

Public lawyers face low pay, high turnover Prosecutors, defenders seek loan relief

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Prosecutor, teacher, tutor, trash man -- Chris Hinckley does whatever it takes to get by. The St. Louis gang unit prosecutor works four jobs to make ends meet while he tries to pay \$1,200 a month toward \$130,000 in student loans. Like many prosecutors and public defenders around the nation, Hinckley struggles to keep up with skyrocketing tuition bills while his salary stagnates.

"He's almost the poster boy for loan forgiveness," said Jefferson County Prosecutor Bob Wilkins. Wilkins was in Washington recently with Hinckley, St. Louis Circuit Attorney Jennifer Joyce, St. Charles County Prosecutor Jack Banas and dozens of their counterparts from Missouri, Illinois and other states, lobbying for relief. "This is nationwide," St. Louis County Prosecuting Attorney Robert McCulloch said. He is chairman of the National District Attorneys Association, which supports tax credits or forgiving loan repayments for as much as \$6,000 a year, up to \$40,000. "We don't have trouble getting them in the first place," McCulloch said, referring to the prosecutors. "We have trouble hanging on to them, particularly by the time they become good prosecutors." Said Joyce: "It's killing me. As a result, I can't keep good people here." Robert Haida, St. Clair County state's attorney, said virtually every prosecutor to leave his office in the past five years did so for more money. "It's hard to keep good people that want to commit themselves to public service," Haida lamented. "I have 28 full-time assistants, and I would imagine that probably a third of them have loans in excess of \$50,000." He said several had six-figure loans. Public defenders face the same hurdles, St. Louis District Defender Eric Affholter and St. Clair County Public Defender Randall W. Kelly said. Affholter said Washington University graduates he interviewed recently had an average debt in the six figures.

"If you live at home and have absolutely zero life," it's possible to pay off those loans on a starting salary of about \$33,000, Affholter said.

Several years ago, Madison County Public Defender John Rekowski testified in favor of a loan-assistance bill that failed to pass in the Illinois Legislature.

"There is no way that on public defender or prosecutors' starting salaries they can pay those kind of loans back," Rekowski said. "If we're going to attract good lawyers into public service . . . we're going to have to have some sort of program to deal with these ungodly loans."

A look at starting pay According to a study last year by the National Association for Law Placement, starting salaries for private attorneys ranged from \$65,000 to \$120,000.

In an American Bar Association report in 2003, researchers found that tuition increased about 340 percent from 1985 to 2002 for private law school students and out-of-state students at public law schools. In-state students at public law schools saw their tuition jump about 500 percent.

During that time, the median starting salaries at private law firms rose by about 280 percent. Salaries in public interest (like legal services) jobs doubled, and government lawyers (such as prosecutors and public defenders) saw their salaries increase by 70 percent.

Senior U.S. District Judge Frank M. Coffin, co-chairman of the bar association committee that compiled the report, said in a telephone interview from his office in Maine that the government must come up with a subsidy if it wants to employ top-notch people.

Affholter said his office struggles to keep experienced attorneys, and faces increased training and recruitment costs as a result. "The problem is, we just haven't kept up with the legal field," he said.

If the trend continues, Joyce said, mounting debt will drive even more prosecutors out of her office and into the private sector.

"We'll have a handful of people with over 15 years' experience and most of the people with less than two," she said. Her goal, she said, is not to pay her prosecutors well, but just to make the job economically "doable."

In an informal survey conducted a little more than a year ago, 19 of Joyce's 67 prosecutors said they had student **loan** payments of \$200 to \$900 a month, with a handful owing a total of more than \$100,000.

Six of those who answered her survey have since left, she said.

While in Washington, Joyce left a meeting to take a phone call that held more bad news -- another prosecutor was leaving.

Tujuania Reese graduated from St. Louis University's law school in 2002 and was prosecuting drug and gun crimes. She's trading that for an 80 percent raise at a local nonprofit health care organization.

The loss of Reese hits Joyce particularly hard. Reese, who is black, is one of few minority prosecutors in Joyce's office. Joyce said she has struggled to increase the diversity of her office so that her office can better represent the population of St. Louis. But she has to compete with high-paying private firms with the same goal.

Reese, who is supporting two children in private school, said she made a few loan payments after graduating, then started to defer them -- a popular strategy for lawyers in Joyce's office, but one that will work for only so long.

Hinckley, 38, is also deferring payments. The former Navy helicopter pilot taught for several years in a private school here before going to law school.

When he graduated from St. Louis University law school in 1999, he owed \$115,000. Now, he says, he owes nearly \$130,000, as interest mounts.

By staying in touch with the loan companies and "begging," he said, he's been able to pay only half of what he owes each month.

Some people are unsympathetic to his plight, Hinckley said, and often tell prosecutors and public defenders to get better-paying jobs. But he responds: "I love the job. This is what I wanted to do."

Loan relief legislation Federal prosecutors have access to a loan-repayment program. U.S. Attorney Jim Martin said pay for his assistants is higher than for local prosecutors, so law school loan payments are less of an issue.

Legislation introduced in the last session of Congress to provide such loan help died in committee. A spokesman for the Senate bill's co-sponsor, Sen. Mike DeWine, R-Ohio, said backers had been trying to get the bills incorporated into the higher education act, which stalled last session but is now up for reauthorization.

Rep. David Scott, D-Georgia, introduced a similar bill in the House last month.

While federal lawmakers visited by prosecutors said they were supportive of a **loan** assistance program, they were cautious about its chances.

"I think it would be well worth supporting that program," Rep. William Lacy Clay Jr., D-St. Louis, said in a telephone interview.

A spokesman for Sen. Jim Talent, a Missouri Republican, said: "Sen. Talent would support the legislation if it came to a vote. He would prefer, however, a comprehensive solution that helps everybody."

Some law schools, like Washington University's, have programs that help pay student loans for graduates who use their legal skills in government or

in nonprofit group jobs that pay less than \$45,000 per year, said Elizabeth Patton, assistant director of student services for the university.

Patton said the loans are based on the graduate's adjusted gross income and monthly loan payment, and the program covers 100 percent of law school loans for those earning less than \$25,000.

Washington University's law school tuition was \$32,590 this year, Patton said, and will be \$34,300 next year.

Hinckley said he decided to attend SLU rather than Washington University because it was cheaper. But he still struggles.

He drives a 1999 Toyota Corolla that he bought used from a rental agency. He teaches part time at the University of Missouri at St. Louis and tutors a high school student when he can.

He also takes out the trash at the Central West End apartment building where he lives, and the one next door. That's 24 apartments and six big trash cans in exchange for a free parking space and a \$50 discount on his \$370-a-month rent.

The son of a former New York City sanitation commissioner, Hinckley watches his much younger neighbors going to the garbage cans, watching to make sure they don't leave him a mess. He admitted that he's also thinking: "What are they throwing out? Is there anything in there that's valuable?" ----

Starting salaries St. Louis circuit attorney \$37,000 St. Louis public defender \$33,000 St. Louis County prosecuting attorney \$44,900 Jefferson County prosecuting attorney \$38,000 Madison County state's attorney \$32,000 Madison County public defender \$36,000 St. Clair County state's attorney \$40,000 St. Clair County public defender \$35,000 Sources: Agencies listed

PHOT* by ANDREW CUTRAR* / POST-DISPATCH - St. Louis prosecutor Chris Hinckley cleans up trash around his Central West End apartment complex for a break on his rent. He says the rent break helps him make ends meet and pay off his law school student **loans**. St. Louis Circuit Attorney Jennifer Joyce says her office is losing talented staff members to better-paying jobs.