

Dallas City Boards and Commissions Agenda Meeting Minutes

The Judicial Nominating Commission meetings are recorded. Agenda materials are available online at www.dallascityhall.com. Recordings may be reviewed/copied by contacting the Judicial Nominating Commission - Coordinator at 214-670-1858.

Meeting Date: January 17, 2019 **Convened:** 6:05p.m. **Adjourned:** 6:55 p.m.

Board members Present:

Joseph William Moore
Andres Correa
Stephanie Champion
Geogory Demus
Andrew Melsheimer
Nicole L. Williams
William Cox III
William R. Weinberg
Mark A. Melton, **Chair**
Judge Preston Robinson - **Ex Officio**
Rodney Patten - **Ex Officio**

Board members Absent:

Victor Lander
Andre Turner
Monica Purdy
Diren Singhe
Jennifer Balido

Staff Present:

Maxime Faye (Coordinator)
Carmel Fritz (Compensation Manager, City of Dallas)

AGENDA:

Call to Order:

Committee Chair Melton called an open session of the Judicial Nominating Commission (JNC) Meeting to order at 6:05 p.m., Thursday, January 17, 2018 at Dallas City Hall, 1500 Marilla - L1EN / Room D, Dallas, TX, 75201. A quorum was present, and attendance documented with each member signing the attendance sheet.

1. Approval of Meeting Minutes:

A motion to approve August 15, 2018 meeting minutes was made.

✓ ***Motion Passed***

2. Vote on Recommendation for Judicial Salary Increases:

- Chair Melton briefed JNC members regarding the discussions from the previous meeting which was held on August 15, 2018, and summarized findings from the research made by Ms. Fritz, Compensation Manager, on behalf of JNC regarding judicial salaries in different cities. The research showed that salaries for Municipal Judges in Dallas have not been revised for a potential raise or cost of living adjustment in the past 13 years. Therefore, when compared to current salary trends, they appear to be at 26% below market. Municipal Judges in cities such as Plano, Austin, and Fort Worth all have higher salaries than Dallas. The disparity shows that both Administrative Judges and Municipal Judges are underpaid when compared to their counterparts in other cities. The number of Judges in Dallas was reduced from 12 to 10 in 2018, which has created nearly \$200,000 in salary savings. If the JNC decides to increase judicial salaries up to the current market average, this would cause salary expenses to go above the \$ 200,000 appropriation for last year, which will require more salary allocation. However, the JNC can only make recommendations, but the Ad Hoc Committee will ultimately have the authority to implement these recommendations or denied them. There is currently a two-tier system wherein Judges with one or two years of experience make approximately \$ 90,000, and \$ 101,000 for Judges with 3 years of tenure or more. Chair Melton suggested that the JNC should review and decide whether to maintain the two-tier system or replace it with only one system.
- Mr. Moore asked whether an increase in judicial salaries would help attract more qualified Judges and retain current talent.
- Judge Robinson stated that the number of Judges was reduced from 12 to 10, meaning that the workload has markedly increased. A salary increase would help both retain and attract talent.
- Ms. Williams asked whether other cities have a two-tier system. Ms. Fritz stated that the research did not provide that information.
- Based on the discussions' consensus, Chair Melton recommended for the JNC members to vote for \$ 126,000 per year for judicial compensation, and \$115,000 for those with less than two years of experience. These changes would cause salary expenses to increase by \$ 50,000 above budget and after utilizing salary savings. He also asked whether any members were opposed to a two-tier system, but they did not.
- Ms. Fritz stated that the City only had a merit system and salaries could only move from midpoint and up to the maximum.

- Mr. Moore stated that he would support a two-tier system because Judges with seniority should earn more.
- After reaching a consensus with JNC members regarding Municipal Judges' salaries, Chair Melton started another discussion regarding salaries for Administrative Judges. The average salary for Administrative Judges in the other cities in the study is \$ 133,131 which would result in a \$ 24,000 increase from the current salary of \$ 109,242. A two-tier system will not be necessary for this position.
- Mr. Correa stated that Chair Melton's recommendations for the Administrative Judge's salary is very well aligned with Fort Worth and Houston.
- Mr. Melsheimer asked for how long has the current Administrative Judge been occupying the position. Judge Robinson stated that he has been the Chief Judge since August 2018. He also offered to recuse himself if the members would prefer so prior to taking a vote on his salary. None of JNC members requested for Judge Robinson to leave the room, and he therefore stayed for the remainder of the meeting.
- Mr. Correa stated that after reviewing the salaries in Houston, he was intrigued about the difference between the Presiding Judge there, and Administrative Judge in Dallas. According to Judge Robinson, the President Judge in Houston is also responsible for the Clerks. Therefore, the Presiding Judge also manages the lead clerk, the President Judge over full-time Judges, and Presiding Judge over Associate Judges and make decision over firing and hiring. This is different from Dallas where the Administrative Judge only manages the dockets and provide mentorship and guidance to other Judges.
- Chair Melton stated that reviewing the responsibilities of the Administrative Judge is on the agenda on court reforms.
- Chair Melton asked if JNC members had more recommendations on the Administrative Judge Salary. He asked whether it should mirror the salary in Fort Worth. However, the danger would be that if Fort Worth is used as a baseline for Administrative Judges salaries, there might also be an argument about matching the Municipal Judges salaries with Fort Worth as well.
- Ms. Fritz recommended to go between the two points (Total Average Salary and Salary in Fort Worth) rather than just matching one them. It is important to decide whether to lead the market or whether to follow. Sometimes it is even best to stay in the middle to give yourself room for growth.
- Chair Melton stated that \$ 140,000 would actually put Dallas in the middle between Plano and Austin.

- Ms. Champion asked what is the JNC's purview in making salary recommendations. Are they required to review the courts budget as well in order to make recommendations for clerks, translators and other staff?
- Chair Melton responded that JNC's mandate is to make recommendations for hiring and for Judicial compensations. Clerks and other court staff fall within the City Manager's purview.
- Judge Robinson asked whether JNC's recommendations on judicial compensation would be retroactive to take into account that the appointments were made last year. Chair Melton agreed that it was a valid point and that it should be included in the recommendations.
- Ms. Williams asked whether the recommendations should also include a half credit for Associate Judges. Chair Melton agreed that Associate Judges should receive half credit.
- Mr. Melsheimer asked for an explanation regarding Judge Robinson's request to make recommendations retroactive. Chair Melton responded that the Judges have been seated since August 1, 2018 based on old paying structure. Therefore, this recommendation would entail adjusting their pay to reflect the salary increase which might result in owing them back-pay as a one-time bonus. Chair Melton added that it would not be fiscally irresponsible to pay the same salary throughout a cycle.
- Ms. Williams asked whether the Associate Judges will be retroactively adjusted as credit is being taken away from some of them. For instance, one of the Judges with a two-year tenure will end up at the lower tier. Ms. Fritz stated that that Judge would still get a salary increase (from \$101,000 to \$115,000). She recommended adjusting it going forward instead of retroactively adjusting the salary because those Judges were previously hired under a different premise.
- Mr. Melsheimer stated that he is opposed to the idea of making the salary recommendations retroactive. He believes that Judges should be well compensated for their work, but there is not a strategic benefit for the City. The benefit for the pay raise is so that in moving forward, it will attract more talent and retain good judges. Chair Melton responded that he disagreed because beyond attracting a better pool of candidate, it is also important to keep in mind the current morale issue at the court. Current Judges are working very long days, some of them doing additional hours at community courts. Moreover, they have been severely underpaid for the past 13 years. In fact, this one-time cost of \$ 112,000 might not constitute a substantial amount given the potential benefits that should result from the decision.

- Mr. Correa asked whether Police and Fire salary increases are typically retroactive. Ms. Fritz responded that they do not operate in such manner, as the pay raises for those departments are systematically done with some of them as a step increase and others by anniversary.
- Chair Melton asked whether a retroactive structure on salary increases has been historically applied in the City. Ms. Fritz stated that this was very common structure that she frequently applied herself.

A motion was made to set the Municipal Judges' salaries (with 1 or 2-years of experience) at \$ 115,000 per year, \$125,000 for Municipal Judges with more than 2-years of experience (starting on their third year), a half-time credit will be given to experienced Associate Judges and \$ 140,000 base salary for the Administrative Judge. All of the salaries will be made retroactive as of August 1st, 2018.

✓ **Motion Passed**

[All JNC members approved the motion except Mr. Melsheimer who opposed]

3. Court Reform and Warrant Forgiveness Program:

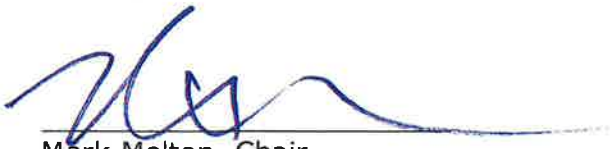
- Chair Melton addressed the Committee to brief them on matters that occurred since the last JNC meeting. According to Mr. Melton, since then, he has visited twice the courts with Judge Robinson and had the opportunity to meet with Clerks and other court employees. A few ideas were developed after the last meeting as they seem easy to implement, and Assistant City Manager Mr. Fortune and Councilmember McGough both seemed to be on board. However, adjustments should be made to the Courts' online portal. Citizens can resolve cases online at the normal rate but will get a discount if they go to the court and meet with an Assistant Prosecutor to make a deal without effort or good reason. Therefore, the recommendation would be to give a discount to citizens who try to resolve their case online within the first 21 days. Then, you must go to the court if you wait past the 21 days. Also, if you go to the court, many citizens opt for deferred adjudication and typically get it. Therefore, it seems that the same result should be available online. A meeting will be scheduled with the IT department to evaluate the feasibility of those recommendations.
- Judge Robinson stated that many changes have already been implemented in the courts. For instance, there are currently 5 Judges in rotation. In the past, two Judges worked in walk-in dockets and ended up without trial experience. Another Judge used to be at the jail and complained about lack of activities. Also, there will be statement next to the officers' names showing if they are inactive. This is important because in certain cases the officer might be

inactive, or no complaint was file against the citizen within 2 years. Therefore, we are no longer giving convictions for cases that we could not take to trial in the first place anyway.

- Chair Melton added that there are currently 720,000 outstanding warrants in Dallas. Also 275 of them are warrants where the officer no longer works for DPD. Judge Robinson stated that they are working on dismissing the cases where officers are no longer active in the interest of justice and reform.

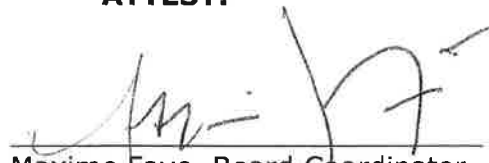
The meeting was adjourned at 6:55 p.m.

APPROVED BY:



Mark Melton, Chair
Judicial Nominating Commission
Dallas City Boards and Commissions

ATTEST:



Maxime Faye, Board Coordinator
Judicial Nominating Commission
Dallas City Boards and Commissions