

**BASIC RESOURCE GUIDE  
FOR STUDENTS INTERESTED IN INDIGENT DEFENSE**

- Government and Public Interest Law Student Professional Development Homepage
- Second Class Justice
- Southern Center for Human Rights
- Southern Public Defender Training Center
- Georgia Public Defender Standards Council
- National Legal Aid & Defender Association
- Capital Defense Jobs (Berkeley Law)
- Harvard “Careers in Indigent Defense”
- NYU “Public Defender Handbook”
- UVA Public Defender Guide

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Director, Student Professional Development  
October 2011  
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www.



[Home](#) > [Students](#) > [Career Services & Professional Development](#)>Government and Public Interest Law

## Government and Public Interest Law

What is Public Interest employment?

In the legal profession, the terms "public interest" and "public sector" are used to refer to non-profit and government employers of all kinds, including:

- Federal, state and local government agencies
- Prosecutors
- Public defenders
- Legal aid and legal services
- Military and Judge Advocate General Corps
- Advocacy organizations

Explore Government and Public Interest law:

- [PSLawNet](#): Public Service Law Network, containing comprehensive information on public interest law careers, fellowship funding, employer contacts and job announcements
- [EqualJusticeWorks](#): Equal Justice Works, national law student organization that supports student public sector careers with grants, fellowships conferences and educational efforts. The School of Law's Equal Justice Foundation is a chapter.
- [PILC-Guide](#): The Public Interest Law Council created a guide to public interest law careers, available online and in the LCS Resource Room
- [GovernmentHonors&Internships](#): The Government Honors & Internship Handbook (password available from LCS) is the definitive resource for law students on state and federal summer and post-graduate legal jobs, including descriptions, requirements and hiring contacts, procedures and deadlines
- [USAJOBS](#): Federal jobs website, containing information and application access to attorney, policy and other positions
- [MakingtheDifference](#): Making the Difference site contains information about public service work in the Federal government, including links to various agencies, advice on application processes, and hiring projections
- [Georgia.Gov](#): State of Georgia home page, with information on state agencies (including the State Attorney General and Governor's Honors) and hiring opportunities
- [State&LocalGovtInfo](#): State and Local Government on the Net website provides a clearinghouse link-through site to helpful search sites throughout the U.S., for state and local agencies, job sites, contacts and more
- [NLADA](#): National Legal Aid and Defender Association, the professional organization site for civil legal aid organizations and public defenders across the U.S.
- [PACGA](#): The Prosecuting Attorneys' Council of Georgia, with information on prosecutors, contacts, trainings, jobs and more
- [GPDSC](#): Georgia Public Defender Standards Council, with information on careers in public defense, training sessions, contacts, jobs and more
- [GeorgiaLegalServices](#): The Georgia Legal Services Program provides indigent civil legal services throughout the state (excluding Atlanta). The website provides information on services, contacts, jobs and internships.
- [AtlantaLegalAid](#): The Atlanta Legal Aid Society provides indigent civil legal services in metro Atlanta. The website provides information on services, contacts, jobs and internships.

- My Georgia Law
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- [InternationalPublicService](#): Finding and Funding International Public Service Opportunities (available in hard copy in the LCS Resource Room) provides an array of internship, fellowship, summer and post-graduate opportunities
- [Downs'LRAP](#): The Downs' Loan Repayment Assistance Program is the Georgia Law School's loan repayment assistance program for alumni in public service careers. Apply following graduation; information and applications are available online.



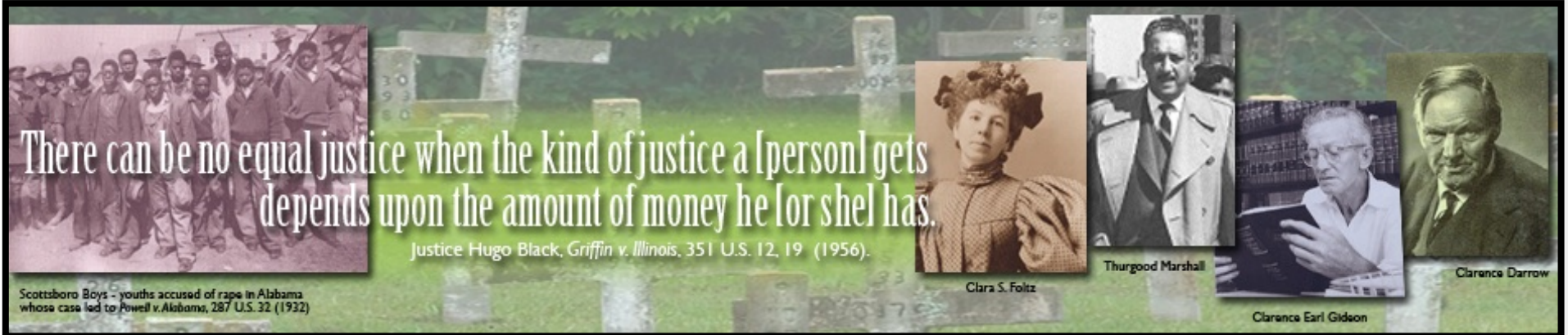
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# SECOND CLASS JUSTICE



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## Junk mail huckster Morris Dees, with \$220 million, awarded \$100,000 more

Posted on [August 7, 2011](#) by [SBright](#)

Why would a foundation award \$100,000 to a junk mail huckster who already has \$220 million?

It is a good question for the [Peter and Patricia Gruber Foundation](#) which awarded \$100,000 to Morris Dees of the Southern Poverty Law Center as one of the recipients of the [2011 Gruber Justice Prize](#). The announcement said Dees had achieved major civil rights reforms and put hate groups out of business. But for the past 40 years, Dees primary pursuit has been raising millions upon millions of dollars by sending out tons of junk mail using various aliases and schemes and

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- [The StandDown Texas Project](#)

#### • Links

- [ACLU Capital Punishment Project](#)
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hiding the enormous wealth that his Center already has.

Dees, a multimillionaire who had already made a fortune in junk mail before starting the Center in 1971, has been remarkably successful in his junk mail solicitations for the Southern Poverty Law Center. It now has **\$220 million** in the bank, as well as two buildings – “poverty palaces” – in Montgomery, Alabama.

This wealth is all the more remarkable because the operating expenses of the Center during this time have been substantial – many would say extravagant. The Center pays high salaries (Dees and President Richard Cohen are paid \$300,000 or more, many times what lawyers at other public interest legal programs are paid). It has built two

buildings – one with a very expensive sculpture in front of it.

The Center brags a lot, but hides its success in raising money. The information about the \$220 million endowment is in such fine print in the solicitations that one needs a magnifying glass to read it. Usually the print is in the same color as the paper it is printed on, making it particularly hard to notice or read it. Of course, very few people would donate to SPLC if they knew how rich it is.

But some people have noticed over the years. The respected southern writer John Egerton wrote an [article](#) titled “Poverty Palace” in 1988 that questioned the fund raising tactics of Dees and others at the Center. At that time – 17 years after its creation – the Center’s endowment was \$22 million.

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Posted in [General](#) | Comments Off

## **Overrides of life sentences by judges gives Alabama highest per capita rate of death sentences**

Posted on [August 6, 2011](#) by [SBright](#)

The Equal Justice Initiative, based in Montgomery, Alabama, issued a [report](#) in July, 2011 about the practice of Alabama judges routinely overriding jury verdicts of life imprisonment and imposing the death penalty. Judge override is the primary reason why Alabama has the highest per capita death sentencing rate and execution rate in the country. Alabama, a state with a population of 4.5 million, imposed more new death sentences in 2010 than Texas, which has a population of



24 million.

Alabama's trial and appellate court judges are elected.

Judicial candidates frequently campaign on their support and enthusiasm for capital punishment. This produces judges who are likely to override. In addition, judges override to show their support for the death penalty and to avoid criticism for being lenient if challenged in the next election.

Of the 34 states with the death penalty, judicial override of jury sentences is legal in only three: Alabama, Delaware, and Florida. However, Florida and Delaware have strict standards for override. No one in Delaware is on death row as a result of an override. No death sentences have been imposed by override in Florida since 1999. In Delaware and Florida, judges

occasionally override death verdicts and impose life. This rarely happens in Alabama.

[Continue reading →](#)

Posted in [Death Penalty](#), [Judges](#) | Comments Off

## **Caddo Courthouse's Confederate Flag featured on Rachel Maddow's Show**

Posted on [May 11, 2011](#) by [bidishs](#)

[The Rachel Maddow Show aired](#)

a segment in May, 2011 on the controversy surrounding the Confederate flag flying outside of the Caddo Parish courthouse in Shreveport, Louisiana. The injustice symbolized by the flag's presence in front of a place where justice is supposed to be rendered is reflected in a recent [Caddo Parish death penalty appeal](#), and was the subject of [this](#) Second Class Justice

post. Meanwhile, the Shreveport Chapter of the NAACP has indicated that it will attempt to tackle the issue at [the local level](#).

Posted in [Death Penalty](#), [Racial Discrimination](#) |

Tagged [Caddo Parish](#), [Confederate flag](#), [Rachel](#)

[Maddow](#) | Comments Off

## The Supreme Court's Vision of the "Invincible Prosecutor"

Posted on [April 22, 2011](#) by [bidishs](#)

The U.S. Supreme Court's opinion in [Connick v. Thompson](#), handed down on March 29, 2011, threw out a \$14 million award that a jury provided to John Thompson, a man who spent 18 years in prison (14 of them on death row) for crimes he did not commit. Mr. Thompson came very close to being executed because New Orleans prosecutors never disclosed several vital pieces of

evidence, including a blood test that demonstrated he was innocent of an attempted armed robbery – evidence that blew apart the State’s strategy and theory in the murder case.

(That’s right: Mr. Thompson was not wrongfully convicted once, but twice.)

After  
a  
court  
threw  
out  
his



John Thompson

attempted armed robbery conviction and a jury acquitted him on the murder charge at a re-trial, Mr. Thompson filed a lawsuit, seeking some remuneration for the years of his

life and the future opportunities that a corrupt prosecution stole from him. A jury found that the district attorney's office had failed to sufficiently train its employees to observe the constitutional duty to disclose evidence favorable to the defendant under *Brady v. Maryland*. Two weeks ago, five robed individuals seated 1,000 miles from New Orleans overturned the decision of 12 Louisiana residents, depriving Thompson of every dime.

*Connick v. Thompson* has appropriately garnered a great deal of attention. Dahlia Lithwick referred to it as [one of the "meanest" decisions ever](#). And, Scott Lemieux discussed how the opinion ["reflects poorly on the American criminal justice system."](#) These and other commentators have made two key points:

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Posted in [Prosecution](#), [Wrongful Convictions](#) |

Tagged [Batson](#), [Brady v. Maryland](#), [Connick v. Thompson](#), [Folkner v. Jackson](#), [John Thompson](#), [prosecutorial misconduct](#) | Comments Off

## DEA Seizes Georgia's lethal drugs; controversy over how to execute continues

Posted on [April 21, 2011](#) by [2dRptr](#)



Georgia executed Emmanuel Hammond on January 24, 2011, using the drug sodium thiopental it had obtained from Dream Pharma, an unlicensed British company that operates from the back of a driving school

in London, England. On March 15, the Drug Enforcement Administration seized what Georgia had left of the drug.

“There were questions about the way the drugs were imported over here,” a DEA spokesperson told the [Wall Street Journal](#). Kentucky and Tennessee have since turned over their supplies of sodium thiopental to the DEA.

The unavailability of sodium thiopental, one of the three drugs used by most states for lethal injections, has halted executions in several states. Georgia and some other states have engaged in “desperate and sometimes furtive” efforts to obtain the drug while some prison system systems have created what amounts to a “legally questionable swap club . . . to ensure that each has the drug when it is needed for an

execution.” After Arizona provided sodium thiopental to California for an execution, Scott Kernan, an official in California’s Department of Corrections, expressed his appreciation saying “You guys in AZ are life savers.” [Seeking Execution Drug, States Cut Legal Corners](#), *New York Times*, April 13, 2011.

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Posted in [Death Penalty](#) | Comments Off

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## The Southern Center for Human Rights



The Southern Center for Human Rights provides legal representation to people facing the death penalty, challenges human rights violations in prisons and jails, seeks through litigation and advocacy to improve legal representation for poor people accused of crimes, and advocates for criminal justice system reforms on behalf of those affected by the system in the Southern United States.

The Center is a non-profit, public interest organization. It depends on generous donations from individuals to carry on its work. It receives no government funding.

## Recent Updates

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### Justice Taking Root Chicago: Benefit Reception for the Southern Center for Human Rights

Join us to learn about the most challenging issues facing the criminal justice system in the Deep South.

•

### Georgia Senator Joins SCHR to Urge Execution Staff to Strike & Refuse to Kill Troy Davis

Atlanta – Today, the day before Troy Anthony Davis is scheduled to be put to death by lethal injection, Georgia Senate Democratic Whip Vincent Fort and Southern Center for Human Rights Executive Director Sara Totonchi have issued a joint statement calling upon the individuals charged with carrying out the execution to refuse to participate in the killing of a possibly innocent man.

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### 15th Annual Frederick Douglass Awards Dinner in Washington, DC



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#### Life without parole for Jamie Ryan Weis

Spurning the death penalty, a judge on Thursday sentenced a Pike County man to life in prison without parole for murdering a 73-year-old woman, perhaps ending a case that has epitomized the funding issues plaguing the state's public defender system.

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# SPDTC

The Southern Public Defender Training Center



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## About SPDTC

**It is our  
mission  
to inspire,**

Summer Institute 2011

mobilize and train legal professionals to provide the highest quality defense representation to people unable to afford an attorney. SPDTC lawyers, alumni, trainers, and partners are changing the culture of indigent defense, in the South and eventually across the country, ultimately ensuring that every person has access to justice.

SPDTC is designed to fill a void in training currently available to young public defenders. It takes into consideration a big-picture view of what public defenders need to better represent their clients. Rather than being limited to trial skills or discrete legal topics,

welcomes ...

- Leadership Summit

- Class of 2011

- Former Angola Penitentiary Death Row Prisoners speak at Summer Insitute

- **Mark Stephens, Knox County Community Law Office wins the Stephen B. Bright Public Defender Award**



[read more...](#)

**Upcoming Events...**

SPDTC offers a comprehensive curriculum designed specifically for public defenders.

Training is designed to be interactive, making use of exercises requiring role play and simulation. With an average student to faculty member ratio of three to one, participants receive an extraordinary amount of individual attention in small group settings. SPDTC offers a faculty of both current and former public defenders from around the country. These lawyers are all committed to the improvement of indigent defense representation and have been responsible for raising the standard of practice in jurisdictions nationwide.



September 22, 2011

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### **Facebook Page and Twitter Profile!**

SPDTC will be sharing information on the state of indigent defense from journals, newspapers, and blogs throughout the country. Join the conversation and help change the culture of indigent defense!

## Special thanks to:

The [Ford Foundation](#) , [Open Society Foundations](#) , and [American College of Trial Lawyers: Emil Gumpert Award Committee](#) for their financial support.

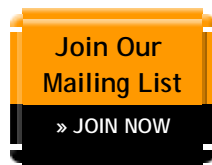
The [Southern Center for Human Rights](#) for housing The SPDTC. [Cumberland School of Law](#) for hosting The SPDTC Summer Institute, and Atlanta's [John Marshall Law School](#).

### AND TO OUR 2011 LAW FIRM SPONSORS:

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## To learn more about The Southern Public Defender Training Center:

Read [the SPDTC Brochure](#). [Review our Executive Summary](#)



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"In all criminal prosecutions, the accused shall enjoy the right...to the assistance of counsel for his defense."

– U.S. Constitution, Amendment VI

# Georgia Public Defender Standards Council

Next Council Meeting: December 2, 2011 – 10:00 a.m.

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## Divisions

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- **Employment**

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## Public Defender Standards Council Named



We are pleased to welcome the nine members of the Georgia Public Defender Standards Council. Appointed by Governor Deal were **Donna Avans Seagraves**, Piedmont Circuit Public Defender, **G. S. “Gator” Hodges**, Butts County Commissioner, **Lamar Paris**, Union County Sole Commissioner, **Ronald Cross**, Columbia County Commission Chairman and **W. David Sims**, Esquire of Insley and Race. Lt. Governor Cagle appointed **Arch W. McGarity**, Flint Circuit Superior Court Judge and **E. Lee Morris III**, General Counsel and Chief Financial Officer of S&W Management. **Murphy C. Miller**, Enotah Circuit Superior Court Judge and **Edward D. Tolley**, Esquire of Cook Noell Tolley & Bates LLP were appointed by Speaker Ralston.

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- **Office of the Mental Health Advocate**

- ↳ [Mental Health Resources](#)
- ↳ [OMHA Spotlight](#)

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National Legal Aid & Defender Association  
Equal Justice. Of the People. For the People.



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- Defender Resources
- Training & Conferences
- Communication Resources
- Member Services
- Jobs
- NLADA Insurance Program

### Equal Justice News

Tuesday, October 04, 2011

NLADA Announces Winners of the Prestigious 2011 Kutak-Dodds Prizes

Join us for Groovin' for Justice ~An Equal Justice Fundraiser featuring Rose Royce and other soulful artists in Riverside, CA on Sunday October 2, 2011

Be a Voice in your Organization's Leadership - NLADA Elections 2011

MICROSOFT'S BRAD SMITH TO BE HONORED WITH 2011 NLADA EXEMPLAR AWARD

NLADA Sharply Criticizes Damaging Cuts Proposed for Legal Aid for the Poor

House Appropriations Subcommittee Slashes LSC Funding

Bruce Kuhlik, Merck Executive VP & General Counsel, to Chair NLADA Corporate Advisory Committee

NLADA: Turner v. Rogers is watershed moment for civil justice guidance

NLADA Centennial Conference Registration Now Open! Register online today and save

Top Justice Dept. Officials Want to Reform Costly Pretrial Practices

Nation's Chief Defenders Call For Improving Pretrial Release

Advertise, Exhibit & Sponsor the 2011 National Health Law Training ~ July 11-12, Baltimore, MD, Harborplace Hotel

Follow the Equal Justice Conference on Twitter! Use the Hashtag #ejcvegas on Twitter to Follow and Send Tweets About the Conference.

Announcing the 2011 Equal Justice Conference Exhibitors and Sponsors!

NLADA Says Budget Deal Comes at Expense of the Poor Who Need Legal Services

NLADA Insurance Program Strengthens Its Commitment to Provide Professional Liability Insurance to the Legal Services Market

Register NOW for the National Health Law Training



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[NLADA ~ Inspiring People to Work for Justice. Watch a short video of What Makes NLADA and its Members Great](#)

[House GOP Proposes \\$75 Million LSC Cut for FY 2011](#)

[NLADA Thanks the 2010 Annual Conference Advertisers, Exhibitors and Sponsors!](#)

[Thank You to the Generous Sponsors of the 2010 Exemplar Award Dinner](#)

[President & CEO Jo-Ann Wallace Urges Swift Federal Action to Shore Up Indigent Defense at ACS National Convention](#)

[Congress Authorizes Program to Fund Foreclosure Legal Assistance in Wall Street Reform Legislation](#)

[NLADA Reports on Evaluations of Indigent Defense Systems in Various Jurisdictions Available](#)

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[2009-2010 Directory of Legal Aid & Defender Offices and Resources Available](#)



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Office

## Capital Defense Internships and Jobs

The following are internship and job opportunities for law students and recent graduates in offices around the country that are engaged in the defense of death row inmates or capital-charged defendants. The information provided below is submitted by the offices listed. The Berkeley Law Death Penalty Clinic cannot vouch for the reliability of the information submitted by these offices or the quality of the experience you may have as an intern or employee at any of these offices. As with any such opportunities, we encourage you to speak with other students who have worked at the offices in which you are interested, and gather as much information as you can from colleagues and mentors before accepting a position.

Please check back frequently, as new information is posted as we receive it. To submit, remove, or revise a posting, please send an email to Tiffany Zhu at [tiffanyzhu@berkeley.edu](mailto:tiffanyzhu@berkeley.edu)

The following list contains [Summer 2011 Internship Opportunities](#) and [Year-Round Internship Opportunities in the Bay Area](#).

### Summer 2011 Internship Opportunities

#### Alabama

The **Equal Justice Initiative (EJI)** is accepting applications from first- and second-year law students for a summer legal clerkship position for Summer 2011. The legal clerkship requires a ten-week commitment to work at EJI in Montgomery, Alabama. It is an unfunded internship. To apply, please email a letter of interest and resume to Aaryn Urell. Students are encouraged to apply any time between October 1, 2010, and January 15, 2011. However, earlier applications are usually the most successful. Limited positions are available. People of color and other minorities underrepresented in the legal profession are especially encouraged to apply. If you have questions about the summer legal clerkship or would like more information, please feel free to contact Aaryn Urell at [aurell@eji.org](mailto:aurell@eji.org) or (334) 269-1803.

The **Federal Defender Program for the Middle District of Alabama** provides representation to persons charged with federal crimes in the twenty-three southeastern counties of Alabama and to people on Alabama's death row whose appeals are entering federal habeas. This office offers summer and mid-year internships to first, second and third year law students who possess excellent research and writing skills and demonstrate an interest in federal criminal trial work, capital habeas issues, and indigent defense issues. Prior course work in criminal law and criminal procedure would be helpful to the students. Split summers are considered. We are particularly interested in students in joint degree programs. Law Interns complete a training program which includes lectures, role plays, and a brief research project. After completing the training program, Law Interns assist attorneys and investigators at all stages of client representation, including interviewing clients and witnesses, reviewing and organizing discovery materials, researching federal constitutional and criminal law issues, and investigating and preparing cases for pleadings, hearings and/or trial. Law Interns will have opportunities throughout their internship to observe criminal trials and hearings of Federal Defender staff, appellate arguments conducted locally by the Alabama appellate courts and the U.S. Court of Appeals for the Eleventh Circuit, and other court proceedings. The internship program is ten weeks, beginning on June 6, 2011 and ending August 12, 2011. Interns are paid \$11.00 an hour. Our office has a trial unit and capital habeas unit. Applicants should submit, by mail or fax, a resume with a contact address and phone number, short writing sample, and the names and phone numbers of references, by January 14, 2011 addressed to: Christine A. Freeman (Executive Director), Federal Defender Program, Inc. 817 South Court Street, Montgomery, Alabama 36104; FAX: 334-834-0353 The Federal Defender Program is an equal opportunity employer and provides equal opportunity for all qualified people, regardless of sex, race, national origin, sexual orientation, religion or disability, to use their skills and abilities in our workplace.

### **Arizona**

The **Arizona Capital Representation Project** ("Project") is Arizona 's only non-profit capital defense resource center. The Project directly represents indigent inmates who are challenging their convictions and death sentences in state and federal court. The Project also provides training seminars, resource materials and consultation to capital defense attorneys representing clients at every legal stage from pretrial through clemency proceedings. The Project accepts full-time interns during the summer and part-time interns during the school year. Duties of the intern may include investigating capital cases, researching and writing on capital litigation issues, fund-raising for the Project, coordinating capital defense training seminars and consulting with clients at the state prison. The internship is open to 2Ls and 3Ls who have demonstrated an interest in public service, human rights, and/or social justice issues. Prior coursework in criminal law is preferred. Interested students should send a resume, writing sample and cover letter to Amy Armstrong, Director/Staff Counsel, at 131 E. Broadway Blvd., Tucson, AZ 85701. For further information, please visit [azcapitalproject.org](http://azcapitalproject.org).

### **California**

The **California Appellate Project (CAP)** in San Francisco assists in the legal representation of the currently more than 600 persons on California's Death Row. CAP assists both in state habeas corpus and in direct appeal proceedings for these prisoners. CAP-SF also provides

professional training and litigation resource materials to capital defense counsel state-wide. In addition, CAP collects and preserves evidence, and advocates for unrepresented Death Row inmates during the lengthy period prisoners spend between sentencing and appointment of appellate counsel. As a non-profit law office with limited funding, CAP relies on students to fund their internships with public interest grants or other alternative financial support. CAP also endeavors to provide work-study matching funds where needed. Materials should include: a cover letter, resume, writing sample, and 3 references. CAP-SF accepts 1L students during the summer after first year as well as 2L and 3L students. Law students play a valuable and integral role at CAP, working directly with CAP attorneys, mitigation specialists and investigators on all aspects of capital post-conviction litigation. Students' work may include research and writing on various topics, assistance in outlining or drafting legal pleadings, preparation of basic habeas documents, and investigation of issues common to many cases. Law students' specific assignments are determined by the case needs of their litigation team. CAP presents an intensive training program in early June for our summer law student interns, and during the school year, law students work closely with attorney supervisors. Hard copy applications can be sent to Michael Lasher, California Appellate Project, 101 Second Street Suite 600, San Francisco, CA, 94105 or they can be emailed to [mlasher@capsf.org](mailto:mlasher@capsf.org).

The [Capital Habeas Unit of the Federal Defender for the Eastern District of California](#), in Sacramento, offers full-time, unpaid summer internships for law students. The CHU represents California death row inmates in federal court habeas corpus proceedings. Students may perform legal research, review documents, and assist in investigation. Dates are flexible, but a minimum 10-week commitment is required. 1Ls, 2Ls and 3Ls are all welcome to apply; assignments will vary with background and experience. Preference is given to students with a demonstrated commitment to capital defense, post-conviction work, indigent criminal defense, and/or related public interest work. Applications may be submitted at any time, but will not be reviewed until February 1. Applications received after February 1 will be considered on a rolling basis if vacancies remain. To apply, please send a cover letter, resume and writing sample to Allison Claire, Office of the Federal Defender, 801 I Street, Third Floor, Sacramento, CA 95814 or [allison\\_claire@fd.org](mailto:allison_claire@fd.org).

The [Habeas Corpus Resource Center](#) (HCRC) in San Francisco provides exciting opportunities for law students interested in post-conviction capital defense. The HCRC is a judicial branch entity appointed to directly represent death row inmates in habeas corpus and clemency proceedings. The summer internship is a ten-week long program beginning at the end of May and continuing through early August. During the internship, students receive extensive training and are assigned to work directly with case teams on a client's case. Commonly assigned projects include: legal, non-legal, and factual research; drafting pleadings, memos, and other documents; assisting with investigatory tasks; and other critical projects. We seek to hire approximately nine interns. In the past, we have been able to offer a limited number of paid positions; however as of this posting, funding for the summer of 2011 has not been finalized. Therefore, we strongly encourage students to seek grant, fellowship, or other outside funding for the summer. To apply, please submit a cover letter, resume, and a short writing sample via e-mail to [intern-committee@hcrc.ca.gov](mailto:intern-committee@hcrc.ca.gov). Application materials may also be submitted by mail or fax to: Habeas Corpus Resource Center,

and procedural legal principles of criminal and constitutional law, criminal procedure, provisions of the United States and California Constitutions, and the rules of evidence and conduct of proceedings in California courts is preferred but not required. In addition, preferred applicants are typically those with a demonstrated interest in capital defense, post-conviction work, indigent criminal defense, psychology and mental health issues, and/or public interest work. Applications are considered on a rolling basis, and we expect to make all hiring decisions by March of 2011. Applicants whose qualifications meet the needs of the office will be contacted for an interview. For more information about the HCRC please visit our website at <http://www.hcrc.ca.gov>. You may also contact us at (415) 348-3800 or [intern-committee@hcrc.ca.gov](mailto:intern-committee@hcrc.ca.gov) if you have any questions.

The [Office of the State Public Defender](#) offers bright, energetic, and committed law students the opportunity to participate in a 10-week summer internship from June until August. The Office of the State Public Defender (OSPD) has an exclusive focus on death penalty cases, and represents more than 130 people on California's death row. OSPD litigates these cases both on appeal and habeas corpus. The work of the office is often at the cutting edge of criminal law. We have appeared in the California Supreme Court in over 250 cases and in the United States Supreme Court in a half dozen cases where certiorari review was granted. We have been responsible for major developments in the areas of capital litigation, due process, right to counsel, confessions, jury selection, search and seizure, sentencing and many other issues. The work of the Office of the State Public Defender is complex and challenging, and presents a unique personal and professional opportunity for those interested in criminal defense. Summer interns assist with preparing appeals or habeas corpus petitions to the California Supreme Court. Responsibilities may include: legal and factual research on guilt/innocence, forensic, mental health, client social history and other issues; collecting or summarizing documents, investigation and field work (expenses paid); drafting memos and legal pleadings; preparing for hearings and other tasks. Students participate in team meetings. Summer students will attend a week's worth of formal training at the beginning of the summer, in addition to informal training offered throughout the summer. The internship is unpaid. Positions are available in our San Francisco and Sacramento offices. Please include in the application: a letter of interest, a resume, and writing sample. Three references must be provided upon request. Address applications to: Intern Hiring Committee, Office of the State Public Defender, 221 Main Street, 10th floor, San Francisco, CA 94105 or submit via e-mail to [internprogram@ospd.ca.gov](mailto:internprogram@ospd.ca.gov) (email is preferred). 1st round deadline for receipt of applications is November 5, 2010; 2nd round deadline for receipt of applications is December 31, 2010. Applications are reviewed on a rolling basis, so interested students are encouraged to apply early. Qualified applicants will be contacted for an interview. Call 415-904-5600 with any questions.

#### **District of Columbia**

The [Death Penalty Representation Project](#) was created by the ABA in 1986 in order to better inform the bar and public about the lack of representation available to death row inmates. We address this urgent need by recruiting competent, volunteer attorneys, offering counsel training and assistance, and working for systemic reform to ensure that individuals facing a sentence of death are represented at every stage

of the proceedings by competent counsel. The Project is accepting applications for Spring and Summer 2011, 37.5 hours per week. Intern duties include legal and policy research, case summaries, fundraising, and more. This is an unpaid position. Previous experience with or knowledge of the death penalty is not required. Send cover letter, resume, writing sample, and 3 references to Rebecca Katz at [katzr@staff.abanet.org](mailto:katzr@staff.abanet.org) or the following address: 740 15th Street, 8th Floor, Washington, DC 20005.

The [Death Penalty Moratorium Project](#) of the American Bar Association is accepting applications for an unpaid summer 2010 law clerk internship. Law clerk will provide general support to the Moratorium Project's ongoing activities, conduct legal research on recent U.S. Supreme Court decisions bearing on the imposition of the death penalty, investigate specific capital punishment practices in several U.S. jurisdictions, track legislation, and analyze the significance and implication of notable death penalty developments in various U.S. jurisdictions on the Moratorium Project's work. Law clerk will have interaction with other ABA entities and external organizations and individuals working on death penalty issues. The position is located in Washington, DC. Please submit a cover letter, resume, and short writing sample (3-5 pages) to Kirstin Ramsay at [ramsayk@staff.abanet.org](mailto:ramsayk@staff.abanet.org). No phone calls please.

### **Georgia**

The [Georgia Capital Defender](#) represents clients facing the death penalty at trial and on direct appeal throughout the state of Georgia. For the summer of 2011, The Georgia Capital Defender is looking to hire 6-8 law clerks for a 10 week unpaid internship to assist in all aspects of capital trial preparation. Law clerks interview fact and mitigation witnesses, gather mitigation materials, organize discovery, perform legal research, and draft motions. Law clerks also participate in trial strategy meetings, attend court appearances, and visit clients. The internship program includes trainings and lectures by prominent Georgia criminal defense attorneys and mitigation specialists. The office welcomes applications from both 1Ls and 2Ls. Preference is given to applicants with demonstrated interest in capital defense, post-conviction work, indigent criminal defense and public interest work. Interested students should submit a cover letter, resume, writing sample, and references via e-mail to [plakhi@gacapdef.org](mailto:plakhi@gacapdef.org) or via mail to Priya Lakhi, Georgia Capital Defender, 225 Peachtree Street NE, Suite 900, South Tower, Atlanta, GA 30303. Applicants will be selected and interviewed on a rolling basis.

[Federal Defender Program, Inc.](#) (Northern District of Georgia) The Federal Defender Program (located in Atlanta) offers non-funded positions for a ten-week period during the summer to law students. We accept applications from rising second and third year students who possess strong research and writing skills and an interest in indigent defense work. The Capital Habeas Unit represents indigent defendants sentenced to death in the state courts of Georgia. Students participating in this program will assist in all aspects of our work, including records collection, investigation and legal research and writing. Students will also have the opportunity to visit with clients during the summer. Applications will be accepted by e-mail from September 1, 2010 to February 1, 2011 and can be sent to Jeffrey Ertel at [jeff\\_ertel@fd.org](mailto:jeff_ertel@fd.org). Please be sure to include a resume, writing sample and cover letter in your application.



The [Georgia Resource Center](#) is a non-profit law office that represents men and women sentenced to death in the State of Georgia. GRC represents these individuals through state and federal habeas proceedings and clemency proceedings. GRC hires law students during the summer and academic year. The positions are unpaid, though outside funding is often available during the summer. The internships are not of set duration, but are typically 10-12 weeks. Interns participate in activities including interviewing witnesses, compiling life histories, visiting clients, and conducting legal research. Students can apply by sending a resume and cover letter to Lynn Damiano, Georgia Resource Center, 303 Elizabeth Street, Atlanta, GA 30307 or emailing [lynndamiano@yahoo.com](mailto:lynndamiano@yahoo.com).

Located in Atlanta, the [Southern Center for Human Rights](#) one of the nation's leading organizations devoted to indigent defense and protection of human rights in the criminal justice system. SCHR accepts summer interns to work throughout their practice areas, which include capital representation and civil rights litigation. Applications are accepted on a rolling basis. It is suggested, however, that 2Ls get their applications in during September because they hire quickly. Applicants from both 1Ls and 2Ls welcome. Applications should be submitted by mail to Patrick Mulvaney and Atteeyah Hollie at: Southern Center for Human Rights, 83 Poplar St., NW Atlanta, GA 30303 or by email to Atteeyah Hollie at [ahollie@schr.org](mailto:ahollie@schr.org). All internship applications must include a cover letter, resume, writing sample, and list of references. Click [here](#) for more information.

### **Idaho**

The [Federal Defender Services of Idaho](#) has a capital habeas unit that handles capital cases at the federal level. The Capital Habeas office offers a 10-12 week summer internship for a 2L position. Applications should include a cover letter and resume and should be sent via mail to Bruce Livingston, Capital Habeas Unit, 350 N. 9th Street, Suite 300, Boise, Idaho 83702. Applications for this position can be sent at any time but the office traditionally waits until after the first of the year to review applications. 2Ls are preferred. Summer internships are paid at a competitive hourly rate with no additional benefits except flexibility on unpaid leave if needed. Summer interns routinely help with research and writing, document preparation and finalization, attendance at any scheduled courtroom appearances, working side-by-side with staff attorneys, investigators and paralegals, including "brainstorming sessions" regarding any of the office's 13 death-row clients. Besides the work experiences, Boise is known for its eclectic art scene, and there are community activities throughout the summer months and lots of outdoor activities, etc. For more information, contact Bruce Livingston at the above address or contact the branch administrator at her e-mail address at [Cynthia\\_Bertleson@fd.org](mailto:Cynthia_Bertleson@fd.org), with the subject line: 2009 summer internship.

### **Louisiana**

The [Capital Post-Conviction Project of Louisiana](#) accepts unpaid interns to work on capital cases in state post-conviction. Applicants should send a resume to Gary Clements, 1340 Poydras Street, Suite 1700, New Orleans LA 70112. Gary may be contacted with questions at [gcllements@cpcl.org](mailto:gcllements@cpcl.org). CPCPL also accepts local law students in year-round internship positions.

The [Capital Appeals Project](#) (CAP) in New Orleans, LA is seeking hard working and dedicated law students in their first and second years for ten week unpaid internships during the Summer 2011. CAP focuses on providing top quality appellate representation to people on death row in Louisiana on their direct appeals to the Louisiana Supreme Court and U.S. Supreme Court. Interns conduct a wide range of tasks, including legal research and writing, records collection and digesting, and client interviews. To apply, send a cover letter, resume and writing sample by February 1st, to [bidishs@thejusticecenter.org](mailto:bidishs@thejusticecenter.org). Applicants will be selected and interviewed on a rolling basis.

The [Louisiana Capital Assistance Center](#) (LCAC) is a non-profit capital trial organization deeply committed to providing quality legal representation to people facing the death penalty in Louisiana and throughout the South. The LCAC emphasizes client-centered representation, constantly seeks to develop new and innovative advocacy strategies, and also pursues systemic litigation related to issues involving racism in the criminal justice system and lack of funding for adequate representation. The LCAC is seeking summer law clerks to assist attorneys on all aspects of their work, including legal research and writing, monitoring court proceedings, gathering and summarizing records, social science research, gathering statistical data, interviewing jurors, and visiting clients. We are looking for individuals who will bring enthusiasm and diligence to their work, and who share our deep commitment to public service and to indigent defense. Interested applicants should send a resume, a cover letter detailing their interest in capital defense work, a writing sample, and a list of three references. Applicants are encouraged to apply as soon as possible, as the recruitment process is competitive and applicants are considered on a rolling basis, with final slots generally filled in early February. If you have any questions about our internship program or are interested in applying, please contact: Aliza Cover, Louisiana Capital Assistance Center, 636 Baronne Street, New Orleans, LA 70113, (504) 558-9867, [alizac@thejusticecenter.org](mailto:alizac@thejusticecenter.org).

### **Maryland**

The [Federal Public Defender for the District of Maryland](#) handles a steady stream of federal capital trials. Summer interns will likely work on both capital and non-capital cases. Interested students should send a resume and cover letter to Jim Wyda, Federal Public Defender, Office of the Federal Public Defender, 100 South Charles Street, Tower II Suite 1100, Baltimore MD 21201. Internships are generally unpaid. Hiring decisions are made on a rolling basis. The office also accepts internship applications for short periods of time outside of summer months (i.e. winter break, etc.).

The Aggravated Homicide Division is a statewide division of the [Maryland Office of the Public Defender](#). We currently are accepting applications for law clerks, social work and investigator interns, for the spring and summer semesters, 2010. The Aggravated Homicide Division represents persons charged with death-eligible offenses, at the pre-trial and trial level. Due to budgetary constraints, interested candidates must be able to procure their own funding, or work as volunteers. For consideration, please submit a resume, a letter stating your interest, and a legal writing sample, to Stefanie McArdle, at [smcardle@opd.state.md.us](mailto:smcardle@opd.state.md.us). Applications will be considered until all slots are filled.

The Federal Capital Habeas Project, a program of the Federal Public Defender System, is currently accepting applications from law students for the summer of 2011 for a position in its Greenbelt, Maryland office, located fifteen miles from the heart of downtown Washington, DC. The Project was started in 2006 to provide litigation and other support to lawyers for the growing number of prisoners on federal death row. Its aim is to ensure that all individuals sentenced to death in federal court who have completed their direct appeals receive representation consistent with the highest standards of the legal profession during post-conviction and clemency proceedings. Students will have the opportunity to work closely with the Project's attorneys on federal death penalty cases across the country, on research and writing assignments related to both substantive and procedural issues of federal capital habeas law, as well as assignments related to mitigation, mental health and forensic evidence. The intern will also assist the Project's attorneys in preparing materials for training and related educational opportunities for lawyers representing individuals on federal death row. Because the internship position is unpaid, students should seek summer funding through their law schools. The intern would ideally work for at least ten weeks during the summer. Applicants should submit (1) a resume; (2) cover letter; (3) a writing sample; and (4) the names of two references, by email to [Dewanna\\_Planter@fd.org](mailto:Dewanna_Planter@fd.org) to: Ruth Friedman, Director, Federal Capital Habeas Project, Office of the Federal Public Defender, District of Maryland—Southern Division, 6411 Ivy Lane, Suite 710, Greenbelt, Maryland 20770. Applications will be accepted until the position is filled. The Federal Capital Habeas Project is an Equal Opportunity Employer.

### **Minnesota**

The Minnesota Office of the Federal Defender is accepting applications for volunteer law clerks for summer 2011. We are looking for law clerks to work on our usual interesting array of federal criminal cases, helping represent poor people charged in federal court. This year we are also looking for a clerk to focus primarily on a federal capital habeas case we are working on. We are seeking a clerk with a special interest in capital work who ideally has some experience or specialized training. An applicant should also have excellent research and writing skills. If you are interested, please email Kate Menendez (Chief of Training) at [kate\\_menendez@fd.org](mailto:kate_menendez@fd.org).

### **Missouri**

The Missouri State Public Defender Capital Division specializes in capital murder cases and represents defendants for whom the state has decided to seek the death penalty. Capital offices are located in Columbia, Kansas City, and St. Louis. Applicants attending law school in Missouri should participate in the spring on-campus interview process at their law school. The office also participates in OCI at many other law schools surrounding Missouri. Applicants attending law school in other locations may submit an application at anytime and they will be contacted to schedule a phone interview. Applications should be received no later than February 15th. Interns may assist in case preparation for the guilt or penalty phase of the capital murder trial, including reading discovery information and reviewing evidence. Interns with backgrounds in psychology, sociology, or mental health work may particularly enjoy this internship, since the office performs a significant

amount of mitigation investigation. The internship is unpaid. Interested students should mail a resume and cover letter to Human Resources located at Woodrail Centre, 1000 W. Nifong, Bldg. 7, Suite 100, Columbia, MO 65203. Both 1Ls and 2Ls welcome to apply. Gina Hall, Human Resources Coordinator, can be contacted at (573)-882-9855, ext. 204 or [gina.hall@mspd.mo.gov](mailto:gina.hall@mspd.mo.gov) for more information. You can also learn more about MSPD by visiting their website at <http://www.publicdefender.mo.gov/>.

The [Public Interest Litigation Clinic](#), formerly the Missouri Capital Punishment Resource Center, is a non-profit law firm in Kansas City, Missouri, which represents death-sentenced prisoners in Missouri, Kansas, Arkansas, and other jurisdictions, while providing support and other services to capital attorneys in Missouri and neighboring states. The bulk of our work involves post-trial litigation, including habeas corpus, direct appeal, and state and federal post-conviction proceedings. We offer paid and unpaid summer internships to students who have completed one or two years of law school; the number of paid internships will depend upon our ability to fund them. Depending upon interest and skill level, interns will become involved in research and writing projects, factual and mitigation investigation, client visits and virtually any other aspect of capital representation. Applicants should send a cover letter, writing sample, resume and three references to Jennifer A. Merrigan, Public Interest Litigation Clinic, 305 E. 63rd Street, Kansas City, Mo., 64113, by March 1, 2009.

#### **Nevada**

The Federal Public Defender for the District of Nevada has a Capital Habeas Unit which accepts summer interns. Applicants should have a demonstrated interest in the death penalty, federal habeas corpus and/or state post-conviction litigation. This is a paid position; students who have completed their 2L year are preferred. If interested contact Brian Abbington at [Brian\\_Abbington@fd.org](mailto:Brian_Abbington@fd.org).

#### **New York**

The [NAACP Legal Defense Fund](#) hires summer interns in their Criminal Justice Project, which includes representation of capital and non-capital clients. Most of these cases are in the habeas stage. The internship is unpaid and lasts 10 weeks. Students assist with all aspects of cases, including legal research, memo writing, drafting portions of briefs, working on clemency issues, developing claims, and conducting investigation. 1Ls and 2Ls are welcome to apply; applications should include a cover letter, resume, list of references, and a writing sample. Decisions are made on a rolling basis, but are generally made between October and February. See their [website](#) for the addresses to which applications should be sent.

#### **North Carolina**

Each summer the [Center for Death Penalty Litigation](#) hosts approximately six full-time law student interns. One of our law student intern positions is dedicated to the Center's Trial Assistance Unit; the other law students assist attorneys working on capital post-conviction cases. In recent summers, law student interns have assisted with research and writing of direct appeal and post-conviction claims, assisted at evidentiary hearings, traveled across the state conducting investigation, worked on clemency cases, and visited clients. Each year we receive

rave reviews from our summer interns. Former interns consistently remark on the diversity of opportunities, the rigorous intellectual environment, and the collegiality of our office. We eagerly recruit both 1Ls, and 2Ls to fill our summer intern positions. Because of the nature of the work our students perform, we do not split summers and we prefer that all interns begin work on the same date; we ask each student to commit to a 10-week program, usually beginning the first workday of June. Generally, our student internships are unpaid. The staff at the Center will gladly assist students who are applying for third-party or school-based grants and fellowships. In the summer of 2005, we proudly initiated a Fellowship program for students attending a North Carolina law school. The Weston Fenhagen Fellowship awards two law students \$3500 in exchange for full-time 10 week employment at the Center. All applicants from the law schools at UNC, NCCU, Duke, Wake Forest, Campbell, Elon, and Charlotte are automatically considered for the fellowship. Students interested in a summer internship should provide a current resume, a writing sample (10 pages or less), and a cover letter by January 31. Please include in your letter any special interest in death penalty litigation or criminal defense generally. We prefer that applications be submitted electronically whenever possible. Applications should be emailed to [cdpl@cdpl.org](mailto:cdpl@cdpl.org). Students planning to attend the public interest job fairs at UNC-CH or NCCU are encouraged to apply through those events. Our goal is to make final hiring decisions by February 28.

The [Fair Trial Initiative](#) is a non-profit organization whose mission is to ensure fairness for indigent defendants facing the death penalty and to help address systemic inequalities in the justice system's handling of capital cases. Our attorneys assist in the defense of people charged with capital crimes at the trial level across North Carolina. The office seeks 1Ls and 2Ls to participate in all aspects of preparing for capital trials, including researching and drafting motions, meeting clients, interviewing witnesses and family members, and collecting and reviewing documents. The internship is unpaid and lasts 10 weeks. Students should send a resume, cover letter and writing sample (no more than 10 pages) to Kellie Mannede, via email at [kellie@fairtrial.org](mailto:kellie@fairtrial.org) or via post at Fair Trial Initiative, 201 West Main Street, Suite 300, Durham, NC 27701 by February 15, 2011. Applicants should note on their resumes whether they have any special skills (such as Spanish proficiency) and whether they have taken any courses relevant to criminal or capital law. Candidates may be asked for additional information following the initial screening.

The [Capital Punishment Project of the American Civil Liberties Union](#) seeks legal interns to work in the Project's Durham, North Carolina office for the summer of 2011. The Capital Punishment Project challenges the unfairness and arbitrariness of capital punishment while working toward the ultimate goal of abolishing the death penalty. The Project engages in public advocacy and strategic litigation, including direct representation of capital defendants. The Project's litigation is conducted throughout the country, with particular focus on the South. The Capital Punishment Project seeks a limited number of summer interns to work on active capital litigation and other projects. Working closely with project attorneys, interns will assist in all aspects of litigation, including legal research, factual investigation, and drafting of memoranda, affidavits and briefs. Second year law students are encouraged to apply. Applicants should have an interest in the abolishment of the death penalty and a commitment to civil liberties, civil rights and social justice, excellent writing and communication skills, and the

initiative and energy to see projects to completion. The summer internship program lasts ten weeks. This internship is unpaid. Students are highly encouraged to seek Public Interest Fellowship funds for the internship. Arrangements can also be made with the student's law school for work/study stipends. Summer interns who do not secure funding may be eligible for a stipend provided by the Project. Please send an application consisting of a cover letter, resume, short writing sample (5-10 pages) and list of three references to: Law Student Intern Program, ACLU CPP, 201 West Main Street, Suite 402; Durham, NC 27701; Or by email to: [rrauch@aclu.org](mailto:rrauch@aclu.org) The deadline is February 10, 2011, but applications will be accepted until the position is filled. Applications will be considered on a continuous basis, and therefore candidates are encouraged to apply well in advance of the deadline. Please indicate in your cover letter where you found this job posting. ***The ACLU is an equal opportunity/affirmative action employer and encourages women, people of color, persons with disabilities, and lesbians and gay men to apply.*** The ACLU comprises two separate corporate entities, the American Civil Liberties Union and the ACLU Foundation. Both the American Civil Liberties Union and the ACLU Foundation are national organizations with the same overall mission and share office space and employees. The ACLU has two separate corporate entities in order to do a broad range of work to protect civil liberties. This job posting refers collectively to the two organizations under the name "ACLU."

### Ohio

The Capital Habeas Unit (CHU) in the Cleveland, Ohio branch of the Office of the Federal Public Defender for the Northern District of Ohio has year-round externship opportunities for second and third-year law students. The CHU represents individuals who have been convicted of a capital crime in Ohio and who seek post-conviction relief in federal court. Externships are unpaid; however, our office routinely qualifies for work-study placement and works with sponsoring law schools to meet academic requirements in order for the externship to qualify for academic credit. Externs must commit to work at least 12 hours a week during the academic year and 16 hours a week during the summer. CHU externs will work exclusively on pending death penalty cases and related matters, such as clemency preparation and presentation. Extern responsibilities may include: researching specific issues, assisting with the drafting of motions, reviewing records, documents and transcripts, assisting with the gathering of documents for clemency packets, and assisting with investigations. Prerequisites include having successfully taken Criminal Law, Criminal Procedure, and Evidence. Applicants meeting these academic prerequisites must also be interviewed to be considered for placement. Applicants offered an externship will be subject to a background check as required under the current policy for the Administrative Office of the United States Courts. To apply, please forward a (1) cover letter; (2) resume; (3) short writing sample; (4) list of completed law school classes; and (5) current GPA to Attorney Amy B. Cleary via email at [amy\\_cleary@fd.org](mailto:amy_cleary@fd.org) or via U.S. Mail at Office of the Federal Public Defender, Skylight Office Tower, Suite 750, 1660 West 2nd Street, Cleveland, Ohio, 44113. For more information, please call 216.522.4856.

### Pennsylvania

The Federal Community Defender of the Eastern District of Pennsylvania has a Capital Habeas Unit that handles federal habeas corpus and

state post-conviction proceedings for individuals who have been sentenced to death. The office offers four to six full-time, 10-week summer internships for law students. Unpaid internships are still available for summer 2011. Applicants should include a resume, transcript, and writing sample. Internships are also available on a limited basis year round. Applications should be sent to Elizabeth Larin, Assistant Federal Defender via email at [elizabeth\\_larin@fd.org](mailto:elizabeth_larin@fd.org) or via regular mail at Federal Community Defender for the Eastern District of Pa., Capital Habeas Unit, 601 Walnut Street, Suite 545 West, Philadelphia, PA 19106. (Updated 1/21/2011)

The Capital Habeas Unit (CHU) of the [Federal Public Defender for the Western District of Pennsylvania in Pittsburgh](#) represents individuals who have been convicted of capital crimes and who seek post-conviction relief in Federal court. This office offers 10-week summer internships for law students who possess excellent research and writing skills and demonstrate an interest in capital litigation and indigent defense. The positions are not paid internships. Responsibilities may include legal research, assisting in drafting motions, reviewing records, documents and transcripts and assisting with investigations. Prior course work in criminal law and procedure would be helpful. To apply, please forward a (1) cover letter; (2) resume; (3) short writing sample; (4) completed list of law school classes;(5) current GPA and class ranking; and (6) references to Lynn A. Ellenberger via email at [lynn\\_ellenberger@fd.org](mailto:lynn_ellenberger@fd.org) or via mail to Federal Public Defender, Western District of Pennsylvania, Capital Habeas Unit, 1500 Liberty Center, 1001 Liberty Avenue, Pittsburgh, PA 15222-3714. Successful applicants will be subject to a background fingerprint check as required under the current policy for the Administrative Office of the United States Courts. This office also offers year-round externship opportunities for second and third-year law students, and inquiries can also be made regarding same to the above.

### **South Carolina**

The [South Carolina Commission On Indigent Defense](#) (SCCID) – Capital Trial Division represents clients facing the death penalty at trial throughout the state of South Carolina. For the summer of 2011, SCCID is looking for 4 law clerks to assist in all aspects of capital trial preparation. Law clerks interview fact and mitigation witnesses, gather mitigation materials, organize discovery, perform legal research, and draft motions. Law clerks also participate in trial strategy meetings, attend court appearances, and visit clients. The internship program includes trainings and lectures by prominent criminal defense attorneys and mitigation specialists. The office welcomes applications from both 1Ls and 2Ls. Interested students should submit a cover letter, resume, writing sample, and references via e-mail to [nholliday@sccid.sc.gov](mailto:nholliday@sccid.sc.gov) or via mail to Natasha Holliday, SCCID – Capital Trial Division, 1330 Lady St., Suite 401, Columbia, SC 29201.

### **Tennessee**

The [Tennessee Office of the Post-Conviction Defender](#) (PCDO) is a specialized state wide public defender office funded by the State. The PCDO represents indigent Tennessee death-sentenced inmates in post-conviction and other collateral proceedings. The job of the PCDO is to review and litigate the fairness and constitutionality of a capital defendant's conviction and sentence. This entails an exhaustive review of the underlying capital trial and direct appeal. The PCDO is charged with thoroughly investigating the availability and strength of various defenses

in both the guilt/innocence and penalty phases of the capital trial and evaluating potential post-conviction claims such as actual innocence, ineffective assistance of defense counsel at trial, and prosecutorial misconduct. This work requires client and witness interviews; forensic investigation; collection and review of all relevant records including trial transcripts, police records, defense attorney and prosecution files, and institutional records; development of client social histories; arrangements for medical and psychological evaluations; legal research; drafting of pleadings and briefs; and preparation for post-conviction trials and appellate arguments. The PCDO invites law students and recent law school graduates to apply for internships. Interns assist in legal research and writing and participate in other aspects of case preparation. Interns meet with clients on death row and often have opportunities to observe witness interviews and attend court proceedings. The PCDO cannot offer compensation to interns due to State budgetary constraints. Accordingly, the work of our interns is voluntary. The PCDO will assist interns seek funding from outside sources, and law school credit for internships may also be available. The PCDO is flexible in establishing intern work schedules that are tailored to the interests and availability of the individual applicants. To apply for an internship, please send a cover letter, resume, law school transcript, and writing sample to: Bradley A. MacLean, Director of the PCDO Intern Program, Office of the Post-Conviction Defender, 530 Church Street, Suite 600, Nashville, Tennessee 37243, [macleanb@tnpcdo.net](mailto:macleanb@tnpcdo.net)

The Capital Habeas Unit of the [Office of the Federal Public Defender for the Middle District of Tennessee](#) in Nashville offers full-time, unpaid summer internships for law students. The CHU represents Tennessee death row inmates in federal habeas corpus proceedings. Interns will perform legal research, draft substantive legal documents, and assist in investigation. Interns will also have exposure to non-capital federal public defense work, in which indigent clients are facing federal criminal charges. Students may participate in pre-trial motion practice, trial assistance and observation, and legal work related to sentencing. Dates are flexible and we are willing to host students who intend to split their summers at other organizations. Assignments will vary with background and experience. Preference is given to students with a demonstrated commitment to indigent criminal defense and/or public interest work. Applications may be submitted at anytime, however, we encourage students to apply as soon as possible as we review applications on a rolling basis. To apply, please send a cover letter and resume to Paul Bottei, Director of Litigation, Capital Habeas Unit, Office of the Federal Public Defender, 810 Broadway, Suite 200, Nashville, TN 37203 or [paul\\_bottei@fd.org](mailto:paul_bottei@fd.org).

### **Texas**

The [Bexar County Public Defender's Office](#) represents clients on direct appeal and in petitions of certiorari to the U.S. Supreme Court. Student interns perform legal research and writing, and investigation. Interns also observe trials and hearings and visit the local jail and may have contact with clients. Year-round and summer internship opportunities are available. The internship is unpaid, but the office is flexible in the schedule and duration of the internship. Rising 2Ls are encouraged to apply; the office is looking for interns with a demonstrated interest in criminal law, indigent defense, or related areas. Applicants should send a cover letter, resume, recent writing sample, and a list of at least two references to Lori Olenick Rodriguez, Senior Assistant Public Defender, Bexar County Public Defender's Office, Heritage Plaza, 410 South



Main, Suite 214, San Antonio, TX 78204. Applications are considered as received. For more information about the office or the internship, please feel free to contact Lori at [lori-rodriguez@bexar.org](mailto:lori-rodriguez@bexar.org).

**Gulf Region Advocacy Center** represents and assists in the representation of defendants charged with capital crimes. Most interns spend a large amount of time collecting records and digesting documents. More experienced interns may help with research and writing motions. If there is a trial during the internship, an intern will mostly likely be involved in preparing for trial and providing support for the lawyers and mitigation specialists. The office accepts rising 2Ls and 3Ls as interns. Internships are unpaid. Applications are accepted on a rolling basis and may be submitted by email to [staff@gracelaw.org](mailto:staff@gracelaw.org) or by mail to Gulf Region Advocacy Center, 2307 Union Street, Houston TX 77007. For more information, contact Jeremiah Sierra at [staff@gracelaw.org](mailto:staff@gracelaw.org) or call (713)869-4722.

The **Office of Capital Writs** ("OCW") is a newly created state agency which began operation on September 1, 2010. The OCW, located in Austin, Texas, is a capital post-conviction office charged with representing death sentenced persons in Texas post-conviction habeas corpus and related proceedings. The office is seeking two summer interns (no pay) to work at the Austin office. The students will assist the attorneys and investigators in the preparation of state habeas petitions. Interested students should email a resume and letter of interest to [brad.levenson@ocw.texas.gov](mailto:brad.levenson@ocw.texas.gov).

**Texas Defender Service** (TDS) is a non-profit organization that seeks to establish a fair and just criminal justice system in Texas. TDS aims to improve the quality of representation afforded to those facing a sentence of death and to expose and eradicate the systemic flaws plaguing the death penalty system in Texas. TDS interns perform a variety of vital tasks. Interns do extensive legal research and writing in the areas of criminal procedure and habeas corpus. Interns may be asked to summarize transcripts of death penalty cases, check out and examine court records, travel to conduct research or to find and interview jurors or other persons associated with an inmate's case. Interns also travel to Death Row to interview clients. If you are interested in applying, please send a resume and cover letter to the internship coordinator: Kate Black, Staff Attorney, Texas Defender Service, 1927 Blodgett Street, Houston, TX 77004, Ph: (713) 222-7788, Fax: (713) 222-0260, [kateblack@texasdefender.org](mailto:kateblack@texasdefender.org)

The **West Texas Regional Public Defender for Capital Cases** represents clients charged with capital crimes at the trial level in 122 county regions in West and South Texas. Our office covers an area in excess of One hundred forty seven thousand square miles with a population of more than two million six hundred thousand. We have offices in Lubbock, Amarillo, Midland, Uvalde and an office to be determined at a later date. Interns are utilized for a wide variety of tasks, including collecting and digesting records and documents; research; drafting motions; assisting attorneys, mitigators and investigators with client and witness interviews; trial preparation assistance; and, team support during trial. Internships are unpaid. Applications are accepted and reviewed at any time. Applications may be submitted by e-mail to [jstoffregen@co.lubbock.tx.us](mailto:jstoffregen@co.lubbock.tx.us) or by mail to West Texas Regional Public Defender for Capital Cases, P. O. Box 2097, Lubbock, Texas 79408. For more

## Virginia

The [Federal Public Defender of the Eastern District of Virginia](#) accepts summer interns to work on federal capital cases at the trial and appellate levels. Interns may work in the offices in Alexandria, Richmond, or Norfolk. For information about applying, please contact Kenneth Troccoli at the Alexandria office at 703-600-0800. The office is currently accepting applications and makes decisions on a rolling basis.

The [Capital Defender Office of Northern Virginia \(CDO\)](#) has been providing quality representation to impoverished defendants facing the death penalty since 2003. The CDO is charged with handling all facets of trial representation for capital cases arising in Virginia's 22 northern jurisdictions, comprising one of the most active death penalty regions in the Commonwealth. The CDO seeks highly motivated law students with a commitment to the zealous representation of capital defendants. Each year, students spend a semester or summer at the CDO completing a variety of assignments under the supervision of experienced staff. The tasks to be performed are limited only by the ability and willingness of the interns. Typically, CDO interns research criminal and death penalty law, write legal memoranda, assist in investigating and organizing mitigation evidence, and perform other tasks necessary to aid in the defense of capital clients. These internships provide an invaluable opportunity to receive direct experience working in the rewarding and challenging field of capital defense. Interested students should email a resume, transcript, writing sample, and list of references to Edward Ungvarsky, Capital Defender, at [eungvarsky@gmail.com](mailto:eungvarsky@gmail.com) and copy Xanthis Andino, Office manager at [xandino@idc.virginia.gov](mailto:xandino@idc.virginia.gov). The CDO is an equal opportunity employer, equal without regard to race, color, religion, sex, national origin, disability, age, or political affiliation.

The [Virginia Capital Representation Resource Center](#) (VCRRC) directly represents and assists attorneys representing inmates sentenced to death in Virginia. Virginia has a sordid history of capital punishment. Many people are surprised to learn that Virginia has executed more people than any other State in the nation. All persons executed for non-homicide crimes in Virginia were men of color. Since resumption of execution after *Gregg v. Georgia* in 1977, Virginia ranks behind only Texas in numbers of state killings. VCRRC is seeking qualified and committed interns willing and able to contribute at all levels of post-conviction litigation. Interns will help to identify, investigate, research and draft the factual and legal bases for the post-conviction claims in both state and federal courts. They will track down witnesses, meet with clients, research and draft federal and state pleadings and motions. Issues in Virginia cases often are at the cutting edge of capital litigation. *Atkins v. Virginia* prohibited the execution of persons with mental retardation. *Terry Williams v. Taylor* provided the first Supreme Court of new standards for granting habeas relief in federal courts. *Michael Williams v. Taylor* and *Strickler v. Angelone* addressed the manner in which information concealed by jurors or prosecutors should be handled in post-conviction proceedings. Budget restrictions limit our ability to supply funding for internships and applicants are strongly encouraged to seek grant or other financial support. Interested persons should inquire or apply by email to: Rob Lee, Executive Director, VCRRC, [roblee@vcrcc.org](mailto:roblee@vcrcc.org)

## Year-Round Internship Opportunities in the Bay Area

The Office of the Federal Public Defender for the Central District of California's Capital Habeas Unit offers unpaid spring internships for law students. The Office is the largest in the Federal Defender services program and is located in the Little Tokyo section of downtown Los Angeles. There are currently over 700 individuals on California's death row, and approximately half of these sentences arise from crimes committed in the Central District. Thus, the district court in the Central District adjudicates a large number of federal habeas corpus petitions; the Office of the Federal Public Defender represents most of these petitioners. Among other things, spring interns work on actual capital cases and attend federal court hearings. Interested students should send a cover letter, resume, writing sample, and unofficial transcript to Michael Weinstein and Brian Pomerantz, Deputy Public Defenders, 321 E. 2nd Street, Los Angeles CA 90012 or to [Michael\\_Weinstein@fd.org](mailto:Michael_Weinstein@fd.org) and [Brian\\_Pomerantz@fd.org](mailto:Brian_Pomerantz@fd.org). Hiring decisions are made on a rolling basis, and the office is currently accepting applications. The office accepts applications from 2Ls and 3Ls.

The [Office of the State Public Defender](#) handles capital cases on direct appeal and in state habeas corpus proceedings. The office accepts interns throughout the school year and during the summer. Internships are unpaid, although work study may be available, and 1Ls are welcome to apply. Students work closely with a team of lawyers and investigators, and perform research and writing and assist in investigation. Interested students should send a cover letter, resume, and writing sample to Alison Bernstein, Deputy State Public Defender, 221 Main Street, SF, CA 94105.

The [Habeas Corpus Resource Center](#) (HCRC) in San Francisco provides exciting opportunities for law students interested in post-conviction capital defense. The HCRC is a judicial branch entity that is appointed to directly represent death row inmates in habeas corpus and clemency proceedings. Depending on their work schedules, school year externs and volunteers are either assigned to work on specific cases or are assigned various discrete projects. Commonly assigned projects include: legal, non-legal, and factual research; drafting pleadings, memos, and other documents; assisting with investigatory tasks; and other critical projects. For students interested in obtaining clinical credits from their law school, HCRC will work with the student and the school in an effort to meet the school's requirements. Start and end dates for externs and volunteers are flexible, as are the number of hours and days worked per week. HCRC accepts first-, second-, and third-year law students. Knowledge of substantive and procedural legal principles of criminal and constitutional law, criminal procedure, provisions of the United States and California Constitutions, and the rules of evidence and conduct of proceedings in California courts is preferred but not required. In addition, preferred applicants are typically those with a demonstrated interest in capital defense, post-conviction work, indigent criminal defense, psychology and mental health issues, and/or public interest work. To apply, please submit a cover letter, resume, and a short writing sample via e-mail to [intern-committee@hcrc.ca.gov](mailto:intern-committee@hcrc.ca.gov). Application materials may also be submitted by mail or fax to: Habeas Corpus Resource Center, 303 Second Street, Suite 400 South, San Francisco, CA 94107; fax (415) 348-3873. Applicants should specify for which semester(s) they are applying and indicate their proposed work schedule. Applications are accepted and considered at any time. For more information about the HCRC please visit our website at <http://www.hcrc.ca.gov/>. You may also contact us at (415) 348-3800 or [<http://www.law.berkeley.edu/capitaldefense.htm> \(16 of 18\)10/4/2011 1:36:13 PM](mailto:intern-</a></p></div><div data-bbox=)

[committee@hcrc.ca.gov](mailto:committee@hcrc.ca.gov) if you have any questions.

The **California Appellate Project (CAP)** in San Francisco assists in the legal representation of the currently more than 600 persons on California's Death Row. CAP is seeking law students to join us as clinical externs during the school year. We need highly motivated students with a strong commitment to vigorous advocacy on behalf of indigent defendants on death row. You will become actively involved in supporting the litigation of their cases through fact investigation, legal research and drafting, development and coordination of litigation materials, and a variety of other tasks, under the supervision of experienced attorneys, mitigation specialists, and investigators. To apply please send us, preferably by email, a cover letter explaining your interest in our work, a resume, a writing sample, and the names and phone numbers of three references familiar with your skills and experience. Since nearly all of the men and women on California's death row are from deprived economic backgrounds, and the majority are people of color, we are interested in learning from your cover letter the aspects of your life experience, education, training, and work history that you believe have prepared you to understand and work well with the clients we serve and their communities. Please email these materials to [internships@capsf.org](mailto:internships@capsf.org).

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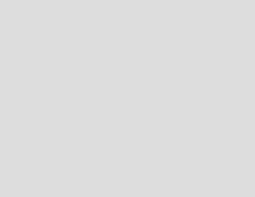
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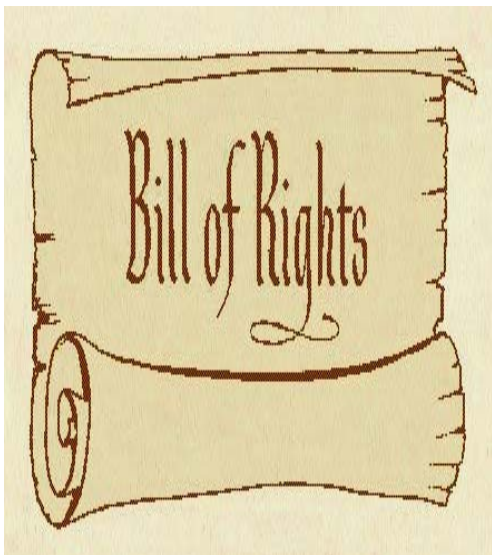
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# CAREERS IN INDIGENT DEFENSE

A QUICK GUIDE TO PUBLIC DEFENDER PROGRAMS



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## INTRODUCTION

*“So you want to be a public defender? Don’t do it for the money, there isn’t enough. Don’t do it for prestige, you won’t get any. Don’t do it for the thrill of victory, victory rarely comes.*

*Do it for love. Do it for justice. Do it for self-respect. Do it for the satisfaction of knowing you are serving others, defending the Constitution, living your ideals.*

*The work is hard. The law is against you. The facts are against you. The judges are often against you. Sometimes even your clients are against you.*

*But it is a great job – exhilarating, energizing, rewarding. You get to touch people’s hearts and fight for what you believe in every day.”*

*Carol A. Brook*

*Deputy Director*

*Federal Public Defender for Northern Illinois*

Anyone accused of a crime that can result in incarceration is entitled a lawyer.<sup>1</sup> Because of that constitutional guarantee, federal and state governments must provide lawyers to the indigent accused of crime. There are several ways that obligation is carried out, leading to many different types of indigent defense programs.

Generally speaking, three models have emerged for the delivery of legal services to the criminally accused: assigned-counsel systems, contract-service systems, and public-defender systems. The assigned-counsel system involves assigning individual criminal cases to private attorneys on a systematic or ad hoc basis. The contract-service system delivers legal services through a government contract with an attorney, group of attorneys, bar association, or some other entity. Public-defender programs on the local or federal level have full staff attorneys and support personnel who provide defense services to indigent criminal defendants. Most states use some combination of these three models.<sup>2</sup> So, an accused person in Massachusetts, for example, may be represented by a federal public defender, a private attorney appointed from a panel of attorneys, or a full-time state public defender.

Defender organizations handle different types of cases. Attorneys in certain defender programs may represent such diverse clients as juveniles accused of delinquency or other status crimes, adult misdemeanants, adult felons, state or federal appellants, children or parents involved in custody or care matters, persons who someone seeks to commit to a mental institution or to medicate involuntarily, or minors seeking an abortion without parental consent. There are also specialized programs, such as offices that provide legal

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<sup>1</sup>See *Gideon v. Wainwright*, 372 U.S. 335 (1963); For a compelling description of the *Gideon* case and the story behind the development of the right to counsel, see Anthony Lewis’ Pulitzer Prize winning book, *Gideon’s Trumpet*.

<sup>2</sup> See Robert L. Spangenberg and Marea L. Beeman, “Indigent Defense Systems in the United States,” 58 *Law and Contemporary Problems* 31, (Duke University School of Law, Winter 1995). This article offers an excellent general description and analysis of indigent defense systems and the problems they confront in providing effective representation. For a breakdown of indigent defense systems by state, see Spangenberg, Beeman, and James Downing, “State and County Expenditures for Indigent Defense Services in Fiscal Year 2002”, available at the [www.indigentdefense.org](http://www.indigentdefense.org).



services in death penalty cases, and there are community based organizations, such as the Neighborhood Defender Services of Harlem or Bronx Defenders.

This guide will lead you through the thicket of these programs so you can determine which might be most suitable for you. But before you delve into those details, you must first confront the most fundamental question of all: do you want to become a public defender?

## **DECIDING TO BE A PUBLIC DEFENDER**

### *Is Indigent Defense Right For You?*

Why would anyone want to practice law on behalf of the indigent accused of crime? The work is sometimes frustrating, often exhilarating, and always demanding. Probably the most difficult aspect of indigent criminal defense is working with people who live on the margins of society, deep in poverty, filled with despair, and often debilitated by substance abuse, childhood traumas, and many other problems. You enter their lives at a particularly bad moment: they face a criminal accusation that very well may lead to years of imprisonment. And if you do capital defense work, the stakes are life and death. Not surprisingly, your clients exhibit anger, hostility, and despondency. Your job as a public defender involves navigating these clients through a legal maze that we call the criminal justice system. Are you cut out for this work?

There is no single personality template for a public defender. Contrary to popular belief, you don't need to have the booming voice and eloquence of a Clarence Darrow or the presence of Atticus Finch. Trial and appellate work on behalf of the criminally accused involves a whole range of skills that can be mastered by dedicated lawyers with a wide range of personality traits and personal attributes. Introverts can be excellent trial lawyers. Many powerful advocates are women with soft voices and gentle smiles. Don't rule out this career path simply because you can't imagine yourself being a courtroom advocate of the sort depicted on television or in the movies. The key is dedication and commitment to the mission that is embodied in the Sixth Amendment to the U.S. Constitution. That dedication and commitment may spring from different sources. Some lawyers become public defenders because they enjoy the role of advocate for the underdog. Some relish the courtroom drama and the highs and lows of winning and losing. Most public defenders are motivated by a desire to help those who society has largely abandoned. Before you submit a resume to a public defender office, you must search within yourself to discover why you would like to enter this uniquely challenging line of work.

### *Some Questions to Ask Yourself Before Sending Out Your Resume*

Probably the most critical question you must ask yourself is whether you are willing to represent individuals accused of crimes. Many people simply cannot understand how criminal defense lawyers do what they do because they cannot get beyond their disapproval of, and even outrage over, criminality. Of course, no one approves of crime, and becoming a public defender doesn't mean you believe people should not be held

responsible for criminal behavior. The public defender's job is to *defend*, and that often means defending the guilty, because no decent society would permit the government to imprison anyone without proving his or her guilt. And so, the critical question is not whether you approve of crime or criminal behavior – of course you don't. The real issue concerns your reaction to crime and anti-social behavior. Do you become so upset and angry over criminality that you simply cannot muster the energy – emotional and intellectual – to defend an accused person? If so, then you should save yourself time and effort by pursuing a different legal career.

You must understand that most indigent defense work does not often involve Hollywood-style scenarios of valiantly exonerating an innocent man who would otherwise be marched off to the penitentiary. Defending the indigent is not the same as championing a particular cause or issue, but rather each client is your cause. Public defenders are not on the forefront of impact litigation or other types of law reform; what they do is work in trenches, fighting for the rights of their clients on the ground level of the justice system. This is one of several reasons why indigent defense is not for everyone. Some beginning public defenders might find that each case starts to look the same after a while, with the same problem or sets of problems re-emerging over and over again, and feel powerless to address the root causes of crime. For others the opposite is true – in each new case and client they see something new and someone unique. These aspects are factors you must consider carefully as you consider a career in indigent defense.

The next issue you must confront is subtler. How well will you be able to relate to your clients? Of course, becoming a public defender does not mean that you must like every single client you represent. And it certainly doesn't mean that you must count them as your friends. But it does mean that you are able to talk respectfully with clients who may have very different backgrounds than yours and have an understanding and empathy of their life stories. Compassion and empathy are vital to client-contact and effective representation. Many of you will never fully know what it feels like to live the lives of your clients. The temptation is high to quickly pass judgment, especially when the accusations are horrifying. Quite simply, it takes a special person to look beyond the outer human being who is accused of a horrible act and to seek out the humanity within. Some of the most rewarding experiences of public defender work come from this dimension of the practice.

### *Do You Have What It Takes To Be A Public Defender?*

If you wake up a criminal defense lawyer in the middle of the night and ask, *what is the one attribute that most defines a criminal defense lawyer*, the answer is likely to be: a willingness to confront and challenge authority. The ability to stand up for a client, and thus to stand up to “the system,” is a non-negotiable aspect of the public defender job. It is not easy. It is not for the timid. It is often a lonely and thankless duty. If you live for the approval of others, you will find this line of work agonizing. Oftentimes, only you, and no one else, will be reminding everyone else – the judge, the prosecutor, and most importantly *the jury* – that the presumption of innocence is more than a slogan. Cynicism, and the criminal justice system's all too common tendency to render the

process an assembly line, often creates an environment that is hostile to what you are trying to do, which is represent your client fairly and effectively. You must have the assertiveness, the fortitude and commitment and the courage to stand against the assembly line and convert the process into the obstacle course known as due process of law. Only you can answer the question: do I have the moxie (what it takes) to be a public defender?

Once you have resolved in your mind that becoming a public defender is right for you, then you must educate yourself about the career options. What follows is a brief overview of the various programs that provide indigent criminal defense.

### **FEDERAL DEFENDER PROGRAMS**

*“As a federal defender in the Southern District of California, I am in court on a daily basis representing indigent people charged with federal offenses. I meet with my clients at home, in my office or, as is too often the case, in custody. I negotiate plea agreements and I file and argue appellate briefs. There really is no typical day because each day’s activities are dictated by the court appearances I have on that day and the deadlines that are pressing. The job is never boring, always stressful, yet challenging and, at times, extremely gratifying.”*

*Shawn Hays '88  
Trial Attorney  
Federal Defenders of San Diego*

Federal Defender programs are established through Title 18 § 3006A of the United States Code. Fifty-eight Federal Public Defender Organizations (PDOs) have been established to serve 66 of the 94 federal judicial districts. Each falls under the supervision of a local Federal Public Defender, who is selected for a four year term by the Court of Appeals of the Circuit in which the District Court is located. The staff of the Federal Public Defender, which consist of attorneys, investigators, and other support staff, all are full-time federal employees.

Most, but not all, of the attorneys hired for the Federal Public Defender offices are experienced attorneys, either from state or local public defender organizations or from large private firms. A limited number of offices hire lawyers directly from federal clerkships, taking advantage of their knowledge of federal substantive and procedural law. Federal public defenders emphasize experience in their hires because federal criminal cases tend to be more complex than state crimes. In view of the high level of skill of most PDO attorneys and the complexity of the legal issues involved, both full-time and summer positions in a PDO can be an extremely valuable and interesting experience.

Fifteen Community Defender Organizations (CDOs) have been established in seventeen federal judicial districts. CDOs are nonprofit legal service organizations incorporated under state law, usually operating under the supervision of a board of directors and often as a branch of a state public defender or legal services organization. They are funded, for

the most part, by grants from the Federal Judicial Conference, although some are paid on a case-by-case basis. They vary in size and their compensation is not part of the federal system, as is the case with the Federal PDOs.

Federal criminal cases are often handled by private panels of attorneys. Where there are no PDOs or CDOs, the private attorneys handle all of the appointments and are compensated on a case-by-case basis. A lawyer must be qualified by experience and approved by the court to be a panel member. Many private attorneys who represent indigents in federal court use interns to assist on their cases. Depending upon the case, working with a federally appointed attorney can be a very interesting learning experience.

### **STATE AND LOCAL DEFENSE OF THE INDIGENT**

*“My practice is very much courtroom-based. I am in court almost every day on one matter or another. In the course of a typical month, I will have several bail hearings for incarcerated clients, several probable cause hearings for felony clients, many misdemeanor and juvenile cases and some courtroom matters to resolve in felony cases. Additionally, each month I find myself involved in the preparation of, and often the completion of, several felony, misdemeanor, and juvenile trials.”*

*Jennifer Bensinger '92  
Staff Attorney  
New Hampshire Public Defender*

More than half of the states have organized some type of indigent defense system, either under the executive or judicial branch, and usually with a public defender component. Typically, public defenders serve metropolitan areas and are supplemented by private bar and/or contract programs to serve the less populous regions, the less serious cases, and the conflict or case overload matters. Sixteen states operate state public defender programs in which the public-defender office has full authority for the provision of defense services statewide.<sup>3</sup>

Some states have commissions which oversee the setting of standards and the provision of some services but do not have a state public-defender program. Within the state, however, there may be an independent county funded public-defender program operated within the state guidelines. Examples of this type of program exist in Tulsa and Oklahoma counties of the state of Oklahoma and in Greenville, South Carolina. In some states, such as Indiana, Arkansas, and Louisiana, if the local public-defender program meets state guidelines, it may qualify for state funding.

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<sup>3</sup> These states are Alaska, Colorado, Connecticut, Delaware, Georgia, Hawaii, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, Rhode Island, Vermont, Wisconsin, and Wyoming.

There are also a number of public-defender programs that are organized, funded, and operated on a county, regional, or local level.<sup>4</sup> The larger the county, region, or locality, the more likely it is to have a public-defender office. San Francisco, Philadelphia, and San Diego are prominent examples of locally operated public-defender programs. The Legal Aid Society's Criminal Defense Division, a non-profit organization, has a contract with the City of New York to be the primary defender and provider of indigent defense in Manhattan, the Bronx, Brooklyn and Queens, making it one of the largest defense organizations nationwide.

There are other programs that do not fit neatly into any of the above categories. For example, Florida has created twenty independent elected public-defender offices, one in each judicial district, with no state oversight. Illinois has mandated by statute a public-defender office for every county with a population of more than 35,000. Nevada has two large county defender programs, in Reno and Las Vegas, with the rest of the state covered by other programs. Pennsylvania has mandated local public-defender offices for each county. In Virginia, the legislature decides where the public-defender offices will be placed, and in West Virginia there are thirteen nonprofit public-defender corporations established by the state, which funds all the programs.

Sixteen states have combined trial and appellate state public-defender offices.<sup>5</sup> Twelve other states have no statewide public defender providing trial representation, but do have statewide appellate offices.<sup>6</sup> There are other states that have regional appellate-defender offices, such as Florida, or combined state and regional programs, such as Nebraska and Washington. The types of cases (felony or misdemeanor) handled in a public-defender office vary greatly, depending upon the state or local system. The extent of support systems that exist within public-defender programs is dependent primarily upon the funding sources, the state or local standards and guidelines under which the program operates, and the amount and type of oversight that exists in the jurisdiction. Most programs have some investigative services available, either by full-time staff or through special assignment by the court for reimbursable expenses. The extent of other support, such as training programs, social services, research capability, computer systems, and office staff varies greatly.

Public defenders typically spend most of their time in court receiving case assignments at arraignments and handling bail hearings, pre-trial conferences, plea negotiations, and trials. The extent of time spent investigating crime scenes, interviewing witnesses, and performing legal research will depend on the availability and quality of the support services in the office. The person with whom a public defender spends the most time is the client, who often needs not only legal assistance, but also health, social, counseling, and other services.

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<sup>4</sup> The following states delegate their systems to the county, regional, or local level: Alabama, Arizona, California, Idaho, Maine, Michigan, Mississippi, Montana, New York, North Carolina, South Dakota, Texas, Utah, and Washington.

<sup>5</sup> They are Alaska, Colorado, Connecticut, Delaware, Hawaii, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, Rhode Island, Vermont, Wisconsin, and Wyoming.

<sup>6</sup> They are Arkansas, California, Illinois, Indiana, Iowa, Kansas, Michigan, Montana, North Carolina, Oklahoma, Oregon, and South Carolina.

## **SPECIALIZED PROGRAMS**

There are a number of programs in the public defender field that serve specialized indigent criminal defense populations. The most common of these are programs offering services to persons charged with capital crimes. For example, there are a number of death penalty organizations which provide direct representation in death penalty cases and assist courts in finding attorneys for assignment in other cases. Some of these programs are associated with law schools, state public defenders, or nonprofit corporations. Several offices provide only appellate services or post-conviction services for persons convicted and sentenced in death penalty cases.

Juvenile advocacy is another area in which specialized services are often offered. In Massachusetts, for example, the Youth Advocacy Project operates within the local Roxbury office of the state public defender and offers extensive social and community, as well as legal services to its clients. In New York, there is a Juvenile Rights Division of the Legal Aid Society and there are also special programs for major offenses, narcotics, and major violent crimes.

## **HOW DO YOU DECIDE WHICH PROGRAM IS FOR YOU?**

There are a number of factors to take into consideration in deciding which program would be the best for you. Obviously, one of the most important is the geographical element. This is a decision which should be made early because it will determine where you will take the bar examination. Another factor you should think about is the type of program with which you want to be associated. Are you looking for the opportunity for both trial and appellate experience? If so, then you should be looking in those states and at those programs that offer both types of experience.

Other questions you might ask about a program before applying include:

- Is training offered to new attorneys and does that training include the opportunity for trial practice exercises?
- Is the ratio of supervisory lawyers to staff attorneys less than one to five?
- Is there a mentor program in the office?
- Is there at least one investigator for every five attorneys in the office?
- What legal research tools are available?
- What types of cases will you be handling initially?
- How long is it before you may be assigned more serious cases?
- Is there a system for obtaining expert witnesses in cases?
- Does the office have caseload standards to maintain effective representation?
- Are the caseload standards in accord with NLADA standards?
- What opportunities for advancement will you have?
- What is the typical attorney turnover?
- What investigation and support staff are available?

- What are the salary and benefits and how do they compare with other public employees, such as the prosecutors, in the same area?

You should also speak with local members of the National Association of Criminal Defense Lawyers (NACDL) to determine the intangible tests of a good public defender program. Some of the questions you should try to address are:

- Are the lawyers highly regarded by the criminal defense bar in the area?
- Does the program have a reputation for zealous advocacy?
- What is the ratio of trials to pleas?
- Is the office independent from political and judicial influence?
- Who appoints the public defender and for what term?
- How much authority does the chief public defender have in appointing her or his staff?

### **THE PUBLIC DEFENDER HIRING PROCESS**

Once you have decided that you want to work in a public defender office, and have decided upon where, you should think about the hiring process. That process is unpredictable because, while states accept their responsibility to fund the right to counsel, they are not anxious to fund indigent-defense programs. Budget decisions often reflect an emphasis on cost effectiveness as opposed to effective assistance.

The hiring practices of public-defender programs will differ significantly based on their size and location. Programs located in densely populated metropolitan areas will more often hire new attorneys as part of a large annual hiring initiative than smaller public defender offices. These smaller offices will often hire only when a particular need arises, typically as a result of attrition. This means that getting an entry level staff attorney position in smaller public defender offices is often extremely competitive, with many applicants vying for the same few positions.

To give you an idea of scheduling, please examine this basic timeline of the hiring process for a large public defender program in a metropolitan area which employs more than 200 attorneys, and usually hires between 15-22 new attorneys a year, depending on attrition and budget constraints:

- *August:* Begins soliciting applications for positions beginning the next year.
- *January:* Ends recruitment and begins conducting first round interviews, where applicants are interviewed by a panel consisting of three experienced attorneys.
- *February-March:* Begins conducting second round interviews, where chosen applicants interview with Chief Defender and First Assistant Defender. Offers are usually made by the end of March.
- *July:* Applicants must sit for the state bar (if they haven't already).
- *September:* New hires commence their employment with a three week training period on the Monday after Labor Day.

Note that this timeline is not universal for all public-defender offices. You should find the hiring timeline and other details for the specific programs you are interested in.

Most public-defender programs are at least able to give you an idea about the timing of their hiring process, the number of openings they may have and where, and the starting salaries (which range from about \$35,000 to as high as \$57,000 per year, with the median salary between \$40-\$47,000, depending on location). However, because of budget uncertainties, the programs often may not make any hiring commitments until late in the academic year. Some public-defender offices, such as those in California, are part of their civil service system with starting salaries of \$56,000. The San Francisco Public Defender's Offices starting salary is the highest in the country at \$92,000.

It is a good idea to contact the programs in early fall to obtain information about submitting your resume and an application and arranging for an interview. If you have funding from some other source, such as a fellowship or from your law school, you should inform the program of that fact as soon as possible, as it will increase their interest in your application significantly. For permanent positions, you should also find out whether bar membership is required before you can be hired. For some programs, bar membership is not a prerequisite, but your job is conditional on bar passage within a specified time frame. Try to be as flexible as possible about the location and type of defense work (felony, juvenile, etc.) you will accept.

Most federal defender offices require litigation experience. A very limited number of federal defender offices will hire a recent graduate with a clerkship who no other experience. Check with the individual federal defender offices about their specific requirements. ([www,fd,org](http://www.fd.org) with links to most Federal Defender Offices)

An excellent way to gain experience in indigent defense and to network with possible employers is through a summer internship at a public defender office. There are many options available to both undergraduate students and law students. For example, the Public Defender Service (PDS) in Washington, D.C., offers both intern investigator positions and law clerk positions for law school students. Some states also have student-practice rules, which dictate when law students can appear in court. In Massachusetts, students who have completed their first two years of law school can appear in court for criminal cases. This is a way to gain significant experience in litigation and to see what indigent defense work is like first hand. It can also be very beneficial if you decide to pursue a permanent position in a public defender office.

But in the end, no single characteristic or experience can guarantee you a job as a public defender. Public defender organizations generally look at a number of different factors, including:

- Demonstrated commitment to the indigent
- Law school courses and clinical experiences
- Legal internships and summer jobs
- Ability to relate to indigent clients
- Writing skills (especially for appellate positions)



- Passion for constitutional rights and/or human rights, serving the poor, or litigation
- Commitment to public service
- Experience in oral advocacy
- Grades in key subjects such as Criminal Law, Evidence and other related courses

If there is one make or break characteristic for becoming a public defender, it is a demonstrated commitment to public service, particularly indigent criminal defense. Those considering your application would typically rather see extensive volunteer and clinical experience in public service on your resume than your position at the law review or your grades from law school.

### **PUBLIC DEFENDER INTERVIEWS: A UNIQUE EXPERIENCE**

Interviewing for a public defender job is a challenge. The interviews are often unlike any you have ever experienced. Whereas interviews with law firms tend to be congenial affairs, public defender interviews tend to be intense, sometimes confrontational, and always challenging. Being aware of what you might face during your interviews is crucial to landing a public defender job.

While each office has its own interviewing approach, interviews for public defender positions tend to share some common elements, which the discussion below attempts to capture. But be aware that the following descriptions do not pertain to every public defender program, nor do they provide an exhaustive list of public defender interview processes. Do not be afraid to call the office you are applying to and ask them about their specific hiring/interview process. While they will not give all away their favorite hypothetical questions, they likely will oblige you with some basic information about how the process works and outline in broad terms what to expect.

You will likely have multiple interviews in your journey to become a public defender, as most program use multi-step hiring processes. The first step in the process is submitting a cover letter, resume, and application (if needed) along with a law school transcript to the program where you want to work. This provides an initial screening of applicants for the program. Once you progress from there, you will most likely have to sit for at least two interviews.

First-round interviews are often conducted by a panel of employees (always consisting of experienced attorneys, and sometimes involving other staff, such as investigators). Some public-defender programs, such as the Miami Public Defender or the Committee for Public Counsel Services (CPCS, the Massachusetts Public Defender), conduct individual screening interviews first; they then take the best applicants from those screening interviews and follow up with a large-group panel interviews. However, for most public defender programs, in your initial interview you will face a room of experienced attorneys ready, and even anxious, to ask tough questions, including hypothetical questions that test your knowledge of substantive criminal law and criminal procedure. You should expect to answer questions regarding any litigation experience you have

already had (such as clinical work), as well as questions regarding ethical issues and your comfort level in working with a diverse array of clients.

Besides doctrinal questions, it is quite likely that you will be asked several hypothetical questions dealing with ethical and client-oriented issues. For instance, you might be asked how you would counsel a young client who had never before been arrested and is proclaiming his innocence in the face of a serious crime based completely on the testimony of several police officers. That client is facing a long jail sentence should he be convicted after a jury trial but is now being offered a plea-bargained sentence of probation. “What do you say to your client?” the interviewer will ask, with the others peering at you expectantly. You might be asked to role-play where the interviewer plays the client and you’ll be asked to as his “attorney” to discuss a difficult decision or issue. Another question might ask about any cases that you would feel uncomfortable handling, such as sexual assault cases. The purpose of this sort of question is reveal overly squeamish applicants. These employers are interested in applicants who will take every case they are given and run with it; they are interested in applicants who are not prone to stress or freezing up when confronted with an uncomfortable situation, as the work of a public defender is replete with uncomfortable situations.

The upshot is that many public-defender offices favor, to varying degrees, a “trial by fire” interviewing process. Suffice it to say that the interviewing process for becoming a public defender is intense. While it might seem like this process is designed to frighten you away from this line of work, the goal is to predict how well you can think critically in intense and unpredictable situations. Unlike large law firms, rookie public defenders do not work quietly behind the scenes for the first few years, but rather they get thrown right into the fire of the criminal-justice system immediately. Employers want to ensure that you will not succumb to the pressure of judges, prosecutors, and clients; they want to find out whether you have the fortitude and sense of self to resist the temptation to just “go along and get along.” They believe that one of the best ways to test you is to simulate the kind of intensity you might expect in the trenches of a courtroom.

## CONCLUSION

Becoming a public defender can be a tremendously rewarding experience, even if only done for a few years. But, it is not something to enter into without thought and reflection. It is not for everyone. Service as a public defender offers some great opportunities:

- Unrivaled trial experience
- Exposure to very interesting cases
- Representation of unique clients, many, or even most of whom have severe problems
- A chance to defend and enforce the constitutional rights of those individuals in our society who most need protection

On the other hand, it is work that can be terribly difficult and frustrating:

- Fighting a seemingly losing battle in most cases

- Lack of appreciation from clients and most others in the criminal justice system
- Always being asked the question: “how can you defend *those* people?”

The role of a public defender requires someone who likes working with a diverse group of people, believes in what the Constitution demands of the criminal-justice system, and is looking for a challenge and a chance to serve others. We hope this guide assists you in pursuing the opportunities that await you in this public-service field.

## NARRATIVES

### CANEEL FRASER, '05 – Staff Attorney, Los Angeles Public Defender’s Office.

By the end of my second year at law school, I knew that there was only one area of law in which I could actually see myself practicing: indigent criminal defense. I had spent my 1L summer doing death penalty work in Georgia, and for my 2L summer I decided to try and make connections at PD offices in California by working at the San Francisco Public Defender. When 3L year came around, I had heard enough horror stories of people “volunteering” for months at different PD offices after passing the bar in the hopes of snagging the next entry-level PD position that opened up. Knowing that I wanted to be a public defender in California, I began contacting as many county PD offices as I could in an attempt to determine which offices, if any, actually hired right out of law school. The short answer is that most don’t. Most offices in California want to hire people who already have trial experience; something that is nearly impossible to have if you have yet to pass the bar. While having clerked at a particular PD’s office certainly helps in terms of future job prospects, there are always more clerks than positions available.

Because I wanted to have a job *right after* taking the bar (and while awaiting bar results), I took a position at the Los Angeles Public Defender’s Office. Technically the position is called “Senior Law Clerk,” you work assisting other attorneys until you get your bar results. If you pass the bar, there are new PD spots set-aside for you. It was a great entry into the office; I was able to get to know very senior felony attorneys right from the start – I still call on them for trial advice to this day – and it also made the transition into full-fledged attorney a little less shocking. To my knowledge, Los Angeles and Contra Costa (East Bay Area) counties are the only two PD offices in California that offer such programs; San Diego has an *unpaid* version, though the guarantee of a job once bar results are in is less certain. Though I had been sending resumes to all California PD offices from the start of my 3L year, the real process of applying for the LA program did not begin until January.

Once I passed the bar, I began the LA Public Defender’s training program, starting with preliminary hearings, moving on to misdemeanor arraignments, and then finally to trials. I am currently assigned to what we call “Misdemeanor Row” – a hallway

lined with offices of 22 new trial attorneys cutting their teeth on misdemeanor cases at the main Criminal Courts Building in downtown L.A. We have mentor attorneys who are there to assist us in case preparation and trial technique. I handle my own caseload of clients from first pre-trial to completion of the case, whether it be through plea bargain, some form of diversion, or trial.

I love my job. I love my clients. I hate the systematic injustice, racism, and classism that I butt up against every single day. The work is stressful, but addictive. The rush of adrenaline and the sense of challenge and purpose that comes with each trial are incomparable. Of course the work is emotionally draining, but that's why those of us who are PDs do it: because this work really matters. There are a lot more "losses" than huge victories, but at the end of the day, I feel that I have at least restored some sense of dignity and respect to people who should have had it to begin with.

Eventually I hope to work on reforming the criminal justice system on a more macro-level. I see being in the trenches as not just a necessary step along the way to more impact-level work, rather, in and of itself, this work is some of the most important and rewarding, albeit taxing, work a lawyer can do.

What should students who want to become a public defender do while in law school? Take clinicals. Especially CJI (Criminal Justice Institute). Though any kind of courtroom work is valuable, being able to tell potential employers that you've actually handled your own criminal cases is tremendous. Take TAW (Trial Advocacy Workshop). You will be in the courtroom every day. The skill set transmitted in that course is invaluable. In my experience, most offices (in California) did not ask for transcripts; however, getting recommendations from professors with ties to various PD offices and organizations can be key. Do PD work over your summers, and try to work at the office at which you want to work permanently – having people in the office that can vouch for you when your application comes in is important. At all the offices I interviewed at, a demonstrated, sustained commitment to criminal defense and other social justice issues seemed to be the most crucial application criterion.

LISA KAVANAUGH, '00 – Trial Attorney, Committee for Public Counsel Services, Massachusetts. 2000 Prettyman Fellow.

I am a staff attorney with the Committee for Public Counsel Services (CPCS), which is the Massachusetts statewide public defender office. I am in the felony trial unit in Cambridge, where I have been since July 2002. I came to CPCS after completing a two-year Prettyman clinical teaching fellowship at Georgetown University Law Center. I went directly from law school to the fellowship, after taking the Massachusetts and D.C. bar exams. I was admitted to practice law in D.C. and Massachusetts in the fall 2000, and planned to return to Massachusetts after completing the fellowship. By the time I started working at CPCS, I was already a member of the Massachusetts bar.

I knew from the moment I started law school that I wanted to be a public defender, and have remained passionate in my commitment to indigent criminal defense

since that time. I first became interested in public defense while working as a paralegal for a small Boston criminal defense firm, which I did for one year between college and law school. I chose CPCS over other public defender agencies primarily because of location, but also because of its reputation for excellent quality of representation.

Being a public defender is immensely rewarding, but also very challenging and at times draining. I take my job very personally, and often find it difficult to leave my job at work -- that is, to not take it home with me and into my personal life. That said, I feel very lucky to have found a real calling -- a job that challenges me in many diverse ways, and one that consistently demands and inspires new growth as an advocate. I see working as a public defender as a long-term career choice, although I continue to be interested in the clinical teaching component of the fellowship that I did in D.C. after law school. But I cannot imagine practicing any other type of law, and truly see myself as a defense lawyer for indigent clients.

I certainly think that any law student who is considering work as a public defender should participate in the Criminal Justice Institute during third year, as well as other clinical opportunities during first and second year. While I was at HLS, I was a student attorney for the Prison Legal Assistance Project (PLAP) for all three years of law school, and then also completed TAW in the fall of my third year and went on to participate in CJI. Both PLAP and CJI were invaluable experiences for me, in terms of giving me a realistic picture of the type of work that public defender offices do, as well as giving me the opportunity to get to know the client population I would later work with as an attorney. I certainly think that all of the best public defender offices look for evidence of a real commitment during law school to hands-on work with clients, as well as an engagement with criminal law and indigent defense. I would also encourage law students to pursue summer internships with public defender offices, including CPCS and PDS in D.C. Course work is frankly less important, although I thoroughly enjoyed taking Advanced Criminal Procedure and Steven Bright's seminar on Capitol Punishment. In general, the more that students can do to evidence their interest in criminal law, indigent defense, and hands on clinical work, the stronger their applications for public defender offices will be. I do not think that grades matter very much for public defender applications, although perhaps specific grades -- like evidence, criminal law, criminal procedure -- might make more of a difference than others -- like corporations, tax, etc. (neither of which I even took, by the way). I am always happy to answer questions from law students considering a career in public defense. I cannot emphasize how rewarding this type of work is, or how sustaining it can be as life's demands change and grow.

KRISTEN NELSON '04 – Public Defender Services, Washington, D.C.

I became a public defender because doing this work enables me to live out the values I think are important in life on a daily basis. A public defender serves as a source of unconditional support for someone else. A public defender stands next to people during their worst moments and acknowledge that they are still human beings who have rights, and more importantly, dignity. This act is a powerful one. It is being for another person what I would hope someone would be for me if I were ever to find myself in

serious trouble.

I am a first-year public defender at the Public Defender Service for the District of Columbia, otherwise known as PDS. I chose to work here because PDS is widely known as a great place to begin one's career as a public defender because of its high quality training for new lawyers as well as its abundant financial resources. Like all first-year lawyers do, I began (and am currently working) in the Juvenile Section of the Trial Division, and will transition into adult court at the end of my first year.

I love my job. It is the most exhausting and demanding work you can possibly imagine, but it's so much fun. I am never bored. I spent a year clerking for a federal district court judge before becoming a public defender, and while I loved that experience too, I often found myself prone to procrastination as I spent my days at my desk in front of my computer, researching and writing opinion after opinion. These days I notice that I hardly ever have the urge to waste time. My day is so varied that I don't have time to get bored. I'm either in court, on the phone, writing letters, drafting motions, preparing for trial, out investigating my cases...every day, every case, every client presents a new challenge.

On the flip side, I work constantly—nights and weekends. I spend most of the time I do socialize with my colleagues. When I go home at night, I am unable to turn off the part of my brain focused on work. I go to bed at night thinking about my clients and wake up doing the same. There is always something else I could be doing. I feel alive, stimulated, and constantly challenged by this work. But I also feel constantly behind, and guilty when I take too much time for myself. Some of this I suspect is because I am new at this. The longer one does this kind of work, the more skilled one becomes at managing one's time. To some degree, however, I think the intensity remains, regardless of how long one has been at it. To be honest, it's not an easy lifestyle to sustain. Although I intend to devote my career and my life to indigent defense work, for that reason, I can see myself transitioning into appellate or post-conviction work after I gain some years of trial experience.

In the end, however, my clients make it all worth it. It is an honor and a privilege to serve as their advocate and to do what I can to protect them. There is a quote pasted on the door of a colleague of mine at PDS, attributed to Cynthia Rosenberry, that sums it up nicely. "We, as criminal defense lawyers, are forced to deal with some of the lowest people on earth, people who have no sense of right and wrong, people who will lie in court to get what they want, people who do not care who gets hurt in the process. It is our job – our sworn duty – as criminal defense lawyers, to protect our clients from those people."

## **RESOURCES**

Listed below are some of the organizations which focus on indigent defense and criminal defense and can help you locate and learn about public defender offices.

#### NATIONAL LEGAL AID & DEFENDER ASSOCIATION (NLADA)

National Legal Aid & Defender Association, 1140 Connecticut Ave. NW, Suite 900,  
Washington, DC 20036

(202) 452-0620 | Fax (202) 872-1031 | [info@nlada.org](mailto:info@nlada.org)

[www.nlada.org](http://www.nlada.org)

National, nonprofit association supporting providers of civil and criminal legal services for the poor, including training, legislative technical assistance, publications and national advocacy.

#### NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

150 18th St., NW, Suite 950, Washington, DC 20036

(202) 872-8600 | Fax (202) 872-8690 | [assist@nacdl.org](mailto:assist@nacdl.org)

[www.nacdl.org](http://www.nacdl.org)

Professional bar association for criminal defense lawyers, dedicated to promoting the proper and fair administration of justice.

#### CRIMINAL JUSTICE INSTITUTE (CJI) AT HARVARD LAW SCHOOL

Austin Hall, Room 301, 1515 Massachusetts Avenue, Cambridge, MA 02138

(617) 496-8143 | (617) 496-2277

[www.law.harvard.edu/academics/clinical/cji](http://www.law.harvard.edu/academics/clinical/cji)

Curriculum-based clinical program in criminal law. Offers a combination of classroom instruction and hands-on experience for Harvard Law students, valuable service to indigent criminal defendants and juveniles, and research in a variety of criminal justice areas. The Criminal Justice Institute is the clinical placement for students enrolled in courses including Introduction to Trial Advocacy: Criminal Justice, taught by Professor Ogletree, and Criminal Justice Advocacy: Clinical Seminar, taught by David Poole. In addition to legal representation, CJI provides valuable educational experiences and services for Harvard Law School, national and local communities.

#### DEATH PENALTY INFORMATION CENTER

1101 Vermont Ave., NW, Ste. 701

Washington, D.C. 20005

(202) 289-2275 | Fax (202) 289-7336 | [dpic@deathpenaltyinfo.org](mailto:dpic@deathpenaltyinfo.org)

Non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. Contact for information regarding legal defense organizations that specialize in death penalty defense work.

For more information on public defender work, the following books and publications provide both practical advice as well as personal perspectives and anecdotes.

#### HOW CAN YOU DEFEND THOSE PEOPLE: THE MAKING OF A CRIMINAL LAWYER

James S. Kunen, 1983

INDEFENSIBLE: ONE LAWYER'S JOURNEY INTO THE INFERNO OF AMERICAN JUSTICE, author: David Feige, 2006

THE PUBLIC DEFENDER EXPERIENCE: A STUDENT'S CAREER GUIDE INTO THE HEARTS AND MINDS OF AMERICA'S 'REAL LAWYERS'  
Bradley Bitton, 1997

HOW TO GET A JOB IN A PUBLIC DEFENDER OFFICE  
Richard Armstrong, University of Virginia Law School, 2001

Listed below are current faculty members at Harvard Law School who are former public defenders. Please contact them to learn more about working as a public defender.

Professor Philip B. Heymann  
Professor Charles J. Ogletree, Jr.  
Professor Carol Steiker

Furthermore, the following clinical instructors at the Criminal Justice Institute are former public defenders. Please feel free to contact them.

David B. Poole  
J. Soffiyah Elijah  
Gloria Tan  
Barbara Fedders

In addition to the faculty members and clinical instructors listed above, Lisa D. Williams is the Assistant Director for J.D. Advising for the Bernard Koteen Office of Public Interest Advising at Harvard Law School. Lisa has nearly two decades of experience doing indigent defense work in New York City and some experience in Massachusetts and is an excellent resource for students considering pursuing careers as public defenders.





*PILC's mission is to give all students the inspiration and information to incorporate public service into their careers.*

# Public Defender Handbook

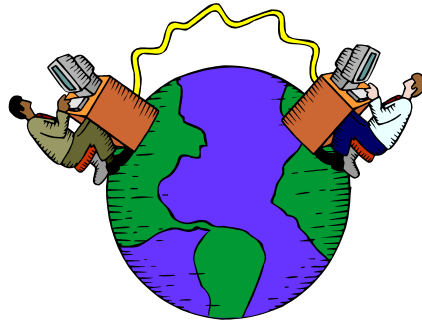
(212) 998-6686

[pilc.info@nyu.edu](mailto:pilc.info@nyu.edu)

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*Revised July 2011*

*By Deb Ellis and Rachel Peckerman, Public Interest Law Center*



## *Social Networking for Your Career*

Do you use facebook?

Let that same technology help you find a job.

**LinkedIn** is like facebook, but for your career.

The PILC Group on LinkedIn allows public service-minded students to connect with alumni across the country and world-wide.

Once you've found someone with whom you'd like to connect, just click on "add to network." We recommend including a short message in the space provided, such as:

I am a first-year law student at NYU. I found you through the LinkedIn PILC Group. I wonder if you might be willing to take ten or fifteen minutes to speak with me by phone about your career. If so, please let me know a few good times to reach you. Thanks!

### Getting Started:

LinkedIn is a networking site that allows members to create professional profiles to share with Groups (for example, alumni networks) and/or individuals. Membership is free and setting up a profile takes about five minutes. Simply go to [www.linkedin.com](http://www.linkedin.com) to get started. Once you have set up your profile, select "Groups," in the upper-right hand Search box, type "NYU Public Interest Law Center," and click on "Join this Group."

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# I. FREQUENTLY ASKED QUESTIONS ABOUT PUBLIC DEFENDER CAREERS

## A. Preparing for a Public Defender Career

### **Rewards of public defender careers**

At NYU, we encourage students to live a life of public service and being a public defender is a high calling. On a human level, it can be one of the most rewarding jobs a lawyer can have. On a practical level, public defenders acquire significant transferable skills: experience “standing up” in court; confidence interacting with clients, opposing counsel, and judges; the ability to juggle multiple priorities and cases. Finally, in the challenging public interest job market, public defender offices are dependable sources of jobs, due to Gideon v. Wainwright, 372 U.S. 335 (1963), which guaranteed the right to counsel in all felony cases.

### **Types of Public Defender Offices**

Unless otherwise stated, we use the term “public defender” in this handbook to mean state-level, trial-level, domestic public defense. These offices vary widely in philosophy, size, and quality. Some states have a statewide system with uniform hiring procedures and training. The majority of states do not have a centralized system, and offices are organized by individual counties. Moreover, in some cities, such as New York City, there is not one public defender; instead several offices receive contracts to do public defense.

Offices also have varying philosophies of representation, such as the extent to which the office encourages lawyers to treat the client as a full partner and to consult with and defer to the client’s wishes on matters going beyond those assigned by law and ethical rules to the client. As an example, offices differ about how much to involve the client in developing a theory of the case. It is wise to try to learn the philosophy of public defender offices that you are interested in.

### **“Holistic” and “community defense” public defender offices**

While most public defender offices focus solely on criminal defense representation, some seek a broader mandate of “holistic” representation, providing legal representation in criminal, immigration, housing, and family court, as well as benefits advocacy and civil rights. At the core of “holistic advocacy” is the understanding that clients come into the criminal justice system with a host of social, economic, political and legal problems— all rooted in poverty. Such offices also offer a team approach to representation, with social workers as an integral part of the team (although almost all public defenders employ full time social workers to work with their clients). Finally, holistic advocacy means being a part of the client community and collaborating with community partners to address broader systemic problems that lead to the over-incarceration and arrest of clients.

Two leading holistic public defender offices in New York City were founded by NYU alumni: Bronx Defenders, founded by Robin Steinberg (’82), and Neighborhood Defender Services of Harlem, founded by Leonard Noisette (’84).

**We encourage NYU students to establish holistic public defender offices in other states throughout the country!**

### **Factors To Consider in Evaluating Public Defender Offices**

Supervision, training and caseload size are the most important considerations for a new lawyer. In evaluating the training, consider the type (lectures only or simulations also), length, and whether the training continues once you begin practicing. Also please use the NYU alums who have worked in the office (listed in Section II below) as resources to give the “inside scoop.” Finally, ask about these factors to learn more about the nature of the practice:

- Investigative support
- Vertical or horizontal representation
- Misdemeanors or felonies
- Availability of experts
- Salary and benefits
- Layoff history
- Academic vs. “street” lawyering
- Plea philosophy
- Appointed or elected PD
- Zealousness of advocacy
- Client-centered representation
- Ability to attend national conferences
- Reputation of office
- “Tough on crime” or Alternative-To-Incarceration oriented jurisdiction
- Size of new class hired each September
- Collegial or tense relationship with D.A.’s office

### **Public Defender Offices in New York City**

New York City does not have one public defender agency. Instead, there are multiple offices that have contracts with the city to provide public defender services to indigent defendants in criminal cases. The Criminal Defense Practice (CDP) of the Legal Aid Society is the main provider of criminal representation for indigent defendants in a manner similar to that of Public Defenders found throughout the rest of the country. However, there are other offices that also provide indigent defense, such as Brooklyn Defenders, [www.bds.org](http://www.bds.org), Queens Law Associates, and the New York County Defender Services, [www.nycds.org](http://www.nycds.org) (which does not hire entry-level attorneys).

Moreover, there are two offices noted for their innovative and holistic representation, the Bronx Defenders, Bronx Defenders, [www.bronxdefenders.org](http://www.bronxdefenders.org), and Neighborhood Defender Services of Harlem, [www.nds.org](http://www.nds.org).

For more general information about public defenders in various cities, we urge you to use the resources of NLADA, the National Legal Aid and Defender Association, [www.nlada.org](http://www.nlada.org), which represents legal aid and defender programs throughout the country. Its website contains many resources for public defender as well as job postings.

## The Qualities of An Excellent Public Defender

In considering how to plan courses and activities in law school, it is helpful to analyze what qualities make an excellent public defender. There are four essential skills that public defenders need:

- 1) **Strong interpersonal skills**, such as integrity and judgment, and the ability to be resilient with opposing lawyers and judges while being compassionate to clients. Other words that describe the ideal public defender are: bright, courageous, tenacious, aggressive, persuasive, argumentative, fearless, tough, willing to be unpopular, and having the ability to recognize shades of grey.
- 2) **Strong analytic skills**, especially the ability to absorb and integrate large amounts of information and to quickly identify a case's strong and weak points.
- 3) **Oral advocacy experience**, through internships, clinics, moot court, and trial advocacy courses. Look for opportunities to hone speaking skills such as through moot court, acting, auctioneer, etc.
- 4) **Interest in, knowledge of, and commitment to criminal justice** as exemplified by criminal law, criminal procedure, and evidence courses, other poverty related courses, internships, and clinics.

## Classes to Take in Law School

Students should focus on obtaining both doctrinal knowledge and practical skills by taking criminal law, criminal procedure, evidence and a criminal clinic. It is also helpful to take classes or participate in activities that give additional oral advocacy experience or experience relating to clients, such as moot court, trial advocacy, and other clinics and internships.

## Career Mobility as a Public Defender

Although many lawyers choose to devote their entire career to public defense, starting out as a public defender provides excellent training for a wide variety of jobs, such as positions in law reform or policy organizations; appellate, federal or capital defender offices; foundations; government; the judiciary; academia; international human rights; and private practice. If a student knows that they will be able to spend their 2L summer in a public defender office, they may want to explore one of these related areas during their 1L summer. Below is a brief discussion of a few of these practice areas.

### 1) Appellate Representation

Some public defenders have appellate practices, and some do not. In New York, three offices that specialize in appellate representation (aside from the Legal Aid Society's Appellate Practice) are the Office of Appellate Defender, the Center for Appellate Litigation, and Appellate Advocates. OAD hires entry-level attorneys, and is listed in Section II. CAL has an entry-level fellowship, but favors candidates who have completed clerkships.

### 2) Capital Representation

Organizations that specialize in the defense of capital cases include Equal Justice Initiative in Montgomery, Alabama; Fair Trial Initiative in Durham, North Carolina; and Louisiana Capital Assistance Center in New Orleans, **all of which offer post-graduate fellowships**, listed in PILC's Fellowship Handbook. Internships and jobs

in capital defense offices are listed at [www.law.berkeley.edu/capitaldefense.htm](http://www.law.berkeley.edu/capitaldefense.htm). Section III of this Handbook lists capital defense offices that hire entry-level attorneys.

### **3) Federal Defense**

Most federal defenders do not hire law graduates as Assistant Federal Public Defenders because they require experience. One notable exception is Federal Defenders of San Diego, which usually hires law graduates and is listed in Section II under “California.” Every federal defender office also has Research and Writing Attorney positions - the entry level attorney position within the Federal Public Defender system. After a year or two, depending on funding and the office, it usually leads to an Assistant Federal Public Defender position. All job openings in the federal defender system are listed at [http://www.fd.org/odstb\\_employment.aspx](http://www.fd.org/odstb_employment.aspx).

### **4) International Opportunities in Criminal Defense**

A wonderful organization called International Bridges to Justice is working to provide competent defense representation in developing countries such as Cambodia, China, and Vietnam. For more information, see [www.ibj.org](http://www.ibj.org). The International Legal Foundation, <http://www.theilf.org/>, also assists developing countries in establishing public defender systems. Susan Lee, NYU '06 is working for the ILF in Nepal, and is happy to talk to students who are interested in summer internships.

Public interest students who want to do international criminal justice work may also be interested in being prosecutors in tribunals, such as the International Criminal Court in The Hague or the International Criminal Tribunal for the former Yugoslavia. There are various career paths to those positions, including both international work and criminal justice work. Many international prosecutors gain experience as a federal prosecutor, such as at a U.S. Attorney's Office.

### **5) Law Reform Organizations and Criminal Justice Think Tanks**

Law reform organizations such as the ACLU and the Brennan Center, both of which offer post-graduate fellowships, work on cutting-edge criminal justice issues through litigation and other advocacy approaches. Additionally, “Special Litigation” units of Legal Aid and other direct service organizations do affirmative litigation in criminal justice areas. Think tanks that focus on criminal justice issues include the Vera Institute of Justice, <http://www.vera.org/>, and the Center for Court Innovation, <http://www.courtinnovation.org/>.

## **B. Getting Your Dream Internship**

### **Why Intern?**

Students considering public defender careers should plan to intern in a PD Office to: 1) explore if they enjoy the work; 2) gain valuable experience for the post-graduate job search; and 3) make an impression on potential future employers. It is most useful to spend a 2L summer in a public defender office because 2Ls are given more responsibility (in some offices, this includes doing jury trials) and thus gain more experience.

## **Intern Hiring and Timing**

Almost all public defender offices hire interns, both during the school year and during the summer. Students should meet with PILC counselors and professors to discuss the specific offices that are the best fit for them. Many offices interview at the NYU PILC Fair in February and also interview 2Ls and 3Ls during fall On Campus Interviewing (OCI), organized by OCS.

First year students seeking a public defender internship with offices that are not interviewing at the Fair can apply by sending a cover letter and resume. Interviews for internships can last anywhere from twenty minutes to an hour. Some offices may ask questions about criminal issues to assess a student's thinking and judgment.

## **How to Choose a Public Defender Internship**

In deciding where to intern during a summer or academic year, students should consider:

1. Where they want to live after graduation, as the surest way to get an offer from that office is to spend a summer there.
2. Whether interns interact with clients, observe court proceedings, and perform investigations, not just do legal research. Ask if interns (as a 2L usually) have the opportunity to act as lead counsel or second seat a trial.
3. Whether interns are assigned to a specific lawyer or lawyers, or work with many lawyers. There are advantages to each model, so find out from former interns how well that office's system works.
4. Whether former interns have received adequate supervision, mentoring, and post-graduate offers.

Professors, PILC intern reports, and PILC counselors can give advice about individual offices and whether they offer the opportunity to take on real responsibility and important tasks in cases.

## **Splitting a 2L Summer with a Law Firm**

You will have to ask each office if they permit splits; some discourage splits but will allow them if a student really needs to earn the money from a law firm. Because many public defenders provide training to 2Ls and give them substantial responsibility such as conducting trials, splitting a summer is not optimal for gaining experience.

## **Impact of Interning in a Prosecutor's Office**

Public defenders have different views on how they evaluate experience in a prosecutor's office. The minority believe that working for and understanding the "other side" is good training for being a public defender while many want applicants who are so committed to defense that they would never consider prosecution. If you do work in a prosecutor's office, be prepared to discuss and reflect on the experience in your public defender interview.



## **C. GETTING YOUR DREAM POST-GRADUATE JOB**

### **Entry-Level Public Defender Hiring**

Many public defender offices hire entry-level classes each year, so their hiring is fairly regularized. Happily, the most selective and highest quality public defender offices eagerly recruit NYU students for permanent positions. Many offices, including the Public Defender Service for D.C, Brooklyn Defender Services, New Hampshire, Miami, and San Diego Federal Defenders, come to either fall OCI or PILC's February Career Fair, or both, to interview NYU graduating students. A good number of public defenders also interview at the Equal Justice Works Fair in Washington, D.C. in October.

Some offices begin a hiring process in the fall for their class in the following fall. For example, offices in New York hire pre-bar because law graduates in New York can practice so long as they take the first bar exam after their graduation. In other states, such as California or Maryland, offices do not make hiring offers until after applicants have passed the bar, but they may hire 3Ls into "law clerk" positions pending bar exam results.

### **Applying For Public Defender Jobs**

As an initial matter, offices usually require a cover letter, resume, a short writing sample, and sometimes a questionnaire about the applicant's motivations and goals. Many request transcripts and references.

### **Other Tips for the Post-Grad Hiring Process**

References: Because the post-graduate hiring process is very competitive, we recommend that students ask one professor or previous employer if they would be willing to make a phone call or send an email before the employer contacts them (in other words, ask the reference to do "outreach"). This technique demonstrates to the employer that a reference thinks very highly of the applicant. It is usually most effective around the time of an interview. For example, Seymour James, who heads up the Criminal Defense Practice of New York Legal Aid, prefers to receive calls from recommenders after they have been notified of an interview with him but before the interview takes place.

Leveraging Offers: Unfortunately, many public interest employers tend to drag out the hiring process, partly because they have so many other demands and do not have staff devoted exclusively to hiring. Thus, sometimes the best way to obtain an offer is to let an employer know that you have an offer from another office, with a deadline. Only use this strategy if you will accept an offer from the office that you are asking to decide.

### **The Stages of the Hiring Process**

Most offices have a multi-stage hiring process, usually an initial screening interview followed by two or more subsequent interviews with panels of attorneys. Any of the interviews may involve hypothetical questions and panel interviews may require the applicant to perform a mock client interview, arraignment, cross-examination, opening statement, or summation.

## **Example: The Hiring Process for the Criminal Defense Practice of the Legal Aid Society of New York**

The Legal Aid Society of New York has recently streamlined its process into two stages. The first stage is an interview with two to four attorneys (one supervisor and two or three staff attorneys) where applicants are asked to do summation and arraignment simulations. Applicants are evaluated separately by each of the four attorneys and if successful, are then interviewed by Seymour James, the head of the Criminal Defense Practice.

## **Example: The Hiring Process for “PDS”—The Public Defender Service for D.C.**

There are three Interview Stages for PDS: 1) Screening Interview; 2) Hiring Committee Interview; and 3) Final Interview. Hundreds of applications are received, 90 applicants progress to the hiring committee, about 25 to 30 will go to the final round interview, and about 6-7 are hired each year.

### **Stage 1: Screening (20 minutes, conducted by Legal Recruiting Officer)**

- Why Do You Want to be a PD?
- Discussion of Relevant Experience
- Discussion of Client Interactions, Interesting Cases, Philosophy of Defense, Ability to Relate to Indigent Clients
- Hypo (designed for ethics/strategy/common sense)

### **Stage 2: Hiring Committee (30 minutes, conducted by 6 to 15 trial attorneys)**

- Much more aggressive than the screening interview
- Questions thrown out by several attorneys
- Panel may appear hostile and/or unfriendly

Applicants are rated, on a zero to five point scale, on the following:

- 1) commitment to indigent criminal defense representation as demonstrated by the applicant’s internships, clinics, and classes
- 2) oral advocacy skills and poise as demonstrated by applicant’s reaction to the questioning and role playing
- 3) writing samples
- 4) performance on the hypothetical(s)

### **Stage 3: Final Interview (60 to 90 minutes, conducted by 4 attorneys)**

- 5 to 7 Minute Opening Statement
  - Exercise sent to applicants in advance
  - No notes allowed for opening exercise
  - Applicant is judged on strategy, demeanor, oral advocacy skill, etc.
- Discussion of Applicant’s Interest/Experience
- Significantly More Complex Hypos/Role Plays

Of the small number of new attorneys hired each year, there is usually at least one NYU graduate!

## **D. Tips For Interviews And Simulations**

### **Qualities Public Defender Offices Seek in Candidates**

Defender offices look for people who are: 1) zealously client-protective and willing to do all that they can, within the bounds of the rules of ethics, to produce the best result for their client; 2) very respectful of the client's decision-making prerogatives, certainly with regard to matters that ethics rules allocate to the client (whether to plead guilty; whether to testify; what sentence to seek), but also treat the client as a partner with regard to matters that are technically assigned to counsel for determination (the selection of the theory of the case, for example) but on which the client might have a strong view; and 3) able to relate to, earn the trust of, and be patient with clients who may be difficult, angry, and untrusting. In preparing for public defender interviews, it is helpful to be reflective about why you want to be a public defender.

### **Preparing for Screening Interviews**

To prepare for the initial interview, students should research the office to find out about its size, organization, and philosophy. It is wise to also talk with an attorney there or, better yet, “shadow” an attorney for a few hours to gain an insider’s perspective.

Typical questions asked in the screening interview include:

Why do you want to be a public defender?

Why do you want to work here? (It is very important to show why you are interested in a specific office.)

Does your school have a criminal defense or prosecution clinic and, if so, did you enroll?

Tell me about your clinic experience.

Tell me about a difficult experience you had in clinic (or other work setting) and how you overcame it. What would you do differently in the future?

What was your favorite client’s name? What was your first client’s name? [Hint: do not reveal as doing so would violate confidentiality].

Why was s/he your favorite?

Who was your least favorite client and why?

What will be the most difficult thing about practicing indigent criminal defense?

What will be the easiest, or where is your learning curve less steep?

What would make you a good trial advocate?

What other kinds of jobs are you applying for?

How would you handle the stress of the job?

How would you relate to clients who come from a very different background from you?

How would you go about building a trusting relationship with a client?

Can you see yourself ever being a prosecutor?

What criminal procedure decision would you overturn and why?

Is there any type of crime you would have trouble defending, like child molestation or rape?

I see you have experience working with victims of domestic violence; will you be able to represent our clients in DV cases?

Are you ok with spending up to half of your time in court, waiting for your cases to be called?

Know details about the office you are interviewing with—don't ask questions that are answered on its web site!

## Hypothetical Questions

One recurring theme in hypothetical questions is the tension between the duty of zealous representation of your client and other ethical duties as a lawyer. Examples of such hypothetical questions are:

a) **Hypo:** Defendant is charged with a nasty domestic violence assault. At arraignment, you learn that the complainant (defendant's wife) is in the courthouse (with bruises corroborating the accusations in the complaint). You talk to her and she says she actually fell, and lied to the police about defendant hitting her, and she does not wish to press charges. You interview defendant, who admits to beating her, and tells you that as soon as you get him released, he is going to find her and "teach her a lesson about calling the police." You know that if you tell the judge that the complainant was in court retracting her story and not wishing to press charges, that your client will likely be released. Do you make that argument?

**Answer:** Yes, you have an ethical obligation to make every good faith argument to get your client out of jail, and she did indeed retract her story. As for your client's threat to harm her, you should advise your client that going anywhere near her is against his penal interest, as he will surely be the suspect if anything happens to her. Some states have adopted an ethical rule that permits, or even requires, you to report your client if they are going to hurt someone (i.e. that communication is not privileged). However, almost no public defenders, especially the "client-based" defenders, want to hear that you would report your client. Find out the ethical rule in the state of your interview, and tell the interviewer that you are aware of the ethical issue, and would check with your supervisor, but that your personal inclination is to protect your client and not repeat his confidence or get him in more trouble.

b) **Hypo:** In preparation for a trial, you contact the prosecution's main witness, the person who says that your client robbed him. You arrange to meet him with an investigator from your office (who can testify at trial if the complainant contradicts himself). At the meeting, the witness admits that in fact, he was trying to rob your client, the gun that was recovered was his, but he is too afraid to recant to the DA because he does not want to go to jail. You suspect that on cross-examination you can get him to admit to all of this on the stand. As a defense lawyer, you are concerned about this Fifth Amendment right not to self-incriminate. Before trial, do you call the DA and suggest that she have a defense lawyer present in court to advise the witness regarding Fifth Amendment, if need be?

**Answer:** No, your duty is to your client, regardless of the potential outcome for anyone else. You may be committing malpractice if you gave the DA the heads up about something damaging her witness might say.

## **Selected Vocabulary Words to Be Aware Of In Simulations**

- Arraignment – The proceeding in which a defendant is formally accused of a crime. In NY, it's the stage at which a lawyer and client first meet, and a bail decision is made by the judge.
- Rap sheet – The record of a person's arrests and case dispositions (i.e., dismissal/conviction/etc.) throughout their life. Generated by fingerprinting.
- ROR – Release on Recognizance – Judge may release a defendant without setting any bail.
- TPO – Time and place of occurrence.

## **Simulation Tips: Client Interviews**

The employer may play the role of client and have the applicant conduct an initial client interview before an arraignment. This simulation gives the student the opportunity to demonstrate that they can connect and communicate with a scared, untrusting, intoxicated, belligerent, mentally ill, or a juvenile client. The client might be a little evasive in giving up facts. The student should begin by introducing themselves. Then the student should:

- Briefly describe confidentiality and their role as the client's attorney.
- Explain the charges to the client and the process of arraignment.
- Ask questions going to the alleged incident, the arrest, and bail (community ties, etc.). For a juvenile, ask about parents and schools.
- Be careful to use language that an uneducated person or first-time arrestee can understand.
- Your client may not want to focus on the facts of the case, but rather on "am I getting out of here?" A good answer is, "I am going to do my best to persuade the judge to release you, so the more you can focus with me and tell me about what happened, the better I can do for you."
- Applicants are often criticized for their responses to clients who complain about jail.
  - Good response: "I know it's horrible in there; I am going to do my best for you."
  - Bad responses:
    - Dismissing, as in, "Ok please answer my questions."
    - Over-identifying, as in, "I feel your pain, man."
    - Promising to get him out of jail – it's out of your hands and can destroy his confidence in you if the judge does not release him.

## **Simulation Tips: The Bail Application**

They may ask you to simulate a bail application. You will request ROR, arguing;

- His age, if very young or very old.
- No criminal record (if true)
- Weakness of the case, example: one witness identification
- Strong community ties – lived in this borough all of his life, with his family, who are in court today...
- They don't have any money to make bail

## Simulation Tips: Jury Opening

For an example of an opening statement hypothetical given to applicants, see Appendix B, which is a hypothetical previously used by the Public Defender Service of Washington, D.C.

- An opening statement is not an argument. It is your opportunity to tell the jury what you expect the evidence will/won't show. Hopefully, you will use it as an opportunity to tell the story from your client's perspective.
- You may wish to open with a theme, or a "grabber." For example, with the facts in the PDS hypo, your first line could be, "A woman in a new city gets robbed and desperately wants to believe that her robber has been caught, so she makes a grave mistake. That woman is Mary Complainant, and the tragic victim of the mistake is my client, Mr. Client."
- Keep the focus on the prosecutor's burden, and the fact that s/he cannot meet it, and do not tacitly shift the burden to yourself. You do not have to prove your client innocent. Don't promise to.
- Focus on the prosecutor's lack of evidence. In the PDS hypo, for example, you may want to emphasize that no fair ID procedure – such as a lineup – was conducted, her ID's were not recovered from him, etc.
- Only refer to facts that you KNOW will come out at trial. Examples in the PDS hypo: she had drinks, it was past sundown, her description, the fact that your client was arrested nearly two hours later.
- Be VERY careful about making any promises regarding *anything* you intend to prove. In the PDS example, you are being tested on whether you are going to alert the jury to the alibi issue, in a case where the alibi is very weak. Remember that you can open on just the ID issue, and decide with your client whether to present the alibi testimony later. You do not forfeit your client's alibi defense if you do not promise it in the opening. But if you promise it, and it falls apart during the trial, you may hurt your credibility with the jury.
- Choose your words carefully. In the PDS hypo, use words such as "night," "dark," "booze," "instant," etc.

## Simulation Tips: Cross Examination

Cross-examination questions can be answered with a yes or a no.

- Essentially, you are doing the testifying and (ideally) the witness is answering "yes" to each question.
  - Wrong: What time did you leave the bar?
  - Right: You left the bar at 9:15, correct?
- Only ask questions to which you know (and LIKE) the answers.
- Ask short questions with one issue; avoid compound questions.
  - Wrong: This was December 2, at 9:15?
  - Right: This was December 2, right? At 9:15?
- Remain in control of the witness and insist on answers to your questions, but do not engage in petty arguing if the witness is difficult. Her difficulty will make an impression on the jury, and you can refer to it in summation.
- Do not try to "bring your points home." Just get your points for summation.

- Wrong: So you mean to tell me that you had three drinks, and then identified the very first guy that they showed you??
- Right: You had a couple drinks? At least two? By the way, you weigh 130 pounds, right? My client was the first suspect the police showed you? They did not ask you to look at an array of photos at the precinct? They did not ask you to look at a lineup?

### **Simulation Tips: Jury Summation**

- Think through reasonable doubt. Your theme is that the prosecutor did not meet his/her burden, not necessarily that your client is innocent. Your sub-points are all of the reasons to doubt the prosecution's case.
- Be clear about your theory of defense, e.g. misidentification, "what happened," justification, etc. Hybrid defenses can be difficult to sell to juries. (Ex: he wasn't there, but even if he was, it was self defense, but even if it wasn't, the witness is making the whole thing up.)
- Consider whether to lead with defense witnesses or prosecutor's witnesses and how to talk about defense witnesses without suggesting you have burden of proof. Don't inadvertently shift burden of proof to defense.
- If going second (in all states but New York), rebut prosecution's strongest points at the beginning, but don't let the prosecutor's summation reshape your summation substantially (or else the jury will hear your "defensiveness"). In New York, where the defense goes first, anticipate prosecution arguments and preempt them. For example, "The prosecutor might get up here and wave around that gun, and talk about how big and dangerous it is. But don't be distracted by that, because we all agree that gun is scary. We do NOT agree, though, about where the police found the gun."
- If possible, use metaphor or analogies, or both. For more information about how to do this, see Anthony Amsterdam and Randy Hertz, An Analysis of Closing Arguments To A Jury, 37 N.Y.L. Sch. L. Rev. 55 (1992)(available in Hein Online and Lexis).

### **Concluding Advice**

Remember the basics: 1) find out all that you can about the office (web site, etc.) before the interview so that you can ask intelligent questions; 2) take extra copies of your resume, writing sample, transcript, and reference list (with phone numbers and emails); and 3) after the interview, email a thank you note!

Most importantly, remember to communicate your **passion and enthusiasm** for being a public defender!

## II. SELECTED PUBLIC DEFENDER OFFICES THAT DO POST-GRAD HIRING

### MULTISTATE

**Public Defender Corps**, [http://www.thespdtc.org/Public\\_Defender\\_Corps.html](http://www.thespdtc.org/Public_Defender_Corps.html)

34 Peachtree Street, NW

Suite 2460

Atlanta, GA 30303

Phone: (404) 525-4505

**Office Description:** Started in 2011, the Southern Public Defender Training Center (SPDTC) has partnered with Equal Justice Works to develop a national public defender fellowship program called Public Defender Corps (PDC). PDC partners with public defender offices that confront challenges to their ability to provide every client the representation and equal treatment our Constitution guarantees. Fellows participate in an intensive, three-year training and mentorship program.

**Application Procedure:** Please contact Ilham Askia, Program Director, [ilham@thespdtc.org](mailto:ilham@thespdtc.org), for questions about potential host sites and/or placements in the following states: Alabama, Georgia, Louisiana, Mississippi, North Carolina, Ohio, South Carolina and Tennessee. Also contact Ilham for any questions regarding the training program. Please contact Kamyle Griffin, [kgriffin@equaljusticeworks.org](mailto:kgriffin@equaljusticeworks.org), for questions about potential host sites and/or placements in Florida, Kentucky, Massachusetts, New York and Pennsylvania.

**NYU Alum:** Kate Merwald '11, [kmm559@nyu.edu](mailto:kmm559@nyu.edu), Knox County Public Defender's Community Law Office, Knoxville, TN.

### ALASKA

**Alaska Public Defender Agency**, <http://doa.alaska.gov/pda/home.html>

900 West 5<sup>th</sup> Avenue, Suite 200

Anchorage, AK 99501

Phone: (907) 334-4400

**Office Description:** Hires pre-bar (contingent on passing the exam within next 10 months). Generally hires in April for starting in September. Does not require a commitment. Training consists of a two week trial skills program and a mentoring program.

**Application Procedure:** Attends EJW. Interviews for attorney positions are conducted on an ongoing basis, but a lot of resume review is done in the early Spring. 3Ls should send resume by February. Send or email a cover letter, resume, three references, and a writing sample to the Director, Quinlan Stiener, at [quinlan.stiener@alaska.gov](mailto:quinlan.stiener@alaska.gov) or Deputy Director Doug Moody, [doug.moody@alaska.gov](mailto:doug.moody@alaska.gov) or to Tabitha Van Slyke at [tabitha.van.slyke@alaska.gov](mailto:tabitha.van.slyke@alaska.gov). Hiring preference is given to attorneys licensed by the Alaska Bar Association.

**Interns:** Unpaid, however pay for round-trip airfare. Typically hire 22 interns per summer, which are placed all over the state. Email cover letter, resumes, references, and writing sample to Sharon Barr at [Sharon.barr@alaska.gov](mailto:Sharon.barr@alaska.gov).



## CALIFORNIA

### Los Angeles

**Los Angeles County Public Defender**, <http://pd.co.la.ca.us/>

210 West Temple Street, 19<sup>th</sup> Floor

Los Angeles, CA 90012

Phone: (213) 974-2821

**Office Description:** Hires pre-bar. For the past 3 years, have hired about 25-30 senior law clerks pre-bar who became the entering class of attorneys post-bar. Does not require a commitment. Training typically consists of less experienced attorneys working with a senior attorney for an appropriate period of time as well as participating in on going training seminars and programs. Entry-level salary as of 2010 is \$56,000-\$70,000.

**Application Procedure:** Applicants must file an application with the Personnel Department and take a civil service exam. Call Human Resources at (213) 974-2821 and for more information go to: <http://pd.co.la.ca.us/employment.html>.

**Interns:** The office hires approximately 50 full-time summer interns. First and second year students are eligible to apply. Internships are unpaid. Submit cover letter, resume, and writing sample to Sanders Smith, Special Counsel to the Public Defender at: [ssmith@pubdef.lacounty.gov](mailto:ssmith@pubdef.lacounty.gov).

**Alternate Public Defender's Office**, <http://apd.co.la.ca.us>

35 Hall of Records

320 West Temple Street

Los Angeles, CA 90012

Phone: (213) 974-6626

**Office Description:** Does not hire pre-bar. Typically hires no entry level attorneys per year and requires one year of experience to apply. However, they generally hire about 25 attorneys per year. Does require a commitment. Does not offer a training program.

**Application Procedure:** An online application is available at the Alternate Public Defender's Office's website. Applications should be printed out and mailed to the address above c/o Rosalinda Gomez. All questions with regard to filing a job application or availability of positions should be directed to Rosalinda Gomez at (213) 974-6626 or emailed to [lacapd@co.la.ca.us](mailto:lacapd@co.la.ca.us).

### Orange County

**Alternate Defender**, <http://www.pubdef.ocgov.com/>

600 W. Santa Ana Blvd., Suite 600

Santa Ana, CA 92701

Phone: (714) 568-4160

**Office Description:** Hires occasionally, prefers members of CA bar or CA bar results pending. The Orange County Public Defender presents monthly training for lawyers on a full range of topics related to the criminal justice system.

**Application Procedure:** Applications are available online at the above website.

## **San Bernardino**

### **San Bernardino County Office of the Public Defender,**

<http://www.sbcounty.gov/publicdefender/>

303 West Third Street, Ground Floor

San Bernardino, CA 92415-0008

Phone: (909) 382-7650

**Office Description:** Must be a member of the CA bar or must have taken the bar exam and have results pending. Does not require a commitment. Training consists of a formal program focusing on such subjects as preparing for trial, conducting legal research, and counseling defendants on rights and procedures, and is completed before new attorneys are given cases.

**Application Procedure:** Attends EJW Fair. Positions are filled through the San Bernardino County Human Resources Office. Applications are available online at the San Bernardino Public Defender website. To check for the next open recruitment and to apply online, go to <http://agency.governmentjobs.com/sanbernardino> or request more information on application process, email: [webmaster@pd.sbcounty.gov](mailto:webmaster@pd.sbcounty.gov).

**Interns:** Recruit 1Ls, 2Ls and post-bar clerks between August and May. Summer Clerkships are full-time and are paid on an hourly basis, based upon experience and qualifications. Law clerks perform legal research and assist attorneys. It is preferred that 1Ls and 2Ls be certified as they may have the opportunity to stand up in court under the supervision of an attorney. Post-bar clerks must be certified. To be certified, applicant must apply to California State Bar and they need a letter from their dean to do so. To apply for a clerkship, please submit, electronically or in hardcopy, a resume, writing sample, and list of references to Rosalind Camacho, Recruitment Coordinator at the above address or to [RCamacho@pd.sbcounty.gov](mailto:RCamacho@pd.sbcounty.gov).

## **San Diego**

### **Federal Defenders of San Diego, <http://fdsdi.com/>**

233 A Street, Suite 800

San Diego, CA 92101

Phone: (619) 338-4700

**Office Description:** This is the only Federal Defender office that regularly recruits directly out of law school; they are also interested in hiring NYU 2L students as interns. Hires pre-bar in February/March. 3Ls are hired as "law grads" and upon bar passage become "trial attorneys." The number of hires is not fixed and depends upon a variety of factors. Requires a two year commitment.

Offers an extensive training on federal criminal cases, begins before the law grad receives his/her bar results. It consists of Saturday trainings (lasting 4 -6 hours) over a span of 3 to 4 months. Between Saturday sessions, attorneys are expected to read materials (usually from San Diego's DFCC- Defending a Federal Criminal Case) and prepare practical materials (e.g., bail pitches, motions arguments, witness examinations) for motions hearings and trials.

**Application Procedure:** Interviews at EJW, PILC Fair, and sometimes OCI. The hiring process is run through the San Diego County Human Resources Department. When there are openings, they are posted on the San Diego County website. At the top of this page on the right side, there is a link to "Jobs". This will take you to the county HR site, where all current job listings are posted. Openings can occur at any time. Any supervisor is a good contact (and can be found at [www.fdsdi.com](http://www.fdsdi.com)). In particular, applicants can contact Jason Ser, [jason\\_ser@fd.org](mailto:jason_ser@fd.org), 619-234-8467 or trial attorney Erika Zunkel.

**Interns:** Applications are accepted on a rolling basis, however the earlier the better. Typically hire 3-4 interns per summer. Recommended, but not required that summer interns be certified by the State Bar. The California State Bar permits law students to speak on behalf of clients in court as long as they qualify for “Practical Training of Legal Students” (PTLS) certification. This is accomplished by applying to the California Bar. A student must have completed one full year of law school. The student must also be enrolled in or have completed Evidence and Civil Procedure courses; this must be confirmed by a letter from the dean and then they can apply to the California State Bar to be certified. Unpaid. To apply, submit resume, cover letter, transcript (unofficial) and a writing sample to Michael Owens, Assistant Recruitment Coordinator, at [Michael.Owens@sdcounty.ca.gov](mailto:Michael.Owens@sdcounty.ca.gov).

## **San Francisco**

**San Francisco Public Defenders Office,** <http://sfpublicdefender.org/careers/>

555 Seventh Street, 2<sup>nd</sup> Floor

San Francisco, CA 94103-4732

Phone: (415) 553-1671

**Office Description:** Does not hire pre-bar. Sometimes hires entry level attorneys. As of 2011, offers a starting salary of \$90,818.

**Application Procedure:** In the fall, check the website for job openings. If there is a posting, follow the application procedure listed on the website. Submit cover letter, resume, writing sample, and references to Teresa Caffese, Chief Attorney, [teresa.caffese@sfgov.org](mailto:teresa.caffese@sfgov.org) or (415) 553-9315. .

**Interns:** Hire 80 1L & 2Ls for full-time, unpaid, summer internships with a priority given to 2Ls. Applications are accepted until positions are filled, however 1Ls should apply by January and 2Ls should apply during the fall. Submit a cover letter, resume, writing sample, and references to Kathy Asada, Director of Recruitment of Intern Program, at the address above. Her contact information is (415) 553-9630 or [Kathy.asada@sfgov.org](mailto:Kathy.asada@sfgov.org).

## **Alameda County**

**Alameda County Public Defender,** <http://www.co.alameda.ca.us/defender/>

1400 Lakeside Drive, Suite 400

Oakland, CA 94612

(510) 272-6600

**Office Description:** Does not hire pre-bar. Hire entry level attorneys. Provides on-going in-house training for all attorneys. Entry-level salary as of 2011 is \$67,250.

**Application Procedure:** Apply through the county’s Human Resources Services: <http://www.acgov.org/hrs/index.htm>. County application and civil service exam required. The examination is generally conducted once a year, usually in the period following the results of the summer bar exam. For questions, applicants can contact Tammy Yuen, Deputy Public Defender, at (510) 272-6600.

**Interns:** Typically hire 10 full-time, unpaid 2L interns per summer. Students should have completed courses in Criminal Procedure and Evidence and must be eligible for certification under the Rules Governing the Practical Training of Law Students by the State Bar of California. Applications are accepted in the fall and interviews begin in September for summer internships. Submit a resume, cover letter, and writing sample to Tammy Yuen, Deputy Public Defender at the above address.

## **Contra Costa**

### **Contra Costa County Public Defender**

[www.co.contra-costa.ca.us/depart/pubdef/default.html](http://www.co.contra-costa.ca.us/depart/pubdef/default.html)

800 Ferry St.

Martinez, CA 94553

Phone: (925) 335-8000

**Office Description:** Does not hire pre-bar. Usually hire 4 to 8 new attorneys throughout the calendar year. New hires are not required to make a commitment. New attorneys are hired for temporary positions (90 days at a time) which are routinely extended. New hires are given training materials and if there are several new hires at one time, workshops are held. There are monthly in-office trainings on various topics in small meeting format. There are also three training sessions annually for all attorneys.

**Application Procedure:** The application is available on [http://www.co.contra-costa.ca.us/depart/pubdef/Forms/ccc\\_application\\_form1.pdf](http://www.co.contra-costa.ca.us/depart/pubdef/Forms/ccc_application_form1.pdf). Applications should be mailed to Donna Broussard, assistant to Robin Lipetzky, Public Defender.

**Interns:** Typically hires 20 summer legal interns. Accepts applications beginning in October and completes hiring in March. Inquiries should be directed to Susan Hatcher, Chief Assistant Public Defender at [shutc@pd.co.contra-costa.ca.us](mailto:shutc@pd.co.contra-costa.ca.us).

## **COLORADO**

**Colorado State Public Defender,** <http://pdweb.coloradodefenders.us/>

1290 Broadway, Suite 900

Denver, Colorado 80203

Phone: (303) 764-1400

**Office Description:** The Colorado State Public Defender hires for all regional offices in Colorado. Does not hire pre-bar; offer of employment is conditioned upon passage of the Colorado bar. Entry-level salary as of 2011 is \$4,083 per month upon licensure and increases to \$4,457 after six additional months of satisfactory work. Hires approximately 60 entry-level attorneys per year. Offers an extensive training program including four days of intensive trial skills training followed by a two-day core trial skills training within three months of being placed for all new hires. All entry-level lawyers must successfully complete boot camp between nine and eleven months of being placed. Boot camp is a six-day, intensive trial skills program, where the student brings a felony case from his or her caseload. For experienced lawyers, master classes are offered approximately once a quarter.

**Application Procedure:** Send resume, cover letter, and references to address above with ATTN: Douglas K. Wilson or email him at [doug.wilson@coloradodefenders.us](mailto:doug.wilson@coloradodefenders.us). The hiring “season” starts in October and continues through January for 3L’s to start after the July bar. Applications are accepted throughout the year and interviews are conducted at other times as needed. Policy is to give preference to applicants who are willing to relocate to any of 21 regional trial offices.

**Interns:** Hires 15 2L interns for the summer (and accept many more volunteers) who handle cases under Student Practice Act. Also accept a limited number of volunteer 1L interns. Contact Brian Connors, [brian.connors@coloradodefenders.us](mailto:brian.connors@coloradodefenders.us) for internship applications.

## **DISTRICT OF COLUMBIA**

**Public Defender Service for the District of Columbia**, [www.pdsdc.org](http://www.pdsdc.org)

633 Indiana Ave., N.W.

Washington, D.C. 20004

Phone: (800) 341-2582 or (202) 628-1200

**Office Description:** Hires pre-bar. Requires 3L students to sit for the first available D.C. bar exam. Makes offers early during the second semester of the applicant's 3<sup>rd</sup> year. Hires 6 to 10 attorneys per year. Requires a 3 year commitment. Training consists of an initial 8 week program, followed by mandatory Trial Practice Groups every other week. Additional summer training series is available.

**Application Procedure:** Interviews at OCI and attends EJW. Applications are available on website and should be mailed to Jennifer K. Thomas, Legal Recruiting Office. Questions should be directed to Jennifer Thomas at (202) 824-2337 or [jenthomas@pdsdc.org](mailto:jenthomas@pdsdc.org).

**Interns:** Hires Criminal Law Internship Program are accepted on a rolling-basis, yet priority deadlines are set up to encourage serious applicants to submit materials as early as possible.

Complete the program application

(<http://www.pdsdc.org/InternshipsAndClerkships/InternshipApplication.aspx>) and send it, along with the essay response, cover letter, and resume, to the address listed on the last page of the application.

**FLORIDA**—Has 20 Judicial Circuits, each with its own elected public defender; Judicial Circuits in a few cities are listed below.

### **11<sup>th</sup> Judicial Circuit Miami**

**Miami-Dade Public Defender**, [www.pdmiami.com](http://www.pdmiami.com)

1320 N.W. 14<sup>th</sup> Street

Miami, FL 33125

Phone: (305) 545-1902

**Office Description:** Hires pre-bar. Applicants must be eligible for post-graduate certification under Florida's student practice rule. Usually hires 15 to 25 attorneys per year. Does not require a commitment. Training consists of a week long orientation program.

**Application Procedure:** Interviews at OCI (sometimes), PILC Career Fair, and attends EJW. Applications are available online and should be sent to Robert Coppel, Director of Training and Professionalism, [rcoppel@pdmiami.com](mailto:rcoppel@pdmiami.com), with a resume and a writing sample.

**Interns:** Certified and non-certified internships are available. To be certified a student must provide proof they have done a clinic and a letter from the dean asserting the student is in good standing. Then the student should apply through the Florida State Bar and they are able to represent clients under the supervision of the office once the Supreme Court certifies them. After attending the Public Defender Orientation Training Series, these interns receive assignments in the felony, misdemeanor or juvenile divisions. The interns each work closely with an experienced assistant public defender who acts as a mentor. They do everything assistant public defenders do, such as conduct client interviews, take depositions, engage in motion practice, handle daily court calendars and try cases. The program is designed to be litigation intensive. Non-certified internships are open to all law students. These interns provide litigation support to our legal staff. Student interested should e-mail or mail their resume to Robert Coppel at the above address.

## **15<sup>th</sup> Judicial Circuit West Palm Beach**

**Office of the Public Defender,** <http://15thcircuit.co.palm-beach.fl.us/web/guest/cadmin>

421 3rd Street

West Palm Beach, FL 33401

Phone: (561) 355-7500

**Office Description:** Hires pre-bar. Usually hires 15 to 20 attorneys per year. Requires a 3 year commitment. Training consists of a formal three week training session. Additionally, there are ongoing CLE opportunities offered almost weekly and seminar training by the Florida Public Defender's Association and other organizations.

**Application Procedures:** Attends EJW. Send resume, writing sample, and references to the address above c/o Jennifer Loyless, Program Coordinator. Spring graduates should send their resumes in January and prepare to interview in February and March. Fall graduates should send their resumes in September for October and November interviews. Questions can be emailed to [jloyless@pd15.state.fl.us](mailto:jloyless@pd15.state.fl.us).

## **17<sup>th</sup> Judicial Circuit Ft. Lauderdale**

**Office of the Public Defender,** [www.sao17.state.fl.us](http://www.sao17.state.fl.us)

201 S.E. 6<sup>th</sup> Street #655

Ft. Lauderdale, FL 33301

Phone: (954) 831-3568

**Office Description:** Hires pre-bar, throughout the year. Requires a 2 year commitment. All new hires are assigned mentors and are trained throughout the year.

**Application Procedure:** Send cover letter, resume, 3 references and a completed State of Florida Application (available online) to Assistant State Attorney Barbara J.

Mitchell, Chairperson of the Professional Staff Interview Team at the above address.

**Interns:** Internships are unpaid. Hires both law clerks and certified legal interns who are authorized by Supreme Court to practice. To be certified, a student must provide proof they have done a clinic and a letter from the dean asserting the student is in good standing. Then the student should apply through the Florida State Bar and they are able to represent clients under the supervision of the office once the Supreme Court certifies them. Law clerks are assigned to all divisions of this office, while CLI's are placed in either their County Court Division or the Juvenile Division. To apply, mail a resume and the state of Florida Employment Application (on their website) to the Training Division in Rm #675 at the above address.

## **KENTUCKY**

**Kentucky Department of Public Advocacy,** [www.dpa.ky.gov](http://www.dpa.ky.gov)

100 Fair Oaks Lane, Suite 302

Frankfort, KY 40601

Phone: (502) 564-8006

**Office Description:** Hires pre-bar if July bar is being taken. Work as law clerks until results are released, then clerk must apply for an attorney position. Interviews in February and makes offer in May. Hiring is based on need. Training consists of The Kentucky Public Defender College (3 full intensive weeks of training spread throughout the new attorney's

first year with the agency and includes Faubush – a week-long trial practice institute), Annual Educational Conference and various lectures throughout an attorney’s tenure.  
**Application Procedure:** Attends EJW. Additionally, send a cover letter, resume (with contact information of 3 references) and writing sample to Patti Heying, Recruiter for the Kentucky Department of Public Advocacy. Questions can be directed to [Patti.Heying@ky.gov](mailto:Patti.Heying@ky.gov)

## LOUISIANA

**Orleans Public Defender’s Office,** <http://www.opdla.org/>

2601 Tulane Avenue, 7th Floor

New Orleans, LA 70112

Phone: (504) 821-8101

**Office Description:** Hires pre-bar. Makes offers in January. Hires between 5 and 10 attorneys per year. Requires a 3 year commitment. Training takes place over the first year of employment.

**Application Procedure:** Usually interviews at OCI and attends EJW. Applications accepted until positions are filled. Email cover letter, resume, writing sample, list of references and transcript (need not be official) to Megan Faunce at [recruit@opdla.org](mailto:recruit@opdla.org).

**Interns:** Accept 1L and 2L interns for the summer. Unpaid.

## MARYLAND

**Office of the Public Defender,** [www.opd.state.md.us](http://www.opd.state.md.us)

William Donald Schaefer Tower, Suite 1400

6 St. Paul St.,

Baltimore, MD 21202

Phone: (410) 767-8460

**Office Description:** Does not hire pre-bar. Hiring is based on need. Does not require a commitment for initial employment, but requires a 2 year commitment to a particular office before transferring to another division or district. Offers loan forgiveness to Maryland residents who went to a Maryland university or law school and currently are employed full time at a state/local government/non-profit in Maryland. Training consists of three required in house courses including a two week course for all new attorneys, one week for Juvenile Protection, and one week for Jury Trial training.

**Application Procedure:** Applications are available on the website. Email questions and/or applications to Diane Lach, Director of Recruitment & Hiring Division at [dlach@opd.state.md.us](mailto:dlach@opd.state.md.us).

**Interns:** Hires unpaid interns on a rolling basis.

## MASSACHUSETTS

**Massachusetts Committee for Public Council Services,** [www.state.ma.us/cpcs](http://www.state.ma.us/cpcs)

44 Bromfield Street, Room 200

Boston, MA 02108

Phone: (617) 482-6212

**Office Description:** Hires pre-bar. Early offers are made in January with additional offers made in late spring or early fall. Early offers tend to go to applicants with more geographic flexibility, as it’s a state-wide system. Hires 15 to 20 new attorneys per year. Does not

require a commitment. Training consists of an initial ~~2-to~~ 4 to 5 week training program in September that is a mix of lectures and discussions, as well as a significant trial skills training component comprised of mock arguments and examinations. Following the September training program, new lawyers attend regular in-house supplemental trainings throughout their first year.

**Application Procedure:** Interviews at EJW and PILC Fair. Submit via mail a resume and statement of interest to the address above with attn: Krista Lohr, Public Defender Division, or via e-mail: [klohr@publiccounsel.net](mailto:klohr@publiccounsel.net).

**Interns:** Hires 10-15 1L & 2L (unpaid) interns for the summer who are sent out to individual offices.

## MINNESOTA

**State of Minnesota Board of Public Defense,** [www.pubdef.state.mn.us](http://www.pubdef.state.mn.us)

331 Second Ave. S Suite #900

Minneapolis, MN 55401

Phone: (612) 349-2565

**Office Description:** Hires pre-bar. Hires as positions become available. Does not require a commitment. Offers ongoing training for all attorneys and trial school each year for new hires.

**Application Procedure:** Applications are available on the website and should be mailed to the office. For questions, contact Joanne Knebes, Human Resources Director, at [Joanne.Knebes@state.mn.us](mailto:Joanne.Knebes@state.mn.us).

## MISSOURI

**Missouri State Public Defender,** [www.publicdefender.mo.gov/](http://www.publicdefender.mo.gov/)

3402 Buttonwood Drive

Columbia, MO 65201

Phone: (573) 882-9855

**Office Description:** Hires pre-bar contingent on passing bar exam immediately after graduation. Requires a two year commitment to one office before being able to switch to another location. Training consists of new employee orientation, trial skills for new and seasoned attorneys, and new defender workshops in addition to sending attorneys to outside training events. Employment consideration increases significantly for candidates with geographic flexibility to work in a rural office. **Application Procedure:** Law students are encouraged to submit an application for employment prior to graduation from law school. Applications are available on the MSPD's website and should be mailed, attn. Human Resources. A resume may supplement, but cannot replace, the application. Open positions are regularly posted on the MSPD website. Contact Kimberly Kemp, Human Resources Clerk.

## NEVADA

**Clark County Public Defender,** <http://www.clarkcountynv.gov/>

309 S Third St, 2nd Floor

Las Vegas, NV 89155

Phone: (702) 455-4685



**Office Description:** Hires pre-bar in May, pending bar exam results. Usually hires 5 attorneys per year. Requires a 2 year commitment. Training consists of an intensive 5 week program and must be completed before a new attorney is assigned a client. This training involves lectures, class participation, and extensive moot practice with experienced attorneys. After the program, the attorney is assigned to a team and to a mentor.

**Application Procedure:** Sometimes interviews at PILC Fair and attends EJW. Applications are available online and should be submitted through their website. For information, please contact Clark County Human Resources at (702) 455-4565.

## **NEW HAMPSHIRE**

**New Hampshire Public Defender, [www.nhpd.org](http://www.nhpd.org)**

10 Ferry Street, Suite 202

Concord, NH 03301

Phone: (603) 224-1236

**Office Description:** Hires pre-bar, but must take the next available New Hampshire bar exam. Requires a 3 year commitment. Training consists of weeks of intensive training presented by NHPD's Litigation Director and senior staff attorneys. New attorneys receive extensive supervision and support throughout their first year and beyond. They typically hire 5-7 attorneys per year; the starting salary as of 2010 is \$44,998.

**Application Procedure:** Interviews at OCI and attends EJW. Mail the cover letter, resume, and transcript to: Abigail Albee, Director of Legal Services, c/o Ann-Marie Curry at the above address. The cover letter should explain the basis for your general interest in indigent defense and your specific interest in working for the New Hampshire Public Defender Program. Applications must be received by November 1<sup>st</sup> to be considered for employment the following August. Email questions to Ann-Marie Curry [acurry@nhpd.org](mailto:acurry@nhpd.org).

**Interns:** Seek internship candidates at career fairs as well as on-campus events. Internships are unpaid. Hire 1Ls and 2Ls and 2Ls can be certified to practice under supervision of another staff attorney. 1Ls combine law and investigations in their internships to assist in cases. To apply, mail to above address attn: Attorney Mary B. Hawkes, Director of Internships, c/o Ann-Marie Curry, a resume, a letter of interest, transcripts (unofficial), and references (preferred); or via email to [acurry@nhpd.org](mailto:acurry@nhpd.org)

## **NEW JERSEY**

**New Jersey Office of the Public Defender, [www.state.nj.us/defender/](http://www.state.nj.us/defender/)**

Hughes Justice Complex

25 Market St

P.O. Box 850

Trenton, NJ 08625

Phone (609) 292-8353

**Office Description:** Must be admitted to New Jersey bar. Training takes place throughout the year.

**Application Procedure:** They do not usually hire entry-level and prefer people who have completed clerkships, but will occasionally consider exceptional 3L's. Send resume and cover letter to Joan Richardson Bowser, First Assistant Public Defender New Jersey Office of the Public Defender, (609) 292-7087; [Joan.Richardson@opd.state.nj.us](mailto:Joan.Richardson@opd.state.nj.us).

**Interns:** It is easier to place 2Ls rather than 1Ls, but they hire both. 2Ls can represent clients in court with attorney supervision. To stand in court, interns need to be certified through the office, which sends a letter to the Supreme Court on behalf of the student. Internships are unpaid and the number of interns hired and placed is determined by local need. The deadline for priority consideration of internship applications is April 15th for summer placements, July 15th for fall placements, October 15th for winter placements, and January 15th for spring placements. However, the earlier the application the better, especially if the student wants to secure the internship in their preferred location (Hudson and Essex fill up quickly). To apply, e-mail your resume, a cover letter (can be in body of email or separate), information regarding your specific area of interest, availability, preferred work location, and why you would like to work in this area of law to: Tom Rosenthal, Intern Placement, at [thomas.rosenthal@opd.state.nj.us](mailto:thomas.rosenthal@opd.state.nj.us).

## **NEW MEXICO**

**New Mexico Office of the Public Defender,** [www.pdd.state.nm.us](http://www.pdd.state.nm.us)

301 N. Guadalupe Street, Suite 101

Santa Fe, New Mexico 87501

Phone (505) 476-0700

### **Office Description:**

The New Mexico Public Defender Department is a state public defender agency with central administration in Santa Fe and offices throughout the state. Most attorney hiring requires prior bar passage; will sometimes hire pre-bar but must take next available bar. Limited licensure for one year is available to attorneys admitted in other states. The State of New Mexico has a loan forgiveness program that applies to public defenders and other public interest attorneys. New attorneys participate in formal mentoring programs, second chair trial programs, and informal mentoring.

**Application Procedure:** Please submit application materials through the New Mexico Department of Labor website or fax or email them to John Stapleton, Human Resources Director, at [john.stapleton@state.nm.us](mailto:john.stapleton@state.nm.us) with a cover letter and resume. Postings may be found through New Mexico Department of Labor's web site. Commitment to indigent defense service and desire for trial experience is a plus.

**Interns:** Unpaid. To apply submit a cover letter and a resume in the spring for summer internships to John Stapleton, Human Resources Director, at [john.stapleton@state.nm.us](mailto:john.stapleton@state.nm.us).

## **NEW YORK STATE**

The New York State Defenders Association, [www.nysda.org](http://www.nysda.org), contains resources and information concerning New York public defense. Its Chief Defenders List contains official contact information for all public defense offices in the state, [http://www.nysda.org/html/chief\\_defenders.html](http://www.nysda.org/html/chief_defenders.html).

**New York City--**New York City does not have one public defender agency. Instead, there are multiple offices that have contracts with the city to provide public defender services to indigent defendants in criminal cases. The Criminal Defense Practice (CDP) of the Legal Aid Society is the main provider of criminal representation for indigent defendants in a manner similar to that of Public Defenders found throughout the rest of the country. Other offices also provide indigent defense, such as Brooklyn Defender Services, [www.bds.org](http://www.bds.org),

and New York County Defender Services, [www.nycds.org](http://www.nycds.org). Moreover, New York City has two organizations noted for their holistic representation of clients—Bronx Defenders and Neighborhood Defender Service of Harlem.

**The Bronx Defenders, [www.bronxdefenders.org](http://www.bronxdefenders.org)**

860 Courtlandt Avenue

Bronx, NY 10451

Phone: (718) 838-7878 or (800) 597-7980

**Office Description:** Hires pre-bar. Usually hires by February. Usually hires 4 to 6 attorneys per year. Requires a 3 year commitment. Training consists of a two week program covering skills and ethics through a combination of lectures, mock exercises, simulations, and shadowing.

**Application Procedure:** Attends EJW. For permanent positions, apply between August and mid-October. Employment Opportunities are posted on their website at <http://www.bronxdefenders.org/employment-opportunities>. Email a cover letter and resume in accordance with the instructions detailed for the specific posting, which can be accessed by clicking on the position's link to [jobs@bronxdefenders.org](mailto:jobs@bronxdefenders.org) with the position you are applying for clearly indicated in the subject line. Questions should be directed to Seann Riley, [seannr@bronxdefenders.org](mailto:seannr@bronxdefenders.org). They do not require simulations and do not ask hypotheticals during interviews.

**Interns:** Hire 1Ls and 2Ls interested in working in Criminal Defense, Family Defense and Civil Action practices. To apply, send a cover letter and a resume via email to [jobs@bronxdefenders.org](mailto:jobs@bronxdefenders.org) with "Internship" as well as practice area in the subject line.

**Brooklyn Defender Services, [www.bds.org](http://www.bds.org)**

177 Livingston Street – 5<sup>th</sup> Floor

Brooklyn, New York 11201

Phone: (718) 254-0700, ext. 117

**Office Description:** Hires pre-bar in winter. Requires a 3-year commitment. Their training program is very intensive and hands-on. The first weeks involve presentations on substantive aspects of criminal law; procedural and practical tips on the criminal justice system, representing indigent defendants, and the Brooklyn courts; and the beginning of simulations. For the next several weeks, attorneys begin to pick up cases in the arraignment shifts, under the direct supervision of a supervisor, while the on-going training continues, with more and more simulations. As the attorneys build up their caseloads, the cases are often used in the training sessions for simulations, and the legal education continues with substantive lectures. After a couple of months, the attorneys have their own, full caseloads, reviewed by a supervisor. Training is ongoing during the first year.

**Application Procedure:** Sometimes interviews at OCI and attends PILC Fair. No deadline, apply as early as possible in your 3L year. For staff attorney jobs, send cover letter, resume, transcript, writing sample, and a list of recommendations, to Richard LaFontaine, [rlafontaine@bds.org](mailto:rlafontaine@bds.org).

**Interns:** Intern applications to Miriam Hibel, Director of Law, by mail or by email, [mhibel@bds.org](mailto:mhibel@bds.org). Submit resume, cover letter, and 3 references preferably in the late fall for summer internships.

**The Legal Aid Society Criminal Defense Practice, [www.legal-aid.org](http://www.legal-aid.org)**

199 Water Street, 6<sup>th</sup> Floor

New York, NY 10038

Phone: (212) 577-3300

**Office Description:** The Criminal Defense Practice (CDP) generally hires 25 to 50 people for its fall class and additionally hires some attorneys to work in its Parole Revocation Defense Unit. Hires 3Ls/law graduates pre-bar, as long as the law graduate sits for the New York State bar given immediately following graduation. Requires a 3 year commitment. Begins interview process in fall. New hires may be assigned to any of five boroughs. Also limited hiring in spring if vacancies occur. Training consists of an intensive five-week training program followed by training by direct supervisors in assigned boroughs, and on-going training throughout career.

**Application Procedure:** Interviews at OCI, EJW, and PILC Fair. Apply in October, by emailing a cover letter and resume to [attorneyjobs@legal-aid.org](mailto:attorneyjobs@legal-aid.org). Applications are accepted year round, however hiring differs depending on openings in each practice area. For 3Ls recent law graduates, priority will be given for applications submitted before December 31 for employment to commence the following Fall. Questions regarding the CDP interview and hiring process can be directed to Allan Fox, Chief Human Resources Officer, at (212) 577-3372, [ajfox@legal-aid.org](mailto:ajfox@legal-aid.org).

**Interns:** Attends EJW and PILC Fair. Applicants should apply via email a cover letter and attach a resume, writing sample and school transcript to Director of Legal Recruitment at [internships@legal-aid.org](mailto:internships@legal-aid.org) between October 15 and March 15 for Summer positions.

**The Legal Aid Society Juvenile Rights Practice, [www.legal-aid.org](http://www.legal-aid.org)**

199 Water Street

New York, NY 10038

Phone: (212) 577-3300

**Office Description:** Attorneys at the Juvenile Rights Practice (JRP) represent children and young adults in Family Court in all 5 boroughs in abuse/neglect, delinquency and PINS proceedings. Hires pre-bar as long as the law graduate sits for the New York State bar given immediately following graduation. Usually, offers are made prior to the end of the summer in anticipation of a fall training class. The number of offers is dependent upon availability of openings, and has ranged from 2 or 3 to 15 or more. Requires a 3-year commitment. Training consists of comprehensive initial, centralized training covering substantive law and practice concerns, skills, ethics and case management. Upon completion of this training, staff participates in case intake under close supervision in their assigned boroughs. There is additional borough-based training during the course of the first year.

**Application Procedure:** Attends OCI, EJW and PILC Fair. Interested candidates should apply in January of their third year, by sending a letter of interest, resume, writing sample and three references to: Tamara Steckler, Attorney-in-Charge, Juvenile Rights Practice, The Legal Aid Society, [tasteckler@legal-aid.org](mailto:tasteckler@legal-aid.org). Questions regarding the JRP interview and hiring process can be directed to Allan Fox, Chief Human Resources Officer, at 212-577-3372 or [ajfox@legal-aid.org](mailto:ajfox@legal-aid.org).

**Interns:** Applicants should apply via email a cover letter and attach a resume, writing sample and school transcript to Director of Legal Recruitment at [internships@legal-aid.org](mailto:internships@legal-aid.org) between October 15 and March 15 for Summer positions.

**Neighborhood Defender Service of Harlem, [www.ndsny.org](http://www.ndsny.org)**

317 Lenox Avenue, 10<sup>th</sup> Floor

New York, NY 10027

Phone: (212) 876-5500

**Office Description:** NDS employs a diverse and dynamic staff dedicated to serving low-income New Yorkers in the Harlem and Washington Heights neighborhoods. In addition to its permanent staff positions, NDS also offers volunteer internships in a variety of practice areas, and hosts public interest law fellowships. Rarely hires entry-level.

**Application Procedure:** Attends EJW.

**Interns:** Internships are unpaid. There is a week orientation at NDS, then summer interns are matched with attorneys in a specific practice area. Intern duties may include legal research and writing, court appearances, client interviews, precinct visits, witness interviews, investigation assistance, client visits at jails and juvenile detention facilities, and participation in any of the many other activities that NDS staff undertakes on behalf of our clients.

Applications are accepted between September and February for summer placement. To apply, email [summerinternship@ndsny.org](mailto:summerinternship@ndsny.org), and attach a cover letter and resume.

**Office of the Appellate Defender, [www.appellatedefender.org](http://www.appellatedefender.org)**

11 Park Place, Suite 1601

New York, NY 10007

Phone: (212) 402-4100

**Office Description:** Requires a commitment of 2 to 3 years. Training lasts the entire appointment and consists of intensive supervision. Cases are handled by a staff attorney and a supervisor who reads the record, discusses legal strategy with the staff attorney, and assists the staff attorney in editing all written submissions and preparing for oral argument. Salary for OAD staff attorneys is based on years of experience, and, as of 2011, starts at \$52,000 for law graduates.

**Application Procedure:** Attends EJW. Applicants should submit a cover letter, resume, and writing sample to Carolyn Wilson, Administrative Specialist, Office of the Appellate Defender, at the address above or by email to Loreni Cespedes, Administrative Assistant, at [lcespedes@appellatedefender.org](mailto:lcespedes@appellatedefender.org) with the subject line " Staff Attorney Position." Strong preference will be given to applications received by December 15, and applications received after that date may not be considered. Interviewing of candidates occurs in January and February.

**Interns:** Unpaid; deadline for applications is December 15 (sometimes later), so it is strongly recommended to apply in November and early December. To apply, email a cover letter, resume, and writing sample to Margaret Knight, Senior Staff Attorney, at [mknight@appellatedefender.org](mailto:mknight@appellatedefender.org).

## **NORTH CAROLINA**

**Mecklenburg County (Charlotte) Public Defender**

<http://www.nccourts.org/County/Mecklenburg/Staff/Defender.asp>

700 E. 4<sup>th</sup> St., Ste. 400

Charlotte, NC 28202

Phone: (704) 686-0900

**Office Description:** The Mecklenburg County Public Defender is the largest public defender in North Carolina, with about 54 attorneys in the office- roughly 22 in the misdemeanor unit and 32 in the felony unit. Kevin Tully was appointed public defender in July 2007 for a four year term and has a vision to build the office into a premier public defender office. Training consists of a three-day course- “New Misdemeanor Defender Training”- at the University of North Carolina School of Government followed by close supervision and mentorship. New attorneys begin in district court, where misdemeanor trials are before a judge and if the accused is convicted they are entitled to a de novo jury trial in superior court. This system allows new attorneys to gain solid experience without jeopardizing the best interests of the clients. They hire pre-bar with the caveat that attorneys must then pass the bar exam (in North Carolina, attorneys are admitted on the day they pass). 1L interns will have the opportunity to do substantial researching and writing and 2L interns will be able to conduct arguments in bond hearings and to do misdemeanor jury trials. They cannot guarantee offers for permanent employment but they believe that NYU students who spend their 2L summer there would be prime candidates for employment.

**Application Procedure:** Attends PILC Fair. Email cover letter and resume to Kevin Tully, Public Defender, [Kevin.Tully@mecklenburgcountync.gov](mailto:Kevin.Tully@mecklenburgcountync.gov)

## **PENNSYLVANIA**

**Defender Association of Philadelphia,** [www.phila.gov/defender](http://www.phila.gov/defender)

1441 Sansom Street

Philadelphia, PA 19102

Phone: (215) 568-3190

**Office Description:** Hires pre-bar before the July bar exam, making offers in mid-March. Asks for commitment of three years. Training consists of three weeks of classroom instruction, interactive learning, and trial advocacy training. The training program extends over the first two years of employment.

**Application Procedure:** Attends EJW. Contact Ellen T. Greenlee, Chief Defender, by telephone at (215) 568-3190 or by email at [EGreenlee@philadefender.org](mailto:EGreenlee@philadefender.org).

**Interns:** Unpaid. To apply for a summer internship, email a cover letter and resume to Tara West, Assistant to Recruitment Chief, at [twest@philadefender.org](mailto:twest@philadefender.org) by December 31.

## **RHODE ISLAND**

**Office of the Public Defender,** [www.ripd.org](http://www.ripd.org)

160 Pine Street

Providence, RI 02903

Phone: (401) 222-1511

**Office Description:** Does not hire pre-bar. Hires on a continuous basis, usually hiring 2 to 4 attorneys per year. Entry level salary as of 2011 is \$50,000. Expects new hires to stay 2 years. No formal training program. Typically, new attorneys spend one week being trained by the attorney they are replacing. Depending on the timing of the hire, new attorneys are frequently able to participate in a formal week-long training program held every June.

**Application Procedure:** Resumes and writing samples should be directed to Public Defender John J. Hardiman and should be mailed to the above address or sent via email to [amaral@ripd.org](mailto:amaral@ripd.org).

**Interns:** Unpaid and usually hire 2Ls. Email resume, cover letter, and writing sample to Michael A. DiLauro, Director of Training, at [mdilauro@ripd.org](mailto:mdilauro@ripd.org).

## TENNESSEE

**Metropolitan Public Defender,** [www.publicdefender.nashville.gov](http://www.publicdefender.nashville.gov)

Suite 2022, Parkway Towers Building

404 James Robertson Parkway

Nashville, TN 37219

Phone: (615) 862-5730

**Office Description:** Hires pre-bar, usually making offers in January or February. Hires 3- 4 3L students each year. Does not require a commitment. Training is based on a model of individual instruction by experienced Assistant Public Defenders. Law graduates are given a caseload and practice under direct supervision of an experienced Assistant Public Defender who provides mentoring and instruction until the bar results are released in late October.

**Application Procedure:** Send cover letter and resume to Dawn Deaner, Public Defender either by mail at the above address or via email, [dawndeaner@jis.nashville.org](mailto:dawndeaner@jis.nashville.org).

**Interns:** Unpaid. To apply for a summer internship, email Dawn Deaner, Public Defender, at [dawndeaner@jis.nashville.org](mailto:dawndeaner@jis.nashville.org) or Jerrilyn Manning, Deputy Public Defender, at [jerrilynmanning@jis.nashville.org](mailto:jerrilynmanning@jis.nashville.org) with your cover letter and resume.

## WASHINGTON

**The Defender Association,** [www.defender.org](http://www.defender.org)

810 Third Avenue, Suite 800

Seattle, WA 98104

Phone: (206) 447-3900

**Office Description:** Hires pre-bar. Usually hires 6 to 8 attorneys per year. Does not require a commitment. Holds many training and CLE programs throughout the year.

**Application Procedure:** Students should send a cover letter, resume, short writing sample of no more than 10 pages, and list of references addressed to Floris Mikkelsen, Director, at the address above or via email to Cindy Donion, Executive Assistant, at [cindy.donion@defender.org](mailto:cindy.donion@defender.org). Also, questions can be directed to Cindy Donion at (206) 447-3900 x 601.

**Interns:** Unpaid; 2Ls given priority however 1Ls are sometimes considered. Email resume, cover letter, and 3 references to Theresa Allman, Legal Intern Supervisor, at [theresa.allman@defender.org](mailto:theresa.allman@defender.org). Fall application decisions are made by December 1.

## WISCONSIN

**Wisconsin State Public Defender,** [www.wisspd.org](http://www.wisspd.org)

315 N. Henry St. - 2<sup>nd</sup> Floor

Madison, WI 53703

Phone: (608) 266-0087

**Office Description:** Hires pre-bar (contingent on passing); any time during the 3L year. There is a significant increase in hiring and for 2011 they are looking to hire close to 40 new attorneys. Prefers a commitment. Training consists of participating in Trial Skills Academy for one week in May.

**Application Procedure:** Attends EJW. Recruitment period typically starts in January. To find out whether the period has begun check the website above or go directly to the state of Wisconsin's employment website: [www.wisc.jobs](http://www.wisc.jobs) in which you can find the online application. To apply, submit the application online with your attached resume. For questions, contact Margie Rem, Human Resources Specialist, at [remm@opd.wi.gov](mailto:remm@opd.wi.gov).

**Interns:** Unpaid, however under rare circumstances paid internships are offered. Number of interns hired per summer depends on the need in each office. To apply for the summer, email your resume, a letter of interest, and your preferred placement location within the state in the late fall or early spring to Margie Rem at [remm@opd.wi.gov](mailto:remm@opd.wi.gov).

## WYOMING

**Wyoming Public Defender Office,** <http://wyodefender.state.wy.us/>

2020 Carey Avenue 9<sup>th</sup> Floor

Cheyenne, WY 82002

Phone: (307) 777-7137

**Office Description:** Does not hire pre-bar. Hires few attorneys per year. Does not require a commitment. Training consists of one to two days of training sessions. Four or five new attorneys are sent to the Western Trial Advocacy Institute that is held every summer in Laramie, Wyoming.

**Application Procedure:** Job openings are posted online at the State of Wyoming website at: <https://statejobs.state.wy.us/index.aspx>. The online application is available online at <http://personnel.state.wy.us/stjobs/forms/online.htm> and should be submitted electronically. All other types of applications need to be mailed to State of Wyoming, A&I Human Resources Division, Emerson Building, 2001 Capitol Avenue, Cheyenne, WY 82001-6100. Questions can be directed to Diane M. Lozano, State Public Defender, at [DLOZAN@state.wy.us](mailto:DLOZAN@state.wy.us).

**Interns:** Some internships are paid. 2Ls can appear in court and are supervised by an attorney. To apply, email a resume and a cover letter to Diane M. Lozano, State Public Defender, at [DLOZAN@state.wy.us](mailto:DLOZAN@state.wy.us).



### **III. Selected Capital Defense Offices That Hire Entry-Level Attorneys**

Berkeley Law's Death Penalty Clinic maintains a website that lists internship and employment opportunities in capital defense offices. <http://www.law.berkeley.edu/capitaldefense.htm>.

LOUISIANA (New Orleans)—Louisiana Capital Assistance Center, Junior Capital Attorney.

Capital Appeals Project

NORTH CAROLINA (Durham)-Fair Trial Initiative Fellowship

TENNESSEE (Nashville)  
State Post-Conviction Defenders

Federal Public Defender's Office, Capital Habeas Unit

REPRIEVE PROJECT FELLOWSHIP, [www.reprive.org.uk](http://www.reprive.org.uk). One or two year fellowship for death penalty projects on behalf of poor people in the U.S. or the Caribbean.

## **APPENDIX A**

### **THE LEGAL AID SOCIETY** **APPLICANT QUESTIONNAIRE**

- 1) What life experiences have you had that would aid you in representing indigent clients?
- 2) A public defender handles matters ranging from minor infractions of the law to the most serious crimes imaginable. All of us at times have had reservations about certain aspects of our work. What reservations, if any, do you have about becoming a public defender?
- 3) As a trial attorney, you will be responsible for managing all aspects of your clients' representation. This requires both an ability to assert leadership in direction events and the ability to make decisions independently. In what ways have you demonstrated these qualities in your past experience?
- 4) Why should you be selected to be a criminal defense attorney with The Legal Aid Society?

## **APPENDIX B - PDS 2006 OPENING STATEMENT HYPO**

On Friday, December 2, 2005, at approximately 2115 hours, Officer Smith received a radio run for a robbery that had occurred in the 800 block of H Street, NE at approximately 2110 hours. Upon arrival on the scene, Officer Smith was directed to Horseshoes Bar and Grill where he located the complaining witness, Mary Complainant. Mary Complainant is a 5'7", 130 lb, twenty-eight-year-old, Caucasian female who moved to D.C. about two months ago from a small town in Iowa. Mary Complainant stated that she was held up at gunpoint and her purse and its contents were taken. Ms. Complainant told the police that after having a couple of drinks with her friends, she left Horseshoes Bar and Grill (located in the 800 block of H Street, NE) and walked toward the 700 block of H Street, NE. While still in the 800 block of H Street, NE, a person approached her from between two parked cars, pointed a gun at her face, and demanded her purse. Ms. Complainant, startled, dropped her beige Coach handbag, turned, and ran back toward the direction of Horseshoes Bar and Grill. She indicated that her handbag contained her driver's license, work identification, credit cards, and \$45. Ms. Complainant described the assailant as a black male wearing a maroon Redskins knit cap and dark clothing. The police broadcast a "lookout" containing this description.

At approximately 2300 hours, while on patrol in the 1500 block of H Street, NE, Officer Miller observed a man matching the description in the lookout. When Officer Miller activated his police emergency lights, the person fled in the direction of 1525 H Street, NE. After a brief chase, Officer Miler apprehended Joe Client behind 1525 H Street, NE. At the time of his apprehension, Joe Client was wearing a maroon Redskins knit cap, black jeans, and a black ski jacket. Officer Miller recovered \$45 and two zip lock bags of marijuana from Mr. Client's jeans.

At approximately 2300 hours, Ms. Complainant was brought to the 1500 block of H Street, NE to participate in a show-up identification procedure. Ms. Complainant identified Mr. Client as the person who pointed a gun in her face and took her purse. Ms. Complainant stated, "Yes sir, that's him, that's him." Joe Client was arrested and charged with armed robbery and possession of marijuana. Upon his arrest, Mr. Client stated, "I didn't do anything. I have been home with my girlfriend since 7 p.m. I just came outside to go to the store."

Joe Client is a twenty-year-old African-American male who lives at 1525 H Street, NE with his mother. Mr. Client is 5'10" and 170 lbs; he has a dark complexion and wears his hair in shoulder-length braids. Mr. Client was convicted in 2004 of distribution of marijuana and is currently on probation.

Two weeks prior to the trial date, your PDS investigator interviewed Cindy Brown. Cindy Brown stated that on December 2, 2005, she was with Joe Client at his residence from 7 p.m. to just before he was arrested. She stated that they had dinner and watched the Dave Chappelle Show: The Second Season on DVD. During the interview, your investigator noticed that Ms. Brown had a beige Coach handbag. Ms. Brown stated that she did not speak to the police or anyone from the prosecutor's office. Cindy Brown is an eighteen-year-old

African-American female who has never been arrested. Joe Client and Cindy Brown have been involved in a relationship for over two years. Ms. Brown is currently six months pregnant with Mr. Client's child.

Assume that all tangible evidence, identification evidence, and client statements will be admissible at trial.

## APPENDIX C

### **INTERVIEW WITH DERWYN BUNTON '98, CHIEF PUBLIC DEFENDER FOR ORLEANS PARISH**

Mr. Bunton is 1998 graduate of New York University School of Law and has been Chief Public Defender since the fall of 2008. Before that he worked for the Juvenile Justice Project of Louisiana and Juvenile Regional Services, serving youth involved in the criminal justice system.

1. You've been in New Orleans for most of your career. What attracted you to the city out of law school, and what drew you to the opportunity at the Public Defenders Office?

The tremendous need and the opportunity for a young lawyer to make a lot of difference very fast. When I came down to work with the Juvenile Justice Project they were a start-up nonprofit addressing systemic needs to the juvenile justice project and criminal justice system. Through juvenile justice work it allowed me to have broad experience, systemic litigation, legislative advocacy, front-line litigation.

Post-Katrina, after the collapse of our criminal justice system I got more involved in the criminal justice system by being involved on the local Public Defender board. From there I got the Public Defense bug and began working for juvenile regional services (another nonprofit that did juvenile representation and other advocacy). I also helped with the passage of the public defender act allowing for more structure for the PD system. When the opening came up for chief Public Defender, I applied and the state board believed enough in me to give me a shot at it.

2. States all across the country are facing funding struggles for indigent defense, including Louisiana. Can you tell us a bit about what the situation looks like down there now, whether that's better or worse than when you started, and where you see it going?

I'm optimistic. I came in here with an idea of change that had a timeline of about 3 to 5 years. In the first year I just wanted to take a look at the organization, look at ourselves from the inside out making sure we have the structures we need to deliver good services to the people of New Orleans. We've made a few changes, and for the most part I feel we've done that well. The stuff that's really sort of cool is the insertion of the office as a member of the criminal justice community. Nobody cared about PDs, nobody talked about that, and that neglect was really apparent. In the last year we've been able to get a new dedicated revenue source. For the first time ever in 2009 we received a line-item appropriation something that had never been done. They promptly took that away for 2010 due to budget issues. But the new revenue source is still quite exciting. I didn't think I could convince people in a year to do something like that. We've been able to grow the office, we're more than 50 lawyers strong, we recruit nationally at top schools in addition to all the local schools. I'm excited, those are really good changes and I see us moving up. We're always going to have budget problems but I think the future of how big they are will be an improvement.

3. Now that you are responsible for hiring, training, and cultivating a new generation of public defender advocates, can you tell us what are three things you look for in new applicants?

1. Did they go to NYU? [laughs] Seriously though, we look at what sort of culture was at their law school? Was there a commitment at their law school to public interest? That's a big indicator of their commitment.

2. Look at their resume – is there a personal history of commitment to public interest and public defense?

3. What did they do in law school to ready themselves to really fight on behalf of poor folks in the law. Did they have a clinic? Did they do things like trial advocacy? Did they take evidence? Did they take criminal procedure? Things that would let us believe that they love this area of the law. None of these things are dispositive but they help us evaluate candidates.

4. Some have said that there are two primary schools of thought on what it takes to be a good public defender or prosecutor: one argues that it takes a deep commitment to the criminal justice system and its ability to work, and thus a talented person could be an equally effective defender or prosecutor, while another argues that there must be a fundamental ideological commitment to one side or the other. What do you think of these arguments, and would you consider working as a prosecutor?

This is a debate in the community. No, I would not consider working in a prosecutor's office. My experience tells me that the best defenders would give you that answer. In my experience you cannot be ambivalent about helping folks charged with crimes; you can't be ambivalent about helping the poor. Poverty produces some strange behaviors, and if you're passing judgment on that, you probably shouldn't be a defender. I'm certainly in the school of thought that the people who work the hardest and are the most committed are those who believe this is a life's work as a defender and it would be impossible to be a prosecutor.

4. a. Would you consider being a judge?

That forces you to be objective. And you have to be comfortable with effectively watching folks go away. I think I could consider it, but I'm not sure – there's also a train of thought among hard-core defenders that goes something like 'the bench is where lawyers go to die.' When you're done, when you're over, you sit on the bench. I find a lot of that hard to shake, personally. When you're out helping with an investigation, getting ready for a trial, prepping your crosses, doing a negotiation, that's when I feel my best – when I feel like I'm doing the best work for people in need. I'd have to get over my feelings that the bench is where you go to stop fighting.

5. Where do you envision the rest of your legal career going? Any ideas on what you might like to do next?

I'm not quite sure. I'm really focused on doing this job and doing this job well. And then I don't know, we'll see where life takes me. I could definitely see myself in a law school setting trying to train folks and then sending them off to do good work for those who need it most. I can actually imagine that being fulfilling. Like I said, if I feel like I'm open, maybe I'll become a judge. I guess all that is to say I don't know, but in some way I'll either be on the front line or training folks to be on the front line to help people in need. Somewhere positioning myself to do the most good as I see it.

6. Do you think the upcoming mayoral election will have an effect on your office? [ed. note - the New Orleans mayoral primary is Feb. 6, and there are currently 11 candidates in the race]

I think it absolutely will. A lot of the debate has been dominated by what's going on in the criminal justice system, the crime rate, the murder rate, etc. Tooling the criminal justice system to handle the things that come at it. Equip the system to deal with the realities of the city. All the candidates have pledged to fully fund the system, which is generally good news for us. We've been neglected and ignored, and I don't think any of the candidates left in the race will do that. We're on the map, and in the consciousness now, and whoever is mayor is going to give us some serious time, and hopefully resources.

7. Anything our readers should know about New Orleans?

They should know that they all need to come to New Orleans and do good work – New Orleans is ground zero for criminal justice and social justice work in the country, not just in Louisiana. Smart, capable people in this town are in short supply and greatly appreciated.

We'd like to thank Mr. Bunton again for his time and thoughtful answers. If you have questions you'd like asked, or suggestions for leaders to interview, please leave a comment here!

## APPENDIX D

### **INTERVIEW WITH ROBIN STEINBERG '82, EXECUTIVE DIRECTOR, BRONX DEFENDERS**

#### **1. What is your area of specialization and how did you come to work in this area?**

This summer will be my 25<sup>th</sup> anniversary of becoming a public defender, and I couldn't be happier with my choice. However, when I entered law school in 1979, public defense was the last thing on my mind. I wanted to be a women's rights litigator – that is what brought me to law school and what motivated me to join the “Women's Prison Project”, a clinic run by Claudia Angelos, during my second year. Working on behalf of women who were incarcerated at Bedford Hills Correctional Facility was both inspiring and heartbreaking. Listening to the stories these women had to tell opened my eyes to the devastating impact criminal justice involvement had had on them, their children, and their communities. One woman after the next talked about how “railroaded” they felt, how let down they were by their “legal aids”, and how confused and frustrated they were about their experiences in the criminal justice system. I decided to join the Criminal Defense Clinic the next year to see, first hand, what led these women to feel so abandoned by their own lawyers and become caged in prison for years.

The first time I stepped foot in Manhattan Criminal Court, I was shocked, horrified, and enraged by what I saw – an endless stream of poor people of color from marginalized communities being shoveled into a system with little regard for their legal rights, their liberty, or their dignity. I knew that this was where I had to be – on the front lines, as a public defender, representing clients everyday and working along side inspiring and dedicated lawyers committed to social and racial justice. I feel privileged to have been able to do this work for the past 25 years. The work, my clients, and my colleagues have enhanced my life beyond all reason. I don't regret a moment.

#### **2. What led to the creation of The Bronx Defenders in 1997, and how closely does the organization reflect your original vision?**

In 1997, the City of New York put out an RFP (Request for Proposal) for indigent defense services in each borough. At that point, I had been a public defender for 15 years, working as a staff attorney at the Legal Aid Society of Nassau County, the New York City Legal Aid Society, and The Neighborhood Defender Service of Harlem as a founding member, training team leader, and deputy director. I had a very clear vision of what I believed clients in the criminal justice system needed from their public defenders – holistic legal and social service advocacy in their own communities and under one roof. During the first few years, we focused on establishing credibility in the courthouse and the community. Once established, we began to focus on expanding our services for clients and making sure that, with each new project, we had a plan for sustainability and long-term growth. We have, in the last six years, doubled our staff and our budget while expanding the scope of services we can offer clients and staying actively and



productively engaged in the Bronx community, criminal justice system, and family court system. We have gone further than I ever could have imagined back in 1997 and I look forward to a future of continued growth and innovation.

**3. During your 25 year career as a public defender, what has been your proudest moment?**

My career as a public defender has been filled with deeply satisfying, exhilarating, and proud moments. Watching a client walk out of jail into the arms of his family, winning a trial and hearing the beloved words “not guilty,” or watching a young lawyer, social worker, or investigator have a great success all make me incredibly proud.

**4. Can you tell us what is meant by the term “holistic advocacy” and why you believe this is an important concept in the world of indigent defense?**

At the core of “holistic advocacy” is the understanding that clients come into the criminal justice system with a host of social, economic, political, and legal problems. Being an effective, compassionate, and zealous advocate means taking on the responsibility of addressing those issues that are driving clients into the criminal justice system. Holistic advocacy contemplates creating a legal “home” for clients where they can access legal representation in criminal, immigration, housing, and family court, as well as benefits advocacy and civil rights. Additionally, clients can work with social workers and parent advocates in securing social service intervention and support when needed. Finally, holistic advocacy means being a part of the client community and collaborating with Bronx community partners to find ways to address the broader systemic problems that lead to the over incarceration and arrest of our clients. “Holistic advocacy” has proven to lead to better case outcomes and more positive life outcomes for clients and their families and should be incorporated into the practices of all public defenders if we are to have any positive impact on the lives of our individual clients and the communities they love.

**5. What was the most important thing you learned during your years at the NYU School of Law?**

My participation in two clinics during law school – the “Women’s Prison Project” during my second year and the “Criminal Defense Clinic” during my third year, were instrumental in shaping my career, my goals and my vision for the future. The ability to work directly with clients – day in and day out – inspired me to become a public defender and ultimately, to start my own organization dedicated to improving the quality of indigent defense services. I learned that it was deeply important to clients going through the criminal justice system and in prison to feel that their lawyers have really heard them and listened to their stories, their fears, their hopes, and their concerns. Learning to listen has helped me shape the future of The Bronx Defenders in a way that is responsive to the expressed needs of clients and their community. I am grateful for those lessons learned early on in law school while visiting with clients in Bedford Hills Correctional Facility and in the halls and courtrooms of Manhattan Criminal Court.

**6. Who are your role models in the legal profession?**

I have had the opportunity to work with wonderful, dedicated, and brilliant people in the legal profession who have taught me an enormous amount. People like Abbe Smith, a classmate and co-director of the Prettyman Program who stood by a client for 24 years until she finally won her freedom from jail for a crime she didn't commit. People like Chris Stone, who helped shape my beliefs about what public defense was capable of and encouraged me to "step up" and start The Bronx Defenders. People like Fern Adelstein, Tom Klein, and David Stern, who awed me with their fearlessness in the courtroom and their deep dedication to the work. People like Lenny Noisette, who modeled the art of patience, tolerance, and loyalty. People like David Feige, who showed me how to fight for justice in public. People like Kevin Doyle, who masterfully took on a cause without compromise. And many of the staff of The Bronx Defenders, who, over the years, have taught me all about dedication, passion, commitment and innovation. They have all been role models and I am eternally grateful.

**7. What is your favorite thing to do when you are not working?**

Spending time with my kids, Jacob and Emma, is a joy. Hanging out with friends always fills me up. In the summer, there is never enough beach time, ice cream, or bare feet for me. And in the winter, there isn't enough snow or too many mountain ranges to ski. And traveling – everywhere and anywhere – always makes me happy and expands my universe.

**8. How do you maintain a balance between your work and the rest of your life?**

There isn't a balance. Nor is there a bright line between my "work" and the "rest of my life." They blend and mix and get along together quite nicely. Family, friends, and colleagues are all part of the mix, all the time. And I love it that way.

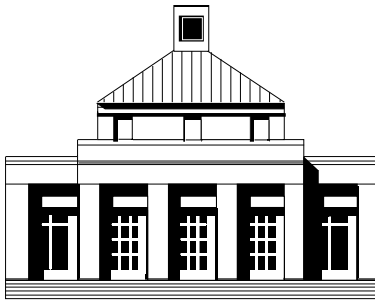
**9. What was your first job out of law school and what was the most important thing you learned while there?**

My first job was with the Legal Aid Society of Nassau County as a staff attorney. I was scared everyday and cried myself to sleep most nights. I was overwhelmed by what I saw and the responsibility of being someone's only voice in a system where the odds are stacked up you. I learned that with enough hard work, focus, support, dedication, and commitment you can eventually become an effective and compassionate advocate for your clients and really make a difference.

**10. What advice would you give to current students?**

Recognize the enormous privilege you have been given. Use your time in law school to explore what you are most passionate about. Use your law degree, or even the life you

build as a result of your law degree, to further social and racial justice. Give more than you take. And follow your heart. Always.



**University of Virginia  
School of Law  
Mortimer Caplin Public Service Center**

# HOW TO GET A JOB IN A PUBLIC DEFENDER'S OFFICE

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## **PREFACE**

This manual is designed to help students decide if they would like a career as a public defender. It was also created to assist committed students in successfully landing a job at a defender's office. In preparation for writing this manual, the author conducted interviews with current and past public defenders in offices large and small. The defenders interviewed work or worked in New York, Boston, Philadelphia, Washington, D.C., Louisville, Lexington, Miami, Chicago, Seattle, Los Angeles, San Francisco, San Diego, Saipan, Charlottesville, and several smaller offices in Virginia. I wish to express my sincere gratitude to the many dedicated defenders who took the time to provide information for this manual.

### **About the Author**

Before his tenure in the Mortimer Caplin Public Service Center at the University of Virginia School of Law from 2000-2002, Richard Armstrong<sup>87</sup> worked as a public defender with the Legal Aid Society, Criminal Defense Division, for thirteen years, the last three of which were spent as a supervisor. During that span, he participated in the hiring process including reviewing resumes, conducting interviews, and making hiring decisions.

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# Introduction

Working as a public defender can be one of the most rewarding, challenging and demanding jobs in the legal profession. Every day the work is different, and every day, defenders feel that they have made a contribution to the poor of society. People drawn to the field include those who enjoy direct client contact and helping the underdog, and those who crave courtroom action and immediate responsibility. Most public defenders can expect to assume responsibility for their own caseload very soon after starting the job and many try their first cases soon within their first year after being hired.

Unlike big firm lawyers with lonely desk jobs, public defenders are in court practically every day and interact with every segment of society. Defenders also have an insider's view of the area of our government most subject to the public fascination and scrutiny. The topic of crime and the criminal justice system captivates people as demonstrated by the plethora of police dramas and "real life" crime shows on television. This insider's perspective gives defenders special insight into the workings of the system and, for those who care, provides for popular conversation at cocktail parties

But the day to day reality of the work is that public defenders exist for their clients. Their clients often represent the most downtrodden members of our society: the poor, the homeless, and the abused. Since clients come from the most underprivileged sector of society, defenders should expect to experience a strong dose of their reality. Abject poverty, homelessness, drug abuse, domestic violence and child abuse are constants in the lives of defender clients. At some time in their career, every public defender experiences some degree of depression because of their exposure to the constant misery that pervades the lives of their clients. But for most, the joy of providing each client with the best representation possible far outweighs those periods of depression.

Being a public defender exposes an attorney to a roller coaster ride of emotion: from fantastic highs when you win to deadening lows when you lose. While winning a criminal case will never actually satisfy a client's material needs, winning prevents them from losing years of their lives to incarceration, deportation or even death. Many defenders remember their first win, not because of the ego satisfaction it provided, but because of the look on the face of the client, who, perhaps for the first time, had the system work for him instead of against him.

Of course, the losses can be just as frustrating. Every defender can recount losing a trial, hearing or motion that they expected to win. With the vast majority of cases across the nation ending in plea bargains, losing one of the few cases actually litigated carries a particular sting. Oftentimes, these losses take a heavy toll on the public defender since the consequences more often than not result in a loss of liberty for the client. But again, lawyers who can learn to cope with the disheartening losses are in for a wonderful experience.

## Is Being a Public Defender for You?

Students thinking about becoming a public defender should consider several questions before they begin applying. While not all defenders are the same, and not all offices operate in the same way, there are some traits common to most defenders—traits not shared by everyone in our society. Assessing your strengths

and weaknesses, as well as evaluating your motives for wanting to become a public defender, will go a long way toward helping you decide if this is the career for you. Many of these same issues are also raised in interviews for positions with defender offices so you will want to have given them some thought.

## **1. How do you feel about crime and criminals, or “*how could you defend those people*”?**

While no one in our society likes crime, people have varying degrees of reaction to it. Some are outraged and call on judges and prosecutors to punish wrongdoers with the maximum possible sentence. Others are more willing to consider the environmental, social and economic factors in the background of the accused. Those with more lenient attitudes toward offenders often make good public defenders.

Additionally, many law students get excited about representing an innocent person, but far fewer feel the same about representing a client who is guilty. The truth is that a vast majority of clients represented by public defenders *have* done something, maybe not the exact crime charged, but some bad act. This means that defenders do represent guilty people and you should strongly consider how you would feel about representing, on a daily basis, clients who have committed a crime.

Some public defenders actually relish representing the guilty. Maneuvering around the minefields of the burden of proof and the statutory elements of the crime can be a rewarding experience. Often, prosecutors who assume they have an “airtight” case fail to consider all the alternatives and a clever defender can figure out a way to get her client acquitted. While the public may revile the criminal freed “on a technicality,” these technicalities are the bread and butter of public defense work. Moreover, in a justice system that relies so heavily on plea bargaining, helping guilty clients get the best deal possible is not “freeing” the guilty but instead keeps the system working for all who enter it by forcing better lawyering on both sides of the case.

## **2. How do you feel about standing up to the system?**

Despite the presumption of innocence, most judges and prosecutors in the criminal justice system presume that the individuals in their courtrooms have committed the crime with which they have been charged. This creates a very difficult dynamic for a public defender, who is charged with ensuring that her client, guilty or innocent, attains a fair trial and receives the same constitutional protections afforded any other American. But in a context where guilt is regularly presumed, lawyers who insist on asserting a client’s rights are often viewed by judges or prosecutors as “difficult,” “non-collegial,” or “sticklers for detail.”<sup>1</sup> Many times in my thirteen years of practice as a public defender, every single person in the courtroom, from prosecutor to judge to juror, wanted to see me fail. While I got a charge out of this, other lawyers I worked with could not handle that kind of stress. Moreover, in some jurisdictions, the pressure to convince clients to plead guilty is tremendous and it takes nerve and a strong backbone to stand up and assert a client’s right to litigate his or her case.

Outside the legal system, the general public often has little or no respect for the work defenders do. While the work may provide conversation topics for cocktail parties, it is fair to say that most people you meet will think you aid and abet criminals. If you need constant reassurance from friends and family that what you are doing is right, then perhaps being a public defender is not for you. On the other hand, some lawyers delight

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<sup>1</sup> This is especially true in smaller communities where familiarity sometimes breeds an expectation of cooperation.



in going against the tide or being an outsider. Public defender work meshes nicely with this mind set.

### **3. Will you like the clients? Do you like direct client contact?**

The common perception of criminal defendants is the media portrayal of the animalistic murderer or rapist driven by an irresistible impulse to maim and murder. With very few exceptions, this could not be further from the truth. The vast majority of clients who walk into a public defender's office are nice, respectful people who have, whether through some fault of their own or others, wound up on the wrong side of the jail cell. The client base consists of young men and women who exercised bad judgment on a one-time only basis, individuals high on drugs or alcohol, the homeless, and victims of abuse. Except for bad luck or economic derivation, many clients are no different from anyone else in society, and many defenders genuinely like their clients.

The flip side of liking the clients is that it greatly increases the rate of burn out among career defenders. Constantly seeing the human misery endemic to the lives of most defendants takes a toll on defenders. Many report being unable to leave visions of this misery at the workplace. Home and family life then suffer. One defensive mechanism is developing a sense of humor. The ability to laugh at the sometimes foolish acts of our clients helps many attorneys survive.

While it is not so difficult to develop genuine feelings for the clients, some lawyers just do not like jobs requiring direct client contact. Going into poor neighborhoods or drug-infested areas to search for, or interview, witnesses is something not all lawyers would enjoy. While they may share the same defense-oriented leanings, these lawyers prefer jobs that are more cerebral or policy oriented. If you feel that you may fall into this category, you may want to consider working in the appeals section of a public defender's office. Appellate lawyers get to argue the cutting edge criminal law issues without having to deal with the stresses of direct client contact. Other options include the special litigation divisions of defender organizations that handle "larger" constitutional issues that arise indirectly in the course of representing indigent clients.<sup>2</sup>

### **4. Do you have the people skills necessary to do this job?**

A common misconception is that trial lawyers are all extroverts, former class presidents with a need to be in the spotlight. Based on my experience meeting and working with public defenders over my career, this is not an accurate perception. To be a successful public defender, one need not be a showman. Relatively shy people can be excellent public defenders *as long as* that shyness does not carry over into trial work. For example, at parties, you may be afraid to speak to people you don't know, shy about interjecting your point of view into a discussion, and generally not the life of the party; however, at work, you may not be shy when speaking to clients, witnesses, prosecutors or judges. While shyness may make you nervous before each and every jury trial, once jury selection begins, shyness frequently disappears when you focus on the business of trying to win the case. This is not to say that extroverts have no place in criminal defense—William Kunstler, Jerry Spence and Leslie Abramson are prominent examples—but students who initially feel unsure about how they will do in front of a jury should not allow that insecurity to deter them from a career in which they may do

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<sup>2</sup> Examples from my own experience include challenging the constitutionality of forcing accused rapists to submit to AIDS testing, and forcing convicted sex offenders to register under Megan's Law statutes.

quite well.

However, public defenders are required to forge relationships and work with people every day. A defender must be able to present his case effectively to prosecutors, judges and juries, so students who have qualms about this may want to consider different career options.

## **Choosing the Right Office**

There are public defender offices in most large cities throughout the country and many states have developed statewide systems of defender offices. Some localities, New York City for example, have several different offices within the jurisdiction representing indigent criminal clients. Consequently, students interested in working as a public defender face a wide variety of defender offices from which to choose. While geographic preference will play a large role in the selection process, those for whom location is not definitive should consider other criteria for judging the work of particular offices. Listed below are some issues you might use to evaluate a particular office.

### **TRAINING**

Prospective public defenders should be concerned about being appropriately trained to do the work. Some offices located in large metropolitan areas have very organized training programs that new hires must go through before being allowed to handle cases on their own. Many statewide systems also budget for attorney training, sometimes pooling the training resources in one central location where all new hires train before being assigned to the local offices. Finally, other smaller programs send their new employees to nationally-sponsored trial advocacy programs that do not focus exclusively on the procedure in the particular locality but instead teach general trial skills.

Unfortunately, some localities do not offer new hires a formal training program and defenders are trained on the job. One lawyer in a large defender system in the South reported being handed sixty cases on her first day and being told to prepare the cases for trial, with no offer of advice or training. Of course, attorneys who learn quickly, or who can learn while doing, need not be as concerned about a lack of training as those who need more formalized programs. Due to inadequate funding for many public defender offices, nonexistent or inadequate training programs are not uncommon and students should carefully evaluate an office training program before accepting an offer of employment.

Another issue to consider is whether skills workshops and continuing legal education is offered to mid-level and senior lawyers. While many offices do offer mid-level and senior training, several defenders expressed concern that their offices prepared them to begin work as a public defender but provided no continuing educational programs or training as their careers progressed. Without advanced training, many defenders fear that their trial skills will stagnate and that their professional growth will be stunted.

### **CASELOAD**

Virtually no public defender is happy with his or her caseload. Most defenders would prefer a “boutique” practice where they are able to pick their cases and clients and take time to fully prepare every case thoroughly before litigating it. Unfortunately, this is not the nature of public defense work. Clients and cases are

assigned by the court and attorneys are expected to provide each client with a quality defense regardless of the number of cases the attorney is assigned.

While raw caseload numbers can provide some gauge in assessing the *quality* of work an attorney will be able to do for each client, variances in local procedures and plea bargaining policies make large caseloads easier to handle in some jurisdictions than others. Prospective defenders should try to discover from the front-line attorneys, *i.e., those who actually do the work*, what the caseload is actually like and how it impacts on providing quality representation to their clients.<sup>3</sup>

Another useful benchmark is to find out if the office has established set standards for representation of clients. The National Legal Aid and Defender Association publishes performance guidelines for criminal defense representation which strive to provide specific standards for all public defender offices and criminal defense attorneys.<sup>4</sup> The NLADA standards can be used to evaluate a defender office. Do attorneys have adequate time to meet with their clients to explain their legal rights? Are attorneys expected to investigate every case and do they have adequate time to do so? Do attorneys have time to perform original research and writing on a regular basis? Do attorneys have enough time to adequately prepare for hearings and trials? Negative answers to some or all of these questions can be a cause for concern..

## RESOURCES

Although, every defender may yearn for the Perry Mason-type ratio of one investigator and one paralegal per lawyer, this is not possible in the real world. Prospective defenders should ask about adequacy of investigative and other staff resources at any office to which they apply. Adequate investigators, research staff and secretaries mean the lawyer is able to do the type of thorough trial preparation that all defenders dream of doing.

Many defense offices supplement their paralegal and research staff with law students, and some also use college students as investigators. Do not overlook the potential benefits of these programs. Sometimes these students perform with more energy and enthusiasm than the professional staff.

## INSTITUTIONAL TIME COMMITMENTS

While the hours required per day in public defender work varies, the hours generally compare quite favorably to those required of lawyers in private practice. There are no required billable hours and no competition to “make partner.” Except when on trial, defenders working in an office not swamped with a huge caseload (see above) should expect to work reasonable hours and be free most nights and weekends. The only limits to this freedom are occasional assignments to work arraignments, bail hearings or other off-hour work details.

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<sup>3</sup> Students can use the Alumni Career database to find the names of Virginia Law graduates currently employed as public defenders.

<sup>4</sup> Contact the Public Service Center to view a copy. Copies may be ordered from the NLADA at [www.NLADA.org](http://www.NLADA.org).

In New York City for example, the Criminal Court arraigns defendants from 8:30 a.m. to 1:00 a.m. Sunday through Wednesday, and twenty-four hours a day the rest of the week. This means that public defenders working with the Legal Aid Society are often assigned to work off-hour shifts arraigning defendants. In addition to nights and weekends, these shifts sometimes fall on national and religious holidays. While working the overnight shift from 1:00 a.m. to 9:00 a.m. can be exciting the first few times, over the course of a career, it can become physically and mentally draining.

While shifts in other offices throughout the country may not be quite as demanding, they still limit an attorney's professional freedom and also take away from the cherished time to do proper case preparation. Some office ameliorate this somewhat by assigning relatively new hires to the most unpleasant shifts thereby freeing senior staff to do more casework.

### **OPPORTUNITIES FOR ADVANCEMENT WITHIN THE OFFICE**

While new attorneys at most public defender offices very soon find themselves with a great deal of independence and responsibility over a misdemeanor caseload, applicants should make sure they understand how and when a particular office allows them to advance to felonies. This is important because felony cases are often the cases which draw attorneys to this work in the first place and even the most active misdemeanor practice can become stultifying after a year or two.

The philosophies on advancement differ from office to office. Some take an "attorney-centered" approach and allow the attorney to handle felonies once they have demonstrated sufficient proficiency on misdemeanors to justify the promotion. Many attorney-centered offices require a formal application process where the attorney must demonstrate sophisticated legal writing and analysis as well as trial experience in order to advance. Other offices are less formal, promoting attorneys to felony practice as soon as they have done a set number of trials—sometimes as little as one.

Other offices take an "office-needs" approach to promotion. These offices may be top-heavy with experienced felony lawyers or they may have a higher ratio of misdemeanors to felonies and therefore have little need for new felony lawyers. Attorneys who start in offices that take the office-needs approach may have to wait several years for a spot to open on the felony panel before they are promoted.

### **ROOM FOR PROFESSIONAL GROWTH**

Related to the last topic is the issue of allowing attorneys to branch out and try new things. From time to time, attorneys in litigation may need a break from the trial routine or may want to handle appeals or special projects. Smaller public defender offices already have attorneys handling a variety of tasks within the office; for example, many attorneys in these offices already handle their own appeals. But in larger offices, the work tends to become more specialized—there are trial attorneys, appellate attorneys, prisoners' rights attorneys, juvenile rights' attorneys, mental health law attorneys, etc. Attorneys in one specialized segment of these offices do not get to try work in the other segments unless the office has a policy allowing transfers from one division to another.

## **THEORETICAL ISSUES: OFFICE PHILOSOPHY & STRUCTURE**

Prospective attorneys should also be aware that public defenders in large offices constantly debate the theory of how best to set up defender offices or how best to improve their practice. Much of this theory, largely irrelevant to the practice in smaller offices, can greatly affect the defense philosophy of larger offices. While theory may mean little to a law student with little or no knowledge of the actual work of a public defender, applicants may want to consider office philosophy as it relates to the applicant's conception of what it means to be a criminal defense attorney.

### *Horizontal vs. Vertical Representation*

This refers to how an office divides up the work on a criminal case. In an office that has vertical representation, one client is represented by the same attorney through all stages of litigation: from arraignment to bail hearing to motion practice to hearings to trial. An attorney in this type of office handles all phases of her client's case from start to finish.

In an office arranged horizontally, attorneys are assigned not to the client but to a stage of a case common to each client. In other words, a new attorney might be assigned to handle arraignments for the first six months of employment. Once that assignment is finished, the attorney might be assigned to handle bail hearings for another six months, followed by suppression hearings for six months, etc.

The benefit of vertical representation is that a client is given individual attention from one attorney. The client has one person responsible for his case and can go to that one attorney for advice, answers to questions, and trial strategy. One downside of vertical representation is that an attorney's development is tied to the quality of the cases of his clients. For example, a brand-new attorney may not have any "triable" cases for months, thereby limiting her courtroom experience. On the other hand, she may be thrust into a trial or a hearing before she feels ready solely because that is the course her client's case is taking. Another downside of vertical representation is that an attorney can never control his schedule. If an arraignment shift is scheduled on a weekend or holiday, the attorney must be there. If the client's case is put down for trial in the middle of a scheduled vacation, the attorney must seek a continuance or forgo the vacation.

One benefit of horizontal representation is that attorneys do not move on to another level of litigation until they have mastered all the skills from the previous level. In other words, an attorney will not begin handling suppression hearings until he has had extensive experience arguing before a judge in bail hearings. Through the daily repetition, attorneys gain an expertise in each phase of litigation. An obvious downside of a horizontal system is that a client never has one attorney formulating litigation strategy and an assembly-line system prevails where the client is simply passed from one attorney to the next without any one person taking ultimate responsibility for setting the course of the litigation.

### *Individual Representation vs. Team Approach*

Most public defender offices are organized along traditional lawyer-client models. One attorney is assigned a client and that attorney alone directs the course of the litigation. If necessary, the attorney can call in a social worker or an investigator to help in the case, but otherwise the decisions on the case are made by the attorney and the attorney alone.

Some public defender offices are organized along a team model. Instead of being assigned one lawyer, a client is assigned a team from the office. Often the team will consist of one senior lawyer together with one or more junior attorneys, a social worker, an investigator and a paralegal. Although the senior attorney bears ultimate responsibility for the case, each member of the team takes part in the decision-making process.

The team process is thought to bring the unique perspective of each team member to bear on the case, thereby providing the client with better defense than he could receive from a single lawyer. The success of the teaming system depends largely on the leadership strength of the senior member. A good leader can integrate each member of the team into the litigation and make everyone feel integrally involved in the client's defense. On the other hand, some lawyers reported that weaker team leaders can make junior members feel like drones who are assigned background work without ever being allowed to handle the more glamorous in-court work.

### *Client-Centered Counseling*

The conventional model of criminal defense is based on the traditional model of lawyering which emphasizes the hierarchical relationship between lawyer and client. In the traditional model, lawyers, because of superior training and experience, are in a better position to advise a client what to do, and clients are expected to quietly acquiesce to the advice of their lawyer. To the extent that clients make any decisions at all, they do so only on the recommendation of the lawyer.

Client-centered counseling represents a reaction to this traditional, hierarchical conceptualization of the attorney-client relationship. Under this system, the attorney encourages the client to take as active a role as possible in setting the course of the case, and the attorney acts primarily as a source of information and as a vehicle for carrying out the wishes of the client.

Plea bargaining is the area in which this debate has the most relevance. In the traditional model, once an attorney has determined that a client is likely to lose a case at trial, the attorney must use every ethical means at her disposal to convince the client to plead guilty. While the plea is ultimately the client's decision, the attorney certainly plays a large role in that decision. In a client-centered approach, the attorney may provide the client with his assessment of the case, but the client takes the lead in deciding whether to plead guilty and once a client asserts her right to try the case, the attorney will quickly accept that decision.<sup>5</sup>

### *Representation of a Client vs. Representation of a Criminal Defendant*

Again, the traditional model of criminal defense followed in most offices is that the lawyer represents the client on his or her criminal matter and nothing else. A client may have a host of problems--homelessness, drug addiction and the like--which the lawyer may address in trying to resolve the criminal case; but the primary role of the lawyer is to handle the criminal charges with the best resolution possible.

A few offices around the country seek to broaden an attorney's role in representing the client. The attorney--or the team--represents the client in the criminal matter as well as any other areas of litigation that arise

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<sup>5</sup> While this may seem somewhat abstract, applicants should be prepared to answer interview questions about an attorney's role in plea bargaining. *See the section on Handling the Interview, below.*

because of the criminal matter. For example, if the client is arrested for selling drugs on the grounds of his public housing project and therefore faces eviction from public housing, the defender will represent the client in criminal court AND housing court.

Despite the apparent positives in favor of the “representation as a whole” model, one’s feelings about which system works best depends largely on your individual practice preference. Some defenders like whole representation because it allows them to work to solve the entire world of social problems encountered by their clients. The traditional model confined only to the criminal case makes these lawyers feel like they are objectifying their clients and not viewing them as human beings with a wealth of issues. On the other hand, defenders of the traditional model argue that specialization benefits the clients and point to the high burnout rate when lawyers begin to act like social workers for their clients.

### **SALARY**

No one who decides to become a public defender expects to get rich doing it. That being said, everyone cares about how their salary will dictate their lifestyle. Defender offices handle the salary and benefits issue differently. Some give merit-based raises solely dependent on performance; others, especially the unionized offices, have a set scale where lawyers get a guaranteed raise each year; others depend on their city or state funders to set yearly their salary.

Whatever the pay scale, many defender offices offer generous benefits packages to compensate for the relatively lower rate of pay. Applicants should keep this in mind when comparing packages. Several weeks of vacation per year, liberal maternity and paternity leaves, shorter hours, and comprehensive health plans are meant to make up for the lack of high pay.

### **OFFICE REPUTATION**

While most committed public defenders believe that they will never quit this type of work, the fact is that turnover is common in this and all public sector positions. Since an applicant cannot know what the future will bring, an office’s reputation should be an important consideration in deciding where to apply and where to work.<sup>6</sup> The important consideration here is the reputation among the legal community, judges, prosecutors, and private practitioners. Is the office respected within the court system? Does it have a reputation for hard work and zealous advocacy? Do their adversaries think they do a good job? Where do attorneys who leave the office go? All of these questions should be considered when making a decision on where to apply.

## **Developing a Public Defender Resume**

In general, public defenders are looking for candidates that have two basic attributes: the ability to project themselves to a jury and a commitment to indigent clients. Different offices may emphasize one attribute over the other, but all of the public defenders interviewed for this manual stated that they sought candidates possessing these two traits. Consequently, students considering becoming a public defender should work on

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<sup>6</sup> Please note that I am not talking about the reputation of public defenders in general.

developing experience that demonstrates trial ability as well as care and concern for the poor.

Since most law students will not have any actual trial experience, students should focus on activities that demonstrate their ability to speak to the public, handle and explain complicated issues, and think on their feet. Working in clinics, taking courses in trial advocacy, and participating in moot court are traditional means of demonstrating experience with oral advocacy. Clinics and trial advocacy courses, and to a lesser degree, moot court, have become so traditional that many public defenders actually question the commitment of students who do not have them on their resume. Thus, applicants who did not participate in these programs should be prepared to explain why.

The fact that these traditional methods of demonstrating public advocacy have become tests for judging commitment to the work should not deter students from emphasizing other experiences which show the same skills. Since most public defenders will teach you how to try a case, they are not as concerned with your knowledge of trial procedure as they are with your ability to “sell” yourself in front of a group of people. Political organizing and campaigning can be very valuable experiences—especially if the work involved public speaking or debate. Advocacy in administrative hearings, school disciplinary proceedings or employment hearings is another way of showing an ability to work on your feet. Students at the University of Virginia have an excellent opportunity to gain experience through proceedings in the Honor System and the Judiciary System. Law students can volunteer to prosecute or defend students charged with honor or judiciary offenses. These trials provide an excellent opportunity to perform as a trial lawyer and can provide an employer with real insight into a student’s commitment to being a trial lawyer.

Since trial work occupies only part of the work of a public defender, offices try to screen for attorneys who will work well with the clients. As stated above, the clientele in most defender offices consists of indigent people accused of committing a crime. Depending on the jurisdiction, the indigent clientele can include people of color, recent immigrants, and non-English speakers. Employers look for attorneys who have had some experience interacting with the client base. Thus, the public defender in San Diego, for instance, places greater stock in attorneys who speak Spanish and have dealt with the problems of illegal immigrants than does a defender in rural Kentucky. Likewise, the Los Angeles County public defender, with its diverse client base consisting of whites, African-Americans, Latinos, and recent immigrants from Asia, places a greater emphasis on attorneys with cross-cultural experience than does the office serving a more homogenous population in Winchester, Virginia.

But whatever the client base, applicants who have had some preparation interacting with poor people will have an advantage over those who do not. Again, clinics provide valuable opportunities to demonstrate your commitment to an employer. Even stronger are pro bono experiences that provide direct client contact such as working with battered women, doing intake for Legal Aid, or working with migrant farm workers. These experiences, valuable in and of themselves, also provide an opportunity for assessing your own ability and willingness to interact with these types of clients on a daily basis.

## **Handling the Public Defender Interview**

Because public defenders try difficult cases under difficult circumstances, interviews are often conducted in a fashion designed to test the ability of the applicant to function under pressure. Interviews can run the gamut from traditional question and answer to hypothetical questions to role playing. While there are a



variety of formats and questions, they are all designed to test the applicant on three things: ability as an oral advocate, commitment to indigent clients, and willingness to stand up for what one thinks is right. Thus, prior to the interview, students should list and practice recounting experiences that demonstrate the above traits. This type of preparation will allow the applicant to be prepared to quickly enumerate the ways in which her qualifications match the employer's needs.

### The "Why" Question

One question that everyone should be prepared to answer articulately is the "why" question:

- "Why are you here?"
- "Why do you want to be a public defender?"
- "Given society's distaste for crime and criminals, why would you choose this as a career?"
- "Given the large number of applicants for this position, why should we choose you?"
- "How would you feel representing a guilty person?"

Notice how each question is different but each calls for essentially the same information, namely, what is your commitment to being a public defender. Sometimes the interviewer pulls something from the applicant's resume to ask the same basic information:

- "I see that you worked with battered women while in law school, how would you feel about representing clients who batter women?"
- "You interned with (took a clinic with) the commonwealth attorney in law school, why do you want to be a public defender and not a prosecutor?"
- "As a graduate of Dartmouth and UVA, what about you should make us feel that you can relate to our largely poor, often drug-addicted, client base?"

Applicants should be prepared to answer this question in all its variations. Appropriate answers can range from the Constitutional:

- "Everyone deserves a defense"
- "I believe that even those who commit the most heinous offenses deserve the protections given all Americans"
- "I want to hold the government to its burden of proof"

to the anti-hero:

- "I enjoy being the underdog"
- "I believe that individuals have a duty to stand up to overreaching government"
- "I think the system is unfair to the poor/people of color and I want to fight to make it fairer."

But the best answer to the "why" question is one that derives from the applicant's personal experience:

- "Although I was raised in a privileged background, my work with migrant farm workers in law

school has made me aware of the difficulties the poor face in this country and I want to fight for them on the front lines of the criminal justice system.”

- “Growing up in a racially segregated community in the deep South, I saw firsthand the disparate way the criminal justice system treated blacks and whites. I decided then and there that I would go to law school to fight to change that.”
- “My work in trial advocacy showed me that my true abilities lie in trial work and criminal defense is the one area of litigation that is meaningful to me.”

### **Hypotheticals**

Interviewers will frequently present applicants with hypothetical situations designed to test the applicant’s instincts, judgment, and ability to think quickly. Often these situations will test an applicant’s willingness to work for the guilty client. For example, one defender asks a question like this:

“You represent John Jones charged with beating his wife. Jones admits to you that he did in fact beat his wife but stresses that an investigation into his wife’s personal background will reveal facts about her, drug addiction, neglect of her children, and petty theft, that will devastate her credibility and result in Jones’ acquittal. He also tells you in an offhand remark that he would beat her again if he had the chance. The interviewer then asks you how you would proceed.”

An appropriate answer to this type of question is simply that the client is entitled to zealous representation within ethical bounds, so that of course, you would work to destroy the woman’s credibility and seek an acquittal.

Other hypotheticals may include situations asking you whether and how you would stand up to a judge who was exhibiting bias against your client; your willingness or unwillingness to convince a client with a bad case to take a plea; and your willingness to investigate a client’s alibi even if you personally had doubts about its veracity. In answering these questions, remember to briefly acknowledge your ethical obligations. While very few of the questions are designed to test your knowledge of the Code of Professional Responsibility, offices do want to be certain that they do not hire unethical attorneys who would embarrass them or tarnish the reputation to the office.

### **Role Playing**

In addition to hypotheticals, defender interviews often include role-playing exercises and mock court proceedings. Applicants will be presented with a set of facts and then be asked to interview the client, prepare a bail application or a summation. Some offices give the exercise to the applicant sometime in advance of the interview; other offices present the exercise during the interview.

While the exercises may appear to be a test of the candidate’s knowledge of criminal law or procedure, more often than not a candidate’s knowledge is not the issue. What the exercise is designed to expose is the candidate’s ability to think quickly, speak clearly, and relate to indigent clients. In situations where the applicant is unsure of the relevant law underlying a particular exercise, it is perfectly okay to say so, “I’m not sure what the criteria is for setting bail in New York, so I am going to do my bail application based on the federal standard.” But even if you are unsure of the law, you should nonetheless try to do your best on the exercise. Candidates who enthusiastically participate in the exercise gain points for flexibility and quick thinking.

Some tips on handling the role playing:

–if you are meeting your “client” for the first time:

- be sure to shake his/her hand;
- be respectful and polite;
- clearly explain who you are and what your role is;
- frequently check with the client to see if they understand what you are saying;
- allow the client time to ask questions without allowing the client to take the interview completely off-track.

–if you are asked to make an application to the “judge”:

- stand up (if it seems appropriate);
- be respectful but not obsequious;
- speak clearly and explicitly outline your argument and what relief you are seeking;
- if the judge interrupts you or asks you questions designed to frustrate you or throw you off track, be respectful but firm—often the interviewer is trying to see if you are intimidated by authority.

–if you are asked to cross examine a “witness”:

- remember to ask questions in a leading manner;
- carefully review the paperwork you are given—often there are glaring mistakes which the interviewer expects you to focus on;
- do not ask the ultimate question (“Officer, isn’t it true you are lying to frame my client”)—the “witness” will be waiting to burn you if you do.

–if you are given something to prepare in advance like a summation or an opening statement, try to memorize at least the opening paragraph. Being able to make eye contact and flow easily through your introduction will greatly impress the interviewers.

### **The Panel Interview**

If you are called for a second, or subsequent, interview, many offices use a panel format. This will consist of the applicant sitting in front of a panel of attorneys (and sometimes paralegal, investigators, or other non-attorney staff) and fielding questions. Once again, this is designed to test your ability to think quickly, speak effectively, and handle pressure.

One difficulty with the panel interview is staying focused while being hit with questions from all corners. Often, panelists will deliberately ask a question off the topic before you have had an adequate opportunity to fully answer the previous question. Respond by saying that you will deal with the new topic as soon as you have finished responding to the preceding question. You should then quickly wrap up your answer to the previous question and then answer the new question. Remaining calm, on topic and respectful is key to handling this type of interview. Additionally, remember to make eye contact with the entire panel, not just the

person who asked the question. And if there are non-lawyers on the panel, be very careful not to act disrespectfully to them or respond dismissively to their questions—panelists are evaluating you on your ability to interact all types of people.

Another key to a successful panel interview is to remain calm in the face of negative comments or facial expressions from some panelists. Often, these panels will have a designated “bad guy” who will challenge your answers or take you on in some way to see how you handle tough judges or tough questioning. Sometimes a panelist may just be a difficult person who does not reflect the feelings of the other panelists. In either case, do not be discouraged if you encounter a person like this. Do not allow yourself to be drawn into an argument. As long as you stand by your beliefs and are not dissuaded by the naysayer, you will gain points with the other panelists.

### **The Candidate’s Questions**

Virtually any of the sections listed in “Choosing the Right Office for You” are appropriate areas to explore when you are given an opportunity to ask questions. Training and supervision are important areas to raise. Related topics include how quickly lawyers assume their own caseload and how the office evaluates the performance of its attorneys. Candidates who have carefully researched the office and who know its structure and philosophy are at an advantage since interviewers will be impressed with questions tailored to account for an office’s particular style.

## **Conclusion**

During orientation on my first day on the job with the Legal Aid Society in New York City, one of the supervisors gave me some of the best advice that I ever received about being a public defender. He said,

You are beginning one of the most important jobs that an attorney can get out of law school. In a few short months, you all will hold within your hands the keys to freedom or jail for hundreds of poor people in this city. And you’re going to be responsible for what happens to them. Every decision you make can have a profound effect on their present and their future. You may not always know what exactly to do on every case but if you remember to always work for your clients the same as you would if you were an associate in a law firm and they were paying you to represent them, you can bet that you will always do right by them.

In a nutshell, that might be the key to deciding if being a public defender is right for you. If you are ready to dedicate yourself to seeing that the poor and the underprivileged receive the same constitutional guarantees that the rich and the privileged receive, then being a public defender is for you. Good luck.