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Low pay threatens judiciary, Roberts warns

- Roberts says low judicial salaries are "grievously unfair"
- Chief justice devoted entire year-end report to salaries
- Thirty-eight judges have left the bench in the past six years

WASHINGTON (AP) -- Pay for federal judges is so inadequate that it threatens to undermine the judiciary's independence, Chief Justice John Roberts says in a year-end report critical of Congress.

Roberts said the judiciary will not properly serve its constitutional role if it is restricted to people so wealthy that they can afford to be indifferent to the level of judicial compensation, or to people for whom the judicial salary represents a pay increase.

Issuing an eight-page message devoted exclusively to salaries, Roberts says the 678 full-time U.S. District Court judges, the backbone of the federal judiciary, are paid about half that of deans and senior law professors at top schools.

In the 1950s, 65 percent of U.S. District Court judges came from the practicing bar and 35 percent came from the public sector. Today the situation is reversed, Roberts said, with 60 percent from the public sector and less than 40 percent from private practice.

Federal district court judges are paid \$165,200 annually; appeals court judges make \$175,100; associate justices of the Supreme Court earn \$203,000; the chief justice gets \$212,100.

Thirty-eight judges have left the federal bench in the past six years and 17 in the past two years.

The issue of pay, says Roberts, "has now reached the level of a constitutional crisis."

"Inadequate compensation directly threatens the viability of life tenure, and if tenure in office is made uncertain, the strength and independence judges need to uphold the rule of law -- even when it is unpopular to do so -- will be seriously eroded," Roberts wrote.

Legislation languished in Congress in 2006 that would have provided a 16 percent increase in federal judges' salaries. The bill was introduced by Democratic Sens. Dianne Feinstein of California, Patrick Leahy of Vermont and John Kerry of Massachusetts.

Leahy, incoming chairman of the Senate Judiciary Committee, said Roberts "is right that the issue of judicial compensation relations to the issue of the independence of the judiciary." Leahy said the chief justice "has tackled a touchy but timely topic that has been a chronic sticking point between the judicial and legislative branches."

Over the past 16 years, Congress has provided the judiciary occasional cost-of-living adjustments, but Roberts said the absence of salary increases is "grievously unfair."

Leahy pledged "to do what I can to convince Congress to fairly evaluate this issue and the chief's arguments so that we can see what solutions may be possible."

It is the first time in the two-decade history of year-end reports by Roberts and his predecessor, the late William Rehnquist,

that the chief justice's message has focused entirely on a single subject.

There are "very good judges" in both of those categories, said Roberts, but a judiciary drawn more and more from only those categories "would not be the sort of judiciary on which we have historically depended to protect the rule of law in this country."

"It changes the nature of the federal judiciary when judges are no longer drawn primarily from among the best lawyers in the practicing bar," Roberts wrote.

The number of cases filed in the Supreme Court increased for the court's 2005 term, according to an appendix to the report. Supreme Court case filings rose by more than 1,000 to 8,521 from the previous term. Appeals court filings dropped by 3 percent to 66,618 in 2006 compared with 2005.

In federal district courts, the number of criminal cases filed in 2006 declined by 4 percent to 66,860 cases and 88,216 defendants, due to changing priorities directing more resources to combating terrorism.

The civil caseload rose 2 percent to 259,541.

Excluding a jump in asbestos-related cases which totaled 18,179, the civil caseload fell by 4 percent.

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