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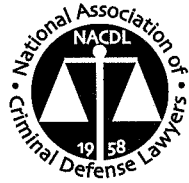
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NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

Carmen D. Hernandez
 PRESIDENT 2007-2008

January 15, 2008

The Honorable Harry Reid
 Majority Leader
 528 Hart Building
 Washington, DC 20510

The Honorable Mitch McConnell
 Minority Leader
 361-A Russell Building
 Washington, DC 20510

The Honorable Patrick Leahy
 Chairman, Senate Judiciary
 Committee
 433 Russell Building
 Washington, DC 20510

The Honorable Arlen Specter
 Ranking Member, Senate
 Judiciary Committee
 711 Hart Building
 Washington, DC 20510

The Honorable Nancy Pelosi
 Speaker of the House
 235 Cannon Building
 Washington, DC 20515

The Honorable John Boehner
 House Minority Leader
 1011 Longworth Building
 Washington, DC 20515

The Honorable John Conyers, Jr.
 Chairman, House Judiciary Committee
 2426 Rayburn Building
 Washington, DC 20515

The Honorable Lamar Smith
 Ranking Member, House Judiciary
 Committee
 2409 Rayburn Building
 Washington, DC 20515

Re: Compensation for the Federal Judiciary (S. 1638 / H.R. 3753)

Dear Chairmen, Senators, and Representatives:

On behalf of the National Association of Criminal Defense Lawyers (NACDL), I am writing to voice our strong support for S. 1638 and H.R. 3753, legislation that would increase salaries for the federal judiciary. We concur with Chief Justice Roberts, as stated in his 2007 Year-End Report on the Federal Judiciary, that "salary restoration legislation is vital now that the denial of annual increases over the years has left federal judges—the backbone of our system of justice—earning about the same as (and in some cases less than) *first-year lawyers* at firms in major cities, where many of the judges are located."

"LIBERTY'S LAST CHAMPION"

EXECUTIVE DIRECTOR
Norman L. Reimer

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Re: Compensation for the Federal Judiciary

Judicial salaries have stagnated for far too long. Federal judges have been denied COLA's in 6 of the past 12 years. With only two meaningful pay increases in the past 20 years, the judiciary's real pay has decreased 25 percent since 1969. Accordingly, the National Commission on Public Service (the "Volcker Commission") declared that an "immediate and substantial increase" in judicial salaries should be Congress's first priority.

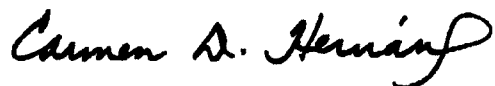
It goes without saying that federal judges could easily make significantly more as partners at major law firms, but judicial salaries have been surpassed in other areas as well. Many federal employees, including SEC trial attorneys, can now receive significantly more than the annual \$165,000 salary for federal district court judges. As Chief Justice Roberts pointed out, judicial law clerks who go on to associate positions at major law firms are able to command starting salaries in the same range or higher than their judges. And the judicial branch no longer enjoys an edge over the nation's top law schools when competing for the nation's brightest legal minds.

We are sensitive to the fact that judicial salaries are hardly meager by most standards and that federal judgeships remain prestigious. But this oversimplifies the reality of the problem and ignores the constitutional values at stake. For evidence that the inadequacy of judicial pay undermines life tenure, one need only point to the unprecedented number of departures from the federal bench in recent years. Such attrition cannot but diminish the quality, and ultimately, the independence of the judiciary.

We also are concerned about the detrimental effect of salary erosion on the diversity of the bench. As Senator Leahy recently stated, "Diversity on the bench helps ensure that the words 'equal justice under law,' inscribed in Vermont marble over the entrance to the Supreme Court, is a reality and that justice is rendered fairly and impartially."

As an association of lawyers who appear daily in our nation's federal courts, we know first-hand the importance of a highly qualified and independent judiciary. The fair administration of justice and the rule of law will suffer immeasurably if our nation's judiciary is not made up of a diverse group of our country's best lawyers. We urge you to guard against this consequence by passing the pending judicial compensation legislation as a first order of business this session of Congress.

Sincerely,

A handwritten signature in black ink that reads "Carmen D. Hernandez". The signature is written in a cursive, flowing style.

Carmen D. Hernandez
President