AGAC and NAAUSA Working Together to Eliminate AUSA Pay Disparity

As reported in the last issue of the NAAUSA News, the Attorney General's Advisory Committee (AGAC) has agreed to NAAUSA's request to be closely involved with the AGAC Subcommittee on Management, People and Performance in the review of AUSA pay disparity.

On November 14, NAAUSA President Larry Leiser, Vice President Steve Wasserman, Counsel Bruce Moyer and Treasurer Adam Hanna (via teleconference) met with U.S. Attorney Peter Deegan, Chair of the Subcommittee and several members of the EOUSA staff to discuss AUSA pay. At the meeting, NAAUSA was provided with a paper reviewing past studies of the differences between GS attorney pay and AUSA pay and the steps EOUSA has taken to bolster AUSA pay. EOUSA has concluded that since 2016, the disparity in pay between GS attorneys and AUSAs has narrowed.

NAAUSA disagreed with that conclusion and detailed the inaccuracies in a November 25, 2019 letter to the Chair of the Subcommittee which is reprinted beginning on page 6. The letter included a chart (reprinted on page 8) from Table 39 of the DOJ Fact Book which details the dollar differences in pay between GS attorneys and AUSAs, by years of experience.

The EOUSA explanation for why GS attorneys are paid more, averaging the pay of all DOJ attorneys, than AUSAs, again averaging the pay of all AUSAs, is that most GS attorneys are employed in Washington DC which has a higher locality percentage rate than AUSAs, many of which are employed in locations with lower locality percentage rates.

EOUSA acknowledged that AUSAs hired with two to three years of experience were paid less than GS attorneys for the first seven to 14 years of their DOJ careers. Because NAAUSA has not been provided the data needed to support EOUSA's statements, NAAUSA has asked DOJ to provide recent salary data for all attorneys, including grade, basic pay, locality payments, years' of experience and years since last degree.

Congress and President Support Providing 12 Weeks Paid Parental Leave to Federal Employees

The 2020 National Defense Authorization Act, which the House approved, on December 11, extends family leave benefits to federal employees for the first time. The new benefit offers 12 weeks of paid leave for federal workers to care for a newborn, adoption or fostering of a child. The provision only applies to workers who have worked for the government for at least a year, and mandates that they must stay for at least another 12 weeks after their return, though this requirement can be waived if the parent or child suffers an uncontrollable medical issue that prevents the parent's return to work. If the NDAA passes

Although the bill is far less generous than Democrats wanted, it is still a major expansion of benefits for federal employees. The Democrat passed bill in the House included paid time off to care for a child, parent or spouse with a serious health condition or when a family member is deployed for military duty, all of which was included in the House passed bill. Military families were granted 12 weeks of paid parental leave in 2016 by Secretary of Defense Carter.

NAAUSA has written several letters to Congress in support of the paid parental leave provision, and in one of the letters to Congress, noted that a recent survey of fifty-eight major law firms, the majority offered 16 or more weeks of paid parental leave. Every law firm surveyed offered at least 8 week of paid parental leave. NAAUSA will now concentrate its efforts on ensuring that all AUSAs, regardless of the office where they work, access to compressed work schedules, flextime and telework.
Proposed Rules Promote the Firing of Poor Performers

The Office of Personnel Management has issued proposed personnel rules that, if finalized, will speed-up the process for imposing performance improvement plans and firing poor performers. The rules reflect the Trump Administration’s desire to streamline the steps for disciplining employees and introducing greater employee accountability into the federal workplace. The proposed rules were announced in mid-September with a 30-day comment period that has expired. They could become final soon.

Here are the key features of the proposed rules:

First, the new rules limit the length of agency performance improvement plans (PIPs) for poorly-performing employees to 30 days. Previously, PIPs could stretch to as long as 120 days to permit the demonstration of acceptable performance.

Second, the new rules make clear that an agency is not required to use progressive discipline in connection with adverse actions taken against employees. Further, suspension should not be a substitute for removal where removal may be appropriate. Agencies need not create or honor tables of penalties to address misconduct, the new rules note. Disciplinary action should be calibrated to the specific facts and circumstances of each individual employee’s situation “to promote the efficiency of the service” as the law requires.

Third, the new rules speed-up the agency firing process. They require agencies to issue decisions on proposed removals within 15 business days of the end of the employee reply period following a notice of proposed removal.

Finally, the new rules prevent agencies from erasing, removing, altering or withholding information from an employee’s personnel file as part of a settlement or agreement. Such agreements have traditionally been referred to as “clean record” agreements. The new rules would still permit agencies to correct inaccuracies in an employee’s personnel records or remove references to illegal actions taken against an employee.

The proposed rules may be found at 84 Fed. Reg. 48794 (proposed September 17, 2019).

Changes Made to Federal Long-Term Care Insurance Program (FLTCIP)

Beginning October 21, 2019, the FLTCIP included a premium stabilization provision which OPM said “is designed to reduce the potential need for future premium increases.” The new provision is included in FLTCIP 3.0. FLTCIP 1.0 was started in 2002, FLTCIP 2.0 coverage started in 2010. Federal employees currently enrolled in the program could re-enroll to take advantage of the FLTCIP 3.0 but their premiums would be based on their current age rather than the age when they originally enrolled. Benefits for care provided by family members is limited to 500 days. The FLTCIP is portable and guaranteed renewable, which means you can continue to keep your coverage as long as you pay your premiums. The FLTCIP provides benefits for covered services you receive outside of the United States.
Dear AUSA Colleagues:

As you all well know, being one of the nation’s 6,200 Assistant United States Attorneys is a great honor and responsibility. Being an AUSA is a unique opportunity, not only to represent our country but also to assure that justice is well served. Just ask any of your former colleagues, and they will all tell you that “being an AUSA was the best job I ever had.”

While some of us will make being an AUSA a career, others may hold the position for a shorter period. Regardless, we must never lose sight of the fact that all of us as AUSAs, in a very special way, are in this together.

Our collective aspirations as AUSAs are represented by a terrific organization – the National Association of Assistant United States Attorneys. NAAUSA is the sole voice of AUSAs within the Department of Justice and before Congress. NAAUSA is not a union; the organization is officially recognized by the Department of Justice as an employee association representing the interests of AUSAs. No AUSA should have reservations about joining NAAUSA. By becoming a NAAUSA member, you are expressing support for NAAUSA’s efforts for better pay and benefits for yourself and all AUSAs.

Right now, NAAUSA is engaged in discussions with the Department to assure that AUSA pay levels are equivalent to those of all other Department attorneys. As you may know, many AUSAs are not paid equally to other DOJ attorneys (BOP, FBI, ATF, DEA, DOJ) with the same experience. Your NAAUSA membership will help us to continue the fight and eliminate that disparity. By becoming a NAAUSA member, you will increase NAAUSA’s influence. Your membership truly matters.

Life is full of choices. I ask you not to stand by and let other AUSAs fight the pay issue without lending your support and being counted as a NAAUSA member. I invite you to become a NAAUSA member. Our dues of $6.25 per pay period is about the cost of one visit to Starbucks. More importantly, as an AUSA you will be making a lasting investment in your future pay and benefits.

Please become a NAAUSA member today. For doing so, we will send you a handsome AUSA lapel pin and a NAAUSA sticker that you can proudly display outside of your office or on your car. Please go to the membership page of the website: www.join.naausa.org and complete the application. It only takes about two minutes to join. You will be glad you did.

Larry Leiser (AUSA, E.D. VA)
President, NAAUSA

---

Use the NAAUSA Member Discount on FEDS Professional Liability Insurance

$10 Discount Code: NAAUSA

The emotional toll that a judge’s evidentiary ruling or misconduct allegation can have on an AUSA, who is conscientiously and in good faith carrying out duties, is an unhappy reality of public service.

Any attorney who represents him or herself has a fool for a client.

Especially since that attorney has access to liability insurance at just $145 per year because NAAUSA successfully persuaded Congress to include AUSAs in legislation, P.L. 106-58, authorizing federal agencies to pay up to half the cost of your professional liability insurance.

Enrollment takes just 5 minutes!
Call 866.955.FEDS or www.fedsprotection.com

---

N A A U S A  N E W S • D E C  2 0 1 9
LexisNexis Announces Significant new Products for AUSAs

The new CALR 5 LexisNexis contract is in place and there are some exciting product additions now available to you. New additions to the contract include:

Lexis Advance CourtLink®: Lexis Advance CourtLink, allows researchers to search millions of federal, state, and local court dockets and documents. With the largest collection of full-text dockets, single search technology, and timely alerts, they can monitor developments in new and ongoing cases, review past litigation to inform case strategy, and perform due diligence. Lexis Advance CourtLink will be accessible from the product switcher on Lexis Advance and you will no longer need a separate CourtLink ID/password. It will be available to all USDOJ users in 2020.

Until migration you will still use https://courtlink.lexisnexis.com.

Lexis Medical Navigator®: Quick access to the premier medical and legal information necessary to evaluate the complex issues surrounding medical malpractice cases, medical claims, and expert witness testimony. This end-to-end solution is built around critical legal case management tasks involving medical issues, from research and standard of care analysis to legal analysis. By combining case facts with unmatched medical, scientific, verdicts, and settlements content, Medical Navigator provides vital insights that will empower Government users to rapidly and intuitively formulate winning strategies with confidence. Lexis Medical Navigator is accessible from the product switcher on Lexis Advance.

Context®: Lexis® Context is a litigation analytics platform which delivers insights into the most persuasive language for a judge and the most critical information on an expert witness. This end-to-end solution is built around critical legal case management tasks involving medical issues, from research and standard of care analysis to legal analysis. By combining case facts with unmatched medical, scientific, verdicts, and settlements content, Medical Navigator provides vital insights that will empower Government users to rapidly and intuitively formulate winning strategies with confidence. Lexis Medical Navigator is accessible from the product switcher on Lexis Advance.

Lex Machina®: Lex Machina is a Legal Analytics tool that allows users to reveal insights about judges, lawyers, parties, and the subjects of the cases themselves, culled from millions of pages of litigation information. This means DOJ users will be able to see statistics for litigation trends of different venues, judges, law firms, and parties, including case- and issue-specific case outcomes, timing analytics, damages, findings, and motion grant/deny rates for judges. Lex Machina helps you answer questions such as “how long will this case take to get to trial” and “what are my chances of success?”

For an ID/password for Lex Machina please contact Sharae Scruggs: sharae.scruggs@lexisnexis.com or Sherrill Dresnin: sdresnin@leximachina.com.

Telephonic training will be available when you receive your ID. Lex Machina offers weekly telephonic training sessions. Individual training sessions are also available with Sherrill Dresnin, Lexis Machina Customer Success Manager.

Law360®: To further empower DOJ attorneys, specialists, and researchers to stay informed of the latest news, policy developments, and expert legal analysis on 54 areas of the law, LexisNexis provides Law360 news. This premium and exclusive service delivers access to timely news and newsletters, and a deep archive of more than 160,000 articles. Law360 results will also be available in your Lexis Advance results. Law360 is available to everyone at the USDOJ.

Law360 can be accessed from the product switcher on Lexis Advance without a separate ID/password. Users can access Law360 on the DOJ VPN or network. However, a Law360 ID/password allows users to read stories in newsletters in email. For an ID/password please contact Sharae Scruggs: sharae.scruggs@lexisnexis.com. For training please contact: customerservice@law360.com or training@law360.com.

DOJ users will have continued access to:

Primary and Secondary Law: Critical historical insight into legal issues with our extensive archival coverage of case law, statutes, law reviews, admin, treaties, and administrative materials.

Public Records: LexisNexis maintains the marketplace’s largest collection of public and proprietary records, with more than 82 billion records from more than 10,000 individual sources. This unmatched collection enables DOJ researchers to more effectively gain insight into persons of interest; locate witnesses; conduct fact claim-reviews and checks; understand the non-obvious connections between people, businesses, and assets, and more.

News: The unrivaled breadth and depth of LexisNexis news and business coverage not only gives DOJ users insight into current events – it incorporates a historical perspective into the context of the bigger picture. Top national, regional, and local newspapers in full text, including many publications frequently referenced by DOJ researchers such as The Washington Post, The New York Times, The Los Angeles Times, The Chicago Tribune, and USA Today.

For training on LexisNexis products available to you including Lexis Advance, Lexis Advance CourtLink, Context, and LexisNexis Medical Navigator, please contact LexisNexis Government Solutions Consultant, Marie Kaddell at marie.kaddell@lexisnexis.com.

For other questions please contact your LexisNexis Client Manager, Sharae Scruggs: sharae.scruggs@lexisnexis.com.
Can I have one of those?

Can you ever eliminate monthly payments?

Probably not; I’d imagine that even billionaires like Bill Gates and Warren Buffett have monthly utility bills, cell phone bills too. Monthly billing is a fact of life, for your whole life. We pay these bills with the money we receive from periodic payments. Usually a bi-weekly paycheck.

The reality of monthly bills is an important consideration when resolving FTCA litigation. This was illustrated in two recent settlements Fazio national was involved in. They may surprise you.

The first case was a wrongful death claim with a surviving spouse and a surviving child. You might surmise that this was a very large case. It wasn’t. The total settlement was $250,000. The obvious approach was to use a Structured Settlement for the surviving child and give the surviving spouse, the child’s mother, cash.

We were asked to provide Structured Settlement ideas for the child which included items such as; small monthly payments, semi-annual payments for college tuition, and lump sums as the child grew into adulthood. Mom reviewed our ideas and asked: “Can I have one of those?”

Mom had monthly bills that she needed to pay, and as far as she knew those monthly payments weren’t going away anytime soon. Mom used a Structured Settlement for her portion of the recovery (just under $100,000) for lifetime monthly payments.

An FTCA case does not need to be catastrophic with millions of dollars in damages for a Structured Settlement to be an attractive option for the claimant. Have your broker run some numbers for you before making settlement offers. Incorporate Structured Settlements when you make an offer.

The second case involved medical malpractice and ongoing monthly medical expenses, which may lead you to believe that the case was larger. It was, but not as large as you might think, $350,000 total settlement.

Initially the case wasn’t considered a candidate for a Structured Settlement. It involved an adult, there were lifetime medical expenses, but they weren’t very large. The decision was made to place the settlement funds into a medical trust. That’s when the trouble started.

The reason you can trust a trust company is that you’re paying them. They have the expertise and infrastructure in place to manage the money without you having to worry about it. The problem in this case was that the trust fees were too high. It’s not a good financial decision to pay more in trust fees than you’re spending on medical care.

The medical trust option wouldn’t work. Fees than you’re spending on medical care. Good financial decision to pay more in trust fees. It’s not a good idea to spend more on insurance than you’re spending on medical care. The medical trust option wouldn’t work.

The claimant, a retired man, wondered what would happen if he outlived the money. In ten or fifteen years the money might be expended and then what would he do if he needed treatment?

The solution? A Structured Settlement annuity. The Structured Settlement provided a payment every month for life. If the claimant lived to be one hundred his payment would arrive allowing him to pay for the treatment he needed. In the event of his premature death the government held a reversionary interest in any remaining payments.

The reality of monthly bills is an important consideration when resolving FTCA litigation. Prior to making a settlement offer contact your broker to discuss the case and see about having some Structured Settlement quotes completed. Your broker should always be willing to discuss the case and provide quotes free of charge.

Don’t ask the claimant or their attorney if they are interested in a Structured Settlement without providing a quote.

Do confirm that your broker is on the current DOJ list. Be sure to ask your broker for written proof of licensing, errors & omissions insurance, and fidelity bond.

Sign-up for Fazio National training on Structured Settlements in early 2020. Send an email to denis@naausa.org with the subject “Structured Settlements” and you will receive an email invite when the training is announced.

Bill Fazio is a Settlement Consultant with Fazio National and he is currently on the list of Annuity Brokers Established Pursuant to Section 11015 of the 21st Century Department of Justice Appropriations Authorization Act.

Bill can be reached at (800) 797-1890 or bill@fazionational.com

Congress Reaches Deal on Appropriations to Avoid Government Shutdown

As this issue of the NAAUSA News was in final production, Congress announced agreement on the twelve annual appropriation bills which fund the entire government. Details will not be announced until Monday, December 16. The Financial Services and General Government appropriations bill usually includes the federal employee pay provisions. The House passed version of the bill includes a 3.1 percent pay increase, 2.6 percent overall and a 0.5 percent locality increase. The President proposed a 2.6 percent increase, which does not include a locality pay increase.

The FY 2020 request for the United States Attorneys was for $2,254.5 million, which included a request for an additional 23 AUSAs. The House and Senate have agreed to provide $2,278 million for FY 2020 for U.S. Attorneys, a $66 million increase above the FY 2019 amount. The funding includes $48.34 million to continue the focus on Adam Walsh Act investigations and prosecutions related to the sexual exploitation of children. This funding also includes $60.5 million to continue efforts to combat cybercrime and intrusions.
November 25, 2019

The Honorable Peter Deegan, Chair
Management, People & Performance Subcommittee
Attorney General’s Advisory Committee
111 7th Ave SE, Box #1
Cedar Rapids, IA 52401-1825

The Honorable BJay Pak, Vice-Chair
Management, People & Performance Subcommittee
Attorney General’s Advisory Committee 6
00 Richard B. Russell Federal Building
75 Ted Turner Drive, S. W.
Atlanta, GA 30303-3309

RE: Pay for Assistant United States Attorneys

Dear U. S. Attorneys Deegan and Pak:

Thank you for meeting with us in Washington last week. Our discussion was productive, and we are appreciative of your interest in the issue of pay for Assistant United States Attorneys.

The EOUSA officials present expressed skepticism that AUSAs are underpaid. Their explanation for the disparity represented in table 39 of the Department of Justice’s Employment Fact Book is that most Department attorneys on the GS pay scale are employed in the Washington D. C. locality area, which has a high locality pay percentage. The higher average pay, they argued, was the result of the fact that many AUSAs are assigned to areas with lower locality pay.

We believe this interpretation of the data is incorrect. The difference in salary between a GS-15, step 1 in Washington, D. C. (29.32% locality pay) and the same grade and step in Fargo, ND (15.67% locality pay) is only $14,551. Yet the difference in adjusted basic pay between AUSAs and other Department attorneys is much greater than that at many levels. The attached chart shows how far behind AUSAs have fallen relative to their Department colleagues. Figures in red reflect the amount by which attorneys in the selected component outearn AUSAs at the same experience level. The amounts in green show instances where AUSA pay is higher.

EOUSA acknowledged that their own “cohort” study of early-career pay for AD and GS attorneys has historically shown that AUSAs hired with 2 to 3 years of experience were at a pay disadvantage for the first 7 to 14 years of their Department careers. EOUSA’s more recent cohort shows that the gap has narrowed, but the handout provided did not quantify the pay disadvantage. We would be interested in knowing that number.

The existence of this trough in pay comes as no surprise to our association, as our members have been suffering through it for decades. Without seeing the characteristics or size of the new cohort, we cannot concur in the assessment that this gap has been narrowed. In our view, the pay disparity between AD and GS attorneys, especially at the early- and mid-career stages, lives on.

As we discussed, some data collection methods make it difficult to make a direct comparison between AUSAs and attorneys elsewhere in the Department. Years-of-attorney experience is closely tracked for AUSAs, but that data has not been made available to NAAUSA for other Department attorneys. In addition, the data provided by the Department to NAAUSA in response to its earlier FOIA request shows the salaries of all AUSAs and other Department attorneys, but does not separately list basic pay and the locality adjustment.

In order for NAAUSA to evaluate and respond to EOUSA’s assertions in the document provided during our November 14, meeting (“Administratively Determined (AD) Versus General Schedule (GS) Attorney Pay, November 2019”), we seek your assistance in obtaining the following data for our joint review. Any identifying characteristics, such as name, should be deleted from the data.
• The most recent salary data, including grade, basic pay, locality payments, years’ experience (if available), and years since last degree (if available) for all Department of Justice attorneys employed in the 0905 position series, including Assistant United States Attorneys;
• The data used in analyzing the cohorts hired in 2005-2007, 2008, and 2013, including information concerning the methodology employed in selecting cohort members, cohort size, salaries, dates of hire, and source of the figures used to assess attorney experience for GS attorneys; and
• Dollar amounts for the AUSA salary “disadvantage” identified in the cohort studies.

Meanwhile, we encourage continued study. Even if you believe that on average, AUSAs are paid equally to their other Department colleagues, it is clear that structural problems exist in the AD system. As we pointed out in our earlier letter, an attorney can be hired elsewhere in the Department as a GS-15, step 1 with four years’ experience practicing law. In contrast, under the AD system, an attorney could not be hired at a rate equivalent to GS-15, step 1 unless he or she had six full years of attorney experience.

Moreover, there is no amount of experience under the line AD pay structure that sets GS-15 pay as a floor. Even an AUSA with over 9 years of experience and an outstanding performance evaluation is not assured pay at the GS-15 level. And the minimum basic pay level for an AUSA with over 9 years’ experience and a successful performance evaluation is nearly $8,000 below the GS-14 rate.

You do not need the results of a statistical analysis to see that unfairness is baked into the AD pay system. Our goal is not merely to ensure that AUSAs are, on average, paid equitably as compared to other Department attorneys. We insist on a pay system that guarantees equal pay for equal work. There is no other place in the Department of Justice where an attorney with decades of experience representing the United States of America in federal court can be paid at the GS-13 level. Even if pay this low is rare for experienced attorneys, it should not be sanctioned by the pay structure.

The National Association of Assistant United States Attorneys is grateful for your commitment to studying this issue. We look forward to our continued collaboration toward reaching solutions that reward equal work with equal pay.

Respectfully yours,

Lawrence J. Leiser
President

Enclosure
### FY2018 Pay Disparity - Based on Table 39, DOJ Employment Fact Book

<table>
<thead>
<tr>
<th>Years</th>
<th>ATR</th>
<th>DIFF FROM USA</th>
<th>CRV</th>
<th>DIFF FROM USA</th>
<th>CRT</th>
<th>DIFF FROM USA</th>
<th>CRM</th>
<th>DIFF FROM USA</th>
<th>ENRD</th>
<th>DIFF FROM USA</th>
<th>TAX</th>
<th>DIFF FROM USA</th>
<th>EOIR</th>
<th>DIFF FROM USA</th>
<th>UST</th>
<th>DIFF FROM USA</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>125,958</td>
<td>34,145</td>
<td>118,566</td>
<td>26,753</td>
<td>115,870</td>
<td>24,057</td>
<td>115,906</td>
<td>24,093</td>
<td>124,739</td>
<td>32,826</td>
<td>124,636</td>
<td>32,823</td>
<td>107,340</td>
<td>15,527</td>
<td>107,784</td>
<td>15,971</td>
</tr>
<tr>
<td>5</td>
<td>134,790</td>
<td>41,161</td>
<td>130,509</td>
<td>36,880</td>
<td>126,533</td>
<td>32,904</td>
<td>132,364</td>
<td>38,735</td>
<td>131,177</td>
<td>37,548</td>
<td>134,963</td>
<td>41,334</td>
<td>121,837</td>
<td>28,208</td>
<td>110,144</td>
<td>16,515</td>
</tr>
<tr>
<td>6</td>
<td>146,968</td>
<td>49,249</td>
<td>131,887</td>
<td>34,168</td>
<td>134,246</td>
<td>36,527</td>
<td>139,343</td>
<td>41,624</td>
<td>142,117</td>
<td>44,398</td>
<td>137,648</td>
<td>39,929</td>
<td>128,846</td>
<td>31,127</td>
<td>121,280</td>
<td>23,561</td>
</tr>
<tr>
<td>7</td>
<td>152,300</td>
<td>47,787</td>
<td>139,389</td>
<td>34,876</td>
<td>145,000</td>
<td>40,487</td>
<td>139,124</td>
<td>34,499</td>
<td>146,539</td>
<td>42,026</td>
<td>138,881</td>
<td>35,368</td>
<td>136,310</td>
<td>31,797</td>
<td>133,409</td>
<td>28,896</td>
</tr>
<tr>
<td>8</td>
<td>156,413</td>
<td>47,506</td>
<td>146,668</td>
<td>37,761</td>
<td>145,430</td>
<td>36,523</td>
<td>146,178</td>
<td>37,271</td>
<td>147,226</td>
<td>38,735</td>
<td>131,177</td>
<td>37,548</td>
<td>131,177</td>
<td>37,548</td>
<td>121,280</td>
<td>23,561</td>
</tr>
<tr>
<td>9</td>
<td>157,477</td>
<td>41,000</td>
<td>153,803</td>
<td>37,326</td>
<td>147,566</td>
<td>31,089</td>
<td>146,280</td>
<td>29,803</td>
<td>149,141</td>
<td>32,664</td>
<td>151,028</td>
<td>34,551</td>
<td>136,478</td>
<td>20,001</td>
<td>120,900</td>
<td>4,423</td>
</tr>
<tr>
<td>10</td>
<td>160,702</td>
<td>36,082</td>
<td>155,564</td>
<td>30,944</td>
<td>147,427</td>
<td>22,807</td>
<td>146,935</td>
<td>22,315</td>
<td>151,907</td>
<td>27,287</td>
<td>150,083</td>
<td>25,463</td>
<td>149,460</td>
<td>24,840</td>
<td>133,685</td>
<td>9,065</td>
</tr>
<tr>
<td>11</td>
<td>159,979</td>
<td>31,676</td>
<td>157,205</td>
<td>28,902</td>
<td>155,402</td>
<td>27,099</td>
<td>150,431</td>
<td>22,128</td>
<td>156,170</td>
<td>27,867</td>
<td>153,081</td>
<td>24,778</td>
<td>151,857</td>
<td>23,534</td>
<td>138,992</td>
<td>10,689</td>
</tr>
<tr>
<td>12</td>
<td>157,755</td>
<td>23,265</td>
<td>159,122</td>
<td>24,632</td>
<td>154,919</td>
<td>20,429</td>
<td>151,093</td>
<td>16,603</td>
<td>154,641</td>
<td>20,151</td>
<td>153,641</td>
<td>19,151</td>
<td>149,155</td>
<td>14,665</td>
<td>142,695</td>
<td>8,205</td>
</tr>
<tr>
<td>13</td>
<td>162,258</td>
<td>22,431</td>
<td>161,039</td>
<td>21,212</td>
<td>160,270</td>
<td>20,443</td>
<td>153,614</td>
<td>13,787</td>
<td>156,603</td>
<td>16,776</td>
<td>159,881</td>
<td>17,028</td>
<td>150,254</td>
<td>10,427</td>
<td>150,793</td>
<td>10,966</td>
</tr>
<tr>
<td>14</td>
<td>163,148</td>
<td>18,987</td>
<td>158,750</td>
<td>14,899</td>
<td>160,930</td>
<td>16,769</td>
<td>152,434</td>
<td>8,273</td>
<td>154,914</td>
<td>12,753</td>
<td>158,340</td>
<td>14,179</td>
<td>154,456</td>
<td>10,295</td>
<td>150,464</td>
<td>6,303</td>
</tr>
<tr>
<td>16</td>
<td>166,693</td>
<td>18,066</td>
<td>161,086</td>
<td>14,458</td>
<td>155,494</td>
<td>8,686</td>
<td>148,130</td>
<td>-498</td>
<td>161,592</td>
<td>12,964</td>
<td>162,215</td>
<td>13,587</td>
<td>165,916</td>
<td>17,288</td>
<td>149,147</td>
<td>519</td>
</tr>
<tr>
<td>18</td>
<td>163,782</td>
<td>10,702</td>
<td>162,424</td>
<td>9,344</td>
<td>158,573</td>
<td>5,493</td>
<td>157,792</td>
<td>4,712</td>
<td>164,681</td>
<td>11,601</td>
<td>164,200</td>
<td>11,120</td>
<td>162,519</td>
<td>9,439</td>
<td>150,982</td>
<td>-2,098</td>
</tr>
<tr>
<td>19</td>
<td>166,509</td>
<td>12,117</td>
<td>168,872</td>
<td>10,480</td>
<td>168,403</td>
<td>14,011</td>
<td>164,200</td>
<td>9,808</td>
<td>163,712</td>
<td>9,320</td>
<td>165,854</td>
<td>11,192</td>
<td>164,454</td>
<td>10,062</td>
<td>145,692</td>
<td>-8,700</td>
</tr>
<tr>
<td>20</td>
<td>171,291</td>
<td>17,163</td>
<td>166,414</td>
<td>12,286</td>
<td>157,687</td>
<td>3,739</td>
<td>156,262</td>
<td>2,134</td>
<td>163,893</td>
<td>9,765</td>
<td>171,308</td>
<td>17,180</td>
<td>167,149</td>
<td>13,021</td>
<td>153,056</td>
<td>-1,072</td>
</tr>
</tbody>
</table>

**Note:** AUSAs who have the same years of experience as GS attorneys and want their pay to be equal to the higher paid GS attorneys should join NAAUSA to show EOUSA this is an issue of significant concern. NAAUSA dues are just $.45 a day. Join at www.join.naausa.org.
Understanding the Evolution of Language Is a Must For Accurate Transcription

Language isn’t static; there are going to be changes within a language over time. In a recent interview, Conduit Transcriptions talks about the importance of using a translation and transcription provider that stays current and ahead of the change trends to provide law enforcement with a transcript that is accurate and thorough.

Question: How is it possible that one language, Spanish for example, can be so different from one city of the United States to another?

Answer: Primarily because Spanish speakers’ origins are from so many different parts of the world due to immigration, due to socio-economic, political or religious factors. There are Salvadorians, Mexicans, Puerto Ricans, Guatemalans, Cubans, Chileans, Dominicans, etc. Each group has brought their own version of Spanish and their own culture and tend to commune together in the same neighborhoods, areas and through socialization and other factors, language starts to change and become a melting pot. It’s continually adapting to the social situations and needs. Add in that many Spanish speakers in the USA are Heritage speakers, meaning they were born here and learned the language from parents, family and may not have had formal education in the language. This is how so many dialects surface. The internet, social media, and all the different communication platforms now available have had a whole new impact on how everyone in every language communicates. These things have impacted how the entire world communicates.

Q. Why is it so important to notice the subtle differences between the dialects and colloquialisms of one specific language within different regions?

A. As mentioned before, there are similarities in the Spanish language because all dialects take their root from Latin. Due to cultural and geographic differences, simple words from Mexico might have a completely different meaning in Puerto Rico or Columbia. The same can be said for English. English words spoken in Britain and other English-speaking countries may have a different meaning in the USA. Just take English here in America. From state to state, city to city, neighborhood to neighborhood there are differences. We now classify English in the USA as Standard English and Non-Standard English. All languages experience these changes and we are exhibiting changes that are accelerating through popular culture and social media.

Q. Can you cite an example of how you were able to determine a meaning that might have been mistaken due to one not noting the differences discussed above?

A. In an English language case from Eastern Pennsylvania, the team kept encountering the word “john” in conversation. John used in that context didn’t make any sense. By researching regional slang from the area where the case originated, we were able to decipher that the actual spoken word was “jawn”. This is a word used to refer to a thing, place, person or event without needing to give it a specific name. For example, an individual can ask another person to “hand them that jawn” or can say “that jawn is very expensive”. “Jawn” is used as a catchall word that can represent anything without having to identify it by name. Once we understood the word in context, the ideas the speakers were communicating became clear.

Q. What happens when two different people, from two different parts of the country, with two different dialects in the same language, have a conversation that you need to follow?

A. You have to be super careful in your translation and factor in the who, what, when and why. Sometimes you get lucky and the speakers will be so confused among themselves that they will provide the explanation to each other! We relish those occasions.

Q. How has the internet and texting played a part in how languages evolve and change?

A. Internet Slang is the preferred method of communication in the world of messaging. It’s important to stay up to date with the latest usage and meaning of these abbreviated words. Many messaging translation projects require the Translator/Transcriber to understand the primary and possible secondary meaning of this slang, and not only understand the definition of the abbreviation, but also its cultural nexus. By connecting the two, the linguist is able to decipher some of the most obscure message strings. In Spanish Internet Slang, letters are loosely connected to their phonetic sounds and are interchangeable in abbreviations; so, the Spanish word por qué can be composed of the abbreviation “xk”, where “x” represents por and “k” makes the phonetic sound of qué. It’s critical
Assistant United States Attorney Grady O’Malley (Newark, N.J.) is one of the longest serving AUSAs in the country, beginning his service as a special attorney in the Organized Crime Strike Force in 1977. He became an AUSA in 1990. He has tried over 120 federal jury trials and has had only three acquittals in his tenure.

AUSA O’Malley lead the prosecution of the longest running federal criminal trial in U.S. history in 1985, a RICO indictment of 24 members of the Accetturo family. The trial began in the fall of 1986 and lasted 22 months, ending in September 1988. All 19 defendants were acquitted; five years later the lead defendants in the trial pleaded guilty to jury tampering. AUSA O’Malley continued to charge and eventually convict every one of the acquitted defendants in the Accetturo trial. In the 1990s, Grady became known as a prominent prosecutor of labor racketeering, employee benefit and health care fraud. Grady graduated with a B.A. in 1969 from the Manhattan College of Arts and Sciences. After a year with the Atlanta Hawks basketball team, he attended Boston College of Law in Newton MA, where is worked to develop the nation’s first sports law class. He received his Juris Doctorate from Boston College of Law in 1973. He has received two Director’s Awards. He has been a NAAUSA member since February 2002. Please join us in honoring Grady for his long and distinguished career.

NAAUSA will continue to recognize and honor AUSAs for their long and outstanding service to our country. Please let us know if you have a colleague who is deserving of such recognition.

Q. What can we expect to see in the future of language evolution?
A. New vocabulary continues to emerge every day. Now and in the future, there are many applications out there claiming to accurately translate speech to text. AI (Artificial Intelligence) will not take the place of the human element; social interactions change inflections, and interactions aren’t something a machine will have the flexibility to adapt to. It will be good for some types of translation, primarily document. But you will always need the human translator or transcriber to go through and validate the final product.

Q. How does a good translator/transcriber stay on top of the evolution of modern language?
A. A good translator/transcriber needs to constantly read and be tuned in to social happenings and media for any of the languages they translate/transcribe. Being in the mix constantly is the only way to stay current.

Thank you to these AUSAs who have been NAAUSA Members for 25 Years

Please join the NAAUSA Board in saluting the following NAAUSA members who have supported NAAUSA continually for 25 years. If any of these NAAUSA members do not have the AUSA lapel pin, or the membership sticker, please email the Executive Director, dennis@naausa.org to request your pin and sticker.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date Joined</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. James R. Boma</td>
<td>1/31/1994</td>
<td>District of Colorado</td>
</tr>
<tr>
<td>Mr. Robert B. Cornell</td>
<td>4/18/1994</td>
<td>SD of Florida</td>
</tr>
<tr>
<td>Mr. Frank R. Costello</td>
<td>4/1/1994</td>
<td>ED of Pennsylvania</td>
</tr>
<tr>
<td>Ms. Karen A. Escobar</td>
<td>2/21/1994</td>
<td>ED of California</td>
</tr>
<tr>
<td>Mr. Jesse J. Figueroa</td>
<td>7/1/1994</td>
<td>District of Arizona</td>
</tr>
<tr>
<td>Mr. Dennis A. Fries</td>
<td>3/9/1994</td>
<td>ND of Oklahoma</td>
</tr>
<tr>
<td>Mr. William R. Harris</td>
<td>4/3/1994</td>
<td>WD of Texas</td>
</tr>
<tr>
<td>Mr. Gregory G. Hough</td>
<td>2/24/1994</td>
<td>District of Kansas</td>
</tr>
<tr>
<td>Mr. Lawrence J. Leiser</td>
<td>1/18/1993</td>
<td>ED of Virginia</td>
</tr>
<tr>
<td>Mr. Robert L. Miskell</td>
<td>2/3/1994</td>
<td>District of Arizona</td>
</tr>
<tr>
<td>Mr. Kent W. Penhallurick</td>
<td>3/15/1994</td>
<td>ND of Ohio</td>
</tr>
<tr>
<td>Ms. Rosa C. Rodriguez-Mera</td>
<td>2/1/1994</td>
<td>SD of Texas</td>
</tr>
<tr>
<td>Mr. Burton T. Ryan, Jr.</td>
<td>3/1/1994</td>
<td>ED of New York</td>
</tr>
<tr>
<td>Mr. Frank H. Tamen</td>
<td>4/10/1994</td>
<td>SD of Florida</td>
</tr>
<tr>
<td>Mr. Guy Till</td>
<td>4/4/1994</td>
<td>District of Colorado</td>
</tr>
<tr>
<td>Ms. Linda A. Wawzenski</td>
<td>1/23/1994</td>
<td>ND of Illinois</td>
</tr>
<tr>
<td>Ms. M. Monica Wheatley</td>
<td>3/16/1994</td>
<td>WD of Kentucky</td>
</tr>
<tr>
<td>Mr. Michael Wayne Whisonant</td>
<td>5/14/1994</td>
<td>ND of Alabama</td>
</tr>
</tbody>
</table>
National Association of Assistant United States Attorneys
Board of Directors

Lawrence J. Leiser *
President
Eastern District of Virginia
(703) 569-9818

Steven B. Wasserman *
Vice President for Policy
District of Columbia
(202) 514-7566

Allison W. Bragg *
Vice President for Operations and Membership
Eastern District of Arkansas
(501) 340-2616

David A. Marye *
Secretary
Eastern District of Kentucky
(859) 233-2661

Adam E. Hanna *
Treasurer
Southern District of Illinois
(618) 443-8576

Patricia S.H. Booth
Southern District of Texas
(361) 576-9988

Kevan Cleary
Eastern District of New York
(718) 254-6027

Karen A. Escobar *
Eastern District of California
(559) 497-4094

Joseph E. Koehler
District of Arizona
(602) 514-7500

Jennifer Kolman
Eastern District of Tennessee
(865) 225-1710

Lisa R. Hasday
Northern District of Texas
(214) 659-8737

Mark K. Vincent
District of Utah
(801) 325-3249

Marc A. Wallenstein
District of Hawaii
(808) 440-9270

Clay M. West
Western District of Michigan
(616) 808-2085

Geoffrey D. Wilson *
Eastern District of California
(559) 497-4000

Staff
Dennis W. Boyd
Executive Director
(800) 455-5661
dennis@naausa.org

Bruce Moyer
Counsel and Washington Representative
(301) 270-8115
bruce@moyergroup.net

NAAUSA Fax
800-528-3492

Mailing Address
3868 Mapledale Plaza
# 104
Woodbridge, VA 22193

*Member of Executive Committee

National Association of Assistant United States Attorneys
Membership Application
Join on-line at www.join.naausa.org

Name: ____________________________________________________________
     (First)                                           (Last)
Address: _________________________________________________________
Address: _________________________________________________________
Office Phone: _____________________________________________________
Email:* __________________________________________________________
     * For NAAUSA email communications
District: __________________________________ Gender M F circle one
Specialties: (e.g. terrorism, bankruptcy, white collar) ________________
Yrs. Service as an AUSA: ____ Include name in newsletter as new member Yes No (circle one)

☐ Annual Dues:                      ☐ Payroll Deduction:*
☐ $162.50 for one year                ☐ $6.25 per pay period
☐ $300.00 for two years
☐ Check payable to NAAUSA
☐ Visa ☐ Mastercard ☐ Amex
* Requires last four digits of SSN
____     ____     ____     ____
Account #: ____________________________ Expiration Date _____________
Signature #: ___________________________

30 percent of dues is attributable to nondeductible lobbying activity and is therefore not deductible under
Internal Revenue Code Section 162 as an ordinary and necessary business expense. Dec 2019
It’s Time for AUSAs to be Recognized with a Service to America Award

The Samuel J. Heyman Service to America Medals, also known as “the Sammies”, honor members of the federal government workforce, highlighting the work of employees making significant contributions to the U.S. government. Mr. Heyman was, in the very early part of his career, an AUSA. The awards have been presented annually since 2002 by the nonpartisan Partnership for Public Service to celebrate excellence in the U.S. federal civil service, and are named for Samuel J. Heyman, the organization’s founder.

Since the awards started, 32 DOJ employees have been recognized as finalists. See all the award winners from DOJ at: https://servicetoamericamedals.org/honorees/?fwp_agency=department-of-justice.

The award categories for AUSAs include:

Paul A. Volcker Career Achievement, which recognizes a federal employee who has led significant and sustained achievements during 20 or more years of public service. Nominees must have worked in public service for at least 20 years as of January 1 during the current nomination cycle.

Safety and Law Enforcement recognizes a federal employee for a significant accomplishment in fields such as civil rights, consumer protection, cyber-security, transportation safety, worker safety or emergency preparedness and response. Among the winners of this award are DOJ employees Thomas A. Mariani, Steven O’Rourke and Sarah D. Himmelhoch who secured a record $20.8 billion legal settlement against BP for the devastating 2010 oil spill in the Gulf of Mexico, providing funds to help a five-state region recover from massive environmental disaster.

Management Excellence recognizes a federal employee for demonstrating superior leadership and management excellence through a significant contribution to the nation that exemplifies efficient, effective and results-oriented government.

National Security and International Affairs recognizes a federal employee for a significant accomplishment in fields such as border security, counter-terrorism, defense and military affairs, intelligence, nuclear nonproliferation, diplomacy, foreign assistance or trade.

Nominations for the awards will be accepted through Friday, January 17, 2020. The 2020 nomination form is here: https://servicetoamericamedals.org/nomination-details/2020-nomination-form/. While nominators are not required to be federal employees, nominees must be career civilian federal employees of the Executive Branch of the U.S. government. For all medal categories, with the exception of Career Achievement, the nominees accomplishment must have occurred within the past three years. The Partnership will share the most recent government success stories that will best resonate with the American public.