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# STRATEGIES FOR PROSECUTOR AND NON-LAWYER STAFF RETENTION

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## THE NATIONAL BEST PRACTICES COMMITTEE AND ACKNOWLEDGEMENTS

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The National Best Practices Committee (NBP), convened by Prosecutors' Center for Excellence (PCE), brings prosecutors together to share ideas, discuss challenges, and develop guidance on today's prosecution best practices.

The NBP includes experienced prosecutors from large and small offices in 30 states. The committee meets on a regular basis to collaborate on creating a vision for the prosecutor's office of the future and issuing papers related to that topic. The mission of the NBP is to improve the criminal justice system by providing support, guidance, and considerations for prosecutors. The NBP addresses the challenging issues impacting victims, witnesses, the accused, and the community. The guiding principles for NBP's work are a commitment to justice, integrity, ethics, fairness, and equity for all.

See NBP's work and NBP's members at the [National Best Practices Committee Webpage](#).

This paper was written by Antonia Merzon, Senior Attorney at PCE, with valuable input from members of the National Best Practices Committee. Marissa D'Amore, PCE's Executive Assistant and Creative Designer, produced the excellent cover and design.

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# STRATEGIES FOR PROSECUTOR AND NON-LAWYER STAFF RETENTION

*This paper continues a series of papers issued by the National Best Practices Committee on topics of current interest for prosecutors.*

## INTRODUCTION

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In 2020, prosecutor offices around the country began to suffer significant staffing shortages. The COVID pandemic and the expanded social justice movement in the wake of the murder of George Floyd prompted both a wave of resignations and a plunge in applications for open positions. This staffing crisis prompted a reckoning at the executive level. Why were prosecutor offices losing so many employees? What had to change to encourage employees to stay, and to attract new attorneys and staff to the prosecution field?

Since then, many offices have found answers to these questions. Focused approaches are counteracting many of the common reasons for attrition, and new or expanded programs are enhancing the considerable rewards of working at a prosecutor office. This paper describes some of the successful strategies that are being utilized by offices nationwide to improve employee retention.

While some of these efforts are specifically pertinent to attorney retention, most are also relevant to retaining and recruiting non-attorney staff. As prosecutor work becomes increasingly complex, a strong system of non-attorney support is essential. Including all employees in appropriate retention strategies – and as valued members of the office generally – can help ensure a team of experienced, committed staff members in every position.

## ADDRESSING THE COMMON REASONS FOR ATTRITION

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Working in a prosecutor office is a difficult (though exciting) job. The primary mission of seeking justice for criminal harms inherently immerses employees in the darker side of humanity, with frequent exposure to graphic information about violence, injury, and hardship. Moreover, the justice process is complex and time-sensitive, creating continual high-pressure situations that require decisions with significant legal and ethical implications. Prosecutors and non-lawyer staff must handle numerous cases simultaneously while complying with a multitude of strict deadlines. And each case requires distinct analysis, as well as support for a wide array of crime victims and witnesses.

The intensity of the work, coupled with lower pay and benefits compared to jobs in the private sector, are common reasons given by employees when they resign from their positions. Prosecutor offices have been taking steps to increase retention by addressing these concerns. Some successful retention measures include the following:

## RAISING SALARIES

Low salaries at prosecutor offices are a major factor in many employees' decision to leave. Attorneys know they have the potential to earn significantly higher pay in the private sector, and even at other public agencies (including neighboring prosecutor offices). The financial needs associated with child and elder care, as well as periods of burnout from prosecution work, can make a low salary harder to accept. Raising salaries, therefore, has been a priority for many prosecutor offices in their efforts to improve retention. Some offices have completely overhauled their budgets, looking for ways to allocate more annual funding to salaries. Others have sought money for salary increases from their state or county funding sources, or from various forms of grant funding. Those offices that have been able to raise salaries have seen positive results, both in retention and in the applicant pool for open positions.

## ENHANCING WORK LIFE BALANCE

Another reason employees often leave is the difficulty in balancing the demands of prosecution work with both personal responsibilities and the need for self-care. To counter this issue, prosecutor offices are offering several options to help improve employees' control of their work/life balance, including:

### Increased Annual Leave

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Some offices have established longer annual vacation allowances for attorneys, making it easier to take time away from the office to manage personal matters or recharge. Providing this benefit to all attorneys, not just those with seniority, has been helpful for retention. Increased leave is an effective tool for retaining non-attorney staff, as well.

### Working from Home

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Using systems developed during the COVID pandemic, many offices are allowing employees to do some portion of their work from home. The amount of work-from-home time varies across offices, based on internal structures, employee roles, and office needs. However, a consistent remote work schedule of any length has helped employees stay in the office by offering a lower-stress work environment and more time at home to handle personal matters.

### Sabbatical Programs

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Offices are using sabbatical programs to give attorneys the opportunity for extended leave. For example, the Riverside County District Attorney's Office (CA) has a longstanding program that offers two types of paid sabbaticals. After four years at the office, attorneys can take 40 consecutive days off. Thereafter, attorneys can take 30-day sabbaticals every third year. The sabbaticals are based on the office's benefits system, which allows attorneys to accrue and retain

up to one year of annual leave (including hours allotted for sick leave and bereavement leave). Sabbatical time is deducted from the employee's accrued leave. Employees regularly indicate that the sabbaticals are a motivating factor for staying at the office. Watch here:

<https://youtu.be/kV62EDiP4VM>

## HELPING WITH CHILDCARE NEEDS

Employees with children often point to the limited options and high costs for childcare as reasons they cannot remain in a time-intensive, low-paying job at a prosecutor office. In response, offices are implementing childcare policies that have had positive effects on retention, such as:

### Extended Childcare Leave

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Some offices are giving employees the option for longer leave periods when a child is born or adopted. The federal Family and Medical Leave Act and state laws establish the minimum amount of childcare leave that employers legally must provide. Certain prosecutor offices are offering childcare leave substantially beyond these minimums. For example, the New York County District Attorney's Office (Manhattan, NY) offers attorneys three months of paid childcare leave, and an additional three months of unpaid leave. Attorneys use accrued paid vacation or sick time during the second three-month period. If an attorney uses the extended childcare leave, they must make a commitment to stay at the office for at least one year after they return.

### Bringing Infants to Work

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Along with following the New York County leave model for parents with a new child, the Boulder County District Attorney's Office (CO) has established an innovative program that allows all employees to bring infants under the age of one year to the office during the workday. As a result, employees are relieved of childcare costs during that one-year period and have the peace of mind of caring for their infants. The program has been a great success, with no disruption from the infants and a supportive office culture. Watch here: <https://youtu.be/hZMIcGwGm6Q>

## RECOGNIZING THE EFFECTS OF BURNOUT AND SECONDARY TRAUMA

Employees at prosecutor offices – both attorneys and non-attorneys – can reach a point where it is difficult to tolerate the stressful nature of the work and their exposure to the graphic material associated with criminal incidents. When employees feel these effects, they often suffer in silence and eventually resign. Many offices like the Boulder County District Attorney's Office (CO) (see link above) are improving retention by openly recognizing the burnout and secondary trauma associated with prosecution work, and by providing programs to enhance employee wellbeing. Most of these programs are conducted at very low cost to the office, including:

### Leadership from Management

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In some offices, the elected prosecutor and other executives are taking a leadership role in raising awareness about burnout and secondary trauma. Acknowledging these issues at the highest levels, and their impact over time, empowers employees to discuss their own concerns and seek support when needed.

## Information and Trainings

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Offices are regularly giving employees written materials and training opportunities to learn about the secondary trauma incurred from exposure to case materials describing violence, sexual abuse, and other distressing criminal activity. Many employees at prosecutor offices – both attorneys and non-attorneys – must regularly work with photos, recordings, and witness accounts of violence and other harmful conduct. This educational outreach helps employees understand the emotional difficulties they may be encountering from this exposure and what steps can be taken to lessen the impact.

## Peer Mentoring

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Offices are increasingly using peer mentoring to support employee wellbeing. In these programs, members of the office staff are extensively trained on how to provide confidential assistance to their colleagues on a range of issues. Often, offices establish peer mentors at each position within the organization, so that non-lawyer staff and attorneys at different levels can turn to a comparable peer mentor.<sup>1</sup>

## Private Counseling

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Employees who are struggling at work may be uncomfortable speaking to colleagues or supervisors. Some prosecutor offices are making private professional counseling available to all staff. The cost for this service can be quite low, as typically only a small number of staff utilize it at any given time. Employees at prosecutor offices also may have access to private counseling through health insurance programs or through benefit packages provided to all state or county employees. Increasing staff awareness of any of these options can be part of a management approach that promotes employee wellness.

## Facility Dogs

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Trained therapy dogs are increasingly used to help witnesses handle the anxiety of coming to a prosecutor office or courthouse or testifying about criminal incidents. Prosecutor offices have found that these facility dogs have the same therapeutic effects for their staff. When not assisting with a victim or witness, some offices are keeping the dogs on their premises to provide an enjoyable and comforting presence during the workday.

## IMPROVING MANAGEMENT

Many of the issues that drive attrition are directly connected to management practices, and the impact of poor management is often mentioned in resignation letters and exit interviews. Some offices are assessing how better management can counter issues such as burnout and unhealthy

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<sup>1</sup> See Mary Ashley, *The Value in the 3 P's of Wellness: Peer Programs for Prosecutors*, CRIMI. J. MAG, Fall 2019. Deputy DA Mary Ashley, at <https://pceinc.org/wp-content/uploads/2020/04/20190000-Fall-The-Value-in-teh-3-Ps-of-Wellness-Peer-Programs-for-Prosecutors-ABA-Criminal-Justice-Journal-Mary-Ashley.pdf>. The article in the American Bar Association's flagship quarterly publication describes the peer program in the San Bernardino District Attorney's Office, California.

work/life balance, and whether existing office managers and supervisors are adequately supporting attorneys and staff. Management-oriented strategies focused on retention include:

## Workload Assessment

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Prosecutor offices are busy places that are frequently understaffed, resulting in heavy workloads. While most employees understand this reality, the sense that work is not fairly or efficiently distributed – or that no one is paying attention to employee workloads – can erode confidence in management, and the acceptance of long days for low pay. Some prosecutor offices are reevaluating their approach to caseload management to ensure cases (and other work) are optimally assigned and that workload among employees is actively monitored. Features within case management systems and supervisory dashboards have helped offices improve workload assessment and assignment.

## Increased Non-Lawyer Case Support

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Attorneys' time is increasingly taken up with burdensome, non-legal work, such as reviewing video recordings from body cameras and listening to prolonged series of jail calls. Offices are finding ways to reduce this portion of attorneys' workloads by hiring or reallocating these tasks to support staff and interns. Some offices are seeking budget increases for these support positions, arguing to funders that hiring more non-legal staff ultimately saves money by reducing backlogs and freeing up higher-paid attorneys to do the needed legal work.

## Management Training

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Not everyone appointed to be a supervisor or administrator is an inherently skilled manager, and employees often feel the discouraging results. Yet providing management training has not been the traditional approach in many prosecutor offices, especially when the appointee is a seasoned attorney or longtime staff member. Some offices are improving management – and thus, retention – by requiring initial and ongoing training for anyone in a supervisory position.

## Stay Interviews

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Many offices have long conducted exit interviews when employees resign to discuss their tenures and reasons for leaving. Now, some offices are initiating “stay interviews” with employees who have chosen to remain at the office. The purpose of these interviews is to gain feedback on what motivates employees' decisions to stay at the office at different junctures in their careers. Management can learn what the office is doing right, as well as what could be done better to increase the likelihood this employee (and others) will continue in their jobs. For example, the First Judicial District Attorney's Office in Golden, Colorado uses stay interviews to give all office employees the opportunity to talk about their work experiences and what motivates them to stay with the office. Employees can choose which manager or supervisor will conduct the interview. Watch here: [https://www.youtube.com/watch?v=r1oy\\_zST-iw&t=10s](https://www.youtube.com/watch?v=r1oy_zST-iw&t=10s).

## Open-Door Management Culture

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Prosecutor offices tend to employ individuals across a wide age range and at varied levels of experience. Some offices have found positive retention results from appointing supervisors of different ages and backgrounds who can better connect with younger staff, as opposed to only promoting the most senior attorneys. Encouraging attorneys to seek assistance from a variety of supervisors, rather than a single senior attorney, has been another successful approach. At the Clark County District Attorney's Office (NV) for example, this flexible management style has led to stronger working relationships among attorneys throughout the office and higher job satisfaction for junior prosecutors. Watch here: <https://youtu.be/R80Cf750lwE>

## Direct Communication with Younger Attorneys

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Creating more opportunities for young attorneys to communicate with supervisors has helped offices bridge gaps and gain feedback on the causes of attrition. Younger attorneys need support and a sense that their work is valued. At the Cumberland County Prosecutors' Office (NJ), for example, bimonthly Lunch-and-Learns bring managers and young prosecutors together to eat and speak freely. As a result of these regular meetings, management has learned about what kinds of support younger employees need, leading to better office communication strategies, increased wellness activities, and better retention. Some offices also are initiating more one-on-one communication with younger attorneys, recognizing this age group seeks greater transparency around management practices than past generations of prosecutors expected.

# ENHANCING THE REWARDS OF PROSECUTION WORK

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The challenges of working at a prosecutor office are also what make it an unusually rewarding professional and personal experience. The job can be very exciting. Helping crime victims, serving one's community, and improving public safety are important and deeply meaningful responsibilities. Handling a steady stream of varied cases makes every workday interesting and different, while providing continual learning opportunities. Unlike in many legal fields, new attorneys can quickly work on serious cases and engage in litigation, in an environment that allows for regular interaction with the most senior members of the office.

As part of their efforts to improve retention, many offices are highlighting and enhancing these appealing aspects of prosecution work.<sup>2</sup> These approaches have proven that when employees feel fulfilled and supported, the likelier they will want to stay at a prosecutor office, despite financial and other obstacles. Some of these successful retention methods include:

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<sup>2</sup> See, *Recruiting the Gen Z Prosecutor*, PCE (2022), at <https://pceinc.org/recruiting-the-gen-z-prosecutor/> (discussing this point, as well as some of the financial benefits of some prosecutor offices, such as good pensions, health care, and student loan payment assistance).

## BOOSTING COURTROOM EXPERIENCE

One of the great advantages of working as a prosecutor is the frequent opportunity to appear in court. First-year attorneys are often assigned to courtroom dockets and, in many offices, are asked to conduct hearings and trials. After a short time, attorneys typically can litigate cases with significant criminal charges. Some offices are enriching the ability to gain courtroom experience for young attorneys as part of their retention efforts. For example, the Clark County District Attorney's Office (NV) assigns new attorneys to a litigation team of attorneys and support professionals with a range of tenure and roles. New attorneys get involved with big cases right away and are also encouraged to join trials handled by specialized litigation units. When a new attorney has their first trial, a senior attorney does the trial with them. This approach has helped with retention by giving attorneys both immediate courtroom experience and the chance to gain experience with the help of senior staff. Watch here: <https://youtu.be/R80Cf750lwE>

## MENTORSHIP PROGRAMS

Another special quality of prosecution work is the easy access to guidance from highly experienced attorneys. Unlike the strong hierarchical cultures of many law firms, prosecution offices tend to be team-oriented, open environments where attorneys can seek information or advice from any of their colleagues. Offices are enhancing this unusual advantage as a reason to stay. Many offices emphasize an open-door culture, urging young attorneys to freely seek assistance through informal mentorships. Offices also are working to create physical infrastructure, for example, using room assignments that put legal and non-legal units together and allow collegial connections to form. Mentorship programs are another method being employed to maximize the chance to learn from seasoned attorneys. At the Clark County District Attorney's Office (NV) (see link above), young attorneys are matched with senior "lifeline" attorneys who are available to help with any issues the young attorney might encounter.

## FOSTERING CAMARADERIE OUTSIDE OF THE OFFICE

The weighty and demanding responsibilities of prosecution work generate a powerful camaraderie among office staff. This profound sense of connection is often mentioned by employees as the reason they stay, despite the difficulties of the job. Offices are improving employee retention by strengthening these bonds using carefully planned social events and other out-of-office activities. The Bucks County District Attorney's Office (PA), for example, hosts a Fun Week every year when courts are closed due to an annual judicial conference. The week includes a mix of social and educational activities with an eye towards events younger attorneys would enjoy, such as softball games, yoga, baking challenges, tours of the coroner's office and ballistics lab, peer-selected awards, and a barbecue. Fun Week, along with other similar activities throughout the year, allow colleagues to get to know one another in a casual setting, creating buy-in and loyalty to the office. Watch here: <https://youtu.be/ibnlUeckPV8>.<sup>3</sup>

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<sup>3</sup> Many prosecutor offices have sports programs outside the office. For example, in Montgomery County, Pennsylvania the District Attorney's office has formed a bike team called "Wheels of Justice" and in partnership with local police they ride from Philadelphia to Atlantic City to raise money for fallen officers' families. See: <https://www.montgomerycountypa.gov/4819/Wheels-of-Justice>

## DEVELOPING COMMUNITY CONNECTION

Offices are building on employees' fundamental interest in serving the community by developing programs that cultivate both community and personal connection. These efforts help with retention because they allow employees to experience how much their work is appreciated by the communities they serve, while bonding with colleagues to do good for others. For example, the Platte County Prosecutor's Office (KS), runs the We Care community service program, which gives up to four hours of compensatory time to any employee who engages in individual community service outside of work. The office also organizes quarterly all-staff service events with non-profit organizations in the jurisdiction, such as blood drives, food drives, support for special needs children, homeless outreach, and assistance at nature centers. The overwhelmingly positive community reaction and the chance to break down the separation between attorneys and non-attorneys helps keep morale high and attrition low. Watch here: [https://youtu.be/ytue\\_mxY3F8](https://youtu.be/ytue_mxY3F8)

## INCLUSIVE AND RESPECTFUL WORKPLACE POLICY

Some offices are taking steps to improve retention by ensuring their diverse staff is well supported. At the Ramsey County Attorney's Office (MN), for example, a training the office developed on maintaining a respectful workplace is mandatory. The training lays out a set of expectations for how to treat people appropriately and meet the office's professional standards, with a focus on building a positive office community and culture. The rest of Ramsey County later adopted this policy for all county staff, turning it into a yearly training and certification process. The Ramsey County Attorney's Office, like many others, adds support for existing staff by recruiting a diverse pool of applicants for open positions. Watch here: <https://youtu.be/BZEzLRMOPoc>

## EMPHASIZING THE REWARDS DURING RECRUITMENT

Recruitment tools that emphasize the rewarding aspects of serving as a prosecutor are being used by increasing numbers of prosecutor offices as they seek to fill open positions.<sup>4</sup> The Kings County District Attorney's Office (Brooklyn, NY), for example, has created a recruiting video that shows a diverse group of young attorneys talking about why they love working as prosecutors in Brooklyn. The video highlights how working at the DA's Office lets them gain courtroom experience, serve the Brooklyn community, handle exciting and interesting cases, advocate for victims, and pursue opportunities to advance. Together with other recruiting efforts – such as internships and job fairs – the video powerfully demonstrates to applicants the many positive aspects of prosecution work.<sup>5</sup> Watch here: <https://youtu.be/NtiLsu0YoW0>

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<sup>4</sup> For more on recruiting prosecutors see, *Navigating the Challenges of Staffing a Modern Prosecutor Office*, PCE (2024) at <https://pceinc.org/wp-content/uploads/2024/12/20241205-Navigating-the-Challenges-of-Staffing-a-Modern-Prosecutor-Office-1.pdf>, and *Recruiting the Gen Z Prosecutor*, PCE (2022) at <https://pceinc.org/recruiting-the-gen-z-prosecutor/>.

<sup>5</sup> Videos also are being used as successful recruitment tools by state prosecutor associations. For example, the Association of Indiana Prosecuting Attorneys has produced a video designed to boost prosecutor recruitment statewide. See: <https://www.youtube.com/watch?v=47KEUIDj4Fg>

## CONCLUSION

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Many prosecutor offices have rebounded from the staffing shortages experienced during the early 2020s. Employee retention and recruitment improved, in large part, because offices across the nation took thoughtful approaches to both counteracting the concerns causing employees to resign, and enhancing the rewarding factors inspiring them to stay. This paper has presented a number of these successful methods with the goal of sharing ideas that can be replicated in other prosecutor offices.