

**A COLLABORATIVE EFFORT OF ALL THREE BRANCHES OF STATE
GOVERNMENT LED TO A NEWLY ENACTED COMPENSATION SYSTEM THAT IS
RIGHT FOR PENNSYLVANIA**

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In a world that often suffers from the pressures of superficial political correctness and popular opinion, it takes extraordinary people to do what makes sense and, ultimately, is right. In the judiciary, we strive to insulate ourselves from these pressures in the search for justice and the rendering of legal decisions based upon reason and the rule of law. Earlier this month, when faced with such pressures regarding the enactment of a new compensation plan for the elected and appointed officials of all three branches of government in Pennsylvania, the Governor and the men and women of the General Assembly demonstrated thoughtful and reasoned calm in crafting a new salary system for all three branches of state government that will serve the Commonwealth well in years to come.

Governor Rendell and the members of the Legislature have been roundly criticized for this new compensation system. I believe that denigration of these fine individuals and the salary plan is unfair, superficial, and shortsighted, for the new plan is as much about creating a means of attracting the most qualified individuals to state service as it was a short-term means of increasing salaries. The compensation plan passed by the Legislature and signed by the Governor was not only necessary, it was reasonable and responsible, as it better positions our Commonwealth to address significant, future challenges by helping to ensure that our best and brightest are willing and able to serve.

It goes without saying that pay raises for government officials are rarely popular with the public and some in the media -- and never acceptable to others. There is never a good time to raise salaries.

The undeniable truth, however, is that adequate salaries for public officials are essential to good government; constitute money well spent; and are imperative in attracting and retaining the highly qualified, truly dedicated public servants who make our democracy work. It was these concerns that were the driving force behind the compensation reform.

Specifically, salary increases for the men and women serving in the judicial branch were desperately needed. Judicial salaries in Pennsylvania had deteriorated to the point that a newly graduated law school student was making as much in private legal practice as an experienced trial judge -- certainly no way to attract or retain the best and brightest to serve in our courts. Similarly, judicial compensation had declined significantly over the last decade relative to judicial salaries in other states. This, in part, was due to the roughly ten-year "ebb and flow" cycle of the prior compensation process in which the legislative and executive branches reconsidered salaries at what inevitably became

crisis points. That is, with respect to the judicial branch, after valued jurists had either left state service or were known to be considering other employment options, including work in private practice, academia, or a position on the federal bench.

Recognizing the significance of the problem and the need for a solution, I came to believe that linking state judicial salaries to those of federal judges made considerable sense. Properly structured, such coupling would recognize the similarity in responsibilities between state judges and their federal counterparts and would make state judges' remuneration commensurate with our federal brethren. On the "front" side of the equation, this linkage would go far in attracting superior candidates to the judiciary just as it would help to retain judges who had begun to consider alternative career options. Perhaps most importantly, such a plan would take politics out of the pay raise issue forever.

This concept of linked compensation had the potential to remedy similar ills plaguing the judiciary's sister branches of government. Consequently, these branches took this seed of an idea, and for nearly a year studied the proposal's across-the-board effects. Their independent conclusion was that a comprehensive compensation plan tied to the pay scales of comparable federal officials was a reasonable solution to a daunting problem of recruiting and retaining capable public officials.

For those who are unaware, the new plan simply links salaries of state officials to those of their federal counterparts, thus at once ensuring their fair compensation by eliminating the ten-year cyclical ebb and flow of salaries and the nearly perpetual political distraction that salary bills have always encountered. Salaries are now pegged to appropriate federal officials -- legislators at 50 or 55% of members of Congress, judges at levels one step below the comparative federal counterpart, and so forth. Frankly, those who believe that officials in the sixth largest state in the union are not worth those equivalencies are in my view unlikely to ever be persuaded of the need to adequately pay those in the public sector.

Ultimately, it was the Governor and the leaders in the Legislature -- knowing full well the adverse public reaction and political risk that they would incur -- who had the foresight and fortitude to withstand the pressure to continue "politics as usual" by enacting a plan that provides a rational solution to a significant problem. Rather than castigating these men and women for their actions, I am convinced that they should be applauded for taking the high road on a difficult issue. It sometimes takes courage (or maybe extraordinary courage) to do what is right.