

Public defenders leaving for better pay a 'crisis'

BY LIAM NIEMEYER
KENTUCKY LANTERN

FRANKFORT — Low pay and limited advancement opportunities are creating a “crisis” of turnover among Kentucky’s public defenders who are leaving for higher pay elsewhere.

Kentucky’s Public Advocate Damon Preston and Deputy Public Advocate Melanie Lowe told a legislative committee the significant turnover risks “constitutional failures” with Kentuckians not receiving adequate representation in court, creates instability in court proceedings, and can waste taxpayer funds by training staff attorneys who leave for work elsewhere.

“Kentucky really needs to raise the salary so that attorneys don’t have to look outside the borders of Kentucky in order to live a reasonable life,” Lowe told lawmakers last week.

Ninety-four attorneys left the Department of Public Advocacy in 2025, accounting for a 24% turnover rate that year, according to a presentation by Preston and Lowe. The turnover rate has



Liam Niemeyer/Kentucky Lantern

Kentucky’s Public Advocate Damon Preston, right, and Deputy Public Advocate Melanie Lowe speak to state lawmakers on Tuesday.

increased over several years from 17% in 2022.

The department brought on a new class of public defenders consisting of 42 attorneys coming from law school in August 2025, though the department has lost 53 attorneys since that new class. Lowe said the median timespan of a departing attorney is 21 months, long enough for a new recruit to

finish the department’s “excellent” training program and then leave.

Preston and Lowe cite low pay as the major reason for the turnover. Their presentation states the starting salary for public defenders in Kentucky is \$58,200, while

the salary floor in other states with statewide public defender systems can be tens of thousands of dollars higher such as in Minnesota, which raised starting pay to \$88,380. Their presentation stated that starting salaries are higher across the state border in cities including Cincinnati and Evansville.

Public defenders in Kentucky also have switched sides in the courtroom, Preston and Lowe said, receiving raises to become prosecutors.

Preston shared documents highlighting appropriations in the last two-year state budget for additional personnel for prosecutors and recruitment efforts by the Kentucky attorney general’s office. He said his department did not receive requested increased funding for additional attorneys and recruiting support during the last biennium.

“They’re doing the same work. They’re in the same courtroom,” Preston said. “They’re simply at that other

table on the other side of the courtroom, and they’re making \$20,000 or more.”

Preston and Lowe are asking state lawmakers for \$10,581,857 in the upcoming two-year state budget to raise the salary floor of attorneys to \$70,000 and raise other attorney positions within the department by a similar percentage. They’re also asking for funding to better recruit new attorneys and pay for private attorneys who are contracted to work for the department.

“We definitely have had clients with serious charges who have gone through two and three and four attorneys,” Lowe said, as attorneys leave in the middle of court proceedings. “It’s very frustrating for the clients who are incarcerated and clients who are stuck in the system and really want to get a resolution to their case.”

Department leaders are also advocating for changes in Kentucky law to narrow the

scope of cases requiring public defenders, thereby freeing up the time and resources of those attorneys.

They are proposing that public defenders no longer be part of cases involving Tim’s Law, in which law enforcement, family or friends can petition a court to have someone go through court-mandated mental health treatment. Preston said the person who is the subject of such a petition needs legal counsel.

“Those cases sometimes can be pretty time-intensive,” Preston said. “That person needs counsel, but that could be met by a local attorney who’s paid on a per-case basis.”

The department is also advocating for creating a “circuit advocate,” or public defenders that serve a specific judicial circuit that can encompass cases in more than

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