

P.S. 2A: 1-1. et seq.
LEGISLATIVE FACT SHEET

OR

A.J.R.S. *2000-1-1 et seq. (Amendment)*
(*1965* Amendment)

LAWS OF 1965

CHAPTER 74

SENATE 2

~~ASSEMBLY~~

INTRODUCED *Jan. 2, 1965*

BY *Parley*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO

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SENATE, No. 2

STATE OF NEW JERSEY

INTRODUCED JANUARY 12, 1965

By Senator FARLEY

Referred to Committee on Judiciary

AN ACT concerning the salaries and retirement of certain judges, including pensions to certain of their widows, amending sections 2A:1-1, 2A:2-1, 2A:3-17 of the New Jersey Statutes; amending "An act concerning the salaries of certain judges of county district courts, and supplementing chapter 6 of Title 2A of the New Jersey Statutes," approved January 25, 1956 (P. L. 1955, c. 273) and repealing sections 2 and 3 of said act; supplementing chapter 4 of Title 2A of the New Jersey Statutes; repealing "An act concerning judges and supplementing subtitle 1 of Title 2A of the New Jersey Statutes," approved May 29, 1959 (P. L. 1959, c. 48); amending and supplementing "An act concerning the retirement and death of certain judicial officers and payments to be made as a result thereof," approved September 13, 1948 (P. L. 1948, c. 391); and supplementing "A supplement to 'An act concerning the retirement and death of certain judicial officers and payments to be made as a result thereof,' approved September 13, 1948 (P. L. 1948, c. 391)," approved January 23, 1964 (P. L. 1963, c. 183), and "A supplement to 'An act concerning the retirement and death of certain judicial officers and payments to be made as a result thereof,' approved September 13, 1948 (P. L. 1948, c. 391)," approved July 3, 1964 (P. L. 1964, c. 135).

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
 2 *Jersey:*

1 1. Section 2A:1-1 of the New Jersey Statutes is amended to read as
 2 follows:

3 2A:1-1. The Chief Justice of the Supreme Court shall receive an an-
 4 nual salary of **[\$25,000.00]** *\$34,000.00*. Each associate justice of the Supreme
 5 Court shall receive an annual salary of **[\$24,000.00]** *\$33,000.00*.

1 2. Section 2A:2-1 of the New Jersey Statutes is amended to read as
 2 follows:

3 2A:2-1. The Superior Court shall consist of 52 judges. Each judge
 4 shall receive an annual salary of **[\$20,000.00]** *\$30,000.00*.

1 3. Section 2A:3-17 of the New Jersey Statutes is amended to read as
 2 follows:

3 2A:3-17. The annual salary of each judge of a County Court **[of any**
 4 county in which the Governor may appoint more than one judge of the
 5 County Court**]** shall be **[\$22,000.00]** *\$30,000.00*.

1 4. Section 1 of P. L. 1955, chapter 273 is amended to read as follows:

2 1. Notwithstanding the provisions of any other law to the contrary, each
 3 judge of a county district court who is required by law to devote his entire
 4 time to his judicial duties and is prohibited from practice of law, shall re-
 5 ceive an annual salary of **[\$16,000.00]** *\$22,000.00*.

1 5. Sections 2 and 3 of P. L. 1955, chapter 273 are repealed.

1 6. Notwithstanding the provisions of any other law to the contrary, each
 2 judge of the juvenile and domestic relations court of any county who is re-
 3 quired by law to devote his entire time to his judicial duties and is pro-
 4 hibited from practice of law shall be paid an annual salary by the board of
 5 chosen freeholders in the amount of \$26,000.00.

1 7. P. L. 1959, chapter 48 is repealed.

1 8. Section 1 of P. L. 1948, chapter 391 is amended to read as follows:

2 1. Any Chief Justice of the new Supreme Court, any associate justice of
 3 the new Supreme Court, or any judge of the Superior Court who (a) shall

4 have served at least 10 years in the aggregate in one or more of the judicial
5 offices of Chancellor, Chief Justice of the old Supreme Court, associate justice
6 of the old Supreme Court, judge of the circuit court, Vice-Chancellor, judge
7 of the court of errors and appeals, judge of the court of common pleas,
8 Chief Justice of the new Supreme Court, associate justice of the new Supreme
9 Court, or judge of the Superior Court, and (b) shall be retired upon attain-
10 ing the age of 70 years under the provisions of Art. VI, Sec. VI, Par. 3, of
11 the Constitution of 1947, shall be paid thereafter an annual pension during
12 the remainder of his natural life in an amount equal to $\frac{3}{4}$ of the annual
13 salary received by him at the time of his retirement, *which pension shall be*
14 *composed of (a) a noncontributory pension in the amount provided by law*
15 *immediately prior to the effective date of this amendment, and (b) a con-*
16 *tributory pension in such amount as is necessary to make up the balance of*
17 *the $\frac{3}{4}$ of his annual salary. For this contributory pension such justice or*
18 *judge shall have deducted from his salary for the use of the State 10% of*
19 *the difference between the annual salary paid to the holder of his judicial*
20 *office prior to the effective date of this amendment and his current annual*
21 *salary, which deduction shall be mandatory and nonrefundable and shall be*
22 *deducted from all salary payments made to such justices and judges sub-*
23 *sequent to the effective date of this amendment.*

1 9. Any Chief Justice or associate justice of the new Supreme Court or
2 judge of the Superior Court, who hereafter retires under the provisions of
3 P. L. 1963, chapter 183, as amended by P. L. 1964, chapter 216, or of P. L.
4 1964, chapter 135, shall receive the same pension payments as if his retire-
5 ment were made pursuant to section 1 of P. L. 1948, chapter 391, as amended
6 by this act.

1 10. A Chief Justice of the new Supreme Court, associate justice of the
2 new Supreme Court, or judge of the Superior Court who has heretofore
3 retired or who hereafter shall retire under the provisions of P. L. 1948,
4 chapter 391, or any amendment or supplement thereof, including this act,
5 P. L. 1963, chapter 183, as amended by P. L. 1964, chapter 216, and P. L.

6 1964, chapter 135, shall not, while receiving a pension pursuant to such act,
7 its amendment or supplement, engage in the practice of law before any of
8 the courts of this State.

1 11. This act shall not increase the pension of any Chief Justice, justice or
2 judge who has heretofore retired or the pension of any widow of a Chief
3 Justice, justice or judge who has heretofore retired or died.

1 12. This act shall take effect immediately.

STATEMENT

Judicial salaries in New Jersey have lagged behind and are now far below those of the Federal Courts, and of the neighboring States of New York and Pennsylvania.

Historically State judicial offices in New Jersey were financially more attractive than comparable Federal judicial offices. In 1926 when judges of the circuit court in New Jersey received \$16,000.00 and judges of the court of chancery and former Supreme Court received \$18,000.00, the judges of the United States District Court were paid \$10,000.00 and the judges of the United States Court of Appeals were paid \$12,500.00. In 1948, when the judges of the Superior Court in New Jersey received \$20,000.00, and justices of the New Jersey Supreme Court \$24,000.00, the judges of the Federal District Court received \$15,000.00 and the judges of the Federal Court of Appeals received \$17,500.00. In 1955 the Federal salaries were increased by \$7,500.00 and \$8,000.00 respectively, while in 1959 the New Jersey salaries were increased by only \$2,000.00. Effective July 1, 1964 the salaries of United States District Court judges were raised to \$30,000.00 and the salaries of United States Court of Appeals judges to \$33,000.00, while judicial salaries in New Jersey remained unchanged. Moreover, it should be noted that Federal judges may retire on full salary, for which pension they make no contribution, whereas Supreme and Superior Court judges have only a noncontributory pension frozen at $\frac{3}{4}$ of 1948 salary levels.

Judicial salaries in the neighboring States of New York and Pennsylvania have kept pace with the increases in Federal judicial salaries whereas New Jer-

sey has not. Currently in New York the chief judge of its court of appeals receives a salary of \$45,000.00 and the associate judges \$42,500.00, its intermediate appellate court justices receive from \$34,500.00 to \$39,000.00, and the trial judges of its Supreme Court (comparable to the trial division of the New Jersey Superior Court) are paid salaries ranging from \$29,000.00 to \$34,500.00. In Pennsylvania the Chief Justice of its Supreme Court receives a salary of \$33,000.00 and associate justices receive \$32,500.00; judges of its intermediate appellate court are paid from \$30,500.00 to \$31,000.00 and judges of its trial courts of general jurisdiction from \$21,500.00 to \$27,500.00.

Since 1948 judicial salaries in New Jersey not only have failed to increase along with the increase in judicial salaries in comparable jurisdictions, but they have failed to increase as rapidly as has the cost of living and other State salaries. For example since 1948 salaries of Supreme Court justices have increased only 8% and Superior Court salaries only 10%, while the salaries of cabinet officers and other top State officials and employees have increased by from 30% to as much as 100%. It is also generally recognized that judicial salaries in New Jersey have failed to keep pace with the increased earnings of the better practicing attorneys from whose number judicial appointments should be made. Many successful lawyers who are worthy of judicial office have had to eliminate themselves from consideration for appointment to the bench since in fairness to their families they could not accept the loss of earnings a judicial career would entail.

The New Jersey judicial system has established an enviable reputation among the citizens of this State and throughout the United States. The public demands and is entitled to the highest quality of justice administered impartially and with dispatch. This demand cannot be met unless the lawyers, best qualified by ability, learning and experience for judicial service, are attracted to the bench. As a rule those who accept judicial office do not do so for financial gain, and some are in a position to accept judicial office at a substantial financial sacrifice, but when the financial penalty becomes too great, as it has today in New Jersey, many of those who are best suited for judicial office are

compelled to decline it. Inadequate judicial salaries are poor economy for they necessarily can only guarantee a poor quality of justice.

In the circumstances it is necessary and desirable that the salary scale established for the Federal judiciary be accepted as appropriate in a metropolitan State such as New Jersey.

Accordingly this bill provides: (a) an increase in the salary of the Chief Justice from \$27,000.00 as at present to \$34,000.00 and the salaries of associate justices of the Supreme Court from \$26,000.00 to \$33,000.00, thereby equating these positions with those of judges of the United States Court of Appeals; (b) an increase in the salaries of judges of the Superior and County Courts, both courts of general jurisdiction, from the present \$22,000.00 to \$30,000.00, thereby making them comparable to the judges of the United States District Court; (c) increases in the salaries of the judges of the courts of limited jurisdiction from \$22,000.00 to \$26,000.00 for the juvenile and domestic relations courts and from \$18,000.00 to \$22,000.00 for the county district courts.

The bill also increases the pension of Supreme and Superior Court judges so that they may retire at $\frac{3}{4}$ of their salary at the time of retirement instead of at $\frac{3}{4}$ of their 1948 salary as at present. This increase is accomplished by adding a contributory pension for which the judges will have deducted from all future salary payments 10% of the difference between their present salary and their salary as fixed by this bill. Such deductions are made mandatory and are not refundable to a judge under any circumstances. Comparable increases are provided for in the pensions for judges' widows, which are likewise presently fixed at 1948 levels. The pensions of judges of the County Courts, the juvenile and domestic relations courts, and the county district courts, which are now based on a percentage of present salaries, will automatically increase proportionate to the salary increases provided for them.

SENATE COMMITTEE AMENDMENTS TO
SENATE, No. 2
STATE OF NEW JERSEY

ADOPTED MAY 10, 1965

Amend page 1, title, line 2, after "widows," insert "the salaries of certain court officers, making an appropriation therefor,"; after "2A:1-1", insert "2A:1-2"; after "2A:2-1," insert "2A:2-3,"; after "2A:3-17", insert "and 2A:12-1".

Amend page 2, section 1, line 4, delete "\$34,000.00", and insert in lieu thereof "\$32,000.00".

Amend page 2, section 1, line 5, delete "\$33,000.00", and insert in lieu thereof "\$31,000.00".

Amend page 2, section 2, line 4, delete "\$30,000.00", and insert in lieu thereof "\$27,000.00".

Amend page 2, section 3, line 5, delete "\$30,000.00", and insert in lieu thereof "\$27,000.00".

Amend page 2, section 4, line 5, delete "\$22,000.00", and insert in lieu thereof "\$25,000.00. Each judge of a county district court who is now serving on a part-time basis shall receive an increase of \$4,000.00 in the annual salary now payable to such judge."

Amend page 2, section 6, line 5, delete "\$26,000.00", and insert in lieu thereof "\$25,000.00".

Amend page 4, section 12, line 1, delete this section in its entirety and insert in lieu thereof the following new sections:

"12. Section 2A:1-2 of the New Jersey Statutes is amended to read as follows:

"2A:1-2. The Clerk of the Supreme Court shall hold office for 5 years and

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shall receive an annual salary of ~~[\$12,000.00]~~ \$15,000.00, payable in equal ~~[semimonthly]~~ *biweekly* installments by the State Treasurer, which shall be in full compensation for all services.

“13. Section 2A:2-3 of the New Jersey Statutes is amended to read as follows:

“2A:2-3. Every person who shall be appointed Clerk of the Superior Court shall hold office for 5 years and shall receive an annual salary of ~~[\$14,000.00]~~ \$17,000.00, payable in equal ~~[semimonthly]~~ *biweekly* installments by the State Treasurer, which shall be in full compensation for all services and in lieu of all fees and emoluments whatsoever.

“14. Section 2A:12-1 of the New Jersey Statutes is amended to read as follows:

“2A:12-1. There shall be a State office to be known as the administrative office of the courts with an administrative director appointed by the Chief Justice of the Supreme Court pursuant to Article VI, Section 7, paragraph 1, of the Constitution, as the head thereof. The administrative director shall be, and shall have been for not less than 3 years immediately prior to his appointment, a bona fide resident of this State. The compensation of the director shall be fixed by the Chief Justice at a rate not exceeding ~~[\$17,000.00]~~ \$20,000.00 per annum. The director shall cause a seal of office to be made in such design as the Chief Justice shall approve and judicial notice shall be taken of the seal.

“15. The increases in salary provided for in this act for the judges of the several county, county district and juvenile and domestic relations courts shall be payable from county funds, by the treasurers of the respective counties, in the same manner as the salaries of such judges are now paid; provided, however, that 40% of the cost of the salary increases provided for in this act for such judges which may be paid by June 30, 1966 to said judges in any county by reasons of the provisions of this act shall be refunded to said county by the State Treasurer on warrants of the Director of the Division of Budget and Accounting in the Department of the Treasury on vouchers certified or approved by the county treasurer and the administrative director of the courts. Any county

may make emergency appropriations to cover the cost of salaries provided for in this act pursuant to the provisions set forth in section 40A :4-46 of the New Jersey Statutes and any such appropriations shall be deemed to meet the standards which are set forth therein for emergency appropriations.

“16. There is hereby appropriated from the General Treasury for the fiscal period ending June 30, 1966, the sum of \$520,000.00 or so much thereof as may be required to implement and carry out the provisions of this act.

“17. This act shall take effect July 1, 1965.”.

CHAPTER 74 LAWS OF N. J. 1965
APPROVED 6-1-65

[OFFICIAL COPY REPRINT]

SENATE, No. 2

STATE OF NEW JERSEY

INTRODUCED JANUARY 12, 1965

By Senator FARLEY

Referred to Committee on Judiciary

AN ACT concerning the salaries and retirement of certain judges, including pensions to certain of their widows, **the salaries of certain court officers, making an appropriation therefor,** amending sections 2A:1-1, **2A:1-2,** 2A:2-1, **2A:2-3,** 2A:3-17 **and 2A:12-1** of the New Jersey Statutes; amending "An act concerning the salaries of certain judges of county district courts, and supplementing chapter 6 of Title 2A of the New Jersey Statutes," approved January 25, 1956 (P. L. 1955, c. 273) and repealing sections 2 and 3 of said act; supplementing chapter 4 of Title 2A of the New Jersey Statutes; repealing "An act concerning judges and supplementing subtitle 1 of Title 2A of the New Jersey Statutes," approved May 29, 1959 (P. L. 1959, c. 48); amending and supplementing "An act concerning the retirement and death of certain judicial officers and payments to be made as a result thereof," approved September 13, 1948 (P. L. 1948, c. 391); and supplementing "A supplement to 'An act concerning the retirement and death of certain judicial officers and payments to be made as a result thereof,' approved September 13, 1948 (P. L. 1948, c. 391)," approved January 23, 1964 (P. L. 1963, c. 183), and "A supplement to 'An act concerning the retirement and death of certain judicial officers and payments to be made as a result thereof,' approved September 13, 1948 (P. L. 1948, c. 391)," approved July 3, 1964 (P. L. 1964, c. 135).

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2 *Jersey:*

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2 follows:

3 2A:1-1. The Chief Justice of the Supreme Court shall receive an an-
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5 tice of the Supreme Court shall receive an annual salary of **[\$24,000.00]**
6 ***[\$33,000.00]*** *\$31,000.00*.

1 2. Section 2A:2-1 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:2-1. The Superior Court shall consist of 52 judges. Each judge
4 shall receive an annual salary of **[\$20,000.00]** ***[\$30,000.00]*** *\$27,000.00*.

1 3. Section 2A:3-17 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:3-17. The annual salary of each judge of a County Court **[of any**
4 **county in which the Governor may appoint more than one judge of the**
5 **County Court]** shall be **[\$22,000.00]** ***[\$30,000.00]*** *\$27,000.00*.

1 4. Section 1 of P. L. 1955, chapter 273 is amended to read as follows:

2 1. Notwithstanding the provisions of any other law to the contrary, each
3 judge of a county district court who is required by law to devote his entire
4 time to his judicial duties and is prohibited from practice of law, shall re-
5 ceive an annual salary of **[\$16,000.00]** ***[\$22,000.00]*** *\$25,000.00. *Each*
6 *judge of a county district court who is now serving on a part-time basis shall*
7 *receive an increase of \$4,000.00 in the annual salary now payable to such*
8 *judge*.*.

1 5. Sections 2 and 3 of P. L. 1955, chapter 273 are repealed.

1 6. Notwithstanding the provisions of any other law to the contrary, each
2 judge of the juvenile and domestic relations court of any county who is re-
3 quired by law to devote his entire time to his judicial duties and is pro-
4 hibited from practice of law shall be paid an annual salary by the board of
5 chosen freeholders in the amount of ***[\$26,000.00]*** *\$25,000.00*.

1 7. P. L. 1959, chapter 48 is repealed.

1 8. Section 1 of P. L. 1948, chapter 391 is amended to read as follows:

2 1. Any Chief Justice of the new Supreme Court, any associate justice of
3 the new Supreme Court, or any judge of the Superior Court who (a) shall
4 have served at least 10 years in the aggregate in one or more of the judicial
5 offices of Chancellor, Chief Justice of the old Supreme Court, associate justice
6 of the old Supreme Court, judge of the circuit court, Vice-Chancellor, judge
7 of the court of errors and appeals, judge of the court of common pleas,
8 Chief Justice of the new Supreme Court, associate justice of the new Supreme
9 Court, or judge of the Superior Court, and (b) shall be retired upon attain-
10 ing the age of 70 years under the provisions of Art. VI, Sec. VI, Par. 3, of
11 the Constitution of 1947, shall be paid thereafter an annual pension during
12 the remainder of his natural life in an amount equal to $\frac{3}{4}$ of the annual
13 salary received by him at the time of his retirement, *which pension shall be*
14 *composed of (a) a noncontributory pension in the amount provided by law*
15 *immediately prior to the effective date of this amendment, and (b) a con-*
16 *tributory pension in such amount as is necessary to make up the balance of*
17 *the $\frac{3}{4}$ of his annual salary. For this contributory pension such justice or*
18 *judge shall have deducted from his salary for the use of the State 10% of*
19 *the difference between the annual salary paid to the holder of his judicial*
20 *office prior to the effective date of this amendment and his current annual*
21 *salary, which deduction shall be mandatory and nonrefundable and shall be*
22 *deducted from all salary payments made to such justices and judges sub-*
23 *sequent to the effective date of this amendment.*

1 9. Any Chief Justice or associate justice of the new Supreme Court or
2 judge of the Superior Court, who hereafter retires under the provisions of
3 P. L. 1963, chapter 183, as amended by P. L. 1964, chapter 216, or of P. L.
4 1964, chapter 135, shall receive the same pension payments as if his retire-
5 ment were made pursuant to section 1 of P. L. 1948, chapter 391, as amended
6 by this act.

1 10. A Chief Justice of the new Supreme Court, associate justice of the
2 new Supreme Court, or judge of the Superior Court who has heretofore

3 retired or who hereafter shall retire under the provisions of P. L. 1948,
 4 chapter 391, or any amendment or supplement thereof, including this act,
 5 P. L. 1963, chapter 183, as amended by P. L. 1964, chapter 216, and P. L.
 6 1964, chapter 135, shall not, while receiving a pension pursuant to such act,
 7 its amendment or supplement, engage in the practice of law before any of
 8 the courts of this State.

1 11. This act shall not increase the pension of any Chief Justice, justice or
 2 judge who has heretofore retired or the pension of any widow of a Chief
 3 Justice, justice or judge who has heretofore retired or died.

1 ***[12. This act shall take effect immediately.]***

1 *12. Section 2A:1-2 of the New Jersey Statutes is amended to read as
 2 follows:

3 2A:1-2. The Clerk of the Supreme Court shall hold office for 5 years and
 4 shall receive an annual salary of **[\$12,000.00]** \$15,000.00, payable in equal
 5 **[semimonthly]** biweekly installments by the State Treasurer, which shall be
 6 in full compensation for all services.

1 13. Section 2A:2-3 of the New Jersey Statutes is amended to read as
 2 follows:

3 2A:2-3. Every person who shall be appointed Clerk of the Superior
 4 Court shall hold office for 5 years and shall receive an annual salary of
 5 **[\$14,000.00]** \$17,000.00, payable in equal **[semimonthly]** biweekly install-
 6 ments by the State Treasurer, which shall be in full compensation for all
 7 services and in lieu of all fees and emoluments whatsoever.

1 14. Section 2A:12-1 of the New Jersey Statutes is amended to read as
 2 follows:

3 2A:12-1. There shall be a State office to be known as the administrative
 4 office of the courts with an administrative director appointed by the Chief
 5 Justice of the Supreme Court pursuant to Article VI, Section 7, paragraph
 6 1, of the Constitution, as the head thereof. The administrative director shall
 7 be, and shall have been for not less than 3 years immediately prior to his ap-
 8 pointment, a bona fide resident of this State. The compensation of the direc-

9 tor shall be fixed by the Chief Justice at a rate not exceeding **[\$17,000.00]**
10 \$20,000.00 per annum. The director shall cause a seal of office to be made in
11 such design as the Chief Justice shall approve and judicial notice shall be
12 taken of the seal.

1 15. The increases in salary provided for in this act for the judges of the
2 several county, county district and juvenile and domestic relations courts
3 shall be payable from county funds, by the treasurers of the respective coun-
4 ties, in the same manner as the salaries of such judges are now paid; pro-
5 vided, however, that 40% of the cost of the salary increases provided for in
6 this act for such judges which may be paid by June 30, 1966 to said judges in
7 any county by reasons of the provisions of this act shall be refunded to said
8 county by the State Treasurer on warrants of the Director of the Division
9 of Budget and Accounting in the Department of the Treasury on vouchers
10 certified or approved by the county treasurer and the administrative director
11 of the courts. Any county may make emergency appropriations to cover the
12 cost of salaries provided for in this act pursuant to the provisions set forth in
13 section 40A:4-46 of the New Jersey Statutes and any such appropriations
14 shall be deemed to meet the standards which are set forth therein for emer-
15 gency appropriations.

1 16. There is hereby appropriated from the General Treasury for the fis-
2 cal period ending June 30, 1966, the sum of \$520,000.00 or so much thereof as
3 may be required to implement and carry out the provisions of this act.

1 17. This act shall take effect July 1, 1965.*