

**John R. Justice Student Loan Repayment Program
(JRJ Grant Program)
Program Narrative for Utah
Fiscal Year 2013**

Program Overview

Utah will follow a model that centralizes the administration of the program, thereby allowing a consistent and standard approach statewide. With this model, applicants apply directly to Utah Prosecution Council (UPC), (the governor-designated state administering agency). All applications will be referred to and reviewed by a Loan Review Committee (Committee) (Appendix C). The Committee, based on the programmatic criteria set forth by the U.S. Department of Justice and developed by the Committee, will recommend to UPC which applicants should receive funding, and in what amounts.

The allocation to Utah of John R Justice funds for federal FY2013 is \$56,059. The Committee, using financial information required from each applicant, will distribute awards to applicants who demonstrate the least ability to repay their student loans within each of five regions as shown in Appendix A. Additionally, UPC may consider the number of years an applicant has been employed in a JRJ eligible position. Because there are many more prosecutors and public defenders in Salt Lake County than in any of the other regions, Salt Lake County will constitute a stand alone, fifth region. Although the JRJ Act permits an annual maximum award of \$10,000 per applicant, the JRJ Review Committee may, after reviewing received applications, impose an award cap that is less than the allowed \$10,000.

Program Structure

An overview of the structure of the program is as follows:

Allocation of program funds will be equally distributed between prosecutors and public defenders.

1. Distribution to prosecutors:
 - a. The amount of funding for each of the five designated regions in the state will be based on the percentage of the state's total number of prosecutors that are employed within each of the regions.
 - b. For simplicity's sake, the allocation will be based on a total head count of prosecutors, regardless of how many of those prosecutors are actually eligible for the program.
2. Distribution to public defenders:
 - a. Because there are only three JRJ eligible public defender employers in Utah, all located within Salt Lake County and adjacent Utah County, all eligible public defenders will be considered together, regardless of where they work.
3. Individual prosecutors and public defenders will apply directly to UPC for financial benefits under the program.
4. Awards of financial benefits to individual applicants will be based on a formula that ranks each applicant according to the applicant's "ability to pay" his or her outstanding student loan debt. The formula, as detailed in Appendix B, accounts for salary differences and number of dependents. No cost of living adjustment is included in the formula. The income component is the applicant's Adjusted Gross Income (AGI) from the applicant's most recently filed IRS Form 1040. If the applicant graduated from law school recently enough that he or she has not yet filed a federal tax return showing a full year of income from his or her JRJ eligible employer, a statement of annual salary from the employer will be used instead of the most recently filed IRS Form 1040.

Applicant Eligibility

1. A qualified applicant must be an attorney continually licensed to practice law and shall:
 - a. be a full-time employee of the state of Utah or of a unit of local government (including tribal government) who 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; OR
 - b. be a full-time employee of the state of Utah or unit of local government (including tribal 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; OR
 - c. be a full-time employee of a nonprofit organization operating under a contract with the state of Utah or a 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 cases, including supervision, education, or training of other persons providing such representation; OR
 - d. be employed in Utah 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; AND
 - e. have an outstanding balance on an eligible educational loan;
 - f. not be in default on repayment of any federal student loans; AND
 - g. make a commitment to a three-year service agreement each time benefits are received.

2. Beneficiaries who change jobs, but remain in JRJ eligible employment in Utah, will continue to be eligible for current or renewed benefits to the same extent as those who do not change employment.
3. Attorneys who are in private practice and not full-time employees of a non-profit organization, even if individually or part of a firm that is under contract with the state of Utah, a local governmental entity or court appointed to provide public defense services, do not qualify as public defenders and are not considered to be qualified applicants.

Program Procedures

1. Eligible educational loans include:
 - a. Federal Stafford Loans;
 - b. Federal Graduate PLUS Loans;
 - c. Federal Consolidation Loans; and
 - d. Federal Perkins Loans.
2. Non-eligible loans include:
 - a. Federal Parent PLUS Loans;
 - b. Federal Consolidation Loans used to repay Federal Parent PLUS Loans;
 - c. any eligible loans that have been paid in full; and
 - d. non-federal student loans.
3. All applicants must complete an application and Service Agreement and must provide documentation regarding the applicant's eligible educational loan debt obligations. By signing the application, the applicant agrees to the requirements and provisions of the program. By signing the Service Agreement, the applicant is acknowledging that the

program requires a three-year service commitment. Any benefit awarded to an applicant under the program is in the form of a loan that must be repaid if the service commitment is not fulfilled, and if all other stipulations as described in the Service Agreement are not complied with.

- a. The application has been developed by the Committee and it, together with the Service Agreement, is available at UPC's JRJ web site: <http://www.upc.utah.gov/jrj/>. Applications must be submitted in hard copy, with original signatures to Utah Prosecution Council. Applications must be typed; no handwritten applications will be accepted. A fillable PDF version of the application is available on the UPC website, enabling applicants to type their application on-line then print it for signing and submission.
- b. If the application or Service Agreement is incomplete, UPC will notify the applicant, who will have an opportunity to furnish the missing information prior to the application deadline. UPC reserves the right to request documentation to verify data reported on the application.
- c. Applications received after the application deadline will be considered only if funds remain available after all timely applications have been considered and awards made.
- d. The application will require the applicant's employer to certify the following:
 - i. The employer is an eligible employing entity under the John R. Justice Prosecutors and Defenders Incentive Act;
 - ii. The attorney seeking benefits meets the definition of either "prosecutor" or "public defender" under the Act; and
 - iii. The employer verifies employment for the individual who seeks JRJ benefits.

4. Selection of Recipients

- a. UPC will select recipients from those who have submitted a complete and timely application and Service Agreement with all required documentation.
- b. Priority, in combination with the following criteria, will be given to those who file timely applications and are considered the least able to pay their student loans.
 - i. Priority consideration will be given to applicants who file renewal applications by the published due date, have received a JRJ award in a previous year and are still within the three-year term of service of their original JRJSLRP Service Agreement.
 - ii. Selection will thereafter be made from among qualified new applicants.
 - iii. Applicants who have completed the three year term of service of their original JRJSLRP Service Agreement will be treated in the same manner as new applicants. Their application will be given no priority consideration. Any such applicant must include a newly signed Service Agreement, covering the next 12 months from the date of any FY2013 award.
- c. The pool of prosecutor applicants will be assigned to one of the five regions as shown in Appendix A. UPC will use the ZIP code of the applicant's employer in determining the region to which the applicant will be assigned for consideration. Public defender applicants will not be divided into regions for consideration. Once the money allocated for prosecutors in a particular region has been exhausted, awarding to prosecutors in that region will cease. In the event funding is left over from the allocation made for a region after all applicants from that region have received awards, the remaining funds in that region's allocation will be awarded to

the highest-ranked prosecutors who have not been funded, regardless of the region from which the individual applied.

- d. Once all money allocated for public defenders has been exhausted, awarding to public defenders will cease.
 - e. Each qualified applicant will be ranked according to the “ability to pay” formula. Separate rankings will be done for prosecutors and for public defenders. UPC may also consider the number of years an applicant has been employed in a JRJ eligible position.
 - f. A significant increase in a renewal applicant’s AGI may be considered when determining continued JRJ assistance.
5. At no time under the program shall the amount awarded to any recipient exceed \$10,000 per year, and shall not exceed an aggregate total award of \$60,000. A ceiling amount for individual awards of less than \$10,000 may be set by the JRJ Review Committee after it has reviewed the number of eligible JRJ assistance applications received in a given year.
 6. Proceeds will be remitted directly to the financial institution holding the student loans.
 7. A recipient must continue to remain in good standing with his or her lender in regard to the loan which was the subject of an award made under the program.
 8. A recipient must respond as required to any notifications or requests from UPC and must notify UPC of changes to his or her address, employment status or loan status (delinquency or default) within 30 days of the change. Failure to comply may result in a stoppage of award payments and may be considered by the Committee when determining whether to approve new applications for assistance from the applicant.
 9. The Service Agreement describes periods for which the service completion must be extended

and those periods of absence that do not require extension.

10. If an individual becomes ineligible or does not complete the requisite three-year commitment due to voluntary separation or involuntary separation for misconduct or unacceptable performance, the recipient may no longer receive benefits under the program and must repay any amounts received under the program. Arrangements for repayment will be made between the recipient and the United States Department of Justice.

Performance Measures and Record Keeping:

Objective	Performance Measures	Data grantee will collect to demonstrate performance
<p>To encourage qualified individuals to enter and continue employment as prosecutors and public defenders.</p>	<p>1. The number and amount of loan repayment awards made to public defenders and prosecutors in Utah.</p> <p>2. Outreach efforts made to make eligible prosecutors and public defenders aware of the John R Justice program.</p> <p>3. Average number of days between application for repayment benefits and the loan repayment occurring.</p>	<p>The number of applications received from eligible prosecutors for John R Justice benefits.</p> <p>The number of loan payments awarded to prosecutors.</p> <p>Dollar amount of loan repayment awards made to prosecutors.</p> <p>The number of eligible prosecutor applicants whose application was denied because of lack of available funding.</p> <p>The number of applications received from eligible public defenders for John R Justice benefits.</p> <p>The number of loan payments awarded to public defenders.</p> <p>Dollar amount of loan repayment awards made to public defenders.</p> <p>The number of eligible public defenders applicants whose application was denied because of lack of available funding.</p> <p>Number and type of outreach material addressed to prosecutors and public defenders.</p> <p>Average number of days between receipt of an application for John R Justice loan repayment benefits.</p> <p>The date upon which the applicant was informed of action on his or her application; and</p> <p>In cases where awards are made, the date upon which the first disbursement of loan repayment are made on behalf of selected beneficiaries.</p>

The above listed data will be collected by (UPC) and/or the administrative staff of the Utah Attorney General's Office. The Loan Review Committee will compile data regarding the number of eligible applications received from prosecutors and from public defenders, the number to whom loan repayment awards are given in each category and the individual and total amounts of the awards.

Data regarding the number of days between the date upon which an application is received, action is taken thereon by the Committee and the first loan assistance payments are made will be compiled by the administrative staff of the Utah Attorney General's Office. Once the Loan Review Committee has acted upon an application, the AG's administrative staff will assume responsibility for issuing checks to financial institutions on behalf of the applicants.

Information regarding outreach efforts made by UPC to prosecutors and public defenders will be compiled and maintained by UPC. Copies of each outreach effort are being and will continue to be kept by UPC in its files. Because of the relatively small number of potential JRJ recipients in Utah, most outreach will be done by e-mail.

All signed Service Agreements will be scanned into one, multi-page PDF document and will be provided to DOJ.

Tax Obligations

Neither UPC nor any other agency of the State of Utah employs the majority of eligible prosecutors or public defenders. UPC is therefore not able to do tax withholding on benefit payments made to individuals through the JRJ program. Each program recipient will be informed that any applicable federal, state and local taxes are the responsibility of the recipient.

Outreach Plans for Utah

In addition to information being available at UPC's web site, <http://www.upc.utah.gov/jrj/>, awareness plans specifically targeted for public defenders and for prosecutors will be pursued. The plans will use existing networks along with other activities to reach as many eligible individuals as possible.

1. ***Public Defender Outreach Plan:*** Eligible public defender beneficiaries in Utah are wholly limited to the employees of three JRJ eligible employers which provide public defender services in Salt Lake and Utah Counties. Two are non-profit entities that provide public defender services to indigent persons charged with violations of state code or of city ordinance. The third entity is the Utah Federal Defenders Office, which provides public defender services to indigent persons charged with federal violations in Utah. Public defense services in other counties are provided through contracts with private lawyers or law firms. Such private contract providers are not eligible for benefits under the program. All three eligible public defender employers in Utah have been identified. Outreach to Utah public defenders will be accomplished as follows:
 - a. **Electronic:** Each eligible public defender employer maintains an e-mail list for all its employees. Each employer has agreed to distribute information on the program by e-mail to each of its employees, including the eligibility criteria, and the application process (including the application form) with any available links to further information at the UPC website.
 - b. **Print:** Printed information on the program, including specifics of available funding, will be produced in sufficient quantity to allow distribution to every assistant public

defender. Distribution will be through eligible public defender employers, who have agreed to distribute the material to all attorneys in their offices.

2. ***Prosecutors Outreach Plan:***

Utah Prosecution Council will notify prosecutors statewide regarding the program as follows:

- a. **Electronically and by mail:** UPC maintains a website, an address list and an e-mail address list for prosecutors throughout the state. Information about the program will be placed prominently on the UPC website. Utilizing its address and e-mail address lists, printed and electronic information about the program, including the application and Service Agreement, will be sent to each prosecutor on those lists. Also, printed program information will be provided to the head of each state, county and city prosecution office, requesting that the information be distributed individually to all prosecutors in the office.
- b. **Newsletter:** UPC publishes a monthly newsletter that is sent to all Utah prosecutors. Information regarding the program will be included in the newsletter, including the link to the UPC website where full application information will be available.

3. ***Availability of Other Financial Assistance Programs:*** As part of its outreach effort, UPC will, in addition to providing the above described information regarding the JRJ program, distribute information regarding the availability of financial assistance programs from other sources, such as the Income-Based Repayment (IBR) plan, Public Service Loan Forgiveness (PSLF) and other available loan repayment assistance programs (LRAPs) that may apply. In so doing UPC may use the professional expertise of Equal Justice Works or another organization having expertise on other available student loan repayment assistance programs.

Information about such alternative LARPs will be made available to public defenders and to prosecutors using the methods described above for JRJ outreach.

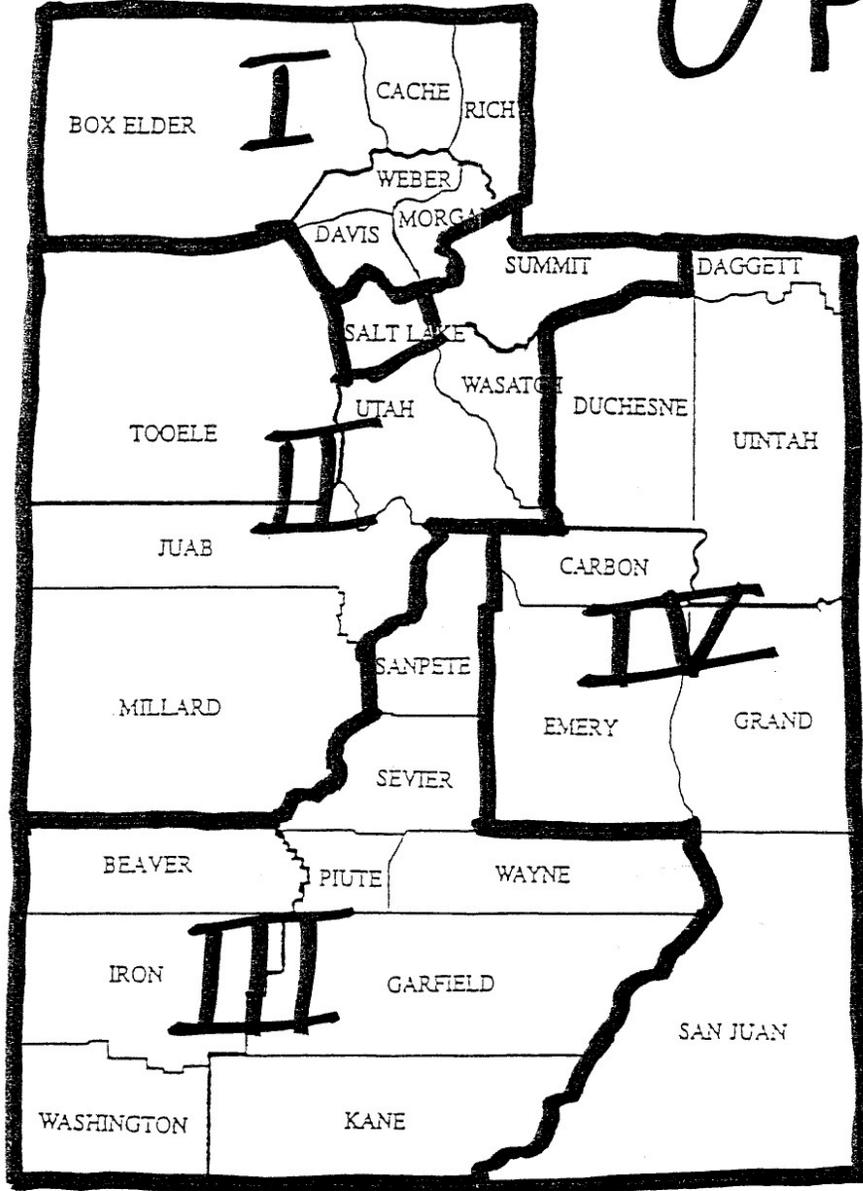
Contact Information:

For further information about the Utah program, contact:
Mark W. Nash
Director
Utah Prosecution Council
PO Box 140841
Salt Lake City UT 84114-0841

Phone: (801) 366-0202
Fax: (801) 366-0204
E-mail: mnash@utah.gov

Appendix A

UPC



Appendix B

Eligibility Calculation for John R. Justice Grant Program – FY10

Assumption: Payments in excess of 10% of formula-adjusted income are considered hardship.

Data and documents required:

- a. Adjusted gross income from most recent IRS Form 1040, line 37 (2009 form)
- b. Calculated exemptions from most recent IRS Form 1040, line 42
- c. Original law school loan(s) amount(s) and statement from the lender(s) of existing law school loan balances
- d. Loan payment document or amount

		Example	Notes
Step 1	Identify adjusted gross income (AGI) on line 37 of IRS Form 1040	\$52,000	AGI
<i>If the AGI on IRS Form 1040 is equal to or greater than \$100,000, the applicant is not eligible for consideration under this program.</i>			
Step 2	Modified AGI to account for dependants (MAGI). Create MAGI by subtracting Form 1040 line 42 from AGI (line 37)	\$48,200	MAGI <i>Reduction for one dependant @ \$3,800</i>
Step 3	Determine annual student loan payment (ASLP) Multiply monthly payment(s) by 12 <i>Payment must be based on a 10 year or greater repayment schedule. (For reference, \$25,000 in loans results in a monthly payment of approximately \$300)</i>	\$7,200	ASLP <i>Approximate monthly payments of \$600 on \$50,000 of loans with a 10 year payback period</i>
Step 4	Calculate eligible award - Multiply MAGI by .08 and subtract from ASLP	\$3,344	Eligible Award Amount
Step 5	Eligible award is the calculated Eligible Award Amount in Step 6, or \$4,000, whichever is less		

Appendix C

Loan Review Committee

- Two public defenders to be selected jointly by the Director of the Salt Lake Legal Defenders Association, the Director of the Utah County Public Defenders Association and the chief executive of the Utah Federal Defenders Office;
- One prosecutor to be designated by the Utah County and District Attorneys Association;
- One prosecutor to be designated by the Utah Municipal Prosecutors Association;
- A person designated by the Utah Higher Education Assistance Authority; and
- The Director of Utah Prosecution Council. The Director of UPC shall serve as the chair of the committee and shall not have a vote except in the case of a tie vote by other committee members.