



## SUPREME COURT OF DELAWARE

COLLINS J. SEITZ, JR.  
CHIEF JUSTICE

THE RENAISSANCE CENTRE  
405 N. KING STREET, SUITE 505  
WILMINGTON, DELAWARE 19801

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January 8, 2021

### **By Email Only**

Delaware Compensation Commission  
c/o Michael A. Barlow, Esquire, Chair  
Abrams & Bayliss, LLP  
20 Montchanin Road, Suite 200  
Wilmington, DE 19807

Re: *Information about Compensation of the Delaware Judiciary*

Dear Chairman Barlow and other Members of the Delaware Compensation Commission:

Thank you for your service on the Delaware Compensation Commission. Your work is critical as the State of Delaware strives to attract and maintain the best talent for our State. While compensation is only one factor people consider before entering public service, salaries must be high enough to encourage people to enter service and make it a career.

The Judicial Branch understands that these are times of great sacrifice for all. In the spirit of shared sacrifice, the Judicial Branch makes no specific salary requests and offers no salary recommendations for its judges. Although we make no specific request, we wanted to be helpful by providing some salary comparison information to help you make informed and fair decisions about proper compensation of judicial officers.

## INFLATION AND DELAWARE JUDICIAL SALARIES

It is our understanding that the last implemented Compensation Commission report was in 2005. Since that time, the salaries of Delaware’s judicial officers have increased by approximately 10% while inflation has increased by over 29%, and the national average percent change across other states has exceeded 30%.

While our national salary ranking may look reasonable, it is important to note the losses in national ranking over the years. Delaware’s salaries rank as #11 and #16 for Supreme Court Justices (Highest Court) and Superior Court Judges (General Trial Court) respectively in 2020. By contrast, in 2006, Delaware ranked #2 in salaries for both Justices and Superior Court Judges. In other words, Delaware is rather quickly losing ground when compared to other states.

Judicial Salaries	FY 2006	FY 2020	Percent Increase	National Average Percent Change	National Ranking For Salary
			2006-2020		
Chief Justice	\$189,300	\$206,148	8.9%		
Justices	\$179,700	\$197,245	9.8%	30.9%	16 out of 51
Chancellor	\$180,400	\$196,738	9.1%		
Vice-Chancellors	\$169,900	\$185,444	9.1%		
President Judge	\$178,400	\$196,738	10.3%		
Superior Court Judges	\$163,900	\$185,444	13.1%	32.7%	11 out of 51
Superior Court Commissioners	\$100,500	\$115,452	14.9%		
Family Court Chief Judge	\$178,400	\$196,738	10.3%		
Family Court Judges	\$163,900	\$185,444	13.1%		
Family Court Commissioners	\$100,500	\$115,452	14.9%		
CCP Chief Judge	\$178,400	\$194,541	9.0%		
CCP Judges	\$163,900	\$179,066	9.3%		
CCP Commissioners	\$100,500	\$111,516	11.0%		
Chief Magistrate	\$117,700	\$129,816	10.3%		
Magistrates – 3 <sup>rd</sup> term	\$72,400	\$81,507	12.6%		
Magistrates – 2nd term	\$70,100	\$79,101	12.8%		
Magistrates – 1st term	\$67,700	\$76,488	13.0%		
<b>Inflation Rate Increases</b>			<b>29.10%</b>		

## **COMMERCIAL LITIGATION STATES**

We looked at a comparison of judicial salaries from those states that try to compete with Delaware Courts as national and international business centers (“commercial litigation jurisdictions”) – California, Illinois, New York, and Pennsylvania, noting that California and Illinois have the greatest similarity to Delaware. Comparing Delaware salaries with other commercial litigation jurisdictions has been used in the Delaware Compensation Commission process since 2001. Delaware should not be compared to most other state court systems because of its unique role – the Delaware Courts serve as a “model judiciary” across the nation.

While the other Commercial Litigation state salaries have increased an average of 33% since 2006, the State of Delaware judicial salaries (in the tables below) have only increase 9% and 13%.

<b>JUDICIAL SALARIES IN COMMERCIAL LITIGATION STATES</b>			
<b>HIGHEST COURT JUDGES' SALARIES</b>			
<b>State</b>	<b>2006</b>	<b>2020</b>	<b>% Increase</b>
California	\$182,000	\$262,000	44%
Delaware	\$180,000	\$197,000	9%
Florida	\$160,000	\$221,000	38%
Georgia	\$158,000	\$179,000	13%
Illinois	\$177,000	\$246,000	39%
New Jersey	\$159,000	\$209,000	31%
New York	\$151,000	\$233,000	54%
<b>AVERAGE</b>	<b>\$167,000</b>	<b>\$221,000</b>	<b>33%</b>

*Please note that salaries are rounded.*

JUDICIAL SALARIES IN COMMERCIAL LITIGATION STATES			
GENERAL JURISDICTION COURT JUDGES' SALARIES			
State	2006	2020	% Increase
California	\$149,000	\$215,000	44%
Delaware	\$164,000	\$185,000	13%
Florida	\$139,000	\$161,000	16%
Georgia	\$133,000	\$174,000	31%
Illinois	\$143,000	\$213,000	49%
New Jersey	\$141,000	\$189,000	34%
New York	\$137,000	\$211,000	54%
<b>AVERAGE</b>	<b>\$144,000</b>	<b>\$172,000</b>	<b>34%</b>

*Please note that salaries are rounded.*

### **FEDERAL JUDGES' SALARY COMPARISON**

The salaries of federal judges have increased in line with the rate of inflation, while State of Delaware judicial officer positions have increased by less than 15%.

FEDERAL JUDGES SALARIES			
	2006	2020	% Increase
Chief Justice	\$212,100	\$277,700	31%
Associate Justice	\$203,000	\$265,600	31%
Circuit Judge	\$175,100	\$229,500	31%
District Judge	\$165,200	\$216,400	31%
Bankruptcy Judge**	\$151,984	\$199,088	31%
Magistrate Judge***	\$151,984	\$199,088	31%
** Bankruptcy judges' salary is 92% of a district judges' salary.			
***Since 1988, the salary of magistrate judges is determined by the Judicial Conference, of up to 92 percent of the salary of district judges.			

The federal Delaware courts have dramatically smaller caseloads than in Delaware state courts,<sup>1</sup> but the caseloads for both sets of courts have varying degrees of complexity (contracts,

<sup>1</sup> For example, in 2015, the caseload per district court judge was approximately 270 per judge, while the caseload per Superior Court judge was three to four times that (712 per judicial officer if commissioners are included and 882 per judge if only judges are included).

prisoner petitions vs. patent (federal district court) or complex commercial litigation (Superior Court).

## **CONCLUSION**

Once again, we thank the Compensation Commission for its work under difficult circumstances. The Delaware legal industry contributes annually about \$2.6 billion to the Delaware economy. Investing in the people that make this financial contribution happen is an investment in the State's financial future. It also ensures that the State attracts the best talent to allow the Delaware Judiciary can accomplish its essential mission – equal justice for all.

Sincerest regards,

*/s/ Collins J. Seitz, Jr.*  
Chief Justice