



**Access to Justice Board Meeting Agenda**  
**April 20, 2018 – 10:30 AM to 2:00 PM**  
 Four Points by Sheraton Hotel - 714 Lakeway Drive, Bellingham, WA 98229  
**Call: 1-866-577-9294; Access: 52140#**

*Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board works to achieve equal access for those facing economic and other significant barriers.*

4 min	<b>Welcome and Introductions</b>	Geoff Revelle		
1 min	<b>March Board Meeting Minutes</b>	Geoff Revelle	Action	pp 3-5
15 min	<b>ATJ Board Staff and Chair Report</b> <ul style="list-style-type: none"> <li>• Chair Liaison Updates</li> <li>• State Plan Implementation Update</li> </ul>	Geoff Revelle and Diana Singleton	Report	
5 min	<b>ATJ Board Recommendation for New Board Members</b>	Geoff Revelle	Action	
15 min	<b>Workers Comp A2J Project</b>	Patrick Palace	Discussion	
10 min	<b>GR 37 Update</b>	Sal Mungia	Report	pp 6-7
15 min	<b>Public Service Loan Forgiveness</b>	David Miller and Don Saunders, National Legal Aid & Defender Association	Discussion	pp 8-35
15 min	<b>Break for Lunch</b>			
	<b><u>LISTENING SESSION</u></b>			
30 min	<b>Whatcom Dispute Resolution Center</b>	Moonwater and Stephen Gockley	Report and Discussion	
30 min	<b>Northwest Justice Project – Bellingham</b>	Kelly Owen, Josefina Ramirez, Gail Smith, and Therese Norton	Report and Discussion	

30 min	<b>LAW Advocates</b>	Michael Heatherly	Report and Discussion
30 min	<b>Skagit Volunteer Lawyer Program</b>	Maren Anderson, Gail Smith and Terry Schaberg	Report and Discussion

**Announcements:**

- Lewis County Bar Legal Aid [Luncheon](#) is on April 27<sup>th</sup>.
- LAW Advocates' Justice for All [Benefit](#) is on May 3<sup>rd</sup>.
- Eastside Legal Assistance Program's [Breakfast](#) for Justice is on May 9<sup>th</sup>.
- The next ATJ Board meeting is on May 26<sup>th</sup> at WSBA.



**Access to Justice Board Meeting Minutes**  
**March 23, 2018, 10:30am – 12:00pm**  
Washington State Bar Association, 1325 4<sup>th</sup> Ave, Suite 600, Seattle  
Call: 1-866-577-9294; Access: 52140#

**Present:** Geoff Revelle (chair), Judge Laura Bradley, Lindy Laurence, Francis Adewale, Sal Mungia, Hon. Fred Corbit, Michelle Lucas, Hon. David Keenan, Andy Sachs, Lynn Greiner and Mirya Muñoz-Roach

**Absent:**

**WSBA Staff:** Diana Singleton, Bonnie Sterken,

**Guests:** Sart, Kim Risenmay, Beryl Fernandez, Aurora Martin, Miguel Willis, Claudia Johnson, Anne Daly, Melinda Man, Caitlin Davis, Jennifer Werdell, Omid, Jennifer Ortega, Esperanza Borboa, Noah Samuels, Merf Ehman, Jennifer Ortega, Jorge Baron, Justin Bingham, Aaron McCloud

**Minutes:** The February minutes were approved without edits.

**Northwest Immigrant Rights Project Update:** Jorge reported on the case that the Northwest Justice Project filed against the Tukwila Police Department, which he had shared with the listserv. Jorge also reported that they are continuing to see problematic activity by ICE that they are trying to address. Lastly, Jorge reported that NWIRP will be a recipient of the Immigrant Legal Defense Fund that will soon be allocated through Department of Commerce. Jorge addressed questions.

**ATJ Board Chair and Staff Report:** Diana reported on positive feedback she received from the Director of the Commission on Hispanic Affairs about the Access to Justice Conference. The Director of the Commission gave high praise to the conference and shared that she continues to use what she learned there about race equity.

**ATJ Rules Committee:** Sal reported on two recommendations from the ATJ Rules Committee, which were included in the meeting materials. Sal began by summarizing the proposal that is posted for comment regarding APR 8 and the Committee's recommendation. The Committee recommends that the ATJ Board support the proposed amendments that would allow an attorney who is not a WSBA licensed attorney, but one who is licensed and in good standing in the bar of another state or US territory, to appear in an Indian Child Welfare case under certain circumstances. Sal addressed questions. Sal made a motion to accept the Committee's recommendation, Geoff seconded, and all approved supporting the APR 8 amendments. Sal then discussed the RALJ 9.3 proposed amendments that are open for comment and the Committee's recommendation. This proposal would allow the superior court to not award costs to the prevailing party on appeal in criminal appeals if the trial court had entered a finding of indigency for purposes of appeal. Sal added that the Committee also had a broader question about whether this court rule is within the scope of

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the Board's work since it addresses criminal law. After a discussion, Dave moved to support the proposed change as proposed by the Committee, including the provision that the rule should include civil appeals using the language in the memo provided by the Committee. His motion included tabling the discussion about the Board's larger mandate for another time. Francis seconded the motion. After further discussion a vote was taken and the motion passed.

**Delivery System Committee Update:** Diana reported on the state plan implementation process. SPARC (State Plan Activities and Resource Committee) was launched to track the implementation and provide resources. SPARC will be offering Goal of the Month activities to roll out resources on each goal. May will focus on Goal 3. Diana also reported that she is presenting about the state plan at the national ATJ commission meeting in May as well as presenting on our work around race equity. Jen added that another workshop at the Equal Justice Conference will focus on race equity and how coalitions can do that work collaboratively. Sart will help record and memorialize the race equity presentation with Diana.

**Gender and Justice Commission:** Sal reported on the work of the Gender and Justice Commission, primarily their work on access to the legal system for women who are incarcerated. They are launching a project to place a kiosk at the Mission Creek Institution where people can access civil materials they need to respond to certain types of actions. They are working through logistics to get this off the ground. Sal will continue to keep the Board updated. Lindy offered to be put in touch with the Commission to support the project.

**Pop Up Justice:** Aurora Martin presented about the launch of Pop Up Justice. It is a collaborative approach and her partners also presented about their individual work. Miguel Willis shared about the ATJ Tech Fellows program, which recently received a two-year fellowship. He is presenting at the ATJ Commission meeting about potentially placing fellows at ATJ boards/commissions. Claudia Johnson also introduced herself and her work with Law Help Interactive and other technology solutions. Aurora shared the values of Pop Up Justice and the platforms she recently launched, SAM, and Rad Lab. Aurora addressed questions.

**WSBA Board of Governors Update:** Kim Risenmay summarized the agendas and action taken by the BOG at their last regular meeting and recent special meeting.

**Access to Justice Conference Update:** Sal reported that we are working on the dates and narrowing down a location for the 2019 Access to Justice Conference.

**Equal Justice Coalition Update:** Andy reported on the conclusion of the legislative session and the breakdown of funding that will begin January 1, 2019 to fund 5 more FTEs and the automated family law forms project. They are beginning to plan for the 2019 session. Andy also reported on the federal side that LSC funding was increased to \$410 million. Andy also reported about the Washington delegation going to the ABA lobby days in April. Andy addressed questions.

**Office of Civil Legal Aid Updated:** A written report was in the meeting materials.

**Legal Foundation of WA:** Caitlin reported on the LFW revenue distribution for 2017. Materials were shared ahead of time showing the details. She also gave an update on IOLTA interest rates. Caitlin responded to

Kim's BOG report and there was a discussion regarding the current dynamics on the BOG. The Board will continue to discuss how they can share their perspective with the BOG on key issues.

**Other Matters:** Sal shared upcoming events.

Meeting adjourned at 11:56am

**General Rule 37**  
**JURY SELECTION**

**(a) Policy and Purpose.** The purpose of this rule is to eliminate the unfair exclusion of potential jurors based on race or ethnicity.

**(b) Scope.** This rule applies in all jury trials.

**(c) Objection.** A party may object to the use of a peremptory challenge to raise the issue of improper bias. The court may also raise this objection on its own. The objection shall be made by simple citation to this rule, and any further discussion shall be conducted outside the presence of the panel. The objection must be made before the potential juror is excused, unless new information is discovered.

**(d) Response.** Upon objection to the exercise of a peremptory challenge pursuant to this rule, the party exercising the peremptory challenge shall articulate the reasons the peremptory challenge has been exercised.

**(e) Determination.** The court shall then evaluate the reasons given to justify the peremptory challenge in light of the totality of circumstances. If the court determines that an objective observer could view race or ethnicity as a factor in the use of the peremptory challenge, then the peremptory challenge shall be denied. The court need not find purposeful discrimination to deny the peremptory challenge. The court should explain its ruling on the record.

**(f) Nature of Observer.** For purposes of this rule, an objective observer is aware that implicit, institutional, and unconscious biases, in addition to purposeful discrimination, have resulted in the unfair exclusion of potential jurors in Washington State.

**(g) Circumstances Considered.** In making its determination, the circumstances the court should consider include, but are not limited to, the following:

(i) the number and types of questions posed to the prospective juror, which may include consideration of whether the party exercising the peremptory challenge failed to question the prospective juror about the alleged concern or the types of questions asked about it;

(ii) whether the party exercising the peremptory challenge asked significantly more questions or different questions of the potential juror against whom the peremptory challenge was used in contrast to other jurors;

(iii) whether other prospective jurors provided similar answers but were not the subject of a peremptory challenge by that party;

(iv) whether a reason might be disproportionately associated with a race or ethnicity; and (v) whether the party has used peremptory challenges disproportionately against a given race or ethnicity, in the present case or in past cases.

**(h) Reasons Presumptively Invalid.** Because historically the following reasons for peremptory challenges have been associated with improper discrimination in jury selection in Washington State, the following are presumptively invalid reasons for a peremptory challenge:

(i) having prior contact with law enforcement officers;

(ii) expressing a distrust of law enforcement or a belief that law enforcement officers engage in racial profiling;

(iii) having a close relationship with people who have been stopped, arrested, or convicted of a crime; (iv) living in a high-crime neighborhood;

(v) having a child outside of marriage;

(vi) receiving state benefits; and

(vii) not being a native English speaker.

**(i) Reliance on Conduct.** The following reasons for peremptory challenges also have historically been associated with improper discrimination in jury selection in Washington State: allegations that the prospective juror was sleeping, inattentive, or staring or failing to make eye contact; exhibited a problematic attitude, body language, or demeanor; or provided unintelligent or confused answers. If any party intends to offer one of these reasons or a similar reason as the justification for a peremptory challenge, that party must provide reasonable notice to the court and the other parties so the behavior can be verified and addressed in a timely manner. A lack of corroboration by the judge or opposing counsel verifying the behavior shall invalidate the given reason for the peremptory challenge.

[Adopted effective April 24, 2018.]



# Public Service Loan Forgiveness and the Justice System

*How eliminating PSLF would  
harm American communities*



**NLADA**  
National Legal Aid &  
Defender Association



## Acknowledgements

NLADA is grateful to the 3,369 individuals from across the justice system who took the time to respond to this survey, and to our partner organizations who assisted in its distribution. The responses and many personal stories received make clear how important PSLF has been in expanding access to quality representation and improving the American justice system.

# Public Service Loan Forgiveness and the Justice System

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# Executive Summary

America relies on a host of dedicated public servants to ensure that people in our country have access to essential services like health care, education, and fairness in our justice system. This is made possible in many areas by the Public Service Loan Forgiveness (PSLF) program, which makes it possible for graduates to devote their careers to addressing the most pressing needs of their communities.

In 2007, a bipartisan Congress created PSLF and President George W. Bush signed the program into law to ensure that talented and committed individuals are not prevented from entering public service because of the debt associated with their degree. PSLF is a promise of basic financial security, allowing talented professionals to enter many essential but often low-paying careers such as teaching, nursing, veterinary services, and legal services.

Often these professions require graduate degrees, which require many students to take on significant debt. Recognizing the need to overcome the barrier of high student debt in order to build cadres of public servants in these fields<sup>1</sup>, PSLF allows individuals to earn forgiveness after at least 10 years of service at a qualifying employer and 120 monthly payments on an income-driven repayment (IDR) plan. After repaying at least 10 percent of their income for at least 10 years, public servants can apply to have the balance of their federal loans forgiven.

When individuals earn forgiveness, it is our communities that benefit. Public defenders, prosecutors, civil legal aid attorneys and court personnel are indispensable components of the administration of justice in our country. Their work helps protect Americans from injustice and strengthens the rule of law in our democracy; it is an integral part of our constitutional system.

This report is based on survey responses from more than 3,000 individuals. It helps explain the impact of PSLF on civil legal aid and public defender programs and the communities they serve. **Civil legal aid** ensures that regardless of how much money a person has, they have the same level of access to a fair adjudication of their civil legal problems as anyone else. They provide legal help that enables people to protect their livelihoods, their health, and their families. **Public defenders** fulfill the constitutional right to counsel; they are essential to due process and our concept of liberty. They protect the rights of defendants in criminal cases and work to ensure that case outcomes are fair and just.

<sup>1</sup> 34 CFR § 685.219 (a) ("The Public Service Loan Forgiveness Program is intended to encourage individuals to enter and continue in full-time public service employment by forgiving the remaining balance of their Direct loans after they satisfy the public service and loan payment requirements of this session.")

PSLF makes it possible for civil legal aid and public defender programs with limited budgets to recruit and retain these committed professionals, who are able to accept lower salaries even when the comparatively high cost of obtaining a law degree means many are graduating law school with significant debt. It also makes these jobs more accessible to students who otherwise may not have the means to afford the required education and training to enter the legal field, work in public service and provide stability for their families.

Opponents of PSLF are critical of its cost, but limited available data makes current estimates speculative and unreliable<sup>2</sup>. What is clear, however, is that the investment in PSLF drives stronger economies, safer communities, and the fulfillment of the fundamental American promise of justice for all.

Survey responses from borrowers currently working toward earning forgiveness, and from top executives at legal aid and public defender programs, suggest that PSLF has expanded access to justice by improving both the quality and availability of legal representation for low-income Americans. It enables these programs to attract talented lawyers from a range of backgrounds and to prevent those lawyers from leaving because of the debts they face. The survey revealed that:

- **81 percent** of respondents who were aware of PSLF at the time they took their current job reported having been significantly influenced by the program's promise, with 51 percent indicating they were not likely or certain not to have taken their positions had PSLF not existed, and an additional 30 percent indicating they were only somewhat likely to have taken their positions.
- **71 percent** of respondents who are top executives at their program (Executive Director, Chief Public Defender, etc.) consider PSLF to be a highly important tool for retaining experienced staff, and almost two thirds believe it is important for attracting new hires.
- **87 percent** of respondents indicated that qualification for PSLF would make them much more likely to accept a particular opportunity in the future, and **more than half** would be very likely or certain to leave their jobs if PSLF did not exist.

<sup>2</sup> See GAO-17-22, "FEDERAL STUDENT LOANS, Education Needs to Improve Its Income-Driven Repayment Plan Budget Estimates," United States Government Accountability Office Report to the Chairman, Committee on the Budget, U.S. Senate, Nov. 2016 at 48 (Stressing the importance for the U.S. Department of Education to conduct sensitivity analyses on major assumptions, monitor assumptions carefully, and adjust assumptions as necessary to ensure reliability, and concluding that without doing so, estimates could result in costs being vastly over or understated).

- A typical respondent on an income-driven plan **would accrue more interest than their payments would cover**. As a result, much of what they would end up owing after years of payments is not the principal that was borrowed. This means that income-driven repayment plans help keep monthly payments affordable but they are insufficient without an attached promise of loan forgiveness for individuals earning public sector salaries.

The survey included an opportunity for respondents to provide supplemental written information about their experience with PSLF. These qualitative responses explain the impact of the program on borrowers, the programs at which they work, and the people and communities they serve. Key themes reported by respondents include:

- **Student loan obligations can make basic life milestones unattainable without PSLF.** Many respondents reported that PSLF is the only reason they can afford to remain in public service and also look forward to home ownership, starting a family, or saving for retirement.
- **PSLF improves the quality of legal assistance.** It enables lawyers to remain in public service long enough to gain the knowledge and experience they need to be more effective advocates for their clients. It has expanded access to legal education for talented individuals of limited means, and incentivized top performing law students to select a role in public service.
- **PSLF expands the availability of legal assistance** by allowing more attorneys to seek public service jobs. This is particularly critical in severely underserved communities, where a single individual can be the only available legal resource for vulnerable clients. It also enables programs to serve more people in total, because when lawyers can afford to accept lower salaries, their organizations can invest in additional staff.

Access to quality representation in the American justice system can be the difference between opportunity and poverty, liberty and incarceration, and even life and death. The impact of eliminating PSLF would be devastating for communities across America who rely on dedicated public servants at civil legal aid and public defender programs.

This report is divided into two parts. Part one includes only responses from individuals who are currently in repayment and expecting to earn forgiveness at some point in the future, and part two includes only responses from top executives at civil legal aid and public defender programs. Both parts report aggregate responses to multiple choice questions, with interpretation supplemented by explanatory comments that were provided in response to an open ended question asking for more details about their experience with PSLF.

## Methodology

A link to the web-based survey was distributed via email to NLADA members and other individuals affiliated with the organization. The survey was open from November 9, 2017 to December 14, 2017. A total of 3,369 individuals from 46 states, the District of Columbia, and three U.S. territories responded to the survey, of whom 2,866 had federal student loans and 2,302 were enrolled working for an employer that would qualify them for public service loan forgiveness at some point in the future. It is not possible to report a response rate because recipients were encouraged to further distribute the survey to their colleagues. The survey contained questions related to demographics, financial circumstances, and the impact of PSLF on their career choices. It also contained a small number of questions directed only at the top executives at civil legal aid and public defender programs, and 91 of these individuals responded. 885 respondents provided written comments, in response to the open ended question that provided unlimited space for respondents to provide any additional information about their experience with PSLF.

## About NLADA

The National Legal Aid & Defender Association (NLADA), founded in 1911, is America's oldest and largest nonprofit association devoted to excellence in the delivery of legal services to those who cannot afford counsel. NLADA provides leadership, information, training, and technical assistance to members of the equal justice community to support their work to meet the needs of low-income clients and communities. NLADA provides guidance and advice to employers and employees at civil legal aid and public defender offices about programs designed to increase access to public service careers, and NLADA has advocated about the creation of such programs including Public Service Loan Forgiveness, the Civil Legal Assistance Attorney Student Loan Repayment Program, and the John R. Justice Student Loan Repayment Program.



# **Part One: Current Borrowers**

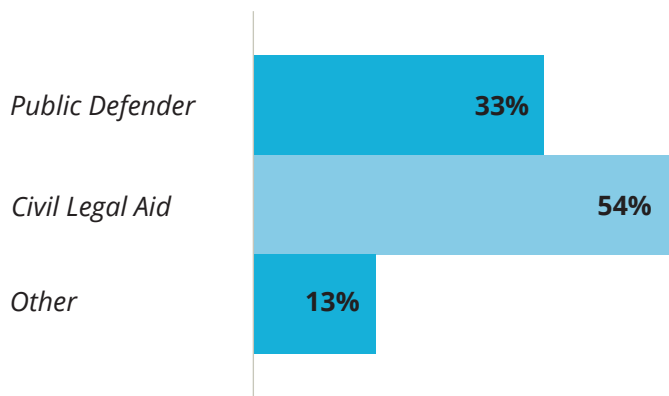
*Responses from Individuals Currently in  
Repayment and Expecting to Earn Forgiveness*

# Respondent Profile

## TYPE OF ORGANIZATION

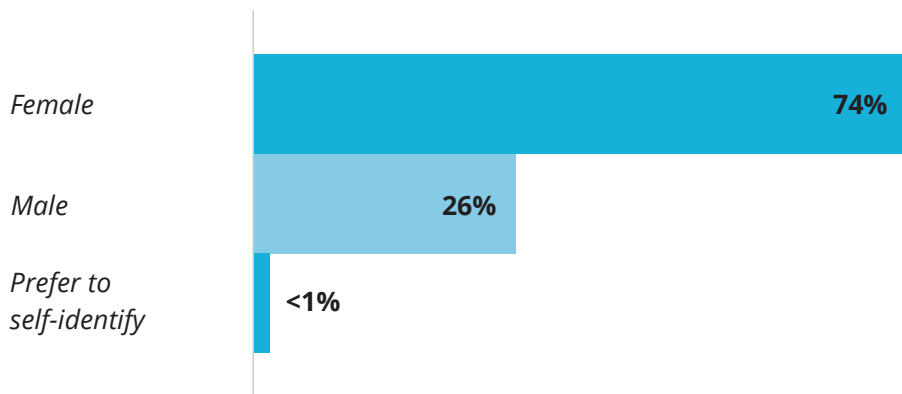
n = 2,188

NLADA's members consist primarily of attorneys and staff at civil legal aid and public defender programs, but a small number of related individuals in the broader justice community also responded to the survey. The "other" category includes court employees, government workers, and staff at other nonprofits providing services to individual clients or particular types of clients.



## What is your gender?

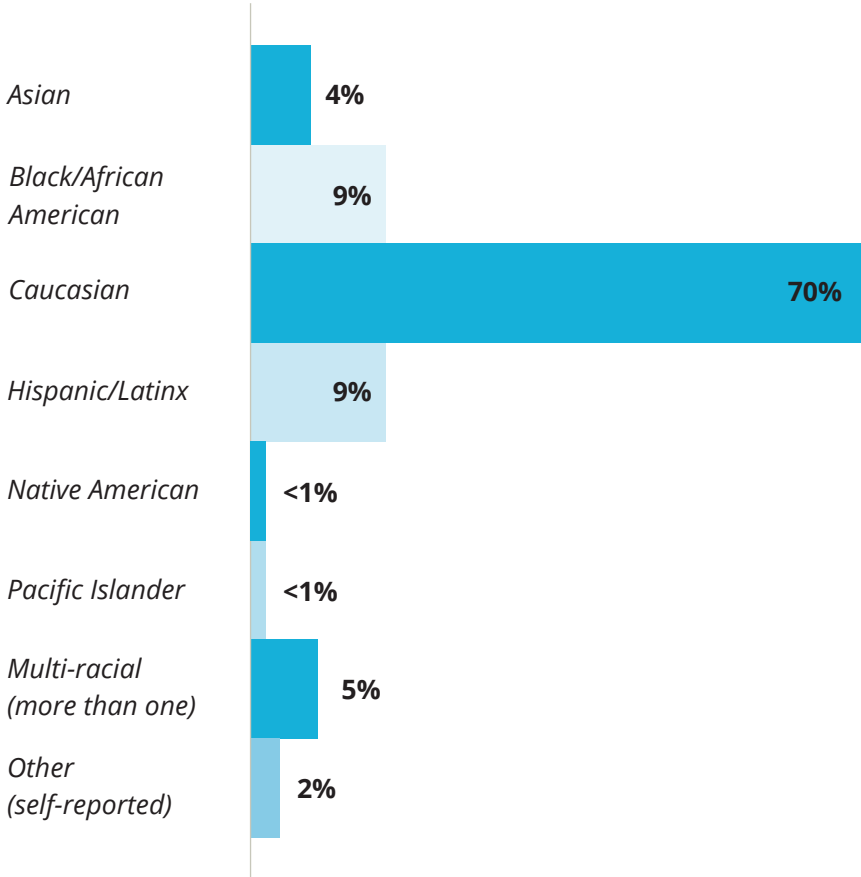
n = 2,089





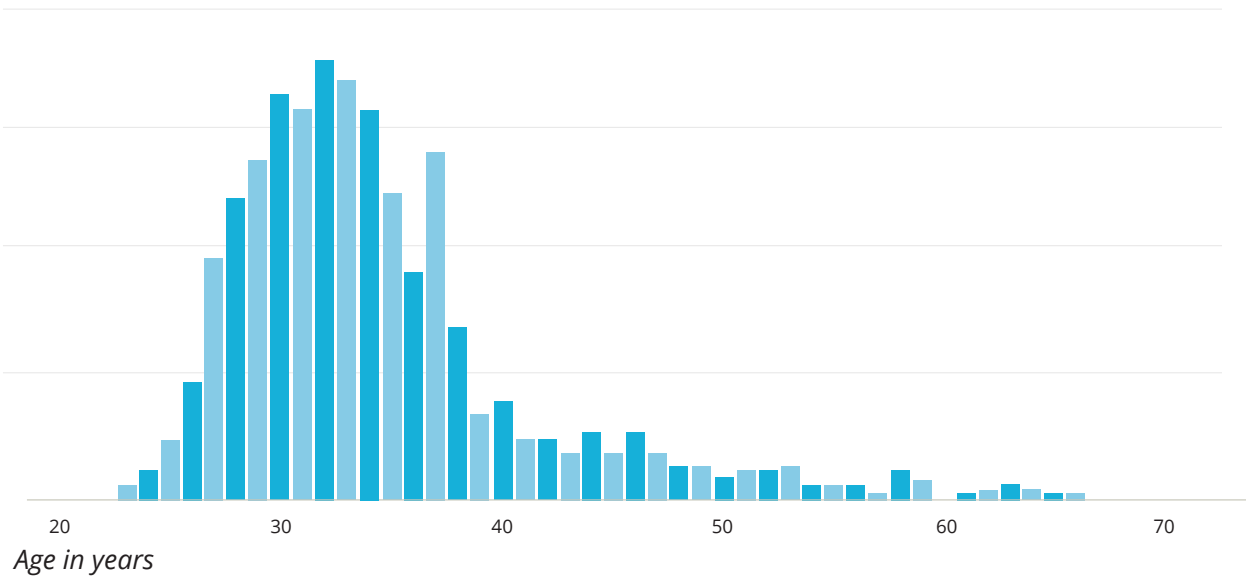
**What is your ethnicity?**

*n* = 2,052



**Age**

*n* = 2,061



## TALENT PIPELINE

The relative youth of respondents mirrors the objective of PSLF to cultivate a new generation of career public servants by encouraging young attorneys to take entry-level legal services jobs and deepen their expertise and commitment over time. Older borrowers who took out loans prior to the enactment of PSLF may have already exited public service in search of positions paying higher salaries or chosen not to change repayment plan.

## DIVERSITY IN THE LEGAL PROFESSION

In 2017, just 35 percent of lawyers in the U.S. were women and only 15 percent were an ethnicity other than Caucasian<sup>3</sup>. The lack of diversity in gender and ethnicity in the legal profession reflects the exclusion of talented lawyers with a different range of perspectives. This disparity adversely impacts the quality of legal services available. Not only should the profession be accessible to people from different backgrounds, but when public servants are representative of their communities, they are better able to understand the unique issues affecting their clients and to advocate for realistic and effective solutions. Respondents working toward earning forgiveness were significantly more diverse than the legal profession overall: 74 percent were women and 30 percent were not singularly Caucasian.



**I am a woman of color who grew up poor in [my area] and was determined to become a lawyer and return to the community I'm from to provide legal assistance. The difficulty and expense that the poor must endure to achieve the goal of becoming lawyers not only ensures that the shortage of diversity continues in the legal profession, but it also ensures that poor people of color continue to have few representatives who understand firsthand the issues and concerns that these communities need assistance addressing.**

*– Civil legal aid lawyer who serves homeless clients and low-income people with disabilities in California*

<sup>3</sup> ABA National Lawyer Population Survey: 10-Year Trend in Lawyer Demographics, (2017) American Bar Association; Chicago, IL

# Impact on Career Decisions

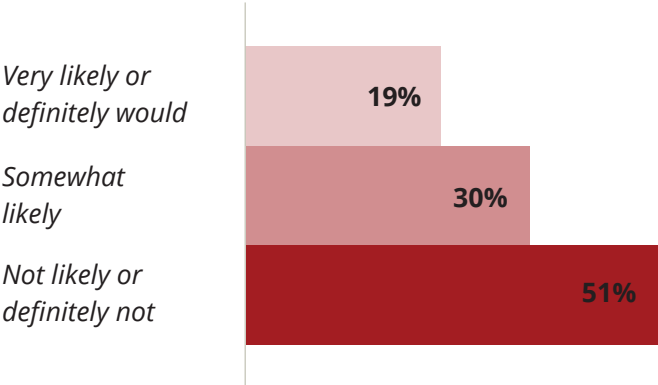
**Were you aware of the PSLF program when you took your current job?**

*n = 2,107*



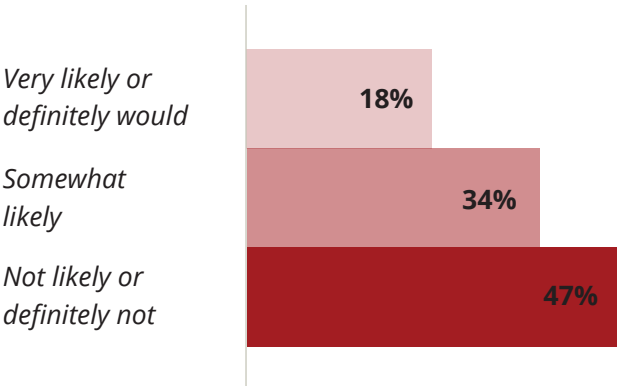
**If PSLF did not exist, what is the likelihood that you would have taken your current job? <sup>4</sup>**

*n = 1,881*



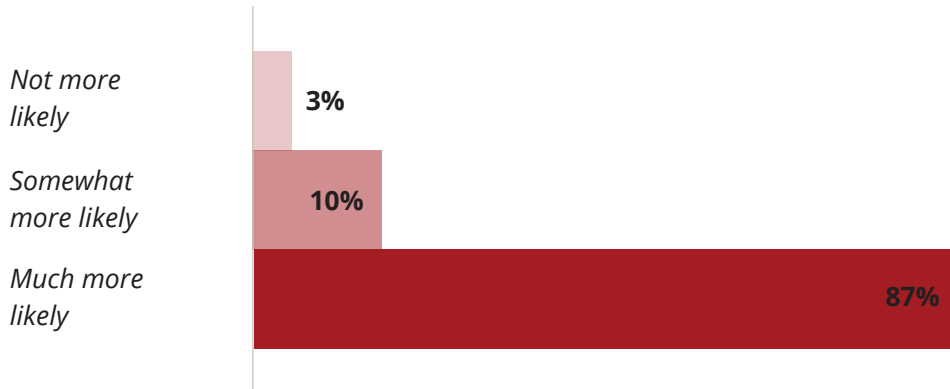
**If PSLF did not exist, what is the likelihood that you would have taken ANY job in public service?**

*n = 1,881*



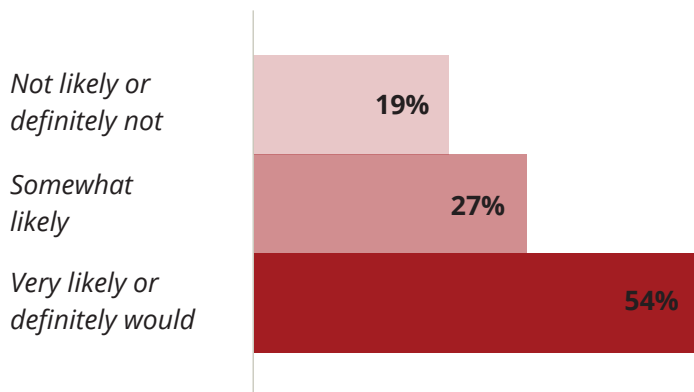
**Would qualification for PSLF make you more likely to accept a particular job opportunity in the future?**

*n = 2,107*



**If PSLF did not exist, what is the likelihood that you would leave your current job?**

*n = 2,107*



The data reveals how effectively PSLF incentivized respondents to enter public service. More than half of those who were aware of the program when they took their current job indicated they were not likely or certain not to have taken their current job without it. Only slightly fewer said the same about the likelihood they would have taken ANY job in public service. On both questions, less than one in five respondents believed it was very likely or certain. Significantly, 87 percent of respondents revealed that qualification for PSLF would make them much more likely to accept a job in the future.

*4 Only respondents who reported being aware of PSLF at the time they took their current job were included in the analysis of questions about how PSLF influenced their past decisions.*

Respondents explained the reasons why PSLF has been effective at enabling them to accept and remain in their jobs. Some of these responses referred to the income-driven repayment (IDR) plans associated with the PSLF program that cap monthly payments at a rate of 10-15 percent of all income above 150% of the federal poverty level.

**“ PSLF is the difference between burning out and maintaining a sustainable work/life balance. Without PSLF I would be living paycheck-to-paycheck with no margin for simple self-care (i.e. a day off, healthier food, reliable transportation). The stress of living paycheck-to-paycheck compounded by the stress of working with underserved and under-resourced populations would not be sustainable. PSLF allows me to make a long-term (i.e. 30 year) commitment to serving vulnerable populations.**

*– Civil legal aid lawyer providing services to children in North Carolina*

IDR is a vital component of the public service incentive, but it is also available to borrowers of federal loans regardless of type of employment (or whether they are earning a public sector salary). The unique long-term impact of PSLF is that it provides a realistic expectation that the borrower will see a day in which they no longer have to make payments and can begin working toward attaining basic life milestones. Eighty-one percent of respondents revealed they would be at least somewhat likely to leave their job if PSLF did not exist, with more than half very likely or certain to leave. Many of these respondents explained PSLF would enable them to eventually start a family, purchase their first home, or start saving for retirement but that without the program, they would need to leave public service to do so.

**“ I was considering moving out of public service when the PSLF program was initiated 10 years ago. With this benefit in mind I stayed with public service and have helped hundreds, if not over a thousand, disadvantaged clients with a multitude of legal problems. I have assisted clients to avoid losing their homes, their children, their benefits and even their life. I have relied on and anticipated the forgiveness of my student loans for 8 years now. The \$950 per month payment has limited my ability to save for retirement so it is my plan once the loan is forgiven to apply all the savings to try and build a retirement fund in the less than 10 years I have left to work.**

*– Civil legal aid lawyer who serves elderly Americans and people with disabilities at risk of abuse in Missouri*



**“ The PSLF program made it possible for me to work in public service. I served 22 years in the military and by the time I went to law school, my education benefits from the military timed out. Thankfully, I was able to qualify for a huge scholarship. But I still ended up with student loans -- and the PSLF program made it possible for me to continue to serve -- and I am serving my fellow veterans who are less fortunate than me. We all appreciate this opportunity.**

*– Civil legal aid lawyer serving veterans in Indiana*

**“ As I grow older, plan to start a family, and take on greater financial responsibility, my ability to stay in public service depends on the continuing existence of PSLF. At my current salary (which increases each year at a rate lower than inflation), I can only afford to pay the interest on my loans and have made no progress towards reducing the principal. Without PSLF, if I want to be able to support a family I will eventually be forced to move to the private sector. In that sense, PSLF serves the vital role of enabling non-profit legal organizations to retain experienced attorneys (even though they cannot compete with law firm salaries) and therefore provide higher quality legal services to their communities.**

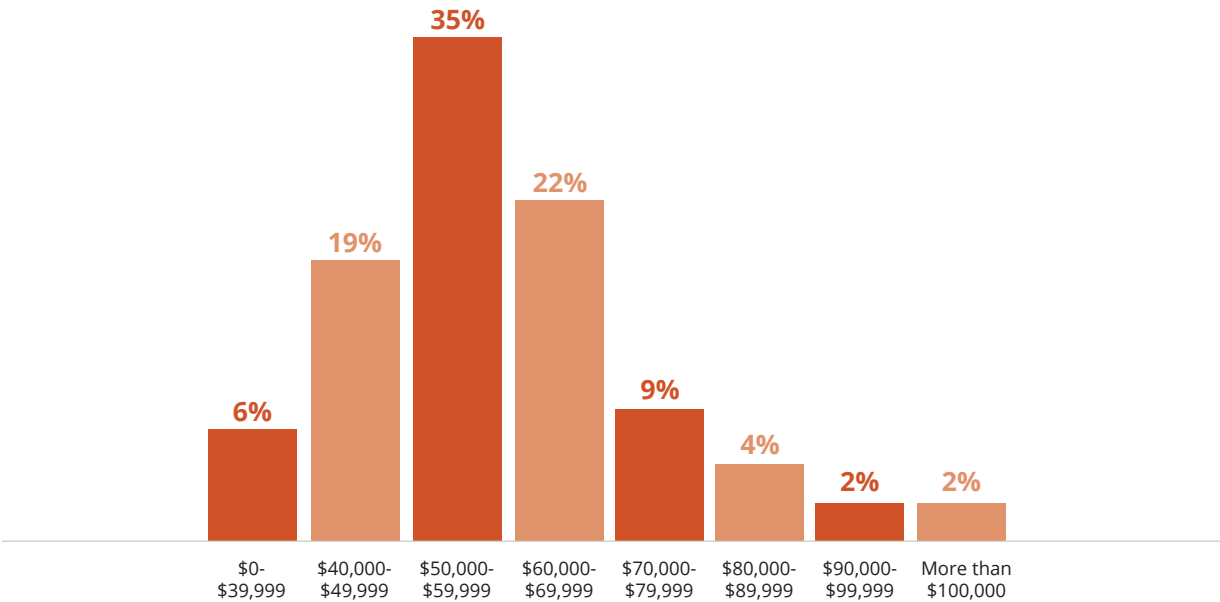
*– Public defender who serves low income and indigent immigrants, trauma survivors, and mentally ill individuals in New York*



# Salary & Loans

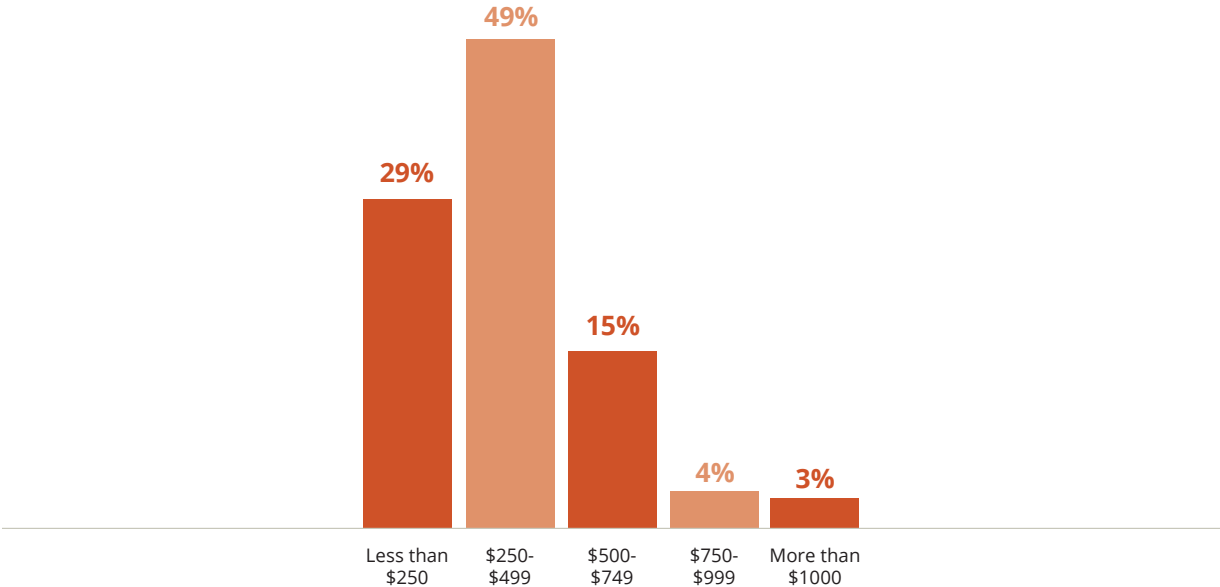
What is your salary?

*n* = 2,049



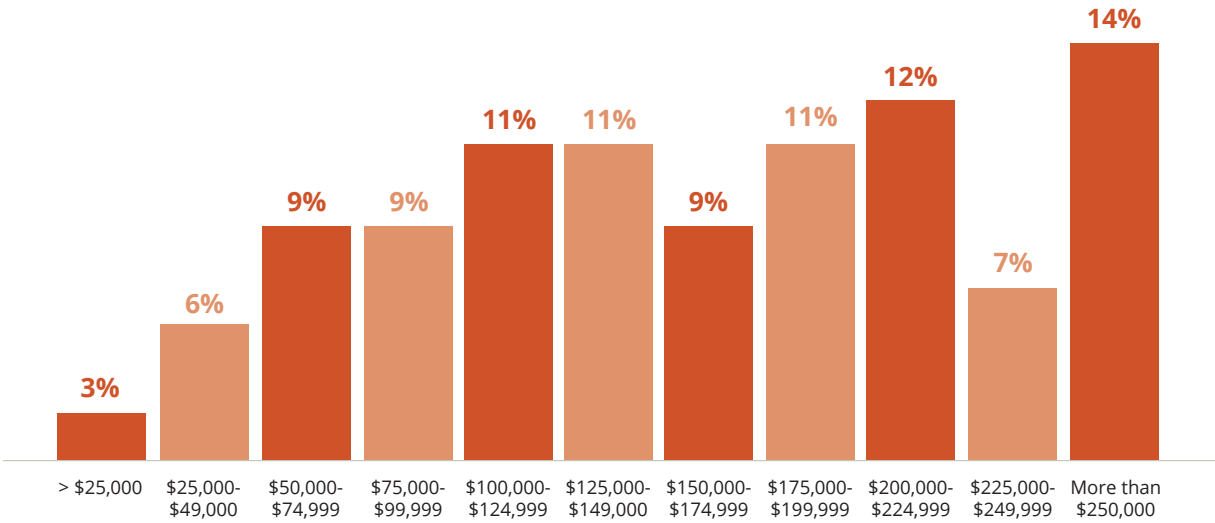
What is your monthly repayment amount on your federal student loan?

*n* = 2,107



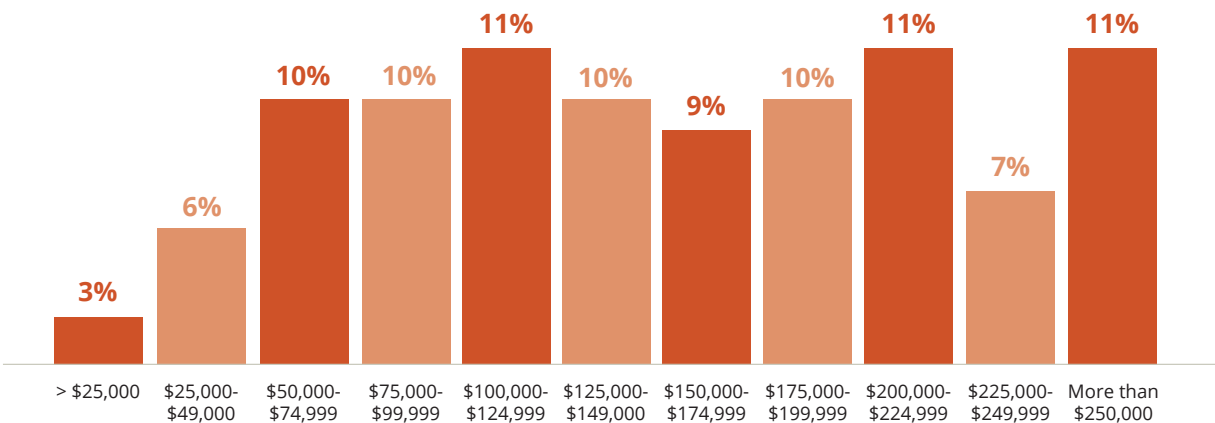
## What is the total balance of your student loans?

*n* = 2,107



## What is the balance of your federal student loan?

*n* = 2,107





The responses received in this section demonstrate why public service careers can be unaffordable for many law school graduates and young lawyers. A “typical” respondent at the median makes between \$50,000 and \$59,999<sup>5</sup> per year, whereas even entry-level salaries in the private sector can reach more than three times that. This salary disparity between the private and public sectors widens further as attorneys gain seniority and experience.

This “typical” respondent is likely to be enrolled in an income-driven repayment plan, which keeps monthly payments high, but generally affordable at between \$250 and \$499 per month. However, their level of debt is between \$175,000 and \$199,999, and this is highly disproportionate to their ability to repay on a typical salary. In the case of this “typical” borrower, the total amount they owe would actually grow significantly over time even if they make all payments on time and in full because the interest rate on federal graduate student loans offsets some or all of their monthly payment. Consequently, legal services lawyers on IDR alone, without the potential for earning forgiveness through PSLF, would face an uphill battle to become free from debt should they remain in the public sector.

“

**My interest has compounded so much in the time that I have been working as a public defender that I have an extra \$50,000 in loans due to the interest than when I began this job. I have a husband and children and cannot sustain this work without the PSLF program, and I know that most if not all of my colleagues who have 0 to 10 years of experience in my office and the local DA’s office are in exactly the same situation. Our fairly small, mostly rural community would lose a lot if the PSLF program were to disappear because it brought many people from other places to this town. Public safety and the quality and competence of our justice system would be seriously at risk.**

*– Public Defender in North Carolina*

<sup>5</sup> The median for respondents from civil legal aid programs was \$40,000-\$49,000. Slightly higher salaries at public defender programs and an even higher median within the “other” category account for the overall median reaching the \$50,000-\$59,999 range.

## Impact on Clients and Communities

This section reports on additional themes that appeared frequently within written comments but that did not correspond directly to the multiple choice questions<sup>6</sup>.

In their comments, many respondents explained how PSLF has improved both the quality and amount of legal representation available for low-income communities. This section discusses these themes using illustrative examples.

### **PSLF IMPROVES AVAILABILITY OF LEGAL SERVICES.**

The results of this survey suggest that without PSLF, far fewer people would choose to enter legal services careers, which would reduce the total number of lawyers available to represent low income Americans. In some locations, single individuals with unique expertise are the only resource for a particular population, and PSLF is enabling those individuals to work in areas otherwise entirely devoid of service. In other locations, PSLF is helping legal services programs do more with less by enabling staff to accept lower salaries, enabling programs to invest in additional employees.

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**PSLF allows me to bring top-notch legal skills to coal miners and their families in Appalachian Kentucky. PSLF was part of why I considered it feasible to attend an Ivy League law school even though I knew I wanted to do public interest work in Appalachia. I have spent the past five years doing such work, but if PSLF were taken away, then I would have to change jobs to be able to make my student loan payments. This would harm my clients and the economy of the coalfields because I provide help [to] people [to] obtain federal black lung benefits through a complex federal system that few private sector attorneys want to be involved in. Without PSLF, many of these coal miners and widows would not have an attorney and would be at risk of being denied the benefits that they deserve and depend on.**

*– Civil legal aid lawyer who serves coal miners and black lung widows in Kentucky*

<sup>6</sup> Few individuals expressed concern about the future of their own loans. This is likely to be because during the period in which the survey was open, legislation that would eliminate PSLF for future borrowers only was passed by the U.S. House Committee on Education and the Workforce. This followed a similar recommendation by the White House Office of Management and Budget (OMB) that was widely covered by the national media in May 2017.

**“ Without PSLF it would be very difficult to attract qualified and competent attorneys to do this work. I know I am not even making the interest payments on my federal loans right now, since I am on an income based repayment plan. Either our organization would be forced to pay more, meaning we could help fewer people, or face higher turnover with a less qualified staff.**

*– Civil legal aid lawyer who represents survivors of domestic violence and child abuse in Wisconsin*



**“ I am the only recourse in my area for victims of domestic violence who are seeking protection from their abusive spouses or partners and who cannot afford an attorney. It is frightening to think how different their legal outcomes on things like protective orders and custody orders would be if they could not obtain counsel. I tailored my legal education and internships on the premise that I wanted to serve the public good, and that it would be financially feasible (not luxurious, just feasible) to do so thanks to PSLF.**

*– Domestic violence advocate in Connecticut*

## **PSLF IMPROVES THE *QUALITY* OF LEGAL SERVICES.**

The impact of PSLF on the quality of legal services is evident at every stage of an attorney’s career. The promise of financial security promotes competition for public service jobs by attracting a greater number of high quality candidates. Once employed, the ability to rely on forgiveness enables attorneys to focus fully on their service rather than become distracted by financial anxiety or take an additional job to supplement their income, as some respondents to NLADA’s 2015 survey revealed they had done<sup>7</sup>.

<sup>7</sup> *The Critical Role of Public Service Loan Forgiveness in Access To Counsel and Equal Justice (2015) National Legal Aid & Defender Association, Washington, DC*

**“ PSLF has enabled me to follow my dream of serving the less privileged. I did not need to choose between living a life of minimum comforts (a reliable car, owning a home) and serving the greater good. Had it not been for PSLF, I would have to work 2 jobs and probably not have the energy I need to serve my clients. I do not anticipate leaving public service once my loans have ended - I will use my years of experience to be even more valuable to my employer.**

*– Public defender representing defendants in capital cases in Kentucky*

As these lawyers work toward earning forgiveness, they build experience and institutional knowledge that enables them to provide higher quality services to the communities in which they work. At the point they earn forgiveness, they have become established advocates for low-income people having further developed their commitment and expertise, which will enable them to continue to serve their communities effectively for years to come.

**“ I consider myself a good attorney. I’ve been awarded for my work, helped make major changes to state systems, and served thousands of people who would not have any other options for help if my organization did not exist. I enjoy my work very much and feel that it is very valuable for my community, but I would have left years ago and gone into private practice if it were not for PSLF.**

*- Civil legal aid lawyer in Georgia*

**“ Clients greatly benefit when lawyers stay in public interest. They don’t have to change lawyers as often and organizations don’t lose the institutional knowledge gained by their attorneys. Without this program, I could not afford to live in the city or do public interest. Any time I look at changing jobs, I make sure I would still qualify for the program.**

*– Civil legal aid lawyer in the District of Columbia*

## Cultivating Future Generations of Public Service Lawyers

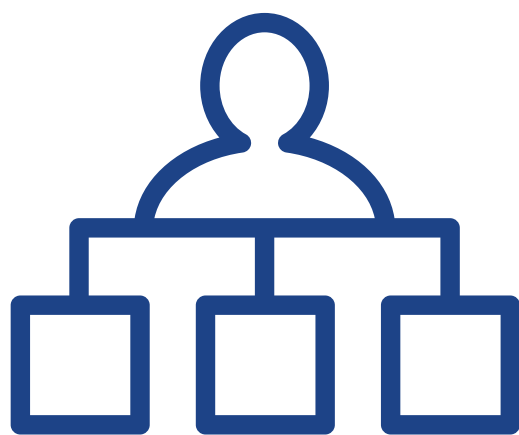
Despite the fact that none of the multiple choice questions addressed how PSLF affected academic choices such as whether to even attend law school, many respondents used the open-ended question to address this issue. Some indicated that they would not have gone to law school without PSLF, with many explaining this is because their career intention was only ever to work in public service, but that they never could have afforded to do so without PSLF. A smaller number explained that they would not have been able to go to as high a quality law school without it. This suggests that PSLF is having a significant impact in expanding the pool of highly qualified and dedicated advocates from which legal aid and public defender programs across the country can recruit. The following comments are indicative examples:

**“ The question you forgot to ask is whether I would have gone to law school in the first place. The answer to that question is no. Absolutely not. I went to law school because I knew I wanted to work in public service... And PSLF made me confident that I could afford to get a law degree so I could make an even bigger impact. I grew up in poverty. My mother struggled to put food on the table and keep the lights on after we fled from my abusive step father. But I am the American dream. I worked very hard in school, and put myself through college working 40+ hours a week as a waitress. I knew from the start I wanted to help others like me to achieve the same heights.**

*- Civil legal aid lawyer serving low-income families in Pennsylvania*

**“ I went to law school specifically with the intention of going into public service and took out student loans based on a calculation that public service loan forgiveness would be available. I know that I am not alone in that position and if it weren't for the availability of PSLF I may not have gone to law school at all because the debt proposition would not have made sense to me otherwise. PSLF is a key element in my ability to work in an economically depressed rural area for a wage much lower than I would make in private practice in an urban area. I believe that other rural legal aid providers are mostly in a similar situation.**

*- Civil legal aid lawyer serving victims of crime in Washington*



## **Part Two: Program Executives**

*Responses from top executives at civil legal aid  
and public defender programs*

## Recruitment & Retention

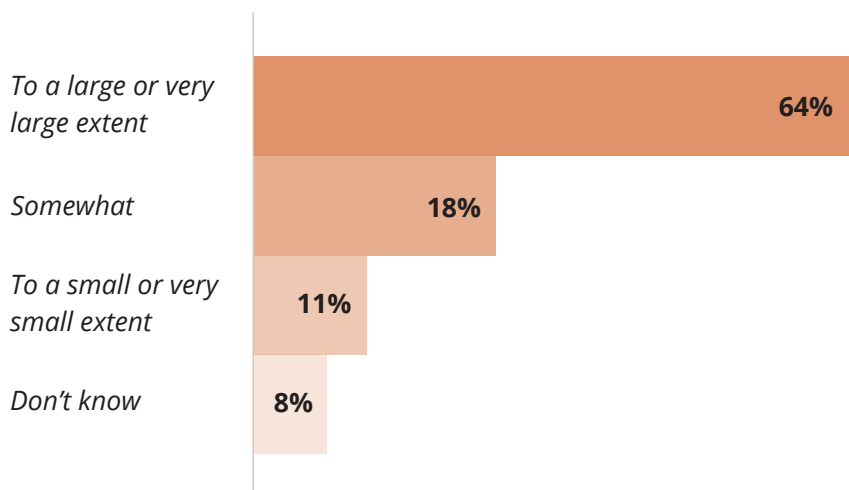
This portion of the survey was open only to top executives at public defender and civil legal aid programs, specifically chief public defenders, executive directors, and equivalent individuals. Their perspectives help explain the impact of PSLF at the organizational level, and provide insight into the potential consequences for the effective functioning of programs if PSLF were eliminated. Their responses mirror the data provided by borrowers. Program leaders indicated awareness that PSLF provides their employees with a promise of financial security that they could not offer without imposing a significant strain on their already limited budgets.

“ Our lawyers can’t afford to work at legal aid, pay their student loans, and buy a home. Loan forgiveness allows them the hope of home ownership some day.

– Civil legal aid program executive

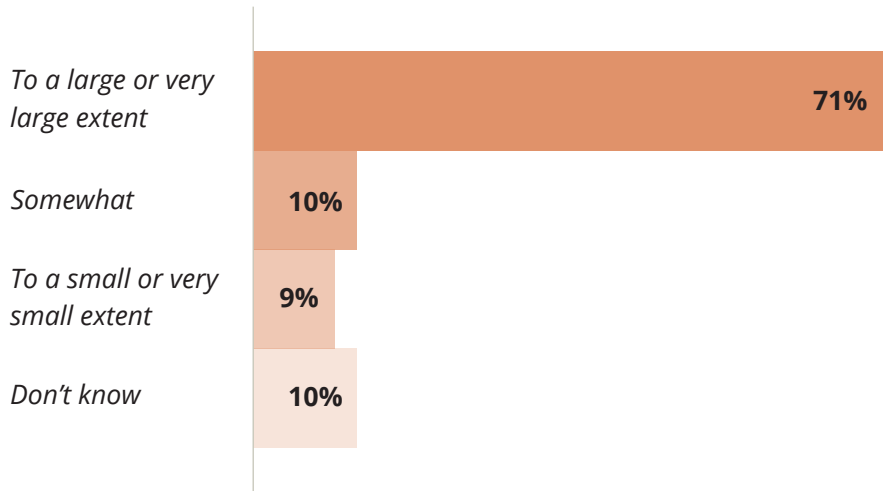
**To what extent does PSLF improve your ability to recruit qualified employees?**

*n = 91*



## To what extent does PSLF improve your ability to retain your current employees?

n = 91



Written comments reveal concern that if there were changes to PSLF, programs would experience greater difficulty hiring new attorneys, including in rural areas where certain skills are in short supply and where recruiting new staff can be particularly challenging. Further, without PSLF, executives anticipate investing time and resources training and supporting the professional development of newer attorneys, only to see them quickly leave for the private sector, which would deprive clients of the benefits of their expertise and require the program to invest additional resources in training a replacement.



**“ Without PSLF agencies will revert to training PD’s and prosecutors as “baby lawyers” and then seeing them grow up and do something else. PSLF has caused a sea change of lawyers interested in staying in public service as a career instead of for 1-3 years for training before moving onto a higher level firm position. The clients served in this area deserve quality representation - both prosecution and defense - and we can’t eliminate a huge factor in encouraging quality lawyers to stay.**

*– Chief public defender*





**“ Our state is mostly rural with two metropolitan areas. Without the ability to look forward to possible loan forgiveness, we would not be able to recruit as many attorneys to work in the rural parts of our state. They would need to stay in the cities with the larger firms or government agency offices.**

*– Chief public defender*



**“ Legal aid salaries are low, so keeping attorneys on board with us after they’ve gotten experience under their belts is a constant challenge.**

*– Civil legal aid program executive*

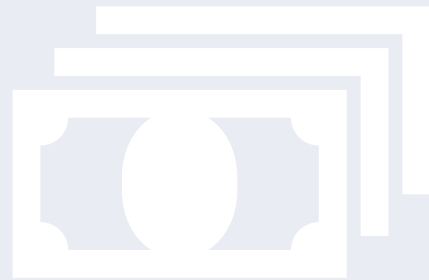
## Impact on Program Resources

Executives foresee significant negative consequences for their organizations if PSLF is eliminated, as programs could be forced to alter their salary structures in order to compensate for the withdrawal of the forgiveness incentive. This would either reduce the resources available to invest in additional staff, decreasing the number of people the program is able to serve or leading to salary compression, making it more difficult to retain more experienced staff.

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**Just the threat of elimination is forcing us to consider increasing salaries and other compensation immediately, because new grads are assuming the program will be eliminated and are planning accordingly.**

*- Civil legal aid program executive*



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**Our salaries are at the bottom of government/ NPO organizations. We cannot increase the bottom end without dealing with salary compression and deficit spending, especially in light of the federal budget situation. The PSLF program is the most important economic recruiting tool we have. If it goes away, then we are placed in very difficult straits.**

*- Civil legal aid program executive*





**NLADA**

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Defender Association

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