



Summary of The John R. Justice Prosecutors and Defenders Incentive Act of 2008 (JRJ)

Purpose of the Act:

The John R. Justice Prosecutors and Defenders Incentive Act of 2008 (JRJ) was passed to encourage individuals to enter into and remain in criminal justice careers as prosecutors and public defenders by setting up a system of loan repayment benefits to relieve the high cost of law school debt.

Who Qualifies for this Act:

Prosecutors are defined as continually licensed attorneys who are employed by a state or local government to prosecute criminal defendants. People may also qualify if they are supervising, training or educating others who are prosecuting cases. Prosecutors must be full-time.

Public Defenders are defined as continually licensed attorneys, employed full-time, who are either employed:

- a) By a state or local government to represent indigent defendants
- b) By a non-profit that is under contract with a state or local government and where the employee devotes *substantially all* of his or her employment to representing indigent defendants
- c) As a federal defender in a defender organization pursuant to 18 USC §3006A(g)

*Attorneys who are supervising, training or educating other staff engaged in defending indigent defendants are within this definition.

Loans that Qualify for this Act:

- a) Loans under Part B of Title IV of the Higher Education Act of 1965 (HEA).
- b) Loans made under Part D or E of Title IV of the HEA.
- c) Loans made under sections 428C or 455(g) of the HEA.

These loans must be made to students and not to their parent(s).

Loans that do NOT Qualify for this Act:

- a) Any loans made to the parent(s) of a dependent student under 428B of the HEA.
- b) Any Federal Direct PLUS loan made to the parent(s) of a dependent student.

- c) Any loan or part of any loan made under sections 428C or 455(g) of the HEA that was used to repay loans made to the parent(s) of a dependent student.

Any and all loans made to a parent or any loan made to a student for the purpose of repaying a parental loan, does not qualify under this act.

How the System Works:

The Attorney General will set up a program through the U.S. Department of Justice that will make direct payments to the holder of the loans on behalf of the borrower. A borrower is qualified only if he or she is a prosecutor or public defender as defined by this statute and is not in default for any loan he or she wants forgiven.

Terms:

The borrower enters a written agreement that states the following:

- a) The borrower promises to remain employed as a prosecutor or public defender for *at least* three years, unless involuntarily discharged.
- b) If the borrower leaves voluntarily, or is discharged because of misconduct before the end of the three-year commitment, he or she must pay back any benefits received to the Attorney General.
- c) If the borrower owes the Attorney General money because of ending employment early and does not pay back the money, the government may use whatever means provided to it by law to recover the money.
- d) The Attorney General can waive the right to recover the money if recovery would go against equity and good conscience, or against the public interest.
- e) The repayments of loans are subject to availability of funds pursuant to appropriations.

Limitations of Repayments:

The amount paid per borrower will not exceed \$10,000 per year or \$60,000 in total.

Additional Information:

- a) Priority is given to those least able to pay back their loans, but there will be a fair allocation between prosecutors and public defenders and among employers throughout the country.
- b) Priority of funds is also given to those who are already in the program and have not yet completed the initial required three-year agreement.
- c) Once the initial three-year period is finished, the borrower and the Attorney General can enter a new agreement. The new agreement can be for less than three years.
- d) The statute is not retroactive, i.e., you cannot recoup payments you have already made on your loans.

Reporting:

No later than three years after this program is implemented, the Inspector General must report to Congress on the cost and the impact on recruitment and retention of prosecutors and public defenders.

No later than one year from the enactment of this act, the Comptroller General must study and report to Congress on the impact law school accreditation requirements and other factors have on the cost and accessibility of law school, including the impact on racial and ethnic minorities.