

GOVERNMENTAL AFFAIRS  
OFFICE

AMERICAN BAR ASSOCIATION

**Governmental Affairs Office**

740 Fifteenth Street, NW  
Washington, DC 20005-1022  
(202) 662-1760  
FAX: (202) 662-1762

DEPUTY DIRECTOR  
Denise A. Cardman  
(202) 662-1761  
cardmand@staff.abanet.org

SENIOR LEGISLATIVE COUNSEL  
R. Larson Frisby  
(202) 662-1098  
frisbyr@staff.abanet.org

Lillian B. Gaskin  
(202) 662-1768  
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL  
Kristi Gaines  
(202) 662-1763  
gainesk@staff.abanet.org

Kenneth J. Goldsmith  
(202) 662-1789  
goldsmithk@staff.abanet.org

Kerry M. Lawrence  
(202) 662-1766  
lawrenck@staff.abanet.org

Ellen McBarnette  
(202) 662-1767  
mcbarnee@staff.abanet.org

E. Bruce Nicholson  
(202) 662-1769  
nicholsonb@staff.abanet.org

DIRECTOR GRASSROOTS  
OPERATIONS/LEGISLATIVE COUNSEL  
Julie M. Strandlie  
(202) 662-1764  
strandlj@staff.abanet.org

INTELLECTUAL PROPERTY  
LAW CONSULTANT  
Hayden Gregory  
(202) 662-1772  
gregoryh@staff.abanet.org

STATE LEGISLATIVE COUNSEL  
Rita C. Aguilar  
(202) 662-1780  
aguilarr@staff.abanet.org

EXECUTIVE ASSISTANT  
Julie Pasatiempo  
(202) 662-1776  
jpasatiempo@staff.abanet.org

STAFF DIRECTOR FOR  
INFORMATION SERVICES  
Sharon Greene  
(202) 662-1014  
greenes@staff.abanet.org

EDITOR WASHINGTON LETTER  
Rhonda J. McMillion  
(202) 662-1017

November 1, 2007

Honorable John Conyers, Jr.  
Chair, Committee on the Judiciary  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

I am writing to express the American Bar Association's concern over the growing consequences of inadequate judicial pay and to urge your unequivocal support for H.R. 3753, bipartisan legislation that will provide an immediate pay increase for federal judges.

Paying our judges adequately is an investment in the future excellence of our courts. We repeatedly have ignored the warnings of our justices and judges that persistently inadequate judicial salaries are undermining the judiciary as an institution by deterring a growing pool of candidates from seeking judgeships and acting as a disincentive for experienced judges to remain on the bench for life.

As Justice Kennedy recently stated, "Without a functioning, highly qualified judiciary, no nation can hope to guarantee the prosperity and secure the liberties of its people.... We are in real danger of losing, through gradual but steady decline, the highly qualified judiciary on which our Nation relies."

We are aware that a major objection to enacting judicial pay legislation is that it will disturb pay parity between Members of Congress and federal judges by breaking the linkage in base salary levels. We are also aware that the salaries of Members of Congress, like those of our federal judges, have not kept pace with inflation and have not been adjusted to maintain some kind of reasonable relationship with the private sector. In short, there is no doubt that congressional salaries also need to be raised.

We hope that any objection to H.R. 3753 on the basis of its effect on pay parity will be reevaluated in light of two important points.

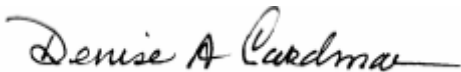
First, history has amply demonstrated that, since emergence of the notion of linkage of the base salaries of top-level federal officials in 1969, disparities in salary levels between congressional members and judges have arisen over the years and have always been temporary. Pay parity has always been restored because it is rooted in the

firm public policy conviction that there should be inter-branch pay parity for work of comparable complexity and importance.

Second, no matter the legislative vehicle used to provide public servants in upper levels of government with the pay raise they deserve, a temporary delinkage of congressional and judicial salaries will inevitably result because of the requirements of the 27<sup>th</sup> Amendment to the U.S. Constitution respecting congressional pay.

Investing in judicial salaries is an investment in maintaining the excellence of our federal courts. The cost of continued inaction is far greater than the budgetary cost of this proposed pay raise legislation. We therefore urge you to do everything within your power to assure the enactment of an immediate and substantial judicial pay raise during this session of Congress.

Sincerely,

A handwritten signature in cursive script that reads "Denise A. Cardman". The signature is written in black ink and has a fluid, connected style.

Denise A. Cardman  
Acting Director