

# **Congress Mulls Salary Raise For Judiciary**

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WASHINGTON - The federal judiciary is facing some opposition in Congress to its demands for a salary increase that would lift the earnings of a district judge above that of a first-year associate at a major law firm.

That's because certain lawmakers don't want to tinker with the current system that ties pay for district judges with that of members of Congress, according to sources familiar with the process.

## **Elevating Status**

First-year associates at big firms can now make \$160,000, roughly the same as what a district court judge and a member of Congress gets.

Congress usually rubber-stamps a cost-of-living pay increase every year, but judges say that isn't enough.

Appellate judges and Supreme Court justices - who get paid more - are not included in the scheme.

The judiciary wants to raise salaries for district judges to just under \$250,000, which the judiciary says would better reflect the status of the federal bench as a career target for young lawyers.

Several senators, California Democrat Dianne Feinstein among them, have sponsored a bipartisan bill that would achieve that aim, but the House has not yet followed suit.

"They are this close," Administrative Office of the U.S. Courts lobbyist Daniel A. Cunningham said during a session on the issue last week at the American Bar Association's annual meeting in San Francisco.

## **House Reluctance**

Los Angeles Democratic Rep. Howard Berman, who chairs the House subcommittee that has jurisdiction over the courts, said in an interview this week he is working on a bill that he hopes to introduce soon.

He conceded that some of his colleagues want to keep the existing system, although he declined to say whom.

"There are people who like the linkage," Berman said. "I don't know why."

He added that he doesn't think it has anything to do with congressional pay raises, which he said would happen regardless of the relationship with judicial salaries.

Berman has the backing of Rep. John Conyers, D-Mich., in his effort to raise salaries, and he is also hoping for Republican support, the congressman said.

A spokeswoman for Texas Republican Lamar Smith, the ranking member on the House Judiciary Committee, declined to comment on whether the congressman would support the bill. But Smith said at an April hearing that he was sympathetic to the judiciary's request.

"We should and will continue to draw upon the public sector for talented judges, but must also provide incentives to attract qualified men and women from the private sector," he told his colleagues.

The judiciary has been campaigning hard for a substantial pay raise this year.

In an appearance before Congress in February, Supreme Court Justice Anthony Kennedy expressed concerns about salaries, saying it is making it more difficult to attract candidates for district court positions.

"They have to work six days a week, they have a terrible backlog, and they look at the salary, and they don't want it," he said.

The current salary is "insufficient for us to attract the finest members of the practicing bar to the bench," he added.

Chief Justice John G. Roberts Jr. has added his voice to the chorus, saying in his year-end report on the federal courts that the issue of judicial pay is a "constitutional crisis that threatens to undermine the strength and independence of the federal judiciary."

Cunningham, the judiciary lobbyist, said last week that the rise in law firm salaries had not gone unnoticed within the judiciary.

In the last two years, an increasing number of judges are leaving the bench for the private sector, he added.

In 2005, nine district judges resigned, the biggest number ever in a calendar year, according to the judiciary's statistics.

A salary increase is "incredibly critical for morale," Cunningham said.

Over the last year numerous firms have increased their starting salaries to \$160,000, usually in their New York offices, but sometimes nationally.

California firms that have followed suit include Quinn Emmanuel Urquhart Oliver & Hedges; O'Melveny & Myers; and Paul, Hastings, Janofsky & Walker.