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Articles, Reports, and Notes OF THE NATIONAL DISTRICT ATTORNEYS' ASSOCIATION

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THE CAREER PROSECUTOR

Prosecutors of Forty-Eight States

DUANE R. NEDRUD

[Editor's note: The following article is one chapter of the author's Master of Laws thesis as a Ford Foundation Fellow in Criminal Law at Northwestern University during the 1958-59 academic year. A portion of this article was distributed to all prosecutors in the nation by the National District Attorneys' Association. At that time it was stated that the entire article would be published in this section of the JOURNAL. All documentation was eliminated for space reasons at that time, but it is included here for research aid and explanation. Some corrections have been made in salary schedules since that mailing, e.g., Texas, where such changes were warranted and brought to the attention of the author. It should be noted also that many changes may have been made as to salaries in the various 1959 legislative sessions, but they are not included here. An example: Louisiana prosecutors are no longer connected with a fee system, and now have one of the best salary and retirement plans in the country. A complete analysis of this plan will be published subsequently.]

In an analysis of the statutes providing for the offices of the prosecutors of the 48 states (excluding the new states of Alaska and Hawaii), together with other explanatory information including letters from many prosecutors of some states, this writer came to the conclusion that very few, if any, state statutes give any incentive to a lawyer to become a "Career Prosecutor." While some statutes are better than others, there is also a general lack of uniformity among the more advantageous statutes.

From the observations of the writer, it seems most people have little conception of the status of the prosecutors of their own states, much less the status of the prosecutors from other states. Even prosecutors themselves often know little about the position of their counterparts outside their own states or, in many instances, beyond their own bailiwicks.

In order that the reader may understand the material aspects of the office of prosecutor, as

distinguished from the duties and powers thereof, a factual synopsis of the statutes of the 48 states is presented here. The fact that changes are made after observing the mistakes and triumphs of others holds true in the state statutes which have been enacted to provide properly for prosecutors. It is the writer's hope that the material herein presented will not only serve its intended purpose in the thesis, but will assist those who believe that Career Prosecutors would be advantageous.

DISTRICT ATTORNEY OR COUNTY ATTORNEY?

The prosecutors of the various states are known by different designations. This nomenclature includes: Assistant Attorney General, Circuit Attorney, Circuit Solicitor, Commonwealth Attorney, County Attorney, County Solicitor, Criminal District Attorney, District Attorney General, Prosecuting Attorney, Solicitor General, and State's Attorney.

No matter what the name, his jurisdiction usu-

ally is limited to one county. However, in one-third of the states the jurisdiction in area transcends county lines. In most of these states there is something equivalent to county attorneys besides the "District Attorney".

This does not mean that in some instances the "District Attorney" of a county is not more of a "District Attorney" than some prosecutors of multiple-county districts, as far as work, population and complexity are concerned. However, the term by which the District Attorney is called is often misleading.

QUALIFICATIONS

Generally, the only qualification required of the prosecutor of any state is that he be a member of the bar of that state. A few states require that the prosecutor have practiced law for a period of years. New Jersey requires all of its County Prosecutors to have practiced five years before taking office,¹ and Pennsylvania makes this same requirement for District Attorneys of certain metropolitan counties.²

Until January, 1959, Utah did not require its County Attorneys to be lawyers³ and, as a result, prior to that time there were some County Attorneys not admitted to the bar who were prosecuting misdemeanors, conducting preliminary hearings and advising county boards.⁴ Now all states require that their prosecutors at least be lawyers.

ELECTION OR APPOINTMENT

Generally, prosecuting attorneys with criminal jurisdiction are elected. However, in several states county counsel with only civil jurisdiction over county legal problems are appointed.⁵

Connecticut differs from all other states in that the prosecutors are appointed by the judges of the courts. The State's Attorneys for each county who prosecute crimes which are cognizant in the Superior Court are appointed by the judges of that court.⁶ Prosecuting Attorneys are appointed by the judges of the Courts of Common Pleas to conduct criminal trials that are under the jurisdiction of that court.⁷

¹ N.J. STAT. ANN. §2A: 158-1 (1953).

² PA. STAT. ANN. §16: 1401 (1956).

³ UTAH CODE ANN. §17-18.4 (Supp. 1957).

⁴ *The Role of the Prosecutor in Utah*, 5 UTAH L. REV. 70. Seven of 29 County Attorneys in Utah were not lawyers in the year 1956.

⁵ E.g., MICH. STAT. ANN. §5-824 (Supp. 1957) and CAL. GOV. CODE §§26529, 27640.

⁶ CONN. GEN. STAT. §51-175 (1958).

⁷ CONN. GEN. STAT. §51-148 (1958).

In Delaware the prosecutors are appointed by the Attorney General and are designated Deputy Attorneys General.⁸ The designation is misleading, in that they function as county prosecutors, being assigned on a part-time basis to the particular counties of the state, and one to the city of New-castle.⁹ The Attorney General, together with five Assistant Attorneys General, handles criminal prosecution in Rhode Island.¹⁰ The County Prosecutor of New Jersey is appointed by the Governor for a five year term.¹¹

In Florida the State Attorneys, Prosecuting Attorneys and County Solicitors were at one time appointed but are now elected; however, the Assistant State Attorneys are appointed by the Governor.¹² To assist the Circuit Solicitors in North Carolina, county boards, with the approval of the Solicitors, appoint assistants to serve in their respective counties.¹³

While the Attorney General is not a local prosecutor, it is interesting to note that this officer has been appointed in at least six states.¹⁴

FULL-TIME PROSECUTORS

In many metropolitan areas, the prosecutor often finds that he does not have enough time to devote to the private practice of law, and thus he is relegated to a full-time position. However, only a few states have statutes prohibiting the prosecutor from conducting a private practice.¹⁵ Of these

⁸ DEL. CODE ANN. Ch. 29 §2502 (Supp. 1958).

⁹ *Ibid.*

¹⁰ R.I. GEN. LAWS §42-9-1 (1956).

¹¹ N.J. STAT. ANN. §2A: 158-1 (1953).

¹² FLA. STAT. ANN. §§27.21, 27.22, 27.29, 27.30 (Supp. 1958).

¹³ N.C. GEN. STAT. §§7.43.1, 7.43.2 (1953).

¹⁴ ME. CONST. Art. IX, §11 (by legislature); N.H. CONST. Pt. 2, Art. 46 (Governor and Council); N.J. CONST. Art. 5, §4, Par. 3 (by Governor with advice and consent of Senate); PA. STAT. ANN. tit. 71, §67 (1958) (Governor nominates with advice and consent of Senate); TENN. CONST. Art. 6, §6 (judges of the supreme court); WYO. COMP. STAT. §18-901 (1945) (appointed by Governor with consent of Senate).

¹⁵ ARIZ. REV. STAT. ANN. §12-128 (1956), in counties over 100,000 population; CAL. GOV. CODE §§28101 to 28142, depending upon the county; MO. REV. STAT. §56.360 (1958), in counties over 100,000 population; NEB. REV. STAT. §23-1206.01 (Supp. 1957), in counties over 200,000 population; OKLA. STAT. ANN. §19-185b (Supp. 1958); ORE. REV. STAT. §8.795 (1957), if salary is \$10,000 or more; TENN. CODE ANN. §8-704 (1955); WASH. REV. CODE §36.27.060 (1954), Class A and First Class counties. There may be other states in which the county has the option of determining whether the prosecutor should be full-time, but the statutes do not show it.

states, Tennessee¹⁶ and Oklahoma¹⁷ prohibit all of their prosecutors from privately practicing law. In some counties in California the District Attorney is prohibited from practicing law only during office hours.¹⁸

It is interesting to note that in South Carolina the Circuit Solicitors and County Solicitors not only can have private practices but also may defend in criminal cases against the state, if there is no duty to prosecute.¹⁹ This is contrary to the statutes of every other state, either expressly or by implication. A District Attorney of New Mexico cannot act as attorney for any party involved in an action for damages arising from an automobile accident occurring in his district.²⁰

The statute providing for the District Attorneys General in Tennessee seems to come the closest to the ideal of the full-time District Attorney insofar as the entire state structure of that office is concerned.²¹ There is a proposed law providing for full-time District Attorneys in Oklahoma, but it reverts to the county system by virtue of appointive assistants in each county.²²

JURISDICTION

Civil and Criminal. Generally the prosecuting attorney has civil as well as criminal duties, although

¹⁶ TENN. CODE ANN. §8-704 (1955).

¹⁷ OKLA. STAT. ANN. §19-185b (Supp. 1958).

¹⁸ CAL. GOV. CODE §§28109, 28128, 28129.

¹⁹ S.C. CODE LAWS §§1-255, 15-624 (1952).

²⁰ N.M. STAT. §17.1-3 (Supp. 1957).

²¹ See TENN. CODE ANN. §§8-701 to 8-707 (1955). In addition to other desirable features, the District Attorneys General have eight-year terms. In all other states terms vary from two to four years, except New Jersey where the term for County Prosecutor is five years.

²² House Bill 530, which is now before the Oklahoma Legislature, provides as follows:

- 1) The elective office of District Attorney is created.
- 2) The state is divided into 15 districts. Oklahoma County and Tulsa County each comprise a separate district.
- 3) The District Attorney shall prosecute all crimes committed in his district.
- 4) He shall represent each of the counties in his district in all civil matters.
- 5) He shall not engage in private practice.
- 6) His salary shall be \$10,000 annually.
- 7) He shall appoint at least one Assistant District Attorney in each county.
- 8) The minimum annual salary for an Assistant District Attorney is \$2,400.
- 9) Assistant District Attorneys receiving an annual salary of more than \$3,600 may not engage in private practice.
- 10) Each district shall have a Special Investigator qualified as a fingerprint and evidence expert.
- 11) The office of County Attorney is abolished. The Daily Law Journal-Record, Vol. 35—No. 226, Oklahoma City, Friday a.m., March 6, 1959.

several states have provisions for some counties to have separate counsel for local municipal law.²³ Only a few states limit the duties of all of their prosecutors to criminal matters.²⁴ In a few instances only state civil legal problems are the responsibility of the prosecutors,²⁵ and county civil matters are left to special county counsel.

Criminal. With a few exceptions, in states where there is a district attorney having more than one county in his district, there is also a county prosecutor in each of the counties of the district, or an assistant district attorney required to be residing in each of the counties of the district other than the county in which the district attorney has his office.²⁶ There is usually "dual jurisdiction" where there are the two independent prosecutors, with the district attorney prosecuting felonies and the county prosecutor being responsible for misdemeanors.

In some instances the jurisdiction of the court to which the prosecutor is assigned determines the crimes for which the responsibility of prosecution exists. In Connecticut the State's Attorney prosecutes all criminal cases in the Superior Court, which has jurisdiction over all felonies.²⁷ The Prosecuting Attorney of that state handles all criminal matters in the Court of Common Pleas, which has jurisdiction over misdemeanors and concurrent jurisdiction with the Superior Court over non-support cases.²⁸ In South Carolina the Circuit Solicitor handles criminal cases in the Courts of General Sessions and Common Pleas,²⁹ and the County Solicitor's duties are determined by the jurisdiction of the County Courts, which includes misdemeanors and concurrent jurisdiction over

²³ E.g., MICH. STAT. ANN. §5-824; CAL. GOV. CODE §26529.

²⁴ CONN. GEN. STAT. §§51-175, 51-148 (1958); IND. STAT. §49-2502 (Supp. 1957); N.J. STAT. §2A: 158-5 (1953); N.Y. COUNTY LAWS §700; N.C. GEN. STAT. §7.43 (1953), as to Circuit Solicitors; PA. STAT. ANN. §16: 1402 (Supp. 1958). In Florida the Prosecuting Attorneys and County Solicitors are responsible only for criminal cases, FLA. STAT. ANN. §§32.01, 32.02, 32.16, 34.12 (Supp. 1958).

²⁵ The State Attorneys of Florida must also take care of civil legal matters for the state, FLA. STAT. ANN. §27.02 (Supp. 1958); KY. REV. STAT. §69.010 (1958), Commonwealth's Attorneys; MASS. ANN. LAWS §12-16 (1952); S.C. CODE LAWS §1-251 (1952), Circuit Solicitors; GA. CODE ANN. §24-2908 (1937), Solicitors General.

²⁶ The exceptions are: LA. CONST. Art. 7, §58; MASS. ANN. LAWS §12-12 (1952); MISS. CODE §4175 (1956); TENN. CODE ANN. §8-701 (1955).

²⁷ CONN. GEN. STAT. §51-175 (1958).

²⁸ CONN. GEN. STAT. §51-148 (1958).

²⁹ S.C. CODE LAWS §1-251 (1952).

some felonies with the Court of General Sessions.³⁰ North Carolina has three different prosecutors, all of whom have criminal law responsibilities determined by the jurisdiction of the courts.³¹

Florida and Texas have somewhat confusing arrangements, involving three different classes of prosecutors. In Florida the State Attorneys take care of all capital offenses in their districts, and also felonies in counties in their districts where there are Prosecuting Attorneys, who have jurisdiction over misdemeanors.³² If there is a County Solicitor there is no Prosecuting Attorney and the Solicitor's sphere of authority extends to all criminal cases within his county except felonies involving capital punishment,³³ which as previously stated are handled by the State Attorney. The one exception is Dade County (Miami) where the State Attorney is responsible for the prosecution of all criminal cases from misdemeanors to capital offenses.³⁴

In Texas, if there is no District Attorney the County Attorney handles all criminal cases.³⁵ If there is a District Attorney, the County Attorney prosecutes misdemeanors, while the District Attorney prosecutes felonies.³⁶ If by local and special bill of the legislature a Criminal District Attorney's office is established, the offices of District Attorney (if any) and County Attorney are abolished, with the Criminal District Attorney being responsible for prosecution of all crimes.³⁷ One other exception exists in Texas. There is a State Prosecuting Attorney who is responsible for all appeal cases to the Texas Criminal Appeals Court, which is the court of last resort in criminal cases in Texas.³⁸

In Kentucky and Utah the County Attorney not only handles misdemeanors but also conducts the preliminary hearings in felony cases.³⁹ The District Attorney prosecutes a felony case only when

it reaches the District or Circuit Court. In Georgia, besides Solicitors General who are district prosecutors, there are Solicitors of City Courts who prosecute state crimes.⁴⁰

The state of New Hampshire gives authority to the Solicitors to take charge of all criminal cases except felonies involving sentences of death or confinement for more than 25 years. The Attorney General's office is held responsible for handling the more serious felonies.⁴¹ In Missouri, only the City of St. Louis has dual jurisdiction, with a special office of Circuit Attorney created for that city to handle felonies, while the Prosecuting Attorney takes care of misdemeanors.⁴²

ASSISTANTS, DEPUTIES AND INVESTIGATORS

Assistants and Deputies. As would be expected, in most states the assistants and deputies are chosen by the prosecutor with the approval of the county or state governing body. The salaries and number of assistants in most instances are also determined by the county board on the recommendation of the prosecutor. In some instances the state statutes give the authority for the number of assistants and the salary of each grade.

Alabama is the only state in which a deputy prosecutor is elected.⁴³ In Connecticut the assistants as well as the prosecutors are appointed by the courts.⁴⁴ In other states the assistants, although appointed by the elected prosecutor, must be approved by the judge.⁴⁵ The assistants to the Deputy Attorneys General in Delaware are appointed by the Attorney General.⁴⁶

While the State Attorneys are elected in Florida, the assistants are appointed by the governor with the consent of the senate, but not with the concurrence of the State Attorneys.⁴⁷ The Assistant State Attorneys seem to be subject to very little control by the State Attorneys and, in many instances, the control is even further removed by assignment to counties within a particular judicial circuit other than the county in which the State Attorney re-

³⁰ S.C. CODE LAWS §§15-612, 15-622 (1952). The Circuit Solicitor has the right to decide the forum where there is concurrent jurisdiction in both courts.

³¹ N.C. GEN. STAT. §§7.203, 7.43, 7.408 (1953).

³² FLA. STAT. ANN. §27.01 (Supp. 1958).

³³ FLA. STAT. ANN. §32.01 (Supp. 1958).

³⁴ Letter from Richard E. Gerstein, State Attorney, Miami, to author, Feb. 6, 1959.

³⁵ TEX. CONST. Art. 5, §21.

³⁶ TEX. CONST. Art. 5, §21, and the interpretative comment after this section in Vernon's Texas Statutes. TEX. CIVIL STAT. ANN. Art. 322 through 329 (Supp. 1958). Letter from J. C. Davis, Jr., to author, Feb. 5, 1959.

³⁷ *Ibid.*

³⁸ TEX. CIVIL STAT. ANN. Art. 1811 (1949).

³⁹ KY. REV. STAT. §69.210 (Supp. 1958); UTAH CODE ANN. §17-18-1 (1953).

⁴⁰ These solicitors prosecute misdemeanors in City Courts, which are located in most counties. Letter from Andrew J. Ryan, Jr., Solicitor General, Savannah, to author, Feb. 4, 1959.

⁴¹ N.H. REV. STAT. §7.6 (1955).

⁴² MO. REV. STAT. §§56.450, 56.430, 56.440, 56.490 (1958).

⁴³ ALA. CODE tit. 13, §252 (1940).

⁴⁴ CONN. GEN. STAT. §§51-175, 51-148 (1958).

⁴⁵ ARK. STAT. §24-119 (1947); COLO. REV. STAT. §43-3-5 (Supp. 1957).

⁴⁶ DEL. CODE ANN. ch. 29, §2502 (Supp. 1958).

⁴⁷ FLA. STAT. ANN. §§27.21, 27.22 (Supp. 1958).

sides.⁴⁸ The exception is the State Attorney of Dade County (Miami), who is permitted to choose his own assistants.⁴⁹

In North Carolina, county assistants to the Circuit Solicitor are appointed by the county board with the approval of the Circuit Solicitor.⁵⁰ If the Circuit Solicitor wants a general assistant, he can appoint one, but he must pay the salary himself.⁵¹ The County Attorney of Kentucky must pay his own assistant, if he wants one, from the gross amount which he receives from fees.⁵²

As previously mentioned, many of the assistants are in effect county attorneys in the states where the prosecutor's district includes more than one county, because the "District Attorney" must have assistants residing in a county other than the one where he is a resident.

While not quite germane to this topic, it is interesting to note that Kansas has a peculiar statute which requires the County Attorney to recognize any attorney hired by a prosecuting witness as his assistant for the particular case.⁵³ If the prosecuting witness cannot pay for such assistant counsel the state will pay for him on petition.⁵⁴ Generally, however, the rule is that private attorneys hired by the complainant cannot be assistants to the prosecutors.⁵⁵

Investigators. Almost all states allow their prosecutors contingent funds to be used for criminal investigation, which could include the hiring of special investigators. Although few prosecutors have investigators permanently attached to their offices, a number of states have statutes which specifically allow the appointment of investigators.⁵⁶ It has been held that unless there is such

specific authority the County Attorney cannot hire an investigator.⁵⁷

In Massachusetts the District Attorney of Suffolk County may request a detail of two detectives from the Boston Police Department.⁵⁸ Generally, prosecuting officers in metropolitan areas have police assigned to them without the need of specific statutes, and have their own investigators besides.⁵⁹ A state's attorney in Vermont may hire a deputy sheriff for investigation purposes.⁶⁰

COMPENSATION

Salaries. The tables at the end of this chapter give all the details concerning salaries of the prosecutors (as well as trial judges) of the 48 states, but certain collective facts concerning salaries are very interesting. The national range of prosecutors' salaries varies from Vermont's minimum of \$1,150⁶¹ to New York's maximum of \$32,000.⁶² Many states give salaries comparable to that of Vermont, but only two other states give salaries over \$20,000.⁶³

It should be noted in examining Table 1 that the maximum salary paid in a state is often received by only one or two prosecutors in the largest metro-

§§2A: 157-2, 2A: 157-10 (1953), provides for county detectives in classified service of civil service and county investigators unclassified, to be appointed by County Prosecutors; no reason is given why there are provisions for both detectives and investigators, although their duties are the same; N.Y. COUNTY LAWS §§937, 938, in New York City; OHIO REV. CODE §309.07 (1958); OKLA. STAT. ANN. §§19-203, 19-204 (Supp. 1958), in counties over 40,000 population; PA. STAT. ANN. §§16: 440, 16: 7741 (1956); S.D. CODE §12.1305 (1939), provides \$10.00 per day may be paid to special agent with police powers. As in so many states, it is doubtful if such an investigator has been appointed under that statute and legally attached to State's Attorney's office, although investigators are hired for specific investigation with approval of county board. Letter from Frank P. Gibbs, former State's Attorney, Sioux Falls, to author, March 2, 1959; TENN. CODE ANN. §§8-708 (Supp. 1958); TEX. CIVIL STAT. ANN. §§331g-1, 326k (Supp. 1958); W.VA. CODE §372 (1955), under some circumstances; WIS. STAT. ANN. §59.46 (1957), in certain counties. Except for certain metropolitan counties the only states which have known investigators attached permanently to every prosecutor's office are Ohio and New Jersey.

⁵⁷ Watts Detective Agency v. Sagodohoc County, 137 Me. 233, 18 A.2d 308 (1941).

⁵⁸ MASS. ANN. LAWS ch. 12, §21 (1944).

⁵⁹ E.g., REPORT BY THE DISTRICT ATTORNEY OF KINGS COUNTY, NEW YORK 1 (1955), 61 police officers; REPORT OF THE DISTRICT ATTORNEY'S OFFICE, PHILADELPHIA 31 (1957), 18 police officers.

⁶⁰ VT. STAT. §3487 (1947).

⁶¹ VT. STAT. §10,478 (Supp. 1957).

⁶² Letter from Edward S. Silver, District Attorney, Kings County (Brooklyn), to author, Feb. 3, 1959.

⁶³ California (Los Angeles, \$25,000) and Michigan (Detroit, \$21,000). See Tables 1 and 2, *infra*.

⁴⁸ E.g., FLA. STAT. ANN. §§27.29, 27.30 (Supp. 1958).

⁴⁹ Letter from Richard E. Gerstein, State Attorney, Miami, to author, March 16, 1959.

⁵⁰ N.C. GEN. STAT. §§7.43.1, 7.43.2 (1953).

⁵¹ N.C. GEN. STAT. §7.43.3 (1953).

⁵² Letter from William J. Wise, Commonwealth's Attorney, Newport, to author, Feb. 9, 1959.

⁵³ KAN. GEN. STAT. §19-717 (1949).

⁵⁴ KAN. GEN. STAT. §19-718 (1949).

⁵⁵ Jerry v. State, 99 Fla. 1330, 128 So. 807 (1930); Thomas v. State, 59 So. 2d 517 (Fla. 1952).

⁵⁶ CAL. PENAL CODE §817; COLO. REV. STAT. §45-3-5 (Supp. 1957); CONN. GEN. STAT. §§54-75, 54-76 (1958); DEL. CODE ANN. §§11-8701, 11-8702 (Supp. 1958), investigators appointed by Attorney General and assigned to certain counties; FLA. STAT. ANN. §32.31 (Supp. 1958); IND. STAT. ANN. §49-2514 (1947); KY. REV. STAT. §69.110 (1952); MD. ANN. CODE Art. 10 §40 (1957), in certain counties; MICH. STAT. ANN. §5.791 (1956); MO. REV. STAT. §56.560 (1958), for Circuit Attorney of St. Louis only; NEB. REV. STAT. §23-1209 (Supp. 1957), in counties over 60,000 population with limit of \$1,500 annually; N.J. STAT. ANN.

politan districts or counties, with the next most highly paid prosecutor receiving a considerably lower salary. For example, the Prosecuting Attorney of Detroit receives the maximum salary of \$21,000,⁶⁴ while the next most highly paid Prosecuting Attorney in Michigan receives \$14,500.⁶⁵ The same is true in the less populated states such as Arizona, where the maximum of \$11,520 is paid in one or two counties⁶⁶ with the next highest salary being \$7,200.⁶⁷

At least one state puts a "crimp" into the otherwise logical deduction that metropolitan areas give the highest salaries. In Minnesota, the County of Anoka, with a population of 65,000, pays its County Attorney \$14,500 annually, while the County Attorney of Hennepin County (Minneapolis), where the population is approximately 800,000, receives \$13,500.⁶⁸

In one of the most sparsely populated counties in the nation, Alpine County, California, with 241 people, the District Attorney receives \$3,900.⁶⁹ This is unquestionably the highest per capita income for prosecutors.

Because of the statutory restrictions placed upon the salaries of the Prosecuting Attorneys in Ohio, the Prosecuting Attorney of Cleveland receives a salary lower than that of some of his assistants.⁷⁰ This was necessary in order to keep assistants on a full-time basis. It was expected that the Ohio Legislature would remedy this predicament during the 1959 legislative session.⁷¹

In New Mexico there is a statutory limit of \$3,000 annually placed upon the salary of the District Attorney.⁷² However, this salary is augmented by a stipend of \$3,000 to \$6,600 per year for his being Juvenile Court Attorney.⁷³ There is no evident reason for the salaries being determined in this manner.

Fees. The use of fees to pay the compensation of the prosecuting attorney has not been eliminated. This was very common not too many years ago and laws allowing fees are still on the statute books of

many states. However, in some of these states, fees are evidently not used to pay the salary of the prosecutor directly. For example, in Kentucky the Commonwealth's Attorney receives a basic salary of \$500 per year⁷⁴ plus a percentage of fines and forfeitures levied in the Circuit Court and County Courts of his circuit. These fines are sent to the state treasury, from which the Commonwealth's Attorney can receive a maximum of \$5,500 a year.⁷⁵ If there are insufficient fines and forfeitures in one year to pay the Commonwealth's Attorney, the deficit in the fines and forfeitures can be made up the next year.⁷⁶ Thus, the amount of fines is not a concern to the Commonwealth's Attorney, in that he would receive the maximum without effort on his part to see that there are enough fines to make up his salary. In addition, he receives some compensation from counties or cities in his circuit.

However, the County Attorney of Kentucky has a somewhat different situation with respect to fees. He receives a salary of \$3,000 from the Fiscal Court of the county he serves, plus 40 per cent of the fines levied in County Court, and 25 per cent of the fines levied in the Circuit Court.⁷⁷ Fines under \$25 in the County Court have a \$5 additional cost, which is paid to the County Attorney.⁷⁸ He also receives 20 per cent of delinquent taxes collected. There is a limit of \$7,200 in combined salary and fines to be paid the County Attorney.⁷⁹

Louisiana seems to allow fees to a greater degree than does any other state. Approximately 11 out of 34 District Attorneys receive fees in partial compensation.⁸⁰ Fees are paid for convictions in criminal cases.⁸¹ One District Attorney in 1954 received an estimated \$18,622.50 in fees and others received as little as \$1,000.⁸² In addition, each District Attorney received an annual salary of \$5,000.⁸³

In Georgia probably only one or two Solicitors

⁷⁴ KY. REV. STAT. §§64.510, 69.050 (1958).

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ KY. REV. STAT. §§69.250, 69.260 (1958); KY. CONST. §§98, 246; Letter from William J. Wise, Commonwealth's Attorney, Newport, to author, Feb. 9, 1959.

⁷⁸ Letter from William J. Wise, *op. cit. supra* note 77.

⁷⁹ *Ibid.*

⁸⁰ LOUISIANA LEGISLATIVE COUNCIL, THE SALARIES OF JUDICIAL PERSONNEL 31-35 (Research Report No. 6, April 7, 1955).

⁸¹ LA. REV. STAT. §§16.4 (1950), 16.10 (Supp. 1956). Schedule of fees: \$5 if only a fine, \$10 if jail sentence, \$15 if penitentiary sentence, \$20 if life sentence, and \$25 if death penalty.

⁸² LOUISIANA LEGISLATIVE COUNCIL, *op. cit. supra* note 80.

⁸³ *Ibid.*

⁶⁴ Letter from Samuel H. Olsen, Prosecuting Attorney, Detroit, to author, Feb. 26, 1959.

⁶⁵ 1957 schedule of salaries compiled by Michigan Prosecuting Attorneys' Association.

⁶⁶ ARIZ. REV. STAT. §11-418A (Supp. 1958).

⁶⁷ ARIZ. REV. STAT. §11-418B (Supp. 1958).

⁶⁸ Letter from George M. Scott, County Attorney, Minneapolis, to author, Feb. 24, 1959.

⁶⁹ CAL. GOV. CODE §28158.

⁷⁰ Letter from C. Watson Hover, Prosecuting Attorney, Cincinnati, to author, Feb. 14, 1959. See OHIO REV. CODE §325.11 (1958), maximum salary \$10,500.

⁷¹ *Ibid.*

⁷² N.M. STAT. §17-1-3 (1953).

⁷³ N.M. STAT. §13-8-5 (Supp. 1957).

General are still dependent on fees for the majority of their salaries.⁸⁴ However, all Solicitors General receive fees in addition to salary for successful handling of Uniform Support Petitions and for service in the Supreme Court or the Court of Appeals.⁸⁵

In Arkansas, the deputies of the Prosecuting Attorney, who act much like county attorneys, evidently receive fees for at least part of their compensation.⁸⁶ In Florida some of the Prosecuting Attorneys and County Solicitors receive a majority

⁸⁴ GA. CODE ANN. §24-2904 (Supp. 1958). Letter from Andrew J. Ryan, Jr., Solicitor General, Savannah, to author, Feb. 4, 1959.

⁸⁵ Letter from Andrew J. Ryan, Jr., *op. cit. supra* note 84.

⁸⁶ ARK. STAT. ANN. §24-119 (1947): various salaries and fees; for example: "In all counties of the said 14th Judicial District for which there is a Deputy Prosecuting Attorney named and acting, his compensation shall be based upon convictions or pleas of guilty for misdemeanors and felonies as follows . . ." a) felony charge. \$25, b) misdemeanor, \$10. Ark. Acts 1957, No. 250-p. 780.

of their compensation from fees for convictions.⁸⁷ The County Attorneys of Oklahoma receive, besides a salary, 25 per cent of all forfeited recognizances and bail bonds that are collected.⁸⁸

As stated in the first paragraph of this section, there are other statutes which would indicate that some prosecutors receive fees. However, from answers to letters sent to prosecutors in these doubtful states, it seems that fees are either turned over to governing bodies, or are ignored in favor of the prosecutor's salaries.

Salaries of Judges of Trial Courts of General Jurisdiction. The salaries of the judges who have jurisdiction over felony pleas are set out in Table 1. It is believed that the comparison of judges' salaries with those of prosecutors will present a clear picture of inequality. Only in a few instances do the prosecutors' salaries approximate those of the judges.

⁸⁷ FLA. STAT. ANN. §§34.11 (1943), 32.23, 32.24 (Supp. 1958).

⁸⁸ OKLA. STAT. ANN. §19-186 (Supp. 1958).

[The compensation tables referred to in the text, and the notes thereto, appear at pages 350-55, *infra*.]

TABLE 1

THE NUMBER OF PROSECUTORS, THE SALARY RANGES OF PROSECUTORS AND THE SALARY RANGES OF JUDGES OF TRIAL COURTS OF GENERAL JURISDICTION OF FORTY-EIGHT OF THE UNITED STATES

State	No. of Counties	Titles of Prosecutors	Number of Prosecutors	Salary Ranges of Prosecutors	Salary Ranges of Judges
Alabama	67	Circuit Solicitor	24 ^{1a}	\$8,500-\$13,200 ^{1b}	\$10,000-\$12,000 ^{1c}
Arizona	14	County Attorney	14 ^{2a}	6,480- 11,520 ^{2b}	- 12,500 ^{2c}
Arkansas	75	Prosecuting Attorney	18 ^{3a}	5,000- 7,200 ^{3b}	- 10,800 ^{3c}
California	58	District Attorney	58 ^{4a}	3,600- 25,000 ^{4b}	16,000- 19,000 ^{4c}
Colorado	63	District Attorney	15 ^{5a}	4,000- 10,000 ^{5b}	9,000 ^{5c}
Connecticut	8	State's Attorney	9 ^{6a}	— ^{6b}	18,500 ^{6c}
		Prosecuting Attorney	6 ^{6aa}	— ^{6bb}	
Delaware	3	Deputy Attorney General	4 ^{7a}	6,000- 6,500 ^{7b}	15,000- 15,500 ^{7c}
Florida	67	State Attorney	16 ^{8a}	10,500- 19,000 ^{8b}	13,500- 19,000 ^{8c}
		Prosecuting Attorney	59 ^{8aa}	— ^{8bb}	
		County Solicitor	8 ^{8aaa}	4,200- 7,500 ^{8bbb}	
Georgia	159	Solicitor General	36 ^{9a}	5,000- 15,000 ^{9b}	12,500- 18,000 ^{9c}
Idaho	44	Prosecuting Attorney	44 ^{10a}	1,650- 6,000 ^{10b}	9,500 ^{10c}
Illinois	102	State's Attorney	102 ^{11a}	4,500- 17,000 ^{11b}	15,000- 22,000 ^{11c}
Indiana	92	Prosecuting Attorney	82 ^{12a}	3,500- 13,500 ^{12b}	6,600- 14,500 ^{12c}
Iowa	99	County Attorney	99 ^{13a}	3,200- 7,600 ^{13b}	10,000 ^{13c}
Kansas	105	County Attorney	105 ^{14a}	2,500- 8,688 ^{14b}	9,000 ^{14c}
Kentucky	120	Commonwealth's Attorney	46 ^{15a}	6,000- 7,200 ^{15b}	8,400 ^{15c}
		County Attorney	120 ^{15aa}	3,000- 7,200 ^{15bb}	
Louisiana	64	District Attorney	34 ^{16a}	6,000- 23,622 ^{16b}	10,000- 17,000 ^{16c}
Maine	16	County Attorney	16 ^{17a}	1,950- 4,800 ^{17b}	12,500 ^{17c}
Maryland	23	State's Attorney	24 ^{18a}	2,000- 17,500 ^{18b}	15,000- 20,000 ^{18c}
Massachusetts	14	District Attorney	9 ^{19a}	6,500- 14,000 ^{19b}	19,000- 20,000 ^{19c}
Michigan	83	Prosecuting Attorney	83 ^{20a}	2,100- 21,000 ^{20b}	12,500- 25,000 ^{20c}
Minnesota	87	County Attorney	87 ^{21a}	1,500- 14,500 ^{21b}	14,500- 16,000 ^{21c}
Mississippi	82	District Attorney	17 ^{22a}	6,000 ^{22b}	9,000 ^{22c}
Missouri	114	Circuit Attorney	1 ^{23a}	14,000 ^{23b}	11,000- 14,000 ^{23c}
		Prosecuting Attorney	114 ^{23aa}	2,762- 10,000 ^{23bb}	
Montana	56	County Attorney	56 ^{24a}	3,228- 6,501 ^{24b}	9,000 ^{24c}
Nebraska	93	County Attorney	93 ^{25a}	— ^{25b}	10,000 ^{25c}
Nevada	17	District Attorney	17 ^{26a}	4,300- 12,000 ^{26b}	15,000 ^{26c}
New Hampshire	10	County Solicitor	10 ^{27a}	2,000- 3,800 ^{27b}	15,000 ^{27c}
New Jersey	21	County Prosecutor	21 ^{28a}	3,000- 12,000 ^{28b}	20,000 ^{28c}
New Mexico	32	District Attorney	10 ^{29a}	6,600- 9,000 ^{29b}	12,500 ^{29c}
New York	62	District Attorney	62 ^{30a}	3,500- 32,000 ^{30b}	26,000- 34,500 ^{30c}
North Carolina	100	Circuit Solicitor	21 ^{31a}	7,936 ^{31b}	12,000 ^{31c}
		Prosecuting Attorney	— ^{31aa}	— ^{31bb}	
North Dakota	53	State's Attorney	53 ^{32a}	3,400- 5,000 ^{32b}	8,000 ^{32c}
Ohio	88	Prosecuting Attorney	88 ^{33a}	3,000- 10,500 ^{33b}	8,000- 15,000 ^{33c}
Oklahoma	77	County Attorney	77 ^{34a}	4,800- 11,428 ^{34b}	9,000- 13,900 ^{34c}
Oregon	36	District Attorney	36 ^{35a}	3,600- 11,000 ^{35b}	13,000 ^{35c}
Pennsylvania	67	District Attorney	67 ^{36a}	1,200- 18,500 ^{36b}	22,500 ^{36c}
Rhode Island	5	Ass't Attorney General	5 ^{37a}	— ^{37b}	15,000- 16,000 ^{37c}
South Carolina	46	Circuit Solicitor	14 ^{38a}	6,500 ^{38b}	14,000 ^{38c}
		County Solicitor	— ^{38aa}	— ^{38bb}	
South Dakota	64	State's Attorney	64 ^{39a}	2,250- 4,930 ^{39b}	9,000 ^{39c}
Tennessee	95	District Attorney General	21 ^{40a}	9,000 ^{40b}	10,000 ^{40c}

TABLE 1—Continued

State	No. of Counties	Titles of Prosecutors	Number of Prosecutors	Salary Ranges of Prosecutors	Salary Ranges of Judges
Texas	254	County Attorney District Attorney Criminal District Attorney	238 ^{11a} 63 ^{11aa} 16 ^{11aaa}	\$2,000– 12,800 ^{11b} 7,500– 13,500 ^{11bb} 8,500– 13,500 ^{11bbb}	12,000– 13,500 ^{11c}
Utah	29	District Attorney County Attorney	7 ^{42a} 29	3,600– 6,000 ^{42b} 2,750– 7,200	10,000 ^{42c}
Vermont	14	State's Attorney	14 ^{43a}	1,150– 5,000 ^{43b}	10,000– 10,500 ^{43c}
Virginia	98	Commonwealth's Attorney	123 ^{44a}	2,400– 12,500 ^{44b}	12,000– 15,000 ^{44c}
Washington	39	Prosecuting Attorney	39 ^{45a}	1,700– 13,500 ^{45b}	15,000 ^{45c}
West Virginia	55	Prosecuting Attorney	55 ^{46a}	1,200– 7,500 ^{46b}	10,200– 18,200 ^{46c}
Wisconsin	71	District Attorney	71 ^{47a}	1,620– 14,000 ^{47b}	14,000 ^{47c}
Wyoming	23	County & Prosecuting Attorney	23 ^{48a}	3,200– 6,000 ^{48b}	11,500 ^{48c}

Notes to Table 1

^{1a} ALA. CODE tit. 13, §225 (1941).

^{1b} Letter from Emmett Perry, Circuit Solicitor, Birmingham, to author, May 19, 1959.

^{1c} ALA. CODE tit. 13, §§177–177(6) (Supp. 1955); AM. JUD. SOC'Y, JUDICIAL SALARY SCHEDULE (1959).

^{2a} ARIZ. CONST. Art. 12, §3.

^{2b} ARIZ. REV. STAT. §§11–421A, 11–418A, 11–418B (Supp. 1958), maximum salary in two counties; next highest is \$7,200.

^{2c} ARIZ. REV. STAT. §12–128 (1956).

^{3a} ARK. CONST. Art. 7, §24, one for each judicial circuit.

^{3b} ARK. STAT. §§24–112A, 24–112D (Supp. 1957). A new salary schedule was recently passed by the General Assembly of Arkansas, raising the salaries to the range of \$6,000 to \$8,600; letter from Eugene F. Mooney, Deputy Prosecuting Attorney, Little Rock, to author, March 20, 1959.

^{3c} ARK. STAT. §22–348 (Supp. 1957).

^{4a} CAL. GOV. CODE §24000.

^{4b} CAL. GOV. CODE §§28156, 28101; letter from William B. McKesson, District Attorney, Los Angeles, to author, March 4, 1959.

^{4c} CAL. GOV. CODE §68201.

^{5a} COLO. CONST. Art. VI, §21, one for each judicial district.

^{5b} COLO. REV. STAT. §§45–2–1, 45–2–2 (Supp. 1957).

^{5c} COLO. REV. STAT. §56–1–2 (Supp. 1957).

^{6a} CONN. GEN. STAT. §51–175 (1958), one for each county and one for city of Waterbury.

^{6aa} CONN. GEN. STAT. §51–148 (1958), one for five named counties and one for city of Waterbury.

^{6b} and ^{6bb} No answer received to request for information. Salary set by court. See CONN. GEN. STAT. §51–12 (1958).

^{6c} CONN. GEN. STAT. §51–47 (1958).

^{7a} DEL. CODE ANN. ch. 29, §2502 (Supp. 1958), one for each county and one for city of Newcastle.

^{7b} DEL. CODE ANN. ch. 29, §2503 (Supp. 1958).

^{7c} DEL. CODE ANN. ch. 29, §503 (Supp. 1958), the presiding judge receives an additional \$500.

^{8a} FLA. STAT. ANN. §27.01 (Supp. 1958), one for each judicial circuit.

^{8aa} FLA. STAT. ANN. §34.12 (1943), one for each county where there is no County Solicitor.

^{8aaa} FLA. STAT. ANN. §§32.01, 32.16 (Supp. 1958), one for each county with a Criminal Court of Record.

^{8b} FLA. STAT. ANN. §27.223 (Supp. 1958); letter from Richard E. Gerstein, State Attorney, Miami, to author, Feb. 6, 1959. It seems that except for Dade County (Miami) State Attorney, who receives the maximum, all others receive the minimum salary. Duties differ also. See *Jurisdiction* Section of text:

^{8bb} FLA. STAT. ANN. §34.11 (1943), some County Prosecutors receive fees, and an accurate salary schedule is not available.

Notes to Table 1—Continued

- ^{8b1b} FLA. STAT. ANN. §§32.23, 32.24 (Supp. 1958), fees in less populated counties.
- ^{8c} FLA. STAT. ANN. §26.51 (Supp. 1958); AM. JUD. SOC'Y, JUDICIAL SALARY SCHEDULE (1959); letter from Richard E. Gerstein, *supra* note 8b.
- ^{9a} GA. CODE ANN. §24-2902 (1937), one for each judicial district.
- ^{9b} GA. CODE ANN. §24-2904 (Supp. 1958); letter from Andrew J. Ryan, Jr., Solicitor General, Savannah, to author, Feb. 4, 1959. A few Solicitors General still receive fees for prosecutions. Maximum and minimum salaries listed are estimates.
- ^{9c} GA. CODE ANN. §24-2608 (Supp. 1958); AM. JUD. SOC'Y, JUDICIAL SALARY SCHEDULE (1959).
- ^{10a} IDA. CODE §31-2001 (1948).
- ^{10b} IDA. CODE §31-3112 (Supp. 1957).
- ^{10c} IDA. CODE §59-502 (Supp. 1957).
- ^{11a} ILL. CONST. Art. VI, §22.
- ^{11b} ILL. REV. CODE §§53: 7, 53: 17, 53: 22a (1957).
- ^{11c} ILL. REV. CODE §53: 3 (1957).
- ^{12a} IND. STAT. ANN. §49-2501 (1951), one for each judicial district.
- ^{12b} IND. STAT. §§49-2604, 49-2616 (Supp. 1957).
- ^{12c} IND. STAT. §§4-3230 to 4-3240 (Supp. 1957).
- ^{13a} IA. CODE ANN. §39.17 (1949).
- ^{13b} IA. CODE ANN. §340.9 (Supp. 1958).
- ^{13c} IA. CODE ANN. §605.1 (Supp. 1958).
- ^{14a} KAN. GEN. STAT. §19-701 (1949).
- ^{14b} KAN. GEN. STAT. §§28-802 through 28-804 (Supp. 1957), an additional 25% of salary is allowed if there is a military base located in county.
- ^{14c} KAN. GEN. STAT. §75-3120c (Supp. 1957).
- ^{15a} KY. CONST. §97, one for each Circuit Court district.
- ^{15aa} KY. CONST. §99.
- ^{15b} KY. REV. STAT. §§64.510, 69.050 (Supp. 1958); letter from William J. Wise, Commonwealth's Attorney, Newport, to author, Feb. 9, 1959. Base salary of \$6,000 can be augmented by contributions in certain districts by counties and cities. Contributions may be slightly higher than listed.
- ^{15bb} KY. REV. STAT. §§69.250, 69.260 (Supp. 1958); KY. CONST. §98; letter from William J. Wise, *supra* note 15b. Base salary is \$3,000, plus percentage of fines and delinquent taxes collected, with maximum of \$7,200.
- ^{15c} KY. REV. STAT. §64.498 (Supp. 1958).
- ^{16a} LA. CONST. Art. 7, §58, one for each judicial district.
- ^{16b} LA. REV. STAT. §§16: 4, 16: 10 (Supp. 1956); LOUISIANA LEGISLATIVE COUNCIL, THE SALARIES OF JUDICIAL PERSONNEL, (Research Report No. 6, 31-5, April 7, 1955). The top salary is actually \$15,000, but some 11 District Attorneys receive fees, including one whose salary was \$5,000 and whose fees received amounted to \$18,622.50, for a total of \$23,622.50. The next highest salary and fee combination was \$17,000.
- ^{16c} LA. REV. STAT. §§13: 691, 13: 692 (Supp. 1956).
- ^{17a} ME. REV. STAT. ch. 89, §112 (1954).
- ^{17b} ME. REV. STAT. ch. 89, §114 (Supp. 1957).
- ^{17c} ME. REV. STAT. ch. 106, §2 (Supp. 1957).
- ^{18a} MD. CONST. Art. V, §7; MD. ANN. CODE art. 10, §34 (1957), one for each county and the city of Baltimore.
- ^{18b} MD. ANN. CODE art. 10, §40 (1957); letter from Saul A. Harris, Deputy State's Attorney, Baltimore, to author. The salary limits are from \$2,000 to \$10,000 except for the city of Baltimore.
- ^{18c} MD. ANN. CODE art. 26, §§47, 48 (1957); AM. JUD. SOC'Y, JUDICIAL SALARY SCHEDULE (1959).
- ^{19a} MASS. ANN. LAWS ch. 12, §12 (1952), one for each district.
- ^{19b} MASS. ANN. LAWS ch. 12, §15 (Supp. 1958).
- ^{19c} MASS. ANN. LAWS ch. 218, §75 (Supp. 1958); AM. JUD. SOC'Y, JUDICIAL SALARY SCHEDULE (1959).
- ^{20a} MICH. CONST. art. VIII, §3.
- ^{20b} MICH. STAT. ANN. §5.757 (1936), set by county boards. Salaries obtained from data sheet compiled by Michigan Prosecuting Attorneys Association (March, 1957). Salaries range from minimum to \$14,500 except for Wayne County; letter from Samuel H. Olsen Prosecuting Attorney, Detroit, to author, Feb. 26, 1959.
- ^{20c} MICH. STAT. ANN. §27.195 (Supp. 1957). State basic salary \$12,500, augmented by counties to high for Wayne County; letter from Jacob A. Dalm, Jr., Prosecuting Attorney, Kalamazoo, to author, Feb. 20, 1959.
- ^{21a} MINN. STAT. §388.01 (1957).

Notes to Table 1—Continued

^{21b} MINN. STAT. §388.18 (1957), provides for minimum salaries for counties under 50,000 population, ranging from \$1,500 to \$3,500, with right of appeal by County Attorney from salary fixed by county board. The maximum salary is that of County Attorney of Anoka County (pop. 65,000). It is interesting to note that the County Attorney of Hennepin County (Minneapolis) (pop. approx 800,000) is \$13,500; letter from George M. Scott, County Attorney, Minneapolis, to author, Feb. 24, 1959.

^{21c} MINN. STAT. §350.10 (1957).

^{22a} MISS. CODE ANN. §4175 (1956), one for each judicial district.

^{22b} MISS. CODE ANN. §4175 (1956).

^{22c} *Ibid.*

^{23a} MO. REV. STAT. §56.430 (1958), one Circuit Attorney for St. Louis County.

^{23aa} MO. REV. STAT. §56.010 (1958).

^{23b} MO. REV. STAT. §§56.600, 56.605 (1958).

^{23bb} MO. REV. STAT. §§56.280, 56.285, 56.610 (1958).

^{23c} MO. REV. STAT. §478.013 (1958).

^{24a} MONT. CONST. Art. VIII, §19.

^{24b} MONT. REV. CODE §25-605 (Supp. 1957).

^{24c} MONT. REV. CODE §93-303 (Supp. 1957).

^{25a} NEB. CONST. Art. XVII, §4.

^{25b} NEB. REV. STAT. ANN. §23-1114 (1954), fixed by county board. No answer received request for information.

^{25c} NEB. REV. STAT. ANN. §24-301.01 (1956).

^{26a} NEV. REV. STAT. §252.020 (1957).

^{26b} Letter from George M. Dickerson, former District Attorney, Las Vegas, to author, June 23, 1959.

^{26c} NEV. REV. STAT. §§3.030, 3.040 (1957).

^{27a} N.H. REV. STAT. §7: 33 (1955).

^{27b} N.H. REV. STAT. §7: 35 (Supp. 1957), all the salaries are under \$2,500 except the one maximum.

^{27c} N.H. REV. STAT. §491.6 (Supp. 1957), the Chief Justice receives \$500 more than the other judges.

^{28a} N.J. STAT. ANN. §2A: 158-1 (1953).

^{28b} N.J. STAT. ANN. §§2A: 158-10 (1953), 2A: 158-12.1 (Supp. 1958).

^{28c} N.J. STAT. ANN. §2A: 2-1 (1953).

^{29a} N.M. CONST. Art. VI, §24, one for each judicial district.

^{29b} N.M. STAT. §§17-1-3, 13-8-5 (Supp. 1957), salary of \$3,000 plus \$3,600 to \$6,000 for being Juvenile Court attorney.

^{29c} N.M. STAT. §16-3-33.1 (Supp. 1957).

^{30a} N.Y. COUNTY LAWS §400.

^{30b} N.Y. COUNTY LAWS §§825, 928; letter from Edward S. Silver, District Attorney, Kings County (Brooklyn), to author, Feb. 3, 1959. Salary determined by each county. Minimum salary is estimated. The District Attorneys of Bronx, Kings, New York and Queens Counties of New York City, receive the same salaries as do the judges of the courts of general jurisdiction in each county. The salary of the judges of Kings and New York Counties was recently raised to \$34,500, but because the statute prohibits the raising of the salary of a District Attorney during his term, the salaries of the District Attorneys in those counties were not increased, but remain at \$32,000 until the next term. The salaries of Bronx and Queens Counties' District Attorneys are \$30,000. The salary of the District Attorney of Richmond County, the fifth county in New York City, is \$17,000 and is set by the county board.

^{30c} N.Y. JUDICIARY LAWS §§142, 144; letter from Edward S. Silver, *supra* note 30b. AM. JUD. Soc'y, JUDICIAL SALARY SCHEDULE (1959).

^{31a} N.C. GEN. STAT. §§7-40, 7-43 (Supp. 1957), one for each solicitorial district; (there are 30 judicial districts).

^{31aa} N.C. GEN. STAT. §§7-203, 7-408 (1953); there are prosecuting attorneys attached to the Recorder's Court and Special County Courts. Number and salary unknown.

^{31b} N.C. GEN. STAT. §7-44 (Supp. 1957).

^{31bb} No answer received to request for information.

^{31c} N.C. GEN. STAT. §7-42 (Supp. 1957).

^{32a} N.D. REV. CODE §11-1601 (1943).

^{32b} N.D. REV. CODE §11-1010 (Supp. 1958).

^{32c} N.D. REV. CODE §27-0503 (Supp. 1958).

^{33a} OHIO REV. CODE §309.01 (1958).

^{33b} OHIO REV. CODE §325.11 (1958).

^{33c} OHIO REV. CODE §§141.04, 141.05 (1958).

Notes to Table 1—Continued

^{34a} OKLA. STAT. ANN. §19-131 (Supp. 1958).

^{34b} OKLA. STAT. ANN. §§19-180.42, 19-186 (Supp. 1958); letter from James W. Bill Berry, County Attorney, Oklahoma City, to author, March 10, 1959; based on population, net total taxable property and grade classification of counties, with minimum as listed. Basic salary in Oklahoma and Tulsa Counties is \$9,428, with additional sum of \$2,000 paid from court fund. In some counties County Attorneys also receive 25 per cent of forfeited bail bonds.

^{34c} OKLA. STAT. ANN. §74-251b (Supp. 1958).

^{35a} ORE. REV. STAT. §8.610 (1957).

^{35b} ORE. REV. STAT. §8.800 (1957), except for four counties all other salaries are \$7,200 or lower. The four with higher salaries are full-time.

^{35c} ORE. REV. STAT. §3.060 (1957).

^{36a} PA. STAT. ANN. §16: 1401 (1956).

^{36b} PA. STAT. ANN. §§16: 11221, 16: 11224, 16: 7705, 16: 7706 (1956); letter from Victor H. Blanc, District Attorney, Philadelphia, to author, Feb. 26, 1959. Next highest salary to that of Philadelphia is \$12,000.

^{36c} PA. STAT. ANN. §17: 830.26 (1956).

^{37a} R.I. GEN. LAWS §§42-9-1, 42-9-8 (1956).

^{37b} R.I. GEN. LAWS §§36-6-2, 36-6-4, 42-9-10 (1956), salaries are set by Attorney General, whose salary is \$11,000. No answer received to request for information.

^{37c} AM. JUD. SOC'Y, JUDICIAL SALARY SCHEDULE (1959).

^{38a} S.C. CONST. Art. V, §29; S.C. CODE LAWS §15-261 (1952), one for each judicial circuit.

^{38aa} S.C. CODE LAWS §15-212 (1952), in certain counties number and salary unknown.

^{38b} S.C. CODE LAWS §1-254 (1952); letter from James P. Nickles, County Attorney, Abbeville, to author, March 4, 1959.

^{38bb} No answer received to request for information.

^{38c} S.C. CODE LAWS §15-212 (Supp. 1958).

^{39a} S.D. CODE §12-1301 (1939).

^{39b} Letter from Frank Gibbs, Assistant State's Attorney, Sioux Falls, to author, March 2, 1959.

^{39c} AM. JUD. SOC'Y, JUDICIAL SALARY SCHEDULE, (1959).

^{40a} TENN. CODE ANN. §8-701 (1955), one for each judicial district.

^{40b} TENN. CODE ANN. §8-705 (Supp. 1958).

^{40c} TENN. CODE ANN. §8-2303 (Supp. 1958).

^{41a} TEX. CONST. Art. 5, §21; list of County Attorneys, District Attorneys and Criminal District Attorneys prepared by Zollie Steakley, Secretary of State, for term: Jan. 1, 1957-Dec. 31, 1960. One for every county where there is no Criminal District Attorney. This figure may be only 219.

^{41aa} *Ibid.*

^{41aaa} *Ibid.*

^{41b} Statutory minimum allowed \$6,750.00. In some counties fees are allowed. Probably the lowest compensation is \$2,000.00. Survey by Albert W. Searcy, County Attorney, Junction, Texas. TEX. CIVIL STAT. ANN. Art 3883i (Supp. 1958); Letter from J. C. Davis, Jr., Attorney, Austin, Texas, to author, Feb. 5, 1959.

^{41bb} The exact minimum is unknown. The figure given is statutory minimum allowed. TEX. CIVIL STAT. ANN. Art. 3886f (Supp. 1958); Letter from J. C. Davis, Jr., *supra* note 41b; letter from Dan Walton, District Attorney, Houston, to author, Feb. 19, 1959. Salary in Houston is maximum.

^{41bbb} Letter from Dan Walton, *supra* note 41bb, estimated salary range.

^{41c} AM. JUD. SOC'Y, JUDICIAL SALARY SCHEDULE (1959).

^{42a} UTAH CODE ANN. §67-7-1 (1953).

^{42aa} UTAH CODE ANN. §17-16-2 (1953).

^{42b} UTAH CODE ANN. §67-8-5 (Supp. 1957).

^{42bb} UTAH CODE ANN. §17-16-14 (Supp. 1957).

^{42c} UTAH CODE ANN. §67-8-4 (Supp. 1957).

^{43a} VT. CONST. Ch. II, §47.

^{43b} VT. STATS. §10, 478 (Supp. 1957).

^{43c} VT. STATS. §10, 421 (Supp. 1957).

^{44a} VA. CODE §§24-154, 24-161 (1950); letter from Kenneth C. Patty, Assistant Attorney General, to author, Feb. 4, 1959. One for each county and one for each incorporated city.

^{44b} VA. CODE §14-66 (Supp. 1956); letter from Kenneth C. Patty, *supra* note 44a.

^{44c} AM. JUD. SOC'Y, JUDICIAL SALARY SCHEDULE (1959).

^{45a} WASH. REV. CODE §36.27.070 (1954).

Notes to Table 1—Continued^{45b} WASH. REV. CODE §36.17.020 (1954).^{45c} WASH. REV. CODE §2.08.090 (1957).^{46a} W.VA. CODE §40 (1955).^{46b} W.VA. CODE §§403(1), 403(35) (1955).^{46c} W.VA. CODE §328 (Supp. 1958).^{47a} WIS. CONST. Art. 6, §4.^{47b} WIS. STAT. ANN. §59.5 (Supp. 1957), salaries set by county board; letter from William J. McCauley, District Attorney, Milwaukee, to author, Feb. 4, 1959; letter from Ronald D. Keberle, District Attorney, Wausau, to author Feb. 24, 1959. Lowest paid full-time district attorney in 1957 was \$6,000. Part-time District Attorney's salaries range from \$1,620 to \$5,600.^{47c} WIS. STAT. ANN. §20.930 (Supp. 1958).^{48a} WYO. COMP. STAT. §27-601 (1945).^{48b} WYO. COMP. STAT. §27-302 (Supp. 1957).^{48c} WYO. COMP. STAT. §1-113 (Supp. 1957).

TABLE 2

THE SALARIES OF THE PROSECUTORS, THE SALARY RANGES OF ASSISTANT PROSECUTORS, AND THE NUMBER OF ASSISTANT PROSECUTORS OF REPRESENTATIVE METROPOLITAN OFFICES

Prosecutor & District	Population	Salary of Prosecutor	Salary Range of Assistants	No. of Assistants	Jurisdiction
District Attorney ¹ Los Angeles (County)	4,151,687*	\$25,000	\$6,192-\$19,500	127	Crim.
State Attorney ² Dade County (Miami)	900,000**	19,000	5,500- 14,000	25	Crim. & Civil
State's Attorney ³ Cook County (Chicago)	4,508,792*	17,000	5,562- 15,450	117	Crim. & Civil
State's Attorney ⁴ Baltimore	949,708*	17,500	7,000- 11,500	16	Crim. & Civil
Prosecuting Attorney ⁵ Wayne County (Detroit)	2,435,235*	21,000	5,037- 18,000	57	Crim. & Civil
County Attorney ⁶ Hennepin County (Minneapolis)	800,000**	13,500	7,000- 11,016	14	Crim. & Civil
Circuit Attorney ⁷ St. Louis	856,796*	14,000	5,500- 10,000	18	Crim. (felonies)
District Attorney ⁸ Philadelphia	2,071,065*	18,500	4,000- 8,500	28	Crim.
District Attorney ⁹ Milwaukee (County)	871,047*	14,000	8,225- 12,000	12	Crim.
District Attorney ¹⁰ New York County (New York)	1,960,101*	32,000	3,780- 16,500	73	Crim.

Notes to Table 2

* 1955 estimate of population.

** 1959 estimate of population.

¹ Letter from William B. McKesson, District Attorney, to author, March 4, 1959.² Letter from Richard E. Gerstein, District Attorney, to author, March 16, 1959.³ Information obtained from State's Attorney's Office of Cook County.⁴ Letter from Saul A. Harris, Deputy State's Attorney, to author, Feb. 26, 1959.⁵ Letter from Samuel H. Olsen, Prosecuting Attorney, to author, Feb. 26, 1959.⁶ Letter from George M. Scott, County Attorney, to author, Feb. 24, 1959.⁷ Letter from Edward L. Dowd, former Circuit Attorney, to author, Feb. 25, 1959.⁸ REPORT OF THE DISTRICT ATTORNEY'S OFFICE OF PHILADELPHIA 45 (1956); letter from Victor H. Blanc to author, February 26, 1959.⁹ Letter from William J. McCauley, District Attorney, to author, Feb. 4, 1959.¹⁰ REPORT OF THE DISTRICT ATTORNEY'S OFFICE OF PHILADELPHIA 45 (1956).

