

## **U.S. judges in line for 50% raises; But some see catch-up as unfair to taxpayers**

**The Record (Bergen County, NJ)  
August 19, 2007 Sunday**

**By PETER J. SAMPSON, STAFF WRITER, North Jersey Media Group**

U.S. District Judge William J. Martini hasn't gotten a pay raise since the Passaic County native was appointed to the federal bench almost five years ago.

The wait has been even longer for judges with more seniority: With the exception of a few sporadic cost-of-living adjustments, their base salaries haven't budged since 1990.

But a 50 percent pay hike?

Nudged by the judiciary, the bar and others, Congress is moving toward granting federal district judges an \$82,500 raise, immediately rocketing their annual pay from \$165,200 to \$247,700.

Although advocates say such an increase is needed to bring judicial salaries to where they should be, the size of the proposed bump has some watchdogs howling.

"Judges may be underpaid relative to their tassel-loafed colleagues in law firms, but we're talking about taxpayer money - not client money - here," said Pete Sepp, spokesman for the National Taxpayers Union in Alexandria, Va.

"I think there is reasonable room for discussion about bringing up judges' salaries, but 50 percent right off the bat is a lot to ask taxpayers to swallow," said Sepp, whose 362,000-member organization includes 10,000 in New Jersey.

New Jersey's federal lawmakers are divided on the issue.

"When first-year associates at law firms are earning more than federal judges, it makes it more difficult to convince talented people to serve on the federal bench," said Sen. Frank R. Lautenberg, D-N.J. "We need to be able to recruit and retain the best judges, so I support this legislation that makes public service more attractive."

Rep. Bill Pascrell Jr., D-Paterson, agrees.

"Inadequate pay has forced good judges to resign and discouraged many others from even taking the oath," Pascrell said. "This is a serious threat to the integrity of our judicial branch that Congress has an opportunity to resolve. I will support every congressional effort to increase pay and encourage the best judges to uphold the sanctity of our judicial system."

Rep. Steve Rothman, D-Fair Lawn, voiced reservations, though.

"The exodus of qualified judges from the bench does concern me and needs to be addressed," he said. "However, an \$82,000 raise, I think, is excessive."

It's hard to tell whether the pay increase will be approved this year, but there's no question it's long overdue, insists Stephen M. Orlofsky, a former U.S. district judge in New Jersey now in private practice in Cherry Hill.

"In the last 10 or 15 years, more judges have left the federal bench than in the first 200 years of our Republic, and mostly as a result of inadequate pay," said Orlofsky, acknowledging pay was a factor in his decision to step down in 2003 after eight years.

"Federal judges have done worse than any other group in the labor pool in terms of the erosions of inflation," he added.

"The ironic thing is - and I don't begrudge my law clerks anything, I love them all and they're wonderful kids - but their first year in private practice they would all be making more money than I was," Orlofsky said.

In his annual report on the state of the nation's courts, Chief Justice John G. Roberts Jr. said judges were leaving their lifetime-tenure jobs at an alarming rate for far better paying jobs in the private sector. The problem has "now reached the level of a constitutional crisis and threatens to undermine the strength and independence of the federal judiciary," Roberts wrote.

In 1969, federal judges made more money than the deans at the nation's top law schools, but today they make only about half what deans and top law professors make, the chief justice added.

"The dramatic erosion of judicial compensation will inevitably result in a decline in the quality of persons willing to accept a lifetime appointment as a federal judge," he concluded.

The 420,000-member American Bar Association and other lawyers groups have taken up the cause, urging Congress to enact "a substantial pay increase" for federal judges this year.

Testifying before a House committee in April, U.S. Supreme Court Justice Sam Alito said that real compensation of federal judges has slipped about 25 percent since 1969.

"If judges' salaries had kept pace with the increase in the average wages of American workers during this time period, the district judge salary would be \$261,300, an increase of \$96,100," he said.

Orlofsky, the former judge, said a big problem with judicial raises has been their linkage to raises for members of Congress.

"Congress does not want to de-link the federal judiciary from its own salary scale," he said. "[It] would have to give itself a raise, and obviously that carries a lot of political baggage."

"Congress sort of holds the federal judiciary hostage."

Curiously, Sepp, from the taxpayers' group, also favors severing the link.

"That's just an excuse that lawmakers use to line their own pockets," he said.

### **A view of the bench**

#### **What do federal judges do?**

Preside over federal civil and criminal trials brought in 94 U.S. district courts.

#### **How are they appointed?**

Nominated by the president, typically on the recommendation of a senator, and confirmed by the Senate for life.

#### **How long do they serve?**

Could retire at full salary for life beginning at age 65, or take "senior status" with 15 years of service, handling a reduced caseload and freeing the seat for a new judge.

#### **How much are they paid?**

District judge: \$165,200 (proposed: \$247,800)

Appeals court judge: \$175,100 (\$262,700)

Associate justice: \$203,000 (\$304,500)

Chief justice: \$212,100 (\$318,200)