



Where's My Lawyer?

Addressing the CRISIS of a
Public Defender system
that cannot retain
experienced attorneys

Bill of Rights

Congress OF THE United States,

*begun and held at the City of New York, on
Wednesday, the fourth of March, one thousand seven hundred and eighty nine.*

That Conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution:

Resolved, by the SENATE and HOUSE of REPRESENTATIVES of the UNITED STATES of AMERICA in Congress assembled, two thirds of both Houses concurring, That the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States; all, or any of which articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, *viz.*

Article 1: In addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the Original Constitution.

Article the first After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which, the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons. [Not Ratified]

Article the second No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened. [Not Ratified]

Article the third Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article the fourth A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article the fifth No Soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article the sixth The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the seventh ... No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or Naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article the eighth In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Article the ninth In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Article the tenth Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article the eleventh ... The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article the twelfth The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people.

ATTEST,

John Beckley, Clerk of the House of Representatives

Sam. A. Otis, Secretary of the Senate

Frederick Augustus Muhlenberg, Speaker of the House of Representatives
John Adams, Vice President of the United States, and President of the Senate

CONSTITUTION

OF THE

Commonwealth of Kentucky,

ADOPTED BY THE CONSTITUTIONAL CONVENTION,

APRIL 11, 1891, AND SUBMITTED TO A VOTE

OF THE PEOPLE AT THE AUGUST

ELECTION, 1891.

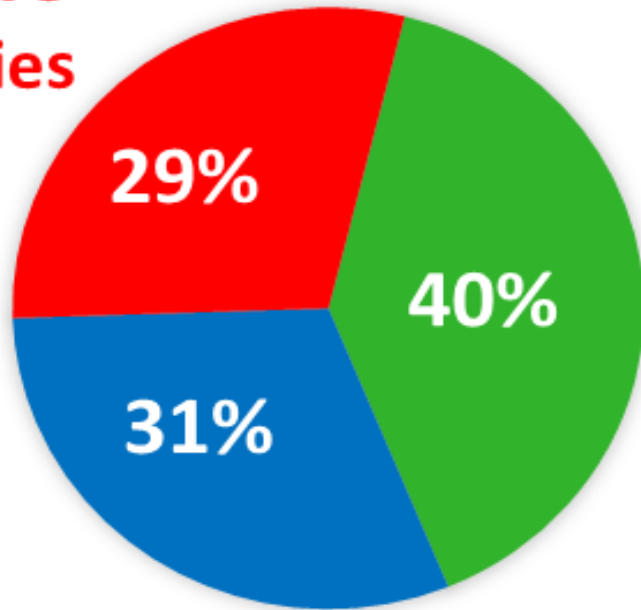
PRESS OF COURIER-JOURNAL JOB PRINTING CO.,
LOUISVILLE, KY.



STATE GOVERNMENT FULL-TIME STAFF ATTORNEY POSITIONS

**Other Executive
Branch Agencies**
207

**Local
Prosecutor
Offices**
216



DPA
281



“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

The Career of Staff Attorney “P.S.”



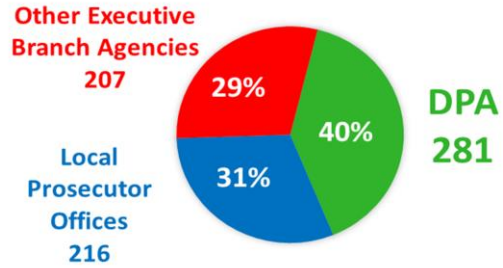
	Future with DPA	Today with Another State Agency
3/1/2021	\$50,004	\$61,990
12/1/2022	\$54,000	
11/1/2028	\$55,200	
11/1/2033	\$57,600	
11/1/2038	\$58,800	
If Promoted to Supervisor	\$58,607	

Examples of DPA Attorney Departures Since 2019

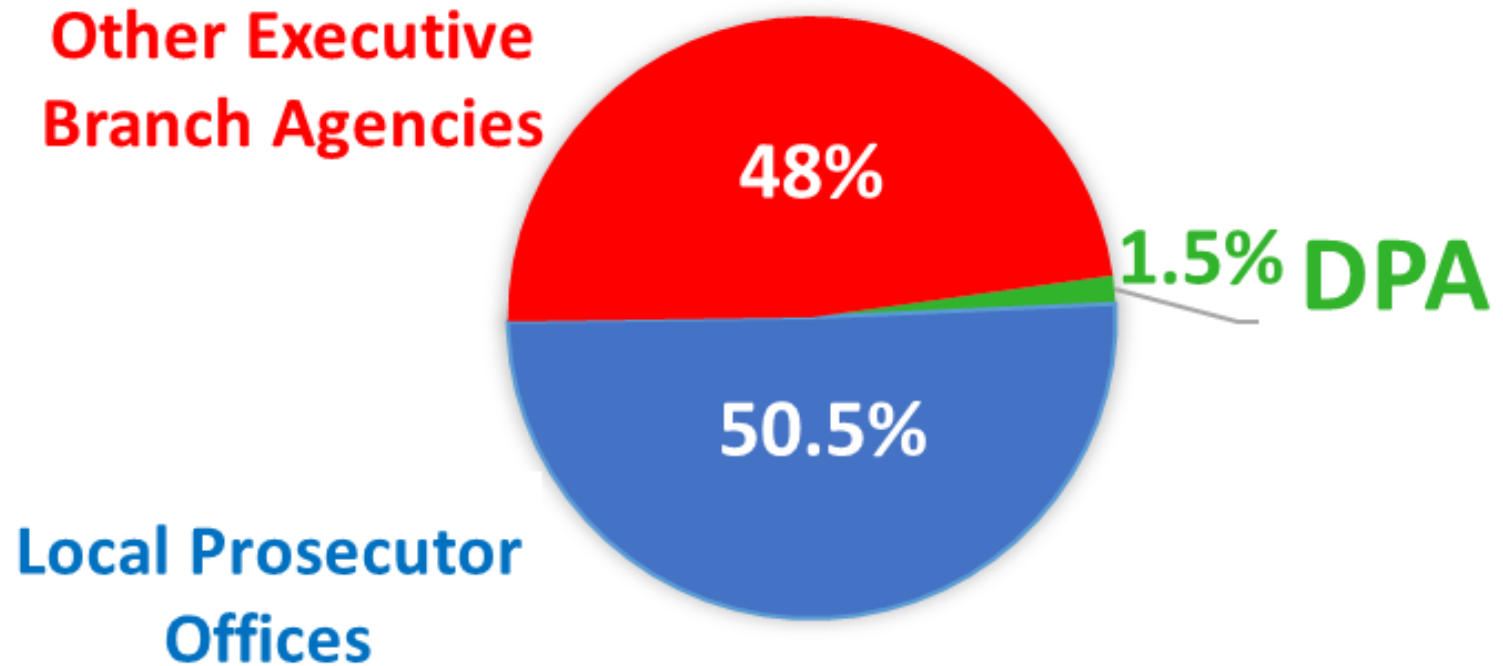
DPA Position	Months of Service	DPA Salary	New Position	New Salary	% Raise
Staff Attorney Manager	40	\$65,000	Senior Legal Counsel, AOC	\$75,000	15%
Staff Attorney III	145	\$58,142	Assistant Commonwealth Attorney	\$70,251	21%
Staff Attorney II	35	\$48,620	County Attorney Assistant	\$56,000	15%
Staff Attorney 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

STATE GOVERNMENT FULL-TIME
STAFF ATTORNEY POSITIONS



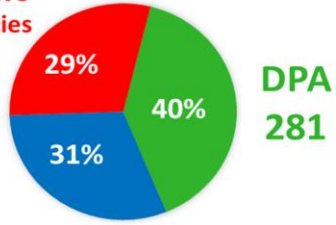
200 HIGHEST-PAID STATE GOVERNMENT
STAFF ATTORNEYS



STATE GOVERNMENT FULL-TIME
STAFF ATTORNEY POSITIONS

Other Executive
Branch Agencies
207

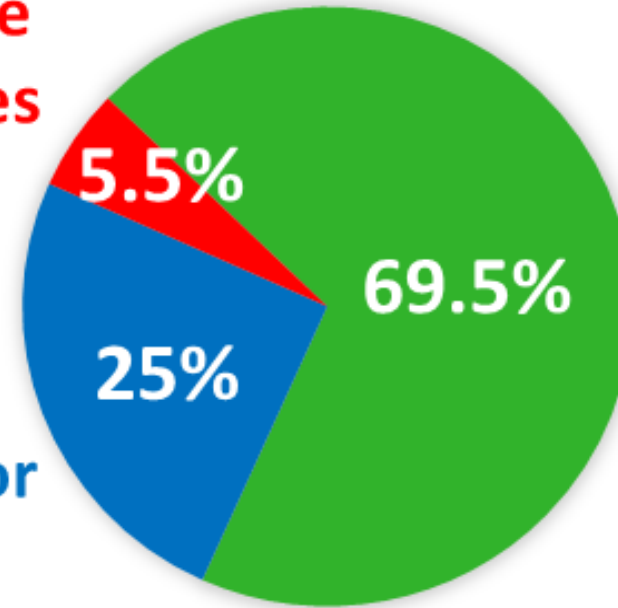
Local
Prosecutor
Offices
216



200 LOWEST-PAID STATE GOVERNMENT
STAFF ATTORNEYS

Other Executive
Branch Agencies

Local Prosecutor
Offices



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

[illegible]

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

2017	Jan	1	New Year's Day	London	12:00	Public Holiday	
2017	Jan	2	Boxing Day	London	12:00	Public Holiday	
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Average Salary
Non-DPA Government Staff Attorney - \$62,844

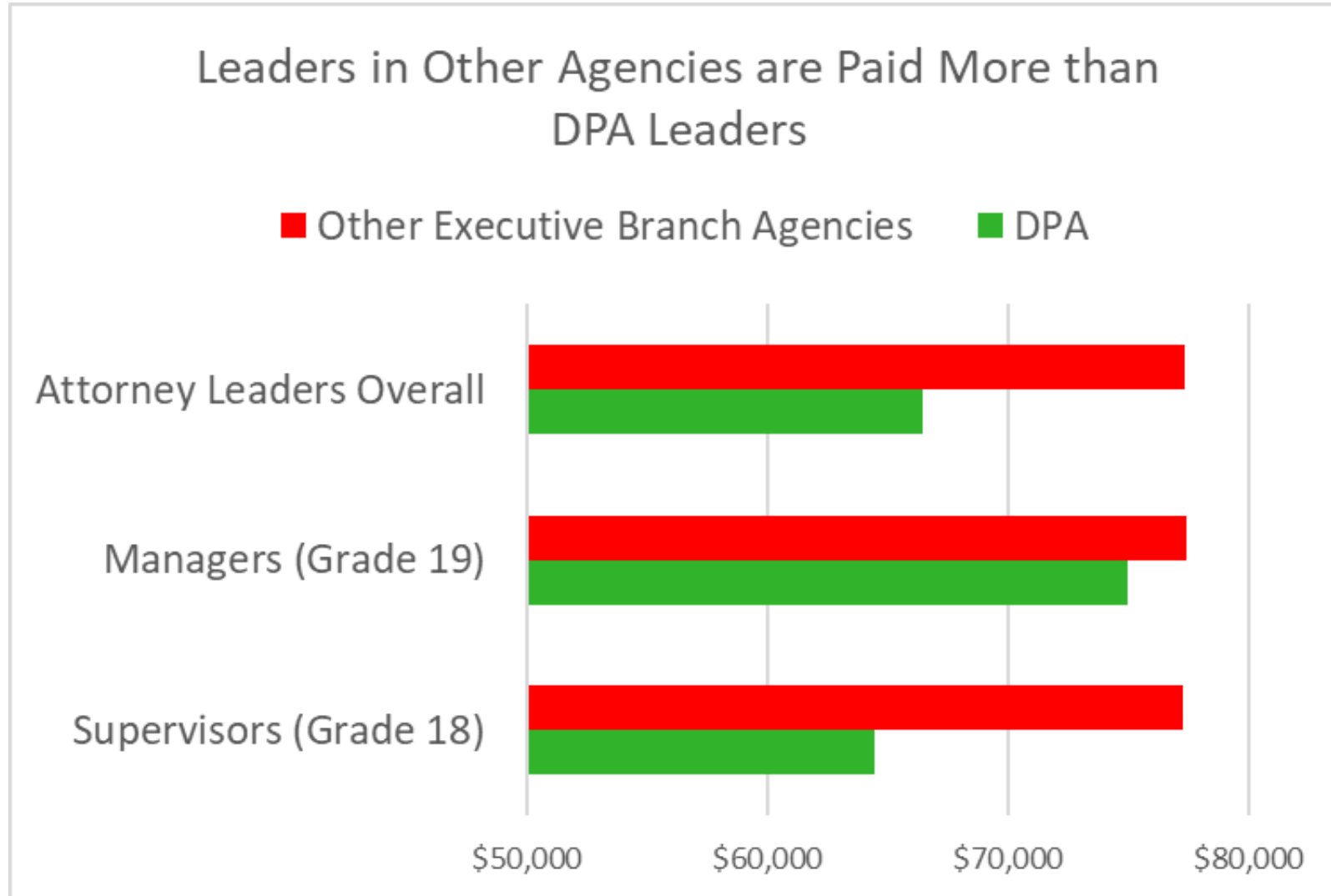
On Average, DPA Staff Attorneys Are Paid 18% Less Than Other Staff Attorneys in State Government.

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)

ATTORNEY LEADERSHIP POSITIONS



DPA LEADERS ARE **29%** OF THE HIGHEST-PAID ATTORNEY LEADERS IN STATE GOVERNMENT

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

DPA LEADERS ARE 88% OF THE LOWEST-PAID ATTORNEY LEADERS IN STATE GOVERNMENT

[illegible]

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

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

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



DEPARTMENT OF PUBLIC ADVOCACY

PUBLIC DEFENDERS

We need your help!

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