

Careers in Public Defense



OFFICE OF PUBLIC INTEREST PROGRAMS
UCLA SCHOOL OF LAW

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ABOUT UCLA SCHOOL OF LAW

UCLA School of Law, founded in 1949, is the youngest major law school in the nation and has established a tradition of innovation in its approach to teaching, research, and scholarship. With a rigorous criminal justice curriculum, the school is a preeminent training ground for students committed to careers in public defense.

ABOUT THE OFFICE OF PUBLIC INTEREST PROGRAMS

The Office of Public Interest Programs strives to enhance UCLA School of Law's commitment to public service by offering an array of services to students and alumni. The Office's principal goal is to encourage students and alumni to embrace a career that incorporates an ongoing commitment to public service.

INTRODUCTION

“I have never looked back. Becoming a public defender was, without a doubt, the best career decision I have ever made.”

- Jeremy Mussman, '84
Deputy Director, Maricopa
County Public Defender

“This job remains fulfilling because it enables me to deepen my understanding of injustice in the criminal legal system and work side-by-side with my clients to fight it. When I am in front of a judge or jury advocating for my client’s story to be heard, I appreciate the power and voice that this role lends me to fight the oppression of this dehumanizing system.”

- Alicia Virani, '11
Deputy Public Defender,
Orange County Public
Defender’s Office

In *Gideon v. Wainwright*, 372 U.S. 335 (1963), the United States Supreme Court unanimously held that criminal defendants have a constitutional right to counsel. Public defenders dedicate themselves to protecting this right by representing those who cannot afford an attorney. This Careers in Public Defense handbook was created to help law students and law school graduates who are interested in pursuing public defense work.

The handbook is divided into six parts. The first part contains narratives from UCLA School of Law alumni working as public defenders across the nation. The second part contains narratives from UCLA School of Law Class of 2017 students who have worked at various public defender offices. The third part describes the different institutional public defender systems on both the federal and state level. The fourth part discusses considerations for selecting a public defender program for summer or post-graduate work, describes several notable practice sites, and summarizes some of the areas of specialization within criminal defense work. The fifth part gives law students advice on how to prepare for a career in public defense. It reviews relevant courses and extracurricular activities, provides guidance for applying to summer law clerk positions, and highlights various post-graduate opportunities related to public defense work, including fellowships. Finally, the sixth part contains helpful advice on how to succeed in public defender interviews. This part also includes sample questions and other materials used during actual public defender interviews for law clerk and attorney positions.

I. ALUMNI NARRATIVES

There are multiple and diverse paths to pursuing a career in indigent criminal defense. UCLA School of Law alumni exemplify the varied career paths that can lead to a satisfying career as a public defender. These alumni narratives also highlight the different types of defense work that are available in a diversity of institutional settings.

ARIENNA GRODY '14

UCLA School of Law Gideon Fellow, Jefferson County Public Defender's Office, Birmingham, Alabama

Sitting in my supervisor's office, I'm shaking as I fight back the angry, frustrated tears. I'm never going back to that courtroom. That judge doesn't know the law, I don't know what I'm doing, and now my client is illegally sitting in jail because that judge only appointed us to make sure he had a lawyer when she put him in jail. I've only had my bar card for six months, but I will quit if anyone ever gives me another unpaid child support case. My supervisor puts on her calm voice. She lets me talk through everything that went wrong today. And she gently reminds me that I go where my boss tells me to go, because that's where my clients need me.

It's been awhile since I've sat in my supervisor's office crying about how it's impossible to expect a fair outcome with such an unfair process, but I will always have cases that make me wonder what I'm accomplishing – cases that make me wonder whether or not my presence is making a difference for my clients.

Of course, being a public defender has never been about the easy cases – about the cases where clients love you because you got their case dismissed the very first day you went to court (probably because there wasn't much of a case anyway). I don't even remember most of those clients. Being a public defender will always be about the cases that keep you up at night because the law is set up to make sure your clients fail or because your clients were born into circumstances that all but guaranteed legal problems. It is about the clients that make you cry because you know there is nothing you can do for them but stand by their side while they are convicted and sentenced. And it is about the clients that break your heart because you dared to believe in them but couldn't convince twelve strangers to do the same.

But being a public defender is also about the fight. I became a public defender because I wanted to fight an unfair system. I wanted to take one person at a time and show the world (or however many people happened to be in the courtroom) that they were innocent, or not that guilty, or had been set up, or were guilty but didn't deserve to be punished, or were the victims of police misconduct. One person at a time, I wanted to fight the processing and dehumanization of poor people of color.

A little more than a year into my career, I sometimes feel like I spend more time explaining the processing than fighting it. We have signs in the jail that say to call us if you've been there for more than a week without seeing a lawyer or a judge. A week. That's how long we expect it to take before our clients have access to any recourse. And we wonder why they come to us unemployed, behind on rent, and about to have their power cut off.

Almost without exception, my clients come to me with low expectations. They expect me to tell them to plead guilty and to just try to minimize the time they have to serve. If they're stuck in jail, they expect I'll visit them twice over the course of my representation if they're lucky. They expect me to be indifferent to what they're going through and how they ended up here and whether or not it's fair.

I became a public defender because I believe that people make mistakes, that actions are influenced by circumstances, and that we do not need to be perfect to be worthy of protection. Sometimes the work gets hard and I have to lean on my peers and my superiors for support. But what a privilege it is to be in a position – not to fix an unfixable system – but to fight it and to force the system to pause to consider the hopes and fears and humanity of the people I represent – because they are people.

JULIAN D. HARRIS-CALVIN '13

Staff Attorney, Public Defender Service for the District of Columbia, Washington, D.C.

I am a Staff Attorney in the Trial Division of the Public Defender Service for the District of Columbia (PDS). PDS is a pioneer in holistic indigent advocacy and criminal litigation. During my first two years in PDS's Trial Division, I represented indigent clients facing felony

charges prosecuted by the Office of the United States Attorney. I currently am on rotation in our Community Defender Division's Prisoner and Reentry Legal Services Program. I now represent clients who are incarcerated in District of Columbia Department of Corrections and Federal Bureau of Prisons facilities or who seek to successfully reenter their communities and overcome the collateral consequences of their criminal records.

I initially applied to law school intending to practice education law. However, in the summer before my 1L year, I served as a juror in a death penalty sentencing trial, and the experience drastically altered my outlook on our criminal justice system. As I sat in the jury box, I was shocked by the glaring deficiencies in the system through which we seek justice. The prosecutor could not keep track of names and dates, and I noticed defense counsel falling asleep. That the prosecution sought the death penalty for a defendant with questionable intellectual capacity astounded me. That I cast the only vote against death was even more appalling given my fellow jurors' acknowledgement of the trial's inadequacies and the overwhelming amount of mitigation. I could not believe that in a diverse, progressive city like Los Angeles, this abominable outcome occurred in a trial with such high stakes. After this experience, I committed myself to indigent defense work.

As a public defender, every day I witness the disparate impact of the government's over-policing and mass incarceration of our fellow humans who are predominantly people of color. As a trial lawyer, I see the systematic removal of poor black and brown people from their homes and into cages that feed the prison-industrial complex. I stand in the gap as the full weight of the government targets my indigent, marginalized client. I see the beauty and complexity of the person our government paints as a criminal unworthy of empathy and mercy. And, I get to display the true dignity and humanity of my clients to jurors and judges. It is my job to force the government attorneys to work harder than they imagined necessary in their attempt to rob my clients of their freedom.

PDS's Prisoner and Reentry Legal Services Program exposes me to the institutional, legal, and social burdens that restrict people after conviction. I advocate on behalf of people in prison who face deplorable conditions. I also represent people seeking parole or termination of post-release supervision. I help my clients overcome child custody, professional licensing, and employment obstacles caused by their criminal records. This job allows me to fight the stigma and rejection that comes with a conviction.

Working at PDS gives me an opportunity to collaborate with the most talented, brilliant, compassionate people I have ever met. I am surrounded by creative investigators, seasoned lawyers, knowledgeable social workers, and dedicated advocates. At a moment's notice, I can call on my colleagues in any of PDS's divisions for help. Because each of my clients has a team of people committed to fighting for him or her, my client and I are never alone in the struggle.

The job is harder than I imagined. The losses are heart breaking, but the wins are intoxicating and redeeming. Not every client's mother likes me, and I do not make lifelong friends with each client, but they are worth every sleepless night. Becoming a public defender was one of the best decisions I ever made.

AJAY KUSNOOR '10

Deputy Federal Public Defender, Capital Habeas Unit, Office of the Federal Public Defender, Los Angeles, California

I've worked in the FPD's Capital Habeas Unit (CHU) for the last six years. The CHU represents death-sentenced men and women in their capital habeas proceedings.

Capital habeas work is different from other types of public defender work. For CHU lawyers, court appearances are infrequent—the work consists mostly of research and writing. Our cases also come to us in a unique posture. When the FPD is appointed in a capital habeas case, the client has been convicted and sentenced to death, and he or she has completed a round of appellate and state habeas review in the California Supreme Court. This means that our caseloads are much smaller than our counterparts at the trial level, but each case has a large and complicated record.

One of my favorite things about this job is that our work is very collaborative. Each capital case is staffed with at least two lawyers, two investigators, and a paralegal. As a team, we investigate all aspects of the trial that led to our client's death sentence. This typically entails

investigating the state's forensic work (like ballistics and serology), examining the competency of the trial defense team, and looking for any proof that the police and prosecution engaged in misconduct. We also conduct a thorough life history investigation for each capital client, which usually involves working with mental health experts.

The work is demanding, but like many other types of legal jobs, the volume of work ebbs and flows. The weeks leading up to a major filing or court appearance always get extremely busy, but at other times, my schedule is much more manageable.

Capital work is not for everyone. Learning about the violence done to and by our clients can be emotionally exhausting. Digesting thousands of pages of trial transcripts can be a drag. Victories are rare—even when we find compelling proof that a client's constitutional rights were violated, the odds are always stacked against us (in large part because of the Antiterrorism and Effective Death Penalty Act, which gutted federal habeas). But it's hard for me to imagine doing any other type of work. I still love working here, six years in. Habeas law is a fascinating mess—I love the challenge of finding a way to make it work for my clients. I also like that the nature of my work allows me to get to know my clients well. Finally, as capital habeas lawyers, we get to expose the systemic failures and injustices that led to our clients' death sentences. It's beyond debate that the death penalty is meted out arbitrarily, largely to the most disenfranchised people in our society, rather than to the "worst of the worst." I get to take on this injustice every day, just by showing up to work and doing my job.

JEREMY MUSSMAN '84

Deputy Director, Maricopa County Public Defender, Phoenix, Arizona

The last time I wrote an essay for UCLA School of Law was in 1980 as part of the law school admission process. I was a senior at the University of Illinois. My essay emphasized my desire to pursue a career in environmental law. I had no idea that I would end up as Deputy Director of the Maricopa County Public Defender's Office, a position I have now held since 2001.

Once in law school, I got caught up in on-campus interviewing, took summer clerk jobs with law firms, and found myself evolving into a "commercial litigator." I never stopped to assess if this was a career path I would find fulfilling (even though the only classes I truly enjoyed in law school were criminal law and criminal procedure). It just seemed like the smart thing to do.

After law school, I landed a position with a large law firm in Phoenix, Arizona. I became a commercial litigator, spending most of my time on massive cases, each staffed with a small army of attorneys and support staff. My firm encouraged associates to do a limited amount of pro bono work. I heard that representing individuals seeking political asylum was a good way to give back to the community and work on my courtroom skills. I found myself representing an individual who was relying on me to, in effect, save his life – he was certain he would be killed if he was sent back to his country of origin. For the first time in my legal career, I felt the intoxicating and addictive passion of being a voice for the voiceless. I knew that the amount of time, effort, and creativity I put into my cases would likely be the difference between winning and losing. Between life and death. The experience took the importance of my work to an entirely different level and gave me a sense of purpose that I never thought I'd have. It led me to becoming a public defender.

When I joined the Maricopa County Public Defender's Office in June of 1993, I felt like a kid in a candy store. In addition to doing work that I loved, I no longer needed to worry about client development, billable hours, or partnership tracks. My entire focus could be devoted to being a warrior on behalf of individuals who, more often than not, were being trampled by the system. Doing jury trials on a regular basis (with the mentoring and support of colleagues and guidance from trial colleges) was the most exhilarating professional experience I had ever encountered.

I have never looked back. Becoming a public defender was, without a doubt, the best career decision I have ever made. It would be my honor and privilege to discuss this path with any fellow Bruins who are seeking some advice.

DAVID SMITH '11

Deputy Public Defender, Alternate Public Defender, Los Angeles, California

I currently work at the Los Angeles County Alternate Public Defenders office. The Alternate Public Defender accepts cases where the Los Angeles County Public Defender has a conflict of interest or is unavailable to accept representation. Prior to joining the Alternate Public

Defender, I served at the Los Angeles County Public Defender for just over two years. At both offices I've carried a misdemeanor caseload, and I should begin working on felony cases within the next year.

I did not always know that I wanted to be a public defender. I entered law school with hopes of working on environmental justice issues. I've always, however, been interested in broader social and racial justice issues. In law school, I chose to experiment and try different legal experiences. I clerked at California Rural Legal Assistance (CRLA) working on employment issues and then at the ACLU of Southern California where I focused on immigrants' rights and national security. Both experiences changed my legal trajectory. I enjoyed working on constitutional issues at the ACLU, but I also valued direct client representation at CRLA.

I grew into a different career path. Public defense felt like the natural next step for me. My last summer in law school I clerked at the Office of the Federal Public Defender in Los Angeles. I had an amazing experience. I enjoyed direct representation and the intellectual demands of the job. Above all, I loved the idea of unconditional advocacy on behalf of indigent accused persons. I was hooked.

In all aspects, I cannot imagine a better job. First, office camaraderie in public defense is unmatched by any other profession. Your colleagues become close friends and share many of your values. You share all the great moments and the tragedies together. You vent about the bench, the prosecutor, and the criminal justice system. You consult each other, you strategize, and you prop each other up.

Second, public defense offers unparalleled courtroom opportunities. Public defenders, especially at the Alternate Public Defenders office, are first and foremost trial attorneys. In most legal professions, proceeding to trial is rare. But in my first year as a public defender, I went to trial on average at least once a month. Moreover, even when not in trial, you often have hearings on important issues like whether or not law enforcement violated your client's constitutional rights.

Building a strong rapport with my clients is critical to my work as a public defender. Yet, building these relationships is challenging because so many of my clients struggle with mental health issues or face insurmountable socio-economic obstacles. Some clients distrust me and see me as part of an illegitimate justice system. I also sometimes need to play the role of social worker, connecting my client to vital social services.

Nothing is easy about public defense. Day to day, the largest struggle for me is witnessing the life-altering consequences of the criminal justice system. I've watched a struggling father lose his job and custody of his children. I've consoled a client's spouse after immigration enforcement arrested and sought to deport him following the resolution of his criminal case. Some might say that my clients deserve these outcomes for breaking the law, but this is the type of thinking that a public defender must work against. You defend the person, not the crime. As Helen Prejean, author of *Dead Man Walking*, wrote, "people are more than the worst thing they have ever done in their lives."

To be sure, sometimes you feel helpless, as your clients are at the mercy of an unrelenting criminal justice system. But there are few things more rewarding than when your client turns to you and says "thank you for fighting for me." Or when the court, on a rare occasion, grants your motion to suppress the evidence that law enforcement obtained in violation of your client's constitutional rights. Or when you help your client stay out of custody and connect him or her to services that he or she needs to get on his or her feet. And it's so sweet indeed to hear the words, "not guilty." The best part, however, is being in the moment with your client and validating his or her humanity, against all odds.

MICHAEL TANAKA '78

Chief, Appellate Unit, Office of the Federal Public Defender, Los Angeles, California

I have been a public defender for 35 years: 15 years as a California State Public Defender and 20 years as a Deputy Federal Public Defender in the Central District of California. It has been and will be the only legal job for me.

Having come of age in the sixties, I went to law school with the naive intention of changing the world. I had a vague notion I would do poverty law, but an externship with State Public Defender's Office while at UCLA School of Law changed my mind. Criminal law was just more interesting than unlawful detainers, and I could still be on the "right" side.

I started my legal career at the California State Public Defender's Office, which at the time handled the appeals from felony convictions from the state trial courts. I then moved to the Federal Public Defender's Office when it established an appellate unit. Although I have done a handful of trials, the vast majority of my public defender experience is with appeals and writs. Appeals are different. You aren't in a courtroom with a jury, cross-examining witnesses, and making dramatic arguments. Instead, much of the work is done with a computer, researching and writing. I find it no less satisfying. It's a challenge to shape an appellate brief, using the law and facts to your best advantage in presenting a case for the client. I enjoy working with complex legal and constitutional issues. Occasionally, I have the chance to help make law that applies beyond the individual client. As a public defender, I've argued cases before the California Supreme Court, the Ninth Circuit Court of Appeals, and the United States Supreme Court.

I love being part of a public defender office. The work is hard. The hours can be long. We often lose and are almost daily confronted by the injustice suffered by our clients at the hands of the police, courts, and prosecutors. Yet, there is no place I'd rather be. My colleagues are smart, committed, and passionate about their work. We work collaboratively and share the common goal of providing the best possible representation for our clients.

One of the advantages of working in the Federal Public Defender's Office is we generally have sufficient resources to adequately represent our clients. And this job is all about our clients. There is purpose to giving voice to people who are not advantaged, who cannot afford a lawyer, and who have fallen into the abyss of the criminal "justice" system. A job whose mission is equal justice rewards and satisfies in ways most legal careers don't. I feel lucky to have found a career as a public defender.

ALICIA VIRANI '11

Deputy Public Defender, Orange County Public Defender's Office, Santa Ana, California

I entered law school with a desire to focus on criminal law and combating the prison industrial complex. I was not necessarily sure that I wanted to be a public defender until I interned with the juvenile defender team at the San Francisco Public Defender's Office. There, I was able to work with a veteran public defender who put our clients' needs above everything else. I realized then that this would be a fulfilling career for me.

I have been working as a public defender in the Orange County Public Defender's Office for a year and a half, and I am assigned to misdemeanor cases. This job has challenged me intellectually and emotionally. It has taught me the meaning of "zealous advocate" more than any other public interest position I have held.

Prior to starting with the public defender, I had an Equal Justice Works fellowship, through which I developed a restorative justice alternative to the juvenile justice system. This program allowed youth to take responsibility for their actions by addressing any harm they caused to who the system traditionally calls "victims." This program was and is a complete alternative to the criminal justice system, which turns our notions of culpability, accountability, and healing on their head. It was therefore a big transition for me to begin working within the traditional criminal justice system.

It is an overwhelming task to carry a caseload of 150 to 200 clients while maintaining my commitment to social justice and fighting for every client's humanity to be respected. I have had to redefine what victory means. Some days winning means getting to spend more than five minutes with a client. Other days it means securing a more favorable sentence for a client who pleads guilty. On very rare days, it means a not guilty verdict or a dismissal.

As a public defender, I have been able to get an up close and personal view of the criminal procedures that disadvantage those charged with a crime at each step of the process. Everything about this system is set up to encourage individuals to plead guilty, regardless of their constitutional rights or potential innocence. When our clients choose trial, the law allows for their prior conduct to be used against them. Jurors, particularly in certain jurisdictions, are biased from the start and often fail to apply the presumption of innocence. And once guilt is determined, our clients face unduly harsh punishments, including jail time, excessive fees and fines, and surveillance under probation and parole programs that do not meet their needs.

This job remains fulfilling because it enables me to deepen my understanding of injustice in the criminal legal system and work side-by-side with my clients to fight it. When I am in front of a judge or jury advocating for my client's story to be heard, I appreciate the power and voice that this role lends me to fight the oppression of this dehumanizing system.

II. STUDENT NARRATIVES

The following narratives from third-year law students in UCLA School of Law's Class of 2017 highlight multiple ways in which students have pursued coursework, extracurricular activities, and summer positions to prepare themselves for a career in criminal defense work.

TRAVIS BELL '17

In every job interview I have had with a public defender office, I have been asked the same question: why do you want to become a public defender? After interning in multiple public defender offices, it is clear to me that the criminal justice system can strip away the humanity of individuals and capture people in a cycle of punishment. This pervasive dehumanization and cycle of punishment is what I hope to fight against in my career as a public defender. One way to fight is through sharing people's stories as a public defender.

I grew up in middle class America outside of Baltimore, Maryland. The people in my own community described Baltimore as a dangerous city full of criminals, poverty, and a thriving drug culture. They saw "criminals" and "drug addicts" as different than themselves and they supported any program to isolate those people from the "rest of society." When I started working in Baltimore at a psychiatric hospital, at legal nonprofits, and at a public defender office, I interacted with the people who had been given these labels and saw the degrading effect that isolating people from society has. When I spoke to homeless or incarcerated people, they shared their life stories of courage, resilience, and trauma. Each person had a story of where they had come from, and each story was unique. By the end of my work in Baltimore, I saw that the life goals, interests, and hobbies we had in common united us far more than the differences in our lifestyles, experiences, and criminal history separated us.

As a first year law student, I decided to pursue work as a public defender as a result of my experiences in Baltimore. I realized that as a public defender I could help tell people's stories, and that those stories had immense value in convincing prosecutors, judges, and juries to give better outcomes to people swept up in the criminal justice system. As an advocate in the courtroom, my goal is to find compelling ways to present people's stories in court.

At UCLA School of Law, I had the opportunity to participate in the David J. Epstein Program in Public Interest Law and Policy, where I found a community of support in my pursuit of public defense. During my 1L summer, I interned at The Bronx Defenders, where I saw an office full of zealous advocates carrying out effective holistic defense. During my 2L summer, I interned as a Gideon's Promise Summer Law Clerk at the Mecklenburg County Public Defender Office in Charlotte, North Carolina, where I saw tireless attorneys fighting on behalf of their clients. At each office, I received invaluable training on how to improve my own advocacy in almost every aspect. In my 3L Fall semester, I spent a valuable semester externing full-time at the Colorado Public Defender Office, where I was able to manage a misdemeanor caseload, argue in jury trials, and advocate daily in court on behalf of clients. Some of the most helpful classes were Evidence, Criminal Trial Advocacy, and a Voir Dire Clinic. Many UCLA School of Law professors actively support students pursuing public defense including Professor Eagly, Professor Colgan, Professor Dolovich, and Professor Thaxton. Outside of classes, I recommend participating in the El Centro Reentry Clinic, where students can help community members get criminal convictions expunged from their records. At the Reentry Clinic, I also heard from community members about their experiences with public defenders, allowing me to better understand how to be a client-centered public defender. Finally, I recommend to all UCLA School of Law students that are considering public defense to participate in every available Mock Trial, Moot Court, and oral advocacy opportunity that they can. Those opportunities allowed me to remain unflustered and unshaken when I represented clients in actual court later on in law school.

ILIANA GOMEZ '17

I went into law school knowing I wanted to represent indigent communities of color. Part of the reason was that I, a Latina from a modest upbringing, wanted to give back to my community. Another reason was because I knew that indigent communities of color are criminalized and often suffer the most from criminal and immigration policies.

When I arrived at UCLA School of Law, I became particularly interested in practicing immigration law. Moving to Los Angeles ignited my desire to practice immigration law because of the large Latino population. Since Latinos are significantly impacted by immigration law, I felt being an immigration attorney could have a meaningful impact on the community. After my first year, I joined the Critical Race Studies

Specialization. This allowed me to meet and network with other students and professors who are dedicated to serving communities of color, and it also helped me to develop the necessary knowledge to be an advocate for myself and people of color in general.

During my 1L summer, I interned for the Los Angeles Center for Law and Justice, an organization that represented low-income individuals in their family law and immigration applications. As I prepared for my 2L summer, I knew I wanted to delve deeper into immigration law and challenge myself by working in the sphere of “crimmigration”—the intersection of criminal law and immigration. That is when I heard from another student about The Bronx Defenders, a cutting-edge public defense office with a new program to represent criminal defendants in their immigration removal proceedings. Public defense fell into my lap.

Before I knew it, I was in the Bronx working to defend detained immigrants from deportation. I learned how intertwined immigration law and criminal law had become. The majority of the clients the office represents are facing deportation because of a crime they had committed. For clients who were not yet in removal proceedings, but who had criminal charges pending against them, it was important to advise them of the immigration consequences of pleading guilty in criminal court. I came to understand that to be an effective advocate for indigent communities of color, I had to familiarize myself with criminal law.

While working at The Bronx Defenders, I saw first-hand the criminalization of low-income people of color. I not only learned more about the criminal law, but came to understand how criminal law affects a person’s life. I learned that a criminal conviction or even just a criminal charge can lead to housing and employment instability and, of course, immigration consequences.

My summer experience working at a public defender office continues to be of great value to me. I observed attorneys zealously represent clients in both criminal and immigration proceedings. I learned about both immigration law and criminal law and how they affect one another. Most of all, I learned about the importance of public defense. For all of the clients we represented, our office was their only option. Given that so many immigrants in removal proceedings are unrepresented, the role of the removal defense project is especially important. I hope that the rest of the nation can adopt public defense-style immigration representation.

JACKIE MA’ELE ‘17

In my last semester of my senior year in college, I interned at the Office of the Public Defender in Hawai’i, and the experience changed my life. I was appalled by the various injustices faced by criminal indigent defendants, who were most often minorities, at the hands of police, prosecutors, and the courts, but I was also moved by the fierce advocacy and dedication I saw public defenders give their clients. By the time I graduated, I had made up my mind that I wanted to become a public defender, and I continued working at the office as a full-time volunteer while I prepared my applications for law school.

I chose to attend UCLA School of Law because I thought it provided the best opportunities to gain the knowledge and skills I needed to become an effective public defender, and I have not been disappointed. During my 1L year, I participated in the Re-entry Legal Clinic, which assists individuals who seek to have their criminal records expunged, and even had the opportunity to take a one-credit elective on “Wrongful Convictions.” I also attended the UCLA School of Law Public Interest Career Fair where I had the opportunity to interview with multiple public defender offices. It was through this fair that I obtained my 1L summer job at the Orleans Public Defenders (OPD).

While surely helpful, my prior experience in criminal defense work did not prepare me for the gross abuses I witnessed while at OPD. It was not uncommon for police officers to assault arrestees or coerce witnesses into making false identifications despite body cams and audio recordings. Prosecutors and judges utilized multiple offender laws to sentence our clients to life in prison for mere possession. I watched a client plead to seven years for spitting on a cop. Nearly all of my clients were black and most were unable to afford bail, so they often spent the months leading up to the resolution of their case locked up in overcrowded jails in the sweltering Louisiana heat. Witnessing these injustices only fueled my passion to fight for those who society stigmatizes as soon as they’re placed in handcuffs. It was inspirational to be a part of the OPD community and to experience its unwavering commitment to client-centered representation.

Since my 1L year, I have taken as many criminal law related courses as possible. Clinics such as criminal trial advocacy have been particularly invaluable to me in continuing to develop my skills in oral advocacy and trial strategy, and I look forward to ending law school on

a high note by participating in the Criminal Defense Clinic next semester. I am also thankful to have found a few of my professors to be significant sources of support who are more than willing to mentor me throughout my journey in law school and beyond. Overall, while I was interested in public defense work before law school, UCLA School of Law has provided me with ample opportunity and experience to further explore and strengthen my dedication to this unique line of work.

DYNE SUH '17

I came to UCLA School of Law and joined the Critical Race Studies Specialization and the David J. Epstein Program in Public Interest Law and Policy to become a public defender to fight racism, sexism, classism, ableism, and xenophobia on the front lines. Working in public defender offices since my 1L summer has turned out to be everything I thought it would be and more.

During my first law school summer, I worked at the Santa Barbara County Public Defender's Office. While there, I helped to defend a client wrongly charged with a gang enhancement. He was a black man who was in the wrong place at the wrong time. The fact that racial profiling was a key component of one of my first cases confirmed to me the ubiquity of racial disparities in the criminal justice system.

That same summer, I also helped people incarcerated as a result of the racist drug war and classist theft crimes get fresh starts under Proposition 47, a ballot initiative passed by California voters in 2014 to address the problem of mass incarceration by reducing nonviolent, nonserious crimes, such as drug possession and petty theft, from felonies into misdemeanors. In assisting public defenders to develop their defenses from start to finish, I learned a lot about the troubling tactics employed by police and the prosecution to gain convictions. I went in expecting to see those things, but I was less prepared for answering the tough question I would regularly get asked: "how can you defend those people?" When "those" meant "colored" or "poor," my answer was easy. But it was a little harder when "those people" referred to so-called "murderers" and "rapists." However, as I got to know my clients and their life challenges, my answer to "how could you defend those people" became easier to answer each day.

The question of "how can you defend those people?" was put to me most directly when I was assigned to work on a rape case during my externship at the at the Ventura County Public Defender's Office. As a survivor of rape and sexual assault myself, this was hard for me emotionally. But in necessarily humanizing my client, my answer to "how could you ever defend someone accused of rape?" quickly became simple: like too many boys his age, he was deprived of the meaningful feminist education in affirmative consent that we as a society should be committed to instilling in our youth—the answer is education, not incarceration.

I've found that a principle of love and humanization makes those questions easy to answer every time. No matter what my clients are accused of doing, they are first and foremost human beings—and our job as public defenders is to honor their humanity, and serve them with the utmost dignity as not just our equals, but as our own families and friends. After all, in public defender's offices, our clients have in one way or another been dealt from the bottom of the deck with the cards and odds stacked against them.

Taking courses at UCLA School of Law, including Critical Race Theory, Constitutional Criminal Procedure, Advanced Criminal Procedure, The Criminal Defender, Criminal Trial Advocacy, and the Sentencing Advocacy Workshop, demystified the legal processes that gave rise to the New Jim Crow regime we have today. Up close, I realized that the criminal injustice system is more brutal than I could have ever imagined. Fortunately, taking these courses and working at public defender offices have helped me prepare to help my clients navigate against it.

III. PUBLIC DEFENDER SYSTEMS

Public defender systems are typically structured as federal, state, or local government entities. However, as this part describes, some are structured as nonprofit community defender organizations, and many districts rely on private lawyers willing to serve on a panel for indigent case appointments.

FEDERAL PUBLIC DEFENDER SYSTEMS

Federal Public Defender Offices

Federal public defender offices staff full-time public defenders to represent indigent criminal defendants in the federal court system. Federal public defenders are federal employees and work under the supervision of a chief federal public defender. The chief public defender is appointed to a four-year term by the court of appeals of the circuit in which the office is located.

Federal criminal cases are often complex, and therefore federal public defender offices usually prefer to hire attorneys with significant work experience, rather than new law school graduates.

Community Defender Organizations

Community defender organizations are nonprofit organizations that handle federal criminal cases with funding from the Defender Services Office of the Administrative Office of the United States Courts. Community defender organizations staff full-time attorneys and are overseen by a board of directors.

Like federal public defender offices, community defender organizations prefer to hire attorneys with prior legal experience. One noteworthy exception is the Federal Defenders of San Diego, which has hired numerous recent law school graduates.

Criminal Justice Act Panel Attorneys

Criminal Justice Act (CJA) panel attorneys are individually assigned to the cases of indigent defendants in the federal system. CJA attorneys are lawyers in private practice who receive a fixed hourly rate, up to certain per-case limits, for taking on appointed cases. Each district has a selection system for appointing lawyers to the CJA panel and typically require several years of criminal trial experience.

STATE AND LOCAL PUBLIC DEFENDER SYSTEMS

State and Local Public Defender Offices

State and local public defender systems generally rely heavily on institutional public defender offices, which staff full-time attorneys. Some states, such as Colorado, have a centralized, state-wide public defender system that hires and trains public defenders across the state. Other states have independent public defender systems that operate at the county level. Sometimes large counties have more than one public defender office.

Attorneys working at institutional public defender offices are paid government employees, and therefore receive consistent a salary with benefits. New attorneys can expect to gain substantial experience relatively quickly, but are generally required to manage large caseloads.

Nonprofit Organizations

While most public defender offices are government entities, some are structured as nonprofit organizations. For instance, the Legal Aid Society's Criminal Practice in New York City is a nonprofit organization that handles more than 230,000 indigent defense cases a year.

Court-Appointed Attorneys

State and local governments may also opt to utilize a court-appointed system for some or all of their indigent criminal defense work. At a minimum, judges typically appoint private attorneys to cases in which the state or local public defender office has a conflict of interest. Attorneys working in a court-appointed system receive hourly compensation or a pre-determined fee for their work on each case.

IV. TYPES OF DEFENSE WORK

There are many factors to consider in determining the type of criminal defense work to pursue.

GENERAL CONSIDERATIONS

This part introduces some of the factors that law students and recent graduates may wish to consider in selecting a practice setting.

Caseloads

Due to budgetary constraints, public defenders often have excessive caseloads. The National Legal Aid & Defender Association advises that an individual public defender should handle no more than 150 felony cases per year, but many public defenders handle more than 500 felony cases annually. Aspiring public defenders should be aware of what typical caseloads at offices they are interested in look like, as they can vary dramatically. Felony attorneys at the Public Defender Service of the District Columbia, for instance, usually handle about 30 cases at a time, while felony attorneys at the Orleans Public Defenders in Louisiana may be tasked with handling more than 150 cases at a time.

Salary and Benefits

While public defenders tend to be underpaid nationally, there are considerable salary differences between offices. In 2010, for instance, entry-level public defenders earned a median salary of \$47,500, but salaries ranged between \$37,200 in Vermont to \$90,800 in San Francisco. Salary differences are largely based on cost of living and the level of state funding provided for defense services. Some public defender offices offer substantial benefits packages, which can compensate for relatively low salaries. Thus, interested applicants should inquire not only about salary, but also what a hiring office offers in other benefits such as health insurance, vacation time, and parental leave.

Training

Some public defender offices provide summer law clerks and new attorneys with enriching training and mentorship programs. Some offices also allow students who have completed the requisite coursework to appear in court as certified law students under the applicable bar rules.

Investigative Support

Public defender offices can vary greatly in the level of investigative support they have. Some offices have a large division of investigators, while less resourced offices may have a more limited number of staff that assist attorneys in investigative and paralegal tasks such as reviewing discovery, interviewing witnesses, and investigating crime scenes.

Vertical versus Horizontal Representation

Public defender offices generally adopt either a “vertical” or “horizontal” model for providing legal services to their clients. The vertical representation model utilizes the same attorney at all stages of the client’s case, from arraignment through sentencing. In contrast, the horizontal representation model assigns different public defenders to represent the client at each stage in the case. Each model has advantages. Vertical representation facilitates a relationship of familiarity and trust between individual public defenders and their clients. Horizontal representation allows public defenders to develop expertise in a particular area in criminal defense representation, such as arraignments, preliminary hearings, or trials.

Hiring and Promotion Practices

In pursuing a summer or permanent position, it is important for aspiring public defenders to have some idea of hiring practices. Some public defender offices rarely hire due to budget constraints and infrequent openings. Federal public defender offices and competitive state public defender offices may hire more frequently, but often select more experienced attorneys. However, there are a number of offices that hire recent law school graduates.

Offices also use different methods for advancement and promotion. For instance, some offices promote solely based on seniority, while others take additional factors into account. An office’s turnover rate will likely affect the rate at which one can expect to advance within the office as well.

Opportunities for Law Students

Law students working at public defender offices can generally expect to perform legal research and writing tasks, observe attorneys in court, interview clients, and conduct investigatory work. However, offices can vary greatly in how they distribute assignments to law students. For instance, some offices may primarily assign law students to the task of research and writing or interviewing in-custody clients, while others may assign law students to shadow and work under an individual attorney. Additionally, some public defender offices allow 2L and 3L students to become certified law clerks under applicable state bar rules. With client consent, certified law clerks may speak on the record in court under the supervision of an attorney.

PRACTICE SITES

This part highlights the work of a few nationally-recognized public defender offices. This list is not meant to be comprehensive, as there are many exemplary programs throughout the nation.

“During my 1L summer, I interned at The Bronx Defenders, where I saw an office full of zealous advocates carrying out effective holistic defense.”

- Travis Bell, '17
UCLA School of Law Student

The Bronx Defenders

Founded in 1997, The Bronx Defenders has already become highly esteemed nationwide for its dedication to a holistic defense model. In contrast to a more traditional public defender office, The Bronx Defenders employs attorneys, social workers, advocates, and investigators from a variety of fields to help clients address the full range of legal and social issues that they face when charged with a crime. An emphasis on holistic defense means that The Bronx Defenders hires civil practitioners specializing areas such as family law, housing, and immigration to work side-by-side with the office's criminal defense attorneys.

The Bronx Defenders hires 1L and 2L students for unpaid summer internships in all practice areas. The office also sponsors students for post-graduate fellowships, such as the Skadden Fellowship and Equal Justice Works Fellowships.

Colorado State Public Defender

Founded in 1970, the Colorado State Public Defender consists of 21 regional trial offices, an appellate office, and an administrative office. The office is known for its innovative and rigorous training of entry-level attorneys, which includes monthly classes and an intensive trial skills program.

The Colorado State Public Defender hires 1L students for summer internships and provides an exceptional courtroom advocacy experience for 2L and 3L students who are eligible for certification under Colorado's student practice rule. After completing a week of training, certified legal interns are assigned misdemeanor and traffic cases and conduct pre-trial hearings and jury trials. The office also regularly hires recent law school graduates. A condition of employment is a willingness to be placed in any of the 21 regional offices.

Federal Defenders of San Diego, Inc.

Founded in 1966, Federal Defenders of San Diego, Inc. is a nonprofit organization that provides representation for indigent individuals accused of federal crimes in San Diego and Imperial counties. Because of its close proximity to the United States-Mexico border, a significant number of the cases the office handles involve drug and immigration offenses.

Federal Defenders of San Diego, Inc. hires 1L and 2L students for unpaid legal internships during the summer. Unlike many other federal public defender offices, San Diego regularly hires recent law school graduates.

Office of the Federal Public Defender for the Central District of California

With offices in Los Angeles, Santa Ana, and Riverside, the Office of the Federal Public Defender for the Central District of California is the largest federal defender program in the country. Founded in 1971, the office currently has about 100 attorneys divided into trial, capital habeas, and appellate divisions.

The Federal Public Defender for the Central District of California has a prestigious summer clerkship and externship program, which incorporates cutting-edge training on criminal defense techniques. The office does not hire directly out of law school. However, recent law school graduates can apply to volunteer as post-bar clerks.

Los Angeles County Public Defender

When it was established in 1914, the Los Angeles County Public Defender was the first public defender office in the nation. The organization has since expanded to include 39 offices, more than 700 licensed attorneys, and an extensive support staff of paralegals, investigators, psychiatric social workers, and secretaries.

The Los Angeles County Public Defender hires both 1L and 2L students for unpaid summer clerkships. Recent law school graduates may apply to become a full-time volunteer post-bar clerks.

“It was inspirational to be a part of the OPD community and to experience its unwavering commitment to client-centered representation.”

*- Jackie Ma'ele, '17
UCLA School of Law Student*

Orleans Public Defenders

The Orleans Public Defenders was established in 2006 when the New Orleans public defender system collapsed in the aftermath of Hurricane Katrina. The office embraces a community-oriented defense model that relies on a client-centered staff of public defenders, investigators, client advocates, and social workers. The Orleans Public Defenders is also known for its advocacy work addressing the gross underfunding of indigent defense in Louisiana.

The office hires 1L and 2L students for unpaid summer law clerkships. The ten-week program begins with a week of training after which clerks are assigned to work in pairs under the supervision of two public defenders.

“Because each of my clients has a team of people committed to fighting for him or her, my client and I are never alone in the struggle.”

*- Jullian D. Harris-Calvin, '13
Staff Attorney, Public Defender Service for the
District of Columbia*

The Public Defender Service for the District of Columbia

Founded in 1970, the Public Defender Service for the District of Columbia (PDS) is known for providing exceptional representation for its clients. Due to the federal funding it receives, PDS boasts some of the smallest caseloads in the country. Attorneys at PDS serve in one of seven legal divisions: Trial, Appellate, Mental Health, Special Litigation, Parole, Civil Legal Services, or Community Defender.

PDS encourages 1L students with prior experience in public defense work to apply for unpaid summer law clerkships, but strongly prefers 2L students. During the eleven-week program, summer law clerks participate in an intensive training course in trial advocacy skills. The office also regularly hires recent law school graduates.

SPECIALIZED AREAS

“It’s a challenge to shape an appellate brief, using the law and facts to your best advantage in presenting a case for the client. I enjoy working with complex legal and constitutional issues. Occasionally, I have the chance to help make law that applies beyond the individual client.”

*- Michael Tanaka, '78
Chief, Appellate Unit, Office of the Federal Public
Defender for the Central District of California*

Appeals

Some criminal defense attorneys specialize in representing clients on appeal, including on habeas review. Attorneys who specialize in appellate work must review pages of transcripts, review relevant case law, and analyze complicated constitutional and legal issues in order to craft favorable appellate briefs for their clients. Appellate and post-conviction defense attorneys engage in substantial research and writing and argue before appellate courts. Some public defenders have even argued before the United States Supreme Court.

Public defender offices often have a specialized department dedicated to handling appeals. There are also a number of nonprofit organizations that focus on appellate work, including innocence projects devoted to exonerating individuals who have been wrongly convicted.

“Capital work is not for everyone. Learning about the violence done to and by our clients can be emotionally exhausting. Digesting thousands of pages of trial transcripts can be a drag. Victories are rare—even when we find compelling proof that a client’s constitutional rights were violated, the odds are always stacked against us [...] But it’s hard for me to imagine doing any other type of work.”

*- Ajay Kusnoor, '10
Deputy Federal Public Defender, Capital Habeas Unit, Office of the Federal Public Defender for the Central District of California*

“A criminal conviction or even just a criminal charge can lead to housing and employment instability and, of course, immigration consequences.”

*- Iliana Gomez, '17
UCLA School of Law Student*

Death Penalty

The death penalty is an area of specialization that is known for being legally complex and emotionally challenging. Trial-level death penalty work involves reviewing substantial discovery materials, performing extensive witness interviews, and developing strategy for a lengthy trial and sentencing process. Post-conviction death penalty work involves representing clients on appeals in cases carrying death sentences, including on collateral habeas review.

Some public defender offices have departments with attorneys dedicated to handling capital cases. There are also various nonprofit organizations that represent clients in death penalty cases, such as the Southern Center for Human Rights.

Immigration

Criminal convictions can have drastic consequences for immigrants. Convictions for even seemingly minor crimes can trigger deportation—a punishment of lifetime banishment from the United States. To ensure adequate representation of immigrant clients facing potential immigration consequences, some public defender offices hire immigration specialists, while others consult with organizations and firms that specialize in immigration issues. For example, the Defending Immigrants Partnership in New York City and the Immigrant Legal Resource Center in San Francisco both provide consultations for practicing defense lawyers as well as regular trainings for the defense community on how to minimize the immigration consequences of convictions.

Juvenile

Some defense lawyers specialize in representing children charged with crimes. In some ways, the criminal systems for juveniles is more protective than the adult system because rehabilitation is a more explicit goal. Moreover, juvenile criminal records are sealed and may even be eligible for expungement in adulthood. However, in other respects, the juvenile system may be harsher. For instance, juveniles, unlike adults, can be charged with status offenses such as truancy, underage drinking, and running away. Juveniles also do not have a right to a trial by jury. Because of these differences, public defender offices may have attorneys who work exclusively on juvenile cases. There are also a number of nonprofit organizations that focus on juvenile representation.

V. PREPARING FOR A CAREER IN PUBLIC DEFENSE

This part provides a general background on how to pursue a career as a public defender. It is organized according to class year. However, students and recent graduates may find the entire discussion useful.

1L STUDENTS

Coursework and Extracurricular Activities

During the first year of law school, students should focus on building a resume that demonstrates a dedication to public interest work. For example, 1L students can seek opportunities to develop interview skills and to work with underserved populations. Coursework is generally fixed during the first year, but students can still seek opportunities to participate in moot court competitions, which provide excellent opportunities to strengthen oral advocacy and writing skills. First-year students should also consider joining student organizations or journals focused on criminal justice issues and attending lectures and panels on criminal justice topics.

When and Where to Apply

While each public defender office has a different application timeline, 1L students should try to make contact with places of interest in early December. 1L students should also look into opportunities to attend public interest or government career fairs, as public defender offices are often among the participating employers.

Although it is not crucial for a student's first summer to be spent where the student would ultimately like to practice, 1L students are advised to establish a relationship with offices they are specifically interested in as soon as possible. It is common for offices to hire students that have spent a summer with them.

Students who have geographical flexibility over the summer may want to consider working at a program known for training and mentoring law students. Gideon's Promise, for instance, provides its summer law clerks with a beneficial three-day orientation in Atlanta, Georgia before they begin working at one of its partner offices throughout the South. The Bronx Defenders, the Office of the Federal Public Defender in Los Angeles, and the Public Defender Service for the District of Columbia are other highly esteemed offices where students can have an invaluable and unique summer experience.

The 1L Summer Experience

1L students spending their summer at a public defender office can expect to perform legal research and writing tasks, observe attorneys in court, interview clients, and conduct investigatory work. These assignments are great opportunities for 1L students to acquire the essential skills of a public defender, but not all offices offer them in equal parts. For instance, some offices may assign research and writing tasks to 1L students. Other offices may have 1L students assist attorneys in court or interview clients in custody. Thus, prior to accepting a summer position, 1L students should investigate what kind of training and experience they will be receiving.

2L STUDENTS

"Taking courses at UCLA School of Law, including Critical Race Theory, Constitutional Criminal Procedure, Advanced Criminal Procedure, The Criminal Defender, Criminal Trial Advocacy, and the Sentencing Advocacy Workshop, demystified the legal processes that gave rise to the New Jim Crow regime we have today."

- Dyne Suh, '17
UCLA School of Law Student

Coursework and Extracurricular Activities

2L students have a significant amount of flexibility in selecting courses to build a strong resume for applying to public defender offices. Students are strongly urged to take Evidence and Criminal Procedure as soon as possible, as these bar topics are essential to criminal defense work. Enrolling in these courses is also often required to become a certified law clerk.

Beyond these two foundational courses, 2L students should look for doctrinal courses, seminars, and experiential courses related to criminal law and public interest. Experiential courses in trial advocacy and criminal defense are particularly valuable opportunities to develop necessary skills for becoming a public defender, and are viewed favorably by public defender offices. Other clinical courses and externships that expose students to

the legal needs of the poor, such as immigration, public benefits, or housing, are also relevant experience for understanding the holistic needs of the clients of public defender offices.

As for extracurricular activities, students will want to continue to choose activities that show a commitment to public interest work. If possible, 2L students should also consider externing or volunteering at a public defender office or public interest organization during the school year.

When and Where to Apply

While different offices and programs have different application timelines, 2L students should try to make contact with places of interest when classes begin in the fall. 2L students interested in permanent employment opportunities might also want to prioritize employers that routinely hire entry-level attorneys out of the summer class.

Although spending a summer at an office does not guarantee that a student will be hired after graduation, public defender offices are often loyal to those who have previously worked in their office. At a minimum, working for a particular office during 2L summer will give a student insight into the hiring process for permanent positions, including the timing for applications and familiarity with the attorneys who interview job candidates.

“My last summer in law school I clerked at the Office of the Federal Public Defender in Los Angeles. I had an amazing experience. I enjoyed direct representation and the intellectual demands of the job. Above all, I loved the idea of unconditional advocacy on behalf of indigent accused persons. I was hooked.”

*- David Smith, '11
Deputy Public Defender, County of
Los Angeles Alternate Public Defender*

The 2L Summer Experience

One important distinction between 2L and 1L summers at public defender offices is the ability to become a certified law clerk under state bar rules. In those offices that certify their interns, students may appear in court, negotiate with the district attorney, and go on the record—all under the supervision of an attorney. Students interested in the opportunity to gain courtroom experience should determine whether being a certified law clerk is possible at offices of interest.

3L STUDENTS

Coursework and Extracurricular Activities

Like 2L students, 3L students should continue to pursue courses, clinics, and extracurricular activities that develop the skill set relevant to criminal defense work. 3L students may also want to strategically pursue an externship opportunity with a potential post-graduate employer, or take an advanced course in criminal procedure or legal writing. These types of experiences will be impressive to future employers who are looking for advocacy experience as well as evidence of dedication to serving the client population of the public defender's office.

When and Where to Apply

3L students should make contact with places of interest by the time classes begin in the fall. It is important to gather information regarding application timelines and hiring priorities. As discussed below, in addition to reaching out to offices that offer permanent positions, 3L students should also look into offices that offer post-bar clerkships, fellowships, or unpaid volunteer opportunities.

POST-BAR CLERKSHIPS

If an offer to work at a public defender office cannot be secured prior to taking the bar, 3L students dedicated to pursuing criminal defense work should consider pursuing a “post-bar clerkship” with an office. A post-bar clerkship is a position with a public defender office during the period while graduates are waiting for bar results and thus ineligible for permanent positions at many offices. Many post-bar clerkships are competitive positions that require applying during the third year of law school.

Some post-bar clerkships are paid positions, but the majority of are unpaid volunteer positions. The main benefit of a post-bar clerkship is that it provides a graduate with an opportunity to acquire trial experience and continue building her resume until other openings

occur. Although working as a post-bar clerk does not guarantee later employment as an attorney with the office, post-bar clerks are the first to know when openings occur.

Some smaller offices do not have formal “post-bar clerkship” programs but nonetheless will accept law graduates as volunteers. Although volunteering does not guarantee a position, doing so demonstrates a strong level of commitment that will help when vying for an open spot.

FELLOWSHIPS

Students interested in a career in public defense should consider applying for a post-graduate public interest fellowship. Fellowships are particularly worthwhile because they give fellows an opportunity to gain valuable experience representing low-income clients in public defender offices as well as other nonprofits. The following list is a non-exhaustive sample of exceptional fellowship opportunities for recent law graduates.

“Sometimes the work gets hard and I have to lean on my peers and my superiors for support. But what a privilege it is to be in a position – not to fix an unfixable system – but to fight it and to force the system to pause to consider the hopes and fears and humanity of the people I represent – because they are people.”

- Arienna Grody, '14
UCLA School of Law Gideon Fellow,
Jefferson County (Alabama) Public Defender's Office

Gideon’s Promise Law School Partnership Program

Gideon’s Promise is a nonprofit organization that provides ongoing training programs for law school students and public defenders. The organization is dedicated to promoting a client-centered defense model that values zealous representation and client autonomy. In 2013, Gideon’s Promise established the Law School Partnership Program to help law school graduates secure permanent public defender positions. Participating law schools agree to financially support their graduates for one year. In exchange, Gideon’s Promise places qualifying graduates at participating public defender offices that promise to hire the graduates for a full-time permanent position within the first year. Gideon’s Promise also provides its fellows with three years of extensive training and support. For more information, visit www.gideonspromise.org/programs/lsp.

Soros Justice Fellowship

The Open Society Foundation has committed itself to supporting individuals interested in advancing criminal justice reform through Soros Justice Fellowships. The Soros Justice Fellowships Program’s Advocacy Fellowship is particularly suitable for law school students approaching graduation. Fellows receive funding for undertaking an 18-month full-time criminal justice reform project. Project foci can include litigation, public education, coalition building, grassroots mobilization, or policy-driven research. For more information, visit www.opensocietyfoundations.org/grants/soro-justice-fellowships.

E. Barrett Prettyman and Stuart Stiller Fellowship

The E. Barrett Prettyman and Stuart Stiller Fellowship Program at Georgetown Law provides law school graduates with a unique opportunity to gain criminal defense and clinical teaching experience while earning a Master’s Degree in Advocacy. During the two-year program, fellows represent indigent defendants under the close supervision of faculty members, take classes in clinical teaching, and eventually supervise law students in various criminal justice clinics. Fellows are provided with a stipend of \$53,000 during each year of the two-year program, in addition to full tuition and fees. For more information, visit www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/prettyman.

Equal Justice Works Fellowship

Equal Justice Works provides more than fifty two-year fellowships annually to recent law school graduates who undertake various public interest projects at a sponsoring nonprofit host organization. Previous fellows have pursued projects related to criminal defense work at The Bronx Defenders, a number of legal aid organizations, and various innocence projects. Fellows are paid what a standard entry-level attorney with similar experience would receive at their host organization. Equal Justice Works provides up to \$50,000 annually toward a fellow’s salary, and the host organization agrees to provide the difference. For more information, visit www.equaljusticeworks.org/post-grad/equal-justice-works-fellowships.

VI. PUBLIC DEFENDER INTERVIEWS

Public defender interviews are sometimes intense and may be intimidating for first-time applicants who have not yet confronted the public defender interview process. This part provides interviewees with a framework for understanding and responding to interview questions. In addition, it contains sample questions and exercises utilized by public defender offices in their interview processes.

FRAMEWORK FOR UNDERSTANDING INTERVIEW QUESTIONS

Without fail, public defender interviews delve into the interviewee's ideological motivations for pursuing public defense work. To be in the best position to succeed in the public defender interview, interviewees should be prepared to convey (1) their personal motivation to pursue public defense work; (2) an appreciation of the client-centered approach to public defense work; and (3) a dedication to zealously representing clients and preserving client confidentiality even when presented with challenging practice situations.

Personal Motivation

Public defense is an incredibly noble undertaking. No one plays a more important part in maintaining justice in the criminal legal system than the public defender. However, public defenders who lack sufficient personal motivation to pursue public defense work may, in the long term, be unable to fully protect the rights of their indigent clients. Therefore, you should expect your interviewer to probe deeply regarding your personal motivation for seeking a public defender position. There is no one right answer to this motivation question, but in preparation for an interview, applicants should consider what draws them to the special institutional role of the public defender.

Providing effective representation to indigent defendants comes with additional challenges. Public defenders do not choose their clients. Public defenders make a commitment to represent anyone needing their help. Thus, they do not have the luxury of only representing the innocent or only taking cases within a category of charges that they may prefer. Moreover, public defenders may have to represent clients who hold offensive views that are perhaps antithetical to their existence (e.g., racism, anti-Semitism, misogyny). They may find themselves representing a client accused of a particularly heinous crime, perhaps even one that hits home for them personally. Yet, public defenders cannot discriminate.

In order to succeed, effective public defenders must discover their personal motivations for pursuing this career path. Jeff Sherr, Manager of the Education and Strategic Planning Branch of the Kentucky Department of Public Advocacy, posits a "motivational triangle" for conceptualizing the diversity public defender motivations. One side of the motivational triangle is the "warrior" who is attracted to public defense work as a way to fight the government in an adversarial setting. Another side of the triangle is the "social worker" who wants to help clients problem solve holistically, considering not just the criminal case, but also the diverse range of intersecting challenges confronting the poor. Lastly, the third side of the triangle represents the "movement builder" who believes that public defense work is an important site for participating in a broader social movement to reform criminal justice institutions and reduce racial and social hierarchies. Sherr believes that public defenders can be driven by all three motivations, but recognizes that often public defenders associate their role most profoundly with one side of the triangle.

In public defender interviews, you will be asked why you want to be a public defender. This question can come in many forms. But, the essence of the question is the same: why would you want to represent people charged with committing crimes? You should take time to think through your own story and motivation prior to the interview. Are you driven by the ideal of client-centered, zealous representation in an adversarial setting? Do you believe that the public defender is also part of a broader project of ensuring individual freedoms and the ideals of our justice system? Are you interested in exploring holistic advocacy and understanding how you can partner with other advocates and community members to obtain the best possible outcome for the communities you serve? Because a single primary motivation for pursuing public defense work may not sustain you through your entire career, public defenders need to dig deep and embrace their role, the immense privilege they have to represent their clients, and their crucial function in the broader society.

Client-Centeredness

The unique challenges that accompany public defenders in representing the indigent make it imperative for them to maintain a client-centered approach. "Client-centeredness" refers to the practice of involving clients as active participants in their cases and respecting the client wishes. Lawyers who are client-centered engage in active listening with their clients and take the time to provide their clients with the information they need to make informed decisions about the proper course of action. Lawyers who are client-centered are also

committed to approaching representation with a holistic mindset, including by exploring and attempting to mitigate the collateral impacts of criminal prosecution on their clients' lives. Finally, lawyers who are client-centered make clear to their clients that they are fighting for them and that they believe strongly in the presumption of innocence.

Public defenders understand that the quality of representation clients receive when facing a loss of liberty should never depend on income. In that vein, neither should the ability to make decisions about the most important issues in one's life. Client-centered representation requires that public defenders use their education, experience, and talent to provide their clients with the advice necessary to make informed decisions. Client-centered representation also means that lawyers must not impose their own personal values on clients, but rather empower them to make the best decisions for themselves. It is essential for aspiring public defenders to embrace the client-centered approach to public defense work if they want to provide effective representation to their future clients.

Many of the questions you will be asked in a public defender interview are designed to test your commitment to a client-centered approach. Will you invest time and energy to understand your future clients and the circumstances that brought them to the criminal legal system? Will you respect the choices your future clients make about their cases, even if their decisions are not consistent with what you would choose or what other clients have chosen? Will you remain committed to client-centered representation even when presented with challenging practice situations?

Zeal

Effective public defenders must represent their clients with unwavering zeal. Under the Model Rules of Professional Conduct, a lawyer has a duty to "zealously" assert the position of clients within the adversarial system. In the context of criminal defense work, acting zealously means that lawyers must maintain an unquestioned and continuing fidelity to their clients, regardless of the nature of the charged offense or the strength of the prosecution's evidence. Even when faced with pressures to compromise client interests on behalf of the interests of the court or society, a zealous public defender always put the client first.

Georgetown law professor and former public defender Abbe Smith argues that defense lawyers must have "unmitigated zeal," even for "people who do terrible things." According to Smith, this means that defense attorneys must take all actions that are "legally and ethically permissible" to effectively represent even the "worst" clients in the most effective way. Practicing with "unmitigated zeal" means that public defenders must guard client confidences and foster a relationship of trust.

You may find yourself pushed throughout the interview to abandon your commitment to zealous advocacy. Typically interviewers will do this by asking you questions about strenuous practice situations. For example, they may want to see if you would not advocate as forcefully for certain clients that are charged with violent crimes. Or, they may want to know if you would work harder for clients you judge to be "innocent." They may also seek to discover if you would breach your duty to maintain client confidentiality when pressured by a judge to answer questions about your client. While it is important to acknowledge ethical tensions where they exist, remember to always zealously represent your client and maintain a client-centered sensibility even when presented with these challenging scenarios.

GENERAL QUESTIONS

Public defender interviews often center around one important inquiry: "Why public defense?" Some variation of this question is often the first one asked because public defender offices want to make sure interviewees are genuinely interested in the work. The interviewer may also test an interviewee's stated commitment to public defense work by pushing the interviewee to elaborate with more confrontational questions. Whether interviewing for a summer law clerk position or a full-time attorney position, interviewees should be prepared to address the following general topics:

1. Interest in Public Defense Work Generally:

- Why are you interested in public defense?
- Have you applied to other jobs?
- Do you want to be a career public defender or do you want to do public defense for a while and then move on to something else?
- What about your background has led you to pursue this work?
- Have any personal experiences significantly contributed to your desire to do this work?

2. Interest in Working at the Interviewing Office:

- How did you find out about our office?
- Why are you interested in our office?
- Why do you want to be in this city?
- Where do you want to practice after law school?

3. Interest in Prosecution:

- Are you applying to prosecutor offices?
- Would you ever consider becoming a prosecutor?
- Some people believe that prosecutors are in a better position to impact the criminal justice system positively. For example, prosecutors have discretion to decide who to charge, dismiss charges that are unfounded, and negotiate plea bargains in the interest of justice. Don't you think you can make more of a difference as a prosecutor than as a public defender?

4. Commitment to Zealous Client Representation:

- Don't you think criminals should be punished?
- Could you defend someone you knew was guilty?
- Could you defend a child molester?
- Do you think you would have a harder time assisting a client you feel is guilty than a client who you firmly believe is innocent? Why or why not?
- Do you think you would have any issues defending someone accused of a particularly disturbing or gruesome crime?
- Is there a certain type of charge for which you would be unable to defend a client?

5. Ability to Relate to Clients:

- Do you think you will be able to work well with people who may have very different backgrounds from your own?
- Do you have any experience working with vulnerable or stigmatized populations?
- Imagine you are a summer law clerk at our office attempting to interview a client. The client is completely unresponsive to your questions and refuses to speak to you. What would you do?

Throughout the interview, it is important to stay calm and avoid defensiveness. Interviewees should know that they are being evaluated as much on their ability to maintain composure and deal with pressure as they are on the substance of their answers. Depending on the position, public defender offices understand that interviewees may have little to no experience in the criminal legal system. They are nonetheless looking for individuals who display an unwavering commitment to public defense work and zealous client advocacy.

ETHICAL QUESTIONS

Whether interviewing for a summer law clerkship, post-bar clerkship, or full-time attorney position, interviewees can expect to be asked a variety of ethical questions. These questions seek the interviewee's best sense of how to handle challenging situations that may arise in representing people charged with crimes.

The following ethical questions were asked of UCLA School of Law students in public defender interviews:

1. Your client is a drug addict charged with burglary, and the district attorney has offered her six months in jail. The judge, however, has stated that he is willing to allow her three months in a rehabilitation program instead. The client is adamant that she does not want to do the program and would prefer jail.

- What do you do?
 - What if your client is pregnant?
 - Assume you tell the judge your client wants jail, but the judge now tells you that the choice is between three months in the program or one year in jail. What do you do?
2. Your client tells you that a public defender pressured him to take a plea deal in his last case, and the client is now upset about the consequences of taking that deal. He says he does not want to take another plea deal and would rather go to trial. However, the judge tells you that she will sentence your client to six months in jail if he pleads guilty today or seven years in prison if he loses at trial.
- What do you do?
 - What if, instead of sentencing your client to six months, the judge will release him with credit for time served?
 - What if, instead of just taking a plea deal he didn't like in his last case, your client pled guilty to a crime he didn't commit at the advice of his public defender?
3. Your client is a fourteen-year-old girl charged with the sale of crack cocaine. The judge is willing to place her in a shelter or with a responsible relative, and the client told her social worker that her uncle is willing to take her in. However, when you meet with the client, she tells you she actually gave the social worker her boyfriend's name. She also tells you that her boyfriend hit her before, but it was her fault. The client adamantly refuses to go to a shelter and wants to be placed with her boyfriend. She insists that you tell the judge her uncle will take her in because she knows the judge will not let her go with the boyfriend.
- What do you tell the client?
 - What do you argue to the judge?
 - Assume the judge refuses to place your client with the boyfriend and offers her jail or a shelter. Your client tells you she wants jail. What do you do?
4. As you are walking into court for first appearances, you recognize a current client of yours and realize the he is using a different name. You are assigned to represent him in this second case, and you are the only person who appears to notice the name discrepancy. If his real identify is revealed, you know that he will be denied bail because of the pending felony charge in his other case. If he proceeds under the false name, he potentially could be immediately released.
- What do you do?
 - Assume the judge is the same in both cases. You are concerned that you may lose credibility with him if he figures out you did not tell him about the prior case and use of a false identity. Does that change your decision?
5. Hearing the facts of a murder case, you realize the only possible argument at trial for your client is self-defense. You know, however, from watching the security footage of the incident, that it was not self-defense.
- Do you let the client testify?
 - How do you argue this to the court?
 - What if you only saw the security tape once before it was destroyed? Does that change your answer?
 - Assume your client does not testify, but a defense witness wants to testify to something you know or believe to be false. Do you let the witness testify?
6. Your client has several charges of sexual abuse against young children. However, the prosecutor did not bring him up on the charges within 90 days, so the judge is inclined to release him where children do not reside. The only person that can take him is his uncle who has joint custody of his kids who spend the night sometimes. Your client tells you when he is around kids he gets sexual urges that he cannot fight, but these kids know not to say anything if he acts on them.
- The judge asks you if you have any concerns as to the safety of the children. What do you say?
7. You go to the jail and meet with one client—and only one client—in a drug case. You get home and find a bag of marijuana in your bag.
- What do you do?
8. You and your client have just finished a hearing and the judge is revoking his probation. As the court bailiff approaches to take your client into custody, your client drops what appears to be a plastic bag containing crack. You know that if you tell anyone in the court what happened he would be held in custody for a very long time.
- What do you do?

9. A client calls you in a panic very early in the morning. He says he just shot someone and hastily buried the loaded gun in an elementary school sandbox near the scene. If the gun is not retrieved quickly, it will likely be discovered by one of the children. The client does not have a license to possess the gun.
- o How do you advise the client?
 - o Assume that the client has already been arrested and tells you this information while in custody. What do you do?

WRITING AND ORAL ARGUMENT EXERCISES

In addition to answering ethical questions, applicants may also be asked to complete a writing or oral argument exercise, especially when interviewing for a post-bar clerkship or attorney position. The focus of these exercises is usually narrow and the interviewee may be advised to keep presentations within certain time constraints.

Sometimes interviewees are given such exercises during the interview and asked to put together an argument on the spot. Other times public defender offices may give interviewees time to complete a more in-depth trial strategy exercise in advance of the interview. This generally occurs after the first round of interviews for attorney positions, and may consist of writing a motion or preparing an oral argument based on a lengthy or complicated fact pattern.

The following sample exercises were used during actual public defender interviews.

MOTION FOR A JUDGMENT OF ACQUITTAL EXERCISE

Interviewees were given this fact pattern and prompt in advance and instructed to write a motion for judgment of acquittal prior to the interview.

Fact Pattern

Your client is charged with felony threats to injure a person. The following evidence is presented in the government's case.

The complaining witness, Jane Tracey, is a fifty-year-old computer programmer. She was walking back from an evening meeting at a community center in connection with a volunteer program that operates throughout the metropolitan area. Ms. Tracey does not live near the community center and has only been to the community center a few times. Upon leaving the center on February 1, she was a witness to a homicide. The homicide was a retaliation killing involving two area gangs. According to Ms. Tracey, the shooters were wearing all black and they all had black Nikes with a white swoosh. She cannot identify anyone, but can describe their ages, their attire, and the car they left in.

The homicide case was scheduled for trial, and Ms. Tracey was under subpoena. There was a lot of press coverage about the upcoming trial. Ms. Tracey's name and picture had appeared in the Washington Post, and she was interviewed on Fox News explaining why she thought it was important for citizens like her to step forward and testify.

On June 1, on her way to the community center, she walked past a young man wearing all black with black Nike sneakers who looked her in the eye and shook his head at her. She said he acted like he disapproved of her, but she did not think anything of it at the time.

On July 1, on her way to the same community center for another meeting, Ms. Tracey encountered a group of young men. She recognized one of the young men as the same man that shook his head at her on June 1. According to Ms. Tracey and the arresting officer, the young man, your client, James Brown, was again wearing all black with black Nikes with a white swoosh. But not everyone in the group was dressed in all black. Your client was in the middle of the group rapping, and the group was laughing at your client. As Ms. Tracey walked by, she testified your client looked right at her and said the following:

"Put that knife in ya, take a little bit of life from ya
Am I frightenin ya? Shall I continue?"

Ms. Tracey testified that when your client was looking at her he was also making a stabbing motion in her direction. She said his expression appeared angry or mean. She said the group stopped laughing. He then turned to another person in the group and continued:

"I put the gun to ya, I let it sing you a song
I let it hum to ya, the other one sing along"

When he turned to the other person, he made a motion like he was pointing a gun at that person and had the same facial expression. As Ms. Tracey walked quickly away, she looked over her shoulder and saw several of the young men in the group, including your client, watching her go. She went into the center and immediately told the security guard what happened. Security called the police. Ms. Tracey pointed out your client to the police. He was still on the sidewalk with a group of young men and was still rapping when the police approached ten or fifteen minutes later. He did not run, and he did not make any statements when he was arrested.

Ms. Tracey said she felt threatened by your client. She testified she felt threatened because of what he was wearing, what he said, how he looked at her, the motion he made, and because she was a witness in a high profile case.

There is no evidence presented that your client has any connection to any gang or to the homicide other than his attire. You put on evidence that is not refuted that the words he said are the same as the lyrics in Jay-Z's "Threats."

Prompt

At the end of the presentation of evidence, the judge dismisses the jury for the long weekend and tells you to present in writing your arguments for a motion for a judgment of acquittal by Tuesday morning. He will review and rule on the motion on Tuesday. If he denies your motion, he will move right to closing arguments. He instructs you that he is not interested in hearing about any cases other than cases from the District of Columbia Court of Appeals. He warns you not to skip over cases that hurt your argument and expects you to deal with those cases and explain why you should still prevail. He tells you that your argument should be no more than three pages.

MOTION TO SUPPRESS AND OPENING STATEMENT EXERCISE

Interviewees were provided this fact pattern in advance and instructed to write a motion to suppress and prepare an opening statement prior to the interview.

Fact Pattern

You represent Derrick Day, who is charged with assault with a dangerous weapon. Mr. Day was arrested on May 23, 2015, after attending a barbecue at his brother's house in the Trinidad neighborhood of Northeast D.C. Mr. Day lives nearby in the same neighborhood and had arrived early that afternoon for the holiday gathering.

Police reports turned over to you by the government allege that at 5:32 p.m. on May 23, 2015, a fifteen-year-old girl called 911, was very upset, and told the dispatcher that her father was fighting with her Uncle Derrick in the backyard. She said her uncle had punched her father in the jaw and that things were "getting out of hand." The girl gave the dispatcher her address and asked the officers to hurry. A transcript of the 911 call contains the following exchange:

DISPATCHER: Where are the two of them now?

CALLER: Everybody was outside in the backyard when I came in the house. I think my dad is here, but I'm pretty sure my uncle just left out the back. I can't see out there, though.

DISPATCHER: What about weapons?

CALLER: I didn't see one. I've seen my uncle with a knife one time before, but ... I don't know.

DISPATCHER: Anybody else involved?

CALLER: My mom and my aunt's been trying to get them to stop, but they're big guys, and they've done this before, just not like this.

DISPATCHER: OK, we've got someone on the way.

The dispatcher relayed this information to Officer Phipps, who arrived with his partner, Officer Park, at 5:40 p.m. They pulled up in a patrol car to the home, a rowhouse attached to its neighbors on both sides, and got out.

The officers saw a man identified in the reports as Witness 1 sitting alone in a chair on the front porch bent over and resting with one elbow on his knee and a hand holding his jaw. He looked up as the officers neared the porch, and the officers could see that the area around his jaw was red and a little swollen, and his lip was bleeding. The man was breathing heavily and stood up slowly when he saw the officers. The officers could not hear any commotion, though they did hear what sounded like several children laughing inside.

The man said to the officers, "My daughter said she called you." Officer Phipps said, "Tell us what happened." The man eyed the officers for a couple of seconds, and then shook his head. "This is the last time, man. Why he gets so angry, I don't know. We're sitting there, I'm getting the chicken off the grill, and my brother's got to bring up some stuff from years ago." The man then started to raise his voice and became more animated: "I'm trying to get him to calm down, we're pushing each other, and then he pulls a knife. We got all these kids around, and he's got a knife, so I'm trying to grab his arm and he just hits me right here in my jaw. Then he swipes at me with that knife. I think he got me with it. I guess I'd better go to the hospital. I'm kind of shook up, you know."

Officer Phipps asked whether the man's brother was still at the house. "Yeah, I think he's still out back," the man responded. "Go ahead out there." Officer Park started to go inside but turned around and asked, "What about the knife?" "Man, I don't know, I came out here—just go back there and get him!" he shouted.

Mr. Day, as it happened, was not still at his brother's house. After getting his name and address, the officers drove the few blocks to Mr. Day's home and knocked on the door. When Mr. Day answered, the officers arrested him. The officers found a pocketknife in Mr. Day's pants pocket during a search incident to the arrest.

Before trial, you request from government counsel all prior statements of the witnesses they intend to call at trial. You receive no grand jury testimony or other additional statements made by Mr. Day's brother, whose name is Roderick Day, and so you ask the assigned Assistant United States Attorney if she made a mistake. You are informed that the government intends to call no civilian witnesses during the trial but will introduce Witness 1's statements through the officers as excited utterances. You object, arguing that Roderick Day should be offered as a witness if the government is going to use the statements he made to the officers.

First Prompt

After hearing a proffer from the government stating largely the same information in the police reports, the judge instructs you to present in writing your best arguments on this point. She says she is only interested in what the District of Columbia Court of Appeals has to say about this issue (and how it has applied the Supreme Court's cases), and she warns you not to ignore bad precedent. Your argument, she says, may be no more than three pages; she will not read a single word past that. She adds that she is inclined to agree with the government that the statements are excited utterances, so there is no need to waste your time trying to change her mind.

Continued Fact Pattern

After you filed your motion concerning Roderick Day's statements to the police, the government informed you and the court that it changed its mind and is going to call Roderick Day as a witness. The government also stated that it might call the 911 caller, Roderick Day's fifteen-year-old daughter, Carla, but would not call any other witnesses. The government finally stated that it put neither witness in the grand jury, and there is therefore no further discovery to provide. Based on this information, the court denied your motion as moot.

Your client has a prior conviction for assault with a dangerous weapon – knife. That conviction would only be admissible if your client testified.

During the course of your trial preparation, your investigator spoke to Roderick Day, Carla, and a man named James Spencer.

From Roderick Day, your investigator got this statement: "Derrick started drinking beer as soon as he got to the cookout, and by about 5:00 pm, seemed pretty drunk. We started arguing. It got heated, and I pushed Derrick because he was being a jerk. He raised his fist like he was going to punch me. To be honest, I don't know if he had his knife in his hand at that moment. The knife that I am talking about is a little pocketknife that he carries for his construction job. I know I told the police that he had the knife in his hand, but now that I think about it, I'm not sure. He did not swing his fist at me at that moment. I pushed him a couple of more times, and then took a swing at him. I

was really mad because he was being obnoxious. After I swung at him, he finally swung at me and punched me one time. Then he turned around and left. I went to the hospital that night, but all I had was a bruise where he punched me.”

From Carla, your investigator got this statement: “I was in the backyard when my uncle arrived. He started drinking a lot. My uncle and my dad were arguing about something that happened years ago. I went inside while they were still arguing. I couldn’t hear what they were saying, but their voices were loud. After 5 minutes, they started getting really loud. I looked out of the second-floor bathroom window and saw my uncle punch my dad. The window is small and the screen is dirty, so they were a little blurry. I didn’t see the start of the fight, just the one punch. I didn’t see anyone else out there. I went down to the kitchen to call 911. My dad came into the house, and I asked him why my uncle punched him. He didn’t say anything. I told him that the police were on the way. He just shook his head and went to the front porch.”

From James Spencer, your investigator got this statement: “I live next door to Roderick. He and I have known each other for 25 years, and he is closer to me than a brother. I know his brother Derrick, but we aren’t close. I’m sad to say that Roderick has a pill addiction. He takes oxycodone. He buys the pills from a guy on North Capitol Street whom everyone calls Man-Man. I was at Roderick’s house when he had his cookout. Derrick was there, too, and he and Roderick started arguing. It got heated. Derrick was drunk. Derrick threatened Roderick, who told him to leave, so Derrick left. That’s when Man-Man showed up. Man-Man whispered something to Roderick. Roderick got annoyed and said, ‘I’ll give it to you when I get it myself.’ Man-Man got very angry, yelled at Roderick about needing it now, then punched Roderick one time. Man-Man said, ‘I’ll be back. You keep your mouth shut and get me what you owe me, or I’ll never hook you up again.’ Man-Man left and Roderick went into his house. The police and prosecutor never contacted me. I have not spoken with them and have not been subpoenaed.”

Second Prompt

It is the morning of trial. You have selected a jury. Give your opening statement

BOND ARGUMENT EXERCISE

During the interview, applicants were given instructions and materials for a bond hearing. After having time to review the materials, interviewees were asked to present a bond argument.

Prompt

Mr. Smith’s bail is currently set at \$750.00. However, he cannot afford to post \$750.00.

Please review the attached information and be prepared to make an argument to judge for a personal recognizance bond.

Please present a bond argument. Limit your bond argument to two minutes or less.

County Court, Boulder County, Colorado		COURT USE ONLY
Court Address and Phone Number: 1777 6th St., Boulder, CO (303) 444-3750 1035 Kimbark St., Longmont, CO (303) 682-6892		
PEOPLE OF THE STATE OF COLORADO VS Defendant JOHN SMITH		
AKA (Name):	DOB: 1/1/1993 AGE: 20 AKA (DOB):	
AKA (Name):	AKA (DOB):	Arrest Number:
File Number: 1303666		Case or Dkt #: Division: 9
Community Justice Services Bond Assessment and Recommendations		
PRIMARY CHARGE: CRIMINAL MISCHIEF UN		CHARGE CATEGORY: (M2)
Bond Commissioner Narrative and Assessment		
Community Ties: DEF REPORTS LIVING IN THE STATE FOR 18 MONTHS AND IS CURRENTLY EMPLOYED.		
Pending Legal Matters:	DEF REPORTS HE IS CURRENTLY ON A WELD CNTY DEFERRED SENTENCE (SUPERVISED BY PROBATION) FOR DV HARASSMENT (CONVICTION 12/13/13). DEF REPORTS/RECORDS VERIFY DIFFERENT VICTIM INVOLVED IN THIS INCIDENT.	
Arrest History:	CRIM. HX INDICATES A PRIOR JUVIE. ARREST FOR FTA:ASLT 2005/UNKNOWN DISPO./UNKNOWN VICTIM. NO OTHER CRIM. HX FOUND.	
Additional Information:	DEF'S GIRLFRIEND IS PREGNANT SHE IS DUE IN APRIL 2014. SHE IS NOT THE NAMED VICTIM IN THIS CASE OR PREVIOUS INCIDENT.	
Bond Setting:		
CPAT Category: 2	Recommended Pre-trial Supervision Level: No supervision recommended	<input type="text" value="0"/>
Bond Information		
RECOMMENDED		ORDERED
Bond Rec: Release With A Secure Monetary Condition and Any Below Conditions		Bond Ord:
Conditions: NO CONTACT WITH ALLEGED VICTIM REPORT TO PROBATION W/IN 24HRS OF RELEASE		Con Ord:
Information Verification		
RESID: Curr: NOT VERIFIED		EMP Curr:
Prev: NOT VERIFIED		Prev: NOT VERIFIED

Use of this information is limited to the date when the assessment was complete: 12/16/2013

Page 1 of 1 - PO13010408 - Part I

12/17/2013 9:34:05 AM - CD810

Application for Personal Recognizance Bond or Modification of Bond

Boulder County Community Justice Services

Part II - Defendant Self Report

Name: _____ Bond App No: PO13010408 _____ DOB: 1/1/1993

Name: JOHN SMITH DOB: 1/1/1993 (20)
Sex: M Height: 603 Weight: 195 Hair Color: BLN Eye Color: BRO
Bond App No: PO13010408 Arr Agy No: _____ Arr Agy ORI: CO0070000 Bkg No: _____

CURRENT CHARGES

CHG: PRI Offense: CRIMINAL MISCHIEF UN (M2) DKT #: L13M 5 (9)
Statute: 18-4-501.... JURIS: BOULDER C

OTHER PENDING LEGAL MATTERS

PENDING: 2 Offense: HARASSMENT (M3) Status: ON DEFERRED SENTENCE
JURIS: WELD JURIS Type: COUNTY

CURRENT ADDRESS

Length at Address: Years: 0 Months: 3 Time in State: Years: 1 Months: 6
Address: 202 PRATT ST City: LONGMONT State: CO Zip: 80501
Lives With: JOE BLACK Relationship: FRIEND
Phone: (720) -9881 (C) Place of Birth: LONGMONT, CO, US

PREVIOUS ADDRESS

Length at Address: Years: 1 Months: _____
Address: 123 COLLYER ST City: LONGMONT State: CO Zip: _____

CURRENT EMPLOYMENT

Defendant Currently Employed? YES Employment Lenth: _____ Years: 0 Months: 3
Employer Name: BURGER KING Phone: (303)000-0000
Address: _____ City: LONGMONT State: CO Zip: 80501
Job Type: FULL-TIME Income / Month: \$900

PREVIOUS EMPLOYMENT

Previous Employment Length: Years: 0 Months: 3
Employer Name: MAG PUL INDUSTRIES Phone: (303)000-0000
Address: 400 YOUNG CT. City: ERIE State: CO Zip: 80000
Job Type: FULL-TIME Income / Month: \$1,500

MARITAL - FAMILY - EDUCATION - MILITARY INFORMATION

Current Marital Status: SINGLE Number of Dependants: 0
Family In Area? YES Frequency of Family Contact: DAILY
Current Student? NO Veteran? NO

Application for Personal Recognizance Bond or Modification of Bond

Boulder County Community Justice Services

Part II - Defendant Self Report

Name: _____ Bond App No: PO13010408 _____ DOB: 1/1/1993

Number Years Education Completed: 11

PERSON MOST OFTEN SEEN

Name: JANE WHITE Phone: (303)000-0000 Zip: 80501
Address: 5432 WOLF CREEK TRAIL City: LONGMONT State: CO
Relationship to Defendant: GIRLFRIEND Frequency of Contact: DAILY

SELF REPORTED CRIMINAL HISTORY

Reported on: 12/16/2013

Total Prior Arrests: 001	Age At First Arrest: 12
Felony Convictions: 00	Misdemeanor Convictions: 01
Probation Violation Convictions: 00	Petty Offense Convictions: 00
AWOL Convictions: 00	Parole Violation Convictions: 00
FTA Violations: 00	Escape Convictions: 00
Past Bond Releases: ??	Drug-Related Arrests: 00
Alcohol-Related Arrests: 00	Assault-Related Arrests: 01
Weapons-Related Arrests: 00	Juvenile Involvements: 01

CRIMINAL HISTORY DETAILS

MIS-C HARASSMENT WELD CNTY, CO 13 18MOS DEF SENT

Initial Contact Date:	12/16/2013 (12:30 PM)	Interviewed By:	KURT
Bond App Complete Date:	12/16/2013 (01:00 PM)	Released By:	Not a CMSR Release
Jail Book-In Date:	(Not available)	Release Date:	(Not available)

West's Colorado Revised Statutes Annotated
Title 16. Criminal Proceedings
Code of Criminal Procedure
Article 4. Release from Custody Pending Final Adjudication (Refs & Annos)
Part 1. Release on Bail (Refs & Annos)

C.R.S.A. § 16-4-102

§ 16-4-102. Right to bail--before conviction

Effective: May 11, 2013
Currentness

Any person who is in custody, and for whom the court has not set bond and conditions of release pursuant to the applicable rule of criminal procedure, and who is not subject to the provisions of section 16-4-101(5), has the right to a hearing to determine bond and conditions of release. A person in custody may also request a hearing so that bond and conditions of release can be set. Upon receiving the request, the judge shall notify the district attorney immediately of the arrested person's request, and the district attorney shall have the right to attend and advise the court of matters pertinent to the type of bond and conditions of release to be set. The judge shall also order the appropriate law enforcement agency having custody of the prisoner to bring him or her before the court forthwith, and the judge shall set bond and conditions of release if the offense for which the person was arrested is bailable. It shall not be a prerequisite to bail that a criminal charge of any kind has been filed.

Credits

Repealed and reenacted by Laws 2013, Ch. 202, § 2, eff. May 11, 2013.

Notes of Decisions (3)

C. R. S. A. § 16-4-102, CO ST § 16-4-102
Current through the First Regular Session of the Sixty-Ninth General Assembly (2013)

West's Colorado Revised Statutes Annotated
Title 16. Criminal Proceedings
Code of Criminal Procedure
Article 4. Release from Custody Pending Final Adjudication (Refs & Annos)
Part 1. Release on Bail (Refs & Annos)

C.R.S.A. § 16-4-103

§ 16-4-103. Setting and selection type of bond--criteria

Effective: May 11, 2013
Currentness

(1) At the first appearance of a person in custody before a court of record, the court shall determine the type of bond and conditions of release unless the person is subject to the provisions of section 16-4-101.

(2) If an indictment, information, or complaint has been filed and the type of bond and conditions of release have been fixed upon return of the indictment or filing of the information or complaint, the court shall review the propriety of the type of bond and conditions of release upon first appearance of a person in custody.

(3)(a) The type of bond and conditions of release shall be sufficient to reasonably ensure the appearance of the person as required and to protect the safety of any person or the community, taking into consideration the individual characteristics of each person in custody, including the person's financial condition.

(b) In determining the type of bond and conditions of release, if practicable and available in the jurisdiction, the court shall use an empirically developed risk assessment instrument designed to improve pretrial release decisions by providing to the court information that classifies a person in custody based upon predicted level of risk of pretrial failure.

(4) When the type of bond and conditions of release are determined by the court, the court shall:

(a) Presume that all persons in custody are eligible for release on bond with the appropriate and least-restrictive conditions consistent with provisions in paragraph (a) of subsection (3) of this section unless a person is otherwise ineligible for release pursuant to the provisions of section 16-4-101 and section 19 of article II of the Colorado constitution. A monetary condition of release must be reasonable and any other condition of conduct not mandated by statute must be tailored to address a specific concern.

(b) To the extent a court uses a bond schedule, the court shall incorporate into the bond schedule conditions of release and factors that consider the individualized risk and circumstances of a person in custody and all other relevant criteria and not solely the level of offense; and

(c) Consider all methods of bond and conditions of release to avoid unnecessary pretrial incarceration and levels of community-based supervision as conditions of pretrial release.

§ 16-4-103. Setting and selection type of bond—criteria, CO ST § 16-4-103

(5) The court may also consider the following criteria as appropriate and relevant in making a determination of the type of bond and conditions of release:

- (a) The employment status and history of the person in custody;
 - (b) The nature and extent of family relationships of the person in custody;
 - (c) Past and present residences of the person in custody;
 - (d) The character and reputation of the person in custody;
 - (e) Identity of persons who agree to assist the person in custody in attending court at the proper time;
 - (f) The likely sentence, considering the nature and the offense presently charged;
 - (g) The prior criminal record, if any, of the person in custody and any prior failures to appear for court;
 - (h) Any facts indicating the possibility of violations of the law if the person in custody is released without certain conditions of release;
 - (i) Any facts indicating that the defendant is likely to intimidate or harass possible witnesses; and
 - (j) Any other facts tending to indicate that the person in custody has strong ties to the community and is not likely to flee the jurisdiction.
- (6) When a person is charged with an offense punishable by fine only, any monetary condition of release shall not exceed the amount of the maximum fine penalty.

Credits

Repealed and reenacted by Laws 2013, Ch. 202, § 2, eff. May 11, 2013.

Notes of Decisions (37)

C. R. S. A. § 16-4-103, CO ST § 16-4-103
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West's Colorado Revised Statutes Annotated
Title 16. Criminal Proceedings
Code of Criminal Procedure
Article 4. Release from Custody Pending Final Adjudication (Refs & Annos)
Part 1. Release on Bail (Refs & Annos)

C.R.S.A. § 16-4-104

§ 16-4-104. Types of bond set by the court

Effective: May 11, 2013
Currentness

(1) The court shall determine, after consideration of all relevant criteria, which of the following types of bond is appropriate for the pretrial release of a person in custody, subject to the relevant statutory conditions of release listed in section 16-4-105. The person may be released upon execution of:

(a) An unsecured personal recognizance bond in an amount specified by the court. The court may require additional obligors on the bond as a condition of the bond.

(b) An unsecured personal recognizance bond with additional non-monetary conditions of release designed specifically to reasonably ensure the appearance of the person in court and the safety of any person or persons or the community;

(c) A bond with secured monetary conditions when reasonable and necessary to ensure the appearance of the person in court or the safety of any person or persons or the community. The financial conditions shall state an amount of money that the person must post with the court in order for the person to be released.