

Champaign County Job Description

Job Title: First Assistant Public Defender

Department: Public Defender

Reports to: Public Defender

FLSA Status: Exempt

Grade Range: L

Prepared Date: August, 2009

SUMMARY Provides legal counsel and court representation to defendants unable to afford private legal assistance.

PRIMARY DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

Assumes personal responsibility for assisting indigent individuals charged with misdemeanors, mental, juvenile cases and felonies such as criminal sexual assaults, armed robberies and homicides. Provides effective representation to clients who are frequently illiterate, uneducated and uncooperative while managing large caseloads.

May concentrate in representing juvenile delinquency proceedings and children and adults in child abuse and neglect cases. Works closely with the Court Services Department, Department of Children and Family Services and other social service agencies to ensure that children in this County receive the protection and care that is needed.

Handles arraignment court and bond court. Meets with clients when arrested and obtains their history to make bond arguments to the court. Maintains working relationship with clients in person, by phone and by mail contact.

Meets with clients and obtains their history to present their defense and release from custody.

Interviews and counsel's respondents in mental health proceedings in the Local or State treatment units where they may be confined and works closely with psychiatrists and other medical or treatment personnel.

May be called to represent individuals at investigative proceedings such as line-ups, taking of blood, urine, hair and fingernail scraping samples. May be assigned to handle cases involving post-conviction or appellate relief.

Investigates alleged crime or offense by meeting with witnesses, police officers and reviewing the facts. Meets with the client to discuss the appropriate action to be taken and whether pre-trial motions should be filed.

Maintains extensive contact with the State's Attorney's Office, social service agencies, Correctional facilities staff, police, Secretary of State, State Forensic authorities, State Criminal Lab, pathologists and the Coroner's Office. Maintains frequent contact with the Department of

Family Services, Department of Mental Health and agencies regarding the referral of clients for drug treatment, family counseling and other assistance.

Performs functions to prepare the defendant's cases for trial or for plea negotiations including representation of the defendant at bond and/or arraignment court and attending line-ups to ensure that the line-up is conducted fairly and that defendant's rights are not denied.

Establishes close contact with defendants by regular visits to the Correctional facilities or by constant correspondence via personal visits to the Public Defender's Office, phone contact or by letters to defendants not in custody.

Researches case law and witness testimony, conducts investigations and negotiates with the State's Attorney's Office. Analyzes facts, evidence and the strength of case, determines client's wishes and meets with prosecutor to resolve the matter short of trial.

Ensures that indigent defendants receive thorough and effective legal representation as guaranteed in State and Federal Constitutions and Illinois State law.

Performs as trial counsel by representing defendants during courtroom proceeding. Researches case law, communicates with defendant to determine trial strategy such as cross-examination procedures, witness selection, jury selection, testimony decisions and opening and closing arguments.

Acts as negotiator between the defendant and the State's Attorney's Office to secure acquittals or reach agreement concerning sentence time which would be the most beneficial for the defendant and the State's Attorney's Office.

Represents defendants during other court proceedings. Prepares pre-trial motions such as Answer to Discovery, Motions to Suppress Evidence, Motions to Dismiss and Motions to Additional Discovery, which are required to be filed and a hearing set to ensure that they are carried out properly. Prepares post-trial matters such as motions to withdraw pleas, motions to reconsider sentence and post-conviction petitions.

Notes and records any mistakes made by the State's Attorney's Office or by the Presiding Judge during the trial which could infringe upon the defendant's rights in order that a proper motion for a new trial can be prepared, filed and set for a later hearing.

Works to determine a fair and affordable bond for the defendant through research and discussion about past and present employment, current residence, past histories of mental or medical problems, existence of previous criminal records and information on family status. Prepares the motion for Reduction of Bond and schedules a hearing.

Maintains close contact with the State's Attorney's Office, Sheriff's Office, staff at the County Correctional facilities, judges, police officials, and numerous physicians and psychiatrists who may be called as expert witnesses.

Assists the Public Defender in managing office operations. Assists in the co-ordination of staff assignments. Interviews and evaluates candidates and recommends for hire based upon the office's needs and the candidates' abilities.

Prepares presentations for the County Board as directed by the Public Defender. Co-ordinates office operations in the absence of the Public Defender.

Trains and advises new attorneys and student volunteers. Recruits and trains 15 to 20 or more law students which allows the latter to serve as interns and assist in the research, preparation of trials, witnesses and assists in trial procedure.

Provides administrative assistance to the Public Defender by identifying legal problem areas, developing policy recommendations and responding to media inquiries.

Keeps abreast of developments in the law and attends training sessions offered by bar association.

SUPERVISORY RESPONSIBILITIES Serves as the First Assistant to the Public Defender and has some authority in supervising the staff, particularly in the Public Defender's absence. Carries out supervisory responsibilities in accordance with the County's policies and applicable laws. Responsibilities include interviewing and training employees; planning, assigning, and directing work; appraising performance; recommending hires and discipline of employees; addressing complaints and resolving problems.

QUALIFICATIONS to perform this job successfully, an individual must be able to perform each primary duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

EDUCATION and/or EXPERIENCE Law degree and licensed in Illinois, at least four years of litigation experience and have some experience in the trial of homicide cases.

LANGUAGE SKILLS Ability to read, analyze, and interpret legal documents and interpretations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from judges, attorneys, County Board members and the general public. Ability to make effective presentations and speeches.

MATHEMATICAL SKILLS Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume.

REASONING ABILITY Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

CERTIFICATES, LICENSES, REGISTRATIONS Licensed in Illinois.

PHYSICAL DEMANDS The physical demands described here are representative of those that must be met by an employee to successfully perform the primary functions of this job. While performing the duties of this job, the employee is occasionally required to stand; walk; sit; and talk; or hear. The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision and color vision.

WORK ENVIRONMENT The work environment characteristics described here are representative of those an employee encounters while performing the primary functions of this job. Normal office conditions. Potential problems may exist with clients exposed to stressful situations. The noise level in the work environment is usually quiet to moderate.