

MEMORANDUM

DATE: January 23, 2023
RE: *Indigent Defense Reform: County-Level Analysis of Assistant Public Defender Starting Salaries in Pennsylvania*

Methodology

On December 20, 2022, Pennsylvania Right-to-Know Law (“RTKL”) requests were filed with nearly all of Pennsylvania’s 67 counties, requesting the following:

Please provide the most recently published record that details the starting salary for full-time assistant public defenders in the county (if the county only employs a chief public defender or only employs part-time public defenders, please provide their salaries in the alternative), or if the county administers its public defense services through an agreement with a third-party (such as a lawyer or law firm), the rates or fees provided to such parties.

61 counties responded to the request. 45 counties had full-time assistant public defenders and could provide data as to starting salaries for such positions. 19 counties did not have full-time assistant public defenders (instead relying on part-time or contracted defenders) or only employed more experienced assistant public defenders and thus could not provide a starting salary for such positions. 3 counties have yet to provide responsive records.

To select the “starting salary for assistant public defenders” in each county, we used the starting salary if one was provided. If the county only provided a list of salaries for assistant public defenders employed by the county, we selected the lowest salary of a full-time assistant public defender. A discussion of how each county’s starting salary was selected can be found in the “Notes” column of the table in Appendix A. We used 2023 salaries where available, but otherwise used 2022 salaries.

Results

I. Summary

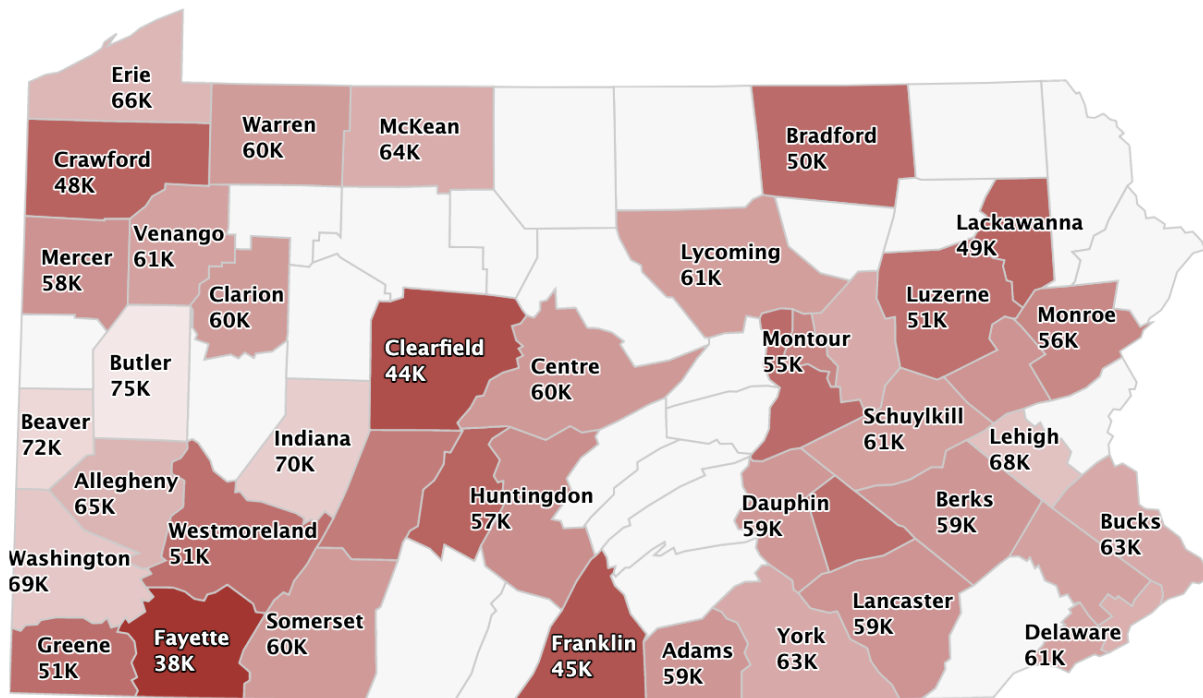
The median starting salary for full-time assistant public defenders in the 45 Pennsylvania counties that responded to RTKL requests and have full-time assistant public defenders is \$59,134. Starting salaries range significantly across the state, from \$38,318 in Fayette county to \$75,380 in Butler county. Thirteen counties appear to pay less than \$55,000 to new assistant public defenders: Blair, Bradford, Cambria, Clearfield, Crawford, Fayette, Franklin, Greene, Lackawanna, Lebanon, Luzerne, Northumberland, and Westmoreland.

II. Geographic Trends

The county map in Exhibit 1 below demonstrates that starting salaries for assistant public defenders can change dramatically across county lines. For example, while Fayette county has the lowest starting salary in the state at \$38,318, it borders Washington county, whose \$69,000 starting salary is fourth-highest in the state. A similar phenomenon exists in Clearfield

county, whose \$44,000 starting salary is the second-lowest in the state, and which borders Indiana county, which has the third-highest starting salary of \$70,000.

Exhibit 1: Starting Salaries for Assistant Public Defenders, by County



III. Comparison to Other States

Pennsylvania's starting salaries for assistant public defenders are lower, at median, than the starting salaries for similar roles in nearby states that have state-run public defense systems. In contrast, the county-run systems in West Virginia and Ohio have similar starting salaries to Pennsylvania's.

Exhibit 2: Starting Salaries for Assistant Public Defenders in Neighboring States

State	County or State Funding Model		Starting Salaries for Assistant Public Defenders
Maryland	State (Maryland Office of the Public Defender)		\$72,340
New Jersey	State (New Jersey Office of the Public Defender)		\$69,579
New York	County		\$60,000 - \$75,000 for most counties
Ohio	Mixed	State (Office of the Ohio Public Defender)	\$64,645
		County	\$50,000 - \$60,000 for most counties
West Virginia	County		High \$50,000s - low \$60,000s for most counties
Pennsylvania	County		\$59,134 median

The Maryland Office of the Public Defender offers a minimum salary of \$72,340 for assistant public defenders coming straight out of law school.¹ Assistant public defenders at the New Jersey Office of the Public Defender have a minimum starting salary of \$69,579.²

Other neighboring states have more variable starting salaries because they use a county, rather than state-administered indigent defense system. For example, in New York State, most county public defender offices offer a minimum starting salary of between \$60,000 and \$75,000.³ But some New York counties pay much lower. For example, Chautauqua county pays starting assistant public defenders \$57,491.⁴

¹ See “Assistant Public Defender I” job listing at <https://www.opd.state.md.us/attorneys> (last viewed 1/20/23), which includes a salary range of \$72,340 - \$112,091.

² New “Assistant Deputy Public Defender[s]” have a pay grade of 25, which corresponds to a \$69,579.06 salary at “Step 1” for pay periods after April 1, 2022, according to the collective bargaining agreement, effective 7/1/2019 – 6/30/2023, available here: <https://www.cwa1037.org/wp-content/uploads/2020/01/2019-2023-CWA-State-Worker-Contract-w-Salary-Schedule.pdf> (last viewed 1/20/23)

³ See New York State Defenders Association, Public Defense Backup Center, <https://www.nysda.org/page/Jobs> (last viewed 1/20/23) (e.g., Jefferson County Public Defender’s Office - Staff Attorney: \$77,877, Wyoming County Public Defender - APD: \$75,000, Clinton County Public Defender - APD: \$71,000- \$83,793, Brooklyn Defender Services - APD: \$74,000, Schenectady Public Defender - APD: \$75,000, Ontario County Public Defender - APD: \$72,403 - \$86,789, Genesee County Public Defender - APD: \$72,175 - \$80,000s, Dutchess County Public Defender - APD: \$72,175, Livingston County Public Defender’s Office - APD: \$70,000 - \$85,000, Legal Aid Society of Nassau County - Staff Attorney: \$62,000 - \$100,000, Legal Aid Bureau of Buffalo - Staff Attorney: \$61,000 - \$73,000, Chautauqua County Public Defender Office - APD: \$57,073 - \$87,514)

⁴ *Id.*

Ohio employs a mixed county and state-funded indigent defense model. The Office of the Ohio Public Defender is a state agency that “provides representation on appeals and post-conviction actions in death penalty, criminal, and juvenile delinquency cases; at trial when requested by local courts and in counties that contract with OPD for trial services; and at parole revocation hearings” for incarcerated people.⁵ The lowest starting salary for assistant public defenders employed by the state Office of the Ohio Public Defender is \$64,645.⁶ Local public defender offices in Ohio have more variable starting salaries.⁷ The starting salaries we have been able to identify range from \$50,000 to \$60,000, on the low-end.⁸

In West Virginia, Public Defender Services, a state agency, funds all indigent defense services in the state through public defender corporations that employ full-time public defenders and through court-appointed private attorneys.⁹ Like New York and Ohio, individual public defender corporations offer different starting salaries for their assistant public defenders.¹⁰ From the few job listings we were able to identify online, assistant public defender jobs appear to start in the high \$50,000s or low \$60,000s.

⁵ Office of the Ohio Public Defender, About OPD, <https://opd.ohio.gov/about-opd> (last viewed 1/20/23)

⁶ Assistant Public Defender - Prison Legal Services job listing, https://dasstateoh.taleo.net/careersection/oh_ext/jobdetail.ftl?job=230000H8&tz=GMT-05%3A00&tznme=America%2FNew_York (last viewed 1/20/23); Assistant Public Defender - Ross County (Multiple Vacancies) job listing, https://dasstateoh.taleo.net/careersection/oh_ext/jobdetail.ftl?job=220003F3&tz=GMT-05%3A00&tznme=America%2FNew_York (last viewed 1/20/23).

⁷ For example, Summit Legal Defenders in Akron, OH, pays \$59,000.00 – \$72,000.00 for Staff Attorneys, see https://oacdl.org/aws/OACDL/pt/sd/job/88472/PARENT/layout_details/false (last viewed 1/20/23), Tuscarawas County Public Defender in New Philadelphia, OH pays in the \$60,000 range, see https://oacdl.org/aws/OACDL/pt/sd/job/86642/PARENT/layout_details/false (last viewed 1/20/23), the Wayne County Public Defender Office pays \$52,520.00 - \$53,570.40, see https://oacdl.org/aws/OACDL/pt/sd/job/86228/PARENT/layout_details/false (last viewed 1/20/23), the Montgomery County Public Defender's Office pays \$60,008, see <https://www.salary.com/job/the-law-office-of-the-public-defender-of/assistant-public-defender/j202112151531471268636> (last viewed 1/20/23), and the Allen County Public Defender's Office in Lima, OH pays \$50,000 - \$70,000, https://www.indeed.com/viewjob?jk=6943ee1b98cb620d&utm_campaign=google_jobs_apply&utm_source=google_jobs_apply&utm_medium=organic (last viewed 1/20/23)

⁸ *Id.*

⁹ Public Defender Services, About, <https://pds.wv.gov/about/Pages/default.aspx> (last viewed 1/20/23)

¹⁰ The Seventeenth Judicial Circuit Public Defender Corporation, \$60,000 - \$70,000, see <https://pds.wv.gov/about/Documents/Assistant%20PD%20Job%20Description%20%2017th%20PDC%20%2013%2022.docx.pdf> (last viewed 1/20/23); The Twenty Third Judicial Circuit Public Defender Corporation (Berkeley, Jefferson, Morgan Counties): \$58,000, see https://www.indeed.com/viewjob?jk=74c3030417f878ca&utm_campaign=google_jobs_apply&utm_source=google_jobs_apply&utm_medium=organic (last viewed 1/20/23); The Eleventh Judicial Circuit Public Defender Corporation: \$60,000, see https://www.indeed.com/viewjob?jk=7d70b7b646b60dd7&utm_campaign=google_jobs_apply&utm_source=google_jobs_apply&utm_medium=organic (last viewed 1/20/23);

Appendix

Appendix A: Starting Salaries for Assistant Public Defenders, by County

County	Starting Salary for FT APD	Notes
Adams	\$58,953	Lowest paid current FT APD as of 12/20/22.
Allegheny	\$65,000	2023 CBA.
Armstrong	<i>None</i>	No current FT APDs. Chief PD is paid \$65,000.
Beaver	\$72,170	2023 starting salary, as per 2022-2024 CBA.
Bedford	<i>None</i>	No current FT APDs.
Berks	\$59,000	Starting salary for APD I as of 1/10/23.
Blair	\$48,460	2019-2022 CBA.
Bradford	\$50,003	Salary for only PD employee as of 12/21/22.
Bucks	\$63,000	Starting salary for FT APDs according to Chief PD on 1/3/23.
Butler	\$75,380	9/1/18 base salary w/ five 2.5% increases, as per 2022-2023 CBA.
Cambria	\$53,459	2023-2026 MOU.
Cameron	<i>None</i>	No current FT APDs. County contracts w/ law firm for \$75.00/hr.
Carbon	\$58,526	Lowest paid current FT APD as of 8/4/2022. Matches 2/22/22 job listing.
Centre	\$59,509	Lowest paid current FT APD as of 1/5/23. \$28.61 per hour x 2,080 hrs/yr.
Chester	\$62,400	Minimum salary for Attorney I as of 1/20/23.
Clarion	\$60,008	12/9/22 job listing. \$28.85/hr x 2,080 hrs/yr.
Clearfield	\$44,000	Starting salary for FT APDs as per ORO as of 1/9/23.
Clinton	<i>None</i>	No current FT APDs. PT APDs make \$59,820.00 for min. of 30 hrs/wk.
Columbia	\$63,000	2023 salary for only FT APD.
Crawford	\$48,312	Salary for only FT APD as 12/27/22.
Cumberland	<i>Awaiting</i>	
Dauphin	\$59,134	Job listing - last checked 1/10/23.
Delaware	\$61,350	CBA shared 1/9/23.
Elk	<i>None</i>	No current FT APDs. PT APD works a min. of 20 hr/wk for \$40,000.
Erie	\$65,559	Minimum wage for FT APDs is \$33.62 x 1,950 hrs/yr.
Fayette	\$38,318	Lowest paid current FT APD as of 12/31/22.

Forest	<i>None</i>	Only PD is a PT Chief.
Franklin	\$45,282	Lowest paid current FT APD as of 12/27/22.
Fulton	<i>None</i>	No FT APD as of 12/29/22. Only PD made \$56,269.20 in 2022 for 60 hrs/2 wks.
Greene	\$50,562	Starting salary for FT APD, as of 12/20/22.
Huntingdon	\$57,250	Starting 2023 salary for only FT APD, as of 12/27/22.
Indiana	\$70,000	Starting salary for only FT APD, as of 12/20/22.
Jefferson	<i>None</i>	No FT APD as of 1/3/23.
Juniata	<i>None</i>	No FT APD as of 12/28/22.
Lackawanna	\$48,500	Starting salary for FT APD, as per 2019-2022 arbitration award.
Lancaster	\$58,500	Starting salary for FT APD, as of 12/21/22.
Lawrence	<i>Awaiting</i>	
Lebanon	\$50,871	Starting salary for FT APD, as of 12/30/22.
Lehigh	\$67,683	Starting salary for FT APD, as of 12/22/22.
Luzerne	\$51,083	As per Chief PD comments, 12/5/22.
Lycoming	\$60,500	Starting salary for FT APD, as per 2022-2026 CBA.
McKean	\$63,500	Starting salary for only FT APD, as of 12/20/22.
Mercer	\$58,333	Starting salary for FT APD, as of 1/9/23.
Mifflin	<i>None</i>	No FT APD as of 1/3/23.
Monroe	\$55,928	2021 FT APD salary, as per 2019-2021 CBA.
Montgomery	\$61,248	Minimum pay rate for Attorney I at ODP, as of 12/27/22.
Montour	\$55,451	Salary for only PD as of 1/3/23.
Northampton	\$56,603	2023 salary for PT APDs, who carry approx. the same caseload as FT APDs.
Northumberland	\$50,000	As per HR head statement on 12/27/22.
Perry	<i>None</i>	No FT APD as of 12/22/22.
Philadelphia	\$64,000	As per job listing for barred FT APD.
Pike	<i>None</i>	No FT APD as of 12/22/22.
Potter	<i>None</i>	No FT APD as of 12/22/22.
Schuylkill	\$60,841	Salary for lowest paid PT APD as of 1/12/23.
Snyder	<i>None</i>	No FT APD as of 12/20/22. PT APD is paid \$31,668.26 for ~20/hrs/wk.
Somerset	\$59,703	Starting salary unchanged since 1/3/12.
Sullivan	<i>None</i>	No FT APD as of 1/3/23.

Susquehanna	<i>None</i>	No FT APD as of 12/27/22. PT APD hourly rate of \$37.82 equates to \$78,665.60 FT annual salary.
Tioga	<i>None</i>	No FT APD as of 12/22/22. Contracted APD is paid \$75/hr.
Union	<i>Awaiting</i>	
Venango	\$61,040	Lowest 2023 APD salary - hired in 2022.
Warren	\$60,000	2023 salary for only FT APD.
Washington	\$68,908	2022 salary for new APDs, as per 2019-2022 CBA.
Wayne	<i>None</i>	No FT APD as of 12/21/22. Lowest paid PT APD hourly rate of \$23.83 equates to \$49,566.40 FT annual salary.
Westmoreland	\$51,000	
Wyoming	<i>None</i>	No FT APD as of 1/3/23. PT APD hourly rate of \$25.28 equates to \$52,582.40 FT annual salary.
York	\$68,715	Second-lowest paid current FT APD as of 12/27/22, as there is only one APD earning \$63,000 and 8 APDs earning \$68,715.