

Champaign County Job Description

Job Title: Public Defender

Department: Public Defender

Reports to: County Board

FLSA Status: Exempt - Appointed Position

Grade Range: M

Prepared Date: August, 2009

SUMMARY Directs all legal and administrative functions of the Public Defender's Office.

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

Represents all indigent persons charged with crimes in the County. Defends individuals charged with felonies, misdemeanors and traffic cases for which a sentence of incarceration may be imposed. Provides effective representation to clients who are frequently illiterate, uneducated and uncooperative while managing a large caseload.

Represents juveniles in juvenile delinquency petitions and parents and children in child abuse and neglect cases. Represents indigent persons in paternity actions and involuntary commitments to mental health institutions.

May concentrate in representing juveniles in 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.

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.

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.

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.

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.

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.

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.

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.

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

Serves as librarian and maintains the law library in the Public Defender's Office. Orders updates of all material and reviews new publications for possible addition. Responsible for circulating "advance sheets" to the other attorneys in the office so that the entire staff has a current knowledge of relevant law.

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.

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.

Identifies legal problem areas, develops policy recommendations and responds to media inquiries.

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 responsible administrative functions as head of the Public Defender's Office while also handling serious felony caseloads.

Prepares the annual budget proposal for submission to the County Board and administers the approved departmental budget during the fiscal year.

Provides authorization for payroll and office expenditures. Ensures that expenditures remain within budgetary limits and that administrative functions are in compliance with established personnel and accounting policies and procedures.

Ensures that the office is adequately and appropriately staffed in order to perform required work efficiently and effectively.

Supervises legal staff responsible for representing indigent persons. Assigns cases to the staff according to the nature of the cases and the ability of the staff attorneys.

Performs other responsible functions including preparing various legal and administrative reports, negotiating pleas with the State's Attorney's Office, providing data/reports to and attending County Board meetings and maintaining current knowledge of Local, State and Federal laws.

Prepares monthly reports submitted to the County Board indicating the nature and number of cases opened and closed in the preceding month.

Responsible for reviewing the list of persons held in the Correctional facilities to insure that persons are brought to trial quickly, thereby controlling the jail population and protecting the rights of individuals charged with crimes.

Chairs staff meetings at which legal and administrative issues are discussed. Receives oral reports from each staff attorney regarding the caseloads, administrative duties and noted points of legal interest.

Creates and monitors the system which handles conflict of interest cases in the office. Attorneys assigned to the office handle cases in which interests are opposed and the Public Defender ensures that one attorney does not divulge confidential information to the other attorney.

Serves as advisor to the staff attorneys and works with the staff in the preparation and trial of assigned cases. Assists the staff attorneys as both formal co-counsel and as an informal advisor.

Ensures the efficient performance of legal responsibilities mandated to the Public Defender's Office and coordinates defense activities in complex felony trials.

Meets regularly and works with a wide variety of governmental staff including State's Attorney's representatives, witnesses, judges, law enforcement officers and others.

Maintains the law library in the Public Defender's Office and keeps other staff abreast of developments on the law.

SUPERVISORY RESPONSIBILITIES Directly supervises 16 employees in the department. Carries out supervisory responsibilities in accordance with the County's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining 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, several years of felony trial experience and have some professional supervisory experience.

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 35 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.