



Federal Judicial Salaries

ABA Urges Immediate and Substantial Increase

Federal judicial salaries have fallen below any reasonable measure of adequacy, appropriateness or fairness because of Congressional non-action and failure to allow statutory pay-setting mechanisms operate as intended.

- Since 1969, the year in which the first comprehensive adjustment of judicial salaries occurred, judges' pay has declined by approximately 25% while the pay of the average American worker has increased by almost 19% when adjusted for inflation. If judicial salaries had kept pace with the increase in wages for the average American worker, the salary of district court judges would now be \$261,000.
- Since the last pay raise took effect in 1992, when adjusted for inflation, the average American workers' wages have risen 18.5%, and most federal workers' pay has risen 15%. In contrast, the pay of federal judges has declined 10.8% as a result of their not receiving cost-of-living adjustments (COLAs) in 1994, 1995, 1996, 1997, 1999 and 2007. The cumulative compensation lost due to these denied COLAs totals \$208,500 for district judges.
- The inadequacy of judicial salaries is stark by any benchmark. While judges cannot -- and do not -- expect to equal the salaries of their peers in private practice, it is of undoubted relevance when a judge's law clerk is hired by a law firm that offers compensation greater than that earned by the judge. Judicial salaries also pale in comparison to those of law school deans and leaders of non-profits -- two relevant reference points. The median salary for law school deans is approximately \$230,000 -- about 42% more than district court salaries. The differential between judicial salaries and those of non-profit leaders is even greater.

The consequence of inadequate salaries should be of grave concern to all of us: judicial excellence is at stake. As our justices and judges have warned repeatedly over the last decade, we are at risk of losing, through a gradual but steady decline, the highly qualified, experienced judiciary on which our nation relies.

- Some of our most talented attorneys can no longer be persuaded to join the bench. One of the distinguishing marks of our legal tradition is that our judges come from diverse backgrounds, including the highest ranks of the private bar. We rely on and need a judiciary with substantial experience and demonstrated excellence to handle complex cases that affect all our lives with the skill, insight and efficiency that comes from experience.
- Some of our most talented and experienced judges are electing to leave the bench. Since 1990, 100 Article III judges have left the bench through resignation or retirement, and many of them have noted that financial considerations were a big factor in their decision to leave. The judiciary is losing some of its most capable and experienced jurists, as well as the services of senior judges, whose commitment and dedication have enabled the judiciary to keep up with its ever-increasing work load.

Remedial action is needed now. Congress should act promptly to provide for immediate and lasting pay relief.

- First and foremost, Congress should promptly enact pay legislation, such as S. 1638 (Leahy, D- VT), to provide an immediate and substantial increase in federal judicial salaries that not only restores lost COLAs and ensures their reasonable relationship with salaries of the American workforce, but also is commensurate with the importance of the judicial function.
- Congress should reform the current judicial pay-setting mechanisms by repealing Section 140, which requires explicit congressional approval of judicial COLAs, enacting a process that guarantees regular cost-of-living adjustments, and reestablishing a procedure for the periodic and regular review of judicial pay.