

Mr. Leon Ulman  
Deputy Assistant Attorney General  
Office of Legal Counsel

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Shiro Kashiwa  
Assistant Attorney General  
Land and Natural Resources Division  
Job Evaluation and Pay Review Task Force

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This will acknowledge your memorandum dated November 10, 1970, concerning the Job Evaluation and Pay Review Task Force and requesting my comments.

I understand that this Division has in prior years experienced some difficulty in recruiting and retaining highly qualified attorneys. This difficulty was aggravated by the Civil Service Commission standards, according to which the grade of the lawyer is determined by the complexity of the cases he is handed. Although this is a reasonable test, it is not reasonable to justify the same grade for an attorney in the referring agency writing a litigation report and a Justice Department lawyer preparing the same case for trial and trying it. These standards should be changed so that the trial attorney is given at least one additional grade.

In recent years, and mainly because of our responsibility in the environment and pollution field, we have been able to recruit some outstanding prospects under the present classification system. We do not anticipate any difficulty in retaining highly qualified attorneys until they have been promoted to GS-15. However, when an attorney gets to grade GS-15 (salary \$22,855) it takes 18 years to reach the top of the grade (salary \$29,752). Therefore, during that 18-year period, the attorney can receive an average raise of less than \$400 per year without regard to the difficulty of cases handled or the excellence of his services. After he reaches the top of

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grade GS-15 there is no hope for a raise unless one of the very few of our super-grades become vacant. Therefore, he may lose his incentive and motivation to continue outstanding work.

Of course, some lawyers will leave regardless of the pay structure to enter the private practice of law or live in other parts of the country. However, I believe if there were some way of awarding further recognition and compensation to an excellent attorney after he reaches grade GS-15, more attorneys would make the Government a career.

To satisfy this need, we have proposed on previous occasions the authorization of additional GS-16 grades to be awarded to "senior trial specialists." An alternative possibility would be to take attorneys out of the GS grade structure and put them on a pay system similar to the United States Attorneys. Under the latter procedure an attorney could be given a raise of \$1,000 or \$2,000 for performance of outstanding services. Whether done inside or outside the GS grade structure, the number of trial attorneys awarded such status, without assuming supervisory responsibility, would necessarily be limited.