

Where's my Lawyer?

Kentucky Public Defenders,
Critical to Justice and the
Right to Counsel,
Are ***Leaving DPA*** and Criminal
Courts to Receive Higher Pay
from Other Government Offices
in Unprecedented Numbers,
Undermining Justice in the
Commonwealth

Public Defense is a Constitutional Duty of State Government

Public defense, unlike almost every other state service, is constitutionally required. The Sixth Amendment to the U.S. Constitution says that, “In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his [defense].” In *Gideon v. Wainwright*, 372 U.S. 335 (1963), the U.S. Supreme Court held that, “Any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.” See also *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

Public Defender Turnover is a Worsening Crisis that is Undermining Constitutional Rights.

In the month of July 2021, DPA lost twenty-one (21) employees, including thirteen (13) Staff Attorneys and four (4) Supervisors. While the loss of 4% of our statewide staff in a single month is concerning, it is far more dire in the local offices where the resignations have occurred. Every attorney resignation increases the caseloads for the remaining attorneys, undermining the administration of Justice and endangering the Constitutional Right to Counsel. Below are the offices that have been impacted the most by the July resignations.

Office	Caseload Increase Since July 1
Maysville	33%
Stanton	33%
London	29%
Nicholasville	25%
Glasgow	20%
Elizabethtown	17%
Henderson	17%
Morehead	13%
Columbia	13%

The rise in DPA turnover is the result of DPA's inadequate pay scale for attorneys. Experienced and trained attorneys regularly leave DPA for Local Prosecutor Offices or other Executive Branch Agencies, which are able to offer higher attorney salaries than DPA.

Just in the past two years, dozens of DPA attorneys have been offered and have accepted pay raises of up to 30% from other government offices, usually Local Prosecutor Offices or other Executive Branch Agencies. In each case, DPA was unable to match the other office's offer. Below are examples of some of those departures.

Examples of DPA Attorney Departures Since 2019

DPA Position	Months of Service	DPA Salary	New Position	New Salary	% Raise
Staff Attorney Manager	40	\$65,000	Senior Legal Counsel, AOC	\$75,000	15%
Staff Attorney III	145	\$58,142	Assistant Commonwealth Attorney	\$70,251	21%
Staff Attorney II	35	\$48,620	County Attorney Assistant	\$56,000	15%
Staff Attorney Supervisor	48	\$51,445	Court Administrator	\$60,000	17%
Staff Attorney III	103	\$50,740	Assistant Commonwealth Attorney	\$57,500	13%
Staff Attorney III	55	\$51,445	Assistant Commonwealth Attorney	\$62,588	22%
Staff Attorney II	104	\$48,324	Staff Attorney III, Public Protection	\$56,700	17%
Staff Attorney I	19	\$44,982	LRC Staff (Partisan Caucus)	\$57,759	28%
Staff Attorney II	41	\$48,510	Assistant Commonwealth Attorney	\$54,000	11%
Staff Attorney II	157	\$52,000	Assistant Commonwealth Attorney	\$79,900	54%
Staff Attorney I	1	\$46,200	Staff Attorney	\$55,849	21%
Staff Attorney II	52	\$48,995	Staff Attorney III, Education	\$62,286	27%
Staff Attorney II	132	\$48,324	Staff Attorney III, Education	\$62,286	29%
Staff Attorney II	40	\$50,004	County Attorney Assistant	\$57,573	15%
Staff Attorney II	103	\$50,004	Staff Attorney, LEGAL AID	unknown*	
Staff Attorney II	73	\$50,004	Staff Attorney III, CHFS	\$65,240	30%
Staff Attorney II	92	\$51,715	Staff Attorney III, Attorney-General	\$57,017	10%
Staff Attorney I	3	\$47,250	County Attorney Assistant	\$50,000	6%
Staff Attorney III	109	\$54,000	Staff Attorney III, CHFS	\$65,240	21%
Staff Attorney II	62	\$50,004	Assistant Commonwealth Attorney	\$67,000	34%
Staff Attorney II	65	\$50,004	Staff Attorney III, CHFS	\$65,253	30%
Staff Attorney II	161	\$61,537	Staff Attorney III, DOC	\$65,641	7%
Staff Attorney III	120	\$54,000	Assistant Commonwealth Attorney	\$60,000	11%
Staff Attorney II	45	\$50,004	Legal Counsel, AOC	\$57,500	15%
Staff Attorney II	28	\$50,004	Staff Attorney III, Energy and Environment	\$61,990	24%
Staff Attorney III	96	\$50,004	Assistant Commonwealth Attorney	\$67,000	34%
Staff Attorney I	22	\$49,613	Staff Attorney, LEGAL AID	unknown*	

* Attorney reported in Exit Interview that he/she was leaving for a pay increase



“P.S.”

The Career of Staff Attorney “P.S.”

Started with DPA	11/1/2018	Law Clerk	\$35,081
Promoted	12/1/2018	Staff Attorney I	\$45,000
Promoted	2/16/2020	Staff Attorney II	\$50,004

On March 1, 2021, P.S. had a decision to make as to where his/her career would go...

	Future with DPA	Today with Another State Agency
3/1/2021	\$50,004	\$61,990
12/1/2022	\$54,000	
11/1/2028	\$55,200	
11/1/2033	\$57,600	
11/1/2038	\$58,800	
If Promoted to Supervisor	\$58,607	

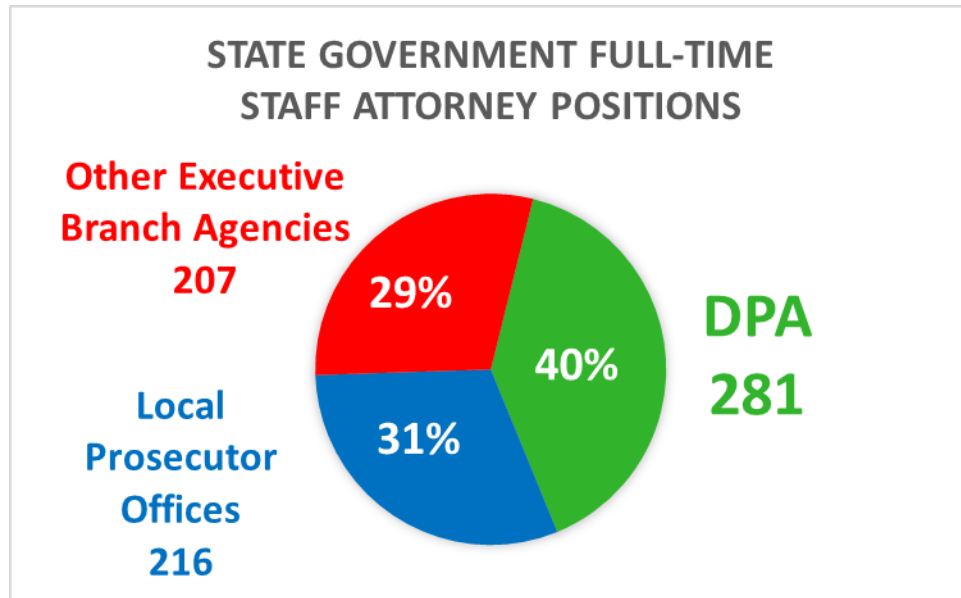
“P.S.” (an actual DPA Staff Attorney) had always wanted to be a public defender. He/she was hired in 2018 and was thrilled to have his/her dream job. P.S. was promoted twice and paid according to DPA’s pay scale (which is applied consistently to more than 300 attorneys). The attorney’s next opportunity for a promotion under DPA’s career path be in late 2022, when he/she could have been promoted to Staff Attorney III and given a raise to \$54,000. Maybe P.S. would have a chance to be supervisor and that would mean a raise to almost \$59,000.

In March 2021, another agency advertised for a Staff Attorney III position with a \$62,000 salary. Even though P.S. wanted to remain a public defender, the pay raise was too much to ignore, given school loans, the costs of a home, and the hope of starting a family. Staying with DPA would guarantee that P.S. would not earn \$62,000 for years, if ever.

Because of the excellent training provided by DPA, P.S. was selected for the job and left his/her work as a public defender. All of P.S.’s cases had be transferred to other attorneys, on top of the cases those attorneys already had. Those cases were then likely delayed, as the new attorney had to start over, meeting the client and reviewing the evidence.

With current funding, DPA cannot retain talented and experienced lawyers, even if their career goal is to serve the public as a defender of the indigent.

DPA is the largest employer of staff attorneys in State Government.



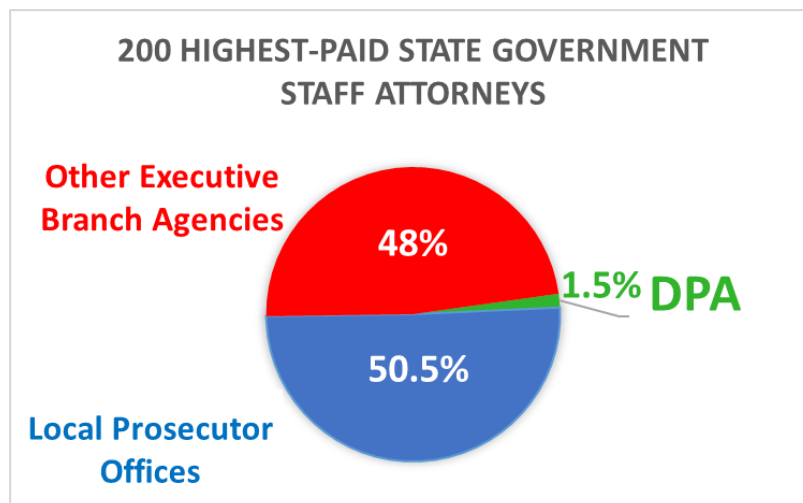
NOTE: Staff Attorneys only; does not include elected officials or supervisors.

DPA employs 40% of the 704 Staff Attorney positions funded through the Executive Branch budget for Kentucky State Government.

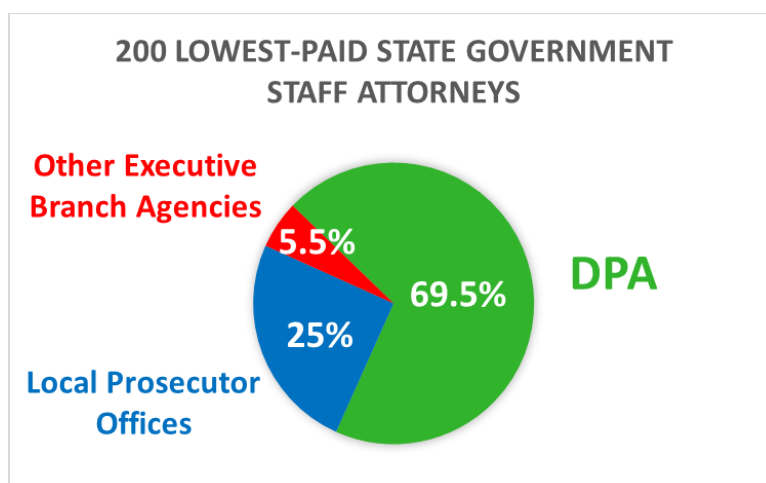
Local Prosecutor Offices include County Attorney Assistants and Assistant Commonwealth Attorneys, which are funded through the Prosecutors Advisory Council.

Prosecutors in the Attorney General's Office are classified by Personnel as "Staff Attorneys" and thus are more comparable to those in the same personnel classifications in DPA and Other Executive Branch Agencies than to Local Prosecutors who have different classifications and compensation structures.

DPA ATTORNEYS COMPARED WITH OTHER ATTORNEYS IN STATE GOVERNMENT



Of the 200 State Government Staff Attorneys with the highest annual salaries (earning \$65,240 or higher), only 3 work for DPA. Just over half work in Local Prosecutor Offices, either as Assistant Commonwealth Attorneys or County Attorney Assistants. The rest work as Staff Attorneys for other agencies in the Executive Branch.



On the other hand, of the 200 State Government Staff Attorneys with the lowest annual salaries (earning \$50,004 or lower), almost 70% (139) work for DPA. 50 work in Local Prosecutor Offices. Only 11 of the 200 lowest-paid Staff Attorneys work for state agencies other than DPA.

Kentucky Government Staff Attorney Salaries

Of the 704 Staff Attorneys Funded by State Government, 281 (40%) work for the Department of Public Advocacy (DPA). DPA attorneys are paid far lower than other attorneys in government.

Department of Public Advocacy Attorneys

Local Prosecuting Attorneys (excluding elected officials)

Other Executive Branch Attorneys

Attorneys who Formerly Worked for DPA

OF THE **200 HIGHEST-PAID** GOVERNMENT STAFF ATTORNEYS, 50% ARE PROSECUTORS, 48% ARE IN OTHER AGENCIES, AND **ONLY 2% WORK FOR DPA**

PROSECUTOR	Assistant Commonwealth Attorney	\$132,749.05	PROSECUTOR	Assistant Commonwealth Attorney	\$75,000.00	STAFF ATTORNEY	Cabinet of the General Government	\$68,250.00	STAFF ATTORNEY	Cabinet of the General Government	\$70,000.00
PROSECUTOR	Assistant County Attorney	\$124,000.00	STAFF ATTORNEY	France & Administration Cabinet	\$75,000.00	STAFF ATTORNEY	Cabinet of the General Government	\$68,250.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$70,569.36
PROSECUTOR	Assistant Commonwealth Attorney	\$104,112.12	STAFF ATTORNEY	France & Administration Cabinet	\$75,000.00	PROSECUTOR	Justice & Public Safety Cabinet	\$68,250.00	PROSECUTOR	Health & Family Services Cabinet	\$70,569.36
PROSECUTOR	Assistant Commonwealth Attorney	\$104,331.12	STAFF ATTORNEY	France & Administration Cabinet	\$75,000.00	STAFF ATTORNEY	Cabinet of the General Government	\$68,000.00	PROSECUTOR	Assistant Commonwealth Attorney	\$70,385.92
PROSECUTOR	Assistant Commonwealth Attorney	\$100,700.16	PROSECUTOR	Assistant County Attorney	\$74,771.04	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$68,902.16	PROSECUTOR	Assistant Commonwealth Attorney	\$70,385.92
PROSECUTOR	Assistant Commonwealth Attorney	\$95,000.00	PROSECUTOR	Assistant Commonwealth Attorney	\$74,500.00	STAFF ATTORNEY	Department of Public Advocacy	\$67,902.00	PROSECUTOR	Assistant Commonwealth Attorney	\$70,553.12
PROSECUTOR	Assistant Commonwealth Attorney	\$95,000.00	PROSECUTOR	Assistant Commonwealth Attorney	\$74,500.00	STAFF ATTORNEY	Finance & Administration Cabinet	\$67,902.00	PROSECUTOR	Assistant Commonwealth Attorney	\$70,553.12
PROSECUTOR	Assistant Commonwealth Attorney	\$96,114.96	PROSECUTOR	Assistant County Attorney	\$74,000.16	PROSECUTOR	Assistant Commonwealth Attorney	\$67,840.00	PROSECUTOR	Assistant Commonwealth Attorney	\$70,000.00
PROSECUTOR	Assistant Commonwealth Attorney	\$96,114.96	PROSECUTOR	Assistant County Attorney	\$74,566.00	PROSECUTOR	Assistant County Attorney	\$67,850.00	PROSECUTOR	Assistant Commonwealth Attorney	\$70,000.00
PROSECUTOR	Assistant Commonwealth Attorney	\$90,000.00	PROSECUTOR	Assistant County Attorney	\$74,500.00	PROSECUTOR	Assistant Commonwealth Attorney	\$67,850.00	PROSECUTOR	Assistant Commonwealth Attorney	\$70,000.00
PROSECUTOR	Assistant Commonwealth Attorney	\$88,464.96	PROSECUTOR	Assistant County Attorney	\$73,352.16	STAFF ATTORNEY	Tourism, Arts and Heritage Cabinet	\$67,000.00	STAFF ATTORNEY	Cabinet of the General Government	\$70,000.00
PROSECUTOR	Assistant Commonwealth Attorney	\$88,464.96	PROSECUTOR	Assistant Commonwealth Attorney	\$73,130.16	PROSECUTOR	Assistant Commonwealth Attorney	\$67,000.00	STAFF ATTORNEY	Personnel Cabinet	\$70,000.00
STAFF ATTORNEY	Cabinet of the General Government	\$85,073.12	STAFF ATTORNEY	Cabinet of the General Government	\$73,000.00	PROSECUTOR	Assistant County Attorney	\$67,000.00	STAFF ATTORNEY	Cabinet of the General Government	\$68,893.04
PROSECUTOR	Assistant Commonwealth Attorney	\$84,400.00	STAFF ATTORNEY	Cabinet of the General Government	\$72,960.00	PROSECUTOR	Assistant County Attorney	\$67,000.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,893.04
PROSECUTOR	Assistant Commonwealth Attorney	\$88,319.04	STAFF ATTORNEY	Cabinet of the General Government	\$71,965.92	PROSECUTOR	Assistant County Attorney	\$67,000.00	PROSECUTOR	Assistant County Attorney	\$68,945.04
PROSECUTOR	Assistant Commonwealth Attorney	\$86,000.16	PROSECUTOR	Assistant Commonwealth Attorney	\$71,939.04	PROSECUTOR	Assistant Commonwealth Attorney	\$67,000.00	PROSECUTOR	Assistant County Attorney	\$69,740.16
PROSECUTOR	Assistant Commonwealth Attorney	\$86,000.16	PROSECUTOR	Assistant Commonwealth Attorney	\$71,939.04	STAFF ATTORNEY	Education & Workforce Development	\$67,000.00	STAFF ATTORNEY	Assistant Commonwealth Attorney	\$68,813.12
PROSECUTOR	Assistant Commonwealth Attorney	\$84,500.16	PROSECUTOR	Assistant Commonwealth Attorney	\$71,638.16	STAFF ATTORNEY	Education & Workforce Development	\$67,000.00	PROSECUTOR	Assistant Commonwealth Attorney	\$69,301.12
STAFF ATTORNEY	Cabinet of the General Government	\$84,474.96	PROSECUTOR	Assistant Commonwealth Attorney	\$71,614.00	STAFF ATTORNEY	Education & Workforce Development	\$67,000.00	PROSECUTOR	Assistant County Attorney	\$69,000.00
PROSECUTOR	Assistant Commonwealth Attorney	\$84,000.00	PROSECUTOR	Assistant Commonwealth Attorney	\$71,130.00	PROSECUTOR	Assistant Commonwealth Attorney	\$66,903.04	PROSECUTOR	Assistant County Attorney	\$69,000.00
PROSECUTOR	Assistant Commonwealth Attorney	\$84,000.00	PROSECUTOR	Assistant Commonwealth Attorney	\$71,130.00	PROSECUTOR	Assistant Commonwealth Attorney	\$66,903.04	STAFF ATTORNEY	Finance & Administration Cabinet	\$69,000.00
PROSECUTOR	Assistant Commonwealth Attorney	\$83,828.00	PROSECUTOR	Assistant Commonwealth Attorney	\$71,100.16	STAFF ATTORNEY	Labor Cabinet	\$66,057.60	PROSECUTOR	Assistant Commonwealth Attorney	\$68,526.00
STAFF ATTORNEY	Energy and Environment Cabinet	\$83,558.64	PROSECUTOR	Assistant Commonwealth Attorney	\$70,986.16	PROSECUTOR	Assistant Commonwealth Attorney	\$66,000.00	PROSECUTOR	Assistant Commonwealth Attorney	\$68,526.00
PROSECUTOR	Assistant Commonwealth Attorney	\$82,112.16	STAFF ATTORNEY	Cabinet of the General Government	\$70,986.16	PROSECUTOR	Assistant Public Health Cabinet	\$66,000.00	PROSECUTOR	Assistant Commonwealth Attorney	\$68,526.00
PROSECUTOR	Assistant Commonwealth Attorney	\$82,112.16	STAFF ATTORNEY	Cabinet of the General Government	\$70,800.00	PROSECUTOR	Assistant Commonwealth Attorney	\$66,000.00	STAFF ATTORNEY	Cabinet of the General Government	\$68,526.00
PROSECUTOR	Assistant Commonwealth Attorney	\$82,000.00	STAFF ATTORNEY	Cabinet of the General Government	\$70,800.00	PROSECUTOR	Assistant Commonwealth Attorney	\$66,000.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$81,444.00	PROSECUTOR	Health & Family Services Cabinet	\$70,549.36	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$66,880.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$81,114.16	PROSECUTOR	Assistant Commonwealth Attorney	\$70,549.36	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$66,840.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant County Attorney	\$81,000.00	PROSECUTOR	Assistant Commonwealth Attorney	\$70,385.92	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$66,840.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
STAFF ATTORNEY	Cabinet of the General Government	\$80,483.04	PROSECUTOR	Assistant Commonwealth Attorney	\$70,351.12	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$66,402.72	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$80,483.04	STAFF ATTORNEY	Cabinet of the General Government	\$70,351.12	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$66,402.72	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$80,000.00	STAFF ATTORNEY	France & Administration Cabinet	\$70,098.96	PROSECUTOR	Assistant Commonwealth Attorney	\$65,908.96	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
STAFF ATTORNEY	Department of Public Advocacy	\$80,376.16	PROSECUTOR	Assistant Commonwealth Attorney	\$70,000.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,252.64	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
STAFF ATTORNEY	France & Administration Cabinet	\$80,055.36	PROSECUTOR	Assistant Commonwealth Attorney	\$70,000.00	STAFF ATTORNEY	Energy and Environment Cabinet	\$65,251.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$79,790.00	PROSECUTOR	Assistant Public Health Cabinet	\$70,000.00	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$65,251.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$79,790.00	STAFF ATTORNEY	Cabinet of the General Government	\$70,000.00	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$65,251.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant County Attorney	\$79,890.16	STAFF ATTORNEY	Personnel Cabinet	\$70,000.00	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$65,251.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
STAFF ATTORNEY	Cabinet of the General Government	\$79,804.24	STAFF ATTORNEY	Cabinet of the General Government	\$70,000.00	STAFF ATTORNEY	Justice & Public Safety Cabinet	\$65,251.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
STAFF ATTORNEY	France & Administration Cabinet	\$79,750.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$69,992.92	STAFF ATTORNEY	Transportation Cabinet	\$65,251.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
STAFF ATTORNEY	Justice & Public Safety Cabinet	\$79,750.00	PROSECUTOR	Assistant Commonwealth Attorney	\$69,804.04	STAFF ATTORNEY	Transportation Cabinet	\$65,251.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$78,460.16	PROSECUTOR	Assistant County Attorney	\$69,766.16	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$77,714.00	STAFF ATTORNEY	Public Health Cabinet	\$69,530.40	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$77,500.00	PROSECUTOR	Assistant Commonwealth Attorney	\$69,303.12	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$77,250.00	PROSECUTOR	Assistant County Attorney	\$69,000.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$76,500.00	PROSECUTOR	Assistant Commonwealth Attorney	\$68,750.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$76,250.00	STAFF ATTORNEY	France & Administration Cabinet	\$68,529.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
STAFF ATTORNEY	Cabinet of the General Government	\$76,190.64	PROSECUTOR	Assistant Commonwealth Attorney	\$68,526.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$75,574.00	PROSECUTOR	Assistant Commonwealth Attorney	\$68,526.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$75,574.00	STAFF ATTORNEY	Cabinet of the General Government	\$68,526.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92
PROSECUTOR	Assistant Commonwealth Attorney	\$75,000.00	STAFF ATTORNEY	Cabinet of the General Government	\$68,500.00	STAFF ATTORNEY	Health & Family Services Cabinet	\$65,239.92	STAFF ATTORNEY	Health & Family Services Cabinet	\$68,529.92

OF THE **504 LOWER-PAID** STATE GOVERNMENT STAFF ATTORNEYS, **55% WORK FOR DPA**; ONLY 45% ARE NON-DPA

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Average Salary
Non-DPA Government Staff Attorney - \$62,844

On Average, DPA Staff Attorneys Are Paid 18% Less Than Other Staff Attorneys in State Government.

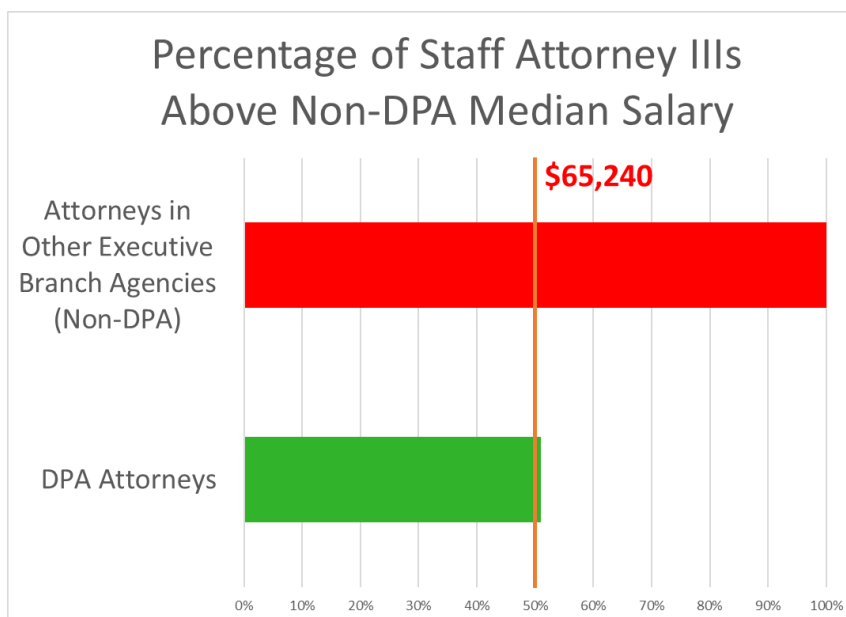
Average Salary
DPA Staff Attorney - \$51,765

STAFF ATTORNEY IIIs (EXPERIENCED ATTORNEYS)

	Average Salary	Average Months of Service (MOS)	\$/MOS
DPA	\$58,008	176 Months (42% more)	\$330
Other Executive Branch Agencies	\$63,978 (10% higher)	124 Months	\$516 (56% higher)

Staff Attorney IIIs in DPA have *42% more experience*, yet *earn 10% less*, than Staff Attorney IIIs in other state agencies.

As a result, other agencies are able to compensate for experience at a rate that is **56% higher** than DPA.



DPA has only *one (1)* Staff Attorney III whose salary is higher than the MEDIAN salary of Staff Attorney IIIs in other agencies.

227 state government Staff Attorneys earn more than the 4th-highest paid DPA staff attorney.

That attorney has:

- Twenty-six (26) years of legal experience,
- Won at the United States Supreme Court,
- Won in the Kentucky Supreme Court multiple times, shaping the law of the Commonwealth,
- Represented clients in the most complex criminal litigation, and
- Maintained a spotless Personnel record with DPA for a quarter-century.

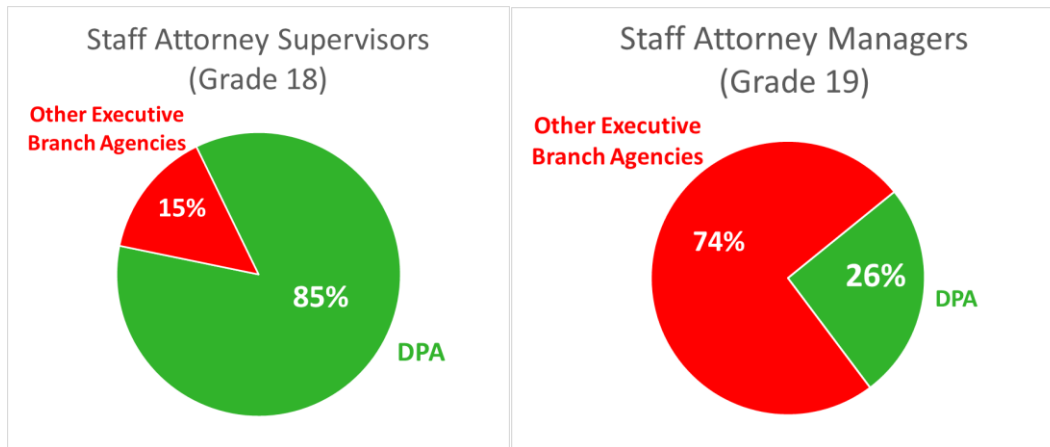
Similarly, DPA's 5th-highest paid attorney, 229th in state government, has:

- Thirty-two (32) years of legal experience, 22 years with DPA,
- Tried cases in practically every county in Southeastern Kentucky, and
- Had acquittals and favorable resolutions in serious and complex cases for three decades.

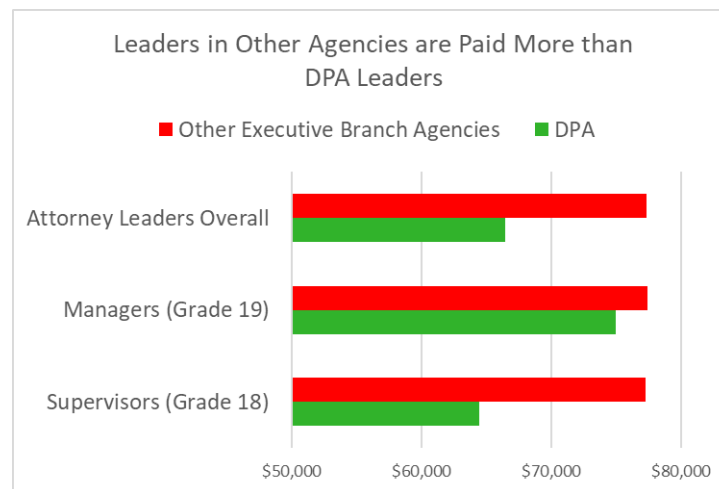
DPA's 4th-Highest Paid Staff Attorney is the 228th-Highest Paid Staff Attorney in State Government

DPA Attorneys are NOT paid less because of their lack of experience, talent, or accomplishments. They are paid less because DPA *cannot afford* to pay them more.

ATTORNEY LEADERSHIP POSITIONS



In State Government personnel classifications, there are two positions available for attorney leadership: Staff Attorney Supervisor (Grade 18) and Staff Attorney Manager (Grade 19). DPA employs 59% of the employees in these positions within government, but because of DPA's need for a statewide structure for attorneys, DPA utilizes the Supervisor position for most leaders. Other agencies do not need multiple layers of attorney leadership and utilize only the higher-grade Staff Attorney Manager position.



In both available personnel classifications, Attorney Leaders in DPA earn far less than in other agencies. Despite a lower pay grade, attorneys classified as Supervisors in other agencies are paid higher salaries than attorneys classified as Managers in DPA. Supervisors in DPA are the Directing Attorneys of local offices, fully responsible for providing representation in thousands of cases, often covering multiple judicial circuits.

MANAGER	Cabinet of the General Government	\$102,532.56	MANAGER	Department of Public Advocacy	\$75,366.24
MANAGER	Transportation Cabinet	\$100,058.88	MANAGER	Department of Public Advocacy	\$75,190.08
SUPERVISOR	Cabinet of the General Government	\$92,649.84	SUPERVISOR	Labor Cabinet	\$75,000.00
MANAGER	Personnel Cabinet	\$92,206.08	MANAGER	Cabinet of the General Government	\$74,227.92
MANAGER	Tourism, Arts and Heritage Cabinet	\$89,081.52	MANAGER	Energy and Environment Cabinet	\$73,386.72
MANAGER	Finance & Administration Cabinet	\$88,005.36	MANAGER	Transportation Cabinet	\$72,600.00
MANAGER	Finance & Administration Cabinet	\$88,000.08	MANAGER	Justice & Public Safety Cabinet	\$72,597.36
MANAGER	Finance & Administration Cabinet	\$88,000.08	MANAGER	Justice & Public Safety Cabinet	\$72,597.36
MANAGER	Finance & Administration Cabinet	\$88,000.08	MANAGER	Justice & Public Safety Cabinet	\$72,597.36
SUPERVISOR	Cabinet of the General Government	\$84,988.08	MANAGER	Justice & Public Safety Cabinet	\$72,597.36
MANAGER	Transportation Cabinet	\$83,927.28	SUPERVISOR	Department of Public Advocacy	\$72,503.76
SUPERVISOR	Cabinet of the General Government	\$82,563.12	MANAGER	Justice & Public Safety Cabinet	\$72,433.68
MANAGER	Transportation Cabinet	\$81,985.44	MANAGER	Department of Public Advocacy	\$72,420.96
MANAGER	Department of Public Advocacy	\$79,842.00	MANAGER	Department of Public Advocacy	\$72,017.28
MANAGER	Department of Public Advocacy	\$78,426.72	MANAGER	Energy and Environment Cabinet	\$71,940.48
MANAGER	Cabinet of the General Government	\$77,286.48	SUPERVISOR	Health & Family Services Cabinet	\$71,927.28
MANAGER	Department of Public Advocacy	\$76,800.00	SUPERVISOR	Health & Family Services Cabinet	\$71,927.28
MANAGER	Transportation Cabinet	\$76,248.00	MANAGER	Department of Public Advocacy	\$71,777.52
MANAGER	Cabinet of the General Government	\$76,077.36	MANAGER	Department of Public Advocacy	\$71,777.28
SUPERVISOR	Department of Public Advocacy	\$76,003.20	MANAGER	Energy and Environment Cabinet	\$71,777.28
MANAGER	Energy and Environment Cabinet	\$75,930.24	SUPERVISOR	Department of Public Advocacy	\$71,768.64
MANAGER	Transportation Cabinet	\$75,584.64	MANAGER	Public Protection Cabinet	\$71,162.64
MANAGER	Department of Public Advocacy	\$75,366.24	MANAGER	Cabinet of the General Government	\$70,872.24
MANAGER	Department of Public Advocacy	\$75,366.24	SUPERVISOR	Transportation Cabinet	\$70,592.88

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PUBLIC DEFENDER SALARIES IN NEIGHBORING STATES

	ZIPPIA (2021)	DPA 2014 Study STARTING	DPA 2014 Study 5-YEAR	DPA 2014 Study SUPERVISOR
Illinois	\$70,789	\$52,020	\$74,251	\$112,415
Indiana	\$50,363	\$47,000	\$57,000	\$65,000
Missouri	\$59,402	\$38,544	\$62,040	\$67,488
Ohio	\$52,519	\$50,000	\$59,500	\$69,000
Tennessee	\$73,549	\$45,348	\$59,616	\$144,180
Virginia	\$68,037	\$49,147	\$65,929	\$101,890
West Virginia	\$53,170	\$49,223	\$51,320	<i>Not Available</i>
NALP - SOUTH (2018)		\$51,600	\$64,000	<i>Not Available</i>
KENTUCKY (2021)	\$51,765	\$45,000	\$54,000	\$58,607

The salary path of Kentucky's public defenders is lower than the paths of defenders in all of the surrounding states. DPA's salaries in 2021 are less than the comparable salaries of almost all defenders in the seven closest states **seven years ago**.

How did this happen?

- DPA is Different, an agency "of" lawyers, competing against agencies "with" lawyers
- DPA's own success in hiring and training
- Excessive caseloads - all available funding has been focused on additional attorneys

Most state agencies hire a limited number of attorneys to do legal work for the agency. In DPA, our agency mission IS legal work. A majority of our employees are licensed attorneys. If another agency needs to pay \$5,000 more to recruit an attorney, that can be done with minimal impact on the rest of the agency's workforce. If DPA pays \$5,000 more to hire or retain an attorney, that decision potentially impacts hundreds of employees. Because DPA is an agency "OF" lawyers, we have been unable to compete with agencies "WITH" lawyers.

DPA is also a victim of its own success. The Kentucky public defender system has a national reputation for training new attorneys. An attorney who spends the first two years of his or her legal career with DPA will gain more experience and a better education than at practically any other legal employer. When a prosecutor's office or a state agency needs to fill an attorney vacancy, they know that a DPA attorney is likely to be well-trained with extensive courtroom and litigation experience. As a result, DPA loses many attorneys to other offices that can pay that attorney a higher salary.

Finally, DPA's lower pay scale is a direct result of historical excessive caseloads. As attorneys supervising attorneys, DPA leaders have an ethical responsibility to make every effort to control and limit defender caseloads. For the past two decades, DPA caseloads have been extraordinarily high. All available funding has been dedicated to employing additional lawyers to reduce average defender caseloads. Among the choices of whether to hire another attorney or raise the pay of existing attorneys, DPA leaders have always chosen to hire more attorneys and have felt an ethical obligation to make that decision.

Proposed Three-Pronged Solution

- **Return to Defender-Specific Classification**
- **Designate DPA Attorneys as Unclassified Employees**
- **Funding for Raises**

Defender-Specific Classification

- Assistant Public Advocate Series: APA Clerk, APA I - V, APA Supervisor I-II, APA Manager
- Recognizes that an agency "OF" lawyers is different from an agency "WITH" lawyers
- Creates a sustainable career path for public defenders

Designate DPA Attorneys as Unclassified Employees

- Flexibility in hiring, compensating, and holding accountable for performance
- Savings through reduced Human Resources requirements
- Would need minimal protections to assure independence in personnel decisions

Funding for Raises

Increased Salary	\$2,702,003
Additional Costs (KPPA, FICA, etc.)	\$2,475,575
Assistance to Louisville Metro PD	\$405,300
TOTAL NEEDED	\$5,582,878

For less than \$6 million, Kentucky will have a sustainable defender system with career public servants, improving the justice system and public safety.

Costs of Inaction

- Unreliable and Delayed Court System
 - Frequent reassignment of cases
 - Cases handled by less experienced, unprepared attorneys
 - Increased courts with no defender
 - Complex cases delayed, harder to resolve
 - Outcomes open to questions and challenges
 - Reduced confidence in the system
- Increased Waste of State Resources
 - Constant recruiting and training
 - Overworked attorneys get more work
 - Temporary inefficient contracts required to fill gaps
- Growing Possibility of System Ceasing to Function
 - No Defenders Available in Some Areas
 - No Leaders to Take Responsibility for Cases
 - No Qualified Defenders for Capital and Complex cases
 - Justice System would grind to a halt
 - Very Expensive to fix in absence of staffed DPA

IT COSTS MORE TO PAY LESS

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