

James H. Anderson

7001 Seaview Avenue Northwest, Suite 160-2, Seattle, Washington 98117
(425) 454-5900 capt.anderson@gmail.com

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Senior Judge Roslyn O. Silver
United States District Court
Sandra Day O'Connor U.S. Courthouse, Suite 624
401 West Washington Street, SPC 59
Phoenix, AZ 85003-2158

Dear Senior Judge Silver:

It's never been clear to me what a Judge's job is: to apply intellect, scholarly knowledge and precedent to cases at hand in order to render a scientifically and legally correct verdict, or to do justice. Or perhaps it is some combination of the two. In a perfect world of course one would do both simultaneously. But I venture to guess that since our world is imperfect, that is why your job is such a difficult one. A job that one doesn't come by easily.

Though I wouldn't dare compare myself with someone of your credentials and a U.S. Senate confirmation no less, I can fairly say that I did not come by my job easily either.

To get my job I had to have a spotless record, a four-year degree or higher, uncorrected 20/20 vision and about 10 years of applicable experience. Once I met those qualifications I felt lucky when I was invited to travel across the country three different times for three succeeding interviews that included challenging written tests, medical and psychological evaluations, on the job operational testing, verbal quizzing and testing and other extensive screenings culminating in a very stressful board interview. Only about one out of seven invitees to the initial interviews ultimately received an offer of employment.

When I accomplished all of this and was hired for my dream job at the relatively young age of 28 I was thrilled. It was reflected by those who surrounded me, who all had to go through the same selection process. And it was reflected by the career that lay ahead of us. We all had gotten a job where we worked under one of the leading contracts in the industry with some of the highest levels of compensation, an outstanding retirement program and the best training, professional environment and work rules in the industry.

We all looked forward to our defined benefit retirement plan that provided us with a guaranteed lifetime annuity of over \$10,000 per month for life beginning at age 60, or under many circumstances a lump sum payment of just over one million dollars.

We were the best of the best and were compensated accordingly. Former military officers consisting of commanders, fighter and transport pilots and educated, refined, credentialed, experienced and carefully selected civilians. We were, and still are, the Sully's of aviation:

just the kind of person you want in the cockpit of the airliner you're flying on when the chips are down.

These criteria and compensation levels applied to all three of the legacy airlines that had come together to form U.S. Airways: Pacific Southwest Airlines (where Sully came from), Piedmont Airlines where I was hired in 1989, and USAir, with roots back to the original Air Mail service in the 1930's.

I don't know whether or not you're a fan of baseball but I feel comfortable saying with some certainty that when a kid is growing up and wants to be a baseball player he doesn't say "When I grow up I want to play for the Reno Aces!" No, s/he wants to play for the Arizona Diamondbacks, the San Francisco Giants or the New York Yankees. Not the Fresno Grizzlies or the Wilkes Barre Rail Riders.

I mention this, much of which you likely already know, because I also have a unique perspective of America West Airlines: Through a provision of the Transition Agreement I was one of only 5 "East" pilots who ended up flying out of Phoenix in the former America West system between December 2007 and August 2008. And let me tell you, it was not what I was used to!

As it is in baseball, so it is also with the airlines. Nobody with my qualifications aspired to become a pilot for America West. Rather, the pilots of America West ended up there after not making the cut at American, Delta, Northwest, United, USAir, PSA, Piedmont or the other top-tier legacy airlines. I accurately felt that I had temporarily been "sent down" to AAA from my spot in the major leagues.

All of a sudden I was flying with a group of rag-tag pilots who by their standards, had hit the big-time and were flying jet airliners. Few, (26%, I am told) had a four-year degree. Many wore thick glasses and many were quite overweight. Rather than officers, the military veterans were former load-masters, landing signal officers and other non-commissioned officers. And the core group who helped to get the airline up and running in the 1980's were former strike-breakers from the big 1983 strike at Continental Airlines. Even my simulator training instructor was second-tier. He was an 83 year old sub-contractor in a polo shirt and khakis, not a suit-clad check airman who was a manager in the flight operations department at a major airline like I was used to.

The same standard held true for their fleet and working conditions. The America West pilots had no retirement program besides a 401(k), worked to the limits permitted by regulation and even had a joke about the airplanes they flew. It was "We had a standardized fleet. Until we got our second airplane." It too was a rag-tag collection of used and lease-returned airplanes. Never once did a shiny new plane make its way from the factory straight on over to Phoenix. (Standardization in the cockpit is a hallmark of safety, and identical cockpits like we had on every single airplane in the East were a rarity on the West fleet.)

Upon consummation of the merger the former America West flight operations department, including all of flight training and standards, was gutted and replaced in its entirety by the East flight operations department. And the fleet was upgraded. All of the old 737's were replaced by brand new A-321's and every other airplane was upgraded and retrofitted to meet the standards of our top-tier airline.

While I was there, America West had its very best pilot contract ever while U.S. Airways had its absolute worst, after two bankruptcies. Ironically these two contracts were pretty much the same when it came to total compensation.

I can't tell you how thrilled the five of us East pilots flying in the West were when we got to return to the East in October, 2008 when the America West Las Vegas base was closed and Phoenix pilots were furloughed.

Since then and with time it has become increasingly clear that the value of the U.S. Airways franchise is in the East. Unlike the five of us East pilots who got stuck in the West for a short time five years ago, *today the twenty or so West Pilots who have been flying in the East for the last several years are fighting tooth and nail to not have to go back to the West.* Meanwhile, shiny new Airbuses, including brand new wide-bodies continue to be delivered to the East as classes of 20 new-hire pilots per month come to the East month after month. And the East continues to add new international destinations such as Istanbul, Athens and Edinburgh.

For the old America West, how likely would a merger with American Airlines have been without U.S. Airways? Please forgive me if I sound like a snob but it is true: Never in their wildest dreams did a single America West pilot ever think he would be flying brand new wide-body aircraft to Europe while making \$200,000 a year. But now they can.

Why am I telling you all of this? Perhaps I sound entitled. I love to root for the underdog. But I can tell you this for certain: I earned my job to be with the best of the best when I was hired in 1989. And I guarantee that any one of the current West pilots would have accepted my job offer on the date I got it over the one that they have now if they could have gotten it. But they couldn't.

If you think it's fair to take a kid who was sitting in new-hire ground school at America West in 2005 while I had 16 years of service flying in the East and put him over 300 seniority numbers ahead of me, then implement the Nicolau Award.

If you think it's fair to take an America West pilot who started at that airline 10 years after I was flying at U.S. Airways, who couldn't make the cut at USAir, Piedmont, PSA, American, Delta or United and make him a wide body captain flying to Europe while simultaneously making me his career co-pilot, then implement the Nicolau Award.

To be blunt, with the formation of the new American Airlines the pilots of the East and the pilots at American will be getting the career they qualified for, earned and expected. And

the pilots of the West will be getting a payday, bonus and career beyond their wildest expectations. I would hope that that would be enough.

But if not, then implement the Nicolau and staple me and my peers behind each and every one of them.

If that's fair though, I'd have to think that it would be equally fair to place a career Ex Parte or Municipal Court Judge directly into Federal District Court, while giving him/her immediate senior status and waiving the Senate confirmation requirements in the process.

Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Anderson", written in a cursive style.

James H. Anderson
Captain, hired June 21, 1989
(425) 454-5900
Capt.anderson@gmail.com