

cons/w Public Comment

Zakhary Mallett,
5538 1/2 Circle Drive,
El Sobrante, California 94803

BOS Mtg 2/8/11

February 4, 2011

RE: Disparities in Criminal Justice System
Attorney Pay Scales

Office of Contra Costa County Supervisor John Gioia,
11780 San Pablo Avenue, Suite D,
El Cerrito, California 94530

Dear Honorable Supervisor Gioia,

My name is Zakhary Mallett, and I became a Contra Costa County resident in August of 2010. I am a graduate student of City and Regional Planning at the University of California, Berkeley, and intend to joint my master's degree with a Juris Doctor degree. As you can probably deduce from this, I hope to practice law in the future.

Both for future career planning purposes and in an effort seek out internship or part-time employment opportunities, I occasionally review county websites for employment opportunities in both the District Attorney and Public Defender Offices of several counties. This includes reviewing the pay scales for comparable positions in each office. While many counties, including the county I grew up in (Santa Clara) have an identical pay structure for the attorneys in both of these offices, Contra Costa County has a structure that clearly favors District Attorney's Office personnel. With the exception of the Chief Attorney/Chief Deputy position in each office, all ranking attorneys of the District Attorney's Office are paid a notable amount more than Public Defender Office attorneys. Per the county's employment website, most ranking attorneys in the District Attorney's Office earn at least \$688.19 and as much as \$2,576.53 per month more than identically ranked attorney's in the Public Defender's Office. The attached table shows this disparity in pay scale.

I found this disparity to be certainly out of place on a personal level and possibly questionable on a legal level. The value that all persons are to be given equal representation is not only a personal value, but one that is shared by many members of the public and one that is embedded in legal documents of our country (i.e., the constitution). By Contra Costa County paying Public Defender Office attorneys at a rate that is quite lower than attorneys of the District Attorney's Office, I feel that this equal representation value is actively being violated. In paying one office more than another, the county inherently - even if inadvertent - places higher value on that office than the other. Furthermore, there are labor market implications of this pay disparity. Most notably, it allows the District Attorney's Office to be equipped to attract higher skilled attorneys than the Public Defender's Office. In it being inherently more attractive to prospective employees due to the higher pay scale, the District Attorney's Office, as an employer, has more leverage to demand higher qualification standards (i.e., "better workers") than the Public Defender's Office. In the same spirit, a person with higher skills and/or a more highly marketable academic and employment background, will value themselves very highly, so, *ceteris paribus*, will inevitably be more driven towards working for the District Attorney's Office. Due to these labor market implications of this

CC: BOS, BGO

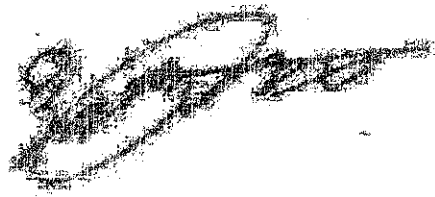
pay scale disparity; the ability for these two offices to compete for the same market of attorneys -- which is essential in order for the two offices to mutually and systemically provide equal representation -- is severally and adversely affected.

In addition to this disparity in pay scales, there are differences in the way that attorney's are ranked in each office. The District Attorney's Office has three core levels for its deputies: fixed, basic, and advanced. It also has an Assistant District Attorney classification and a Chief Deputy Attorney classification. By comparison, the Public Defender's Office has four core ranks that include Attorney I, Attorney II, Attorney III, and Attorney IV; an Assistant Public Defender classification; and a Chief Assistant Public Defender classification. In order to properly assure a common pay schedule, I'd request and invite you to work to establish a common ranking system also. The Santa Clara County system of attorney classifications, wherein attorneys of all offices are classified by the same ranking title (Attorney I-IV, Assistant DA/PD, Chief Assistant DA/PD), is a system I'd propose you to strongly consider.

In conclusion, as a resident of your district and a future legal practitioner, I ask that you make it a priority to regulate the pay structure of the District Attorney and Public Defender Offices so that there is a common attorney ranking system in both departments and parity in the pay scale at each rank level. I don't only seek for this to be realized through labor negotiations that are on-going, but established through a Board of Supervisors' resolution that assures this by making it a permanent policy that governs all future negotiations, etc.

For any follow-up, please feel welcome to write me at the above-referenced return address or contact me via telephone at 408-849-4156.

Sincerely submitted,

A handwritten signature in dark ink, appearing to read 'Zakhary Mallett', with a stylized flourish at the end.

Zakhary Mallett,
District I Resident

CC: Ted Cwiek, Director of Human Resources
Robin Lipetzky, Public Defender
David Twa, County Administrator
Board of Supervisors

Contra Costa County
Disparities in Pay Scales
District Attorney vs. Public Defender

<u>Minimum Pay Schedule</u> <u>Classification</u>	<u>District Attorney</u> <u>Monthly Pay Scale (Min.)</u>	<u>Public Defender</u> <u>Monthly Pay Scale (Min.)</u>	<u>Difference</u>
Deputy Attorney I/Fixed	\$6,431.43	\$5,287.26	\$ (1,144.17)
Deputy Attorney II/Basic	\$8,917.81	\$6,819.35	\$ (2,098.46)
Deputy Attorney III/Advanced	\$10,860.01	\$8,944.70	\$ (1,915.31)
Deputy Attorney IV	-	\$9,869.64	-
Assistant DA/PD	\$11,931.60	\$11,243.41	\$ (688.19)
Chief Assistant Chief Deputy	\$12,649.38	\$12,661.91	\$12.53
District Attorney/Public Defender	\$16,923.57	\$13,910.74	\$ (3,012.83)

<u>Maximum Pay Schedule</u> <u>Classification</u>	<u>District Attorney</u> <u>Monthly Pay Scale (Max.)</u>	<u>Public Defender</u> <u>Monthly Pay Scale (Max.)</u>	<u>Difference</u>
Deputy Attorney I/Fixed	\$6,913.87	\$5,287.26	\$ (1,626.61)
Deputy Attorney II/Basic	\$10,865.49	\$8,288.96	\$ (2,576.53)
Deputy Attorney III/Advanced	\$11,987.42	\$10,872.34	\$ (1,115.08)
Deputy Attorney IV	-	\$11,996.61	-
Assistant DA/PD	\$14,502.93	\$13,666.43	\$ (836.50)
Chief Assistant Chief Deputy	\$15,375.30	\$15,390.63	\$15.33
District Attorney/Public Defender	\$16,923.57	\$16,908.59	\$ (14.98)

A parenthetical difference denotes an amount that the Public Defender classification earns that is less than the comparable District Attorney classification. A difference that is not parenthetical denotes an amount that the Public Defender classification earns that is more than the comparable District Attorney classification. All amounts are per month.

5538 1/2 Circle Drive,
El Sobrante, California 94803

Mr. Zakhary Mallett

Fax

To: Board of Supervisors
Through: Clerk of the Board

From: Zakhary Mallett

Fax: 925-335-1913

Pages: 4 (including Cover)

Phone: 925-335-1900

Date: 2/4/2011

Re: Public Comment:
Disparities in Criminal Justice System
Attorney Pay Scales

CC: Ted Owiek, Director of Human Resources
Robin Lipetzky, Public Defender
David Twa, County Administrator
Board of Supervisors

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◆ **Comments:**

Please supply to supervisors as a supplement, and record as written public commentary, of the Board of Supervisor meeting for Tuesday, February 8, 2011.