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Honorable Mitch McConnell
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Honorable Arlen Specter
Ranking Member
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April 3, 2007

The Need for a Substantial Salary Increase for Federal Judges

Gentlemen:

As General Counsel of the sixty major U.S. corporations signing below, we write to urge you to respond positively to Chief Justice John Roberts' plea in his year-end report on the Federal Judiciary¹ for a substantial increase to the salaries of federal judges. We agree with Chief Justice Roberts that the judicial compensation situation, dire for years, has reached a crisis point and that judicial salaries have fallen below any reasonable measure of what is appropriate.

¹ www.supremecourtus.gov/publicinfo/year-end/year-endreports.html

Starting salaries for freshly minted law school graduates now exceed in many markets what district judges with decades of experience are paid. The disparity between judicial salaries and pay for private practitioners with the qualifications to be federal judges is so enormous as to almost lack relevance, as Chief Justice Roberts points out in his Report. But now a substantial disparity has opened between judicial salaries and pay for law school deans and senior professors, a comparison which in the late 1960's favored federal judges. Further, as Chief Justice Roberts reports, pay for federal judges has declined in real terms compared to pay for the average U.S. worker.

We agree with Chief Justice Roberts that the shrinking percentage of federal judges drawn from the private bar, as opposed to the public sector, creates serious concern, as does the increasing number of judges resigning from the bench with years of active practice still before them. The Chief Justice is correct in highlighting both the quality and independence concerns that arise from the image of a federal judgeship as a stepping-stone to an enhanced career in the private sector. The New York Times, in an editorial on January 5, agrees, commenting: "Mr. Roberts is right to note the link between maintaining an adequate standard of judicial compensation and preserving the quality and independence of the judiciary, and to prod Congress on this issue."

Each of our companies has a significant litigation docket and thus we share a deep interest in the quality of the civil justice system, both federal and state. We are vitally interested in a high-quality, neutral and independent judiciary. We agree with Chief Justice Roberts that failing to restore judicial salaries to an appropriate level threatens the administration of justice by undercutting the quality and diversity of candidates drawn to and retained on the bench.

Accordingly, we urge you to take up Chief Justice Roberts' challenge and pass a substantial increase in federal judicial salaries. We understand that these salaries are, as a matter of law, linked to the salaries of congressmen, making consideration of this issue much more complex. To avoid that entanglement now and in the future, we urge that congressional and judicial salaries be decoupled and that the judicial salaries be significantly increased soon as suggested by Chief Justice Roberts.

Very truly yours,

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