

**Regional Public Defender Office for Capital Cases
Local Government Corporation**

Job Description

Job Title: Assistant Public Defender
FLSA: Exempt
Date: 2/2021
Location: Austin, Texas
Salary: \$103,000
Reports To: Chief Public Defender

Mission, Vision and Values of the R.P.D.O.

Mission: Advocating the value of our clients' lives

Vision: Ending the death penalty one life at a time

Values:

Teamwork -- All voices are equal as we work together with a common goal

Humility – We serve the good of the client, not our egos

Creativity – We search for individualized ways to connect with and represent each client

Tenacity – We are determined and persistent

Compassion – We honor the humanity of clients, victims, families, and one another

SUMMARY: The RPDO has a practice limited to trial level only, capital only, indigent defense. Appointed by the Chief Public Defender, the position is responsible providing legal representation for capital defendants in criminal proceedings and ensuring their constitutional rights are upheld. Serves as lead counsel in some cases. Oversees and participates in preparation, presentation and disposition of cases in accordance with the A.B.A. Guidelines for the Appointment and State Bar of Texas Performance of Defense Counsel in Death Penalty Cases Guidelines

ESSENTIAL DUTIES:

1. Provides legal advice to clients. Interviews clients and witnesses to obtain information necessary for preparing a defense.
2. Actively pursue an investigation into intellectual disability unless or until it is ruled out.
3. Participates in plea negotiation with prosecutors regarding the pending case. Advises clients on plea offers, options, and potential for success at trial or other dispositions of cases.
4. Directs the development of the case in collaboration with the fact investigator, mitigation specialist and legal assistant, including preparing the guilt/innocence case as well as the punishment case.

5. Provides documentation of work by memos, digestion, trial notebook entries and email as appropriate.
6. Seeks from the Court any necessary funding for outside experts in the preparation of a defense.
7. Performs legal research. Searches resources and studies legal records and documents to obtain information applicable to case issues under consideration.
8. Obtains documents by subpoena and other discovery methods.
Reviews case discovery and investigative material in a timely manner beginning on receipt.
9. Drafts briefs, motions, orders, subpoenas and other legal documents, as well as correspondence and reports.
10. Identifies any affirmative or *de facto* defenses and tactical procedural choices for clients.
11. Prepares cases for trial starting from the date of appointment, including preparation of a trial notebook.
12. While preparing cases for trial, makes an ongoing effort to obtain an agreed resolution of the case resulting in a sentence less than death
13. Provides narrative, descriptive entries in client files of opinions, impressions, and facts collected.
14. Preserves any potential error for appellate points.
15. Preserves the record as to emerging areas of constitutional law related to the death penalty.
16. Advises clients of the constitutional rights waived by pleading guilty and the potential direct and collateral consequences of a guilty plea. Advises non-citizen clients of the specific immigration consequences of criminal convictions.
17. Selects juries, examines and cross-examines witnesses, drafts and argues jury instructions and argues cases to the jury.
18. Staffs other cases assigned to the office with other attorneys and staff.
19. Responds to telephone calls and email from family members of clients, district attorneys, courts and court staff.
20. The ability, willingness and commitment to working on a team, including collaborating with all team members from case appointment to resolution.

QUALIFICATION REQUIREMENTS: J.D./LL.B. from an accredited law school and meet the following qualifications:

- 1) be a member in good standing of the State Bar of Texas or obtain a Texas license within 6 months of appointment;
- 2) exhibit exceptional trial skills and commitment to providing excellence in representation of our clients;
- 3) have trial experience in:
 - a. the use of and challenge to mental health or forensic expert witnesses; and
 - b. investigating and presenting mitigating evidence at the penalty phase of a death penalty trial is a plus;
- 4) have at least five years' experience in criminal law and during that time demonstrated that he or she has the required legal knowledge and skill necessary to provide representation in capital felonies and will apply that knowledge and skill with appropriate thoroughness and preparation;
- 5) have tried to verdict as lead counsel a significant number of felony trials, including

- homicide trials and other trials for offenses punishable as first or second-degree felonies or capital felonies, preferably homicide cases; and
- 6) have participated in continuing legal education courses or other training relating to criminal defense and willing to attend CLE for death penalty cases; and
 - 7) provide list of death penalty cases tried to verdict and/or documentation of felony trial experience.

KNOWLEDGE, SKILLS, AND ABILITIES:

- Substantial knowledge and understanding of the relevant (criminal) state, federal and international law, both procedural and substantive, and a commitment to learn state, federal and international law, both procedural and substantive, governing capital cases.
- Skill in interviewing a variety of individuals and soliciting needed information to determine facts and circumstances,
- Skill in developing effective defense strategies, in analyzing cases and applying legal principles, in presenting statements of law clearly and logically in written and verbal form,
- Skill in presenting an effective defense in court, and in preparing clear, concise, accurate and effective legal arguments as well as preserving the record on appeal and for habeas counsel;
- Skill in the management and conduct of complex negotiations and litigation;
- Skill in legal research, analysis, and the drafting of litigation documents;
- Skill in oral advocacy; skill in the use of expert witnesses and familiarity with common areas of forensic investigation, including fingerprints, ballistics, forensic pathology, and DNA evidence;
- Skill in the investigation, preparation, and presentation of mitigating evidence in felony cases;
- Skill in the elements of trial advocacy, such as jury selection, cross-examination of witnesses, and opening and closing statements;
- Skill in managing multiple cases simultaneously;
- Skill in communicating effectively with diverse groups of individuals utilizing tact and diplomacy.
- Ability to handle highly stressful capital murder cases; ability to adjust to rapidly fluctuating situations;
- Ability to operate a personal computer, Microsoft Office Suite and basic office equipment;
- Ability to establish and maintain effective working relationships with fellow team members outside organizations, attorneys, the news media and the general public;
- Ability to comport and comply with RPDO policy, procedures and methods;
- Possess initiative and the ability to self-start and not wait on direction;
- Willingness to learn and ask for help from his/her team or others within RPDO;
- Willingness to do work which reflect the Mission, Vision and Values of the RPDO
- Positive office behavior with respect to time, attendance, attitude, setting aside ego to be a team player and cooperating with Administration.
- Ability to travel overnight, perhaps for extended periods during trial or other key times.

PHYSICAL AND ENVIRONMENTAL REQUIREMENTS: Physical requirements include lifting/carrying 25 lbs. occasionally; visual acuity, speech and hearing; hand and eye coordination

and manual dexterity necessary to operate computer keyboard and basic office equipment. Subject to sitting, standing, walking, reaching and handling to perform the essential functions. Must possess a valid driver's license, liability insurance as required by law and be able to safely operate a vehicle in furtherance of job requirements.