

Champaign County Job Description

Job Title: Assistant Public Defender

Department: Public Defender

Reports to: Public Defender

FLSA Status: Exempt

Prepared Date: April, 2004

SUMMARY Provides legal counsel and court representation to defendants who cannot afford legal counsel and who have been charged with jail able offenses and certain civil defendants.

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

Defends indigent individuals charged with traffic, juvenile or misdemeanor crimes for which a sentence of jail time is applicable and may assume a lead role over a specific category of cases. Provides effective representation to clients who are frequently illiterate, uneducated and uncooperative while managing large caseloads.

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

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

Analyzes strength of case, understanding of the possible sentences; and at the client's wishes, meets with prosecutor to resolve the matter prior to trial.

May engage the State's Attorney's Office in plea negotiations or may involve preparing the case for trial. Case preparation includes researching the law, preparing and filing appropriate motions and devising trial strategy.

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

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

Acts as a defense counsel at trial cases and continues to represent the client at the sentencing hearing if a guilty verdict was rendered at trial. If found guilty, the attorney must review trial

transcript, research the law and draft post-trial motions in order to preserve issues for appellate review.

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

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

Maintains extensive contact with the State's Attorney's Office, social service agencies, Correctional facilities staff, police, Secretary of State, State Forensic authorities, State Criminal Lab, pathologists and the Coroner's Office. Maintains frequent contact with the Department of Family Services, Department of Mental Health and agencies regarding the referral of clients for drug treatment, family counseling and other assistance.

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

Handles matters other than trial cases including motions to withdraw pleas, motions to reconsider sentence and post-conviction petitions.

May concentrate in defending traffic offenses such as driving under the influence of alcohol, driving under revocation or driving under suspension.

Handles various types of hearings, including but not limited to arraignments, motion hearings, bench trials, jury trials and sentencing hearings.

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

May concentrate in representing persons charged with misdemeanors and felonies. Works with superiors in preparation of felony and misdemeanor cases including extensive legal research and the preparation of legal memorandum and motions.

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

May represent men charged in paternity cases in civil actions. May become involved with extensive civil discovery matters including interrogatories, requests for admissions and depositions.

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

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

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

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

SUPERVISORY RESPONSIBILITIES May direct staff on specific projects or cases, but does not have direct supervisory responsibilities.

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

EDUCATION and/or EXPERIENCE Law degree and licensed in Illinois, able to perform legal research and have exposure to the preparation and trial of cases.

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

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

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

CERTIFICATES, LICENSES, REGISTRATIONS Licensed in Illinois.

PHYSICAL DEMANDS The physical demands described here are representative of those that must be met by an employee to successfully perform the primary functions of this job. While performing the duties of this job, the employee is occasionally required to stand; walk; sit; talk; or hear; and taste; or smell. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision and color vision.

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