

March 12, 2007

The Honorable Robert C. Byrd
Chairman, Senate Appropriations
Committee
528 Hart Office Building
Washington, DC 20510

The Honorable Thad Cochran
Ranking Member, Senate Appropriations
Committee
113 Dirksen Office Building
Washington, DC 20510

The Honorable David Obey
Chairman, House Appropriations Committee
2134 Rayburn Office Building
Washington, DC 20515

The Honorable Jerry Lewis
Ranking Member, House Appropriations
Committee
2112 Rayburn Office Building
Washington, DC 20515

The Honorable Richard Durbin
Chairman, Subcommittee on Financial
Services and General Government
Senate Appropriations Committee
332 Dirksen Office Building
Washington, DC 20510

The Honorable Sam Brownback
Ranking Member, Subcommittee on
Financial Services and General Government
Senate Appropriations Committee
303 Hart Office Building
Washington, DC 20510

The Honorable Jose E. Serrano
Chairman, Subcommittee on Financial
Services and General Government
House Appropriations Committee
2227 Rayburn Office Building
Washington, DC 20515

The Honorable Ralph Regula
Ranking Member, Subcommittee on
Financial Services and General Government
House Appropriations Committee
2306 Rayburn Office Building
Washington, DC 20515

Re: Compensation for the federal judiciary

Dear Chairmen, Senators, and Representatives:

On behalf of the National Association of Criminal Defense Lawyers (NACDL), I am writing to voice our strong support for a significant salary increase for the federal judiciary. We concur with Chief Justice Roberts that the inadequacy of federal judicial salaries has reached the crisis point.

Judicial salaries have stagnated for far too long. Federal judges have been denied COLA's in 6 of the past 12 years. With only two meaningful pay increases in the past 20 years, the judiciary's real pay has decreased 25 percent since 1969. Accordingly, the National Commission on Public Service (the "Volcker Commission") declared that an

“immediate and substantial increase” in judicial salaries should be Congress’s first priority.

It goes without saying that federal judges could easily make significantly more as partners at major law firms, but judicial salaries have been surpassed in other areas as well. Many federal employees, including SEC trial attorneys, can now receive significantly more than the annual \$165,000 salary for federal district court judges. Judicial law clerks who go on to associate positions at major law firms are able to command starting salaries in the same range or higher than their judges. And the judicial branch no longer enjoys an edge over the nation’s top law schools when competing for the nation’s brightest legal minds.

We are sensitive to the fact that judicial salaries are hardly meager by most standards and that federal judgeships remain prestigious. But this oversimplifies the reality of the problem and ignores the constitutional values at stake. For evidence that the inadequacy of judicial pay undermines life tenure, one need only point to the unprecedented number of departures from the federal bench in recent years. Such attrition cannot but diminish the quality, and ultimately, the independence of the judiciary.

We also are concerned about the detrimental effect of salary erosion on the diversity of the bench. As Senator Leahy recently stated, “Diversity on the bench helps ensure that the words ‘equal justice under law,’ inscribed in Vermont marble over the entrance to the Supreme Court, is a reality and that justice is rendered fairly and impartially.”

As an association of lawyers who appear daily in our nation’s federal courts, we know first-hand the importance of a highly qualified and independent judiciary. The fair administration of justice and the rule of law will suffer immeasurably if our nation’s judiciary is not made up of a diverse group of our country’s best lawyers. We urge you to guard against this consequence by passing a significant increase in judicial compensation this session of Congress.

Sincerely,

Martin S. Pinales
President