

Position Profile

Position: State Public Defender¹

Official Classification Title: Exempt – Governor Appointee



Department Overview

The legislative mandate for OSPD is delineated in California Government Code sections 15420 and 15421². Created by the California Legislature 1976, OSPD's fundamental mission was to ensure that indigent criminal defendants receive high quality legal representation throughout their appeal. Operating as an independent entity within the executive branch, OSPD emerged as California's solution to the pressing need for reliable, high-caliber legal support for defendants navigating the state's appellate courts.

The 1980's brought fiscal challenges: Sharp budget reductions in 1983-84 and 1984-85 resulted in significant staffing reductions. At the same time, the Legislature directed OSPD to prioritize complex appeals, with a particular emphasis on the death penalty. Recognizing the urgent demand for

¹ Appointment to the position by the Governor is subject to an incompatible activities statement issued by the Governor's Office.

² Government Code section 15420 provides: The primary responsibilities of the State Public Defender are as follows:

(a) To represent those persons who are entitled to representation at public expense in the proceedings listed in subdivisions (a) to (d), inclusive, of Section 15421.

(b) To provide assistance and training to public defender offices established pursuant to Sections 27700 to 27712, inclusive, to counsel appointed pursuant to Sections 987 to 987.9, inclusive, of the Penal Code, and to counsel appointed pursuant to Sections 634, 634.3, and 634.6, inclusive, of the Welfare and Institutions Code, and to engage in related efforts for the purpose of improving the quality of indigent defense.

Government Code section 15421 provides: The State Public Defender is authorized to represent any person who is not financially able to employ counsel in the following matters:

(a) An automatic appeal to the Supreme Court under Section 11 of Article VI of the California Constitution and subdivision (b) of Section 1239 of the Penal Code.

(b) A petition for a writ of certiorari to the United States Supreme Court with respect to a judgment on the automatic appeal to the Supreme Court under Section 11 of Article VI of the California Constitution and subdivision (b) of Section 1239 of the Penal Code.

(c) An appeal in a noncapital, criminal case as long as the State Public Defender is fulfilling the responsibilities to provide representation imposed pursuant to subdivisions (a) and (b), or the State Public Defender determines that taking a limited number of those cases is necessary for staff training.

(d) Any other proceeding in which a person is entitled to representation at public expense where providing this representation is in furtherance of the State Public Defender's primary responsibilities, as set forth in Section 15420, or to address legal claims that impact the resolution of death penalty cases.

representation in capital cases, in 1997 the Legislature undertook a comprehensive reform of the state's death penalty system. This reorientation solidified agency's primary commitment to death penalty appeals, while also setting aside resources for training in non-capital cases. Since that transformative period, OSPD has staunchly represented hundreds of individuals challenging their capital convictions, cementing its status as California's leading authority on death penalty appeals.

The year 2020 marked another significant shift for OSPD due to the *Phillips* case. The plaintiffs in *Phillips* alleged that the State of California had not ensured competent legal representation for indigent defendants. As part of a comprehensive settlement of this case, the State enlarged the mission of the OSPD. Beyond appellate work, the OSPD now champions trial-level criminal defense for indigent defendants across California's counties. This expanded mandate includes training defense attorneys to enhance their expertise; offering technical support to counties for their indigent criminal defense initiatives; and leading research efforts, promoting innovative strategies, establishing best practices, and partnering with stakeholders to boost the quality of trial-level indigent defense throughout the State.

This last year brought additional challenges and opportunities for OSPD. OSPD secured significant funding to implement portions of the Racial Justice Act, a landmark piece of legislation aimed at addressing and rectifying systemic racial biases within the justice system. This allocation of resources reaffirms the agency's dedication to ensuring fairness and equality, both in capital and non-capital cases. With these resources, coupled with staff's commitment to justice, the State Public Defender will be in an even stronger position to champion cases that uphold the tenets of the Racial Justice Act, fostering a justice system that truly serves all Californians.

State Public Defender Essential Functions Overview

Serving as the director of OSPD, the State Public Defender (SPD) is the executive leader for OSPD, steering both IDID and the Appellate Division. The SPD's overarching responsibility is the effective management of the agency, aligning its operations with its legislative mandate and mission and values.

Reporting: The SPD reports directly to the Governor, ensuring the agency fulfills its legislative mandate and complies with the best administrative practices outlined by State control agencies.

Expert Support: Additionally, the SPD serves as an expert on legislation related to criminal law and public defense for branches of State Government

(for example the Department of Finance or the Legislative Analyst’s Office).

Stake-Holder Engagement: A significant aspect of the role involves proactive engagement with stakeholders, from other state agencies, other public defender leaders and organizations, to law schools and other community organizations. This is to bolster inter-organizational collaboration and public defense advocacy.

Strategic Direction and Vision: The SPD is entrusted with setting, articulating, and executing the strategic vision of the agency. This includes clearly communicating the agency’s goals, vision, and values to the staff.

Resource Management and Budgetary Oversight: Essential to the role is assuring that staff members are equipped with leadership, skills, support, and resources. This responsibility extends to robust budgetary planning, allocation, and careful oversight of spending to safeguard the agency’s financial stability.

Policy Development and Legislation: The SPD plays role in policy shaping, both internally for OSPD and on a broader scale for state public defense. This might encompass working with the Governor’s office to propose legislative measures, serving as a subject matter expert on issues related to the death penalty and public defense, and driving initiatives that more effectively serve indigent defendants.

Team Development and Supervision: The SPD provides direct oversight to select senior staff members. In this capacity, the SPD focuses on individual growth and skill enhancement for this staff. The SPD also fosters a collaborative environment for that team that promotes teamwork and collective success within the leadership ranks.

Legal Representation: In the capacity of the executive leader of the Appellate Division, the SPD functions as the designated legal representative in all the agency’s appellate cases across a broad range of courts within the state, primarily the California Supreme Court where the agency litigates most of its capital cases.

Risk Management: The SPD must proactively identify potential risks—be it legal, financial, or reputational—and adopt preventive measures. The SPD should be poised to organize responses when challenges arise.

Core Competencies

Stepping into the role of the State Public Defender (SPD) at OSPD is a

significant challenge and a remarkable opportunity. Because the SPD must lead the agency and take responsibility for implementing its mission, it's imperative for the new SPD to possess an array of specialized skills, competencies, and knowledge. Detailed below is a comprehensive breakdown of the essential qualifications that will ensure that the incoming SPD thrives and make a lasting impact. It includes the core competencies the SPD needs, the kinds of skills and abilities required to succeed and a set of training courses.

Core Competencies – CalHR ³	Importance (Important or Critical)	Ranking ⁴
COLLABORATION - Develops, maintains, and strengthens relationships while working together to achieve results. Key Skills: Teamwork Relationship Building	C	5
COMMUNICATION - Listens, writes, and presents ideas, opinions, and information in diverse situations. Key Skills: Listening Speaking Writing	C	1
CUSTOMER ENGAGEMENT - Creates a connection with internal and external customers through positive experiences and exceptional service in response to current and future needs. Key Skills: Service Centric	C	3
DIGITAL FLUENCY - Use technology effectively in the performance of one's job. Includes the integration and acceptance of new technology when appropriate. Key Skills: Leverage Technology Information Security	I	8
DIVERSITY and INCLUSION - Works effectively in an inclusive workplace where individual differences and perspectives are respected and leveraged to achieve organizational goals. Key Skills: Fair and Equitable Openness Respectful	C	4
INNOVATIVE MINDSET - Demonstrates curiosity, develops new insights, considers creative approaches, and applies novel solutions. Key Skills: Creativity Leverages Opportunities Intelligent Risk Taking Continuous Improvement Problem Solving	C	6
INTERPERSONAL SKILLS - Interacts positively with courtesy, sensitivity, and respect with a variety of individuals and makes every effort to understand and relate to others. Key Skills: Emotional Intelligence Conflict Resolution Personal Credibility	C	2
RESILIENCE - Overcomes challenges, does the job, and remains optimistic under pressure and adversity. Key Skills: Change Management Agility Continual Learning	C	7

³ See <https://www.calhr.ca.gov/Training/Pages/competencies-core-model.aspx> - CalHR's Core Model, accessed on 6/5/2023

⁴ Eight core competencies, ranked in order from highest (#1) to lowest (#8)

Leadership Competencies – CalHR ⁵	Importance (Important or Critical)	Ranking ⁶
BUSINESS ACUMEN - Understands and demonstrates sound judgment, fiscal competence, and organizational business knowledge to optimize the quality of operations and services. Key Skills: Financial Management Organizational and Business Knowledge Sound Judgment Governance	C	2
INSPIRATIONAL LEADERSHIP - Energizes and creates a sense of direction, purpose, excitement, and momentum for the organization's mission. Creates a positive work environment offering clarity around goals and objectives and ensuring that those who are led work collaboratively to achieve results. Key Skills: Mission Centric Active Engagement Outcome Focused Develops and Empowers	C	1
RESULTS-DRIVEN - Focuses efforts to efficiently achieve measurable and customer-driven results consistent with the organization's mission, goals, and objectives. Key Skills: Decisiveness Measures Organizational Results Process Improvement Negotiation	C	3
STEWARDSHIP - Focuses on being responsible and accountable for managing resources well, choosing to use influence to serve the long-term collective good of the public. Places public interests above self-interests and focuses on the larger purpose or mission of the organization. Key Skills: Social and Environmental Awareness Resource Management Organizational Knowledge Public Trust	C	5
TALENT MANAGEMENT - Recruits, selects, and develops effectively to retain world-class staff. Key Skills: Train, Develop, Coach Recognition Workforce Planning Recruitment and Selection	C	6
VISION AND STRATEGIC THINKING - Supports, promotes, and ensures alignment with the organization's vision and values. Creates a compelling future state of the unit or organization. Understands how an organization must change in light of internal and external trends and influences. Key Skills: Visionary Alignment Change Leadership Strategic Mindset	C	4

Knowledge and Abilities

Understanding of California State Government: Ability to understand and navigate the organization and functions of California State Government, especially the Legislature and Executive Branch; Knowledge of organization, functions, and practices of the Legislature and the Executive Branch; Knowledge of principles, practices, and trends of public administration, organization, and management; knowledge of methods of administrative problem solving and policy formulation and development.

Administration: Ability to plan, organize, and direct multidisciplinary professional and administrative staff; Ability to integrate diverse program

⁵ See <https://www.calhr.ca.gov/Training/Pages/competencies-leadership-model.aspx> - CalHR's Leadership Competencies, accessed on 6/5/2023

⁶ Six leadership competencies, ranked in order from highest (#1) to lowest (#6)

activities towards common goals; Ability to work cooperatively with other departments and agencies and maintain information confidentiality; Knowledge of administrative policies, organization procedures, and practices; Knowledge of relationship development with various levels of government, the public, Legislature, and Executive branches.

Legal Acumen: Ability to grasp and apply legal principles to criminal law and appellate proceedings; Ability to navigate procedures in trial and appellate courts; Knowledge of California and US statutory law, constitutions, legal research methods; Knowledge of duties, and powers of the State Public Defender.

Organizational Climate Creation: Ability to foster a sense of purpose within the organization; Ability to promote teamwork, resolve conflicts, and champion continuous learning and empowerment; Knowledge of techniques that promote team cohesion and respect; Knowledge of methods fostering continuous professional development.

Diversity, Equity, Inclusion: Ability to create, foster, and maintain a diverse, inclusive, and equitable work environment where all individuals feel valued, respected, and a sense of belonging; Ability to address and mitigate issues of discrimination, bias, and inequality proactively; Ability to implement DEI strategies and initiatives that promote a fair and equitable workplace and ensure that policies, practices, and procedures support DEI principles. Knowledge of DEI principles, best practices, and emerging trends; Understanding of cultural competencies and the nuances that come with them; Awareness of potential barriers and challenges faced by historically marginalized groups and strategies to address and eliminate these barriers; familiarity with tools, resources, and training programs that support DEIB efforts and initiatives.

Strategic Planning: Ability to align immediate actions with long-term organizational goals; Knowledge of tools and approaches for strategic alignment and vision setting.

State Policies and Procedures: Ability to adhere to and promote state and department policies, especially those relating to non-discrimination; Knowledge of State and OSPD policies, disciplinary guidelines, and personnel rules.

Technical Proficiency: Ability to utilize computer programs relevant to law practice, like Microsoft Office 365; Knowledge of computer databases relevant to law practice.

CalHR Guidelines and Information Services: Ability to follow CalHR's rules and regulations related to hiring and management; Ability to follow CDT's rules and regulations related to State Information Technology Services; Basic knowledge of CalHR's regulations, employee hiring and development practices; Basic knowledge of California's IT environment and asset security requirements.

Communication Skills: Ability to articulate complex issues both in writing and orally to various stakeholders; Knowledge of public speaking techniques and tailored writing techniques.

Financial Management: Ability to efficiently develop, manage, and oversee budgets; Knowledge of basic financial management principles, accounting, and state financial regulations.

Crisis Management: Ability to handle crises professionally and make rapid decisions; Knowledge of crisis communication strategies and risk assessment techniques.

Stakeholder Engagement: Ability to engage and manage relationships with diverse stakeholders; knowledge of techniques for effective stakeholder engagement.

Professional Development & Training: Ability to identify and address training needs within the department; Knowledge of training program development and ongoing legal professional development trends.

Ethical Conduct & Integrity: Ability to uphold the highest standards of ethical conduct and address ethical dilemmas; Knowledge of legal ethics, professional responsibility guidelines, and state codes of conduct.