

NATIONAL BAR ASSOCIATION
JUDICIAL COUNCIL

Resolution In Support Of
the Federal Judicial Salary Restoration Action of 2007

WHEREAS, the National Bar Association, founded in 1925, is the oldest and largest organization of attorneys and judges of color in the world and today represents over 20,000 lawyers, judges, legal scholars and law students internationally;

WHEREAS, the federal courts of the United States, established under Article III of the United States Constitution, have long played a central role in providing access to equal treatment under law and in the struggle against racism in America;

WHEREAS, the federal courts have at crucial times in our nation's history provided courageous leadership by upholding our founding principles of our nation in the areas of education, employment, voting rights and the rights secured by the United States Constitution;

WHEREAS, in the landmark case of *Brown v. Board of Education*, the United States Supreme Court declared segregation in public education is inherently unconstitutional and ordered that all public educational systems in the United States be desegregated;

WHEREAS, from 1969 through 2006 real pay for the federal judiciary declined approximately 25 percent, while real pay of the average American worker increased by about 19 percent, a difference of about 44 percent;

WHEREAS, if salaries of the federal judiciary had increased from their actual 1969 level, as did salaries of the average American worker for the same period, federal judges compensation would now be approximately \$261,300;

WHEREAS, the NBA Judicial Council agrees with Chief Justice John Roberts of the United States Supreme Court that the declining percentage of federal judges coming from the private bar, as opposed to the public sector, creates a serious concern, as does the increasing number of judges resigning from the bench;

WHEREAS, we further agree with the recent *New York Times* editorial indicating that Chief Justice 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";

WHEREAS, we also agree with the Volcker Commission, which concluded a few years ago that "judicial salaries are the most egregious example of the failure of federal compensation policies," while noting that judicial salaries lag behind the salaries of nonprofit leaders with whom judges might be compared;

WHEREAS, now that the doors of opportunity have been cracked opened and a number of lawyers of color have made great strides career-wise in corporate America, academia and as partners in major law firms, African American lawyers who have a successful private practice or who are the general counsel or in other high-paid positions can ill-afford to make the personal financial sacrifice of opting for a judicial appointment where the salary is only \$165,000 annually, which is below that of some first-year law associates right out of law school;

WHEREAS, attracting and retaining first-rate African American legal talent is a concern, and more than a few experienced and well-regarded African American jurists have resigned from the federal bench to take higher paying positions, pointing to a dangerous trend of diminishing numbers of African American jurists on our federal benches at a time when we need more, not fewer, African American judges; and

WHEREAS, the NBA Judicial Council, the nation's preeminent and oldest association of African American judges and judicial officers, is vitally concerned about the independence of the judiciary and the importance of recruiting

and retaining African Americans for the federal judiciary, and believes that fair compensation is a vital component of achieving this goal;

NOW THEREFORE BE IT RESOLVED, That the NBA and the NBA Judicial Council strongly support the Federal Salary Restoration Act of 2007 and hereby encourage the United States Congress to cease its practice of linking the salaries of federal judges to that of members of Congress to ensure judicial salaries are adequate to attract and retain the best and the brightest lawyers in the nation, including African American lawyers.

BE IT FURTHER RESOLVED, that the NBA and NBA Judicial Council join with the endeavors of other organizations supporting this legislation, which will effectuate a positive change in the manner and method by which all federal judges are compensated, and all members across the nation are hereby urged to contact their respective representatives in Congress expressing their support for this legislation.

Done this _____ day of _____ in _____
the year _____ in the City of _____ in the State of _____

By:

Linnes Finney, Jr.
President, National Bar Association

Attested and subscribed to

Ellen E. Douglass
Secretary, National Bar Association