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#### SENATE BILL OFFERS SOLUTION TO TALENT DRAIN IN CRIMINAL JUSTICE SYSTEM

By Karen J. Mathis, President, American Bar Association

A bill introduced by Sen. Richard Durbin (D-IL) provides a winning solution for all of us concerned that low wages paid prosecutors and public defenders, along with the high cost of law school, are undermining confidence in the effectiveness of our criminal justice system.

Durbin's bill, the John R. Justice Prosecutors and Defenders Incentive Act of 2007, brings bipartisan support to a solution for the problem faced by jurisdictions across the country: that of attracting and retaining qualified lawyers for public service careers.

Named for the late John Reid Justice of South Carolina, a former president of the National District Attorneys Association, the bill establishes a program of student loan repayment assistance for law school graduates who agree to remain employed for at least three years as state or local criminal prosecutors or as state, local or federal public defenders. Eligible lawyers would receive student loan debt repayments of up to \$10,000 a year with an option to renew for a second three-year commitment.

Communities are the first to suffer when qualified law school graduates turn to the higher starting salaries offered by private firms and away from public service salaries in the mid \$40,000 range offered to new prosecutors and public defenders. Yet with an average loan debt of nearly \$80,000 for graduates of private law schools and more than \$50,000 for those who graduate from public law schools, these new lawyers often have no choice. In fact, two-thirds of law school students say that their education loans prohibit them from even considering public service positions.

When communities are unable to recruit or retain public service lawyers, justice suffers through lengthy delays, increasing the possibility that the innocent may be sent to jail, crimes may go un-prosecuted and the guilty may go free.

The rape victim hides away knowing that her attacker out on bail still walks the streets. The gangbanger emboldened by a lack of follow-up on charges against him commits more violent crimes. The hourly worker unable to make bail puts his job and family in jeopardy as he waits for his day in court to prove his innocence.

When these situations happen - as they do today - they cause a lack of confidence in our system that erodes the foundation of our society.

While law enforcement rightly is - and should remain - a state and local concern, the federal government has a responsibility to make sure the criminal justice system in our country functions effectively.

The John R. Justice Prosecutors and Defenders Incentive Act of 2007 is a step toward ensuring that our country's criminal justice system has the talented, experienced lawyers it needs to function effectively. Without the ability to attract and retain talented people dedicated to carrying out our laws, we will not have true justice for ourselves or our fellow citizens.

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