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May 21, 2007

Hon. Harry Reid
Senate Majority Leader
528 Hart Senate Office Building
Washington, DC 20510

Hon. Mitch McConnell
Senate Republican Leader
361 Russell Senate Office Building
Washington, DC 20510

Re: Support for Legislation to Increase Federal Judicial Compensation

Dear Leaders Reid and McConnell:

As presidents of the associations joining in this letter, with members totaling more than twenty-five thousand lawyers who collectively represent the interests of individuals and litigants of every description in the defense of claims brought in civil trial courts throughout the United States, we write to you on a topic of the greatest importance to us, our colleagues at the bar, and to every citizen in this country.* As lawyers who regularly practice before the federal courts, we strongly support Chief Justice John Roberts' recommendation that Congress take immediate steps to increase the salaries of federal judges to a level commensurate with the increase in the wages of average American workers since 1969.

Nothing is more important to the maintenance of the freedoms we enjoy in this country than a free and independent judiciary. We wholeheartedly agree with the Chief Justice's assessment in his year-end report on the state of the Federal Judiciary that: "[i]nadequate compensation directly threatens the viability of life tenure, and if tenure in office is made uncertain, the strength and independence judges need to uphold the rule of law—even when it is unpopular to do so—will be seriously eroded." The argument is compelling that federal judges are not fairly compensated. All one need do is to look to the starting salary of a first year lawyer in many large law firms which is more

* Lawyers for Civil Justice ("LCJ") is a national coalition of corporate counsel and civil defense trial lawyers supporting improvements in the civil justice system. The Defense Research Institute ("DRI") is a national organization of defense trial lawyers and corporate counsel. The Federation of Defense & Corporate Counsel ("FDCC") is an organization composed of attorneys and others who are actively engaged in the administration of civil defense litigation throughout the world. The International Association of Defense Counsel ("IADC") is an organization dedicated to enhancing the development, skills, professionalism, and camaraderie in the practice of law in order to serve and benefit the civil justice system, the legal profession, society, and its members.

*Member of the Executive Committee

Defense Trial Lawyers Dedicated to Excellence and Fairness in the Civil Justice System
A coalition of: DRI, Federation of Defense & Corporate Counsel, and International Association of Defense Counsel

than the salary paid to federal judges--men and women who have practiced law for many years, and have had distinguished careers as leaders of the bar, before being appointed to the bench.

One need not compare the salaries of federal judges to lawyers in private practice to understand that the salaries of the judges who are tasked with the duty to uphold the Constitution and to protect the liberties of our nation's citizens should be substantially increased. The real pay for federal judges has declined dramatically and the disparity in pay compared to others has increased over time. For example:

- From 1969-2006, real pay for federal judges has declined approximately 25 percent while the real pay average of the American worker has increased 19 percent.
- Annual cost of living adjustments have been ineffective – Since 1993, the pay of most federal workers has increased 61 percent while inflation has increased 36 percent. During the same time, judicial pay has increased only 24 percent – below the rate of inflation.
- While in 1969 federal district judges made on average 21 percent *more than* the dean at a top law school and 43 percent *more than* senior professors, the judges today earn about *one half* the earnings of deans and senior law professors at top schools.

In January 2003, the National Commission on the Public Service (the “Volker Commission”) found “that the lag in judicial salaries has gone on too long, and the potential for the diminished quality in American jurisprudence is now too large.” The Volker Commission recommended that Congress’ “first priority . . . should be an immediate and substantial increase in judicial salaries.” Congress should correct this intolerable situation now.

Chairman Paul Volker wrote in the *Wall Street Journal* in February of this year that federal judges must possess rare qualities of intellect and integrity, and stated that “the authors of the Constitution took care to protect those qualities by providing a reasonable assurance of financial security for our federal judges. Plainly, the time has come to . . . honor the constitutional intent.” We believe that if Congress does not honor this “constitutional intent,” by failing to increase judicial compensation, more highly qualified federal judges will leave the bench for private practice, corporate positions and positions in alternative dispute resolutions companies and, perhaps even more significantly, the most highly qualified and successful lawyers will be disinclined to leave private practice for the bench. Our associations strongly support an increase in pay for federal judges that as Chairman Volker noted would keep pace with the increase in wages for the average American worker. For example, if the salary of district court judges had increased as much as the total percentage change in workers’ wages from 1969 to 2006, district judge compensation would be \$261,300. Paul A. Volker, *Judgment Pay*, *Wall Street Journal*, February 10-11, 2007 at A9.

We cannot afford to lose the years of experience, or the wisdom and integrity, of the highly qualified, high earning men and women who most assuredly will either decide not to seek appointment to the federal bench, or will retire prematurely from the bench, for reasons related to compensation. All litigants who come before the federal courts deserve to have the best possible judges decide their cases. If the matter of just compensation of federal judges is not addressed by Congress, this legacy for which our founding fathers fought, will not endure. In 1780, John Adams drafted a Declaration of Rights for the Massachusetts State Constitution, which declared:

It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit.

We most respectfully urge you to sponsor and introduce in this Congress at the earliest possible time bi-partisan legislation that will substantially raise the salaries of federal judges. Our associations join the myriad organizations across America that agree with Chief Justice Roberts that the disparity in judicial pay is a "crisis that threatens to undermine the strength and independence of the federal judiciary."

Respectfully,



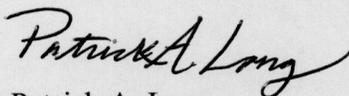
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Patrick A. Long
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CC: Hon. Patrick J. Leahy
Hon. Arlen Specter