



# Federal Bar Association

*Office of the President*

**JUANITA SALES LEE**

5106 Sunrise Trail  
Huntsville, AL 35810  
256.955.4521 • 256.955.1137 (fax)  
juanita.saleslee@smdc.army.mil

December 8, 2008

The Honorable Nancy Pelosi  
Speaker  
House of Representatives  
Washington, DC 20515

The Honorable Steny Hoyer  
Majority Leader  
U.S. House of Representatives  
Washington, DC 20515

The Honorable John A. Boehner  
Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

**Re: 2009 COLA for the Federal Judiciary**

Dear Speaker Pelosi, Majority Leader Hoyer, and Minority Leader Boehner:

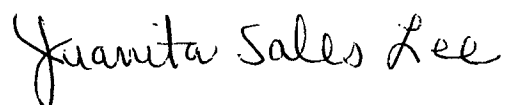
I am writing on behalf of the sixteen thousand members of our Association to urge the House of Representatives to pass legislation that provides to all federal judges a cost-of-living adjustment for 2009. It is critical that Congress take such action before it adjourns for the year. Such action is essential to preserve the independence and integrity of the federal judiciary. Members of Congress are already set to receive a 2.8 percent COLA for 2009.

For six of the last fifteen years, judges have not received a COLA. Judges were denied a COLA in 2007, 1999, 1997, 1996, 1995, and 1994. Congressional inaction on judicial salaries has caused them to lag further and further behind the rate of growth of pay of the average American worker. This has undermined the notion of judicial life tenure and has led some experienced jurists to acquire senior status or to retire earlier than they might have to take advantage of private-sector opportunities. It also has discouraged excellent candidates from even considering service on the federal bench.

The deteriorating situation over judicial pay underscores the need for Congress to take further constructive steps, including the repeal of section 140, which requires Congress to affirmatively act to provide even a COLA to federal judges. Such action is not required for the receipt of a COLA by Members of Congress and should not be required for federal judges. Congress should also finalize the work it began during the 110<sup>th</sup> Congress in the next session to restore federal judicial pay to its rightful level. The judiciary committees of both the House and the Senate reported favorable measures but did not receive floor action.

The most immediate concern lies with the 2009 COLA and the repeal of section 140. The Senate approved the 2009 COLA for federal judges by unanimous consent on November 20. We would deeply appreciate your leadership in assuring that the House quickly does at least as much before it adjourns.

Sincerely,

A handwritten signature in cursive script that reads "Juanita Sales Lee".

Juanita Sales Lee  
National President

cc: Senator Harry Reid  
Majority Leader

Senator Mitch McConnell  
Minority Leader

Senator Patrick Leahy  
Chairman, Senate Judiciary Committee

Senator Arlen Specter  
Ranking Member, Senator Judiciary Committee