



STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL

Hawaii John R. Justice Student Loan Repayment Program
2019 Application Guidelines
(Dated: April 24, 2020)

I. Overview

The Hawaii John R. Justice Student Loan Repayment Program provides student loan repayment assistance for state and federal public defenders and state and county prosecutors who commit to at least three years of continued employment as public defenders or prosecutors. The purpose of the program is to encourage qualified attorneys to choose careers as prosecutors and public defenders and to continue in that service.

The program is funded by a grant to the Department of the Attorney General from the U.S. Department of Justice, pursuant to the John R. Justice Prosecutors and Defenders Incentive Act, 42 USC 3797cc-21. For the present grant period, the amount of funding available for student loan repayment benefits is \$32,902.

The student loan repayment amount for each beneficiary will be a minimum of \$1,645 for the 2019 fiscal year. If the number of selected beneficiaries is insufficient, the amount may be increased up to \$10,000 per beneficiary, or the application period may be reopened to recruit additional applicants. The amount paid will not exceed \$10,000 for any individual in any calendar year or an aggregate total of \$60,000 for any individual.

II. Eligibility

A. An applicant must be a prosecutor or public defender employed in Hawaii.

“Prosecutor” means a full-time employee of a state or unit of local government who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the state or unit of local government level (including supervision, education, or training of other persons prosecuting such cases). Prosecutors who are employees of the federal government are not eligible.

“Public defender” means an attorney who is continually licensed to practice law and is a full-time employee of a state or unit of local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation; or employed as a full-time federal defender attorney in a defender organization pursuant to subsection (g) of section 3006A of Title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

B. An applicant must have a qualifying student loan.

“Qualifying student loan” means:

1. A loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20 (Federal Family Education Loan Program);
2. A loan made under part C or D of subchapter IV of chapter 28 of Title 20 (William D. Ford Federal Direct Loan and Federal Perkins Loans); or
3. A loan made under section 1078-3 or 1087e(g) of Title 20 (Federal Consolidation loans and Federal Direct Consolidation loans, respectively).

“Qualifying student loan” does not mean:

1. A loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078-2);
2. A Federal Direct PLUS Loan made to the parents of a dependent student; or
3. A loan made under section 428C or 455 (g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 (Federal consolidation loans) and 1087e(g) (Federal Direct Consolidation loans) to the extent that such loan was used to repay a loan described in clause (1) or (2).

C. An applicant’s annual salary at the time of application must be \$90,000 or less.

D. An applicant must not be in default on repayment of any federal student loan.

E. An applicant must agree to remain employed as a prosecutor or public defender for a period of service of not less than three years (36 months) from the date of executing the service agreement. A beneficiary who voluntarily leaves the employment or is involuntarily separated for misconduct or unacceptable performance before completing the agreed upon period of service must

reimburse the U.S. Department of Justice for the full amount of the student loan repayments made on the beneficiary's behalf.

- F. An applicant must agree to the terms of service in the John R. Justice Student Loan Repayment Program Service Agreement. Upon completion of the original three-year service obligation, subsequent agreements may be entered into for additional obligations of service in consideration for future awards. The terms of service obligation in future agreements shall be discretionary.

III. Selection of beneficiaries

- A. The Selection Committee is comprised of five members: the Attorney General or his representative; two employees of county prosecution offices selected by the Hawaii Prosecuting Attorneys Association (at least one from Hawaii County, Kauai County, or Maui County); and two employees of the Office of the Public Defender (at least one from Hawaii County, Kauai County, or Maui County).
- B. Funding will be allocated equally between prosecutors and public defenders.
- C. The Selection Committee will ensure a fair distribution of funding based on geography and population density. To accomplish this, the Selection Committee will consider the number of prosecutor and public defender positions in each of the four state judicial circuits.
- D. Pursuant to 42 USC 3797cc-21(f)(1)(A), the Selection Committee will give priority consideration to eligible applicants who have the least ability to repay their qualifying student loans.

To identify these applicants, the Selection Committee will consider:

- 1. Total educational debt
- 2. Income or, if married, household income

and may consider:

- 1. Ratio of total educational debt to total assets
- 2. Number of dependents
- 3. Financial obligations other than educational debt

- E. The Selection Committee may consider the following additional factors:
1. Meritorious service
 2. Academic achievement
- F. Once approved for loan repayment, a beneficiary will be given priority consideration to receive funding during the second and third years of the three-year service agreement, depending on the availability of funds. Renewal is not automatic and nothing shall obligate the State to renew a benefit in the same (or greater) amount previously received by a beneficiary. A move to employment as a prosecutor or public defender in another agency in Hawaii does not affect renewal eligibility, so long as all other eligibility requirements are met.

IV. Payment of benefits

Funds will be paid only to an institution holding a beneficiary's qualifying student loan. No funds will be paid directly to the beneficiary. A lump sum payment check will be issued within twenty days after the Department of the Attorney General receives the beneficiary's lender verification and employment verification forms. No monthly payments will be allowed. Payments made on behalf of the beneficiary will not exceed the beneficiary's total qualifying student loan balance. The beneficiary is responsible for any remaining payments or balances. Neither the U.S. Department of Justice nor the State of Hawaii will be held responsible for any late fees assessed by the lending institution.

V. Application procedures

Mail the documents listed below to:

Hawaii John R. Justice Student Loan Repayment Program
Department of the Attorney General
Crime Prevention and Justice Assistance Division
235 South Beretania Street, Suite 401
Honolulu, Hawaii 96813

Completed Application Form (available at www.ag.hawaii.gov)	1 original + 5 copies
Statement of circumstances and expenses affecting ability to repay student loan(s)	1 original + 5 copies
Statement of academic achievement (optional)	1 original + 5 copies

Signed 2019 Application Guidelines (available at www.ag.hawaii.gov)	1 original
Signed John R. Justice Student Loan Repayment Program Service Agreement Select appropriate form. <input type="checkbox"/> <u>Signed</u> John R. Justice Student Loan Repayment Program Service Agreement-Service Agreement. For first time JRJ program applicants. (Appendix B) <input type="checkbox"/> <u>Signed</u> John R. Justice Student Loan Repayment Program Service Agreement-Secondary Term of Service. For previously selected JRJ beneficiary who has fulfilled his/her initial three-year service obligation and agrees to commit to an additional one (1) year of service obligation. (Appendix C) <input type="checkbox"/> <u>Signed</u> John R. Justice Student Loan Repayment Program Service Agreement-Acknowledgement of Benefit. For current JRJ beneficiary who has not yet fulfilled his/her initial three-year service obligation, but remains eligible for JRJ benefits. (Appendix D) (available at www.ag.hawaii.gov)	1 original
Most recent account statement for each qualifying student loan listed on Application Form (one to three month period)	1 copy

Applications, including all supplemental documents, must be received by the Department of the Attorney General by 4:30 p.m. on June 5, 2020. Late or incomplete applications will not be considered and will be returned, unopened, to the sender.

VI. Verification of employment and qualifying student loans

Applicants who are selected as beneficiaries must, within 60 days of the date of the award letter, provide verification of employment and verification of qualifying student loans on forms provided by the Department of the Attorney General, to be completed by employer and lenders and mailed to the beneficiary. If the Department of the Attorney General does not receive the completed employment and lender verification forms by the scheduled due date, the award will be considered forfeited. Employment and lender verification forms will be accepted via e-mail or U.S. postal mail.

VII. Contact information

For more information, visit www.ag.hawaii.gov or contact Valerie Mariano, Chief,

Community and Crime Prevention Branch, Department of the Attorney General, at (808)
586-1444 or valerie.s.mariano@hawaii.gov.

VIII. Certification

I certify that I have read these Application Guidelines.

Applicant's name

Applicant's signature

Date