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The Honorable Patrick Leahy
Senate Judiciary Committee
433 Russell Senate Office Building
Washington, DC 20510

The Honorable Arlen Specter
Senate Judiciary Committee
711 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Specter:

On behalf of the more than 420,000 members of the American Bar Association, we urge adoption of S. 442, the John R. Justice Prosecutors and Defenders Incentive Act of 2007. This bipartisan legislation would provide critical financial assistance to the men and women who serve this nation as prosecutors and public defenders, an investment in the administration of justice that will benefit us all. Please include this letter in the record of the Judiciary Committee hearing of February 27, 2007, on this legislation.

S. 442 would establish a program administered by the Department of Justice under which state and local prosecutors and federal, state and local public defenders would receive up to \$10,000 per year, to a maximum of \$60,000, in exchange for a commitment of at least three years of qualifying service.

S.442 represents an important tool for attracting and retaining talented lawyers who can develop a professionalism, competence and efficiency that comes with longer terms of service than many can currently afford. This straight-forward proposal, based on existing successful programs for federal employees, will also help mitigate high turnover rates in many offices caused by lawyers with substantial student debt leaving service because they are unable to afford the high monthly loan payments on their public service salaries. Consequently, lawyers who do remain must assume considerable caseloads to prevent delay. Confidence in the criminal justice process and the decisions it renders requires the reduction of such barriers to efficiency and integrity in the administration of justice.

The \$42,000 median starting salary for prosecutors and public defenders may not itself seem unreasonable, but viewed within the larger context of the escalating costs of obtaining a law degree, it is an obstacle to public service. For the class of 2005, the average private law school graduate incurred \$79,000 debt, to pay for annual law school tuition of \$29,000. Students at public institutions borrowed on average \$51,000 for an annual tuition of \$23,000 for non-residents and \$13,000 for residents. According to the Department of Education, more than 80% of students borrow money to obtain their

degrees, with the average student carrying \$20,000 in undergraduate debt before pursuing a career in law.

With a possible total monthly loan repayment of \$800-\$1100 after graduation, even more altruistic new lawyers feel precluded from pursuing or remaining in these positions for long. Two-thirds of graduates reported that they would not pursue public interest jobs because of the limited pay in relation to their student debt.

The constitutional rights at stake in criminal law trials are of concern to all levels of government. It is appropriate and necessary that the federal government share in easing the financial burdens shouldered by law graduates who pursue such laudable and necessary public service careers.

We strongly urge that prosecutors and public defenders who work on juvenile delinquency cases be included under this bill. These men and women are charged with the responsibility of addressing cycles of crime and violence in our nation's youth, yet the bill limits its application to criminal cases, only.

The ABA supports similar assistance for all lawyers who seek public service positions, including government, legal aid, and others. Accordingly, we support S.442 as an important first step in addressing this growing crisis in our public legal system. It is in the criminal justice setting that government must routinely exercise its authority upon the people. Life, liberty and property are too precious to our nation to leave only to those most financially able. We urge you to help alleviate the student debt burden shouldered by our nation's prosecutors and public defenders by supporting this important legislation.

Sincerely

A handwritten signature in black ink, reading "Karen J. Mathis". The signature is written in a cursive style with a small dot above the 'i' in Mathis.

cc: Members of the Senate Committee on the Judiciary