The integrity of our criminal justice system is strengthened and upheld when good lawyers can afford to choose public service. By becoming prosecutors and public defenders, they preserve the rule of law, protect our communities, and safeguard the rights of all citizens.

The challenge for prosecutor and public defender offices is the recruitment and retention of qualified lawyers. That effort has become harder as law students finish school with educational debt roughly equivalent to home mortgages and prosecutor and public defender salaries remain stagnant.

The cost of law school education continues to skyrocket. According to the American Bar Association, the average annual cost of tuition and fees in 2000 was $21,790. By 2008, the cost was $34,298. Graduates left law school with an average loan burden of nearly $100,000 in 2008. The economic downturn has brought steady increases to the costs of law school and a corresponding amount of student loan debt.

Virginia's public defenders and prosecutors have been severely affected. The entry level salary for a public defender in Virginia is $48,163. An assistant commonwealth's attorney salary starts at $45,385 in jurisdictions without local salary supplements. Even in booming economic times public sector salaries increase slowly. Like other state employees, public defenders have not received raises in more than three years, and recent budget cuts required some commonwealth's attorneys to lay off prosecutors.

The math is simple: a $100,000 student loan debt precludes a long-term commitment to public service at current salary scales. Many qualified attorneys are priced out of public service and seek more lucrative private sector opportunities just to manage their student loan debt. By a wide margin, departing prosecutors and public defenders cite low pay and high student loan debt as the number one reason for leaving public service. For prosecutor and public defender offices, the exodus of lawyers from public service results in consistently higher turnover, with less-experienced attorneys handling increasingly unmanageable caseloads.

The John R. Justice Act
After many years of effort, the John R. Justice Prosecutors and Defenders Incentive Act has been passed and funded by Congress. The John R. Justice Student Loan Repayment Program provides loan repayment assistance for state and federal public defenders and state prosecutors who agree to remain employed as public defenders and prosecutors for at least three years.

Although the amount of money available in the first year is modest, passage and implementation of the act is unquestionably a significant first step. The $10 million authorized by Congress in the first year has been apportioned among the states based on population. Virginia's share totals $223,000. Funding for loan repayment must be allocated equally between prosecutors and public defenders. The act allows for up to 15 percent of the funds to be used to help defray the costs of administering the program. This year, Virginia prosecutors and public defenders will equally share approximately $190,000.

Attorneys receiving student loan relief agree to work in a public defender or prosecutor office for a minimum of three years. Qualifying loans include loans under the Federal Family Education Loan Program, William D. Ford Federal Direct Loans, Federal Perkins Loans, and Federal Consolidation and Federal Direct Consolidation Loans. Once fully funded, the act will allow attorneys to receive up to $10,000 per year for a maximum of $60,000 in student loan debt relief during their careers as public defenders or prosecutors.

Governor Robert F. McDonnell designated the Department of Criminal Justice Services as Virginia's managing agency. In the first year, available funds allow nineteen public defenders and nineteen prosecutors to each receive approximately $5,000 in debt reduction awards. The department has developed an applicant review process designed to ensure that awards are need-based by focusing on the applicants’ qualified law school loan debts relative to their incomes. The department will announce details for interested applicants in the near future. Prosecutors and public defenders will receive additional information through the Virginia Commonwealth’s Attorneys’ Services Council and the Virginia Indigent Defense Commission.