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Resolution of the California Association of Black Lawyers in Support of the Federal Judicial Salary Restoration Act of 2007

Whereas, from 1969 through 2006 real pay for the federal judiciary declined approximately 25 per cent, while real pay of the average American worker increased by about 19 percent, a difference of about 44 percent; and,

Whereas, if salaries of the federal judiciary had increased from their actual 1969 level, as did salaries of the average American worker for the same period, federal judges compensation would now be approximately \$261,300; and,

Whereas, the California Association of Black Lawyers agrees with Chief Justice John Roberts of the United States Supreme Court that the declining percentage of federal judges coming from the private bar, as opposed to the public sector, creates a serious concern, as does the increasing number of judges resigning from the bench; and,

Whereas, we further agree with the recent New York Times editorial indicating that Chief Justice Roberts "is right to note the link between maintaining an adequate standard of judicial compensation and preserving the quality and independence of the judiciary, and to prod Congress on this issue"; and,

Whereas, we also agree with the Volcher Commission, which concluded a few years ago that "judicial salaries are the most egregious example of the failure of federal compensation policies," while noting that judicial salaries lag behind the salaries of non-profit leaders with whom judges might be compared; and,

Whereas, nearly every African American is familiar with the phrase "all deliberate speed," the consequences of which exemplify for us the vital need for a free and independent judiciary, and,

Whereas, in *Brown v. Board of Education*, the U.S. Supreme Court courageously struck down the doctrine of separate but equal, despite inertia, if not outright hostility toward that decision on the part of the executive and legislative branches of government during that era; and,

Whereas, fortunately, the federal courts have long played a central role in the struggle against racial inequality in America, whether it be in employment, schooling, voting rights or the plethora of other citizenship rights guaranteed by the U.S. Constitution, including diversifying the racial and ethnic makeup of the judiciary; and,

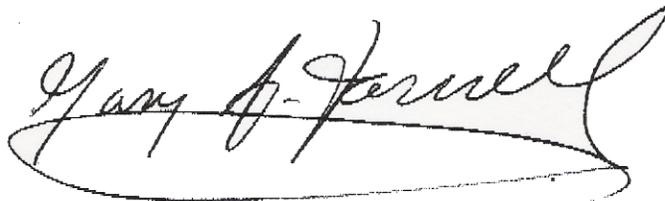
Whereas, now that the door of opportunity has been cracked open and a number of lawyers of color have made great strides career-wise in corporate America, academia and as partners or shareholders in some large law firms, African American lawyers who are among the talented tenth – those who have a successful private practice or who are the general counsel or in other high-paid positions – can ill afford to make the personal financial sacrifice of opting for a judicial appointment where the salary is only \$165,000 annually, which is below that of some first-year law associates right out of law school; and

Whereas, attracting and retaining first-rate African American legal talent is a concern, and more than a few experienced and well-regarded African American jurists have resigned from the federal bench to take higher paying positions, pointing to a dangerous trend of diminishing numbers of African American jurists on our federal benches at a time when we need more, not fewer, African American judges; and,

Whereas, the California Association of Black Lawyers, founded in 1977, represents Black lawyers, judges, law professors, law students and other legal professionals throughout California, is vitally concerned about the independence of the judiciary and the importance of recruiting and retaining African Americans for the federal judiciary, and fair compensation is, indeed, a key component of achieving this objective;

Therefore, Be It Resolved, that the California Association of Black Lawyers strongly supports the Federal Judicial Salary Restoration Act of 2007 and hereby encourages the United States Congress to de-link the salaries of federal judges from members of Congress to ensure judicial salaries are adequate to attract and retain the best and the brightest lawyers in the nation, including African American lawyers.

Be It Further Resolved, that the California Association of Black Lawyers joins with the endeavors of other organizations supporting this legislation, which will effectuate a positive change in the manner and method by which all federal judges are compensated, and all members of the California Association of Black Lawyers are hereby urged to contact their respective representatives in Congress expressing their support for this legislation.

A handwritten signature in black ink, reading "Gary J. Farwell". The signature is written in a cursive style and is enclosed within a large, horizontal oval flourish.