

Challenges Mount for Texas Business Court as Judges' Salaries Remain Unchanged



Texas's bid to establish a new business court by 2024 faces hurdles as Governor Greg Abbott grapples with hiring judges amidst stagnant salaries.

Compensation Woes for Texas Judges

In a state where judges rank among the lowest paid in the nation, Texas is encountering obstacles in filling the benches of its newly sanctioned business court, set to commence operations in September 2024. Governor Abbott, tasked with appointing 16 judges for this specialized court, confronts the dilemma of attracting experienced candidates willing to accept a meager starting salary of \$140,000.

A Looming Recruitment Challenge

As Texas seeks judges with a decade or more experience in complex civil business litigation, the paltry compensation becomes a major stumbling block. Supreme Court Chief Justice Nathan Hecht expressed concern, emphasizing the unattractiveness of the pay scale for accomplished lawyers capable of handling significant cases.

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National Disparities in Judicial Compensation

While Texas grapples with its salary dilemma, other states like New York and Kansas have opted for increased compensation to lure and retain top-tier judicial talent. However, Texas lawmakers failed to address this issue in the recent legislative session, leaving the starting annual base pay for state court judges unchanged for a decade.

Legislative Efforts and Roadblocks

Efforts to address the salary discrepancy have been sporadic, with Texas increasing base pay for judges only significantly in the last 25 years. A recent bill proposing a 22% pay increase over two years successfully passed in the House but faltered in the Senate. The proposal, championed by Rep. Jeff Leach, aimed to raise the base salary for district court judges to \$155,400 in 2024 and \$172,494 in 2025. However, Senate Committee Chair Sen. Joan Huffman countered with a more modest pay increase, leading to a legislative impasse.

Unique Compensation Structure and Regional Disparities

Texas employs a three-tiered experience-based pay system for its judges, ranging from \$140,000 for newcomers to \$168,000 for those with eight-plus years of service. Concerns about legislators' discomfort with judicial pay raises due to their tied retirement pay have historically hindered salary adjustments. Unlike some states, Texas allows individual counties to provide a salary supplement capped at \$18,000.

Performance Concerns and Legislative Dynamics

Notably, concerns about the performance of judges, particularly regarding bail decisions and docket backlogs post-COVID-19, were cited by Sen. Huffman. However, Supreme Court Chief Justice Hecht disputed these concerns, asserting that clearance rates have returned to pre-pandemic levels. The failed legislative effort aimed to detach lawmakers' retirement pay from judicial salary increases, signaling a shift in addressing these long-standing concerns.

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Looking Ahead

With the next legislative session scheduled for January 2025, the fate of Texas judges' salaries and the success of the new business court hang in the balance. As the Lone Star State endeavors to compete with other jurisdictions in attracting top legal talent, the need for a comprehensive solution to the compensation issue becomes increasingly urgent.

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