

# Legislative Analysis



## DISTRICT COURT JUDGE COMPENSATION

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### House Bill 5749 (H-1) as reported from committee

Sponsor: Rep. Andrew Fink

Committee: Judiciary

Revised 6-17-22

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 177 of 2022)*

**BRIEF SUMMARY:** House Bill 5749 would amend the Revised Judicature Act to increase the compensation of district court judges to equal that of probate judges, beginning October 1, 2022.

**FISCAL IMPACT:** House Bill 5749 would have a fiscal impact on the state and on local units of government. The fiscal impact would result from increasing the salary of a district court judge to equal the salary paid to a probate judge. The FY 2022-23 costs to the state for a probate court judge will be \$192,684. This amount includes the probate court judge's salary of \$168,752, effective October 1, 2022, and \$23,932 in estimated payroll taxes and retirement costs. The FY 2022-23 costs to the state for a district court judge will be \$190,533. This amount includes the district court judge's salary of \$166,769, effective October 1, 2022, and \$23,764 in estimated payroll taxes and retirement costs. Currently, there are 234.0 district court judges, but in FY 2022-23 there will be 232.0 district court judges. The fiscal impact would be an additional cost of \$495,612 to the state. State costs for salaries of district court judges are funded entirely with state GF/GP revenue.

### **THE APPARENT PROBLEM:**

Currently, the salary of a probate or circuit court judge is \$159,917, and the salary of a district court judge is \$158,027.<sup>1</sup> However, according to committee testimony, caseload studies have found that probate and district judges help one another, often blurring the lines between their designated tasks. Because these judges often have comparable workloads and caseloads, some believe that their pay should be the same.

### **THE CONTENT OF THE BILL:**

District court judges are currently paid a salary that is equal to 84% of the salary of a justice of the Supreme Court as of December 31, 2015. Probate and circuit court judges are paid a salary that is equal to 85% of the salary of a Supreme Court justice as of that date. The statutory salaries of district, probate, and circuit court judges are also adjusted based on any wage increases approved by the Civil Service Commission for nonexclusively represented employees (state workers not eligible for union representation).

The bill would require that the salary of a district court judge equal that of a probate judge, as calculated under the act, beginning October 1, 2022.

MCL 600.8202

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<sup>1</sup> Effective October 1, 2022, these salaries will be increased to \$168,752 and \$166,769, respectively.

***ARGUMENTS:***

***For:***

Supporters of the bill argue that the mere fact that associates' salaries at law firms can be higher than a judge's salary is a problem. Additionally, while district and probate judges may have different assigned duties, the reality of the court system is that these judges often work together to help each other's caseloads and workloads. The different assigned duties are comparable in workload, and an equitable salary should reflect the comparable workloads and caseloads.

***Against:***

Critics of the bill argue that the law is currently written in a way that is not understandable to the general public and that a judge's salary is already too high. These critics argue that the law should be entirely rewritten to be more transparent and that money should be spent to make changes to courtrooms, such as providing to the public unedited recordings of proceedings on DVD for a nominal fee, before increasing any judgeship salary.

***POSITIONS:***

Representatives of the Michigan District Judges Association testified in support of the bill.  
(4-12-22)

The State Court Administrative Office indicated support for the bill. (4-12-22)

Legislative Analyst: Emily S. Smith  
Fiscal Analyst: Robin Risko

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.