

April 25, 2007

The Honorable Richard Durbin
U.S. Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Durbin:

In response to Chief Justice John Roberts' *2006 Year-End Report on the Federal Judiciary*, Associate Justice Anthony Kennedy's testimony before the Senate Judiciary Committee, and The National Commission on the Public Service recommendation (the Volcker Commission), we write to express our support for an increase in judicial compensation.

All of the undersigned organizations are strong supporters of civil rights, equal opportunity and diversity. Likewise, we strongly believe that our judiciary should reflect the values and diversity that have shaped our country. It is clear that the number of minority judges in the U.S. judiciary must be increased. Out of 875 authorized appointments, according to the Administrative Office of the U.S. Courts, only six active federal judges are Asian American, 57 Latino, and 91 African American. Among these, there are no Native American judges at all. It should also be noted that there are only 41 minority women who are active federal judges. We fully support Senator Leahy's recent comments on February 7, 2007, which underscored the need for a diverse bench, where he stated "[d]iversity on the bench helps ensure 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.... A more representative judiciary helps cultivate public confidence in the judiciary...."

Judicial compensation is a significant barrier to the recruitment of African American, Asian American, Latino and Native American candidates. As Chief Justice Roberts showed in his recent report, although the average U.S. worker's wages have risen 17.8 percent in real terms since 1969, federal judicial pay has actually declined 23.9 percent after inflation over the same period. In our discussions with minority members of the Bar, the issue of compensation is cited as a significant reason in their decision not to seek a federal bench appointment. Most recently, an Asian American litigation department chair in one of the nation's most prominent law firms carefully considered applying to the bench, but declined because of the pay disparity.

An additional reason to support an increase in compensation is that members of our federal judiciary are appointed for life, and are required to make decisions that affect the lives of

individuals. The recent physical attacks against judges nationwide has alarmed the legal community, and brought home the reality that our judges make decisions that could lead to threats and violence against them. It is often only an afterthought that judges put their lives on the line in the service of their country after a tragic incident occurs.

Strong consideration of Chief Justice Roberts' request should be afforded when examining compensation. It is imperative that our federal judiciary be able to recruit a diverse pool of the best and brightest, and not be hindered by the level of current judicial compensation. The compensation disparity is a significant barrier to achieving this goal.

We hope you will support an increase in compensation for the federal judges.

Sincerely,



Karen K. Narasaki
President and Executive Director

National Co-Signing Organizations:

Hispanic National Bar Association
Lawyers' Committee for Civil Rights Under Law
Mexican American Legal Defense and Education Fund (MALDEF)
Native American Rights Fund
National Asian Pacific American Bar Association
National Association for the Advancement of Colored People (NAACP)
National Association of Latino Elected and Appointed Officials
National Bar Association
National Congress of American Indians
National Council of La Raza
National Native American Bar Association