

**Public Safety and
Assistant District Attorney Staffing
in Wisconsin**

Dennis Dresang, Professor Emeritus
Jerrett Jones
Alex Marach
Hilary J. Waukau

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**Robert M. La Follette
School of Public Affairs**
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For additional copies:
www.lafollette.wisc.edu/publicservice/ada/
or contact
Publications Office
La Follette School of Public Affairs
1225 Observatory Drive, Madison, WI 53706
publications@lafollette.wisc.edu

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Executive Summary

The opportunity to serve the public is the major reason that individuals become Assistant District Attorneys (ADAs) in Wisconsin. The compensation system, however, prompts ADAs to leave their jobs, usually within the first five years of service.

The annual turnover rate for Wisconsin ADAs since 1990 is 15.6%. Since 2000 it is 17.2%, and since 2005 it is 18.4%. These rates contrast with a turnover rate for public employees that is usually between 5% and 7% annually. In Milwaukee and Dane counties, which have the state's highest crime rates and the largest ADA staffs, almost one-half of the prosecutors have fewer than five years of experience. This lack of experience is not ideal for any organization, but it is especially critical for criminal justice and public safety agencies.

To find out what attracts graduates of law schools to accept positions as ADAs and why so many ADAs leave shortly after they begin their work, former and current ADAs were surveyed in February and March 2011. The predominant portrait of individuals who were and are ADAs in Wisconsin is that they seek to serve the causes of public safety and criminal justice. Of the 146 current ADAs who were surveyed, 93% listed serving the public and helping crime victims as the primary reason they accepted their appointments. Eighty-three percent of the 44 former ADAs responding to the survey reported that the main reason they became ADAs was the opportunity to serve, and all the other former ADA respondents gave this reason as the second or third most important motivation.

Although survey respondents indicated high levels of satisfaction with many aspects of their jobs, general morale reported by current and former ADAs is not high. The major source of dissatisfaction is compensation, which, they believe, is not comparable to what is available in the private sector, neglects differentials in living costs across the state, and does not recognize experience or job performance. Current ADAs are more negative about compensation than those who preceded them, although both groups are critical of the compensation system.

A 1989 state law shifted responsibility for ADA compensation from counties to the state government. District Attorneys in each of Wisconsin's 72 counties appoint and supervise their ADAs, but the state pays the ADAs based on statewide compensation criteria. About 330 ADAs prosecute throughout Wisconsin.

To lower ADA turnover in Wisconsin, the state should improve compensation by giving high performers merit increases, targeting ADAs with three to 10 years of experience, and accounting for the higher cost of living in Milwaukee and Dane counties.

In this manner, the state of Wisconsin can better ensure the public is served with quality criminal justice and public safety.

Introduction

The efficient and effective operation of a state's criminal justice and public safety system depends heavily on prosecutors, defense attorneys, and judges. In Wisconsin, with a few exceptions, courts and prosecutors are organized on a county basis. Those who prosecute on behalf of the residents of the state are elected District Attorneys (DAs) and a professional staff of Assistant District Attorneys (ADAs). The DAs hire, supervise, and dismiss ADAs. A DA assigns work to the ADAs in her or his county and determines when layoffs and partial reductions in appointment levels are appropriate. To provide financial assistance to counties, state government assumed responsibility for the compensation of ADAs in 1990, although DAs continued to have appointing and supervising authority. DAs are still elected county officials and paid by counties. The larger counties have Deputy District Attorneys, who are like senior ADAs and are compensated from state funds.

DAs consider a high turnover rate among ADAs as more than an administrative challenge that consumes time and resources as they recruit, hire, and train new staff. According to them, high turnover poses a major threat to public safety and criminal justice in Wisconsin. An ADA plays a crucial role in deciding when to pursue the prosecution of an individual charged with a crime, when to seek alternatives to incarceration, which penalties and remedial programs to recommend, and when to agree to a plea bargain. The DAs we talked with cite experience and continuity as essential to efficient and effective criminal justice work.

A current ADA agreed and summarized the concerns that led to this study:

When I started as an Assistant District Attorney, I started as an employee of ... County. Shortly thereafter, I became a State employee. I was part of a group of ADA's that actually saw some progression through the pay range for a period of time so at this time my situation is not nearly as difficult as those that have been employed for 12 years or less. I can't emphasize enough the public safety issues this state will have to confront within the next 5-10 years as those who have decided to make prosecution a career retire. There is currently and will continue to be a HUGE experience gap that simply cannot be overcome because of attorneys that can't afford to remain as prosecutors. There will simply not be experienced prosecutors to prosecute serious cases—homicides, sexual assaults and similar offenses—because those in the group which would be taking over those cases have left to pursue other careers. One person from our office left to join a local police department—certainly not the career path he envisioned when he graduated from law school. The day he started working as a police officer he made more money than he did as an ADA with 6 years of experience and that's not counting the overtime that he earns on a regular basis as a law enforcement officer.

As far as workload is concerned, there is not a week that goes by that I work 40 hours. I would doubt that there are many that I work 50 hours. More consistently, it is in the range of 60-70 hours. I do this despite the

fact that my paycheck is basically the same every week—except those weeks when I am forced to take furlough time and then the check is actually less*—not that I work less hours, of course. The Legislature continues to create crimes to be prosecuted and the complexity of many of the newer crimes is greater[;] however little if anything has EVER been done to address the crushing workload by adding bodies to prosecute those crimes. For me personally, it is workload more than anything that affects my morale. There is no such thing as “caught up.” There is just less far behind.

High turnover also costs money. An American Bar Association report by David Bilinsky and Laura Calloway reviewed studies conducted by Cornell University, the Saratoga Institute, and Hewitt Associates. While estimates of the financial burden of replacing employees varied widely, the conservative end of the spectrum was that the loss of a staff person costs the equivalent of her or his annual salary.¹ To apply that to Wisconsin ADAs, the current turnover rate of 18.4% costs the state \$1,955,397 per year, using the beginning annual salary of \$49,429.

A team of researchers at the Robert M. La Follette School of Public Affairs at the University of Wisconsin–Madison examined the reasons for the high turnover rate among ADAs in Wisconsin. The central concern was to identify reasons individuals who are or were ADAs found their jobs attractive and why they left or are considering leaving. The study began in fall 2010 and concluded in spring 2011. This report presents a description of the ADA workforce and the reasons individuals accept appointments as ADAs and why they quit. This study includes suggestions for addressing the problem.

* This statement applies to the 2010-2011 fiscal year when state employees, including ADAs, were forced to take unpaid furloughs in order to achieve payroll savings.

Assistant District Attorney Turnover

For two decades, about 330 ADAs have worked in Wisconsin at any given point in time. According to data provided by the Wisconsin Department of Administration in response to an open records request, 704 ADAs left their positions between January 1990 and December 2010. This includes 74 who were elected as judge or DA or promoted to be a Deputy District Attorney. In addition, 96 ADAs have transferred from one county to another.

This pattern of departures has translated into an average of 51.7 hires each year between 1990 and 2010. Turnover has been particularly noticeable in the last 10 years. Average appointments each year since 2000 have been 56.8, and since 2005 the number has increased to 60.6. Twenty appointments were made in 1994, with a high of 75 in 2003. The annual turnover rate for Wisconsin ADAs since 1990 is 15.6%; since 2000, it is 17.2%; and since 2005, 18.4%. These rates contrast with an annual turnover rate for public employees that is usually 5% to 7%.²

According to Department of Administration records, 8.3% of the ADAs retired from their jobs. Another 3.2% were dismissed. Most left for other opportunities. The tendency is to leave within the first five years of service. Few stay more than 10 years. In Milwaukee and Dane counties, which have the largest ADA staffs in the state, almost one-half of the prosecutors have fewer than five years of experience. Statewide, 41.8% of the ADAs had fewer than five years of experience and only one-third had more than 17 years in 2011. This lack of experience is not ideal for any organization, but it is especially critical for criminal justice and public safety agencies.

Survey of Former and Current ADAs

To find out what attracts graduates of law schools to accept positions as ADAs and to discover why so many ADAs leave within five years, we surveyed former and current ADAs. As part of the process for developing a questionnaire, we conducted a pilot study with a draft questionnaire to make sure questions were clear and that we were asking the right questions to test hypotheses about the attractions and limitations of ADA positions in Wisconsin. The final questionnaires given to current and former ADAs are in the appendix.

We had useable e-mail addresses provided by the Wisconsin Department of Administration for 117 former ADAs and sent questionnaires to a random sample of 60 in this pool. Because attorneys must be licensed, almost all former ADAs had working e-mail addresses available from bar association listings. The return rate was 73% or 44, which is well above acceptable standards for analysis. The return rate for current ADAs was even higher—146 or 86% of the 170 in the sample randomly selected from the state's 330 ADAs. The demographics of those who returned completed questionnaires are the same as those who were or are ADAs, suggesting that there are no major biases in the responses.

Questionnaires were distributed electronically, and they were returned electronically or via U.S. mail. Respondents were promised anonymity and confidentiality.

Who is an Assistant District Attorney?

The profiles of current and former ADAs are similar. All were lawyers. The University of Wisconsin Law School has produced 44% of the current ADAs who were surveyed and Marquette University 28%. Among the former ADAs, 42% graduated from the University of Wisconsin Law School and 31% from Marquette.

Thirty-five percent of current ADAs were younger than 35. Twenty-eight percent were 36 to 45 years old. Twenty-one percent were 46 to 55, and 15% were older than 55. Current ADAs, in other words, were relatively young. As might be expected, former ADAs were somewhat older. The range was from 32 to 68 and the distribution fairly even.

Almost everyone (96% for current and 95% for former) was white. Current ADA respondents were evenly split between male and female. Of the former ADAs, 61% were male and 40% female. In both groups, one-half had children younger than 18.

Motivation for Becoming an Assistant District Attorney

The predominant portrait of individuals who were and are ADAs in Wisconsin is that they seek to serve the causes of public safety and criminal justice. Other motivation factors, such as job location or benefits, were distinctly secondary to the desire to provide public service.

Of the 146 current ADAs who were surveyed, 93% listed serving the public and helping victims as the primary reason they accepted their appointments. As Table 1 indicates under “nature of job responsibilities,” all the other respondents listed public service as the second or third most important factor. Similarly, as Table 2 shows, 83% of the 30 former ADAs reported that the main reason they became ADAs was the opportunity to serve. All other respondents said this reason was the second or third most important.

	Reasons in Priority Order			Total
	1	2	3	
Suggested by friend	1	7	5	13
Step in career advancement in government	3	19	12	34
Step in career advancement in private sector law	2	2	4	8
Salary		4	6	10
Benefits		22	31	53
Job location	4	24	23	51
Be with partner		5	5	10
Nature of job responsibilities	136	8	2	146
Other		12	10	22
Total	146	103	98	

	Reasons In Priority Order			Total
	1	2	3	
Suggested by a friend	2	1	3	6
Step in career advancement in government	2	7	4	13
Step in career advancement in private sector law		3	1	4
Salary		4	2	6
Benefits		3	4	7
Job location	1	6	5	12
Be with partner		1		1
Nature of job responsibilities	25	4	4	33
Total	30	29	23	

When asked to rate other aspects of their jobs as ADAs, 90% of current ADAs strongly agreed that they had an opportunity to provide important public service and another 8% agreed with this statement (Table 3). Two respondents disagreed. Eighty-four percent agreed or strongly agreed that their skills and abilities were being used effectively (Table 5). Likewise, among former ADAs, 98% agreed or strongly agreed that their work had been an important public service (Table 4). Eighty-two percent agreed or strongly agreed that their skills and abilities were used effectively (Table 6).

Table 3. Current ADAs: Job of an ADA is an important public service		
	Frequency	Percent
Strongly disagree	1	1
Disagree	1	1
Neutral	0	0
Agree	12	8
Strongly agree	132	90
Total	146	100

Table 4. Former ADAs: Job of an ADA is an important public service		
	Frequency	Percent
Strongly disagree	1	2
Disagree	0	0
Neutral	0	0
Agree	4	9
Strongly agree	39	89
Total	44	100

Table 5. Current ADAs: Job of ADA uses my skills and abilities effectively		
	Frequency	Percent
Strongly disagree	2	1
Disagree	9	6
Neutral	12	8
Agree	58	40
Strongly agree	65	45
Total	146	100

Table 6. Former ADAs: Job of ADA used my skills and abilities effectively		
	Frequency	Percent
Strongly disagree	1	2
Disagree	3	7
Neutral	4	9
Agree	18	41
Strongly agree	18	41
Total	44	100

Survey respondents sometimes volunteered comments to elaborate on their answers. For example, a former ADA appended the following to her survey:

I left my position as an Assistant District Attorney in Wisconsin because my husband and I relocated back to the state where we both were raised. Had I remained in Wisconsin I would have continued my position as an Assistant District Attorney. When I moved home I became an Assistant County Attorney (which is equivalent to an ADA) and have been working in the same position ever since. I love my job as a prosecutor and cannot imagine doing anything else.

Job location and benefits ranked about equally as the next most important features of the ADA positions that prompted individuals to accept job offers (Table 1). Former ADAs, however, listed job location as important, but not benefits (Table 2). There was no consensus among respondents about which counties were the best in which to live and work. Personal preferences and family concerns appear to draw individuals to small towns as well as to metropolitan areas.

Another important attraction of the opportunity to work as an ADA was career development. Of the current ADAs surveyed, 23% cited their position as important step in a career in the public sector and 5% as a step toward a private sector career (Table 1). Of former ADAs, 43% listed their experience as important to a career in public service and 13% to a career in the private sector (Table 2). Indeed, an examination of career patterns of former ADAs includes elective offices as judges and DAs, professional positions in state and federal justice departments, and private practice.

Few current or former ADAs indicated that salary is or was an important attraction of the job. No one listed it as the most important factor. Seven percent of current ADAs (Table 1) and 20% of former ADAs listed it as second or third (Table 2). Of the current ADAs, 86% disagreed or strongly disagreed that their compensation was competitive with other jobs for which they were qualified (Table 7), and 70% further indicated that their compensation was lower than what one expects in the public sector (Table 13). Former ADAs were not quite as negative (Tables 8, 10, 12, and 14), but they generally agreed with the criticisms of current ADAs about compensation. The contrasting levels of negative feelings may reflect the worsening of ADA compensation since 2006, discussed later in this report. Importantly for retention, 85% of current ADAs and 57% of former ADAs agreed or strongly agreed that compensation did not recognize experience (Tables 9 and 10). Ninety percent of current ADAs and 64% of former ADAs did not agree that ADA compensation recognized employee contributions (Tables 11 and 12). Again, current ADAs are more negative about compensation than are former ADAs.

Table 7. Current ADAs: Compensation is competitive with other jobs for which I am qualified		
	Frequency	Percent
Strongly disagree	80	60
Disagree	35	26
Neutral	9	7
Agree	7	5
Strongly agree	3	2
Total	134	100

Table 8. Former ADAs: Compensation was competitive with other jobs for which I was qualified		
	Frequency	Percent
Strongly disagree	16	37
Disagree	13	30
Neutral	3	7
Agree	8	19
Strongly agree	3	7
Total	43	100

Table 9. Current ADAs: Compensation recognizes experience on the job		
	Frequency	Percent
Strongly disagree	88	66
Disagree	26	19
Neutral	9	7
Agree	8	6
Strongly agree	3	2
Total	134	100

Table 10. Former ADAs: Compensation recognized experience on the job		
	Frequency	Percent
Strongly disagree	17	39
Disagree	8	18
Neutral	8	18
Agree	8	18
Strongly agree	3	7
Total	44	100

Table 11. Current ADAs: Compensation recognizes employee contributions		
	Frequency	Percent
Strongly disagree	89	66
Disagree	32	24
Neutral	10	7
Agree	1	1
Strongly agree	2	2
Total	134	100

Table 12. Former ADAs: Compensation recognizes employee contributions		
	Frequency	Percent
Strongly disagree	20	45
Disagree	8	18
Neutral	9	21
Agree	5	11
Strongly agree	2	5
Total	44	100

Table 13. Current ADAs: Compensation is about what one expects in the public sector		
	Frequency	Percent
Strongly disagree	47	34
Disagree	49	36
Neutral	26	19
Agree	13	9
Strongly agree	3	2
Total	138	100

Table 14. Former ADAs: Compensation is about what one expects in the public sector		
	Frequency	Percent
Strongly disagree	6	14
Disagree	18	42
Neutral	5	12
Agree	12	28
Strongly agree	2	5
Total	43	100*

*Adds to 101 due to rounding.

We invited respondents to share general comments. The following statement is similar to many that we received:

I work in the area of child abuse and neglect. I also handle CHIPS [Children In Protective Service] cases and prosecute juvenile sex offenders. I work with an amazing and inspiring group of ADAs, one of whom works two jobs just to be able to support herself because she cannot afford her loans on our salary. I think the work is so important because it provides a voice and protection for the most vulnerable segment of our society, children. In 2.5 years in the Milwaukee County District Attorney's Office I have watched a significant volume of our office leave, many people because they cannot afford to work in our job and pay for things like a family or a car. I know many people who want to continue to prosecute, but cannot afford to. As the generation of attorneys that are county employees and make a livable salary retire, the institutional knowledge and experience are lost and I believe it will reach a crisis mode where there are no attorneys in our office that have the training and experience to competently do our job.

Both surveys explored a wide range of potential sources of job satisfaction and dissatisfaction. Respondents were asked, for example, about supervision. Supervisors received very high marks, especially from current ADAs. Both groups of respondents generally agreed or strongly agreed that supervisors knew the job (Tables 15 and 16), recognized individual employee performance (Tables 17 and 18), respected employees (Tables 19 and 20) and were fair (Tables 21 and 22).

Table 15. Current ADAs: Supervisor has good knowledge of the job		
	Frequency	Percent
Strongly disagree	1	1
Disagree	7	5
Neutral	5	4
Agree	39	30
Strongly agree	79	60
Total	131	100

Table 16. Former ADAs: Supervisor had good knowledge of the job		
	Frequency	Percent
Strongly disagree	3	7
Disagree	3	7
Neutral	8	18
Agree	12	28
Strongly agree	17	40
Total	43	100

Table 17. Current ADAs: Supervisor recognizes employee contributions		
	Frequency	Percent
Strongly disagree	5	4
Disagree	6	5
Neutral	13	10
Agree	43	33
Strongly agree	63	48
Total	130	100

Table 18. Former ADAs: Supervisor recognized employee contributions		
	Frequency	Percent
Strongly disagree	4	9
Disagree	5	12
Neutral	10	23
Agree	14	33
Strongly agree	10	23
Total	43	100

	Frequency	Percent
Strongly disagree	5	4
Disagree	6	5
Neutral	13	10
Agree	43	33
Strongly agree	63	48
Total	130	100

	Frequency	Percent
Strongly disagree	5	12
Disagree	5	12
Neutral	8	18
Agree	12	28
Strongly agree	13	30
Total	43	100

	Frequency	Percent
Strongly disagree	4	3
Disagree	6	5
Neutral	11	8
Agree	43	33
Strongly Agree	66	51
Total	130	100

	Frequency	Percent
Strongly Disagree	5	12
Disagree	1	2
Neutral	9	21
Agree	13	30
Strongly agree	15	35
Total	43	100

The Wisconsin Legislative Audit Bureau analyzed the workload of state prosecutors in 1995. The bureau developed a formula for weighting tasks and caseloads. The calculation involves several steps:

1. Identify the time each prosecutor has available each year to prosecute cases
 - Estimated at 1,227 hours per year, out of 2,080 hours available.
2. Calculate the amount of time required to prosecute cases
 - Each case type assigned a certain weight, e.g., felonies are weighted more than misdemeanors.

- Number of prosecutors needed is calculated by dividing the total time required to prosecute cases by the 1,227 hours available per full-time prosecutor.

The bureau concluded that the state needed to fund more prosecutor positions. The Department of Administration has utilized the Legislative Audit Bureau’s methodology and periodically updated the study. The analysis released January 26, 2011, concluded that, based on 2006-2008 data, the state needed 98.44 more full-time equivalent ADA positions.

Heavy workload, especially when combined with high turnover, poses serious threats to public safety and criminal justice. In a study completed in 2010, Adam M. Gershowitz and Laura R. Killinger found that state prosecutors around the country, but especially in large metropolitan areas, had extremely heavy caseloads and the challenges of heavy workloads had detrimental effects on public safety, victims of crime, and on defendants. Inexperienced prosecutors, as might be expected, are generally less able to handle heavy workloads without making errors—of omission and commission.³

Current and former Wisconsin ADAs agreed that the workload is unreasonably high. Current ADAs were more critical than former ADAs when they assessed workload on a constant basis (Tables 23 and 24). Eighty-three percent of current and 79% of former ADAs said workload was unreasonably high at times (Tables 25 and 26). Despite the concerns about excessive workload, most current and former ADAs indicated that they agreed with or were neutral about a statement that workloads were about what they expected when they accepted the job (Tables 27 and 28).

Table 23. Current ADAs: Workload I have as ADA is unreasonably heavy on a constant basis		
	Frequency	Percent
Strongly disagree	5	4
Disagree	24	20
Neutral	23	20
Agree	33	28
Strongly agree	33	28
Total	118	100

Table 24. Former ADAs: Workload I had as ADA was unreasonably heavy on a constant basis		
	Frequency	Percent
Strongly disagree	4	10
Disagree	11	28
Neutral	7	18
Agree	6	15
Strongly agree	12	30
Total	40	100*

*Adds to 101 due to rounding.

Table 25. Current ADAs: Workload I have as an ADA is unreasonably heavy at times		
	Frequency	Percent
Strongly disagree	1	1
Disagree	1	1
Neutral	6	5
Agree	44	38
Strongly agree	62	45
Total	114	100

Table 26. Former ADAs: Workload I had as an ADA was unreasonably heavy at times		
	Frequency	Percent
Strongly disagree	2	5
Disagree	3	8
Neutral	3	8
Agree	14	37
Strongly agree	16	42
Total	38	100

Table 27. Current ADAs: Workload I have as an ADA is about what I expected		
	Frequency	Percent
Strongly disagree	15	14
Disagree	24	22
Neutral	23	22
Agree	37	35
Strongly agree	8	7
Total	107	100

Table 28. Former ADAs: Workload I had as an ADA was about what I expected		
	Frequency	Percent
Strongly disagree	5	13
Disagree	5	13
Neutral	8	21
Agree	18	48
Strongly agree	2	5
Total	38	100

In sum, the opportunity to serve was overwhelmingly the most important reason individuals became ADAs. Other attractive features of the job, such as job location, fringe benefits, and career advancement, are distant seconds and thirds, at best. There is a difference, however, between accepting a position and staying in it.

Motivation for Leaving Assistant District Attorney Positions

Despite the attractions of the job of an ADA, turnover has been very high. Fifty-three percent of the current ADAs in the survey said it was likely or highly likely that they would leave within the next three to five years. Another 37% said they were not sure. Of these, 16% indicated that they were retiring. As Table 29 shows, the major reason for considering leaving was unhappiness with compensation. Of the 96 current ADAs giving salary as one of the top three reasons for possibly seeking another position, 58% said it was their primary reason and another 31% listed it as second most important.

	Reasons in Priority Order			Total
	1	2	3	
Elected to another office	6	2	9	17
Promoted via appointment to another position	6	4	8	18
Part of planned career advancement in private sector law	2	2		4
Salary	56	30	10	96
Benefits	7	17	10	34
Necessary to pay student loans	10	16	6	32
Commuting burden	1	1	2	4
Family needs	7	9	10	26
Partner moved	1			1
Move to better community	2	3	2	7
Conflict with supervisor				
Conflict with other employees				
Sexual or racial harassment			1	1
Workload	9	15	20	44
Nature of job responsibilities	1	4	7	12
Retirement	11	4	6	21
Health		5	2	7
Other	6	6	10	22
Total	119	118	103	

The following statement from a former ADA is instructive:

Thank you for the survey. I believe firmly that to have an effective and efficient legal system ADA's need to be properly compensated for their work. Being an ADA should be a life long career and not a stepping stone to the [private] sector. When I became an ADA I knew I would always earn less money than in the private sector. I did not care because I saw being an ADA as a calling. Corny I know but true. I figured that if the pay increased like it had in the previous ten years I would be able to earn a good living. The pay did not increase. The pay stagnated and I actually felt like I was losing ground financially. I left after a long and painful thought process driven by the need to earn more money to

support my family. My family is not large, a wife and two sons. I know several other ADA's who left...for the same reason.

Table 30 shows that of the responding former ADAs, three left because they retired. Salary was most frequently cited as one of the top three reasons people left their positions, followed by workload, family needs, and appointments to other jobs.

	Reasons in Priority Order			Total
	1	2	3	
Elected to another office	1	2		3
Promoted by appointment to another position	8	2		10
Part of planned career move to private sector				0
Salary	5	8	3	16
Benefits				0
Necessary to pay student loans		1	2	3
Commuting burden			1	1
Family needs	2	4	4	10
Partner moved		1	1	2
Move to better community	4	1		5
Conflict with supervisor	1		3	4
Conflict with other employees				0
Sexual or racial harassment				0
Workload	4	2	5	11
Nature of job responsibilities		3		3
Retirement	2	1		3
Health	2	2		4
Total	29	17	19	

A number of other concerns related to compensation were offered as factors leading to the low retention rate of ADAs. For example, as Table 29 shows, of the 119 current ADAs who gave at least one reason for why they considered leaving their jobs, 32 or 27% cited need to pay off student loans. As Table 30 notes, three of the 29 former ADA respondents included student loans as among the top three factors in their decision to leave. Tables 31 and 32 provide information about the level of student loan burdens.

	Frequency	Percent
Over \$100,000	18	15
\$75,000 - \$100,000	26	21
\$50,000 - \$75,000	25	20
\$25,000 - \$50,000	30	25
Less than \$25,000	23	19
Total	122	100

Table 32. Former ADAs: If you took out student loans, how much?

	Frequency	Percent
Over \$100,000	4	12
\$75,000 - \$100,000	1	3
\$50,000 - \$75,000	7	21
\$25,000 - \$50,000	9	28
Less than \$25,000	12	36
Total	33	100

Career plans were also important in explaining the low retention rate of ADAs. Of the current ADAs, 29% gave planning to run for an elective office or to compete for a promotion in government. Four respondents said they had intended from the outset to secure experience as ADAs as a plan to get jobs in the private sector (Table 29).

We asked some summary questions about job satisfaction. As reported in Table 33, when survey participants were asked if they would recommend that others work as an ADA as part of a public sector career, 32% of the current ADAs said yes and 40% said no. Current ADAs recommended their jobs as a step toward a career in the private sector: 44% were favorable and 24% disagreed (Table 35). The responses of former ADAs were more positive than current ADAs on the value of being an ADA as part of a public sector career. Table 34 shows that 56% indicated they would recommend becoming an ADA, and 28% were not so inclined. When asked about recommending work as an ADA as a step toward a private sector career, 43% of former ADAs agreed and 25% disagreed (Table 36).

Table 33. Current ADAs: I would recommend that others work as an ADA in WI as part of a public sector career

	Frequency	Percent
Strongly disagree	26	18
Disagree	32	22
Neutral	40	28
Agree	34	24
Strongly agree	12	8
Total	144	100

Table 34. Former ADAs: I would recommend that others work as an ADA in WI as part of a public sector career

	Frequency	Percent
Strongly disagree	3	7
Disagree	9	21
Neutral	7	16
Agree	15	35
Strongly agree	9	21
Total	43	100

Table 35. Current ADAs: I would recommend that others work as an ADA in Wisconsin as a step toward a career in the private sector

	Frequency	Percent
Strongly disagree	20	14
Disagree	14	10
Neutral	46	32
Agree	47	33
Strongly agree	16	11
Total	143	100

Table 36. Former ADAs: I would recommend that others work as an ADA in Wisconsin as a step toward a career in the private sector

	Frequency	Percent
Strongly disagree	2	5
Disagree	9	20
Neutral	14	32
Agree	12	27
Strongly agree	7	16
Total	44	100

Another question was about morale. Current ADAs expressed concern. As Table 37 indicates, 8% of respondents strongly agreed with the statement that general morale was high and 24% agreed. In contrast, 21% strongly disagreed and 25% disagreed with the statement. Former ADAs had noticeably more positive assessments of general morale when they were in these positions. Table 38 shows that 21% strongly agreed and 36% agreed with the statement that morale was high, while 9% strongly disagreed and 16% disagreed.

Table 37. Current ADAs: General morale among ADAs is high

	Frequency	Percent
Strongly disagree	31	21
Disagree	37	25
Neutral	32	22
Agree	35	24
Strongly agree	11	8
Total	146	100

Table 38. Former ADAs: General morale when I was an ADA was high

	Frequency	Percent
Strongly disagree	4	9
Disagree	7	16
Neutral	8	18
Agree	16	36
Strongly agree	9	21
Total	44	100

Responses from current ADAs may be more negative than former ADAs because the questionnaire was administered in mid-February 2011. During this time there were protests to Governor Scott Walker's proposals to decrease wages of public employees in order to have them pay a higher share of pension and health insurance costs and to limit collective bargaining rights. Indeed almost 20% of the respondents wrote comments on these issues when they completed their questionnaires. Nonetheless, while current discontent may have been an influence, the larger issue of compensation clearly was of major importance. The perception was that compensation for ADAs has been low and was getting worse. And respondents cite low compensation as the major cause of high turnover.

Wisconsin ADA Compensation

Since respondents to both surveys cite compensation as the main reason they left or are considering leaving their positions, we focus now on ADA pay and benefits. The perception that compensation is a problem is itself important. To determine whether, on some scale, compensation is in fact lower than it should be is difficult. The responsibilities of an ADA are unique, thus making comparisons with other attorney jobs imprecise. There are significant differences even when looking at prosecutor positions in neighboring states. Another challenge is that private sector employers are reluctant to share information about compensation, and, when they do, one must note that there are many components to compensation. Salary is the most obvious, but is sometimes dwarfed by bonuses, benefits, and various perks.

Perhaps the most useful examination of compensation is from a historical perspective. Employees in the same organization can see clearly whether their own compensation and that of their colleagues is increasing or decreasing. Comparisons they make are bound to affect their levels of satisfaction.⁴ We first consider the legislation that made payment of ADAs the responsibility of the state instead of counties. Then we examine how compensation has changed since 2001. Last, we make a limited comparison to the compensation of attorneys in other government agencies, other states, and the private sector, keeping in mind the caveats stated above.

In 1989, Wisconsin Act 31 established ADAs' compensation as the responsibility of state government starting in 1990. The secretary of employment relations was at that time charged with setting up pay classifications for ADAs moving to the state payment system. DAs retained authority for hiring, supervising, and disciplining ADAs. Legislation included a clause that transferred individual seniority and brought ADAs into the state employees' system for retirement, benefits, and sick leave.⁵ The state also allocated Deputy District Attorney and ADA positions to the various counties.⁶ The Department of Administration sets the number and types of positions in each prosecutorial unit.⁷ Last, Wisconsin Act 31 of 1989 established the right of Wisconsin ADAs to organize to collectively bargain for wages and benefits.⁸ Although state government's assumption of responsibility for funding ADAs was financially beneficial for the counties, the fate of state budgets generally and state employee compensation specifically since 2001 has meant generally low pay levels for individual ADAs. Also, the state Department of Administration established statewide standards for pay levels and no longer recognized cost of living and market differences in counties around the state. This policy has disadvantaged ADAs in urban areas, especially Milwaukee.

The following discussion chronicles the changes in compensation from 1999 to 2009, when the most recent collective bargaining agreement was reached. We analyze the 1999 agreement in detail and use it as a base for the analysis of changes in compensation.

Every collective bargaining agreement between the Wisconsin Department of Employment Relations (changed in 2004 to the Office of State Employment

Relations) and the Association of State Prosecutors has become effective well after the beginning of the contract period. For example, the June 30, 1999, to June 30, 2001, contract was finalized on April 8, 2000. The state pays back wages as lump sums.

Individual pay ranges start with the salary paid during the probationary period after an initial hire and end with a maximum for positions in each range. Pay adjustments made in a collective bargaining contract occurred within the limits set by probationary pay and maximum pay. For example, any ADA who was within his or her first six months of employment on the effective date of July 4, 1999, did not receive the fiscal year 1999-2000 wage adjustment until after completing probation. Although maximums limit base adjustments to salaries, affected individuals typically receive lump sum payments for the amounts they would have earned if there had been no maximums attached to salary ranges.

Base Contract: 1999-2001

The 1999-2001 contract between state government and the union representing the ADAs for the most part adopted policies included in collective bargaining agreements with state employees. It was clear from the outset that ADAs were to be treated as state workers when it came to compensation, even though county DAs appointed and supervised ADAs. Subsequent contracts between the ADAs and the state were essentially modifications of the 1999-2001 agreement.

Wages

The 1999-2001 ADA collective bargaining agreement implemented a general wage adjustment of \$1.55 per hour for the base pay of ADAs. The maximum for ADAs during this pay schedule was \$46.20 per hour.⁹ The \$1.55 increase was effective the first day of the pay period following July 2, 2000, the date the agreement became effective.¹⁰ The collective bargaining agreement also called for a 0.5% increase in wage on July 2, 2000, for fiscal year 2000-2001 and was limited by the maximum of the fiscal year 2000-2001 pay schedules.¹¹ The maximum under the 2000-2001-pay schedule was \$47.88 per hour.¹²

Also, on July 2, 2000, each ADA not on probation was eligible for a merit increase based on performance evaluations. The distribution of the merit pay increases was based on the number of ADAs employed. For every ADA employed longer than six months, county DAs had \$1.70 per hour to distribute for merit increases. Individual employees could file a complaint about their merit increases only if the increase was less than half the \$1.70 per hour that the merit formula generated for each employee who had worked longer than six months.

The contract also provided that on October 8, 2000, each eligible employee received a 0.7% increase in base pay rate, which was limited to the maximum of \$47.88 per hour included in the 2000-2001 pay schedule.¹³ The contract included lump sum payments for all those who could not receive

increases in their base pay because they were at the salary range maximum, and each employee received a lump sum payment for the delay in the agreement.

Health Insurance

The state agreed to pay the lower amount of 90% of the health insurance premiums for ADAs if they got the same insurance available to state employees or 105% of a plan offered to county employees where the ADA worked.¹⁴ The state paid one-half of the premium for those ADAs who worked between 600 and 1,040 hours per year (1,040 is half-time). Those working more than half-time had the full premium paid.

Sick Leave

Sick leave accrues at 0.0625 hour (3.75 minutes) for each hour of pay, up to a limit of five hours per biweekly pay period, in the employee's account from year to year. At the time of retirement, the employee's sick time is converted to the current dollar value and credited to the employee's account.¹⁵

Health Insurance after Retirement

State retirement benefits include health insurance that covers retired employees or their spouses who are younger than 65 or provides insurance supplemental to Medicare after age 65. The insurance credit is based on the number of sick days that an employee has earned but not used as of the day of retirement.¹⁶ These days, or parts of days, are converted to a dollar amount using the employee's base pay rate at the time of retirement or the average of the base rates of the highest three years. Sick leave accounts can only be used to pay health insurance premiums. They cannot be used for cash payouts or for other benefits.

Vacation

ADAs receive 120 hours vacation time during the first five years; during years six-10 they receive 160 hours; during years 11-15 they receive 176 hours; during years 16-20 they receive 200 hours; and after 20 years they receive 216 hours.¹⁷ Vacation time is pro-rated for part-time ADAs. Up to 40 hours of vacation may be carried over until July 1 of the following year automatically. Additional hours of vacation time may be carried over with consent of the DA.¹⁸

Retirement

Wisconsin ADAs are included in the Wisconsin Retirement System. ADAs received a contribution equal to 10 percent of their earnings from the state to their retirement accounts. The state also paid a 1% benefit adjustment contribution that would otherwise be paid by the ADA.¹⁹

2001-2003 Contract Changes

The first change to the agreement from the base 1999-2001 contract was the addition of a \$150 lump sum payment for continuing legal education. Also, ADAs received a 32.6-cent-per-hour base pay increase.²⁰ This adjustment was subject to the maximum of the 2001-2002 pay schedule, which was set at \$48.359 per hour.²¹ Similarly, ADAs received a 65.8-cent-per-hour increase for fiscal year 2002-2003.²² This increase was subject to the 2002-2003 pay schedule maximum of \$49.327 per hour.²³ Finally, each ADA was eligible for a market adjustment based on the number of years of continuous service. This pay adjustment occurred on December 29, 2002, and was subject to the pay maximum of fiscal year 2002-2003 of \$49.327. The adjustments were based on the following categories: 0-4 years received a 27-cent-per-hour adjustment; five to nine years received 46.9 cents per hour; 10-14 years, 66.9 cents per hour; and 15 or more years, 84 cents per hour. The adjustments made based on years of service are not annualized for those who were already at the maximum for pay.²⁴

As in the previous contract, Wisconsin ADAs were eligible for merit increases based on 85.3 cents per hour generated from each employee, but not including ADAs still on probation. An employee could not lodge a formal complaint about the level of her or his merit increase unless the employee was granted less than 65% of 85.3 cents (55.4 cents). This provision was different from the 1999-2001 agreement where employees could appeal the amount of their merit increases only if they were less than half of the merit raise rate. Counties that had more than two ADAs had to distribute all their merit money.²⁵

As in previous years, the state paid lump sums to ADAs who would have received any of the increases during fiscal years 2001-2002 and 2002-2003. Lump sum payments occurred because the previous agreement ended June 30, 2001, and the 2001-2003 agreement did not go into effect until May 17, 2003. Similarly, those who hit the maximum received lump sum payments, as was the case in the previous agreement. For example, an ADA already making the maximum of \$49.327 per hour got a lump sum payment of \$1,951 instead of an increase in the hourly rate. The limit on hourly rates affects sick leave and retirement benefits, which are calculated using base pay.

The sick leave, health insurance, vacation, and retirement benefits in the 2001-2003 agreement stayed as they were in the 1999-2001 contract.

2003-2005 Contract Changes

The 2003-2005 union contract had the most changes out of the five we analyzed. It did not increase salaries in fiscal year 2003-2004. In 2004-2005 there was a 1% increase in general wages, subject to the maximum pay for salary ranges. ADAs also saw a 10-cent-per-hour increase in wages in fiscal year 2004-2005 in addition to the 1% increase. There was also a \$250 lump sum payment in 2004.²⁶ This agreement did not need a lump sum payment for past wages because

there were not any pay adjustments. Also, there was no merit pay or market adjustment increase included in this agreement.

Health insurance also changed in this agreement from a single plan that had the state paying 105% of the lowest cost qualifying plan to a three-tiered plan in which the state’s Department of Employee Trust Funds ranked the prospective plans and placed them within one of the three tiers. Each tier required different monthly contributions from the ADAs based on the quality and efficiency of care that the group insurance board rated the plan at. Table 39 displays the monthly premiums for each tier. Also, this plan extended health insurance conversion credits to those who were laid off and to the dependents of deceased ADAs. The credits were calculated in the same way as previous agreements.²⁷

Table 39. Employee monthly contributions required for health insurance, 2004-2005				
	2004 Coverage		2005 Coverage	
	Single	Family	Single	Family
Tier 1	\$18	\$45	\$22	\$55
Tier 2	\$47	\$ 117	\$50	\$125
Tier 3	\$100	\$250	\$100	\$250

The 2003-2005 agreement included forming a committee to study the pay structure for attorneys, make recommendations about the minimum and maximum pay for ADAs, and compare their duties with those in the private sector. Also, the manner in which pay promotions were to be given was part of the planned study. While the agreement to have a study acknowledged that there might be a problem, this provision of the contract was not implemented.

2005-2007 Contract Changes

The 2005-2007 contract included a 2% base pay rate increase in each year, both capped by the pay range maximum. ADAs received an additional 2.25% increase in base wage in April 2007. These increases were applied uniformly without any differences recognizing seniority, as had been a pattern in past contracts.

As in other years, the state compensated ADAs for the delay in the implementation in their general wage adjustments and made lump sum payments to ADAs who were already at the maximum of the pay range.²⁸

2007-2009 Contract Changes

The 2007-2008 collective bargaining agreement included a 2% increase for Wisconsin ADAs the first year and a 1% increase the second year of the contract. Also, each employee received a uniform \$1.25 per hour adjustment with no differences based on length of service.²⁹ Actual salary increases were lower than the \$1.25 per hour increase because of increased monthly contributions required of ADAs for health insurance.³⁰ The premiums for 2007-2009 are presented in Table 40.

	2007 Coverage		2009 Coverage	
	Single	Family	Single	Family
Tier 1	\$27	\$68	\$31	\$78
Tier 2	\$60	\$150	\$69	\$173
Tier 3	\$143	\$358	\$164	\$412

Compensation of Attorneys in Wisconsin State Agencies

ADA pay has risen at rates lower than other attorneys employed by Wisconsin state agencies. The 2001-2003 collective bargaining agreement for attorneys working for state agencies provided a 38.5-cent-an-hour increase for fiscal year 2001-2002, whereas ADAs received a 32.6-cent-an-hour increase for the same fiscal year. Similarly, the fiscal year 2002-2003 adjustment was higher for state agency attorneys at a 77.8-cent increase compared to 65.8 cents for ADAs. State attorneys also received an adjustment that was based on the pay per hour rather than the number of years—similar to the provision in the 2001-2003 agreement for ADAs. The adjustments for state agency attorneys were larger than all the categories for ADAs except those with 15 or more years of service. Also, the formula determining merit increases for state agency attorneys was \$1.009 per hour per employee not on probation, whereas for ADAs the formula was 85.3 cents per eligible employee.

The 2003-2005 agreement included no wage adjustment for fiscal year 2003-2004 for state agency attorneys and ADAs. In 2004-2005 both state agency attorneys and ADAs received a 1% pay increase along with a 10-cent-per-hour increase. State attorneys did not receive the \$250 lump sum payment given to ADAs.

The adjustments in 2005-2007 and 2007-2009 were exactly the same for state agency attorneys and ADAs.

Comparisons with Minnesota, Iowa, and Illinois

Unlike Wisconsin, the neighboring states of Minnesota, Iowa, and Illinois do not have a statewide approach to compensating prosecutors. These states continue to have counties establish pay and benefit levels and then fund the compensation. Direct comparisons are, therefore, impossible. Nonetheless, it is instructive to examine some of the available data.

Per the salary data from fiscal year 2011, a Wisconsin ADA makes on average \$33.89 per hour or \$70,491 per year. The median is significantly lower at \$26.995 per hour or \$56,150 per year.

Each Minnesota county has an elected county attorney who may appoint Assistant County Attorneys (ACAs), which are similar to ADAs in Wisconsin. The appointments of ACAs in Minnesota are under the stipulation that the county board consents to the position.³¹ Further, the county board sets the salary of the ACAs, which greatly increases the variability of the pay schedules when compared to the system in Wisconsin. What we found is that compensation of ACAs is generally about \$100,000 per year. In the metropolitan Anoka, Ramsey, and Dakota counties pay, is at \$115,000 per year.³² As pointed out above, Wisconsin's statewide pay does not provide higher levels for counties like Milwaukee and Dane, which are urban and have the highest crime rates.

Iowa lets counties set the pay schedule for its ACAs and provides the necessary funding. Among Iowa's counties, compensation is considerably lower than in Minnesota. The majority of ACAs in Iowa make \$50,000 to \$70,000, although salaries in the larger and more urban counties reach about \$100,000. The same is true for Illinois, which also has variation from one county to the next and has the highest salaries for attorneys in urban areas like Cook County.³³

Comparisons with National Data

There are no direct comparable positions in the private sector to the ADA in Wisconsin. Public prosecution is by definition a government position. ADAs, moreover, must be knowledgeable about the wide array of public policies and programs so they can help courts, criminals, victims, and the general public identify the most appropriate ways in specific cases to improve public safety and criminal justice.

The U.S. Bureau of Labor Statistics (BLS) is a source of very general data that focus primarily on salaries, not benefits. May 2008 data identify the national median wage of all salaried and wage based lawyers at \$110,590 per year. BLS also breaks down pay by industry for lawyers and reports the median wages of lawyers in the federal executive branch as \$126,080, legal services \$116,550, local government \$82,590 and state government \$78,540.³⁴

Effects of 2011 Wisconsin Act 10

Wisconsin Act 10 of 2011 limits the scope of collective bargaining between the state and its employees to wages up to the increase in the Consumer Price Index. Furthermore, unions have to be authorized each year by their members to remain the representative of that group of employees. If the union does not get approval, the group is unrepresented for one year, after which another certification vote must be taken. Also, the state is prohibited from deducting union dues from salaries.³⁵

Wisconsin Act 10 also requires the employee to contribute 5.8% to the Wisconsin Retirement System, for a total of 11.6% of salary being contributed into his or her retirement system account. Last, employees pay 12.8% of their health-care premiums, up from about 6%.³⁶

The combined implications of this law are to reduce salaries by up to 8%, more if an employee has family health coverage. This reduction is long-term since collective bargaining now limits agreements to increases from this base that are not greater than increases in the Consumer Price Index.

Conclusion and Recommendations

The desire to serve the public is by far the most important reason individuals become ADAs in Wisconsin. Wisconsin ADAs report that they are well-supervised and they work with others whom they respect and who respect them. Nonetheless, there is an extremely high rate of turnover, especially after an ADA serves three to five years. Respondents to surveys administered to former ADAs and to current ADAs cite compensation as the primary reason they have left or are considering leaving their positions.

Compensation for ADAs has been worsening since 1999. Current ADAs are more negative about pay than are former ADAs. These specific dimensions to ADA compensation contribute to high turnover:

- Inadequate reward for experience
- Inadequate recognition of performance
- Lack of attention to differences in cost of living in the various counties

The state assumption of responsibility for compensating prosecutors in 1990 has relieved counties of a financial burden. However, statewide standards do not recognize locality differences in cost of living or labor markets. ADAs, like other public employees covered by state budgets, have experienced a decade of modest increases in compensation and, more recently, a decline in pay.

The survey of current and former ADAs links high turnover and compensation. Individuals are attracted to ADA positions because of the opportunities to serve the public and pursue criminal justice. Retention beyond the first few years of service is a problem not because of disillusionment with the job, problems with co-workers and supervisors, or even high workloads. The problem is compensation: it does not recognize experience or performance, and it does not vary with differences in regional markets within the state.

These are problems that can be addressed. Rather than increasing compensation generally, a more strategic approach would be to target increases by establishing:

- Incentives for those with three to five years of service and then six to 10 years of service to encourage them to remain ADAs
- Merit increases for high performers
- Differentials to recognize local markets and costs of living

State government can continue to relieve counties of the burden of funding ADAs, and it can address the issues prompting high turnover by abandoning statewide standards and practices and responding to the specific concerns of this group of public servants.

Appendix

Questionnaire for Study of Assistant District Attorney Staffing: Current ADAs

The La Follette School of Public Affairs at the University of Wisconsin-Madison is conducting a study of Assistant District Attorney staffing in Wisconsin. Specifically, we are examining the turnover rate of ADAs and the impact of that rate on the state's criminal justice system.

We would be grateful if you completed this questionnaire. Responses will be an important part of our analyses. Your responses will be kept confidential. Data collected will only be used on aggregated bases to determine general patterns.

Individuals who participated in the pilot study that tested a draft of this questionnaire reported that it took them about **5-10 minutes** to complete.

Please complete this and return it by February 28 to Professor Emeritus Dennis Dresang at dresang@lafollette.wisc.edu or 440 Virginia Terrace, Madison, WI 53726.

What were the reasons you became an Assistant District Attorney in Wisconsin? (Please rank the top 3, if applicable, from 1—most important to 3—least important.)

- Suggested by a friend
- Step in career advancement in government
- Step in career advancement in private sector law
- Salary
- Benefits
- Job location
- Be with partner
- Nature of job responsibilities
- Other. Please specify: _____

What is the likelihood that you would leave your position as an Assistant District Attorney within the next three to five years?

- Highly likely
- Likely
- Not sure
- Not likely
- Highly unlikely

If applicable, what are the reasons you might leave your job as an Assistant District Attorney? (Please rank the top 3, if applicable.)

- Run for elective office
- Promotion to another position
- Part of planned career advancement in private sector law
- Salary
- Benefits
- Necessary to pay student loans
- Commuting burden
- Family needs
- Partner moving
- Move to better community
- Conflict with supervisor
- Conflict with other employees
- Sexual or racial harassment
- Workload
- Nature of job responsibilities
- Retirement
- Health
- Other. Please specify: _____

Did you take out any student loans to help finance your law school education?

Yes No

If yes, about how much?

- Over \$100,000
- \$75,000 - \$100,000
- \$50,000 - \$75,000
- \$25,000 - \$50,000
- Less than \$25,000

Please rate the following on a 5-point scale:

Strongly disagree

Disagree

Neutral

Agree

Strongly agree

The job of Assistant District Attorney

- _____ Job is challenging.
- _____ Job is an important public service.
- _____ My skills and abilities are used effectively.
- _____ My general morale is high.

The workload I have as an Assistant District Attorney is

- _____ Unreasonably heavy on a constant basis.
- _____ Unreasonably heavy at times.
- _____ About what I had expected.
- _____ Lighter than I had expected.

Supervisor

- _____ Has good knowledge of the job.
- _____ Recognizes employee contributions.
- _____ Respects employees.
- _____ Is fair.

Compensation

- _____ Competitive with other jobs for which I am qualified.
- _____ Recognizes experience on the job.
- _____ Recognizes employee contributions.
- _____ About what one expects in the public sector.

Still using the 5-point scale, please answer the following:

_____ Overall, I would recommend that others work as an Assistant District Attorney in Wisconsin as part of a public sector career.

_____ Overall, I would recommend that others work as an Assistant District Attorney in Wisconsin as a step toward a career in the private or not-for-profit sector.

To assist our analyses, please answer the following: (Please note that this information will be used only for making correlations and determining general patterns. We can, and will, keep individual responses confidential.)

- _____ Year in which I was awarded my law degree
- _____ School from which I earned my law degree
- _____ Years I have served as an Assistant District Attorney
- _____ Age _____ Gender
- _____ Race/ethnic identity _____ Do you have a partner?
- _____ Do you have any children under the age of 18?

Thank you for completing this questionnaire. Please feel free to provide any additional information or suggestions or personal stories that you think would be useful in efforts to improve the position of Wisconsin ADAs. (If you wish to give us your permission to use your personal story as an illustration, please so indicate and let us know whether we should be sure to keep your identity unknown. We would be happy to let you approve a draft of any illustrative story before including it in our report.)

Questionnaire for Study of Assistant District Attorney Staffing: Former ADAs

The La Follette School of Public Affairs at the University of Wisconsin-Madison is conducting a study of Assistant District Attorney staffing in Wisconsin. Specifically, we are examining the turnover rate of ADAs and the impact of that rate on the state's criminal justice system.

We would be grateful if you completed this questionnaire. Responses will be an important part of our analyses. Your responses will be kept confidential. Data collected will only be used on aggregated bases to determine general patterns.

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- Suggested by a friend
- Step in career advancement in government
- Step in career advancement in private sector law
- Salary
- Benefits
- Job location
- Be with partner
- Nature of job responsibilities
- Other. Please specify: _____

What were the reasons you left your job as an Assistant District Attorney? (Please rank the top 3, if applicable.)

- Elected to another office
- Promoted via appointment to another position
- Part of planned career advancement in private sector law
- Salary
- Benefits
- Necessary to pay student loans
- Commuting burden
- Family needs
- Partner moved

- Move to better community
- Conflict with supervisor
- Conflict with other employees
- Sexual or racial harassment
- Workload
- Nature of job responsibilities
- Retirement
- Health
- Other. Please specify: _____

Did you leave your job as an Assistant District Attorney to accept another job?

Yes No

Public sector Private sector Not-for-profit

If yes, please rank the top 3 features you found most attractive features of the new job:

- Salary
- Benefits
- Community
- Opportunities for partner
- Workload
- Co-workers
- Supervisor
- Nature of job responsibilities
- Other. Please specify: _____

Did you take out any student loans to help finance your law school education?

Yes No

If yes, about how much?

- Over \$100,000
- \$75,000 - \$100,000
- \$50,000 - \$75,000
- \$25,000 - \$50,000
- Less than \$25,000

Please rate the following on a 5-point scale:

Strongly disagree

Disagree

Neutral

Agree

Strongly agree

The job of Assistant District Attorney

- _____ Job was challenging.
- _____ Job was an important public service.
- _____ My skills and abilities were used effectively.
- _____ My general morale was high.

The workload I had as an Assistant District Attorney was

- _____ Unreasonably heavy on a constant basis.
- _____ Unreasonably heavy at times.
- _____ About what I had expected.
- _____ Lighter than I had expected.

Supervisor

- _____ Had good knowledge of the job.
- _____ Recognized employee contributions.
- _____ Respected employees.
- _____ Was fair.

Compensation

- _____ Competitive with other jobs for which I was qualified.
- _____ Recognized experience on the job.
- _____ Recognized employee contributions.
- _____ About what one expects in the public sector.

Still using the 5-point scale, please answer the following:

_____ Overall, I would recommend that others work as an Assistant District Attorney in Wisconsin as part of a public sector career.

_____ Overall, I would recommend that others work as an Assistant District Attorney in Wisconsin as a step toward a career in the private or not-for-profit sector.

_____ For my personal situation, the decision to leave my position as Assistant District Attorney was the right move.

To assist our analyses, please answer the following: (Please note that this information will be used only for making correlations and determining general patterns. We can, and will, keep individual responses confidential.)

_____ Year in which I was awarded my law degree

_____ School from which I earned my law degree

_____ Years I served as an Assistant District Attorney

_____ Years worked at current position

_____ Age _____ Gender

_____ Race/ethnic identity _____ Do you have a partner?

_____ Do you have any children under the age of 18?

Thank you for completing this questionnaire. Please feel free to provide any additional information or suggestions or personal stories that you think would be useful in efforts to improve the position of Wisconsin ADAs. (If you wish to give us your permission to use your personal story as an illustration, please so indicate and let us know whether we should be sure to keep your identity unknown. We would be happy to let you approve a draft of any illustrative story before including it in our report.)

Endnotes

- ¹ David Bilinsky and Laura Calloway, “Profitability: The Case for Investing in Employee Engagement: How Turnover Affects Growth Rates,” *Law Practice: The Business of Practicing Law*, 32, 2 (March, 2006), p. 46
- ² Joan E. Pynes, “Strategic Human Resource Management,” in Steven W. Hays and Richard C. Kearney, eds. *Public Personnel Administration. Problems and Prospects*, 4th ed. (Upper Saddle River, NJ: Prentice Hall, 2003), 97-99.
- ³ Adam M. Gershowitz and Laura R. Killinger, *The State (Never) Rests: How Excessive Prosecutor Caseloads Harm Criminal Defendants*, Public Law and Legal Theory Series 2010-A-11 (Houston, TX: University of Houston Law School, 2010).
- ⁴ James L. Perry, “Compensation, Merit Pay, and Motivation,” in Steven W. Hays and Richard C. Kearney, eds. *Public Personnel Administration: Problems and Prospects*, 4th ed. (Upper Saddle River, NJ: Prentice-Hall, 2003), 143-153.
- ⁵ Wisconsin Act 31 § 978.12(2)
- ⁶ Wisconsin Act 31 § 978.04
- ⁷ Act 31 § 3058
- ⁸ Wisconsin s. 111.93(3)
- ⁹ 1999-2001 Agreement between the State of Wisconsin and the Association of State Prosecutors. Office of State Employee Relations. 8 Apr. 2000. pg. 77
- ¹⁰ *ibid* pg. 21
- ¹¹ *ibid* pg. 22
- ¹² *ibid* pg. 77
- ¹³ *ibid* pg. 22
- ¹⁴ *ibid* pg.28
- ¹⁵ *ibid* pg. 30
- ¹⁶ *ibid* pg. 33
- ¹⁷ *ibid* pg. 35-6
- ¹⁸ *ibid* pg. 37
- ¹⁹ *ibid* pg. 44
- ²⁰ 2001-2003 Agreement between the State of Wisconsin and the Association of State Prosecutors. Office of State Employee Relations. 8 Apr. 2000. Web <http://oser.state.wi.us/docview.asp?docid=6197> pg. 19.
- ²¹ *ibid* pg. 64
- ²² *ibid* pg. 20
- ²³ *ibid* pg. 64
- ²⁴ *ibid* pg. 20
- ²⁵ *ibid* pg. 20-21
- ²⁶ 2003-2005 Agreement between the State of Wisconsin and the Association of State Prosecutors. Office of State Employee Relations. 8 Apr. 2000. Web. <http://oser.state.wi.us/docview.asp?docid=6871> pg. 27.
- ²⁷ *ibid* pg. 28-29
- ²⁸ 2005-2007 Agreement between the State of Wisconsin and the Association of State Prosecutors. Office of State Employee Relations. 8 Apr. 2000. Web. <http://oser.state.wi.us/docview.asp?docid=6871> pg. 69-70.

²⁹2007-2009 Agreement between the State of Wisconsin and the Association of State Prosecutors. Office of State Employee Relations. 8 Apr. 2000. Web. <http://oser.state.wi.us/docview.asp?docid=6871> pg. 21.

³⁰ibid pg. 21-22

³¹ Minnesota law 388.1

³² “Public Employee Salaries in the Twin Cities and Minnesota.” *StarTribune*. Web. 22 Mar. 2011. <http://ww3.startribune.com/dynamic/salaries/>.

³³ Corwin R. Ritchie. “Iowa County Attorneys Association 2008-2009 Salary Survey.” 28 Aug. 2008. Web. 21 Mar. 2011. <http://www.iowa-icaa.com/Salary%20Surveys/ICAA%20Salary%20Survey%202008%202009.pdf>.

³⁴ “Lawyers.” U.S. Bureau of Labor Statistics. 17 Dec. 2009. Web. 22 Mar. 2011. <http://www.bls.gov/oco/ocos053.htm>.

³⁵ Wisconsin Act 10 § 111.06 (1) (i) (2011)

³⁶ “Budget Change Items.” Wisconsin State Legislature. Web. 16 Apr. 2011. <http://legis.wisconsin.gov/lfb/2011-13%20Budget/Governor/oci.pdf>. pg. 262.