



**MONTANA STATE  
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Joint Appropriations Sub-Committee Part D

***Sent via email***

Chair Mercer and Members of the Committee:

Please accept this document and attachment as OPD's supplemental response to Chair Mercer's question regarding prosecutor pay. Altogether, this response consists of the following documents:

- This narrative response document; and,
- Prosecutor Pay spreadsheet.

I hope you find this response helpful as you consider our budget request, and I look forward to future discussions.

Best,

*Brett Schandelson*

Brett D. Schandelson

Director

Office of State Public Defender

## Prosecutor Pay

The attached spreadsheet contains information and data regarding prosecutor pay across the Montana justice system that OPD had in its possession or that OPD has collected. Unfortunately, there is not a centralized database of prosecutor pay, and these data must be collected from each prosecuting agency individually, each of which have various levels of information available. OPD has also been able to pull pay information from public job postings, though OPD has been made aware that the rates stated in job postings are not always the same rates individuals are actually paid.

The first sheet in the attached spreadsheet contains the data OPD used in planning for its May 2022 adjustment to FTE attorney wages, though these data are now outdated. The second sheet has data for DoJ attorneys from February 7, 2023. Due to a statewide shortage of lawyers, many agencies have been forced to continuing adjusting attorney wages to recruit and/or retain qualified attorneys. Please also note the Department of Labor and Industry wage ranges for attorney positions (market rates) have changed as follows:

|                                     | Market Entry | Market Midpoint | Market Exit |
|-------------------------------------|--------------|-----------------|-------------|
| 2020 Market Rate Range for Lawyer 2 | \$81,169     | \$105,551       | \$129,933   |
| 2022 Market Rate Range for Lawyer 2 | \$88,201     | \$114,696       | \$141,191   |

To provide additional information and context, OPD has collected information from or about the following agencies that have further adjusted attorney pay since the time the data in the attached spreadsheet was collected:

| <u>Agency</u>                            | <u>Current Pay Range</u>      |
|--|-------------------------------|
| Gallatin County Attorney's Office        | \$87,500 - \$105,000          |
| Madison County Attorney's Office         | Now starts at \$85,000        |
| Lake County Attorney's Office            | \$75,000 to \$80,000          |
| Richland County Attorney's Office        | \$85,000 to \$100,000         |
| City of Billings                         | Now caps at \$117,000         |
| Yellowstone County Attorney's Office     | Now starts at \$78,000        |
| City of Helena                           | \$79,800 to \$88,000          |
| Beaverhead County Attorney's Office      | \$68,000 to \$86,000          |
| Butte-Silverbow County Attorney's Office | Now \$104,000 after 18 months |
| City of Bozeman                          | Now starts at \$110,000       |
| City of Kalispell                        | Now starts at \$78,900        |