

**WEST VIRGINIA  
DIVISION OF JUSTICE AND  
COMMUNITY SERVICES**

**JOHN R JUSTICE  
GRANT PROGRAM**

**OVERVIEW**

The most consistently cited reason why attorneys decline or leave positions as prosecutors and public defenders is student loan debt. The majority of law students must borrow to finance their education and the rising costs are continuing to impose insurmountable debt. To extend the problem, public defender and prosecutor salaries are failing to keep pace with the escalating cost of education. As a result, talented lawyers are often unwilling to accept or remain in attorney positions as prosecutors or public defenders, creating real challenges for those offices in their quest to hire and retain capable attorneys.

**Who Qualifies:**

**Prosecutor**—full-time employee of a state or unit of local government who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the state or unit of local government level (including supervision, education, or training of other persons prosecuting such cases). Prosecutors who are employees of the federal government are not eligible.

**Public Defender**—an attorney who is continually licensed to practice law and is a full-time employee of a state or unit of local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation; is a full-time employee of a nonprofit organization operating under a contract with a state or unit of local government who devotes substantially all of the employee's full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation; or employed as a full-time federal defender attorney in a defender organization pursuant to Subsection )(g) of section 3006A of Title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

**NOTE:** Attorneys who are in private practice and not a full-time employee of a non-profit organization, even if individually or part of a firm that is under contract with a state or court-appointed to provide public defense services, do not qualify as "public defenders" and therefore are not considered to be eligible as beneficiaries under this solicitation.

**Loan Eligibility:**

Loans eligible for repayment are defined as, and limited to the following:

**Student Loan:**

(1) A loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20 (Federal Family Education Loan Program);

- (2) A loan made under part C or D of subchapter IV of chapter 28 of Title 20 (William D. Ford Federal Direct Loan and Federal Perkins Loans);
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20 (Federal consolidation loans and Federal Direct Consolidation loans, respectively).

**Ineligible Loans:**

The term student loan does not include any of the following loans:

- (1) A loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078-2).
- (2) A Federal Direct PLUS Loan made to the parents of a dependent student.
- (3) A loan made under section 428C or 455 (g) of the higher Education Act of 1965 (20 U.S.C. 1078-3 (Federal consolidation loans) and 1087e(g) (Federal Direct Consolidation loans) to the extent that such loan was used to repay a loan described in clause (1) or (2).

**Disqualifying Conditions:**

An attorney must not be in default on repayment of any federal student loans. States may use discretion in applying other considerations for beneficiary continuation in the program, such as merit, etc.; however, states must ensure that any such considerations do not disproportionately affect one type of beneficiary (i.e., prosecutors v. public defenders) over another.

**Service Agreement:**

As a condition precedent to the repayment of any loan obligation under this program, all eligible beneficiaries must sign the agreement included as part of this solicitation, thereby agreeing to retain employment as a public defender/prosecuting attorney for the State of West Virginia for three years.

**Other Information:**

Please be aware of deadlines for this grant application, as they are hard deadlines and extensions cannot be granted. There are forms contained in the application packet that must be filled out by the lending agency. All forms must be received by the Division of Justice and Community Services, with all appropriate, ORIGINAL signatures, no later than **5 p.m. on Friday, February 2<sup>nd</sup>, 2018**. No exceptions will be granted. Postmarks will **NOT** be accepted.