



COMMERCIAL LAW LEAGUE OF AMERICA®

The Commercial Law League of America (“CLLA”), founded in 1895, is the nation’s oldest organization of attorneys and other experts in credit and finance actively engaged in the field of commercial law, bankruptcy and reorganization. Its membership consists of nearly 4,000 individuals. The Bankruptcy Section of the CLLA is made up of approximately 1,450 bankruptcy lawyers and bankruptcy judges from virtually every state in the United States. Its members include practitioners with both small and large practices, who represent divergent interests in bankruptcy cases.¹

The CLLA has long been associated with the representation of creditor interests, while at the same time seeking fair, equitable and efficient administration of state-law collection and bankruptcy cases for all parties-in-interest. Members of the CLLA have testified on numerous occasions before Congress as experts in the collection, bankruptcy and reorganization fields.

We write to strongly urge the House to pass H.R. 3753—The Federal Judicial Salary Restoration Act of 2007. The CLLA shares the concerns expressed by Chief Justice John G. Roberts, Jr. at the beginning of this year in his 2006 year-end report to Congress on the federal judiciary that the issue of low federal judicial salaries has “reached the level of a constitutional crisis that threatens to undermine the strength and independence of the federal judiciary.” We also share those concerns expressed more recently by Justice Samuel A. Alito, Jr. at the April 19, 2007 “Oversight Hearing on Federal Judicial Compensation” before the House Committee on the Judiciary that “eroding federal judicial salaries will lead, sooner or later, to less capable judges and ultimately to inferior adjudication.”

Over past several decades, the salaries of federal judges have severely eroded and failed to keep pace with the general rise in wages in this country. Between 1969 and 2006, the real pay of the average American worker, adjusted for inflation, increased by approximately 18 percent. By contrast, the real pay for federal district judges, adjusted for inflation, declined by approximately 25 percent.

Federal judicial salaries have also failed to keep pace with the rise in wages in the legal profession. For example, in 1969, a federal district judge made approximately 21 percent more than a dean at a top law school and 43 percent more than senior professors at those schools. Today, however, federal district judges earn almost 50 percent less than the deans and senior professors at those top law schools. Even more telling, perhaps, beginning lawyers just out of law school in some cities actually earn more their first year than the most senior and experienced federal judges before whom those lawyers will be practicing.

¹ Special recognition and thanks to David H. Leigh of Snell & Wilmer L.L.P., Salt Lake City, Utah, for his assistance in preparing this letter.



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Low salaries threaten the independence of the federal judiciary in at least two important ways. First, today's legal environment requires the very best legal minds to ensure that cases are decided fairly, accurately and efficiently. The case load for federal district and appellate court judges continues to climb rapidly. Moreover, many of today's federal civil and criminal cases are extremely complex. The erosion of judicial salaries in the wake of inflation, however, along with the gross disparity in pay when compared with others in the legal profession, discourages some of the best and the brightest from considering and accepting appointments to the federal bench.

Second, an increasing number of federal judges are resigning their judgeships, many forfeiting their right to the judicial annuity they otherwise would be entitled to if they remained on the bench, in order pursue other employment opportunities. In fact, since 1990, more than 100 federal judges have left the bench. Approximately 80 percent of those departures were to pursue other careers, and in most cases, for significantly higher compensation.

U.S. District Judge Paul G. Cassell, United States District Court for the District of Utah, is the latest judge to resign from the federal bench. Judge Cassell's resignation, effective November 5, 2007, comes just five years after his appointment. Judge Cassell will be rejoining the faculty at the S.J. Quinney College of Law at the University of Utah, and has accepted an offer from the National Crime Victim Law Institute to litigate cases across the country on its behalf.

In his resignation letter to President Bush, Judge Cassell wrote:

As you know, this year federal judges have yet to receive even a cost of living pay increase. Your much-appreciated proposal to raise judicial salaries has yet to be acted on by Congress. I would like to ensure that my children will have the same educational opportunities that I had. How to achieve that within the constraints on current judicial pay is more than a difficult task. My wife and I have concluded that we may not be able to do what we have always planned to do unless I make some changes.

The CLLA therefore joins the many other legal and professional organizations, corporate counsels, prominent lawyers and law firms, and the deans of some 130 law schools, in urging Congress to quickly pass legislation increasing federal judicial salaries. The need and urgency for passing such legislation cannot be overstated. To that end, we strongly urge the House to pass H.R. 3753 – The Federal Judicial Salary Restoration Act of 2007 and furthermore, to adopt the higher salary amounts proposed in the Senate version of the Act (S. 1638).



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Respectfully submitted,

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