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## Justices Lobby House for Raise

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On any given day, federal agencies ranging from the Securities and Exchange Commission to the Department of Veterans Affairs advertise to fill vacancies in hundreds of jobs that pay more than the \$165,200 annual salary of federal district judges.

Supreme Court Justice Stephen Breyer waved a stack of those job ads as he and Justice Samuel Alito Jr. made a strong personal plea April 19 in favor of higher judicial salaries before a House Judiciary subcommittee.

Both acknowledged that the issue is a hard sell, given that, as low as their pay might be relative to other lawyers and law-school faculty as well as executive-branch employees, federal judges still make more than 98 percent of the public.

But with 40 judges leaving the federal bench in the past five years, the justices said, they worry that the concept of an independent, life-tenured judiciary will wither. Breyer said he also fears a "slow erosion" in the quality of the judiciary — in the same way, he said, that performance in any workplace might slip over time with lower-paid employees.

Alito, citing the exit of nine of the 17 district judges in his native New Jersey since 2000, lamented the loss of senior judges. They used to mentor new judges, Alito said, but now many are leaving altogether. "We are approaching a very unfortunate tipping point."

Members of the Subcommittee on the Courts, the Internet, and Intellectual Property, especially Democrats, generally embraced the justices' cause. But some pushed back — especially on the issue of "de-linking" judicial pay from that of members of Congress. By law, district judges cannot be paid more than members of Congress.

Breaking the link, growled Rep. F. James Sensenbrenner Jr. (R-Wis.), would be tantamount to saying that judges are more important than House members. Rep. Ric Keller (R-Fla.) even made a "life isn't fair" argument against judicial raises, noting that television's Judge Judy makes \$28 million a year.

Alito said his mother is a faithful fan of the "Judge Judy" show. "She thinks Judge Judy does a better job than we do," he said.

During the hearing, Rep. Lamar Smith (R-Texas) also secured a pledge from Breyer that pending reforms in the handling of judicial misconduct complaints will be implemented before 2008.

Breyer headed a commission that last September recommended several procedural changes. Smith was

disappointed to learn recently that a plan to implement the changes would not be available until the fall. He said the campaign to increase judicial pay would be helped if the judiciary made “better progress” in improving its disciplinary procedures.

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