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Terry English
Herald Times

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Low pay bodes ill for judges

By TERRY ENGLISH

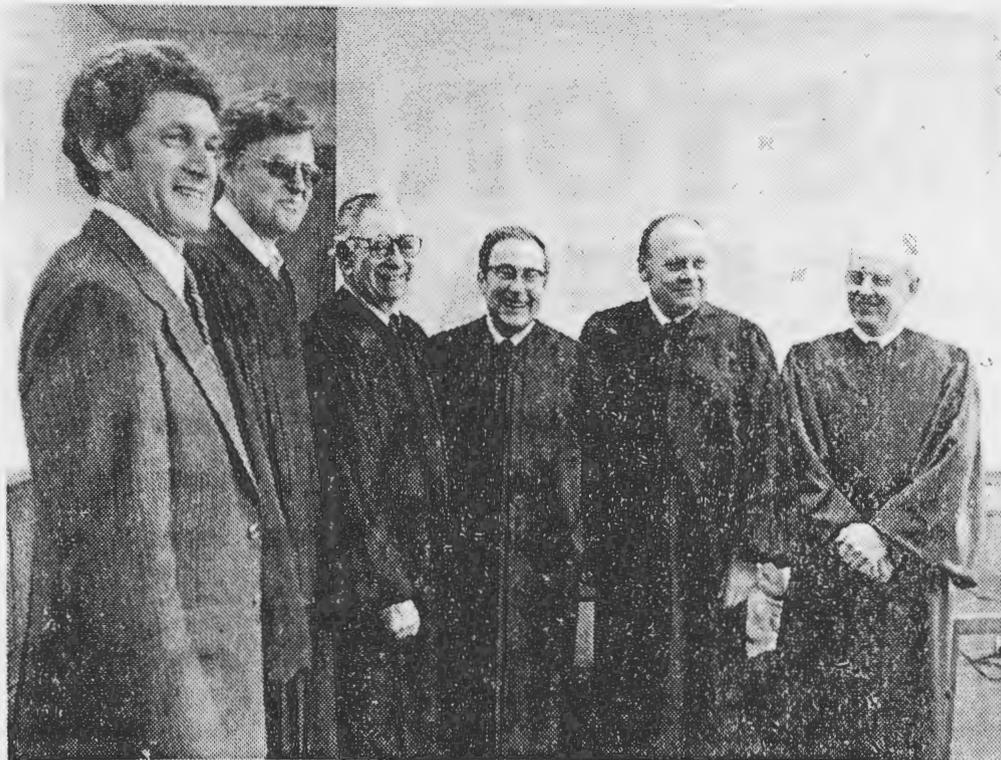
H-T Staff Writer

Richard M. Givan, chief justice of the Indiana Supreme Court, said Thursday the state can't continue to attract qualified candidates for judicial vacancies unless the Indiana General Assembly is willing to make more money available for salaries.

Givan, in Bloomington as part of the annual appearance of the supreme court on the Indiana University campus, said at this point there is no monetary incentive for lawyers to want to become judges. "Indiana ranks 50th out of 50 states insofar as what it pays its judiciary," Givan told the *Herald-Times*. "The judiciary is just not as attractive in this as in neighboring states."

Givan said that unless the level of judicial compensation increases, the quality of those individuals who come to serve on the bench in the future will diminish. He explained that, so far, the system has been able to draw attorneys to the bench who are competent and successful in private practice — but unless salaries go up, the judicial slots may draw primarily those attorneys who can't make a living as private practitioners.

"Fortunately, there are always a few (qualified and competent attorneys) who will go ahead and do the work because they feel it needs to be done," Givan said. "They have



IU News Bureau photo

The Indiana State Supreme Court held a session at the Indiana University Bloomington Law School March 8 to give law students an opportunity to see the court in session and talk with the justices

later. From left are Law School Dean Sheldon Plager, and Justices Donald Hunter, Roger DeBrueler, Richard Givan, Alfred Pivarnik and Dixon Prentice.

a desire to have good government and so they serve on the courts. But I don't know how much longer that will last."

The chief justice said it appears that the legislature will enact at least some form of pay increase. "But I don't know whether it will be enough," he said. "Right now, we're in a

pretty tragic situation insofar as pay is concerned."

At least one measure currently pending before the legislature would increase the salary of supreme court and court of appeals judges to \$54,370 by 1985. Pay of other judges and prosecutors would range from \$31,350 to \$37,450 in

1980 to \$42,076 to \$49,088 in 1985.

Givan noted not only are attorneys being discouraged from applying for judicial vacancies, but also they are shying away from serving in the legislature.

"We're losing lawyers in the legislature," he said. "To the extent that we lose any more than we've lost already, the system will suffer directly."

In the 100-member House this

session, there are 23 attorneys, 29 businessmen, 11 teachers, 12 farmers, nine involved in real estate, three retired and 13 in other occupations.

"It's a problem the bench and bar really need to address themselves to," Givan said.

He said legal input is important, especially at the committee level, and therefore more lawyers are needed in the General Assembly.

Givan said, however, that finances again enter into the picture. "The lawyers simply can't give that much time to it," said Givan, who was himself a legislator 12 years ago. "It's a very expensive hobby for a lawyer."

Givan said that he doesn't feel that those lawyers who do serve in the legislature are interested in the prestige engendered by the job. "The true fact, in my opinion, is that they are just patriotic citizens who feel that they owe something to their state."

Givan, with his former ties to the legislature, said he isn't particularly concerned about cries that the judiciary is imposing on the law-making territory of the General Assembly. He said such accusations are a "perennial" occurrence.

While on campus Tuesday, the supreme court met in the Moot Courtroom of the IU School of Law and heard a case focusing on whether or not the Indiana Court of Appeals has properly established a standard for granting new trials on damages only.