



Office of the Attorney General
Washington, D. C. 20530

December 4, 2013

The Honorable John Boehner
Speaker
U.S. House of Representatives
Washington, DC 20515

Re: Barker et al. v. United States, No. 12-826C (CFC)

Dear Mr. Speaker:

In accordance with 28 U.S.C. 530D, I write to inform you that the Department of Justice has determined not to contest liability in the above-captioned case. In *Beer v. United States*, 696 F.3d 1174 (Fed. Cir. 2012), cert. denied, 131 S. Ct. 1997 (2013), the Federal Circuit held that certain statutes denying annual pay increases to Article III judges violated the Compensation Clause. On October 29, 2013, I informed you by letter of the Department of Justice's decision not to seek further review of the Federal Circuit's holding. The above-captioned case is a putative class action filed by Article III judges seeking back pay and adjustment of payment records on the same theory that the Federal Circuit accepted in *Beer*. On December 10, 2013, the plaintiffs and the government intend to file a joint motion for entry of order which acknowledges that the holding in *Beer* would apply to all Article III judges and consents to a revision of payment records and the adjustment of salaries in light of that holding.

Please do not hesitate to contact me if you have any questions.

Sincerely yours,

A handwritten signature in blue ink, reading "Eric H. Holder, Jr.".

Eric H. Holder, Jr.
Attorney General