



April 18, 2007

Honorable Howard Berman, Chairman
Subcommittee on Courts, the Internet and Intellectual Property
House Committee on the Judiciary
B-352 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Berman:

The strength of our justice system is dependent on a stable and objective judiciary. The current salary levels of Federal judges are alarmingly low and threaten to adversely impact the administration of justice in our Federal courts. The American Association for Justice ardently supports increasing the salary of Federal judges to preserve the integrity of our Federal judiciary.

The U.S. Constitution contains two vital provisions addressing Federal judges: (1) life tenure, and (2) a prohibition against the diminution of compensation. Life-long tenure not only provides for a stable judicial system, but also a higher likelihood that decisions are based on independent judgment free from the fear of retaliation or political consequences. The primary purpose of the prohibition against diminution was not, as many assume, to simply financially benefit judges, but rather to attract and retain the most upstanding and competent individuals to the bench to serve free from outside influences. Further inaction regarding judicial salaries will severely undermine the purposes behind these two fundamental Constitutional provisions.

Today, the salary rates of Federal judges are at an all-time low. From 1969 through 2006, the average U.S. worker earned an 18.5 percent increase in compensation adjusted for inflation. During that same period of time, the salaries of U.S. District Court judges *decreased* by 24.8 percent due to inflation. Over the past 40 years the salaries of Federal judges have eroded 43.3 percent compared to the average U.S. worker.

The inadequate compensation currently earned by the Federal judges makes it exceedingly difficult for the Federal judiciary to retain judges. Since 1990, 75 Article III judges have left the bench through resignation or retirement. In 2005

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alone, nine Article III judges resigned or retired from the bench, representing the largest departure from the bench in any one year. These numbers continue to grow and are particularly alarming, considering that between 1958 and 1969, only three Article III judges resigned from office. Many of the judges who have retired or resigned in recent years cited financial considerations as a big factor in their decision to leave the bench.

The continued salary erosion causes not only a significant number of judges to leave the bench in favor of a more financially lucrative position in the private sector, but also results in a decreased pool of qualified candidates. Failing to increase judicial salaries could result in a judiciary that is not representative of the legal talent of our nation. When the pool of judicial candidates is limited to those individuals who can either afford to serve at vastly below-market rates or accept the position because their abilities and qualifications do not command greater compensation, justice is not served. The strength of our Federal judiciary and our government is contingent on recruiting and retaining the brightest and most qualified legal minds to preside over our courts.

The time to act is now. We urge Congress to remedy this pay inequity through swift action. The integrity of our justice system is dependent on it.

Sincerely,



Mike Eidson, President
American Association for Justice

cc: Honorable John Conyers, Chairman,
House Committee on the Judiciary
Honorable Lamar Smith, Ranking Member,
House Committee on the Judiciary
Honorable Howard Coble, Ranking Member,
House Subcommittee on Courts, the Internet and Intellectual
Property