

CRIME

Attorney stress, burnout and low pay create hiring crisis at Escambia courthouse



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Pensacola News Journal

Published 4:02 a.m. CT March 14, 2023 | Updated 12:23 p.m. CT March 14, 2023

Both the State Attorney's and Public Defender's offices are struggling to attract and keep attorneys, leaving many current government attorneys feeling overworked and underpaid.

In Florida's First Judicial Circuit, State Attorney Ginger Bowden Madden and Public Defender Bruce Miller both told the News Journal that since their funding comes from the state legislature, it's tough to compete with private law firms that can offer more money.

"We've always been behind. We've always had to ask for more money for the attorneys, but right now we cannot compete with the private sector," Miller said. "What happens is when you lose an attorney, the attorneys left behind have to absorb the caseload, which causes them to get burned out and stressed, and then they leave and it just snowballs."

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Labor shortage: 'It doesn't matter the industry': Pensacola labor shortage taking toll across the board

Bowden Madden similarly said it's tough to compete with private law firms, but it's also difficult to compete with benefits such as remote work offered by private sector employers.

"Once everybody came back (from COVID) in a full-time capacity, it's like there's other opportunities out there that would allow me to work from home or work from home part time, and they pay a heck of a lot more money than the government," Bowden Madden said. "It really had impact on our ability to retain employees."

Not only does the State Attorney lose lawyers to private firms, she says they can lose attorneys to other state agencies that offer the same wages but include work-from-home benefits.

In the past 12 months, the State Attorney's Office lost a dozen felony attorneys, and five of those who left accepted another state agency position, according to the SAO's records. Six of the 12 took a position outside of state government and one person left for reasons other than taking a new job.

In the Public Defender's Office, Miller says the Escambia County office is currently four assistant public defenders shy of being fully staffed, and despite promoting job openings,

Miller says there have only been two applicants the past year.

The American Bar Association Standing Committee on Legal Aid and Indigent Defendants sponsored a book called “Securing Reasonable Caseloads: Ethics and Law in Public Defense.” In the book, it references the National Advisory Commission on Criminal Justice Standards and Goals and the organization’s recommended annual maximum caseloads, saying that attorneys should not exceed 150 felony cases per year.

“I’ve got felony people carrying 600 cases a year,” Miller said.

Miller says he tries to keep two attorneys in each of the eight felony divisions in Escambia County. In the calendar year of 2022, each felony division in the Public Defender’s Office appointed more than the recommended 150 cases per year per attorney.

Here is the breakdown according to Miller:

Division A: 817 cases appointed

Division B: 540 cases appointed

Division C: 907 cases appointed

Division E: 738 cases appointed

Division F: 879 cases appointed

Division J: 793 cases appointed

Division K: 677 cases appointed

Division N: 913 cases appointed

Local job outlook: Where are the job opportunities? Here's how the job market looks locally and where it's going

Years-long problem: Public offices battling attorney turnover issues

What can be done to combat attorney turnover?

The simple answer to stop the State Attorney and Public Defender offices from hemorrhaging lawyers is money.

Both Bowden Madden and Miller voiced their concerns that they simply don’t have the money or resources to compete with private firms or other state agencies, so they turned to the legislature and asked for a salary increase of \$15,000 per attorney during the next fiscal year’s budget cycle.

“(Assistant state attorneys) are leaving public service faster than they can be trained and replaced,” the State Attorney’s budget request stated. “Private law firms are paying significantly more than the starting salaries approved by the Florida legislature, and (State Attorney First Circuit) and the other offices of the (Florida Prosecuting Attorneys Association) are finding it increasingly difficult to compete for talent.”

The Public Defender’s request voiced the same concerns while asking for the additional \$15,000.

“The high turnover rates and resulting experience drain create situations where attorneys handle serious felony cases long before they are ready to do so, and the fewer filled

(assistant public defender) positions means higher case loads for remaining APDs,” the request states. “The \$15,000 increase for all authorized APD positions is necessary to attract attorneys (fill the vacancies) and retain existing attorneys (significantly reduce turnover).”

District 1 State Senator and chairman of the Senate Appropriations Committee Doug Broxson told the News Journal he is aware of the funding situation among the State Attorney and Public Defender’s offices, saying his committee will review the requests.

“Both the Public Defender and State Attorney have come to me and gave a pretty compelling argument,” Broxson said. “We’re definitely looking at it and we’ll have to see if it makes good sense.”

If the legislature budgets the First Judicial Circuit the additional funding requests, all assistant state attorneys and assistant public defenders’ salaries would increase by \$15,000. The entry-level APD attorney salary would increase to \$65,000.

According to the State Attorney’s request, the state legislature increased the minimum starting ASA salary to \$50,000 in fiscal year 2019-2020, followed by a \$7,000 increase in fiscal year 2021-2022.

With the current \$15,000 request, starting salary would increase the starting ASA salary to \$72,000.

“I look at (attorney turnover) like it’s a perfect storm; you have really high inflation, specific not only to us but through the state, and a lack of affordable housing,” Miller said. “It’s hard to imagine that someone would come out of not only college but an advanced degree like a lawyer, and then we can’t afford to pay them a salary where they would be able to find housing, and that’s a problem.”