

CYNTHIA M. MUSZYNSKI
Alpena County Prosecuting Attorney

Nancy A. Ward
*Chief Assistant
Prosecuting Attorney*

Julie A. Jackson
*Victim Assistant
Coordinator*

=====

MEMORANDUM

=====

TO: ALPENA COUNTY PERSONNEL COMMITTEE
FROM: CYNTHIA MUSZYNSKI, ALPENA COUNTY PROSECUTOR
RE: FILLING THE ASSISTANT PROSECUTOR POSITION
DATE: 08/26/24

=====

The Prosecutor's Office is requesting that the Personnel Committee allow the office to fill the fully funded assistant prosecutor position upon the selection of a preferred qualified candidate.

This employee would start at the base level salary rate for that position, which is \$64,663.34 with full benefits, as previously determined by this board.

The office is already restricted in its capacity to fully function due to the limited number of prosecutor positions currently funded by the County.

As stated in previous years, caseloads continue to weigh heavily on the office and substantial burnout for these high intensity topics forces turnover in key positions. When the workload is not spread over an adequate number of prosecutors and is coupled with salaries that simply do not compete with what other offices in Alpena County (particularly the public defender office) can afford to pay their attorneys, the future is dismal for this office, and thus, for the citizens of this county.

Public safety, healthcare and education are the pillars of a sustainable successful community. The leaders of this community are beholden with the responsibility of upholding this foundation. Job postings advertising employment opportunities which simply offer more work for less pay are not surprisingly getting filled, leading to further burnout of those who remain.

Please see attached letters of support, as well as further explanation of this overall crises.

26th CIRCUIT COURT

K. Edward Black
CHIEF JUDGE

720 W. CHISHOLM STREET, SUITE 1
ALPENA, MI 49707
(989) 354-9573



ALPENA COUNTY
MONTMORENCY COUNTY

August 15, 2024

Alpena County Board of Commissioners
720 W. Chisholm St.
Alpena, Michigan 49707

Re: Alpena County Prosecuting Attorney Office – Assistant Prosecuting Attorney

Dear Commissioners,

Please accept this letter as my support for Cynthia Muszynski's request to fill her open assistant prosecuting attorney position.

The office of the Prosecuting Attorney is a vital part of the criminal justice system. From my own personal experience, the office can successfully run with three attorneys. However, it cannot run with less than that for any significant length of time. It is simply unsustainable and will only lead to severe burnout.

The State of Michigan has essentially supercharged funding for the public defender system over the past few years. This has caused a substantial increase in workload for the entire criminal justice system, but especially for the Prosecuting Attorney. When you compound this increased stress with the lack of attorneys throughout the entire nation, I shudder to consider what may happen if the office does not have the proper number of litigators. What do we do if people get over stressed and just leave? Where do we turn? There simply are no other attorneys to replace an entire office. Again, this is not just a local problem, it is a national problem.

Should you have any further questions or concerns about his qualifications, please do not hesitate to contact me at your earliest convenience.

Very Respectfully,

A handwritten signature in blue ink, appearing to read "K. Edward Black".

K. Edward Black
26th Circuit Court Judge

NORTHEAST MICHIGAN REGIONAL DEFENDER OFFICE

ALPENA COUNTY
503 North Second Ave.
Alpena, MI 49707
Telephone: 989-354-2856
Facsimile: 989-278-2921
Email: defender@nemichdefender.org



MONTMORENCY COUNTY
12418 State Street
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Email: defender@nemichdefender.org

OSCODA COUNTY
P.O. Box 393 ~ 300 Morenci Ave
Mio, MI 48647
Telephone: 989-826-7225
Facsimile: 989-826-7911
Email: oscodadefender@nemichdefender.org

August 21, 2024

To the Alpena County Board of Commissioners,

Recently I learned that Assistant Prosecutor Beth Reed has resigned and will soon be leaving her employment with the Alpena Prosecutor's Office. As the Chief Public Defender, I had the opportunity to see firsthand that Ms. Reed is a skilled, dedicated and talented prosecutor. In response, I informed Ms. Muszynski that it will be exceedingly difficult to replace such talent. To my surprise, Ms. Muszynski advised that due to a recently enacted County wide hiring freeze, there is a possibility Ms. Reed's position may not be filled.

Notably, I had the privilege to work as an Assistant Prosecutor for Alpena County approximately 20-years ago. At that time, the Alpena County Prosecutor's office was staffed with four attorneys, Prosecutor Dennis Grenkowicz; Chief Assistant Judi Twarozynski; myself serving as an Assistant Prosecutor; and Juvenile Prosecutor Thomas LaCross. Respectfully, given the population of Alpena County, I am uncertain how Ms. Muszynski will be able to timely and effectively prosecute cases with only the assistance of Chief Assistant Prosecutor Nancy Ward. Such a task will be extremely difficult, if not impossible, given the volume of cases that are presided over by the three separate courts.

In conclusion, it is my hope that the Board does not extend the recently adopted hiring freeze to the vital and necessary position soon to be vacated by Ms. Reed.

Respectfully,

A handwritten signature in blue ink, appearing to read "Richard K. Steiger", written over a horizontal line.

Richard K Steiger
Northeast Michigan Regional Defender Office
Chief Public Defender

RS

Michigan prosecutors seek \$230M to address critical lawyer shortage and wage disparities

by Princess Jhané Stepherson
Mon, June 10th 2024 at 9:48 PM



Work is being done both inside and outside the Cass County Courthouse to restore the historic building. (WSBT photo)

TOPICS: [MICHIGAN](#) [PROSECUTORS](#) [LAWYER SHORTAGE](#) [WAGE DISPARITIES](#) [\\$230M](#) [LAW STUDENTS](#) | [>](#)

CASS COUNTY, Mich. — \$230 million, that’s the amount of money that prosecutors throughout the state of Michigan are asking the state legislature for. It’s something prosecutors say they need to get and keep more lawyers in their offices.

News channel 3 spoke with multiple prosecuting offices in the area, asking them all the same question: do you have a prosecutor shortage?

"Over the last four years, we've seen the shortage increase, and it's only gotten worse year a year," Allegan County Prosecuting Attorney Myrene Koch said.

"I've been in prosecution for four decades, and I can tell you, I've never seen a crisis like this in my entire career. We've had just a chronic problem the last three years. My staff has had a complete turnover, I've lost every attorney." Cass County Prosecuting Attorney Victor Fitz said.

Fitz and Koch have a combined total of more than 60 years in the legal justice system. They've seen a lot of horrifying cases in that time, but it's the recent years' prosecution shortage that has them worried.

- **Previous Coverage:** [Michigan needs more public defenders amid shortage](#)

They say it's a problem that stems from three things, the first is money.

"My staff is suffering from burnout. I've had individuals who haven't taken a break in over two years, and you know you don't become a prosecutor to get rich," Fitz said.

His Assistant Prosecuting Attorney Jason Ronning agrees.

"You're protecting the public, you're working with other government agencies," Ronning said.

Fitz added that public defenders are now making more than assistant prosecutors.

"Across the state of Michigan, the legislatures as well as our commissioners have voted against significant pay increases to indigent defense attorneys to the point where now a public defender makes two to three times as much as an assistant prosecutor," Fitz said.

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Michigan's yearly budget.

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Fitz gave News Channel 3 some statistics about where the general pay range is for assistant prosecuting attorneys in Kalamazoo, Berrien, Van Buren, Allegan, St. Joe and of course, Cass County. If city and state leaders increase monetary means, lawyers could see anywhere between a \$25,000 and \$73,000 raise.

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- **Education Data Initiative:**[Average Cost of Law School](#)

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- **Previous Coverage:** [St. Joseph County prosecutor warns of justice crisis due to severe staffing shortage](#)

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News Channel 3 is also told by both prosecutors that it would be great if the budget for their wages was given the same attention as public defenders. For example, Fitz says a public defender’s budget is now 31% higher than his while public defenders in Allegan County were given a budget of \$6 million and the prosecutor budget was given \$2.1 million.

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Michigan Government

New state funding not enough to solve shortage of prosecutors, counties say



Ingham County Prosecutor John Dewane is battling such a shortage of assistant prosecutors that he's resorted to interviewing candidates who haven't yet passed the bar exam. (Bridge photo by Dale Young)

 July 12, 2024

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New state funding not enough to solve ...



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- **The \$17 million budget appropriation will address prosecutor shortages in 15 counties**
- **The funding falls far short of the \$230 million county prosecutors requested**
- **The COVID-19 pandemic, low pay and high caseloads are factors contributing to the shortage**

Ingham County Prosecuting Attorney John Dewane is struggling to keep up with his caseload.

His office needs two more assistant prosecuting attorneys, but few are applying. During recent interviews with three applicants, two had yet to take their bar exam.

"That's the position we're in," Dewane said. "We are stuck with possibly hiring somebody that we don't even know if they're going to pass."

Michigan is suffering from a nationwide public prosecutor shortage due to underfunded positions. A \$17 million appropriation in the state's 2024-25 budget will fund grants to try to address the shortage in counties with high rates of violent crime.

Prosecutors across the state say the funding will allow those 15 counties to raise salaries of assistant prosecutor positions, attracting applicants and improving the legal services given to residents.

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But many argue it's not enough to solve the problem. In its initial budget proposal, the Prosecutors Association of Michigan, backed by Sen. John Cherry, D-Flint, asked the state for \$230 million.

Only 15 counties will receive grants, according to the association: Berrien, Calhoun, Crawford, Eaton, Genesee, Ingham, Jackson, Kalamazoo, Kalkaska, Kent, Luce, Muskegon, Saginaw, Schoolcraft and Washtenaw. Michigan's other 68 counties won't benefit from the allocation.

It's a boon for counties getting the funds. For example, in Ingham, Dewane currently doesn't have the resources to put his most experienced attorneys on every important case. This can slow criminal cases and impact the quality of the prosecution.

"The attorneys that I entrust trying murder cases are my most seasoned attorneys," he said. "If I don't have somebody who has that experience and I put somebody else in court, we may jeopardize the case."

The state grants are a step toward resolving a historical issue with the justice system, said Washtenaw County Prosecuting Attorney Eli Savit.

In today's cases, prosecutors routinely must sort through electronic evidence such as bodycams and online messages, Savit said.

"Virtually every case that we have is more time-consuming than it was in decades previous," he said.

[Adam Gershowitz](#), a professor of criminal law at William & Mary Law School in Virginia, published a [study](#) last year about a national prosecutor vacancy crisis. Michigan was included in the study.

Alongside workload reasons, he found other contributing factors.

Two of them grew out of the COVID-19 pandemic. It added to a backlog of cases and led to many people working from home, which is hard for prosecutors who are expected to be in court regularly, wrote Gershowitz.

That made prosecutor positions less appealing to potential applicants.

Despite the additional challenges, pay has remained flat due to budget constraints. In Ingham, like many other counties, assistant prosecutor annual salaries are funded at the local level and start at \$67,000. Similar entry-level positions start at around \$100,000 in the private sector, according to a [2023 survey](#) from the State Bar of Michigan.

Savit expects Washtenaw to receive around \$1 million from the new grant in October. He plans to use the money to hire two attorneys onto his team of 29 who can help work through the county's backlog of domestic violence cases.

Closing gap with public defenders

Savit said he hopes the funding stream from the Legislature will remain, but counties will need to identify another reliable funding mechanism for new positions.

Michigan prosecutors have been pushing for funding comparable to what public defenders receive from the state, said Christopher Becker, vice president of the Prosecutors Association of Michigan and Kent County prosecuting attorney.

A [budget report](#) from the Michigan House Fiscal Agency shows a \$260 million appropriation for indigent defense grants — 15 times the \$17 million allocated to address the prosecutor shortage. Public defenders received \$190 million last year.

Many small county prosecutor's offices receive far less local funding compared to indigent defense state funding, Becker said. This discrepancy may lead to more plea deals and less prison time for criminals charged in rural counties.

This is the second year prosecutors have received state funding, which went to only five counties in 2023. Michigan prosecutors hope their annual funding will continue to increase, Becker said.

"These grants are a start," he said. "Hopefully, this will lead to more equitable funding to make sure there's a level playing field."

David Barberi is the prosecuting attorney of Isabella County, which is not expected to receive funding from state grants. Although he understands the state's limited support, his office's workload has become overwhelming. At the end of the year, he is leaving his position to work at his family's private firm, where he expects to have half his prosecutorial caseload, with higher pay.

"We'll see zero of that 17 million, it's just going to help comparatively well-funded major crime areas in the state," he said. "But I think it's certainly a step in the right direction."

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Michigan prosecutors asking legislature for help alleviating 'desperate shortage' of attorneys



By [Ann Emmerich](#)

Published: May. 28, 2024 at 6:32 PM EDT



LANSING, Mich. (WILX) - Prosecutors play a vital role in bringing criminals to justice. But across the country, it's getting harder for prosecutor's offices to hire attorneys.

In Michigan, prosecutors are asking the legislature for \$230 million to alleviate what they call a "desperate shortage" of lawyers.

It's a crisis that not only taxes those doing the job but also affects the victims they are fighting for.

Violence takes lives and changes lives—Just ask Quantel McKissic. Back in August of 2021, he was a passenger in a car when someone shot his cousin in the head while he was driving. McKissic took a bullet through his upper arm.

"Like everything happened so fast," said McKissic. "So, I barely got time to react."

That one moment would consume the next few years of this young man's life. While his body healed, his mind struggled.

McKissic said, "So overwhelmed. At first, I felt like why would somebody do this, and I got this crazy urge like guilt, like kind of survivor's remorse."

McKissic suffered from PTSD. The challenges of using his arm made it tough to earn a living. He finally received crime victim compensation from the state. It's money the prosecutor's office helped him fight for, one of the many things assistant prosecutors do as they deal with increasing caseloads.

Ingham County Prosecutor John Dewane discusses the issue of his office not keeping assistant prosecuting attorneys.

"I was appointed back in January of 2023. Over the last 15 months, I've lost ten assistant prosecuting attorneys. So almost one per month," said Dewane.

each step, ending at roughly \$116,000.

Dewane said, "And these attorneys are leaving for federal jobs; in those instances, the feds pay almost \$20,000, \$30,000 more a year. I have APAs that have gone to the Attorney General's office for more pay. And then I have more that have gone laterally to smaller counties," said Dewane. "And yeah, I can't fault them for that if they're going to make more money, it's a significant amount of money."

Frustration from a prosecutor who has nine assistants working about 10,000 cases a year. When one leaves, it puts a burden on the others, and it's not easy to find replacements.

"So usually I'm bringing in attorneys with one year experience, sometimes I'm having attorneys just out of law school. And I have recently hired somebody that hasn't even passed the bar yet, that's how difficult it is at this time," said Dewane.

And he's not alone. The Prosecuting Attorneys Association of Michigan says fully-staffed prosecutor's offices are the exception, not the rule. The group is appealing to state lawmakers for more money to keep salaries competitive.

"I don't think really any of us chose this profession to get rich, right? We did it because is a calling and we want to protect our citizens and seek justice and protect victims," said Dewane.

"There are way more victims and survivors of crime than there are those serving victims and survivors," said Priscilla Bordayo from the Michigan Crime Survivors for Safety and Justice.

Bordayo is a victim's advocate. She stands "side by side" with people traumatized by crime as their case moves through the courts. She says prosecutors can't do everything and could use more support from the community. She said, "I think one of the solutions could be more collaboration and partnerships with local non-profits. I think also focusing on prevention, trauma recovery centers and implementing those in our area."

Bordayo helped Quantel McKissic get the help he needed to recover. He said, "She's been a complete, a great blessing."

McKissic may not have found justice, but he is moving forward.

He's turned the building he bought before the shooting into a southern-style restaurant. It's an emotional time because he misses his cousin, who was killed beside him. "He was my food taster, my support."

However, McKissic is thankful for the prosecutors and advocates who had his back during a difficult time. He said, "If this can happen to me, it can happen to anybody."

The Prosecuting Attorneys Association of Michigan is hopeful state lawmakers will include more money for county prosecutors when the state budget is finalized this summer so they can retain attorneys and add even more.

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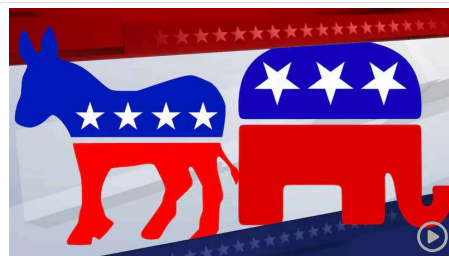
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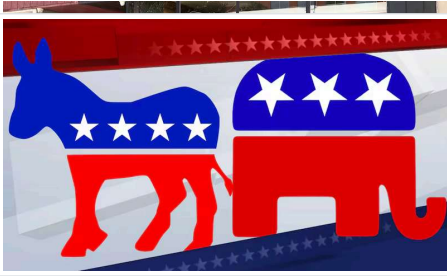


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Michigan prosecutors seek \$230M to address critical lawyer shortage and wage disparities

by Princess Jhané Stepherson

Mon, June 10th 2024 at 9:48 PM



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- **Previous Coverage:** [Michigan needs more public defenders amid shortage](#)

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Michigan's yearly budget.

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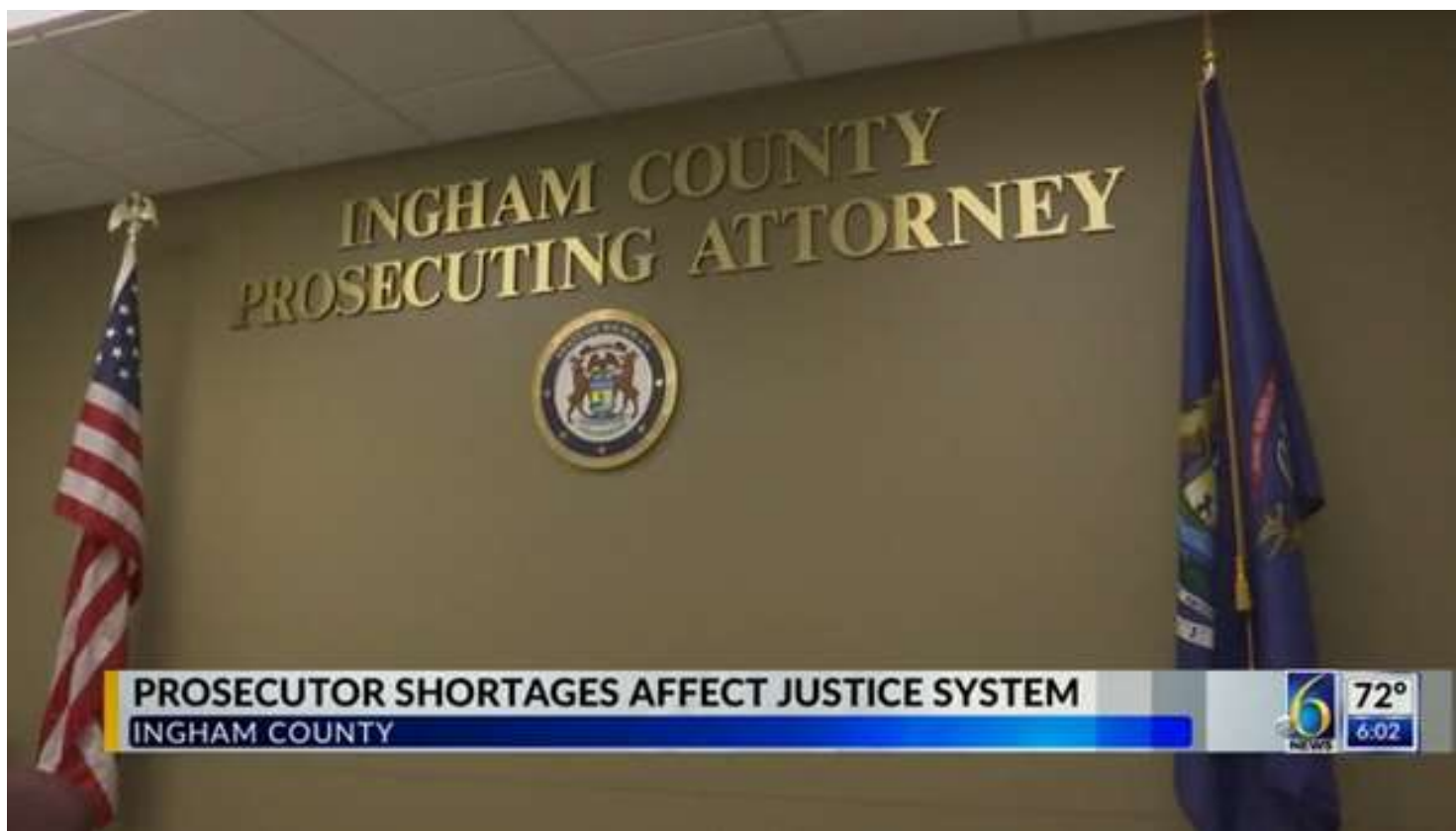
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NEWS

Prosecutor shortages affecting the justice system

by: [Rachel Ramsey](#)

Posted: Jun 12, 2024 / 07:15 AM EDT

Updated: Jun 12, 2024 / 07:15 AM EDT

SHARE    

LANSING Mich. (WLNS) – There's a shortage of prosecutors around Michigan and it's creating longer waits in the justice system.

Ingham County prosecuting attorney, John Dewane talked about just how serious this shortage really is.

"I've had 10 assistant prosecuting attorneys depart my office for other jobs," Dewane said.

That's 10 employees gone within a year and a half according to Dewane. He accredits prosecutor's pay not matching the heavy workload as one of the reasons they're seeing this shortage.

"We're being asked to do more with less. The assisting prosecuting attorneys in my office aren't being compensated what they're worth and the amount of time they're putting in," Dewane said.

Dewane said that right now they have 2 openings for prosecutors, one of those has been up for more than a year. He said that 10 years ago, they would see 25 applicants per position. So what changed?

"We just don't have law students applying for jobs. When you come out of law school you have a significant debt. And a government job doesn't offer the same amount of benefits or money that a private sector does," Dewane said.

The prosecuting attorney said that's not the only reason.

"I think post George Floyd and some of the other horrific deaths that occurred in our country. That people didn't want to get into the government job and become law enforcement. Either a police officer or a prosecutor," Dewane said.

While Ingham County's prosecuting office filled 5 spots this year, the constant turnover makes for a never-ending training process.

"We've hired people who haven't even taken the bar exam. That's how bad it has gotten, so yes when you bring in a new prosecutor, there's that training window that you need to have. It's usually one to two years of training," Dewane said.

For the community, this means the justice system is moving much slower.

"We're seeing cases backed up 2 to 3 years. It's not uncommon now to have a homicide case not go to trial for 2 to 3 years." Dewane Continued, "Without having enough prosecutors that are highly trained to do these types of cases, the community suffers and our victims suffer. "

Dewane said that the prosecution is county-funded but the defense is state-funded. Which he said has created issues with unequal resources. There is proposed legislation that would provide more funding to County prosecuting offices. Clinton, Eaton, Shiawassee, and Jackson County's prosecuting attorneys also confirmed that they are seeing.

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West Michigan prosecutors face shortage, seek state funding to boost recruitment

by Tylor Brummett | News Channel 3

Thu, June 13th 2024 at 8:39 PM

Updated Thu, June 13th 2024 at 8:52 PM



May 25, 2023 (Philip Gawel/WWMT)

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KALAMAZOO, Mich. — There's a major shortage in the number of prosecutors in West Michigan and the Prosecuting Attorneys Association of Michigan plans to discuss the problem during meetings Thursday and Friday.

Kalamazoo County Prosecutor Jeff Getting is the president of the group. He says the problem has been getting worse for years not just in Michigan, but across the country.

Getting says there are 42 openings in 33 counties across the state. This is causing prosecutors to work longer days to get the job done.

"We have multiple people in the Kalamazoo County Jail who've had cases pending for more than 2 years," Getting said. "It impacts our ability to prove the case, it impacts the victim's ability to get justice, it costs our community more, because we have these people stuck in our jail waiting for trial."

Earlier this week, we told you prosecutors across Michigan want \$230 million to bump up the pay for prosecutors. Getting says recruiting students is more difficult because of the cost of law school.

- **Previous coverage:** [Michigan prosecutors seek \\$230M to address critical lawyer shortage and wage disparities](#)

"The debt that they're carrying coming out of law school stops people in their tracks," Getting said. "If you're thinking about, what am I going to do, and where am I going to be when I start. If you're starting in a hole that's \$160,000 deep, sometimes you think 'is law school really right for me?'"

For those who graduate law school, Getting says they're typically getting to higher paying jobs.

"In order to work as an assistant prosecuting attorney, you have to accept that you're going to make less than your counterparts in private practice, while still carrying the same amount of debt," Getting said.

Getting said these conversations have been going on for a while and he hopes lawmakers will come to the table to help them out.

Conversation

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Prosecuting Attorney shortage in Ingham County



By: Larry Wallace

Posted 8:13 PM, Jun 20, 2024

excited to become a member of your community. I'm originally from Detroit, so I know what it takes to be a Michigander.

- Nationally, there's been a shortage in Prosecuting Attorneys.
- The Ingham County Prosecutor's Office has been hit with that shortage. We're told in 18 months, the Prosecutor's Office has lost 10 attorneys.
- Watch video above to see how this shortage is impacting the Ingham County Jail.

18 months on the job, and Ingham county prosecutor John Dewane said he's seeing a growing concern.

"I've lost 10 prosecuting attorney's to higher paid jobs," Dewane said.



Dewane said his office has come up with ways to recruit and retain more assisting prosecuting attorneys, but it hasn't been easy, and with the starting salary being around \$67,000, getting attorneys with experience is another challenge.

there's typically one to two years of experience, so it's that learning curve," Dewane said.

The shortage is putting a burden on Dewane and his employees, increasing the work load and slowing down processes.

"Without being fully staffed, we are not able to fully provide services to our community and ensure we hold people responsible for their actions," Dewane said.

This means inmates are spending more time at the Ingham County Jail.

"Our deputies are asked every day, hey deputy when's my next court date, hey deputy, when am I getting out of here? So, the inmate population wants to know what's next," said Ingham County Undersheriff Andre Bouck.

