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

Public Defender Handbook

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Public Interest Law Center
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I. INTRODUCTION TO 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.
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. However, there are other offices that also provide indigent defense, such as Brooklyn Defenders, www.bds.org, Queens Law Associates, and New York County Defender Services, www.nycds.org (which does not hire entry-level attorneys).

Moreover, there are several offices noted for their innovative and holistic representation, including Brooklyn Defender Services, http://www.bds.org/home.aspx, the Bronx Defenders, www.bronxdefenders.org, and Neighborhood Defender Services of Harlem, www.ndsny.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, which represents legal aid and defender programs throughout the country. Its website contains many resources for public defenders, as well as job postings. Also see Section II of this handbook, which lists select entry-level public defender jobs.

Family Defense
The field of family defense provides another opportunity, albeit in the civil context, for students to engage in defense work. Family defenders are court-appointment to represent indigent respondents, primarily parents, in cases in which the government asks the court for permission to monitor a child’s home or remove a child from his or her parents or caregivers following a report that the child is neglected or abused. Family defenders spend the majority of their time in court and frequently participate in trials in matters such as seeking the return of a child to her parents’ care and defending a parent against the neglect/abuse allegations in the government’s petition. In New York City, the Administration for Children’s Services is the petitioning government agency and the Family Court has jurisdiction. The NYC Family Defenders include the Brooklyn Family Defense Practice (part of the Brooklyn Defenders), the Bronx Defenders Family Defense Project, and the Center for Family Representation, the latter of which represents respondents in Manhattan and Queens. The three family defenders in NYC will hire directly out of law school and frequently host candidates for post-graduate fellowships.

Juvenile Defense
Juvenile indigent defenders defend juveniles (children under the age of 16, in New York) in delinquency actions. Delinquency, though technically a civil matter and adjudicated in Family Court and not in Criminal Court, is the juvenile criminal system. Juveniles accused of delinquency are entitled to lawyers, and many states – such as Massachusetts - provide them through the same offices as public defense. In New York, the Legal Aid Society’s Juvenile Rights Practice (JRP) does the vast majority of juvenile defense. JRP does some entry-level hiring, which you can read about at www.legal-aid.org/en/las/diversityandcareers.aspx.
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 she will be able to spend her 2L summer in a public defender office, she may want to explore one of these related areas during her 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. 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.” About half of federal defender offices (although neither of the New York ones) also have 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 can lead 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.

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. The International Legal Foundation, www.theilf.org, also assists developing countries in establishing public defender systems.

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 federal prosecutors.

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, [www.vera.org](http://www.vera.org), and the Center for Court Innovation, [www.courtinnovation.org](http://www.courtinnovation.org)
B. Preparing for a Career in Public Defense

The Skills 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 personal qualities and 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, having the ability to recognize shades of grey, and ability to empathize and communicate with a broad range of people.

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. Additionally, defender offices in areas with large immigrant communities tend to value a second language, such as Spanish or Mandarin.

You should plan to develop these core skills over the course of your time in law school, by interning, participating in clinics, choosing your courses strategically, and building your network.

1. **Internships**
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. You may intern for a public defender over 1L summer, 2L summer or both, but is most useful to spend a 2L summer in a public defender office because 2Ls are given significant responsibility (in some offices, this includes doing jury trials), and thus gain great 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.

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**
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. Factors to consider include the quality of the work they let students do, the quality of the office overall, and the likelihood that they will consider hiring you permanently in the future.

**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 varying views on how they evaluate experience in a prosecutor’s office. The minority believes that working for and understanding the “other side” is good training for being a public defender, while many want applicants who would never consider prosecution. If you do work in a prosecutor’s office, reflect on the experience in your public defender cover letter, and prepare to discuss it in an interview.

2. **Clinics and other Academics**
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.

A note on grades: state level public defenders tend not to focus on grades (whereas federal defenders tend to be grade conscious). Some never even request a transcript before making a job offer. However, while they may not mind a C in Income Tax, a C in Evidence may be a source of discussion during your interview, so prepare to explain that.

3. **Network/shadow**
One of the easiest ways to build your network of public defenders during law school is to reach out to your law school’s alumni and request to shadow them in court. You will meet a public defender who may be a source of mentorship, see an office that you may apply to down the road, and experience a day in the work life of a public defender – all valuable to your decision-making process, your education about the field, and your eventual application.
C. Getting a Post-Graduate Public Defense Job

Entry-Level Public Defender Hiring
Many public defender offices hire entry-level classes each year, so their hiring is fairly regularized. A good number of public defenders 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.

If you are applying as a practicing lawyer and not as a student or clerk, you may apply to join entry classes a year in advance (and negotiate your salary level after your receive an offer), or look on each organization’s website throughout the year for openings requiring experience.

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. 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
- Layoff history
- Academic vs. “street” lawyering
- Plea philosophy
- Appointed or elected PD
- Zealousness of advocacy

There are a limited number of entry-level, defense-side fellowships that are not at public defender offices, including the Prettyman Fellowship at Georgetown and the Soros Justice Fellowships.

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. Note that this technique should only be used once per application; please consult with a PILC counselor if you wonder when the best time is. 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’s process has two stages. The first stage is an interview with two attorneys (one supervisor and one staff attorney) where applicants are asked to do a summation simulation. Applicants are evaluated separately by each of the four attorneys and if successful, are then interviewed by Tina Luongo, the Deputy Attorney-in-Charge 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
  o Exercise sent to applicant in advance
  o No notes allowed for opening exercise
  o Applicant is judged on strategy, demeanor, oral advocacy skill
• Discussion of Applicant’s Interest/Experience
• Significantly More Complex Hypos/Role Plays
D. Tips For Interviews And Simulations

Qualities Public Defender Offices Test in Interviews
In addition to the skills enumerated in Section I, defender offices interview 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.

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 clinic and, if so, did you enroll?
Tell me about your clinic experience.
Tell me about a difficult experience you had in a 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?
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. You are not taking a factual position on whether or not your client committed the crime; you are setting forth what the complainant told you. 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 he is going to hurt someone (i.e. that communication is not privileged). However, almost no public 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 (e.g., “at 2:05pm on Friday, May 3, at 834 Nostrand Avenue.”)

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 he 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: Opening Statement
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.
• Tell a story – even if that story is limited to what a big mistake the prosecution is making, or “just because the police say it is so, does not make it so.”
• 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.
  o Wrong: What time did you leave the bar?
  o 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.
  o Wrong: This was December 2, at 9:15?
  o 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.
  o Wrong: So you mean to tell me that you had three drinks, and then identified the very first guy that they showed you??
  o 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: Summation

- Think through reasonable doubt. Your theme may be that the prosecutor did not meet his/her burden, not necessarily (though sometimes is) 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 prosecution witnesses and how to talk about defense witnesses without suggesting you have burden of proof. Don't inadvertently shift the burden of proof to the 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 big. We do NOT agree, though, about where the police found the gun.”
- If possible, use metaphors 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 (website, 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 ENTRY-LEVEL HIRING

ALABAMA
Equal Justice Initiative, eji.org/
122 Commerce Street
Montgomery, AL
Phone: (334)269-1803
Office Description: Fully funded (with benefits) two-year project fellowship for law school graduates.
Application Procedure: To apply please send a letter of interest and a resume to Executive Director Bryan Stevenson, bstevenson@eji.org and Senior Attorney John Dalton, jdalton@eji.org by November 3.
Interns: Unpaid. To apply, email a letter of interest and resume to Alicia D'Addario, adaddario@eji.org. The 2014 application dates were between October 1, 2013 and January 15, 2014. Earlier applications are most successful. Limited positions are available. Applications for other time periods, including the spring and fall semesters, will be considered case by case and are accepted on a rolling basis. Questions about the summer legal clerkship should be directed to Alicia D'Addario, adaddario@eji.org or (334) 269-1803.

ALASKA
Alaska Public Defender Agency, doa.alaska.gov/pda/home.html
900 West 5th Avenue, Suite 200
Anchorage, AK 99501
Phone: (907) 334-4400
Office Description: Hires pre-bar (contingent on passing the exam within next 10 months). Deadline is March 31 and interviews are conducted at the end of 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 March 31st of each year. Send or email a cover letter, resume, three references, and a writing sample to Shana Valente, shana.valente@alaska.gov (907-334-4413). Hiring preference is given to attorneys licensed by the Alaska Bar Association.
Interns: Unpaid, however they pay for round-trip airfare. Typically hire 22 interns per summer, which are placed all over the state. Requires a 12-week commitment. Email cover letter, resumes, reference, and writing sample to Sharon Barr at Sharon.barr@alaska.gov (907-334-4461). Hiring begins in September on a rolling basis until all positions are filled.
CALIFORNIA
Los Angeles
Los Angeles County Public Defender, pd.co.la.ca.us/
210 West Temple Street, 19th 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 ongoing 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: pd.co.la.ca.us/About_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 Jeffrey D. Gillian, Head Deputy of Central Misdemeanors and Training, jgilliam@pubdef.lacounty.gov or (213) 974-3011. For summer program, 2Ls apply October 15 – January 15, and 1Ls apply Early Dec. – January 15. For fall program, apply March 15-June 1. For spring program apply August 15-October 15.

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. Only online applications will be accepted. All questions with regard to filing a job application or availability of positions should be directed to Maria Cordero at (213) 974-6626 or emailed to lacapd@co.la.ca.us.

Orange County
Alternate Defender, 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
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 agency.gov/governmentjobs.com/sanbernardino, or to request more information on application process, email: webmaster@pd.sbcounty.gov.

Interns: Recruits 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, submit a cover letter, resume, writing sample and references to Tisha Baca, Law Clerk Program Coordinator at tbaca@pd.sbcounty.gov. Applicants may include a transcript if desired. Applications are accepted from August to May on a rolling basis.

San Diego
Federal Defenders of San Diego, www.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. 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. Openings are posted on the office’s website under “Employment.” Openings can occur at any time. If you would like to submit your application to be considered when a vacancy does arise, please email a cover letter, resume, transcript, and writing sample to lawapp@fdsdi.com. Any supervisor is a good contact (and can be found at www.fdsdi.com).
Interns: Applications are accepted on a rolling basis, however the earlier the better. Typically hires 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. Submit a cover letter, resume, unofficial transcript, and writing sample by email to the Legal Intern Committee at: internapp@fdsdi.com. Applications for the Legal Intern Program are accepted on a rolling-basis, however serious applicants are encouraged to submit their materials as early as possible.

San Diego County Office of the Public Defender,
www.sdcounty.ca.gov/public_defender/index.html
450 B Street, Suite 900
San Diego, CA 92101
Phone: (619) 338-4814

Office Description: New attorneys first attend a week-long orientation focusing on substantive law and courtroom procedure. They are immediately assigned to a team and given a misdemeanor caseload. An experienced team leader supervises the new attorney and provides support and direction when needed. Education is on-going in the form of short training seminars focusing on evidence and the various phases of trial practice. “Brown bag lunches” address the actual issues that may arise in practice. All staff attorneys are encouraged to attend the bi-weekly in-house training.

Application Procedure: Hires 10-12 people per year, full-time hires in November / December and contract attorneys throughout the year. Full-time hiring is done through the County HR department (link available on office website); for contract positions, former interns are typically selected.

Interns: Spring, Summer, and Fall Legal Internships are offered. For Spring 2015, apply by October 10, 2014. For Summer 2015, apply by March 6, 2015. To apply, submit the San Diego County Department of the Public Defender Internship/Post Bar Clerkship Application Cover Sheet, resume, cover letter, and transcript (unofficial) to PDIntern.Recruitment@sdcounty.ca.gov. Fax and mail applications are no longer accepted.

San Francisco
San Francisco Public Defenders Office, sfpublicdefender.org/
555 Seventh Street, 2nd Floor
San Francisco, CA 94103-4732
Phone: (415) 553-1671

Office Description: Does not hire pre-bar. Sometimes hires entry level attorneys. As of 2013, offers a starting salary of $98,514.

Application Procedure: In the fall, check the website for job openings. If there is a posting, follow the application procedure listed on the website.

Interns: Internships are offered during the Summer, Fall, and Winter/Spring semesters. All internships are unpaid. The cost of travel, living expenses, insurance and accommodations...
are the responsibility of the intern. Candidates must submit an online application form, providing 3 references and a 300 word statement of motivation. A resume and cover letter must also be attached. Applications are only accepted electronically and through the online application form. Check the website for updated application deadlines, with past deadlines having been in February. Contact Kathy Asada, Director of Recruitment of Intern Program with questions at (415) 553-9630 or through online submission form.

Alameda County
Alameda County Public Defender, www.co.alameda.ca.us/defender/
1400 Lakeside Drive, Suite 400
Oakland, CA 94612
(510) 272-6600
Office Description: Does not hire pre-bar. Hires entry level attorneys. Provides ongoing in-house training for all attorneys. Entry-level salary as of 2011 is $67,250.

Application Procedure: Appointments to all vacant Associate Deputy Public Defender positions are made by the Public Defender from a civil service hiring list prepared after an examination coordinated by the Alameda County Personnel Department. The Personnel Department receives applications during an open period of 26 days. Applications for Associate Deputy Public Defender are generally accepted once a year, from mid-November to mid-December following the summer bar exam results. Apply through the county’s Human Resources Services: www.acgov.org/hrs/index.htm.

Interns: Typically hires 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 acpdrecruitment@acgov.org.

Contra Costa
800 Ferry St.
Martinez, CA 94553
Phone: (925) 335-8000
Office Description: Does not hire pre-bar. Usually hires 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 at www.cccounty.us/DocumentCenter/View/1731. Applicants undergo a screening, interview and testing process. Applications for temporary attorneys are accepted on a continuous basis by sending a resume and cover letter to Robin Lipetzky, Department Head at robin.lipetzky@pd.cccounty.us.

Interns: Typically hires 20 summer legal interns. Accepts applications beginning in October and completes hiring in March. Students should send a resume, cover letter and writing
sample (if available) to Jonathan Laba, Deputy Public Defender, at jonathan.laba@pd.cccounty.us.

COLORADO
Colorado State Public Defender, pdweb.coloradodefenders.us/
1290 Broadway, Suite 900
Denver, Colorado 80203
Phone: (303) 764-1400
Office Description: Attends EJW. The Colorado State Public Defender hires for all regional offices in Colorado. Does not hire pre-bar; offer of employment is conditional upon passage of the Colorado bar. Entry-level salary as of 2013 is $4,634 per month upon licensure and increases to $4,727 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: Policy is to give preference to applicants who are willing to relocate to any of 21 regional trial offices. Interviews for applicants taking the February or July Colorado bar examination are conducted in November, December and January, with hiring decisions announced no later than March for June graduates.

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

DISTRICT OF COLUMBIA
Georgetown Clinical Fellowships in Teaching and Advocacy (Prettyman),
www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/criminal-justice-clinic/cjc-graduate-teaching-fellowships.cfm
600 New Jersey Ave., N.W.
Washington, D.C. 20001
Phone: (202) 662-9100
Office Description: Georgetown Clinical Graduate Teaching Fellowships offer new and experienced attorneys alike the opportunity to combine study with practice in the fields of clinical legal education and public interest advocacy. Fellowships include Prettyman/Stiller Fellowships for Criminal & Juvenile Justice.

Application Procedure: 2014 Applications were accepted September 1, 2013 through November 1, 2013. Submit an application, found at apps.law.georgetown.edu/forms/index.cfm?formid=150, as well as a cover letter, resume, three reference letters and official undergraduate and law school transcripts. Inquiries should be directed to Ms. Corrine Fletcher, Executive Assistant at (202) 662-9575 or prettymanfellowship@law.georgetown.edu.
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 3rd 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.
Interns: Accepts applications on a rolling basis. Consolidate your materials into a single pdf and upload your application, which includes a cover letter, resume, legal writing sample, unofficial transcript and list of three references here: lawcruit.micronapps.com/sup/lc_supp_app_frm.aspx?lawfirm=168&id=0. Inquiries can be directed to or internship@pdsdc.org. An information brochure is available here: http://www.pdsdc.org/Resources/INTERNSHIPS/Informational%20Bulletin%202014-2015.pdf

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

11th Judicial Circuit Miami
1320 N.W. 14th 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 25 to 35 attorneys per year. Does not require a commitment. Training consists of a week long orientation program and then shifts to a mentoring system with hands-on, one-on-one assistance from a trainer.
Application Procedure: Interviews at OCI (sometimes), PILC Career Fair, and attends EJW. Applications are available online and should be sent to Rory S. Stein, Executive Assistant Public Defender & General Counsel, rstein@pdmiami.com, with a resume and 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. To apply to the certified internship program, externship or clinic, 2L’s should email a resume to Rory S. Stein, Executive Assistant Public Defender & General Counsel, rstein@pdmiami.com. 1L’s or 2L’s interested in non-certified internships should email Kevin Hellmann, Director of Training and Professionalism, khellmann@pdmiami.com. Applications can also be mailed to the above address.
15th Judicial Circuit West Palm Beach
Office of the Public Defender, www.co.palm-beach.fl.us/opd
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.

17th Judicial Circuit Ft. Lauderdale
Office of the Public Defender, www.sao17.state.fl.us
201 S.E. 6th 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 ([www.sao17.state.fl.us/Application.pdf](http://www.sao17.state.fl.us/Application.pdf)) to: Office of the State Attorney, Renata Annati, Human Resources Coordinator, 660C Broward County Courthouse 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 ([www.sao17.state.fl.us/Application.pdf](http://www.sao17.state.fl.us/Application.pdf)) to the Training Division, Suite #675 at the above address or to cberkowitz@sao17.state.fl.us.

KENTUCKY
Kentucky Department of Public Advocacy, 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 clerk 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 at Patti.Heying@ky.gov or (502) 564-8006.

**Interns:** Unpaid. Submit an application, a resume, confidentiality agreement, volunteer acknowledgement form, and computer usage agreement or laptop usage agreement. These forms are available at www.dpa.ky.gov/careeropp/io.htm. For more information, contact Patti Heying at Patti.Heying@ky.gov or (502) 564-8006.

**LOUISIANA**

**The Capital Appeals Project,** www.thejusticecenter.org/cap.php
636 Baronne Street
New Orleans, LA 70113
Phone: (504) 529-5955

**Application Procedure:** Email or mail cover letter addressing qualifications, resume, and three references to: Elizabeth Kalos, Administrative Director, Capital Appeals Project, at the above address, or elizabethk@thejusticecenter.org.

**Interns:** Unpaid. Send a resume, a cover letter detailing interest in capital defense work, a 5-10 page writing sample, a transcript, and a list of two or three references to Michael Admirand and Blythe Talpin at capvolunteer@thejusticecenter.org, (504) 529-5955. Summer internship application deadline is February 1st.

**Orleans Public Defender’s Office,** 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 mfaunce@opdla.org.

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

**MARYLAND**

**Office of the Public Defender,** 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 the Recruitment Division at legaljobs@opd.state.md.us or contact Diane Lach, Director of Recruitment & Hiring Division, dlach@opd.state.md.us.

**Interns:** Hires unpaid interns on a rolling basis. Submit resume, cover letter, a list of references, and a completed Law Clerk Application for current law students (www.opd.state.md.us/opd/Portals/0/Downloads/Law%20Clerk%20Application.pdf) electronically by emailing them, in a single email, to lawclerkJobs@opd.state.md.us.

**MASSACHUSETTS**

Massachusetts Committee for Public Counsel Services, [www.publiccounsel.net](http://www.publiccounsel.net)

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 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. Apply online through postings on the website. Interviews are conducted throughout the year on a rolling basis for the entry level positions starting the following September.

**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 should be filled out on the website, in addition to attaching cover letter and resume. For questions, contact Joanne Knebes, Human Resources Director, at joanne.knebes@pubdef.state.mn.us or (612-279-3509).
MISSOURI
Missouri State Public Defender, 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 and MSPD will begin consideration of bar candidates as early as 3-4 months prior to licensure for those who have the flexibility to work in a rural office. Applications are available on the MSPD website (www.publicdefender.mo.gov/employment/Application_for_Employment_enabled.pdf) and can be scanned and emailed, faxed or mailed to:
Missouri State Public Defender System
Attn: Human Resources
Woodrail Centre
1000 West Nifong, Building 7, Suite 100
Columbia, Missouri 65203
Fax: (573) 777-9976
Email: human.resources@mspd.mo.gov
A resume may supplement, but cannot replace, the application. Open positions are regularly posted on the MSPD website. Contact the Human Resources office at (573) 882-9855 or human.resources@mspd.mo.gov

NEVADA
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. Submit a Clark County Application or On-Line Profile and supplemental assessment. For information, please contact Clark County Human Resources at (702) 455-4565.
NEW HAMPSHIRE
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. Email a letter of interest, resume, and current academic transcript (unofficial is ok) to Barbara Blair, Recruitment Coordinator, recruiting@nhpd.org. Applications must be received by November 15 to be considered for vacancies in the following year. Interns: Seeks internship candidates at career fairs as well as on-campus events. Internships are unpaid. Hires 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. 2Ls can apply for the Law Clerk / Legal Internship program. To apply, email a letter of interest, resume, and current academic transcript (unofficial is ok) to Barbara Blair, Recruitment Coordinator, recruiting@nhpd.org. Deadline for 1Ls is February 1; deadline for 2Ls is December 1.

NEW JERSEY
New Jersey Office of the Public Defender, 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 3Ls. Send resume and cover letter to William Wander, Human Resources Manager, New Jersey Office of the Public Defender, (609) 292-8353, at human.resources@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: Renee Herron-McKithen, Intern Placement, Renee.Herron-McKithen@opd.state.nj.us.
NEW MEXICO
New Mexico Office of the Public Defender, 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. Attorney hiring requires prior bar passage, but they hire law clerks pre 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 and email Barbara Auten, Human Resources Director, barbara.auten@lopdnm.us with a cover letter and resume. Postings may be found through New Mexico Department of Labor’s website, which is linked on the office website. Commitment to indigent defense service and desire for trial experience is a plus.
Interns: As of summer 2014, they are in process to receive approval for summer interns. They are planning on a late spring deadline.

NEW YORK STATE

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.

The Bronx Defenders, 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 mix of lectures, mock exercises, simulations, and shadowing.
Application Procedure: Attends EJW. For permanent positions, apply between August 4, 2014 and October 3, 2014. Employment Opportunities are posted on their website at www.bronxdefenders.org/who-we-are/employment. 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. Questions should be directed to Seann Riley, seanmr@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 interns@bronxdefenders.org with “Internship” as well as practice area in the subject line. For Summer Legal Internship for 2L, apply by October 3, 2014. For Summer Legal Internship for 1L, apply between December 8, 2014 and February 6, 2015.

**Brooklyn Defender Services**, [www.bds.org](http://www.bds.org)
177 Livingston Street, 5th 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**: No deadline, apply as early as possible in your 3L year. Grads and admitted attorneys applying for staff attorney jobs should send cover letter, resume, transcript, writing sample, and a list of recommendations, to Richard LaFontaine, rlafontaine@bds.org between October 20 and November 14, 2014.

**Interns**: Intern applications to Jillian Modzeleski, Trial Attorney, by mail or by email, jmodzeleski@bds.org. Submit resume, cover letter, and 3 references for summer internships.

**Center for Appellate Litigation**, [www.appellate-litigation.org](http://www.appellate-litigation.org)
74 Trinity Place, 11th Floor
New York, NY 10006
Phone: (212) 577-2523
**Office Description**: Hires 1-3 Staff Attorneys each year for a two-year fellowship, depending on their funding.

**Application Procedure**: Send a cover letter and resume to Robert Dean, Attorney-in-Charge at rdean@cfal.org. The application deadline for September 2015 openings is November 14, 2014.

199 Water Street, 6th Floor
New York, NY 10038
Phone: (212) 577-3300
**Office Description**: The Criminal Defense Practice (CDP) will make approximately 10 entry level position offers for fall 2015. 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. Sends attorneys to regional and national training programs.

**Application Procedure**: Interviews at OCI, EJW, and PILC Fair. Apply via email including a cover letter, transcript, resume, writing sample, a list of references, the Applicant Questionnaire and the Applicant Information Form in one single PDF by October 15, 2014. Applications not in a single PDF file will not be accepted. Send applications to attorneyjobscriminal@legal-aid.org.

**Interns**: Attends EJW and PILC Fairs. To apply, applicants should send via email a cover letter, transcript, resume, writing sample, a list of references, the Applicant Questionnaire and the Applicant Information Form in one single PDF to internshipscriminal@legal-aid.org. Applications not in a single PDF file will not be accepted. 2L applications are accepted beginning August 1, and 1L applications are accepted beginning December 1. February 15, 2015 is the deadline for both.

**Neighborhood Defender Service of Harlem**, [www.ndsny.org](http://www.ndsny.org)
317 Lenox Avenue, 10th 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. Check website for open positions.

**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, and attach a cover letter and resume.

**New York County Defender Services**, [www.nycds.org](http://www.nycds.org)
225 Broadway, Suite 1100
New York, NY 10007
Phone: (212) 803-5100

**Application Procedure**: Resume and cover letter should be sent to Michael Coleman at the above address or via e-mail to mcoleman@nycds.org.

**Interns**: Applications for internships should be sent to Michael Coleman at the above address or via e-mail to mcoleman@nycds.org.
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: cnorris@appellatedefender.org with the subject line “Staff Attorney Position. The contact person for attorney applicants switches yearly and is noted on the website. Strong preference will be given to applications received by December 31, 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 31 (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, mknight@appelatedefender.org.

NORTH CAROLINA
Mecklenburg County (Charlotte) Public Defender
[www.nccourts.org/County/Mecklenburg/Staff/Defender.asp](http://www.nccourts.org/County/Mecklenburg/Staff/Defender.asp)
700 E. 4th 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).

**Application Procedure:** Attends EJW and PILC Fair. Email cover letter and resume to Kevin Tully, Public Defender, kevin.tully@mecklenburgcountync.gov.

**Interns:** 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.
OKLAHOMA
Oklahoma County Public Defenders, www.oklahomacounty.org/departments/publicdefender/
320 Robert S. Kerr Avenue, Suite 611
Oklahoma City, OK 73102
Phone: (405) 713-1550
Application Process: For more information, contact Donna Law at (405) 713-1562.
Interns: For more information, contact Donna Law at (405) 713-1562.

PENNSYLVANIA
Defender Association of Philadelphia, philadefender.org
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 3 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. Send a cover letter, resume and transcript as an application from all Pennsylvania barred attorneys and/or from all third year law students who plan on taking the Pennsylvania Bar immediately after graduation. The deadline for applications is December 31st for the next September class of Defender attorneys. Send applications to the above address to the attention of Mary DeFusco, Esq., Director of Training and Recruitment.
Interns: Unpaid. To apply for a summer internship, send a cover letter and resume to Mary DeFusco, Director of Training and Recruitment, at the address above by December 31.

RHODE ISLAND
Office of the Public Defender, 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 2014 is approximately $55,000. 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 Mary S. McElroy and should be mailed to the above address. Materials are kept on file and considered active for one year.
Interns: Unpaid and usually hire 2Ls. Resumes, accompanied by a cover letter and writing sample, should be sent to Michael A. DiLauro, Director of Training at the address above. Applications are accepted after October 1 for summer clerkships and most offers are extended by the end of March. Resumes are accepted through mid-May, but openings available after March 30 are very limited.
TENNESSEE
Metropolitan Public Defender, 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: Generally, the Public Defender’s Office accepts resumes year round for any individual seeking to join the staff as a lawyer. Send cover letter and resume to Dawn Deaneer, Public Defender either by mail at the above address or via email at dawndeaner@jis.nashville.org.
Interns: Unpaid. To apply for a summer internship, email Jerrilyn Manning, Deputy Public Defender, jerrilynmanning@jis.nashville.org with your cover letter and resume.

WASHINGTON
King County Public Defender, The Defender Association Division, www.defender.org
810 Third Avenue, Suite 800
Seattle, WA 98104
Phone: (206) 447-3900
Office Description: As of July 2013, Washington has a state-wide system, and TDA is one of the four divisions. The state has told TDA that they will honor their hires for 2014. 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: Accepts applications on a rolling basis. Students should send a letter of interest, resume and a list of three references to Cindy Donion, Executive Assistant, 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, writing sample, and 2 letters of recommendation to Theresa Allman, Legal Intern Supervisor, theresa.allman@defender.org. They accept applications from September 15 through November 30 for summer internships. Final decisions are made by December 15.

WISCONSIN
Wisconsin State Public Defender, www.wisspd.org
315 N. Henry St., 2nd Floor
Madison, WI 53703
Phone: (608) 266-0087
Office Description: Hires pre-bar (contingent on passing), any time during 3L year. There is a significant increase in hiring and for 2011 they hired 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, [remm@opd.wi.gov](mailto:remm@opd.wi.gov) or 608-264-8578.

**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**, [wyodefender.state.wy.us](http://wyodefender.state.wy.us)

2020 Carey Avenue 9th Floor
Cheyenne, WY 82002
Phone: (307) 777-7137

**Office Description:** Does not hire pre-bar. Hires a 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: [statejobs.state.wy.us/index.aspx](http://statejobs.state.wy.us/index.aspx), and online applications 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. 

www.law.berkeley.edu/capitaldefense.htm.

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

Capital Appeals Project

TENNESSEE (Nashville)
State Post-Conviction Defenders

Federal Public Defender’s Office, Capital Habeas Unit

REPRIEVE PROJECT FELLOWSHIP, www.reprieve.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 Miller 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 a 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 non-profit 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.

4a. 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.

4b. 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.
1. **What is your area of specialization and how did you come to work in this area?**

This summer will be my 25th 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 every day 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.