



New York State Bar Association

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COMMERCIAL AND FEDERAL LITIGATION SECTION

2006-2007 Officers

LESLEY F. ROSENTHAL
Section Chair
Lincoln Center for the Performing
Arts, Inc.
70 Lincoln Plaza, 9th Floor
New York, NY 10023
212/875-5125
FAX 212/875-5122
lrosenthal@lincolncenter.org

April 19, 2007

CARRIE H. COHEN
Section Chair-Elect
Attorney General's Office
Public Integrity Unit
120 Broadway, 22nd Floor
New York, NY 10271
212/416-8242
FAX 212/416-8026
carrie.cohen@oag.state.ny.us

**Re: The Need for a Substantial Increase for
Federal Judicial Salaries**

PETER BROWN
Section Vice-Chair
Brown Raysman Millstein et al
900 Third Avenue
24th Floor
New York, NY 10022
212/895-2480
FAX 212/840-2429
pbrown@brownraysman.com

SUSAN M. DAVIES
Section Secretary
Gregory P. Joseph Law Offices LLC
805 3rd Avenue, 31st Floor
New York, NY 10022
212/407-1208
FAX 212/407-1274
sdavies@josephnyc.com

VINCENT J. SYRACUSE
Section Treasurer
Tannenbaum Helpem Syracuse &
Hirschtritt LLP
900 Third Avenue
New York, NY 10022
212/508-6722
FAX 212/656-1916
syracuse@thshlaw.com

Dear Honorable Sirs:

We write in support of Chief Justice John Roberts' call for a substantial increase in salaries for the federal judiciary. As Chief Justice Roberts pointed out in his 2006 year-end report, the average U.S. worker's wages rose 17.8% since 1969, but the compensation of federal judges actually declined 23.9% after inflation over the same period. Today, whether compared to law school deans, senior professors, leaders in the nonprofit sector, private practitioners or recent law school graduates in many markets, judicial salaries lag far behind the salaries of these other groups. Thus, we agree with the Volcker Commission's observation that "judicial salaries are the most egregious example of the failure of federal compensation policies."

Often forgotten in the debate is that a large number of federal employees, in legal and non-legal positions, currently receive salaries that exceed the salary of district court judges. Not only have annual cost-of-living increases been denied to the federal judiciary but it has been sixteen years since the last raise in judicial pay. We recognize that there will always be a significant disparity in the pay of those in the private sector and those performing public service. Nonetheless, there is no basis for treating members of the federal judiciary different from other federal employees. We understand that the salaries of the federal judiciary and Congress are linked by law, but congressional and judicial salaries need to be decoupled, or at least set off in time.

The crisis that exists because of the inadequacy of federal judicial pay is real and requires immediate attention. The decline in pay discourages highly qualified private sector lawyers from entering the judiciary and caused good, experienced judges to leave the bench.

Delegates to the House of Delegates

Sharon M. Porcellio
Lesley F. Rosenthal
Stephen P. Younger
Neil L. Levine, Alternate

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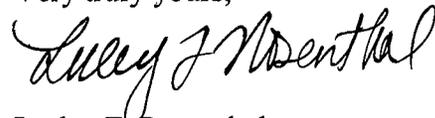
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This Section of the New York State Bar Association includes 2,200 leading commercial litigators involved in the representation of commercial clients in major matters in federal courts throughout the United States. Thus, we are keenly interested in the federal judiciary's decision-making continuing to be well-reasoned and timely. The United States is a model of free market enterprise, in part, because of the guidance provided by the federal judiciary on a wide range of commercial disputes.

Preserving the quality and independence of the judiciary also is critical to our constitutional form of government. Our Country needs and deserves the most qualified people to serve as federal judges. To attract and retain a high-quality judiciary selected from a diverse pool of private and public sector candidates, judicial salaries need to be increased substantially now.

We hope you will quickly enact a significant increase in federal judicial salaries.

Very truly yours,



Lesley F. Rosenthal

Honorable Max Baucus, Chairman
Senate Committee on Finance
United States Senate
433 Russell Senate Office Building
Washington DC 20510

Honorable Charles E. Grassley
Ranking Member, Senate Committee on Finance
United States Senate
711 Hart Senate Office Building
Washington, DC 20510-1501

Honorable Barney Frank, Chairman
House Financial Services Committee
Democratic Staff
2129 Rayburn House Office Building

Honorable Spencer Bacchus, Ranking Member
House Financial Services Committee
Democratic Staff
2129 Rayburn House Office Building

Honorable Patrick J. Leahy, Chairman
Senate Committee on the Judiciary
433 Russell Senate Office Building
Washington, DC 20510-4502

Honorable Arlen Specter, Ranking Member
Senate Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Honorable John Conyers, Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Honorable Lamar S. Smith, Ranking Member
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

bcc.: Mark Alcott, President, NYSBA
Jay Safer, Section Federal Judiciary Committee Co-Chair, Lord Bissell & Brook LLP;
John Winter, Section Federal Judiciary Committee Co-Chair, Patterson, Belknap, Webb &
Tyler LLP
Hon. Melanie Cyganowski, Greenberg, Traurig LLP,

Carrie Cohen, Esq., Section Chair-Elect, The Cyrus R. Vance Center for International
Justice Initiatives

Peter Brown, Esq. Section Vice-Chair, Thelen Reid Brown Raysman & Steiner LLP

Susan M. Davies, Esq., Section Secretary

Vincent Syracuse, Esq., Section Treasurer, Tannenbaum Helpert Syracuse &
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Lesley F. Rosenthal

The Honorable Robert C. Byrd
Chairman, Senate Appropriations Committee
528 Hart Office Building
Washington, DC 20510

The Honorable Thad Cochran
Ranking Member, Senate Appropriations
Committee
113 Dirksen Office Building
Washington, DC 20510

The Honorable David Obey
Chairman, House Appropriations Committee
2134 Rayburn Office Building
Washington, DC 20515

The Honorable Jerry Lewis
Ranking Member, House Appropriations
Committee
2112 Rayburn Office Building
Washington, DC 20515

The Honorable Richard Durbin
Chairman, Subcommittee on Financial
Services and General Government
Senate Appropriations Committee
332 Dirksen Office Building
Washington, DC 20510

The Honorable Sam Brownback
Ranking Member, Subcommittee on
Financial Services and General Government
Senate Appropriations Committee
303 Hart Office Building
Washington, DC 20510

The Honorable Jose E. Serrano
Chairman, Subcommittee on Financial
Services and General Government
House Appropriations Committee
2227 Rayburn Office Building
Washington, DC 20515

The Honorable Ralph Regula
Ranking Member, Subcommittee on
Financial Services and General Government
House Appropriations Committee
2306 Rayburn Office Building
Washington, DC 20515

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