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Push for Fair Pay For Federal Judges

On March 23, 2007, Janet Levine and Gary Lincenberg, President and President-Elect respectively of the Los Angeles Chapter of the Federal Bar Association, attended a meeting on Federal Judicial Compensation at the University of California, Hastings College of Law. The meeting was organized by the Administrative Office of the Federal Judiciary to redress the declining pay (in real dollars) of federal judges.

In his first Annual Year End Report to Congress, Chief Justice Roberts warned that the erosion of pay to federal judges could compromise the independence of the federal judiciary. Justice Roberts said the problem is so severe that it could lead to a constitutional crisis. In real dollars, federal judicial pay has *declined* nearly 24% since 1969, while the average U.S. worker's wages have risen nearly 18% -- a 42% gap. District Judges now earn \$165,200 per year, about the same or less than most former judicial clerks earn in their first year at a law firm. District Judges now earn far less than a wide array of government workers such as the Chief Hearing Officer of the FDIC, Deputy General Counsel of the CFTC, Senior Financial Engineers of HHS, SEC Trial Attorneys, and others.

This degradation of respect for the value of our federal judges has occurred while their caseloads have substantially increased. As a result, the quality of applicants to the federal bench is declining: fewer attorneys are willing to leave the private sector for the bench; the average age of private attorney applicants is increasing; and overall there has been a decrease in the percentage of private attorneys who make up the applicant pool. Highly qualified judges are leaving the bench in record numbers, and at earlier ages, to return to law firms or to work as private arbitrators. Worst of all, judges are being forced to either sit silent or engage in unseemly lobbying to Congress for fairness in pay.

Out of concern for maintaining the quality and independence of the judiciary, the Los Angeles Chapter of the Federal Bar Association will actively support efforts to restore judicial pay to its 1969 levels (in real dollars) by lobbying key members of Congress and encouraging FBA members to raise the issue with their own congresspersons.