

Public defenders want higher pay

HUNTSVILLE, Texas (AP)—Once David O'Neil uses up a few weeks of extra vacation and compensatory time, he no longer will be the top public defender for indigent Texas prison inmates.

Yet he still could owe 30 more days to the state: in jail on a contempt charge in a dispute over working conditions in his department.

O'Neil, head of the trial division at the State Counsel for Offenders, says low salaries for his 10 staff attorneys promotes attrition and erodes prisoners' chance of justice when they are charged with crimes behind bars.

Lawyers who defend inmates make less than those who prosecute them, and they also work for the agency that brings charges against the inmates in the first place.

"I can't work under these conditions," said O'Neil, who technically remains chief of the trial division until he begins teaching at Sam Houston State University in September. "With the turnover we have, I'm forced to make ethical decisions that A, I shouldn't have to face and; B, are situations our clients shouldn't have to be put into."

Two of O'Neil's crusades have borne fruit — lawyer salaries have increased and the state counsel is poised to win independence from the

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prison system in a board vote later this month.

But it is too little, too late for O'Neil and seven of his staff attorneys, who

have either left or have announced their resignations.

"Someone else is going to have to do it now," said O'Neil, a former Marine lawyer. "I've spent five years fighting this."

A yearlong salary dispute came to a head last summer, when O'Neil said the Texas Department of Criminal Justice refused to approve increased salaries for new attorneys to defend convicted sex offenders against civil commitment cases brought under a new law.

"They said to hire them at \$37,000," O'Neil said, referring to the approximate figure made by all state counsel trial lawyers. "My point was that it was going to set up constitutional problems. It's clearly ineffective assistance of counsel."

Lawyers for the Special Prosecutors Office, which represents the state in inmate cases, make between \$48,000 and \$62,000 and have use of a vehicle, an imbalance that O'Neil says is not fair to inmates. Prosecutors, who are paid from a gubernatorial grant and work for individual counties, counter that

prison defenders have superior state benefits and can do private-practice work using generous comp time.

O'Neil considered the TDCJ's interference to be a conflict of clients' interest "inasmuch as our office was being run by TDCJ," so he immediately withdrew from two unrelated cases last fall. A judge in one case was sympathetic, but gave the prison board time to rectify the pay flap.

The solution was the appointment of a legal-issues liaison. That led to a salary reclassification in October that proposed a \$5,000 pay increase to about \$42,000 a year.

Critics say O'Neil wanted his office to be treated differently than any other group of attorneys in Texas.

"They wanted not just a pay increase, but a whole pay structure for their office that, to some extent, TDCJ people thought was stupid," said Carl Reynolds, general counsel for both the prison system and the board that oversees it. "It's just not good management."

O'Neil announced his resignation in January.

Sports in Brief

Sports info. office receives awards from CoSIDA

The Texas A&M sports information office walked away from the annual College Sports Information Directors of America (CoSIDA) Workshop in St. Louis, Missouri, with 13 regional and national honors.

A&M received three Best in the Nation awards for the Cross Country Media Guide (multi-sport division), the Cross Country Media Guide Cover and the Volleyball Media Guide Cover.

The women's soccer, women's volleyball, cross country and track and field media guides all finished second in the nation. The football media guide finished fifth nationally, and the men's basketball media guide finished seventh.

The overall number of awards placed the A&M office fourth nationally, while assistant athletic director for media relations Alan Cannon was named the second vice-president by his peers in the CoSIDA organization.

Tennis signee loses match at Junior Wimbledon

Texas A&M's men's tennis signee Tres Davis lost his second round singles match in the junior portion of The Championships Wimbledon on Tuesday at The England Lawn Tennis and Croquet Club in Wimbledon, England.

Davis, the United States' No. 2 singles player in the junior portion, dropped a straight-set match to Slovakia's Andrej Krajan, the tournament's fifth seed, 6-2, 6-1.

Davis won his opening round singles match against Zimbabwe's Dumiso Khumalo in the first set (4-6, 6-4, 6-4). He was one of four Americans to play in a singles field of 64 and one of two Americans to advance to the second round.

The Wimbledon experience was not yet over for Davis, the United States' No. 1 doubles player, will team up with Australian Adam Kennedy in the 27th doubles draw on Wednesday. The fifth-seeded duo received a first round bye.

Teachers reconsider bonus salary system

CHICAGO (AP) — What if a teacher got docked every time a child brought home a "D," or perhaps the principal's favorite received a \$2,000 bonus? Such possibilities make teachers wary of linking their pay to performance instead of seniority.

But as a teachers' union meeting in Chicago began reconsidering longtime resistance to bonus systems, another union reported Tuesday from Philadelphia that teachers still get paid much less than other professionals.

"The teaching profession often isn't even in the horse race," said Sandra Feldman, president of the American Federation of Teachers, at a news conference in Philadelphia.

In the 1998-99 school year, the average teacher made \$40,574, the AFT said in its annual salary report.

New Jersey teachers had the highest average pay, \$51,692, while South Dakota had the lowest, \$28,386. In New York, the average pay was \$49,686, up 4.7 percent from 1997-98; California averaged \$46,326, up 3.9 percent; Texas, \$34,448, up 2.5 percent.

The union contrasted teachers' pay with that of other white-collar jobs including engineers at \$68,294 on average and computer systems analysts, \$66,782. The AFT represents less than half of the nation's 3.1 million teachers, but surveyed state departments of education for its report released at its biennial meeting. The union also on Tuesday backed a proposal for mandatory testing of teachers.

The pay disparity between teachers and other professions has fueled the debate over linking teacher pay to performance. In Chicago at the annual meeting of the AFT's larger rival, the National Education Association is slated to vote Wednesday on how to handle bonus plans when its members bargain with school districts. The NEA, historically against pay for performance, examined its policy — concluding it may at least help local units do the research needed to decide whether to accept a plan in a contract.

A handful of states offer rewards used for computers or training, not

teacher pay. But recent demands for higher standards often are accompanied by calls for teacher cash incentives. Some have even been proposed by the two leading presidential candidates.

Such plans mean teachers' higher salaries or bonuses if they are judged to be good at what they do, accept extra or difficult assignments, mentor others on how to become more effective, or more creatively, have students who score higher on tests.

Performance pay supporters blame salary gaps with other professions on unions — which usually negotiate members' salaries based on many years they've spent in the classroom or whether they have a master's degree.

"Engineers and computer scientists who cannot do the job are usually let go while the successful ones earn high salaries," said Lisa Bishins, a spokesperson for the Center for Education Reform. "This is the case for teachers."

John McDonald, a Dearborn, Mich., college professor and president of organized higher education faculty there, said contracts designed to help workers, not schools: "Tenure does not grant protection for the incompetent. We do want people to have a fair shot. You ought to be able to have your contract in court."

Some local chapters of teachers' unions have abandoned or scaled down pay based on seniority in cities like Denver. Cincinnati made headlines last month when it became the first public district to replace its pay-by-seniority scale with pay based on performance. That system is far from simple. Teachers would be rated in different areas, every five years, by principal and an advanced teacher then placed into five categories of pay accordingly, from \$30,000 to \$62,500.

But the national organization has yet to embrace the idea. Many members oppose the change as unfair, saying it is unfair to teachers



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