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To All:

The Virginia Magistrate Association is requesting a pay increase for all in the Department of Magistrate Services with the ability to issue process in the Commonwealth of Virginia. Below is a proposal for pay increases, statewide, based on length of service and includes two (2) differentials:

Step 1: Additional \$1500 for any magistrate >15 years of service (total of \$8000 extra)

Step 2: Additional \$2500 for any magistrate with 10 years of experience (total of \$6500 extra)

Step 3: Additional \$2500 for any magistrate with 5 years of service (total of \$4000 extra)

Step 5: Additional \$1500 for any magistrate with at least 3 years of service

Time and a half differential for Certified Magistrate trainers when performing Certified Magistrate Trainer duties

Time and a half differential differential for Magistrates when working an overnight shift (hours: 10:00pm to 6:00am)

We ask that the above increases become typical at each step. For example a Magistrate who currently has three (3) years of service would receive the addition \$1,500.00. The same

Magistrate when they reached five (5) years of service would receive \$2,500.00 and so on as described above. A Magistrate with 17 years of service would receive the full \$8,000.00 increase. A magistrate with 12 years of service would initial receive the proposed \$6,500.00 and then when/if they reached 15 years would receive an additional \$1,500.00.

The above step increases include Chief Magistrates. This will ensure that Magistrates without regular management/supervisory duties, pursuant to Virginia Code §19.2-36, are not compensated more than their Chief Magistrates who are subject to the same atypical shifts as Magistrates, have daily supervisory/management duties and are subject to work 365/24/7, without notice, and who do not benefit from the additional pay compensation. We do not ask that Chief Magistrates are included in the differential proposals.

Magistrates perform a considerable amount of work on a daily basis and have an important and critical role in the criminal justice system. Virginia Code Section 19.2-45 outlines the Magistrates statutory ability. On an 8 or 10 hour shift a Magistrate could consider probable cause for arrest warrants (for law enforcement and citizens), capias, search warrants, emergency custody orders, and temporary detention orders. A Magistrate can conduct several bond hearings determining whether to detain or release. If a person is released on a bond, the Magistrate must also determine solvency of a surety. A magistrate may have to take cash from a surety, a citizen paying a fine, or money for a seizure or levy, and thus be responsible for a large sum of cash. A part of our job, unseen, is being a resource for the community. Many times we receive inquiries that do not relate to our specific function, but we are able to send the inquirer to the correct agency. Our duties are not confined to the locally provided offices; Magistrates perform hearings in the office, at hospitals, and inside jails and prisons. We also excel at using video conferencing. Many times a Magistrate, alone, is coordinating hearings, simultaneously, that are directly in front of them, petitioners waiting in video locations and remote locations and hearings requested by the jails or local CSB representatives. Workloads have increased across the Commonwealth and Magistrates are conducting more and more hearings. The past, current and future workloads warrant a pay increase across the the Magistrate System.

Next, we are requesting that the above step program is implemented based on length of service for all Magistrates and Chief Magistrates in the Commonwealth of Virginia. Length of service pay increases will assist in retention as many Magistrates leave the system due to low salaries. If magistrates are able to see that there are opportunities for monetary growth, they would be more likely to stay in the system. On January 17, 2019, there were 29 advertised magistrate ads (this is a little more than 7% of magistrates). The large number of vacant ads on January 17, 2019 doesn't reflect additional open positions that were not posted for that week. Low retention rates put a strain on everyone inside the Magistrate system and those outside the Magistrate system.

"My name is Lynn Thompson and I had the privilege of working as a Magistrate in the 20th District from September 2015 to January 2019. I don't think I will ever find a career that is a better fit for me than being a Magistrate. However, when I left earlier this year, I had come to the realization that staying in the Magistrate system was not sustainable for me at this time, although I fiercely wanted it to be...I have never been so sad to leave a job as when I left my Magistrate's office. I loved my work, held my colleagues in the highest esteem, and truly enjoyed serving the

stakeholders in my community. I left because I genuinely felt I may not have any opportunity to grow in my career for years, if at all.” - Lynn Thompson

*“My decision to resign as a magistrate earlier this year was largely for financial reasons, and wasn’t an easy one.”
- Kristi Shalton*

I worked as a Magistrate for almost 5 years, and left the system in 2016. One of the main factors in my deciding to leave was the salary.” - Anonymous

The Magistrate system is competing with other state agencies that offer the same benefits, but larger salaries.

“While I absolutely did not want to leave the Magistrate System, I was offered a position with the Department of Criminal Justice Services making nearly \$16,000 more per year. My position with DCJS is Monday-Friday with weekends and holidays off and I have the potential to advance, another option not afforded to most magistrates without a law degree.” - Kristi Shalton

The careers that former magistrates leave for, do not require the same amount of responsibility as a magistrate nor do they require the type of schedule that being a magistrate demands. Below are some examples of positions that advertise duties that magistrates perform (in some capacity), offer more money, and provide a less demanding schedule:

1. Judicial Law Clerk located in Warren County, Virginia- \$74,262.00: Duties - Legal research and writing; Law clerks prepare memoranda for Judge Athey analyzing and summarizing briefs and case materials on appeal to the Court of Appeals of Virginia including case documents and exhibits, trial transcripts and related documents; Prepare draft court orders for approval; Citation check and quote check appellate briefs and pleadings; Operate oral argument timer and recorder for oral arguments.
 1. This position’s posted job duties are far less than the duties and responsibilities of a magistrate. All magistrates, based on their experience as a magistrate, are qualified/overqualified for this position. The above position requires graduation or imminent graduation from law school, but all magistrates can perform these duties regardless of J.D. status. This position also does not require that a the clerk works nights, evenings, weekends and holidays. The above position is paid \$30,000.00 more than a magistrate and more than many Chief Magistrates.
2. Legal and Administrative Law Clerk located in Warren County, Virginia - \$57,220: Duties - Legal research and writing; Law clerks prepare memoranda for Judge Athey analyzing and summarizing briefs and case materials on appeal to the Court of Appeals of Virginia including case documents and exhibits, trial transcripts and related documents; Prepare draft court orders for approval; Citation check and quote check appellate briefs and pleadings; Operate oral argument timer and recorder for oral arguments. Administrative duties include filing final orders and opinions, making travel arrangements, maintaining office records and files, performing daily administrative tasks associated with supporting the activities of Judge Athey, including but not limited to typing, answering the phone, interfacing with both the public and the Court of Appeals Administrative Staff.
 1. This position’s posted job duties are less than the duties and responsibilities of a magistrate. All magistrates, based on their experience as a magistrate, are qualified/overqualified for this position. The above position requires graduation or imminent graduation from law school, but all magistrates can perform these duties regardless of J.D. status. This position also does not require that a the clerk works nights, evenings,

weekends and holidays. The above position is paid \$10,000.00 - \$15,000.00 more than a magistrate.

3. Legal Assistant - Commonwealth's Attorney's Office located in Hanover County, Virginia - \$33,587.00 - \$45,347.00 : Duties - Prepares, organizes, maintains and indexes all general and litigation files. Drafts routine correspondence, memoranda, motions and pleadings. Provides litigation support and prepares trial notebooks. Reviews pleadings and other correspondence and identifies applicable timelines. Schedules hearings and depositions, including issuance of notices and subpoenas. Conducts legal and factual research and prepares memoranda to attorney summarizing search results. Drafts real estate documents, prepares settlement documents, and handles related disbursements and abatements. Manages law library. Provides general office support services that include scheduling meetings, arranging travel and typing correspondence. Performs other department specific functions as assigned. Provides support services such as scheduling appointments, typing correspondence, arranging meetings, etc. Performs related work as assigned.
 1. The the top part of this salary range is upwards of 5,000.00 more than some magistrates make. The above position does not have to work nights, weekends, rotating, or holiday schedules and are not essential employees. All current magistrates meet the minimum qualifications for this position and can perform all of the duties. Most magistrates would most likely be in the top salary range for this position.
4. Commissioner - State of Maryland - \$52,048: Duties - District Court Commissioners are judicial officers whose primary function includes reviewing Applications for Statement of Charges by the public and police for the filing of criminal charges in the District Court. A Criminal Summons or an Arrest Warrant may be issued based upon a finding of probable cause in the Application for Statement of Charges. A District Court Commissioner performs the following duties, but are not limited to: determining probable cause for charges on police on-view arrests of persons and thereafter determining pre-trial release for those arrested persons and accepting Bail Bond moneys and other forms of surety to secure the release of an incarcerated individual. When the Circuit and District Courts are closed, District Court Commissioners also serve in the capacity of the consideration of civil petitions for interim Peace Orders and interim Protective Orders. District Court Commissioners are often the first impression of the court for the public and for those having business with the court system in Maryland.
5. West Virginia state magistrates - \$57,500.00
6. North Carolina state magistrates - \$ \$39,279-\$59,890

"I could serve in the same position across the state line in North Carolina and make approximately \$10,000 per year more, also live in a beautiful area, and enjoy consistent wage increases. Another way of looking at that is that an entry-level North Carolina magistrate is making \$10,000 more than a Virginia magistrate with several years of experience." - Anonymous

"Other jobs that rivalled my hourly rate of \$20/hour as a Magistrate are listed below: Data Entry Specialist \$17 an hour Pest Control Tech - Field Service Rep (Entry Level) Terminix \$30,000 - \$50,000 a year Entry level gutter installer \$15 - \$18 an hour Crew Leader Car Wash \$14 - \$17 an hour Delivery Driver Papa John's Pizza \$18 an hour" - Amy R. von Kelsch

Magistrates are essential employees and work varied shifts including weekends, holidays, and night shifts. This is vastly different from any other profession in the Virginia Judicial Branch. Magistrates ensure the safety of the public and integrity of the judicial branch during non-typical work hours. Other professions that perform shift work are afforded a differential or some type of extra compensation for working atypical hours, thus we are requesting a differential for when a magistrate works the night shift. We are would also request that magistrates who are qualified certified magistrate trainers receive a differential. Certified magistrate trainers go through a day long training program and are entrusted with training new magistrates. When performing their

duties, certified magistrate trainers are spending extra time completing documentation (daily observation report), communicating more frequently with their chief and are closely monitoring and assisting new magistrates. Their extra duties warrant a pay differential for when they are performing these duties. These differentials can be compensated at time and a half, the same as additional pay compensation. A magistrate can enter their night shift and/or CMT hours in eTime, which then would be approved by their Chief Magistrate. A magistrate would be compensated for only the time worked as a CMT or on night shift, rather than a permanent increase. A time and half differential rather than a percentage increase will account for rotating shifts and allow magistrates to continue to switch shifts as needed.

Virginia Magistrates take pride in their duties, responsibilities and positions. We truly love the job that we perform and perform it diligently and professionally. Magistrates are a vital part of the criminal justice and judicial systems. We would like to be compensated, justly, for our knowledge, loyalty, dedication and time away from our families.

"I believe that Magistrates perform a vital function in the Virginia criminal justice system and that we are absolutely necessary to the proper administration of justice.

Most people likely do not realize exactly what Magistrates do, and I believe that many would be surprised by the breadth of our duties and authority." - William Waller

A great many of us have sacrificed time with our families and friends over the years in performance of our duties and I know money cannot compensate for everything, but it sure helps . - Joseph Payne

I have been a magistrate for 26 years and I have always enjoyed my work and service to the local community and the Commonwealth of Virginia. We are fortunate to have terrific and professional co-workers, supervisory staff and excellent OES staff that have always provided excellent and competent training and advice. Everyone I have worked with in the Magistrate System over the years have been professional, loyal and concerned about the public image of the Judicial System as a whole.

All the magistrates are part of the community and glad to serve but almost every magistrate has had a second job to help make a decent living." - James A. Koblish

I love my job duties and the purpose of the Magistrate's role - that is why I stay. – Anonymous

This system is comprised of hard-working individuals who understand the unique aspects of this job and embrace them. Without a change in compensation, it will continue to lose those people. Lawyers now play a key role in the magistrate system, but without raises or a step system, this job simply cannot compete with other attorney jobs. Because the pay is not competitive for attorney or non-attorney Magistrates, those with institutional knowledge will continue to leave, to the great detriment of the system as a whole. It is my hope that the issues of compensation and advancement can be addressed to allow dedicated people to grow with the Magistrate system, for the benefit of the Magistrates and the citizens of the Commonwealth. – Lynn Thompson

The salary of a Magistrate equivalent to, or less than, that of paralegals at law firms.- Anonymous

I want to make it very clear that I love this job. I love the stories. I love getting to help people. I love providing people with access to justice and good government. I would happily stay in this job for years to come. However, every time I have to train a new person because one of my friends left, every time I work an extra shift or a longer shift to cover an empty spot, every time I consider the possibility that I could be making the exact same salary five or ten years from now while everything else is more expensive I love this job a little less.- Leah Lorenz

Below are accounts from Magistrates and Chief Magistrates out in the field who are affected by the pay structure in the Department of Magistrate Services. Submissions are edited to reflect information that directly summarizes the difficulties faced by the particular magistrate (or former magistrate) and/or their District/Region:

First let me say I respect the work you have done in the past and look forward to what occurs in the future. I have been a magistrate for going on 14 + years 13 years as a magistrate in North Carolina, and going on 2 here in the Commonwealth of Virginia. The same things I experienced in NC, I am seeing here as well in regards to the above listed topics. When I worked in the private sector my supervisor once said to me "You have to pay good money to get good people." and that also is true for retaining those people as well. Magistrates should not have to work second job to support themselves and their families. If magistrates are crucial to the judicial system, then they should be paid as someone who is essential. Who is always there 24/7 come rain or shine, sleet, or snow when the courthouse is closed? : Magistrates. If you want to retain people, having them sign a contract isn't the way make them not want to leave by not only offering decent benefits but a respectable salary as well. A great many of us have sacrificed time with our families and friends over the years in performance of our duties and I know money cannot compensate for everything, but it sure helps. -Regards, Joseph Payne

Working other jobs

Due to the current salary challenges and inadequacies, I also work a second job at night after I leave my daytime magistrate shift. With my law school loans, my past car loan and household responsibilities, I found having a second job often necessary to compensate. This week with my 7 day magistrate rotation (work 7 days straight, then the following week 2 days and the weekend off) and my second job, I will have worked 64 hours. It would certainly be less tiring and stressful, if one job allowed me to meet my financial obligations and objectives. -Anonymous, Region 3

I work three additional at home jobs along with my position in the Department of Magistrate Services.

With my experience (licensed attorney, management experience, prior criminal justice experience, leadership roles), my current salary is not comparable to what I would make at other State agencies or in the private sector. I love my job duties and the purpose of the Magistrate's role - that is why I stay. - Anonymous

Residential difficulties

While nobody enters public service with the expectation of being able to afford a home in a fancy suburb or a gated community, I think that it is important that magistrates are at least able to live in a reasonably safe area. We had one promising new hire in our district quit shortly after completing his training; apparently, having to sneak around his neighbors' marijuana smoke and requests for help in cheating drug screens became too uncomfortable for him, so he found a better opportunity working for the Commonwealth of Kentucky. As for myself, I'm currently in the process of moving out of the apartment I moved into when I first started with the Virginia Magistrate System in 2010. Rent there has increased 22% since then, and that's not even taking into consideration other increases in the cost of living. My salary has increased by slightly less than 8%, by comparison. That's just in nominal terms; in real, inflation-adjusted dollars, I earn about \$4000 less annually than when I started. - Anonymous, Region 1

I am single, and I do not have any dependents. But, I live in constant financial fear. I have a modest house, but I am falling behind on some maintenance projects simply because I cannot afford to tackle those projects. I know that if I suffer a major expense, I could be ruined for months or years. For example, about two years ago, I had a large tree on the edge of my front yard split at its bough during a storm. I had to pay \$2,500 for an emergency removal as the tree threatened to fall on my house at any moment, and that expense crippled my finances for the rest of the entire year. I have two vehicles -- mainly because where I live I am practically required to have a four-wheel drive vehicle. One vehicle is 15 years old and the other is 14 years old, and I am petrified that I could be left with a crippling automobile repair bill at any moment. When I think about my future, all paths seem to lead away from the magistrate system as right now I cannot imagine being able to afford to have children, unless I were to marry someone wealthy. I suspect that given the current trajectory, in 10 years, I would only be making a very small percentage higher wage than I am now dependent solely on statewide raises that are occasionally approved by the General Assembly.- Anonymous

Former Magistrates

My decision to resign as a magistrate earlier this year was largely for financial reasons, and wasn't an easy one. I am a soon-to-be divorced mother of three young children and the ability to live solely on a magistrate's salary became nearly impossible. The job of a magistrate is crucial to the criminal justice system here in the Commonwealth, and the responsibilities and decisions made on a daily basis just do not even come close to being reflected in the salary. Given my family size and income, it seems ridiculous that someone tasked with issuing search warrants and other important legal processes is eligible, financially, for food stamps based on income. Magistrates also work shift-work and are required to work weekends and holidays. I can say from experience, this fact alone makes the pay feel even less. While I absolutely did not want to leave the Magistrate System, I was offered a position with the Department of Criminal Justice Services making nearly \$16,000 more per year. My position with DCJS is Monday-Friday with weekends and holidays off and I have the potential to advance, another option not afforded to most magistrates without a law degree.- Kristi Shalton, Region 4

I am writing to support the compensation reform of Magistrates in Virginia. I am no longer with the Magistrate system because although I loved the job itself, I could not support myself on the meager salary. I was a Magistrate in the 11th District for 2.5 years. My salary at the time I left my position was \$42,500. That is roughly \$20.00/hour. I am an AV-rated Preeminent member of the Bar in California and D.C., but not in Virginia, so I my salary was even less than Magistrates holding a Bar in VA. I hold a BA, a Master's Degree, and a law degree, and was a practicing top-rated attorney in civil litigation for 13 years. I was forced to leave the Magistrate position because I could not pay both my rent and my student loans. The Magistrate salary is woefully not commensurate with the requirements, duties, and experience, and education of the quality of individuals necessary to make the magistrate system a success. The last time I made a salary this low was in 1994, at my very first job out of college in Virginia. I was making \$41,000 as an entry level clerk with only a BA. As a Magistrate, 24 years later, in the same state, with a Master's Degree and a Law Degree, and a decade of courtroom experience, I was making barely more than my entry level position decades earlier. My salary as a Magistrate was so low, my Federal student loans were reduced to the minimum payment applicable. This reduction is 17 years after I graduated law school. Magistrates are put through a rigorous 2 month training program, must pass a Magistrate bar exam and have hundreds of hours of on the job training; Magistrates are tasked with knowing the law, applying the law, and we are the liaison between the judges, police and community. However, failing to pay these professionals properly causes an endless cycle of training, serving for a year or so and then

leaving. \$40,000 is simply not enough money for professionals in any field, let alone law. I would like to see reform in Magistrate compensation, which will in turn lead to a more stable, professional, and credentialed Magistrate system. -Very truly yours, Amy R. von Kelsch

My name is Lynn Thompson and I had the privilege of working as a Magistrate in the 20th District from September 2015 to January 2019. I don't think I will ever find a career that is a better fit for me than being a Magistrate. However, when I left earlier this year, I had come to the realization that staying in the Magistrate system was not sustainable for me at this time, although I fiercely wanted it to be. I have never been so sad to leave a job as when I left my Magistrate's office. I loved my work, held my colleagues in the highest esteem, and truly enjoyed serving the stakeholders in my community. I left because I genuinely felt I may not have any opportunity to grow in my career for years, if at all. As someone with significant ties to Northern Virginia, I considered my opportunities for advancement to be incredibly limited. My salary was also likely to continue to stagnate. While most attorneys receive significant raises after their first few years of work, magistrates received a single 3% cost of living increase in my time there. Because there is no step system or raise system outlined, I could reasonably expect no future compensation increases beyond intermittent cost of living allowances. I ultimately found employment with better pay, some opportunity to grow, and a normal work schedule. However, I would have been overjoyed to stay with the Magistrate system if I felt I could grow with it, and that my compensation might improve over time as well. - Sincerely, Lynn Thompson

I worked as a Magistrate for almost 5 years, and left the system in 2016. One of the main factors in my deciding to leave was the salary. The salary barely allows Magistrates to live comfortably on their own, and it is likely impossible to raise a family solely on the salary of a magistrate. Unlike other people who work nights, weekends and holidays magistrates don't receive any deferential pay or time and a half.

When I left the offices were becoming increasingly busy and the tasks of Magistrates were also increasing, but no additional magistrates were being added. This made it difficult to get time off, and led to burn out. - Anonymous

Affects in the office

My name is Leah Lorenz and I am a Magistrate in the 26th Judicial District assigned to the Winchester City, Frederick County, and Clarke County Office. I have been in my position since December 2015 and in that time, I have trained seven other Magistrates. The high rate of turnover in the system obviously has significant consequences. For six weeks last winter the three full time Magistrates in my office and Magistrates from other offices in the district worked twelve hour shifts to make sure this office stayed open full time. While I did not enjoy the twelve hour shifts at least I was working in my usual office close to home. The Warren/Shenandoah office was closed more often than it was open, so those Magistrates could cover shifts here. Magistrates drove from the Harrisonburg Office an hour and thirty minutes each direction to cover these twelve-hour shifts. These circumstances cause a significant decrease in morale and in turn fuel the turnover rate compounding the problem. My fellow Magistrates and I work this job to the best of our ability without any guarantee that we will ever see a raise. We are not rewarded for a job well done, for length of service, or for certifications achieved. I believe a significant portion of the high turnover rate is due to the low salary and the lack of any guarantee potential for salary increase. The cost of everything will keep going up and our salaries might not. This makes it very difficult to plan for the future and frankly knowing that you are likely to be making less and less money every year when adjusted for inflation is incredibly disheartening. Please feel free to contact me about any of the issues I have discussed or any other concerns you have about the Magistrate system. My personal phone number is

805-400-7946 and I would be very happy to take your call. -Magistrate Leah Lorenz , 26th Judicial District

I am writing in response to your inquiry with regard to problems that magistrates experience as a result of the inadequate compensation that we receive. I have been in my position as a magistrate since November of 2014. I took a substantial pay cut in order to take this job, as a means of staying closer to home with my family. Since I have been here, at least 12 people in the Winchester and Warren County offices have resigned or have given notice and are scheduled to leave within the next few months due to the inadequate pay that magistrates receive. During that time, these two offices have been fully staffed for a period of only about 3 months. Because it is not possible for my family to live on my income, my husband has been forced to increase the workload in his own business, causing him to work 15-18 hour days. I would therefore urge you to address the root of the problem associated with this high turnover, that being the inadequate pay currently being offered to magistrates. This and this alone will solve the problem of high turnover due to job dissatisfaction and the inability to fill vacancies with qualified applicants. –

Anonymous

As Chief Magistrate, recruiting new magistrates is one of my duties. Retention and applications are low.

Recently, an advertisement for two positions in my District was posted and less than a total of 15 applications were received. On average 2-4, magistrates resign a year and move on to higher paying positions. A district being short-staffed leads to added strain on the Magistrates and Chief Magistrates (who then have to work more Magistrate shifts in addition to performing Chief duties), less coverage in the offices, and longer wait times for the public and law enforcement. Low pay is the main cause for the above cited problem. A low applicant pool is further diminished as the recruitment process progresses due to low salaries. Many applicants, after completing the lengthy approval process, have turned down positions after getting their offer letter that determines the pay. Most cite that pay is too low especially when they would be subject to work nights, evenings, weekends, and holidays. A Department of Juvenile Justice counselor declined an offer due to the low pay even though it was higher than what she cited on her application. Interviewees have declined going further in the process, at the interview, once they are notified of the pay range. Several applicants have declined to go forward in the recruitment process, when sent an invitation to interview, once they learn of the pay range. In 2017, in my District we had to obtain approval to go to 12 hours shifts because we were severely short staffed. We stayed on this schedule for nine months. This was very taxing on the magistrates in the District and morale was at an ultimate low.

This is just one example of a Magistrate's unseen duties, responsibilities and expectations. Many magistrates leave the system, again, citing pay as the reason. One former magistrate is now with DCJS, making over \$10,000.00 more than what she was making as a magistrate and has a "9-5", no weekends or holidays or night shift schedule. Another former magistrate is working for the Department of Professional Occupational Regulation agency, making more money and with a "regular" schedule. We now find that we are competing with other Commonwealth of Virginia agencies, who offer more money, a "normal" schedule and the same benefits (VRS, leave, medical insurance, etc.) as the Department of Magistrate Services. It is nearly impossible to compete with these other agencies with the low pay and 365/24/7 schedules. The low salaries in addition to the lack of hope for future pay increases are a struggle. Many veteran magistrates are making less than the newer magistrates. A magistrate left the System citing that in addition to the low salary and schedule, the magistrate did not want to "end up like the seasoned magistrates who make less and train new magistrates making more money." The lack of regular performance based or time of service based pay increases are realized by the magistrates and many have taken this into consideration when ultimately deciding to leave the Magistrate System. I hope that this summary will assist management in visualizing the on-the-ground struggle for magistrates and Chief

magistrates. I support VMAs request for a length of time served based pay increase for Virginia Magistrates. - Avnel Coates, Chief Magistrate 16th District, Region 4

The problem is turnover. This district is supposed to have 15 full-time office magistrates (not including the chief magistrate). In the past 6 ½ years that I have been employed as a magistrate, 15 magistrates have left our district, and we are about to lose two more in the near future. The turnover rate for our district during that time, then, has been 113%. Of these 17 magistrates, two have retired, four have transferred to other offices, and eleven have left to take other jobs outside the magistrate system. Why did the eleven leave? Of course there are a number of reasons, but the one common denominator for all of them is that they have left for higher-paying jobs. The attorneys working in the magistrate system are the lowest paid state attorneys in Virginia. I have 26 years' experience as a practicing attorney, and now, with an additional 6 ½ years as a magistrate, I am earning less than most first- year associates in private practice in the Commonwealth. Magistrates are the judicial first-responders for the Commonwealth. Like police, fire-fighters and emergency medical teams, we are on duty 24/7 to handle emergencies and every other legal matter that cannot wait for the courthouse doors to open. We work hand-in-glove with these other first-responders, and we all are integral parts of the same emergency response system. And what affects one part of the system affects all parts of the system. When Virginia State Police staffing reached a critically low level several years ago, the chief response was to increase employee compensation. The same solution should be applied to the magistrate staff retention crisis. Ultimately, the under-compensation of magistrates is a public safety issue. 3 May 2019.-Thomas A. Howell, Magistrate, 26th Judicial District

Various

Many Magistrates are living paycheck-to-paycheck. In my case, I have a law degree, with exorbitant student loans to pay off, but the salary that I make does not adequately reflect either of those realities. I also have to scrounge for overtime whenever an unexpected expense comes up. There is tremendous turnover in the system and difficulty finding new candidates, and both of those issues are rooted in the pay. Magistrates do important work for the Commonwealth. We work in a fast-paced environment, making decisions on criminal charges and conditions of release that impact the lives of many citizens. Without the reward of an adequate starting salary and/or raises over time, Magistrates lose hope and find other work with more robust compensation. . There are less than 500 Magistrate positions in the whole Commonwealth; adding to each of their salaries would solve a wealth of problems here in the Magistrate system. - Anonymous

My name is William Waller, and I am a Magistrate in the 20th Judicial District. I have been a Magistrate for approximately 4.5 years and I truly enjoy the work that I do. I believe that Magistrates perform a vital function in the Virginia criminal justice system and that we are absolutely necessary to the proper administration of justice. I believe that this disparity of pay, as well as the lack of opportunity for advancement, has greatly contributed to the personnel shortages that we have experienced for a number of years. Occasionally I will look on the Judicial Branch Recruitment Register, and it is not uncommon for there to be upwards of 10 listings for Magistrate positions. There are only about 400 Magistrate positions throughout the Commonwealth and I would guess that, over the last 8-10 years, the Magistrate System has had at least 400 new hires with as many or more having left the System. My office in particular, a 24-hour office in a fairly busy locality, only had 6 Magistrate positions until recently [we finally got a 7th position a couple months ago, which we are trying to fill] and we were down to only 3 Magistrates for the office plus the Chief Magistrate. It is impossible to run a 24-hour office effectively

with only 4 people. Even with 6 Magistrates, it is difficult to run a 24-hour office. We have been forced to work 12 hour days every day just to be able to have full coverage and nobody has been able to use any leave for over 3 months because of how short-staffed we are. The major reason for turnover, from what I have personally seen, is the sub-par pay of the Magistrate System with no idea if/when pay will go up.

The salary is low, there are no steps for increase in salary, there is no cost-of-living pay increase each year, and there is no real hope that pay will increase any time soon. Personally, I took this job because I wanted to play a part in our criminal justice system that did not involve criminal defense work [I am a licensed attorney]. Additionally, I plan to work for some governmental agency for at least another 6 years due to the availability of the Public Service Loan Forgiveness Program [PSLF]. If it were not for PSLF, I likely would have looked at leaving after about a year or two of being a Magistrate, even though I have always enjoyed the job and found the work fulfilling. I would have looked at leaving for the sole reason that we are not paid enough for what we do and I have only stayed because, after 10 years, my student loans will be forgiven. My wife is unable to work much because we can't afford childcare and instead must rely on family members, if they are available, to watch our children if we are both working. My office has had so much turnover that I have been able to work a large amount of overtime over the last few years. All of this overtime, I have been able to make upwards of \$70,000/year. On this increased pay, due to overtime, I have been able to keep my family afloat, but I hardly get to spend any time with my wife or children because I am constantly working overtime just to make ends meet. When my office finally becomes fully staffed and the availability of overtime becomes limited we'll be back to living paycheck to paycheck. That is not a problem that a Judicial Officer should have. At my stated salary, I am barely able to provide for my family and I had to buy a home about an hour away from where I work because I could not even hope of finding something that I could afford in my locality. I work in Loudoun County, which has increased pay due to the high cost of living, but there is no way I could ever dream of buying a home in this county on my current salary. The only place we could afford to buy was about an hour away. I want to say again that I love my job and I respect my superiors, but I cannot believe that we are all working for such a small salary. It would be one thing to start at about \$50,000 and then have pay raises for different certifications as well as for length of service, but for pay to stay at that level for a seemingly indefinite amount of time is unacceptable. Magistrates are Judicial Officers that are tasked with all of the upfront heavy lifting in the criminal justice system and working 24/7/365, and yet many of us struggle to make ends meet. That should simply not be the case. The only way to fix the retention problem that the Magistrate System has is to increase pay by a significant amount. With that done, this job will become a viable career for people and Magistrates will stay for decades. With that type of retention, the System would turn out better Magistrates due to the wealth of knowledge that would be present in any given office throughout the Commonwealth. - William Waller

The opening paragraphs of the Magistrate Manual assert the following: "The office of magistrate is probably more important today than it has been at any other time since the creation of the magistrate system. The turnover rate is costly to taxpayers and has in the recent past turned our 8 hour shifts, temporarily, into 12 hour shifts. My salary is approximately \$3000 per year more than when I began in 2005. We need a tangible reward, not another certificate or plaque. – Anonymous

I want to preface what I write by stating, unambiguously, that I love being a magistrate. It is one of the most interesting and rewarding jobs around and I consider myself lucky to have found my way into this field. With that said, I graduated from Emory Law in December 2017 with a substantial amount of student loan debt and even making minimum payments to my private lender (as I don't make enough to have to pay anything to my Federal lender), I am literally left with \$300 at the end of the month -- not per paycheck, but end of the month. And, with rising gas prices, much of this sum has been spent on travel to

and from work. Given this lack of net income, I had considered that I would still be living with my parents for the foreseeable future and it is only because my girlfriend obtained a higher paying job that we were able to finally afford to move out. But even with her extra income, my contributions only allow us to subsist. I do not mind living frugally, of course, but I would like to be able to not worry about how we'll pay for an unexpected car repair or if one of us gets really sick. I worry about these things a lot and it would do wonders for my peace of mind, not to mention my on-the-job effectiveness, to not have to think about these unfortunate potentialities. And it's because of these things that, despite loving what I do, I simply cannot see myself here in the long term. As a young professional I want to build a life and a career but, unfortunately, the magistrate position only currently offers the opportunity to do one of those things. Please consider our requests so that I, and the hundreds of other magistrates like me, can live and work with dignity. – Anonymous

I am grateful that the Virginia Magistrates Association has requested input from magistrates. I have been a magistrate since June 10, 2016 and thoroughly enjoy every day in the office. This is the most interesting job I have ever had. I take the responsibilities and authority of my position seriously. I have observed more turnover than I ever expected in this department. While I know each situation is different and each magistrate may depart their position for different reasons, I often hear compensation and hours as the primary motivator for resigning. We work in an office that serves every hour of the day, every day of the year. Our work hours can be quite taxing, taking time away from family and friends on holidays, weekends and nights. However, there are many positions in the workforce that mandate the same. Those positions are typically compensated for working such shifts by way of shift/weekend differential and additional pay rates for holidays. Turnover affects all of us who remain in the magistrate system. I see my chief spend much of her time interviewing and training new magistrates. These resources could be spent doing tasks to move forward the magistrate system instead of dealing with the continuous turnover cycle. When someone resigns, our schedules change, we are required to travel to other offices to cover vacant shifts and assist in observing and training new magistrates. Certified magistrate trainers are relied on for the last task, but do not receive any additional compensation for the certification or the additional responsibilities that come with the certification. I traveled to northern Virginia and had to secure a hotel to attend the training in order to ascertain I would arrive on time and avoid the relentless northern Virginia morning rush hour. We were told on the day of training the only expense we would be reimbursed for was mileage. We had to pay for our own lunch. While lunch wasn't costly, it was disappointing and discouraging that we weren't better supported to obtain this certification. This is not the procedure that is followed in other classes I have taken through the magistrate system. In order to adequately pay bills and own/maintain a home, I have to work three part time jobs in addition to my full time job as a magistrate. I teach as an adjunct at the local community college, I substitute teach and also officiate high school and all-star cheerleading. While I am fortunate to have these extra opportunities and to own a home as a single person, I would like to have these jobs as an option and not a necessity. My passion for this work is why I am attached to my position as a magistrate. I have a fantastic chief and regional supervisor. I believe that the hours and level of responsibility we are expected to fulfill as part of our job merits an adequate salary so that magistrates can plan and save for retirement and live a lifestyle with less worry over finances. I believe with better salary ranges, along with graduated increases in pay rewarding loyalty and work performance would significantly reduce turnover in the magistrate system and attract quality applicants who will want to exhibit the same loyalty I have for the Virginia Magistrate System. -Thank you, Carrie Hodges

I have been a full-time Magistrate for the 26th Judicial District since 1997. I have a Bachelor of Science Degree and have earned designation as a Certified Court Manager and a Certified Court Executive from

the National Center for State Courts. When I started in the Magistrate System, I had two small children at home. Child care was difficult and expensive because of the odd nature of our schedules. Everyone in the office, including myself, had a second job just to help make ends meet. Providing for the children was paycheck to paycheck. Saving for their college education was not possible. Currently, the only car we own from this century is a 2007 van with over 225,000 miles. Otherwise, our cars are from the late 1990's. A study of financial hardship was done in 2015 across Virginia, named ALICE (Asset Limited, Income Constrained, Employed) and reported out in 2017. UnitedWayALICE.org/Virginia. In Harrisonburg/Rockingham County Virginia the cost to afford the bare-minimum budget for 2 adults, 1 infant and 1 preschooler is \$61,200 per year per this report. I have 22 years of dedicated, professional service to the Magistrate System and my salary does not meet this threshold at all. This bare-minimum budget does not account for any savings, school loan payments or other unexpected expenses. At one of the Magistrate Conferences, we were told the cost of training a new Magistrate to be over \$25,000. Out of 15.4 FTE's assigned to the 26th Judicial District, 34 magistrates have left/been replaced/trained since the Magistrate reform in 2009. Estimated cost to train these 34 Magistrates: \$850,000. We have a great training program. However, I do suggest that it would be cost effective for the Supreme Court and income beneficial for the Magistrates to use some of this training money to reward the trained and working front-line Magistrates with higher pay and yearly pay increases to avoid the constant turnover and training costs. \$850,000 was used to train people who have walked in and out the door, while Magistrates who remain to maintain the system and train the new people, have not seen and do not see this level of financial support. Of all the goals of the Magistrate reform in 2009, the only one that has not been achieved is higher pay for Magistrates. My family and I have given up a lot for me to work nights, holidays and weekends away from them for the last 22 years. I am proud of my service to the Magistrate System and to the Commonwealth. I have always hoped that the Magistrate System would, at some point, show they are proud of us too. – Anonymous

I missed one of our sons High School Graduation ceremonies due being called to work. There were times due to shortages and health problems with the Chief Magistrate, John Payne, that I felt guilty asking for my leave which I finally had and I went 2 years without taking leave. Not to mention the night my mom died I was supposed to be off but had to go in as the other magistrate who was to cover for me did not show up. With all the shortages we are dealing with now there are many times we are covering 4 offices, sometimes 5 offices and it gets so busy it is hard to get a bathroom break. I am coming up on my 34th year working as a Magistrate. I used to feel pride in the position and Title of Magistrate. I enjoy the work. I feel confident that I have been able to learn how to deal with the individuals we see in a way that causes them to have respect for me. I have earned the respect of officers and others we work with. Yes, I feel I am underpaid for what I do, and for my many years of dedicated service and knowledge I have of my job {34 years}. - Cathy Thompson

This letter is in response to requests for letters from employees about work conditions and compensation.

I have been a magistrate for 26 years and I have always enjoyed my work and service to the local community and the Commonwealth of Virginia. We are fortunate to have terrific and professional co-workers, supervisory staff and excellent OES staff that have always provided excellent and competent training and advice. Everyone I have worked with in the Magistrate System over the years have been professional, loyal and concerned about the public image of the Judicial System as a whole. All the magistrates are part of the community and glad to serve but almost every magistrate has had a second job to help make a decent living. In my office from 1993 through 2007-08 everyone had a second job.

During a 5 year time period during the time period mentioned I was also a full-time single father of 3 children with a mortgage on my land and my home. It was not uncommon for me to work 54 hours in a

row before having a real break for sleep. I would work 12 hours at the magistrate office on the night shift and get home after 6am and sleep about an hour and then get the kids breakfast and ready for school, then work 6-8 hours doing construction work, make the kids supper and then be off to the magistrate office for another 12 hour shift. Luckily I lived only 2 miles from the office and could occasionally check on the kids during the night but not always. I didn't make enough money to pay for a nanny or baby-sitter and did not have family close by to help. I do not have to work 2 jobs now since I have re-married but we are still a 2 income earning family and it would be difficult to make ends meet just on the magistrate salary. My biggest concern for myself and the system is pay-compression. I have been a magistrate for 26 years and am basically at an entry level pay compensation for this position and other professions such as teachers. When I first started we had a step-increase chart that reflected increase in pay for longevity and loyalty. On paper the chart looked very promising and rewarding over time but I don't think I ever received an official step-increase in pay. After about 8-10 years the State stop publishing the chart.

Having a step-increase would/should certainly help towards lowering the turnover rate and would increase job satisfaction in the monetary realm. I think rewarding employees with a step-increase system for longevity of service would be a good way to limit the rate of turnover and increase job satisfaction. -

Sincerely, James A. Koblish, Magistrate.

I am writing you this letter in reference to how working as a magistrate for the past 11 years with as little salary as I have earned has impacted me. First, if it was not my love for working as a magistrate I would have been gone a long time ago just because of the schedules and the low salary that we earn. I have a Master's degree and I was training attorneys who had never worked a day in their life other than through internships coming in making 5 to \$7000 more than me. If that doesn't hurt your feelings, nothing will. I

do not in any way blame the attorneys for trying to make that money, I blame the system for not rewarding people who strive to do excellent. I personally have had an excellent almost perfect evaluation every year, with zero reward. I know all magistrates have the same story or at least close to that. This is a problem state wide. When I first took this job, you could hardly find a position open to apply for in the state. Now they are as many as 20 positions open at one time throughout the state. We have people in our locality that don't even want to apply for vacant positions because the salary and expectations are not hand-in-hand. I have had situations where I needed my house worked on, one of my cars worked on, one of my children needing something for school, and tell them oh I don't have the money. I really really would like to retire with the magistrate system but my retirement looks horrible because it's based on your salary. Magistrates are the ones that get threatened to get sued, actually get named in suits, they are the ones who have to be cussed out on a daily basis.- Anonymous

I am currently a Chief Magistrate in the 26th Judicial District and have worked under the Office of the Executive Secretary for the last 29 years. My first ten years were as a Deputy Clerk in the General District Courts, then four years as a Magistrate and the last 15 years as the Chief Magistrate. I have always felt it to be an honor to hold these positions and still do and I am very thankful for the benefits that I receive but feel that anyone in these positions are grossly underpaid for the work and services that we do for the

Commonwealth of Virginia. We have all been repeatedly told over the last 29 years that the Commonwealth is in or having a financial crisis and our salaries will be handled as soon as we are past it, but I am giving up hope that Magistrates will ever take a priority. I have seen where many other offices such as State Police, the Clerks offices, Juvenile intake, Social Services, Adult Probation and several others to include teachers that seem to get some type of increase each year have all been addressed but not the Magistrates. Many of these offices start out with higher starting salaries and are offered additional income to stay if they find other positions, but the Magistrates are not afforded this opportunity and due to that we have lost many outstanding Magistrates to other agencies. As a Chief Magistrate I have hired and

trained 48 new Magistrates, only to have 34 of them leave the system usually for more money and an organization that views them as a valuable member and rewards them accordingly. Since the first day that I joined the Magistrates office I have heard us compared to the clerk's office (except when they are given a raise) and after working in both offices I can tell you that we do not compare. I do have a great deal of respect for the clerks and the job they do, and do not mean to diminish the hard work they provide, but while we do handle the same paperwork, that is where the comparison ends. The clerks are not their office 24/7 365 as essential personnel working weekends, nights and holidays. They do not make the decisions on bonds, warrants, taking someone's civil liberties away, issue search warrants for law enforcement to intrude in citizens homes, or work in an office that is so understaffed that it makes it very difficult for them to stay at home if they themselves or their family members are ill. They have several other clerks in the office to pick up the work if they are out, where a Magistrate does not have this luxury. I have had several Magistrates come into work sick throwing up in the trash can because they knew if they called out sick they would be taking someone else's day off away from them. The Clerk of the General District or Juvenile Domestic Relations Courts do not need to sleep with their phone and stay on call for their deputy clerks like Chief Magistrates do, but we are compared to them. When the Magistrate reform was done back in 2009 there was mention of the Magistrates salary being comparable but below what a Judges salary is due to the responsibilities that we are given but that was passed by and never addressed again, but we are still required to do similar duties that only a Judge or Magistrate can do. As Magistrates we even have the duties of deciding to issue or not the many mental health orders that a Judge cannot. As one of the Commonwealth's lowest paid Chief Magistrates I have seen many new Chief Magistrates hired without the experience that I have starting at a salary higher than my own "because they were hired at a later date" which tells both myself and the Magistrates that this also happens to, that our experience means nothing to the Commonwealth of Virginia which is why we are losing so many qualified, trained, and experienced people. I even have a Magistrate that has 30 years of experience in the office who trains the new Magistrates that come in and they make more starting out than she does after 30 years. Due to the lack of proper salaries it has been very difficult to hire new Magistrates, but it was very easy for one of the clerks in my district to obtain a salary increase to bring her income to meet mine with only a year on the job as the clerk and many as a deputy clerk only because someone else in her office made more than she did, which does not say much for my dedicated years of service and experience as a Chief Magistrate. But then again, I recently conducted a bond hearing on someone that had just started as a manager at a McDonalds within the last year and their yearly salary was even higher than mine and the Magistrates in my district. Please don't get me wrong, as I do love my job, position, co-workers and the experience that this office has given me, and I am so very glad that I am here, but it would also be nice to work for someone that puts value on my experience, loyalty, dedication and hard work.

Thank you very much for taking the time to read this. -Respectfully, Monica L. Martin, Chief Magistrate,
26th Judicial District

As you can read above, the Department of Magistrate Services has an abundance of loyal, knowledgeable, intelligent and dedicated Magistrates. We are all frustrated, disappointed and, simply, sad that our job requirements, experience, efforts and credentials are not compensated fairly. We ask that you all seriously consider and assist us in increasing compensation for Virginia Magistrates based on length of service.

Thank you for your time and consideration.

Respectfully submitted,

Kara Akins, President
On behalf of Virginia Magistrate Association