



HNBA Model for an Earned and Secure Path to Citizenship

HNBA is the national voice of the Hispanic legal community and works to address legal issues that affect the U.S. Hispanic community. Many HNBA members are active immigration law practitioners. As such, HNBA has a vested interest in the substance and process of comprehensive immigration reform (CIR). HNBA believes that there exists an immediate and critical need for a process, whereby America's undocumented immigrants are granted legal authority to reside and work in the U.S. while they earn permanent residency and eventual citizenship.

THE NEED IS IMMEDIATE. Recent studies demonstrate a decreasing trend in the incidence of illegal immigration over the past several years. Still, public negative sentiment about undocumented immigrants has been increasing. HNBA believes that much of the negative sentiment is based on erroneous information, including in the areas of crime rates, social costs, language fears, and tax revenue losses. The status quo is a lose-lose proposition. We must change that, and we must change it now.

A FRESH START. America needs a fresh start. First, we must at the outset lift the illegality that stains and burdens the millions of undocumented immigrants that are working and living law abiding lives. Second, we must shift the social energy towards achieving a win-win proposition by embracing America's history as a country of immigrants able to overcome challenges and maintain America's greatness.

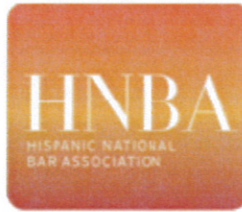
A PROCESS THAT PAYS FOR ITSELF. It makes sense that we must adopt a program that pays for itself. This can be done through payment of reasonable fees and costs by the applicants.

A PROCESS THAT IS JUST AND FAIR. Above all, the process of assimilating the millions of undocumented immigrants must be based on respect of rule of law and due process. While applicants should not jump ahead of the legal immigrant process, waiting periods should be brief as possible and an administrative and judicial process should safeguard just proceedings.

A PROCESS THAT SECURES OUR BORDERS.

We must secure our borders. Already the incidence of illegal immigration is decreasing due to market forces, not fences of fear or walls of racial hyperbole. Reforming our system with a path to citizenship now will eliminate the economic incentives that fuel illegal immigration and cast light where it belongs, on a legal and fair program.

SUBSTANTIAL ECONOMIC INCENTIVES. Congressional Budget Office (CBO) studies conducted in 2006 and 2007 estimate that the U.S. Treasury revenues would undergo a net increase of \$44 billion over 10 years if a process for immediate authority to stay and work, coupled with eventual citizenship were implemented. Other studies estimate that legalized immigrants would provide a net benefit of \$407 billion to the social security system over 50 years. Studies conducted by some states, such as Arizona, Texas, and Virginia, show that the undocumented immigrant community is an essential part of their economies.



HNBA Seeks to Increase Compensation for Federal Judges and Diversity in the Federal Judiciary

Hispanics are currently 15 percent of our Nation's population. That percentage is expected to increase to 29 percent within the next forty years. As the Hispanic population grows, its trust and confidence in the U.S. legal system and governmental institutions becomes increasingly important to the vitality of our democracy. The preservation of a fair and independent judiciary is essential to that trust.

A federal judiciary that attracts the best and brightest from all segments of the legal profession and our population is indispensable for the citizenry to view the courts as a "safe place" for all who seek justice, regardless of their background. Toward that end, HNBA advocates for fair compensation for judges at all levels of the federal judiciary so that we may continue to attract and retain strong candidates from all sectors. In particular, HNBA supports the Federal Judicial Fairness Act of 2009 (S. 2725). Similarly, HNBA advocates for increased diversity in the federal judiciary to include more Latino judges and other minorities.

I. Increase Compensation for Judges at All Levels of the Federal Judiciary

There is currently a serious disparity between the compensation paid to federal judges, and that earned by arbitrators or attorneys in private practice.ⁱ One reason for this disparity is a congressional freeze on judicial compensation pursuant to the Ethics Reform Act of 1989. Judicial salaries are currently linked to congressional salaries pursuant to Section 140 of the Act.ⁱⁱ Members of Congress are reluctant to increase their own salaries for fear of public scrutiny surrounding fiscal responsibility, stalling the judicial pay scale in the process. After adjustment for inflation, average American workers' wages have risen 18.5 percent since 1992, while the pay of federal judges has *declined* by almost 11 percent.

This state of affairs has prompted some federal judges to leave the bench and discouraged talented professionals from pursuing federal judicial appointments. As Chief Justice John Roberts has noted, inadequate pay "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."

In November 2009, Senator Dianne Feinstein (D-CA) introduced the Federal Judicial Fairness Act of 2009 (S. 2725) which would repeal Section 140, link judicial cost of living adjustments (COLAs) to General Schedule COLAs, and authorize judges to receive the national average locality adjustment as part of their yearly COLA. This bill does not redress judges for lost cost of living adjustments, nor does it provide a pay raise. Rather, it merely breaks the existing link between judicial cost of living adjustments and congressional salaries. HNBA supports S. 2725.

II. Increase Diversity of the Federal Judiciary to Include More Latinos and Other Minorities

While the Hispanic community has seen some progress in the appointment of qualified Latino judges at the federal level, our community remains seriously underrepresented in the judicial system.ⁱⁱⁱ HNBA has made it one of its top priorities to identify and recommend qualified Latino attorneys and judges to the members of the Senate and to the President of the United States for appointment to the bench. We urge the members of the Senate to:

- Ensure that any and all nomination commissions and committees they appoint to vet candidates for the federal district court bench are diverse and representative of the population of the state and of all segments of the legal profession;
- Ensure, to the maximum extent possible, that each slate of candidates they recommend to the President of the United States for nomination to the federal bench includes candidates of both genders and of diverse ethnic and racial backgrounds; and
- Ensure that each judicial candidate nominated by the President receives fair, respectful and expeditious consideration by the United States Senate and a prompt up or down vote. Long vacancies reduce the effectiveness of the court system and are thus a threat to equal access to justice – “justice delayed is justice denied.”

Since his inauguration, President Obama has nominated a total of 67 judges to the federal bench. Of those nominees, only 5 are Latino. The only Latino federal judicial nominee to have been confirmed to date is Associate Justice Sonia M. Sotomayor of the U.S. Supreme Court. The other Latino nominees—Judge Albert Diaz, Gloria M. Navarro, William J. Martinez and Judge Mary Murguia—are at different stages of the confirmation process. We urge all members of the United States Senate to support the expeditious confirmation of these candidates.

ⁱ According to the Congressional Research Service (CRS), federal judges earn an average of \$183,120 per year (with the Supreme Court Chief Justice earning \$213,900 a year on the high end and district court judges earning \$169,300 a year on the low end), while first-year associates at large law firms earn a base salary of \$160,000 plus bonuses. Further, partners at large law firms can earn anywhere from \$500,000 to several million dollars a year.

ⁱⁱ Sec. 140 states that “no judicial cost-of-living adjustments (COLA) can take effect without specific congressional authorization.”

ⁱⁱⁱ There are 875 total federal judges on the federal bench, including the Supreme Court, circuit courts, the Court of International Trade, and district courts. Of all these federal judges, 41 are Hispanic men and 19 are Hispanic women. In the district courts, which have 678 total judges, only 32 judges are Hispanic men and 14 judges are Hispanic women. The Court of Appeals has 179 total judges, including 9 Hispanic men and 4 Hispanic women. Justice Sonia M. Sotomayor is the first Hispanic to ever serve on the U.S. Supreme Court. The Court of International Trade does not have any Latino judges.