

Colorado Public Defender – Class Description

Class Title: Senior Deputy State Public Defender
Class Series: Attorneys
Class Code: R49P12
Reports to: Supervising or Managing Deputy SPD
Direct Reports: None
FLSA: Exempt
Date: July 1, 2022
Range Min/Max: \$6,676 - \$9,814

GENERAL SUMMARY:

Aligned with the mission of OSPD to defend and protect the rights, liberties and dignity of clients, in this second-level in the trial lawyer series, Senior Deputy Public Defenders are assigned to represent clients charged with a full range of felony offenses in District Court and/or minors in Juvenile Court, where they demonstrate the basic skills of being a trial lawyer and proficiency in managing all aspects of their caseload with minimal or limited supervision. Senior Deputies continue to develop advanced trial skills and motions practice, participating in the rotation of felony case assignments and taking on increasingly complex and difficult felony cases under the lead of more experienced lawyers. In addition to managing their caseload, Senior Deputies assist in training and mentoring less experienced attorneys and interns, as appropriate.

PRIMARY DUTIES AND RESPONSIBILITIES:

(Employees must be able to perform the essential functions of the job, with or without reasonable accommodation.)

Case Management

- Manages a sizeable caseload in varying stages of litigation, to provide legal representation for indigent clients charged with a full range of felony offenses in District Court and/or minors in Juvenile Court. Demonstrates a proficient level of case management, case analysis, and writing and litigation skills. Takes on increasingly complex cases under the lead of more experienced lawyers while building proficiencies in managing a full felony caseload independently.
- Handles all aspects of a case, from bail review, plea bargaining, pre-trial and trial preparation through disposition, and post-conviction/post-adjudication matters, as assigned. Appears at regularly scheduled court dockets, and appears on behalf of client in all court hearings and related proceedings concerning assigned cases. Assists colleagues in docket and in trial, as needed.
- Maintains client contact by phone, appointments, video or institutional visits. Advises and keeps client apprised throughout legal proceedings including, but not limited to, rights the client has, attorney obligations to client, consequences of client decisions, potential case outcomes, progress of investigations, content of negotiations, and meaning of court rulings. Incorporates client case and litigation goals into advocacy. Responds promptly to client calls and correspondence; and, treats all clients with compassion and respect.
- Documents client files with all relevant information including, but not limited to, court appearances, deadlines and dates; investigation requests and materials; and, comprehensive notes of all contacts with clients and others relating to the case. Updates and closes files consistent with Public Defender policy.

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- Takes appropriate action to address potential conflicts and handles complex and difficult ethical matters within the attorney-client relationship. Seeks guidance as needed to resolve more complex or non-routine matters. Consistently applies the Colorado Rules of Professional Conduct.

Case Preparation and Litigation

- Advises the client of charges and possible penalties, the client's rights, the legal process, and the scope and nature of the attorney-client relationship. Handles increasingly difficult situations that arise with minimal assistance from the supervisor such as, identifying and explaining the line of defense in the client's case. Identifies the client's concerns and priorities; and, any special circumstances such as, mental health issues and/or other pending cases that may impact representation.
- Formulates creative defense theories and litigation strategies, addressing increasingly complex legal issues, fact patterns, and the best interests of the client. Pursues investigative and other mitigation needs as appropriate.
- Pursues advantageous plea agreements and seeks a joint resolution of all of the client's pending cases, including cases in other jurisdictions.
- Writes thoroughly researched and persuasive motions, briefs and pleadings. Litigates complex issues through a tiered motions practice that challenges the law and makes innovative arguments, under current law. Litigates complex issues including, but not limited to, mental health condition, child hearsay, rape shield, DNA, and habitual criminal.
- Applies skills in litigation and motions practice acquired in Bootcamp to conduct pre-trial and trial hearings for a full range of felony cases, with proficiency and confidence as first-chair. Continues developing advanced trial and litigation skills necessary to handle increasingly complex felony cases and homicides through second-chairing cases with more experienced lawyers.
- Demonstrates a fundamental knowledge of trial proceedings and potential outcomes: how to lay a proper foundation for impeachment evidence; preserve legal issues for appeal; identify and object to prosecutorial misconduct; and, make appropriate arguments for a judgment of acquittal.
- Presents sentencing arguments incorporating mitigation evidence and arguments, pre-sentence reports or evaluations, alternative sentencing laws, and community resources.
- Advises client of appellate and post-conviction or post-adjudication rights and deadlines. Provides the appropriate representation or timely refers the case to the appellate office consistent with Public Defender policy. Handles post-conviction or post-adjudication matters as assigned or appointed.
- Communicates with opposing counsel, judges, and others in the legal community in a persuasive and professional manner; and, exercises sound judgment to achieve desired results.

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- Frequently travels to, and performs duties in courthouse(s), jails and correctional institutions within the State of Colorado. Occasional travel outside the State of Colorado may be required, including occasional overnight stays.

Training

- Completes all mandatory training including, Introduction to District Court; in-house training conducted by the assigned Regional Office; and, training required to maintain continuing legal education (CLE), which includes fall conference.
- Assists in training and mentoring less experienced attorneys and interns, as appropriate.
- Develops practice through completing non-mandatory trainings; taking on more serious and complex cases; and, keeping up to date on relevant laws.

Performs other duties as assigned.

QUALIFICATIONS

Education and Experience:

Juris Doctorate (J.D.) from an ABA accredited law school; license to practice law in the State of Colorado. A minimum of three years' practice as an attorney litigating a variety of criminal defense cases of increasing complexity, including conducting trials and litigating felonies at the District Court level. At least one year of the experience must have been with the Colorado State Public Defender.

Knowledge:

- Principles and theories of criminal law, defense strategies and client advocacy;
- Ethical obligations in accordance with the Rules of Professional Conduct, ABA standards, state and federal laws;
- Criminal defense principles and techniques in case strategy, conducting trials, and litigating felony cases.
- Recognizes the criminal justice practices of the jurisdiction and potential impact on representing and defending clients.

Skills and Abilities:

- Ability to advocate and provide culturally informed representation for the client;
- Ability to develop and maintain productive and respectful relationships with clients, colleagues and others of diverse backgrounds;
- Ability to apply the law to the issues in a case.
- Demonstrated ability to practice the Colorado method of *voir dire*;
- Ability to process, analyze, retain and apply large amounts of information;
- Strong research and writing skills;
- Ability to work with multidisciplinary teams;
- Strong attention to detail;
- Ability to maintain concentration over an extended period of time;
- Exceptional verbal and written communications skills;
- Strong interpersonal skills;
- Ability to appear promptly to all court dates and meet all court-imposed deadlines;
- Strong organizational, administrative and time management skills;

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- Ability to prioritize work;
- Ability to work effectively in a highly stressful environment over long periods of time;
- Ability to complete multiple tasks and assignments with frequent interruptions;
- Proficient in standard software applications such as, Microsoft Office Word, Excel, Power Point, internet browsers and e-mail, and Adobe Acrobat;
- Use of demonstrative aids such as, charts, pictures and audio/visual software and equipment.

Physical Requirements

Light Work: Exerting up to 20 pounds of force occasionally and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Physical demands are in excess of those of sedentary work. Light work usually requires walking or standing to a significant degree.

- Talking and hearing;
- Ability to sit for extended periods of time;
- Vision to include near acuity, far acuity, depth perception, color vision, and ability to adjust focus.