



National Association of Assistant United States Attorneys

Safeguarding Justice for All Americans

The Impact of Pay Inequities on the Administration of Justice

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The Administratively Determined (AD) pay plan, which Assistant U.S. Attorneys (AUSAs) are subject to, creates a significant pay disparity between AUSAs and all other DOJ attorneys. Aside from clear equity issues, the disparity negatively impacts recruitment and retention of the more than 6,300 criminal prosecutors and civil attorneys most directly tasked with administering justice across our nation’s 94 federal judicial districts. The current pay system over relies on the goodwill on AUSAs who are willing to take a pay cut to serve their country. This is unsustainable and places our U.S. Attorney Offices at a disadvantage in the recruitment and retention of qualified personnel. Without top talent our criminal justice system cannot adequately serve and protect the American people.

- The DOJ attorney pay policy authorizes higher salaries for attorneys in main Department of Justice (DOJ) components than AUSAs. The discrepancy reaches over \$40,000, as noted in the chart below which compares GS attorney base pay and AD AUSA base pay in 2018.¹

Years of Experience	GS Grade	AD Grade	GS Min Pay	AD Min Pay	Percent Difference
0-2 years	GS 11-13	AD-21	\$55,756	\$55,756	N/A
3-4 years	GS 14-15	AD-23	\$93,907	\$59,906	\$34,001 (44%)
5 years	GS 15	AD-25	\$110,460	\$64,367	\$46,093 (52%)
6 years	GS 15	AD-26	\$110,460	\$69,159	\$41,301 (46%)
7 years	GS-15	AD-27	\$110,460	\$74,309	\$36,151 (39%)

- AUSAs have for over 30 years identified pay parity issues as a detriment to their workplace wellbeing. For example, in the Partnership for Public Service’s Best Places to Work in the Federal Government Survey, while U.S. Attorney’s Office reported above median and upper quartile scores in nearly every category since 2007, the pay satisfaction category has reported lower quartile scores in 11 of the last 12 survey years. In 2019, U.S. Attorneys’ Offices ranked 350 of 415 in agency subcomponents regarding attitudes toward pay.²
 - Based on advocacy efforts by NAAUSA, the DOJ made minor adjustments in the AD pay scale in 2016. While these adjustments did not come close to bridging the gap between pay scales, they did result in a slight increase in survey scores. The immediate positive impacts on FEVS scores by AUSAs demonstrates the importance of this issue and willingness to work toward pay parity.
- In testimonials anonymously collected by NAAUSA, AUSAs consistently report taking pay cuts to serve as AUSAs due to a genuine desire to serve the public as our nation’s premier criminal prosecutors or civil attorneys. However, as the pay disparity worsens with advancement, many are forced to leave their positions in favor of positions at Main Justice or within the private sector. *The pay disparity forces dedicated AUSAs out of their position or, worse, turns our U.S. Attorneys’ Offices into taxpayer-funded training centers for private defense attorneys.*

NAAUSA advocates for the Department to adjust the AUSA salary framework assure that AUSAs are paid the same as Department of Justice trial attorneys through movement of AUSAs onto the General Schedule.

¹ Does not include locality pay.

² <https://bestplacetowork.org/rankings/detail/DJ09>