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April 17, 2007

The Honorable Howard L. Berman
United States House of Representatives
Chair, House Subcommittee on the Courts,
the Internet, and Intellectual Property
2221 Rayburn House Office Building
Washington, DC 20515

RE: Federal Judicial Compensation

Dear Congressman Berman:

I write on behalf of the Los Angeles County Bar Association ("LACBA"), the largest voluntary metropolitan bar association in the United States. With more than 25,000 members who are primarily located in Los Angeles County, and the surrounding counties, LACBA lawyers serve a significant number of clients in a broad array of matters in both the federal and state courts.

This letter is sent to voice our strong support of an increase in the compensation of federal judges. Chief Justice John Roberts has recently reported on the great disparity between wage increases for U.S. workers and federal judicial salaries. As noted in the Chief Justice's report, although average U.S. workers' wages have risen 17.8% in real terms since 1969, federal judicial pay has declined 23.9% after inflation over the same period. Federal district court judges, each of whom were successful and accomplished lawyers for years before becoming judges, now earn far less than recent law school graduates earn in their first year of practice. Moreover, many other federal employees earn substantially more than judges and members of Congress. For example, the approved salary for the Chief Learning Officer for the FDIC is in excess of \$257,000, nearly \$100,000 more than federal district court judges currently earn. Even trial attorneys' with the Securities Exchange Commission earn more than federal district court judges. This situation has clearly reached a crisis point and requires immediate correction.

Moreover, the extraordinary increase in the case load carried by district court judges renders the disparity even more appalling. Congress has in the recent years enacted legislation that vests jurisdiction of many more types of cases in the federal courts. This fact coupled with increases in criminal and immigration case filings in the Central District of California, with its four separate divisions located in Los Angeles County, Riverside County, Orange County and Santa Barbara County, have caused the work load for our district court judges and the magistrate judges to increase exponentially. And, yet salaries have stagnated.

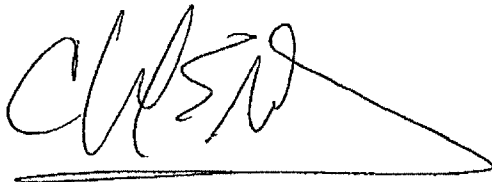
Our judges have a strong and abiding commitment to public service. And, we do not disagree that the current salary of federal district court judges may appear to be more than adequate to many citizens in the United States. But, the realities associated with the cost of living in an urban area and the extraordinary costs associated with schooling (both for grade school, high school and college) for the children of our federal judges has created a situation that can and will lead to the departure of experienced jurists who simply cannot afford to remain employed and provide for their families.

We agree with Chief Justice Roberts who has remarked that federal judicial salary limitations present independence concerns that may arise from the image of federal judges utilizing the job as a stepping stone to move back into the private sector. Evidence that the inadequacy of judicial pay undermines life tenure is apparent from the unprecedented number of departures from the federal bench in recent years. These losses not only diminish the quality and ultimately the independence of the judiciary but they erode public confidence in our courts.

Moreover, the failure to insure that federal judicial salaries are brought up to an appropriate level will no doubt adversely affect the diversity of the bench. Equal justice under the law is not an option – it is a mandate that governs our judicial system. A federal bench that is populated only by those who have sufficient private resources (beyond their judicial salary) to support their families is not a diverse bench.

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 strongly urge that you guard against this consequence by assuring that federal judicial salaries are brought up to an appropriate level that will prevent any further erosion of our judicial system.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'CEM', with a long horizontal line extending to the right from the end of the signature.

Charles E. Michaels
President

cc: Members, House Subcommittee on the Courts,
the Internet, and Intellectual Property