State of Kansas Judicial Branch

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OVERVIEW

The National Center for State Courts (NCSC) was contracted by the State of Kansas Judicial Branch to conduct a comprehensive review and prepare recommendations of the District Magistrate Judge ("DMJ") compensation. This report is specifically designed to address the base compensation for DMJs and does not include assessment of any other benefits.

The goals of the project were to:

- Review and analyze the job duties of the DMJ position.
- Conduct a market analysis of the compensation for DMJ's.
- Propose appropriate compensation that reflects comparisons to the market and the local business environment.
I. PROCESS

The process used to complete the project included collecting and analyzing survey data, and meeting in person with the management team to discuss the parameters of the project.

To accomplish the objectives of this project, the NCSC reviewed the statute for DMJ job responsibilities in the State of Kansas and other states to compare similar DMJ positions in other jurisdictions.
II. REVIEW PROCESS

Based upon the information collected in person and gleaned from state statute, recommendations for base compensation are made herein. The job description is written in statute. Therefore, no modifications to job responsibilities are suggested. Please note structural changes to the job descriptions in the future may change compensation recommendations.

A variety of factors were reviewed to determine the DMJ base compensation, including docket type, minimum requirements, form of case review, election/retention status, and education/experience background of incumbents. The Kansas Judicial Branch requested NCSC review compensation data from a minimum of five other states. While each state system may have different overall nuances, states were chosen for being similar to the State of Kansas in more than one respect. Eleven states were reviewed in all; however only ten states’ compensation data were used in the compensation recommendations below. The following elements from each state system were reviewed.

**Docket Types** – In Kansas, the DMJ position is considered a general jurisdiction position and supports the district judge or provides coverage to entire docket types for a district, depending on the split of responsibility between the district judge and DMJ(s). The variety of work allowed for a broader comparison to a variety of DMJ positions for the purpose of setting compensation.

States studied have responsibility for general jurisdiction caseloads that are equivalent to the judicial officer for whom which the Magistrate provides docket coverage. Some states studied have civil jurisdictional limits for up to $10K-$12K.

**Minimum Requirements** – The Kansas DMJ requires a high school diploma or equivalent and incumbents must be certified by the Supreme Court in accordance with K.S.A 20-337.
The Magistrate position was reviewed for the type of education and experience requirements from state to state. Six out of the ten states studied require a juris doctorate.

**Appointment Type** – Approximately 50% of DMJs are elected and 50% are retained by voters. Therefore, this data point allowed for the use of both retained and elected DMJ comparisons for compensation setting purposes.

**Form of Appeals** – Depending on a variety of factors, the DMJ's decisions may be appealed to a district judge, and in some instances, law-trained DMJ's decisions may be appealed directly to the appellate court. Therefore, the appeal of a DMJ's decision varies throughout the states. The form of appeal is a factor used as comparison for compensation setting purposes.

One of the ten states studied allow for the Magistrates' decisions to be appealed directly to the Supreme Court. The remainder of the states require the appeal be reviewed by the judicial officer who would regularly hear the case covered by the Magistrate.
III. SPECIAL CONSIDERATION

Varying Caseloads

A common concern in addressing Magistrate pay is the varying workload from one jurisdiction to another. Often it is difficult to justify a compensation increase in jurisdictions where the DMJ appears to have less than a full-time caseload. However, failure to consider market value for any position is out of keeping with Kansas Judicial Branch practice and is particularly unfair for those DMJ’s who carry a full caseload.

An alternative solution to equitably apply market salary to positions and alleviate the overpayment to those DMJ’s who don’t carry a full caseload is to apply a weighted caseload formula to each county throughout the state. The theory behind weighted caseload studies is that each case takes an average amount of time, based on the case type. This provides the court with a workload value for each county that equates to a percentage of Magistrate FTE needed to handle the work of the county. For example, if a county has a need for a .65 FTE, a Magistrate would be appointed as a .65FTE and the compensation of the Magistrate would be prorated to 65% of a fulltime salary.

Other states have undertaken a similar but different methodology, such as the State of South Carolina, which addresses the variance in caseload among counties by reducing compensation. Below is a summary of how South Carolina has calculated the percentage of pay, based on population.

<table>
<thead>
<tr>
<th>South Carolina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each magistrate in this State must be paid as follows by the county which he serves:</td>
</tr>
<tr>
<td>Upon appointment salary is seventy-five percent of the base salary for his/her county's population category:</td>
</tr>
<tr>
<td>(a) For counties with a population of 150,000 or more, the base salary is 55% of a circuit court judge ($137K, at 55% $75,350, at 75% starting salary $56,513)</td>
</tr>
</tbody>
</table>
(b) For counties with a population of 50,000-149,000, the base salary is 50% of a circuit judge ($137k, at 50% $68,500, at 75% starting salary $51,375)

(c) For counties with a population of less than 50,000, according to the latest official United States Decennial Census, the base salary is 40% percent of a circuit court judge's ($137,000 at 40% $54,800, at 75% starting salary $41,100).

- Upon completion of certain statutory requirements, the pay is adjusted to 80% of the base salary for his county's population category as described above.
- Upon completion of 2nd year in office, pay is adjusted to 85% of base salary for his county's population category as described above.
- Upon completion of 3rd year in office, pay is adjusted to 90% of base salary for his county's population category as described above.
- Upon completion of 4th year in office, pay is adjusted to 100% of base salary for his county's population category as described above.

Implementation of a weighted caseload study or percentage of pay based on county population size such as in South Carolina can be challenging, particularly when counties that are overstuffed. However, implementation of a prorated model is financially prudent and creates greater equity throughout the state.
V. PAY DATA

Pay recommendations in this study are made using several sources of data. The State of Kansas DMJ job function is similar in its complexity and span of control to Magistrate judges (or Commissioners in some states) found in the market.

The study the NCSC conducted in 2016 included other municipal data points. The decision was made to exclude the municipal data points in the 2018 study in order to compare more like positions. For instance, significant differences exist between the DMJ and municipal judicial officers including the manner of appointment to the position, the types of matters heard, and the appellate process that is allowed after judicial decisions are rendered. For these reasons, the decision was made to exclude municipal data.

Pay data from the following jurisdictions were used in this study:

State of Alaska Judiciary
State of Colorado Judiciary
State of Idaho Judiciary
State of Iowa Judiciary
State of Maryland Judiciary
State of Missouri Judiciary
State of Pennsylvania Judiciary
State of South Dakota Judiciary
State of West Virginia Judiciary
State of Wyoming Judiciary

South Carolina was studied as well and appears in Section IV Special Considerations in this report as supplemental information regarding a method for determining how Magistrate FTE could be distributed throughout the state. Therefore, the ten states above were used for compensation comparison; however, 11 total states were studied in all.

Bank Rate Cost of Living Calculator, a third-party economic equalizer was used to adjust compensation where the State of Kansas economy is higher or lower in comparison to other states’ economies. Therefore, data from other states were adjusted to account for the differences in the economy in comparison to the State of Kansas.
Data was reviewed in several different ways. To start, the average salary of all ten states was calculated. The average midpoint or actual salary of all states in this study is $103,850 annually, which equates to a 38% increase needed to be competitive with the market.

<table>
<thead>
<tr>
<th>Average Salary for All States Studied</th>
<th>$103,850</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas Magistrate - Current</td>
<td>$64,556</td>
</tr>
<tr>
<td>Percentage Difference</td>
<td>38%</td>
</tr>
</tbody>
</table>

However, further consideration of factors driving compensation is recommended. A considerable difference in salary exists in states where no Juris Doctorate is required for entry into the Magistrate/Commissioner position. The data suggest the mandatory requirement of a Juris Doctorate is one of the largest drivers of compensation in the Magistrate job class. States that require a Juris Doctorate compensate approximately 24% higher on average than those states that require less education than a Juris Doctorate.

A significant reason for the salary difference is the marketable education a Juris Doctor provides applicants in the workplace. Therefore, states that require a Juris Doctorate must pay more to be a more attractive employer to those who possess a Juris Doctorate.

For these reasons, data from states where a Juris Doctorate is not required is recommended for purposes of this study since Kansas does not require a Juris Doctorate to become a Magistrate. The recommended salary for DMJs is $89,561, or a 28% increase.

<table>
<thead>
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<th>Recommended Magistrate Salary</th>
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<tr>
<td>Average Magistrate Sal Req. HS/GED or Bachelors</td>
<td>$89,561</td>
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<tr>
<td>Kansas Magistrate Current</td>
<td>$64,556</td>
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<td>Percentage Increase Needed</td>
<td>28%</td>
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Conclusion

Without a structural change to the requirement of a Juris Doctorate, the data suggest that the increase for the current DMJ position is 28%.

NCSC also recommends that the Kansas Judicial Branch explore a weighted case load model, allocation of FTE based on population size or other method for redistribution of resources. The ability to calculate the average case load and time value maybe valuable to future decisions based on the DMJ's compensation and work load distribution.