplement for each circuit by the number of judges in that circuit to find the total supplement for each of the forty-nine circuits, and then adding together the total supplements for each of the forty-nine circuits. The total is \$8,483,988. The total chief judge supplements are \$30,508. \$8,514,496 = \$8,483,988 + \$30,508.

Only current district attorneys and circuit public defenders would be given the choice to be compensated under systems (1) or (2). District attorneys and circuit public defenders elected or appointed after an effective date would be compensated under system (2) only. In addition, the Commission recommends that the state provide cost-of-living adjustments only to district attorneys and circuit public defenders who are compensated under system (2).

A state salary of \$160,000 would be comparable to the starting base salary for first-year associates at large Atlanta law firms and the maximum salary paid to assistant U.S. attorneys.

If all district attorneys were compensated under system (2), it would cost the state an additional \$1,662,472,<sup>101</sup> and it would save the counties \$990,870.<sup>102</sup> Thus, on net it would cost \$745,870.

If all circuit public defenders were compensated under system (2), it would cost the state an additional \$2,342,382,<sup>103</sup> and it would save the counties \$389,109. Thus, on net it would cost \$1,953,273.

#### **E. Assistant District Attorneys and Assistant Public Defenders**

The Commission recommends that the General Assembly fully fund the pay schedule for assistant district attorneys and that assistant public defenders be placed on the same pay schedule. This recommendation to equalize the pay of assistant district attorneys and assistant public defenders was jointly proposed by the PAC and the GPDC.

Based on information provided by the PAC, the Commission understands that it would cost the state approximately \$3.2 million to provide full “catch up” funding, which would increase the salaries of assistant district attorneys such that their salaries would match their designation on the pay scale. This figure takes into account salaries only; it does not take into account benefits.

Further, the Commission recommends that assistant district attorneys and assistant public defenders be placed on a single pay schedule not merely by appropriation but also by law. To implement this recommendation the General Assembly would need to amend and combine the two statutes that currently address the two pay schedules.<sup>104</sup>

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<sup>101</sup> Calculation is based on the premise that accountability courts are established in every circuit. Total state compensation currently paid to district attorneys is \$6,177,528 = 49 x \$126,072. If this recommendation were adopted, total state compensation paid to district attorneys would be \$7,840,000 = 49 x \$160,000. \$7,840,000 – \$6,177,528 = \$1,662,472.

<sup>102</sup> This calculation can be derived from *Exhibit B* by adding together all the local supplements paid to district attorneys.

<sup>103</sup> Calculation is based on the premise that accountability courts are established in every circuit. Total state compensation currently paid to circuit public defenders is \$4,537,618 = 43 x \$105,526. If this recommendation were adopted, total state compensation paid to circuit public defenders would be \$6,880,000 = 43 x \$160,000. \$6,880,000 – \$4,537,618 = \$2,342,382.

<sup>104</sup> See O.C.G.A. §§ 15-18-14 and 17-12-27.

The Commission also recommends that counties continue to be permitted to (i) pay local supplements to state-paid assistant district attorneys and assistant public defenders, (ii) hire county-paid assistant district attorneys and assistant public defenders, and (iii) fund SPCR assistant district attorneys and assistant public defenders. As described above, while this pay structure can impose costs and foster pay imbalances, many of these costs and imbalances would subside if the General Assembly would fully fund the pay schedule. And in any case, it would cost the state hundreds of millions of dollars to eliminate local supplements and undertake the obligation to pay assistant district attorneys and assistant public defenders from the state treasury only.

#### **F. Cost-of-Living Adjustments**

*Exhibits D and E* reveal years of salary stagnation interrupted by periodic, seemingly *ad hoc* “catch-up” increases. The Commission’s foregoing recommendations are based on the premise that, barring an extraordinary event like the financial crisis, the General Assembly intends to end this practice by providing, either by appropriation or new law, that justices, judges, district attorneys, circuit public defenders, assistant district attorneys, and assistant public defenders receive cost-of-living adjustments that reflect the actual increase in the cost-of-living. The failure to do so would over time lead to distortions, calls for local supplements, and fewer well-qualified lawyers interested in serving the public interest.

Perhaps a compensation commission would be established to study these matters.

**EXHIBIT A**

**Superior Court Judges  
State and County Compensation**

Circuit	State Base Salary	Accountability Ct. Supplement	Total State Compensation	County Supplement	Total Compensation	Number of Judges in Circuit	Additional Chief Judge Supplement <sup>1</sup>	Longevity Supplement <sup>2</sup>
1 Augusta <sup>3</sup>	\$ 126,265	\$ 6,000	\$ 132,265	\$ 75,200	\$ 207,465	8	\$ 2,000	No
2 Cobb	\$ 126,265	\$ 6,000	\$ 132,265	\$ 73,614	\$ 205,879	10	\$ 10,396	No
3 Eastern	\$ 126,265	\$ 6,000	\$ 132,265	\$ 66,084	\$ 198,349	6	\$ 5,000	\$1000 each 4 yrs
4 Northeastern	\$ 126,265	\$ 6,000	\$ 132,265	\$ 65,790	\$ 198,055	4	No	No
5 Brunswick	\$ 126,265	\$ 6,000	\$ 132,265	\$ 64,624	\$ 196,889	5	No	No
6 Stone Mountain	\$ 126,265	\$ 6,000	\$ 132,265	\$ 58,711	\$ 190,976	10	No	No
7 Gwinnett	\$ 126,265	\$ 6,000	\$ 132,265	\$ 52,670	\$ 184,935	10	No	No
8 Macon	\$ 126,265	\$ 6,000	\$ 132,265	\$ 49,996	\$ 182,261	5	No	No
9 Atlanta	\$ 126,265	\$ 6,000	\$ 132,265	\$ 49,748	\$ 182,013	20	\$ 1,000	No
10 Douglas	\$ 126,265	\$ 6,000	\$ 132,265	\$ 45,700	\$ 177,965	3	No	No
11 Chattahoochee	\$ 126,265	\$ 6,000	\$ 132,265	\$ 45,386	\$ 177,651	7	No	No
12 Ogeechee	\$ 126,265	\$ 6,000	\$ 132,265	\$ 41,490	\$ 173,755	3	No	No
13 Western	\$ 126,265	\$ 6,000	\$ 132,265	\$ 40,840	\$ 173,105	4	No	No
14 Alcovy	\$ 126,265	\$ 6,000	\$ 132,265	\$ 38,992	\$ 171,257	5	No	No
15 Clayton	\$ 126,265	\$ 6,000	\$ 132,265	\$ 37,000	\$ 169,265	4	No	No
16 Houston	\$ 126,265	\$ 6,000	\$ 132,265	\$ 36,177	\$ 168,442	3	No	No
17 Flint	\$ 126,265	\$ 6,000	\$ 132,265	\$ 36,130	\$ 168,395	3	No	No
18 Griffin	\$ 126,265	\$ 6,000	\$ 132,265	\$ 36,000	\$ 168,265	4	No	No
19 Cherokee	\$ 126,265	\$ 6,000	\$ 132,265	\$ 32,300	\$ 164,565	4	No	No
20 Paulding	\$ 126,265	\$ 6,000	\$ 132,265	\$ 30,500	\$ 162,765	3	No	No
21 Appalachian	\$ 126,265	\$ 6,000	\$ 132,265	\$ 30,446	\$ 162,711	3	\$ 5,312	No
22 Coweta	\$ 126,265	\$ 6,000	\$ 132,265	\$ 30,000	\$ 162,265	7	No	No
23 Waycross	\$ 126,265	\$ 6,000	\$ 132,265	\$ 29,255	\$ 161,520	4	No	No
24 South Georgia	\$ 126,265	\$ 6,000	\$ 132,265	\$ 28,020	\$ 160,285	2	No	No
25 Dougherty	\$ 126,265	\$ 6,000	\$ 132,265	\$ 27,861	\$ 160,126	3	\$ 2,000	No
26 Piedmont	\$ 126,265	\$ 6,000	\$ 132,265	\$ 27,812	\$ 160,077	4	No	No
27 Atlantic	\$ 126,265	\$ 6,000	\$ 132,265	\$ 25,800	\$ 158,065	4	No	No
28 Blue Ridge	\$ 126,265	\$ 6,000	\$ 132,265	\$ 25,750	\$ 158,015	3	No	No
29 Mountain	\$ 126,265	\$ 6,000	\$ 132,265	\$ 25,517	\$ 157,782	2	No	No
30 Bell-Forsyth	\$ 126,265	\$ 6,000	\$ 132,265	\$ 25,000	\$ 157,265	3	No	No
31 Southern	\$ 126,265	\$ 6,000	\$ 132,265	\$ 25,000	\$ 157,265	5	No	No
32 Northern	\$ 126,265	\$ 6,000	\$ 132,265	\$ 24,600	\$ 156,865	3	No	No
33 Rome	\$ 126,265	\$ 6,000	\$ 132,265	\$ 24,030	\$ 156,295	4	No	No
34 Dublin	\$ 126,265	\$ 6,000	\$ 132,265	\$ 24,000	\$ 156,265	3	No	No
35 Middle	\$ 126,265	\$ 6,000	\$ 132,265	\$ 24,000	\$ 156,265	2	No	No
36 Tallapoosa	\$ 126,265	\$ 6,000	\$ 132,265	\$ 24,000	\$ 156,265	2	No	No
37 Rockdale	\$ 126,265	\$ 6,000	\$ 132,265	\$ 23,953	\$ 156,218	2	No	No
38 Conasauga	\$ 126,265	\$ 6,000	\$ 132,265	\$ 23,400	\$ 155,665	4	No	No
39 Towaliga	\$ 126,265	\$ 6,000	\$ 132,265	\$ 21,000	\$ 153,265	2	No	No
40 Southwestern	\$ 126,265	\$ 6,000	\$ 132,265	\$ 20,854	\$ 153,119	3	No	No
41 Cordele	\$ 126,265	\$ 6,000	\$ 132,265	\$ 20,000	\$ 152,265	3	No	No
42 Enotah	\$ 126,265	\$ 6,000	\$ 132,265	\$ 20,000	\$ 152,265	3	No	No
43 Ocmulgee	\$ 126,265	\$ 6,000	\$ 132,265	\$ 18,000	\$ 150,265	5	No	No
44 Oconee	\$ 126,265	\$ -	\$ 126,265	\$ 20,000	\$ 146,265	3	No	No
45 Pataula	\$ 126,265	\$ 6,000	\$ 132,265	\$ 12,000	\$ 144,265	2	No	No
46 Toombs	\$ 126,265	\$ 6,000	\$ 132,265	\$ 12,000	\$ 144,265	2	No	No
47 Tifton	\$ 126,265	\$ -	\$ 126,265	\$ 17,400	\$ 143,665	2	\$ 4,800	No
48 Lookout Mtn.	\$ 126,265	\$ -	\$ 126,265	\$ 15,000	\$ 141,265	4	No	No
49 Alapaha	\$ 126,265	\$ 6,000	\$ 132,265	\$ -	\$ 132,265	2	No	No
						<u>212</u>		

Notes:

1. Additional Chief Judge Supplements are Not Included in Circuit County Supplement Amounts Listed.
2. Eastern Circuit County Supplement Amount Listed Does Not Include Longevity Increases.
3. On July 1, 2017, Augusta Circuit Supplement will rise to \$80,200.

**EXHIBIT B**

**District Attorneys  
State and County Compensation**

Circuit	State Base Salary	Accountability Ct. Supplement	Total State Compensation	County Supplement	Total Compensation
1 Cobb	\$ 120,072	\$ 6,000	\$ 126,072	\$ 78,382	\$ 204,454
2 Stone Mountain	\$ 120,072	\$ 6,000	\$ 126,072	\$ 52,976	\$ 179,048
3 Gwinnett	\$ 120,072	\$ 6,000	\$ 126,072	\$ 52,670	\$ 178,742
4 Northeastern	\$ 120,072	\$ 6,000	\$ 126,072	\$ 52,139	\$ 178,211
5 Atlanta	\$ 120,072	\$ 6,000	\$ 126,072	\$ 49,382	\$ 175,454
6 Douglas	\$ 120,072	\$ 6,000	\$ 126,072	\$ 43,525	\$ 169,597
7 Augusta	\$ 120,072	\$ 6,000	\$ 126,072	\$ 38,000	\$ 164,072
8 Macon	\$ 120,072	\$ 6,000	\$ 126,072	\$ 36,966	\$ 163,038
9 Eastern	\$ 120,072	\$ 6,000	\$ 126,072	\$ 36,557	\$ 162,629
10 Brunswick	\$ 120,072	\$ 6,000	\$ 126,072	\$ 36,000	\$ 162,072
11 Flint	\$ 120,072	\$ 6,000	\$ 126,072	\$ 36,000	\$ 162,072
12 Clayton	\$ 120,072	\$ 6,000	\$ 126,072	\$ 35,020	\$ 161,092
13 Paulding	\$ 120,072	\$ 6,000	\$ 126,072	\$ 30,000	\$ 156,072
14 Chattahoochee	\$ 120,072	\$ 6,000	\$ 126,072	\$ 27,503	\$ 153,575
15 Middle	\$ 120,072	\$ 6,000	\$ 126,072	\$ 26,000	\$ 152,072
16 Blue Ridge	\$ 120,072	\$ 6,000	\$ 126,072	\$ 25,239	\$ 151,311
17 Southern	\$ 120,072	\$ 6,000	\$ 126,072	\$ 22,500	\$ 148,572
18 Dublin	\$ 120,072	\$ 6,000	\$ 126,072	\$ 21,600	\$ 147,672
19 Towaliga	\$ 120,072	\$ 6,000	\$ 126,072	\$ 21,000	\$ 147,072
20 Western	\$ 120,072	\$ 6,000	\$ 126,072	\$ 20,000	\$ 146,072
21 Cherokee	\$ 120,072	\$ 6,000	\$ 126,072	\$ 18,000	\$ 144,072
22 Coweta	\$ 120,072	\$ 6,000	\$ 126,072	\$ 18,000	\$ 144,072
23 Dougherty	\$ 120,072	\$ 6,000	\$ 126,072	\$ 18,000	\$ 144,072
24 Tallapoosa	\$ 120,072	\$ 6,000	\$ 126,072	\$ 17,950	\$ 144,022
25 Rockdale	\$ 120,072	\$ 6,000	\$ 126,072	\$ 16,654	\$ 142,726
26 Alcovy	\$ 120,072	\$ 6,000	\$ 126,072	\$ 14,472	\$ 140,544
27 Griffin	\$ 120,072	\$ 6,000	\$ 126,072	\$ 14,000	\$ 140,072
28 Rome	\$ 120,072	\$ 6,000	\$ 126,072	\$ 13,135	\$ 139,207
29 Appalachian	\$ 120,072	\$ 6,000	\$ 126,072	\$ 12,000	\$ 138,072
30 Waycross	\$ 120,072	\$ 6,000	\$ 126,072	\$ 12,000	\$ 138,072
31 Oconee	\$ 120,072	\$ -	\$ 120,072	\$ 18,000	\$ 138,072
32 Houston	\$ 120,072	\$ 6,000	\$ 126,072	\$ 10,000	\$ 136,072
33 Bell-Forsyth	\$ 120,072	\$ 6,000	\$ 126,072	\$ 9,800	\$ 135,872
34 Atlantic	\$ 120,072	\$ 6,000	\$ 126,072	\$ 9,600	\$ 135,672
35 Ocmulgee	\$ 120,072	\$ 6,000	\$ 126,072	\$ 9,050	\$ 135,122
36 South Georgia	\$ 120,072	\$ 6,000	\$ 126,072	\$ 8,000	\$ 134,072
37 Toombs	\$ 120,072	\$ 6,000	\$ 126,072	\$ 8,000	\$ 134,072
38 Ogeechee	\$ 120,072	\$ 6,000	\$ 126,072	\$ 6,000	\$ 132,072
39 Cordele	\$ 120,072	\$ 6,000	\$ 126,072	\$ 6,000	\$ 132,072
40 Conasauga	\$ 120,072	\$ 6,000	\$ 126,072	\$ 2,750	\$ 128,822
41 Tifton	\$ 120,072	\$ -	\$ 120,072	\$ 8,000	\$ 128,072
42 Piedmont	\$ 120,072	\$ 6,000	\$ 126,072	\$ -	\$ 126,072
43 Mountain	\$ 120,072	\$ 6,000	\$ 126,072	\$ -	\$ 126,072
44 Northern	\$ 120,072	\$ 6,000	\$ 126,072	\$ -	\$ 126,072
45 Southwestern	\$ 120,072	\$ 6,000	\$ 126,072	\$ -	\$ 126,072
46 Enotah	\$ 120,072	\$ 6,000	\$ 126,072	\$ -	\$ 126,072
47 Pataula	\$ 120,072	\$ 6,000	\$ 126,072	\$ -	\$ 126,072
48 Alapaha	\$ 120,072	\$ 6,000	\$ 126,072	\$ -	\$ 126,072
49 Lookout Mtn.	\$ 120,072	\$ -	\$ 120,072	\$ -	\$ 120,072

**EXHIBIT C**

**Circuit Public Defenders  
State and County Compensation**

Circuit	State Base Salary	Accountability Ct. Supplement	Total State Compensation	County Supplement	Total Compensation
1 Northeastern	\$ 99,526	\$ 6,000	\$ 105,526	\$ 52,139	\$ 157,665
2 Middle	\$ 99,526	\$ 6,000	\$ 105,526	\$ 50,000	\$ 155,526
3 Eastern	\$ 99,526	\$ 6,000	\$ 105,526	\$ 40,000	\$ 145,526
4 Augusta	\$ 99,526	\$ 6,000	\$ 105,526	\$ 32,000	\$ 137,526
5 Brunswick	\$ 99,526	\$ 6,000	\$ 105,526	\$ 31,719	\$ 137,245
6 Flint	\$ 99,526	\$ 6,000	\$ 105,526	\$ 31,555	\$ 137,081
7 South Georgia	\$ 99,526	\$ 6,000	\$ 105,526	\$ 24,396	\$ 129,922
8 Cherokee	\$ 99,526	\$ 6,000	\$ 105,526	\$ 18,000	\$ 123,526
9 Paulding	\$ 99,526	\$ 6,000	\$ 105,526	\$ 18,000	\$ 123,526
10 Mountain	\$ 99,526	\$ 6,000	\$ 105,526	\$ 15,000	\$ 120,526
11 Dougherty	\$ 99,526	\$ 6,000	\$ 105,526	\$ 14,000	\$ 119,526
12 Southern	\$ 99,526	\$ 6,000	\$ 105,526	\$ 13,800	\$ 119,326
13 Griffin	\$ 99,526	\$ 6,000	\$ 105,526	\$ 12,000	\$ 117,526
14 Alcovy	\$ 99,526	\$ 6,000	\$ 105,526	\$ 6,500	\$ 112,026
15 Toombs	\$ 99,526	\$ 6,000	\$ 105,526	\$ 6,000	\$ 111,526
16 Towaliga	\$ 99,526	\$ 6,000	\$ 105,526	\$ 5,000	\$ 110,526
17 Western	\$ 99,526	\$ 6,000	\$ 105,526	\$ 5,000	\$ 110,526
18 Oconee	\$ 99,526	\$ -	\$ 99,526	\$ 10,000	\$ 109,526
19 Tallapoosa	\$ 99,526	\$ 6,000	\$ 105,526	\$ 3,000	\$ 108,526
20 Coweta	\$ 99,526	\$ 6,000	\$ 105,526	\$ 1,000	\$ 106,526
21 Alapaha	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
22 Appalachian	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
23 Atlanta	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
24 Atlantic	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
25 Chattahoochee	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
26 Clayton	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
27 Conasauga	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
28 Cordele	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
29 Dublin	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
30 Enotah	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
31 Macon	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
32 Northern	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
33 Ocmulgee	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
34 Ogeechee	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
35 Pataula	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
36 Piedmont	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
37 Rockdale	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
38 Rome	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
39 Southwestern	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
40 Stone Mountain	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
41 Waycross	\$ 99,526	\$ 6,000	\$ 105,526	\$ -	\$ 105,526
42 Lookout Mtn.	\$ 99,526	\$ -	\$ 99,526	\$ -	\$ 99,526
43 Tifton	\$ 99,526	\$ -	\$ 99,526	\$ -	\$ 99,526
44 Bell-Forsyth	OPT OUT				
45 Blue Ridge	OPT OUT				
46 Cobb	OPT OUT				
47 Douglas	OPT OUT				
48 Gwinnett	OPT OUT				
49 Houston	OPT OUT				

## EXHIBIT D

### State Compensation 1986 - 2016 Nominal Dollars (Not Adjusted for Inflation)

Year	Supreme Court Justices	Court of Appeals Judges	Superior Court Judges	District Attorneys	Circuit Public Defenders
1986	\$ 73,722	\$ 73,154	\$ 60,654	\$ 51,360	\$ -
1987	\$ 75,565	\$ 74,982	\$ 62,170	\$ 53,412	\$ -
1988	\$ 78,550	\$ 77,982	\$ 67,156	\$ 58,248	\$ -
1989	\$ 90,514	\$ 89,931	\$ 68,838	\$ 59,712	\$ -
1990	\$ 92,778	\$ 92,179	\$ 70,560	\$ 61,200	\$ -
1991	\$ 92,778	\$ 92,179	\$ 70,560	\$ 62,736	\$ -
1992	\$ 93,774	\$ 93,180	\$ 71,560	\$ 62,736	\$ -
1993	\$ 96,118	\$ 95,509	\$ 73,344	\$ 62,736	\$ -
1994	\$ 109,459	\$ 108,765	\$ 78,564	\$ 65,322	\$ -
1995	\$ 114,932	\$ 114,203	\$ 82,488	\$ 69,972	\$ -
1996	\$ 119,530	\$ 118,771	\$ 85,782	\$ 73,471	\$ -
1997	\$ 124,311	\$ 123,522	\$ 89,208	\$ 76,404	\$ -
1998	\$ 129,283	\$ 128,463	\$ 92,772	\$ 79,452	\$ -
1999	\$ 143,601	\$ 142,713	\$ 102,852	\$ 82,635	\$ -
2000	\$ 147,909	\$ 146,995	\$ 105,938	\$ 91,296	\$ -
2001	\$ 153,086	\$ 152,139	\$ 109,645	\$ 94,032	\$ -
2002	\$ 153,086	\$ 152,139	\$ 109,645	\$ 97,326	\$ -
2003	\$ 153,086	\$ 152,139	\$ 109,645	\$ 97,326	\$ -
2004	\$ 153,086	\$ 152,139	\$ 109,645	\$ 97,326	\$ -
2005	\$ 154,686	\$ 153,739	\$ 111,245	\$ 98,926	\$ -
2006	\$ 157,780	\$ 156,814	\$ 113,470	\$ 100,904	\$ 88,470
2007	\$ 162,340	\$ 161,346	\$ 116,750	\$ 100,904	\$ 90,686
2008	\$ 167,210	\$ 166,186	\$ 120,252	\$ 114,356	\$ 90,686
2009	\$ 167,210	\$ 166,186	\$ 120,252	\$ 114,356	\$ 94,787
2010	\$ 167,210	\$ 166,186	\$ 120,252	\$ 114,356	\$ 90,838
2011	\$ 167,210	\$ 166,186	\$ 120,252	\$ 114,356	\$ 90,838
2012	\$ 167,210	\$ 166,186	\$ 120,252	\$ 114,356	\$ 90,838
2013	\$ 167,210	\$ 166,186	\$ 120,252	\$ 114,356	\$ 93,693
2014	\$ 167,210	\$ 166,186	\$ 120,252	\$ 114,356	\$ 94,787
2015	\$ 167,210	\$ 166,186	\$ 120,252	\$ 114,356	\$ 94,787
2016	\$ 175,600	\$ 174,500	\$ 132,625	\$ 126,072	\$ 105,526

Notes:

1. This schedule does not include local supplements.
2. This schedule includes accountability court supplements.
3. If compensation was raised mid-year, this schedule reports the higher compensation for that year.
4. The GPDC was formed in 2003 but was not fully operational until 2006.



## EXHIBIT E

### State Compensation 1986 - 2016 2016 Dollars (Adjusted for Inflation)

Year	Supreme Court Justices	Court of Appeals Judges	Superior Court Judges	District Attorneys	Circuit Public Defenders
1986	\$ 162,396	\$ 161,144	\$ 133,609	\$ 113,136	\$ -
1987	\$ 160,594	\$ 159,355	\$ 132,127	\$ 113,514	\$ -
1988	\$ 160,306	\$ 159,147	\$ 137,053	\$ 118,873	\$ -
1989	\$ 176,231	\$ 175,096	\$ 134,028	\$ 116,259	\$ -
1990	\$ 171,379	\$ 170,272	\$ 130,338	\$ 113,048	\$ -
1991	\$ 164,458	\$ 163,396	\$ 125,075	\$ 111,206	\$ -
1992	\$ 161,366	\$ 160,344	\$ 123,140	\$ 107,956	\$ -
1993	\$ 160,592	\$ 159,575	\$ 122,542	\$ 104,818	\$ -
1994	\$ 178,316	\$ 177,186	\$ 127,986	\$ 106,414	\$ -
1995	\$ 182,072	\$ 180,917	\$ 130,675	\$ 110,848	\$ -
1996	\$ 183,925	\$ 182,757	\$ 131,996	\$ 113,053	\$ -
1997	\$ 186,992	\$ 185,805	\$ 134,189	\$ 114,929	\$ -
1998	\$ 191,488	\$ 190,273	\$ 137,410	\$ 117,681	\$ -
1999	\$ 208,099	\$ 206,812	\$ 149,048	\$ 119,750	\$ -
2000	\$ 207,372	\$ 206,090	\$ 148,528	\$ 127,999	\$ -
2001	\$ 208,691	\$ 207,400	\$ 149,471	\$ 128,187	\$ -
2002	\$ 205,443	\$ 204,172	\$ 147,145	\$ 130,613	\$ -
2003	\$ 200,865	\$ 199,623	\$ 143,866	\$ 127,702	\$ -
2004	\$ 195,655	\$ 194,445	\$ 140,134	\$ 124,390	\$ -
2005	\$ 191,221	\$ 190,051	\$ 137,520	\$ 122,291	\$ -
2006	\$ 188,951	\$ 187,794	\$ 135,887	\$ 120,839	\$ 105,948
2007	\$ 189,028	\$ 187,870	\$ 135,943	\$ 117,492	\$ 105,594
2008	\$ 187,499	\$ 186,351	\$ 134,843	\$ 128,232	\$ 101,690
2009	\$ 188,169	\$ 187,016	\$ 135,325	\$ 128,690	\$ 106,668
2010	\$ 185,132	\$ 183,998	\$ 133,141	\$ 126,613	\$ 100,574
2011	\$ 179,467	\$ 178,368	\$ 129,067	\$ 122,739	\$ 97,497
2012	\$ 175,829	\$ 174,752	\$ 126,450	\$ 120,250	\$ 95,520
2013	\$ 173,290	\$ 172,229	\$ 124,625	\$ 118,514	\$ 97,100
2014	\$ 170,524	\$ 169,480	\$ 122,635	\$ 116,622	\$ 96,666
2015	\$ 170,322	\$ 169,279	\$ 122,490	\$ 116,484	\$ 96,551
2016	\$ 175,600	\$ 174,500	\$ 132,625	\$ 126,072	\$ 105,526

Notes:

1. This schedule does not include local supplements.
2. This schedule includes accountability court supplements.
3. If compensation was raised mid-year, this schedule reports the higher compensation for that year.
4. The GPDC was formed in 2003 but was not fully operational until 2006.
5. Inflation adjustments were calculated using the Bureau of Labor Statistics CPI Inflation calculator.

## EXHIBIT F

### Pay Schedule State-Paid Assistant District Attorneys (Effective July 1, 2016)

Step	Class 1		Class 2		Class 3		Class 4	
1	\$	44,828	\$	48,062	\$	53,032	\$	61,344
2	\$	45,779	\$	50,471	\$	55,658	\$	64,456
3	\$	48,062	\$	53,015	\$	58,451	\$	67,678
4	\$	50,471	\$	55,658	\$	61,344	\$	70,902
5	\$	53,015	\$	58,451	\$	64,456	\$	74,484
6	\$	55,658	\$	61,344	\$	67,678	\$	78,035
7	\$	58,451	\$	64,456	\$	70,870	\$	81,854
8	\$	61,344	\$	67,678	\$	74,484	\$	85,894
9	\$	64,456	\$	70,902	\$	78,035	\$	90,169
10	\$	67,678	\$	74,484	\$	81,854	\$	94,663
11	\$	70,902	\$	76,351	\$	85,894	\$	99,227
12	\$	74,114	\$	79,818	\$	90,169	\$	102,623
13	\$	77,425	\$	83,386	\$	94,198	\$	106,361

## EXHIBIT G

### Pay Schedule State-Paid Assistant Public Defenders

(Effective July 1, 2016)

Step	Class 1		Class 2		Class 3		Class 4	
1	\$	43,522	\$	46,662	\$	51,487	\$	59,557
2	\$	44,446	\$	49,001	\$	54,037	\$	62,579
3	\$	46,662	\$	51,471	\$	56,749	\$	65,707
4	\$	49,001	\$	54,037	\$	59,557	\$	68,837
5	\$	51,471	\$	56,749	\$	62,579	\$	72,315
6	\$	54,037	\$	59,557	\$	65,707	\$	75,762
7	\$	56,749	\$	62,579	\$	68,806	\$	79,470
8	\$	59,557	\$	65,707	\$	72,315	\$	83,392
9	\$	62,579	\$	68,837	\$	75,762	\$	87,543
10	\$	65,707	\$	72,315	\$	79,470	\$	89,573
11	\$	68,837	\$	74,127	\$	83,392	\$	89,573
12	\$	71,955	\$	77,493	\$	87,543	\$	89,573
13	\$	75,170	\$	80,957	\$	89,573	\$	89,573

Note that pay of an assistant public defender is capped at 90% of the circuit public defender, so in circuits that have established an accountability court, assistant public defenders in class 4, steps 10 through 13, are paid \$89,573, \$94,052, \$94,973, and \$94,973, respectively, as \$94,973 is 90% of \$105,526.

**EXHIBIT H**

**National Center for State Courts  
Judicial Salary Survey  
(As of January 1, 2016)**

Highest Court		Intermediate Appellate Court		General-Jurisdiction Trial Court		
1	California	\$230,750	California	\$216,330	Dist. of Columbia	\$201,100
2	Illinois	\$220,873	Illinois	\$207,882	Hawaii	\$193,248
3	Hawaii	\$214,524	Hawaii	\$198,624	Illinois	\$190,758
4	Dist. of Columbia	\$213,300	Alaska	\$193,386	Alaska	\$189,720
5	Alaska	\$205,176	Pennsylvania	\$191,926	California	\$189,041
6	Pennsylvania	\$203,409	Alabama	\$178,878	Delaware	\$180,733
7	New York	\$192,500	New York	\$177,900	Pennsylvania	\$176,572
8	Virginia	\$192,458	Virginia	\$176,510	New York	\$174,000
9	Delaware	\$192,360	Tennessee	\$176,436	Tennessee	\$170,352
10	Connecticut	\$185,610	New Jersey	\$175,534	Connecticut	\$167,634
11	New Jersey	\$185,482	Connecticut	\$174,323	Virginia	\$166,136
12	Tennessee	\$182,508	Washington	\$170,808	New Jersey	\$165,000
13	Washington	\$179,432	Georgia	\$166,186	Washington	\$162,618
14	Maryland	\$176,433	Colorado	\$166,170	Arkansas	\$160,000
15	Massachusetts	\$175,984	Massachusetts	\$165,087	Nevada	\$160,000
16	Rhode Island	\$175,870	Nevada	\$165,000	Massachusetts	\$159,694
17	Colorado	\$173,024	Maryland	\$163,633	Colorado	\$159,320
18	Iowa	\$170,544	Arkansas	\$161,500	Rhode Island	\$158,340
19	Missouri	\$170,292	Utah	\$160,500	Georgia	\$156,252
20	Nevada	\$170,000	Indiana	\$160,468	Maryland	\$154,433
21	Utah	\$168,150	Texas	\$158,500	Nebraska	\$153,697
22	Texas	\$168,000	Nebraska	\$157,851	Utah	\$152,850
23	Alabama	\$167,685	Missouri	\$155,709	Wyoming	\$150,000
24	Georgia	\$167,210	Iowa	\$154,556	Texas	\$149,000
25	Arkansas	\$166,500	Florida	\$154,140	Louisiana	\$148,108
26	Nebraska	\$166,159	Louisiana	\$154,059	Missouri	\$146,803
27	Indiana	\$165,078	Minnesota	\$153,240	New Hampshire	\$146,236
28	Wyoming	\$165,000	Michigan	\$151,441	Florida	\$146,080
29	Michigan	\$164,610	Arizona	\$150,000	Arizona	\$145,000
30	Louisiana	\$164,590	South Carolina	\$140,508	Iowa	\$143,897
31	Minnesota	\$162,630	Wisconsin	\$139,059	Minnesota	\$143,851
32	Florida	\$162,200	Ohio	\$138,600	Michigan	\$139,919
33	New Hampshire	\$155,907	Oklahoma	\$138,235	Vermont	\$139,837
34	Arizona	\$155,000	Mississippi	\$134,883	North Dakota	\$139,679
35	North Dakota	\$152,436	North Carolina	\$134,109	Indiana	\$137,062
36	Ohio	\$148,700	Oregon	\$132,820	South Carolina	\$136,905
37	Wisconsin	\$147,403	Kansas	\$131,518	Alabama	\$134,943
38	Vermont	\$147,095	Kentucky	\$130,044	Oklahoma	\$131,835
39	Oklahoma	\$145,914	Idaho	\$130,000	Wisconsin	\$131,187
40	South Carolina	\$144,111	New Mexico	\$124,616	Mississippi	\$128,042
41	Mississippi	\$142,320	Delaware		Ohio	\$127,450
42	North Carolina	\$139,896	Dist. of Columbia		North Dakota	\$126,875
43	Montana	\$136,177	Maine		Montana	\$126,131
44	West Virginia	\$136,000	Montana		West Virginia	\$126,000
45	Kansas	\$135,905	New Hampshire		Kentucky	\$124,620
46	Oregon	\$135,688	North Dakota		Oregon	\$124,468
47	Kentucky	\$135,504	Rhode Island		Idaho	\$124,000
48	Idaho	\$135,000	South Dakota		South Dakota	\$123,024
49	South Dakota	\$131,713	Vermont		Maine	\$121,472
50	New Mexico	\$131,174	West Virginia		Kansas	\$120,037
51	Maine	\$129,626	Wyoming		New Mexico	\$118,384

Notes:

This survey can be obtained from the website of the National Center for State Courts. Some information is out of date. For example, the survey says that the 2016 salaries of the Georgia Supreme Court justices and Court of Appeals judges are \$167,210 and \$166,186, respectively, but those were the 2015 salaries. Also, the survey seems to understate the salaries of New York judges. See footnote 87.

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*John  
Cory*



*For Gowen  
219*

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W. ASBURY STEMBRIDGE  
CORDELE, GEORGIA 31014

STATE COMMISSION ON COMPENSATION

December 8, 1971

*NA  
FILE*

TO: Governor Jimmy Carter  
Lieutenant Governor Lester Maddox  
Speaker of the House of Representatives, George L. Smith  
Clerk of the House of Representatives, Glenn W. Ellard  
Secretary of the Senate, Hamilton McWhorter  
Legislative Counsel, Frank Edwards  
Chief Justice of the Supreme Court, Bond Almand  
Chief Judge of the Court of Appeals, John Sammon Bell

Gentlemen:

Supplementing our formal report to you of this date, which includes our formal recommendations, the State Commission on Compensation wishes to make the following observation and informal suggestion to each of you.

It is hoped that this suggestion will be implemented by the introduction of legislation in the General Assembly and, of course, enactment into law.

With reference to the Judges of the Superior Courts of the State, it is the consensus of the Commission that the State itself should reimburse each Superior Court Judge for secretarial expenses actually incurred by him, up to a maximum of \$6,000 per year.

We would have included this in our formal recommendation, but we were advised by an opinion from the Attorney General that such a recommendation should not be included in our report, but might be made by a separate recommendation.

Very truly yours,

STATE COMMISSION ON COMPENSATION

By: *Char. L. Gowen*  
Charles L. Gowen, Chairman

By: *Alex McLennan*  
Alex McLennan, Vice Chairman

By: *Robert J. Lipshutz*  
Robert J. Lipshutz, Secretary

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STATE COMMISSION ON COMPENSATION

December 8, 1971

TO: Governor Jimmy Carter  
Lieutenant Governor Lester Maddox  
Speaker of the House of Representatives, George L. Smith  
Clerk of the House of Representatives, Glenn W. Ellard  
Secretary of the Senate, Hamilton McWhorter  
Legislative Counsel, Frank Edwards  
Chief Justice of the Supreme Court, Bond Almand  
Chief Judge of the Court of Appeals, John Sammon Bell

Gentlemen:

The State Commission on Compensation has now completed its study pursuant to Section 5 of the Georgia Laws 1971, pp. 103-105.

The Commission does herewith file its report with each of you as required by Section 6 of said Law.

The Commission does hereby recommend, with reference to each of the following State Officers:

- (a) That all changes recommended herein become effective on July 1, 1972.
- (b) That all contingent expense allowances and subsistence allowance now authorized be terminated with the exception of the Secretary of State and the Adjutant General. As to the Secretary of State, we recommend that the contingent expense allowance for that office be terminated when the present incumbent is no longer in office.
- (c) That all allowances for longevity in office be terminated.
- (d) That the annual compensation be:
  - (1) Governor - \$ 50,000  
plus present mansion allowance
  - (2) Lieutenant Governor - \$ 25,000  
plus the same per diem expense allowance as authorized for each member of the General Assembly.

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STATE COMMISSION ON COMPENSATION

Page 2

December 8, 1971

(3) Adjutant General	-	Same
method of determining compensation as under the present law, including that portion paid by the Federal Government, and including all allowances now authorized		
(4) Commissioner of Agriculture	-	\$ 30,000
(5) Attorney General	-	\$ 37,500
(6) State Auditor	-	\$ 32,500
(7) Comptroller General	-	\$ 30,000
(8) Director of Corrections	-	\$ 30,000
(9) Director of Game and Fish Commission	-	\$ 25,000
(10) Director of State Highway Department	-	\$ 30,000
(11) Commissioner of Labor plus all additional compensation paid by the Federal Government	-	\$ 22,000
(12) Each member of the Board of Pardons and Paroles	-	\$ 12,500
Each member of the Board of Probation	-	\$ 12,500
Total for each member	-	\$ 25,000
(13) Director of Probation	-	\$ 22,500
(14) Director of State Parks	-	\$ 22,500

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STATE COMMISSION ON COMPENSATION

Page 3

December 8, 1971

(15) Director of Public Safety	-	\$ 30,000
(16) Each member of the Public Service Commission	-	\$ 32,500
(17) State Revenue Commissioner	-	\$ 30,000
(18) State Superintendent of Schools	-	\$ 32,500
(19) Secretary of State (plus the presently authorized contingent expense allowance of \$3600 per annum; provided, however, that this allowance be terminated when the present incumbent is no longer in office)	-	\$ 30,000
(20) Supervisor of Purchases	-	\$ 25,000
(21) State Treasurer	-	\$ 22,500
(22) Director of Veterans Services plus all additional compensation paid by the Federal Government	-	\$ 22,600
(23) Each Justice of the Supreme Court	-	\$ 40,000
(24) Each Judge of the Court of Appeals	-	\$ 39,500
(25) Each Judge of the Superior Court (plus such county supplements as may now be or are hereafter fixed by law; provided, however, that no Act shall be passed or continued in force authorizing county supplement which, together	-	\$ 26,800



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CORDELE, GEORGIA 31015

STATE COMMISSION ON COMPENSATION

with the salary received from the State, shall exceed the sum of \$39,000 per year, and to the extent of such excess said Act shall be ineffective)

- (26) District Attorneys - \$ 24,800  
(plus such county supplements as may now be or are hereafter fixed by law; provided, however, that no Act shall be passed or continued in force authorizing county supplement which, together with the salary received from the State, shall exceed the sum of \$39,000 per year, and to the extent of such excess said Act shall be ineffective).
- (27) Each member of the General Assembly - \$ 6,600  
plus a per diem allowance of \$35.00 in lieu of the present per diem allowance of \$25.00, for each day on which the General Assembly is in session.
- (28) Speaker of the House - \$ 18,400  
plus the compensation and per diem allowance paid to him as a member of the General Assembly.
- (29) President Pro Tem of the Senate - \$ 3,400  
plus compensation and per diem allowance paid to him as a member of the General Assembly.
- (30) Speaker Pro Tem of the House - \$ 3,400  
plus compensation and per diem allowance paid to him as a member of the General Assembly
- (31) Secretary of the Senate - \$ 17,500

## COMMISSIONERS

CHARLES L. GOWEN, CHAIRMAN  
TRUST COMPANY OF GEORGIA BUILDING  
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ALEX MC LENNAN, VICE CHAIRMAN  
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## STATE COMMISSION ON COMPENSATION

Page 5

December 8, 1971

(32) Clerk of the House - \$ 17,500

With reference to the following named Boards, it is recommended that each member of such Board be paid a per diem expense allowance, in lieu of all compensation, of \$35.00 for each day on which he attends a meeting of such Board, within such maximum limitation on the number of meetings held as now prescribed by law, plus additional travel expense as now provided: State Board of Education; State Medical Education Board; Board of Regents; State Board of Corrections; State Personnel Board; Board of Commissioners of the Department of Industry and Trade; State Game and Fish Commission; Veterans Service Board; and State Highway Board.

With reference to any other changes which might be authorized for consideration by this Commission, we do not recommend any changes at this time.

These recommendations are made subject to the effect of the Federal Wage-Price Control Program, and we recommend that these salaries be implemented July 1, 1972, or as soon thereafter as this can be done under State and Federal law.

Very truly yours,

STATE COMMISSION ON COMPENSATION

By: Charles L. Gowen  
Charles L. Gowen, Chairman

By: Alex McLennan  
Alex McLennan, Vice Chairman

By: R. J. Lipshutz  
R. J. Lipshutz, Secretary

Enc.

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STATE COMMISSION ON COMPENSATION

ROBERT J. LIPSHUTZ, SECRETARY

December 10, 1971

TO ALL MEMBERS OF STATE COMMISSION ON COMPENSATION:

For your information I am attaching a typewritten summary of the recommendation which we have now submitted, reflecting the present compensation paid and our proposed compensation.

Briefly, the effect of our recommendation is as follows:

	<u>NOW</u>	<u>PROPOSED</u>	<u>INCREASE</u>
STATE OFFICERS -----	\$ 700,222	\$ 820,432	\$ 120,210
LEGISLATURE -----	\$1,285,200	\$1,848,000	\$ 562,800
LEGISLATIVE LEADERS -----	\$ 42,200	\$ 60,200	\$ 18,000
JUDICIARY AND DISTRICT ATTORNEYS -----	\$3,093,600	\$3,423,100	\$ 329,500
TOTAL -----	<u>\$5,121,222</u>	<u>\$6,151,732</u>	<u>\$1,030,510</u>

*Robert J. Lipshutz*  
ROBERT J. LIPSHUTZ  
Secretary

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STATE COMMISSION ON COMPENSATION

STATE OFFICERS

	<u>NOW</u>	<u>PROPOSED</u>
Governor -----	\$ 42,500	\$ 50,000
Lieutenant Governor -----	\$ 20,000	\$ 25,000
plus per diem -----	None (+)	\$ 1,400
Adjutant General -----	\$ 28,332	\$ 28,332
Commissioner of Agriculture -----	\$ 24,900	\$ 30,000
Attorney General -----	\$ 34,000	\$ 37,500
State Auditor -----	\$ 32,500	\$ 32,500
Comptroller General -----	\$ 22,500	\$ 30,000
Director of Corrections -----	\$ 22,600	\$ 30,000
Director of Game & Fish Commission -----	\$ 21,900	\$ 25,000
Director of State Highway Department -----	\$ 25,800	\$ 30,000
Commissioner of Labor -----	\$ 17,600	\$ 22,000
(plus Federal Compensation)		
(3) Members of Boards of -----)	\$ 22,600	\$ 25,000
Pardons & Paroles and -----)	\$ 22,600	\$ 25,000
of Probation -----)	\$ 22,600	\$ 25,000
Director of Probation -----	\$ 15,600	\$ 22,500
Director of State Parks -----	\$ 20,000	\$ 22,500
Director of Public Safety -----	\$ 24,690	\$ 30,000
(5) Members of Public -----)	\$ 26,500	\$ 32,500
Service Commission -----)	\$ 26,500	\$ 32,500
(-----)	\$ 26,500	\$ 32,500
(-----)	\$ 24,900	\$ 32,500
(-----)	\$ 24,900	\$ 32,500
State Superintendent of Schools -----	\$ 28,000	\$ 32,500
State Revenue Commissioner -----	\$ 25,000	\$ 30,000
Secretary of State -----	\$ 30,100	\$ 33,600
Supervisor of Purchases -----	\$ 22,000	\$ 25,000
State Treasurer -----	\$ 22,500	\$ 22,500
Director of Veterans Services -----	\$ 22,600	\$ 22,600
(plus Federal Compensation)		
<u>TOTAL -----</u>	<u>\$700,222</u>	<u>\$820,432</u>

TOTAL INCREASE:        \$120,210

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STATE COMMISSION ON COMPENSATION

LEGISLATURE

	<u>Per Annum</u> <u>each</u>		<u>Per Annum</u> <u>total</u>	
	<u>Now</u>	- <u>Proposed</u>	<u>Now</u>	- <u>Proposed</u>
Members of the General Assembly (251 total now, 231 total after 1972)				
Salary -----	\$ 4,200	-	\$ 6,600	\$1,054,200 - \$1,524,600
Per Diem Allowance during session (40 days per year) -----	\$ 25	-	\$ 35	\$ 231,000 - \$ 323,400
Total Persons (251 now - 231 after 1972)	<u>TOTAL</u>		<u>\$1,285,200</u>	<u>\$1,848,000</u>

(TOTAL INCREASE OF \$562,800)

(\*) PLUS

	<u>NOW</u>	<u>PROPOSED</u>
Speaker of the House -----	\$ 11,800	\$ 18,400
President Pro-Tem, Senate -----	\$ 2,400	\$ 3,400
Speaker Pro -Tem, House -----	\$ 2,400	\$ 3,400
Secretary of Senate -----	\$ 11,600	\$ 17,500
Clerk of House -----	\$ 14,000	\$ 17,500
<u>TOTAL</u> -----	<u>\$ 42,200</u>	<u>\$ 60,200</u>

(\*) In Addition to compensation as a Member

TOTAL INCREASE OF \$18,000

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STATE COMMISSION ON COMPENSATION

JUDICIARY AND DISTRICT ATTORNEYS

	<u>Per Annum</u> <u>Each</u>	<u>(State's)</u> <u>(portion)</u>	<u>Per Annum</u> <u>Total</u>
	<u>Now</u> - <u>Proposed</u>	<u>(only)</u>	<u>Now</u> - <u>Proposed</u>
Justices of Supreme Court (7)	\$ 32,500 - \$40,000		\$227,500 - \$280,000
Judges of Court of Appeals (9)	\$ 32,500 - \$39,500		\$292,500 - \$355,500
Judges of Superior Courts (67)	\$ 24,800 - \$26,800		\$1,661,600 - \$1,795,600
District Attorneys (40)	\$ 22,800 - \$24,800		\$ 912,000 - \$ 992,000
<u>TOTAL PERSONS - (123)</u>	<u>TOTAL</u> -----		<u>\$3,093,600 - \$3,423,100</u>

TOTAL INCREASE OF: \$329,500.

## COMMISSIONERS

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## STATE COMMISSION ON COMPENSATION

December 4, 1972

TO: Governor Jimmy Carter  
Lieutenant Governor Lester Maddox  
Speaker of the House of Representatives, George L. Smith  
Clerk of the House of Representatives, Glenn W. Ellard  
Secretary of the Senate, Hamilton McWhorter  
Legislative Counsel, Frank Edwards  
Chief Justice of the Supreme Court, Carlton Mobley  
Chief Judge of the Court of Appeals, John Sammon Bell

Gentlemen:

Please be advised that the State Commission on Compensation has now completed its study pursuant to Section 5 of the Georgia Laws 1971, pp. 103-105.

The Commission does herewith file its report with each of you as required by Section 6 of said Law.

The Commission does hereby make the following recommendations:

- (a) These recommendations are made subject to the effect of the Federal Wage-Price Control Program, and we recommend that these salaries be implemented July 1, 1973, or as soon thereafter as this can be done under State and Federal law, in accordance with the opinion of the Attorney General of Georgia (Exhibit A).
- (b) That all contingent expense allowances and subsistence allowances now authorized be terminated, except where specifically set forth hereinafter.
- (c) That all allowances for longevity in office be terminated.
- (d) That the annual compensation be:

(1) Governor	-	\$ 50,000
plus present mansion allowance		

(2) Lieutenant Governor	-	\$ 25,000
plus the same per diem expense allowance as authorized for each member of the General Assembly.		

COMMISSIONERS

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STATE COMMISSION ON COMPENSATION

Page 2

December 4, 1972

(3) Adjutant General method of determining com- pensation as under the present law, including that portion paid by the Federal Government, and including all allowances now authorized	-	same
(4) Commissioner of Agriculture	-	\$ 35,000
(5) Attorney General	-	\$ 40,000
(6) State Auditor	-	\$ 32,500
(7) Comptroller General	-	\$ 35,000
(8) Director of Corrections	-	\$ 32,500
(9) Commissioner of Labor method of determining com- pensation as under the present law, including that portion paid by the Federal Government, and including all allowances now authorized	-	\$ 35,000
(10) Each member of the Board of Pardons and Paroles (in- cluding compensation as a member of the Board of <u>Probation, if applicable</u> )	-	\$ 30,000
(11) Each member of the Public Service Commission	-	\$ 35,000
(12) State Revenue Commissioner	-	\$ 32,500
(13) State Superintendent of Schools	-	\$ 35,000



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## STATE COMMISSION ON COMPENSATION

Page 3

December 4, 1972

(14) Secretary of State	-	\$ 35,000
(15) State Treasurer (if applicable)	-	\$ 22,500
(16) Director of Veterans Services method of determining com- pensation as under the present law, including that portion paid by the Federal Government, and including all allowances now authorized	-	\$ 32,000
(17) Commissioner of Department of Banking and Finance	-	\$ 32,500
(18) Commissioner of Department of Administrative Services	-	\$ 32,500
(19) Each Justice of the Supreme Court	-	\$ 40,000
(20) Each Judge of the Court of Appeals	-	\$ 39,500
(21) Each Judge of the Superior Court (plus such county supplements and travel allowance as may now be provided by Law)	-	\$ 32,500
(22) District Attorneys (plus such county supplements and travel allowance as may now be provided by Law)	-	\$ 28,000
(23) Each member of the General Assembly - (plus a per diem allowance of \$36.00 in lieu of the present per diem allowance of \$25.00, for each day on which the General Assembly is in session).	-	\$ 7,200

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Page 4

December 4, 1972

(24) Speaker of the House	-	\$ 17,800
(plus the compensation and per diem allowance paid to him as a member of the General Assembly)		
(25) President Pro Tem of the Senate	-	\$ 2,800
(plus compensation and per diem allowance paid to him as a member of the General Assembly).		
(26) Speaker Pro Tem of the House	-	\$ 2,800
(plus compensation and per diem allowance paid to him as a member of the General Assembly).		
(27) Secretary of the Senate	-	\$ 17,500
(28) Clerk of the House	-	\$ 17,500

With reference to the following named Boards, it is recommended that each member of such Board be paid a per diem expense allowance, in lieu of all compensation, of \$36.00 for each day on which he attends a meeting of such Board, within such maximum limitation on the number of meetings held as now prescribed by law, plus additional travel expense as now provided: State Board of Education; State Medical Education Board; Board of Regents; State Board of Corrections; State Personnel Board; Board of Commissioners of the Department of Community Development; Board of Natural Resources; Board of Human Resources; Judicial Qualifications Commission; Veterans Service Board; and State Transportation Board.

With reference to any other changes which might be authorized for consideration by this Commission, we do not recommend any changes at this time.

With respect to paragraphs 19, 20, 21, and 22, above, we attach

COMMISSIONERS

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W. ABBURY STEMBRIDGE  
CORDELE, GEORGIA 31015

STATE COMMISSION ON COMPENSATION

Page 5

December 4, 1972

hereto an unofficial opinion of this Commission, marked Exhibit (B).

Very truly yours,

STATE COMMISSION ON COMPENSATION

By: Charles L. Gowen  
Charles L. Gowen, Chairman

By: Alex McLennan  
Alex McLennan, Vice Chairman

By: R. J. Lipshutz  
R. J. Lipshutz, Secretary

EXHIBIT "A"

"This entire Act shall become effective July 1, 1973 unless the provisions of any federal law or the provision of any rules, regulations or orders promulgated or issued pursuant to federal law prevent it from becoming effective on said date. In that event, this entire Act shall become effective as soon after said date as will be permitted by such federal law or such rules, regulations or orders. In the event the entire amount of any increase for one or more of the officials designated herein shall be prevented from becoming effective on said date, any portion thereof which is allowed shall become effective on the above date or as soon as permitted."

Arthur K. Bolton  
Attorney General

August 25, 1972

EXHIBIT "A"

EXHIBIT "B"

The salary recommendations for Justices of the Supreme Court and the Judges of the Court of Appeals and Judges of the Superior Courts were made with the intent of establishing a proper salary level relationship among these various courts and with the knowledge that approximately 45% of the Superior Court Judges receive no local salary supplements. If these recommendations of the Commission are adopted, the Commission recommends that the local salary supplements be adjusted so as not to create again an imbalance between the salaries of the justices and judges of the various courts herein dealt with.

The Commission also recommends a similar reevaluation of supplements received by District Attorneys in the light of the increased salaries recommended for District Attorneys.

EXHIBIT "B"