



SUPREME COURT OF DELAWARE

COLLINS J. SEITZ, JR.  
CHIEF JUSTICE

THE RENAISSANCE CENTRE  
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November 22, 2024

**By Email Only**

Delaware Compensation Commission c/o  
Michael A. Barlow, Esquire, Chair  
Quinn Emanuel Urquhart & Sullivan  
500 Delaware Avenue, Suite 220  
Wilmington, DE 19801

**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 as a non-partisan Commission is essential for Delaware government to attract and retain talented people in important, and increasingly difficult, roles as public officials. While compensation is only one factor people consider before entering public service, salaries must be substantial enough to encourage highly qualified individuals to leave more lucrative private sector jobs to enter public service and make it a career.

At the Commission's November 14, 2024 meeting, Department of Human Resources Secretary Claire DeMatteis presented financial data reflecting 3-5% annual salary increases over the next four years. As you consider what salary recommendations to make, it is important to compare Delaware's judicial salaries to other jurisdictions around the country. The Commission's

analysis, however, should not end there. We wanted to share some additional information that highlights the Delaware judiciary’s unique place among state courts.

### **The 2021 Compensation Commission Report**

The Delaware Judiciary is grateful for the 2021 Commission’s Report, which recommended judicial salary increases over four years. Those increases were the first recommended increases to be implemented since 2005. Even with those increases, judicial salaries have not kept up with inflation, which has increased nearly 33% over the last 10 years.<sup>1</sup>

The world has also changed since the 2021 Report. Notably, judges around the country, as well as their family members, are subject to increasing public scrutiny, criticism, threats, and physical harm.<sup>2</sup> In Delaware, as but one example, we have seen an unprecedented and sustained high-profile media campaign waged by a disgruntled litigant and his allies attacking former and

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<b>Judicial Salaries</b>	<b>FY 2015</b>	<b>FY 2025</b>	<b>Percent Increase</b>
Chief Justice	\$200,631	\$236,327	17.8%
Justices	\$191,860	\$223,064	16.3%
Chancellor	\$ 191,360	\$222,490	16.3%
Vice-Chancellors	\$180,233	\$211,358	17.3%
President Judge	\$191,360	\$222,490	16.3%
Superior Court Judges	\$180,233	\$211,358	17.3%
Superior Court Commissioners	\$111,275	\$139,532	25.4%
Family Court Chief Judge	\$191,360	\$222,490	16.3%
Family Court Judges	\$180,233	\$211,358	17.3%
Family Court Commissioners	\$111,275	\$139,532	25.4%
CCP Chief Judge	\$189,196	\$216,416	14.4%
CCP Judges	\$173,949	\$198,619	14.2%
CCP Commissioners	\$107,398	\$133,496	24.3%
Chief Magistrate	\$125,427	\$155,847	24.2%
Magistrates – 3 <sup>rd</sup> term	\$77,832	\$90,406	16.2%
Magistrates – 2 <sup>nd</sup> term	\$75,462	\$87,651	16.2%
Magistrates – 1 <sup>st</sup> term	\$72,887	\$84,673	16.2%

<sup>2</sup> The murder of U.S. District Court Judge Esther Salas’s son, Daniel Anderle, at their New Jersey home in 2020, as well as the 2023 murder of Maryland Circuit Court Judge Andrew Wilkinson, who was shot and killed by an angry litigant in the driveway of his home, are two tragic real-life examples.

current Supreme Court and Court of Chancery judicial officers.<sup>3</sup> As a preferred forum for business disputes, Delaware judges have been drawn into both the national and international spotlight. This spotlight adds an increased level of pressure on judicial officers. Unlike any other time in our history, Delaware courts must create security plans for high-profile cases to protect the safety of our courthouses and our judges. It is not an exaggeration to say that being a Delaware judge is hazardous duty. Concerns for our judges' safety and privacy led the General Assembly to adopt the Judicial Privacy Act in 2021.<sup>4</sup> These stark realities make it more difficult to attract highly qualified candidates to fill judicial vacancies.

### **National Reputation**

In its Lawsuit Climate Survey,<sup>5</sup> the U.S. Chamber of Commerce ranked Delaware's courts first by U.S. businesses for fairness and reasonableness. The survey respondents reported that the reputation of the state's courts influenced important business decisions such as where to locate or do business. The Delaware judiciary's stellar reputation has directly contributed to the relatively recent exponential growth in the number of business entities that have chosen Delaware as their place of incorporation.<sup>6</sup> The Delaware legal industry contributes directly or indirectly to more than one-third of the State's budget. No other state could make a similar claim.

Although Delaware's national and international reputation is unparalleled, Delaware's national ranking in judicial salaries has continued to fall over the last ten years. In its latest report reflecting salary information as of July 1, 2024, the National Center for State Courts ranked

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<sup>3</sup> A summary of the history of this attack campaign can be found in an opinion article published in the News Journal on June 9, 2023 found at <https://www.delawareonline.com/story/opinion/columnists/2023/06/09/delaware-court-of-chancery-remains-essential-to-delaware/70281796007/>. One example of the negative commercials that ran on national television can be found at [https://www.youtube.com/watch?v=AhSfUzz\\_qPY](https://www.youtube.com/watch?v=AhSfUzz_qPY).

<sup>4</sup> See 10 *Del. C.* ch. 19. The Judicial Privacy Act was signed into law on September 30, 2021 and became effective one year later.

<sup>5</sup> The most recent survey was issued in 2019.

<sup>6</sup> In 2012, the number of Delaware-registered business entities was 998,554. By the end of calendar year 2023, there were 2.07 million business entities registered in Delaware.

Delaware **18<sup>th</sup>** for salaries of its general jurisdiction trial judges and **23<sup>rd</sup>** for its salaries of its highest court’s judges. In July 2014, Delaware ranked **6<sup>th</sup>** and **8<sup>th</sup>**, respectively.<sup>7</sup> The steady decline in ranking should be reversed to reflect the Delaware Judiciary’s unique and expanding role as the preeminent forum for the resolution of business entity disputes.<sup>8</sup>

### **Comparison to Commercial Litigation States**

Since 2001, in addition to comparing Delaware’s judicial salaries to its mid-Atlantic neighbor states, the Compensation Commission also compared Delaware’s judicial salaries with other commercial litigation jurisdictions, i.e., those jurisdictions that try to compete with Delaware Courts as national and international business centers, such as California, Illinois, Florida, and Georgia. At its meeting on November 14, 2024, several Commission members asked for comparative data on jurisdictions with more recently created business courts or modernized general corporation laws, such as Texas, Nevada, Wyoming, and North Dakota.

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<sup>7</sup> The National Center for State Courts judicial salary tracker can be found at: <https://www.ncsc.org/salarytracker/explore-the-data> and reflects the following:

<b>Year</b>	<b>Del. Rank for General Jurisdiction Judge</b>	<b>Del. Rank for Highest Court Judge</b>
2014	6	8
2015	6	8
2016	7	9
2017	7	8
2018	8	11
2019	10	15
2020	11	16
2021	8	14
2022	12	18
2023	15	22
2024	18	23

<sup>8</sup> It also is worth noting that many of our judges earn little more than a first-year Wilmington law firm associate. Most earn less. See, e.g. [https://www.rlf.com/news/richards-layton-increases-associate-starting-salary/#:~:text=WILMINGTON%2C%20Delaware%20\(April%202022%2C,associates%20to%20%24210%2C000%2C%20effective%20immediately](https://www.rlf.com/news/richards-layton-increases-associate-starting-salary/#:~:text=WILMINGTON%2C%20Delaware%20(April%202022%2C,associates%20to%20%24210%2C000%2C%20effective%20immediately). (announcing that the starting salary of first year associates at Richards Layton & Finger was increased to \$210,000 in April 2024).

Given its status as a “model judiciary,”<sup>9</sup> Delaware cannot be fairly compared to most other state court systems. Nonetheless, the following tables reflect that judiciary salaries of other states have increased by more than 25% on average for their general jurisdiction judges, while Delaware’s has increased only 14%.

JUDICIAL SALARIES IN COMMERCIAL LITIGATION STATES					
GENERAL JURISDICTION JUDGES' SALARIES					
	2014	2024*	Percent Increase	2014 Ranking	2024 Ranking
Illinois	\$ 187,018	\$ 246,099	31.6%	3	1
California	\$ 184,610	\$ 238,479	29.2%	4	3
New York	\$ 174,000	\$ 232,600	33.7%	7	4
Delaware	\$ 180,233	\$ 205,600	14.1%	6	18
New Jersey	\$ 165,000	\$ 204,167	23.7%	10	20
Florida	\$ 146,080	\$ 196,898	34.8%	23	23
Georgia	\$ 155,252	\$ 187,796	21.0%	15	26
Wyoming	\$ 150,000	\$ 171,200	14.1%	18	37
North Dakota	\$ 135,611	\$ 171,113	26.2%	34	38
Nevada	\$ 160,000	\$ 160,000	0.0%	13	45
Texas	\$ 149,000	\$ 154,000	3.4%	20	49
Average	\$ 146,521	\$ 184,366	25.8%	NA	NA

\* FY 2024 Data

\*\* Average of all U.S. states and territories.

Salaries for the highest court judges in other states has increased by more than 27% on average, while Delaware’s has only increased 14%.

<sup>9</sup> In addition to be a model for other states to follow, Delaware also has served as an international model. Israel has invested significant effort into approximating Delaware corporate law. *See* Ido Baum & Dov Solomon, Delaware’s Copycat: Can Delaware Corporate Law Be Emulated?, Harv. L. Sch. Forum on Corp. Governance, found at [https://corpgov.law.harvard.edu/2022/02/09/delawares-copycat-can-delaware-corporate-law-be-emulated/#:~:text=Israel%20has%20invested%20significant%20effort,the%20Delaware%20Court%20of%20Chance ry. \(Feb. 9, 2022\).](https://corpgov.law.harvard.edu/2022/02/09/delawares-copycat-can-delaware-corporate-law-be-emulated/#:~:text=Israel%20has%20invested%20significant%20effort,the%20Delaware%20Court%20of%20Chance ry. (Feb. 9, 2022).)

JUDICIAL SALARIES IN COMMERCIAL LITIGATION STATES					
HIGHEST COURT JUDGES' SALARIES					
	2014	2024*	Percent Increase	2014 Ranking	2024 Ranking
California	\$ 225,342	\$ 291,094	29.2%	1	1
Illinois	\$ 216,542	\$ 284,948	31.6%	2	2
Florida	\$ 162,200	\$ 258,957	59.7%	26	3
New York	\$ 192,500	\$ 257,500	33.8%	7	5
New Jersey	\$ 185,482	\$ 226,292	22.0%	10	17
Delaware	\$ 191,860	\$ 218,684	14.0%	8	23
Georgia	\$ 167,210	\$ 189,112	13.1%	22	37
Wyoming	\$ 165,000	\$ 187,250	13.5%	23	40
North Dakota	\$ 147,996	\$ 186,484	26.0%	35	41
Texas	\$ 168,000	\$ 184,800	10.0%	20	42
Nevada	\$ 170,000	\$ 170,000	0.0%	17	49
Average**	\$ 162,813	\$ 207,249	27.3%	NA	NA

\* FY 2024 Data

\*\* Average of all U.S. states and territories.

### Comparison to Federal Judicial Salaries

Over the past ten years, the salaries of federal judges have increased at a higher rate than those of Delaware state court judges.

FEDERAL JUDGES SALARIES			
	2014	2024	% Increase
Chief Justice	\$258,100	\$312,200	21%
Associate Justice	\$246,800	\$298,500	21%
Circuit Judge	\$213,200	\$257,900	21%
District Judge	\$201,100	\$243,300	21%
Bankruptcy Judge**	\$185,012	\$223,836	21%
Magistrate Judge***	\$185,012	\$223,836	21%
** 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.			

It should be noted that the judges serving the federal District Court in Delaware have dramatically smaller caseloads than our Delaware Superior Court judges,<sup>10</sup> although the level of caseload complexity is comparable.

### **Justice of the Peace Court**

In the 2021 Report, the Commission recommended salary increases for four years for all of Delaware's judicial officers except JP Court Magistrates, who only were recommended for three-year increases. Although the JP Court Magistrates received the benefit of a general salary increase in the fourth year, their exclusion from the 2021 Commission's recommendation without explanation could be perceived negatively as a value judgment on the relative importance of the JP Court Magistrates within Delaware's judicial system.

Our Justice of the Peace Court, like all our Delaware courts, is unrivaled among entry-level courts throughout the country. Unlike other states, our court has statewide jurisdiction over both civil and criminal matters, and exclusive jurisdiction over landlord-tenant matters. And, unlike most states, Delaware's JP Court has 24-hour operations serving the entire state. The Magistrates must be well-versed in both civil and criminal law and resolve hundreds of thousands of cases each year. Yet they are paid at a level that is far below the salaries of court administrative staff.

### **Conclusion**

Delaware should not be satisfied with just keeping pace with other states. Unlike other states, investing in our judiciary is a direct investment in the State's economy. Your favorable recommendation will ensure that Delaware judicial salaries are attractive enough to encourage the

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<sup>10</sup> As one point of comparison, in 2023, the Delaware District Court had a total of 1,651 cases filed with an average caseload of 413 per judge. In the same time period, Delaware Superior Court had 15,321 cases filed with an average caseload of 730 per judge.

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best talent to the bench. It will also ensure that the Judicial Branch fulfills its mission for the citizens of the First State – equal justice for all.

Sincerest regards,

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

cc: Secretary Claire DeMatteis, Department of Human Resources