

Bankruptcy Judges Not Required to Settle Back Pay Suit

The Court of Federal Claims has certified a class of 500 federal bankruptcy judges who assert that they did not receive the full pay to which they are statutorily entitled. Federal law sets the salary of bankruptcy judges at 92% of the salary of federal district court judges.

The trial court readily rejected the Government's argument that the proposed class did not satisfy the numerosity requirement of Rule 23, stating that "[f]ive hundred people is well within the range in which classes have been certified in this court." The court also rejected the Government's argument that class certification would not be a superior way of fairly and efficiently adjudicating the claims. The Government argued that class certification would preclude the use of an informal administrative process for resolving claims if liability is established. The court, however, disagreed:

While the advantages of an informal payment mechanism are appealing to the court, we cannot force plaintiffs to accept a settlement or even a method of reaching settlement. We can only hope that, if liability is resolved in favor of plaintiffs, the parties will agree on an administrative mechanism along the lines the government suggests.

To read the decision, click [here](#).