



LEGISLATIVE UPDATE

COVERING CRIMINAL JUSTICE LEGISLATIVE ISSUES

SPECIAL EDITION 2007

DEPARTMENT OF PUBLIC ADVOCACY

LEXINGTON HERALD-LEADER

FRANKFORT, Feb. 7, 2007 — The House Judiciary Committee unanimously passed a bill Wednesday

DAILY NEWS
bgdailynews.com
Something is drastically wrong

courier-journal.com
The Courier-Journal Louisville, Kentucky
Student debt hits public workers hard

courier-journal.com
The Courier-Journal Louisville, Kentucky
Paying for public service
Passing HB 226 should be a no-brainer.

RICHMOND REGISTER
380 Big Hill Avenue, Richmond, KY • (859) 623-1669
Bill would help public advocates pay stu-



MESSENGER-INQUIRER
messenger-inquirer.com
1401 Frederica Street • Owensboro, KY 42301 • (270) 926-0123
HB 226 is a good bargain for Kentucky

WFPL
89.3 FM

LEXINGTON
HERALD-LEADER
EDITORIAL Feb. 7, 2007
Do them justice

LEACHIAN
NEWS-EXPRESS
THE CONSCIENCE OF EASTERN KENTUCKY
BILL WOULD HELP



WBKO STAY CONNECTED BOWLING GREEN, KY
AM KENTUCKY MIDDAY LIVE
YOUR HOMETOWN TELEVISION STATION

"The amount of student loan debt makes a difficult choice for me. I have to decide whether I can pay my mortgage or if I can pay my student loans sometimes," attorney, Leigh Meredith.



The Top 10 Reasons Why HB 226 Should Pass *This Year*:

10. The exact bill has passed both chambers before.
9. It does not have a fiscal impact this biennium, thus the budget would not have to be reopened.
8. After making loan payments, an entry level county attorney makes \$ 12.00 per hour, equal to the temporary worker who is typing their motions.
7. A Glasgow public defender delivers Papa John's Pizza at night in order to pay his monthly law school debt.
6. \$350,000 could be saved annually in turnover costs alone.
5. 8 of 10 lawyers in the Bowling Green Public Defender's Office have law school student loans amounting to over \$500,000.
4. Our reimbursement system needs fixing; only some attorneys get reimbursement, even though the need is equal.
3. Even one wrongful conviction is too many.
2. There are lawyers throughout government service, but the crisis recognized by the American Bar Association and others is in the criminal justice courtroom.
1. We can recruit new lawyers now with the promise of loan reimbursement in 2009.

RALLY FOR HOUSE BILL 226 CREATES BUZZ

On Wednesday morning, February 7, the statue of Abraham Lincoln in the Capitol Rotunda looked down on a scene that the Commonwealth's favorite son could never have envisioned: A crowd of people listening to stories of how public prosecutors and public defenders are unable to make ends meet, due to back-breaking student loans.



- A lawyer delivering Papa John's Pizza at night to make ends meet
- Thirty-five year-old attorneys having to move back in with their parents
- Lawyers whose law school loans take over 40% of their take-home pay
- Adjusted wages that equal the wage of a temp worker in the same office.



Some 130 Kentuckians braved frigid temperatures and treacherous, snowy and icy roads, because nothing would stop them from gathering in the Rotunda and taking part in a collective call for legislative action. The crowd would have been even larger, if groups from Northern and Eastern Kentucky had not been prevented by the weather from making it to Frankfort.

It was a rally in support of House Bill 226.

The bill had been introduced the day before by Primary Sponsor Rob Wilkey, (Democratic Representative from Franklin), and Primary Co-Sponsor Jeff Hoover, (Republican Representative from Jamestown). It was scheduled to be heard in the House Judiciary Committee later in the day.

Speaker after speaker called for action:



Rep. Rob Wilkey — As primary sponsor of the bill, the House Majority Whip spoke eloquently about how public servant attorneys are those **“who labor in the vineyards to make sure our system of justice operates effectively.”** He spoke about the importance of reliability in our criminal justice system. He has introduced this bill previously. Although it has passed each chamber on different occasions, it has not yet passed both chambers in the same session.

Rep. Wilkey quoted Thomas Jefferson when he said, “I consider a trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.”

Rep. Jeff Hoover — As primary co-sponsor of the bill, the House Minority Floor Leader called for bipartisan support for this initiative. Rep. Hoover shared his personal experience with law school student loans.

Rep. Kathy Stein — The House Judiciary Chair told the crowd that she knows what it's like to be both a prosecutor and a public defender. She praised the individuals who would benefit.



U.K. Law School Dean Allan Vestal — Despite having been released from the hospital just 24 hours earlier, Dean Vestal made the cold trip to Frankfort to offer support for HB 226. He spoke of how on a weekly basis Kentucky loses public servants who have done well serving the Commonwealth, but who cannot continue service because of student loans. HB 226 would be a service to attorneys and to the persons served by our attorneys.

U of L Brandeis Law School Dean Chen – Kentucky’s newest law school dean, who was just recently appointed, spoke of the vital importance HB 226 is to legal education. He said that public service is the highest calling of any lawyer. It is in the benefit of the people of the Commonwealth. HB 226 is a driver of savings and a driver of justice. He called on passage of HB 226 in order that Kentucky’s public servants might gain full-entry as citizens.



Senators Jerry Rhoads (left) and Johnny Ray Turner (right) with DPA employees

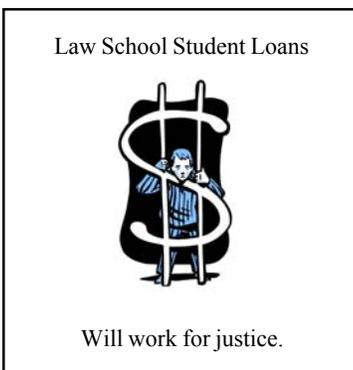
Attorney Leigh Meredith – This employee of the Kentucky Attorney General’s office told of prosecutors going bankrupt. She spoke passionately about her commitment to serving the public and, in particular to serving the needs of crime victims.

Public Defender Eric Clark – This Bowling Green public defender talked about his office losing good lawyers to other states, like Texas and Florida, because their Kentucky salaries wouldn’t cover their loan payments. Eric himself told of having to live with his parents, when his loan payments were 41% of his take-home pay.

Nick Haynes – This Richmond public defender spoke of how 7 out of 10 attorneys in his Richmond Defender Office has law school student loan which total \$540,000. He spoke of how he cannot afford to continue public service without loan school student loan assistance.

Other bipartisan decision makers and leaders called upon the General Assembly to pass student loan assistance including Sen. Jerry Rhoads, Gov. Fletcher’s Counsel Jim Deckard, Rep. Brent Yonts

Supporters packed the first Judiciary Committee meeting of the 2007 General Assembly where committee members passed HB 226 unanimously.



Later that afternoon, supporters of the bill gathered with their signs in the tunnel between the Capitol and the Annex, greeting those who passed with requests for their support. One legislator commented that they were the “most polite protesters” he’d ever seen.

All day long, supporters visited with legislators and explained the bill and why it is needed. They reported back that their senators and representatives certainly seemed to understand that there is a need to be filled. Co-sponsors surfaced. Support was coming from both chambers and both parties.

**HB 226 Serves Victims,
Wrongfully Convicted, and the
Most Disenfranchised Kentuckians
Not Just Attorneys**

*The ultimate winners, if HB 226 passes,
will be the victims of crime and the
defendants whose liberty hangs in the balance,
not just those who represent them.*

• **Who will benefit from HB 226?**

House Bill 226 would provide law school loan reimbursement for public defenders, prosecutors, and civil legal services attorneys. They are public servants doing the public's business. They are public defenders, providing **constitutionally required counsel to over 140,000 indigents** a year, who are accused of crimes. They are prosecutors, representing more than 200,000 victims of crimes including **victims of identity fraud, child abuse, and domestic violence**. They provide a voice for victims in courtrooms in all 120 counties. They are civil legal services lawyers, representing many of the nearly **700,000 poor Kentuckians** with significant civil legal needs, including at-risk elderly and children.

Together, they represent as many citizens as the combined populations of Franklin and Fayette Counties. Their goals are to reform lives and assure a just and fair criminal justice system.

• **Is HB 226 just welfare?**

No. It is not. **It is a matter of public safety and public confidence** in the parts of our judicial system that are constitutionally mandated. Should you care? We hope so. ***Among us is a Glasgow attorney by day who delivers Papa John's Pizza by night in order to pay his student loans. He recently delivered a pizza to a client he represented in court the same day.***

Our public servants are carrying average law school loans of over \$50,000 each with an **average monthly payment of \$650**, while struggling to live on \$2,600 to \$3,100 a month.

• **Why loan assistance for attorneys and not other state workers?**

Public defenders are no more valuable than social workers, school teachers, nurses or medical specialists. The difference is the financial and personal risk in what the legal profession requires, and what is at stake if legal service is not delivered in a quality way.

Lawyers spend 19 years in school, and in their hands is the integrity of the justice system.

The personal and financial risks are enormous. An entry-level county attorney makes an adjusted **net wage after student loans of just \$12.00 an hour, equal to that of the temp workers in the same office.**

• **How are clients harmed if loan assistance is not passed this session?**

Clients are directly harmed by the high rate of turnover. Public interest lawyers cannot afford to work for \$12 to \$19 an hour, with mandatory and unpaid overtime, and unrealistically high caseloads. It is no wonder we are losing as many as 4 attorneys a month. **When one of us leaves, others pick-up the slack as best they can.** Some clients have as many as three different attorneys throughout the case because of turnover.

- **How much will HB 226 cost taxpayers and how much can be saved if HB 226 passes?**

HB 226 is a fiscally conservative bill that will *solve a significant problem in the criminal justice system, and for a small amount of money. This money does not need to be budgeted in 2007.* The cost is capped at just \$1.2 million from court costs.



A year ago, DPA was losing 2 to 3 attorneys per month to private firms. Today, it is losing closer to *4 per month*. HB 226 bill will allow the Commonwealth to save an estimated \$7,300 per person or \$350,400 annually, which is currently being lost as a result of turnover. *The savings from turnover alone will help pay nearly one quarter of the \$1.2 million cost of this bill.*

HB 226 is much more than “handing out a check.” Rather, HB 226 is an investment in our public safety, is good government, ensures a **balanced criminal justice system**, and is an insurance policy for good legal representation.

- **How is the criminal justice system jeopardized without HB 226?**

Among our biggest fears is the risk of a wrongfully conviction. HB 226 will put the criminal justice system one step closer to preventing a wrongful conviction like *William Gregory, sentenced in Jefferson County and who endured seven long years of incarceration.* The cost to him and to his family is immeasurable. This kind of injustice has shaken the foundation of confidence in our criminal justice system at a price tag of \$3.9 million to the county and additional state money.



- **Isn't loan assistance already provided through the Best in Law Program?**

Currently, KHEAA provides loan assistance but only for a small number of our attorneys. Assistance is dependant solely on the lender we borrowed from and the school we attended. Brandeis and Chase law school graduates who didn't consolidate with KHEAA do not have reimbursement. In 2008 UK's reimbursement program will no longer exist.

- **How many attorneys will benefit from loan assistance and who are they?**

They are graduates of Brandeis and Chase Law Schools (40%). About 25% are graduates of UK, whose loans assistance program created with Sen. Mitch McConnell's assistance is being phased out in 2008. The rest attended private and public schools inside and outside Kentucky.

What does the Student Loan Assistance bill do?

- *Offers a maximum of \$500 a month, capped at \$6,000 a year, for a full-time prosecutor, public defender, civil legal services employee, and county attorney, in reimbursement of loan payments made.*
- *Offers reimbursement of \$250 a month, capped at \$3,000 a year, for a part-time **prosecutor, public defender, civil legal services employee, and county attorney** or*
- *Through 2% **appropriation** from the Court Cost Distribution Fund, capped at \$1.2 million. **There is NO FISCAL impact until 2009.***
- *Assures employee retention through a **one year mandatory service** period.*
- *Broadens the pool of candidates, to increase the **quality and diversity** of new hires*
- *Fosters **public interest** work*

Support House Bill 226
-A Request from Kentucky's Three Law School Deans-

February 6, 2007

Members of the Kentucky General Assembly
General Assembly
Capitol Annex
Frankfort, KY 40601

Re: Law school loan assistance for Kentucky Attorneys in public service

Dear Members of the Kentucky General Assembly:

Thank you for introducing House Bill 226 in the 2006 General Assembly to establish a loan assistance program to assist with the academic indebtedness of those who choose to serve Kentuckians in a career as a legal services attorney, prosecutor or public defender. Faculty and administrators at each of our law schools have advocated since the 2000 General Assembly for the passage of similar bills. In fact, an identical bill passed both the Kentucky House and Senate at different times in the past. Again, we want you to know that we support the concept of a loan assistance program for those attorneys who pursue careers in public service and stand ready to work with you to formulate an effective bill toward that end.

We understand that resources are limited. However, we encourage you to consider the cost savings that will likely be attributable to the passage of House Bill 226. Assisting new law school graduates with their large law school loan payments will be one tool to recruit but more importantly retain a higher quality attorney to the important public service as a prosecutor, public defender or legal services attorney. Having better lawyers hired and retained will allow the public's important business in the criminal and civil justice system to be done at a higher level of competence and more efficiently, thus creating more confidence in the process and results.

We welcome an opportunity to discuss this important legislative initiative with you. We appreciate your leadership in working to increase public service by lawyers. Please let us know how we can support your efforts to conceptualize and then pass an appropriate program of this type.

Sincerely,



Jim Chen, Dean
Louis D. Brandeis School of Law
University of Louisville



Allan W. Vestal, Dean
College of Law
University of Kentucky



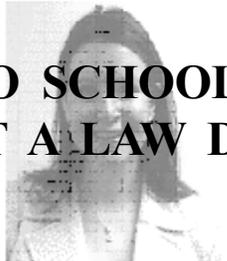
Dennis Honabach, Dean
Salmon P. Chase College of Law
Northern Kentucky University



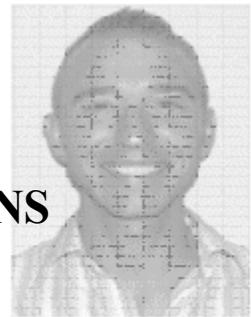
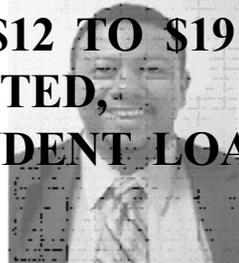
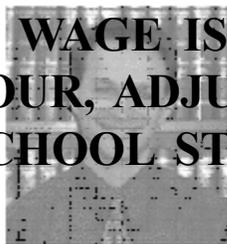
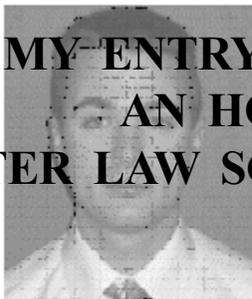
**I REPRESENT POOR PEOPLE,
VICTIMS OF VIOLENT CRIME,
CHILDREN & THE ELDERLY
IN KY COURTS**



**I WENT TO SCHOOL 19 YEARS
TO GET A LAW DEGREE**



**MY ENTRY WAGE IS \$12 TO \$19
AN HOUR, ADJUSTED,
AFTER LAW SCHOOL STUDENT LOANS**



The Time is Now For Student Loan Assistance



Legislative Update

Department of Public Advocacy

100 Fair Oaks Lane, Suite 302

Frankfort, KY 40601

Address Services Requested