

## Colorado Public Defender – Class Description

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Class Title: Lead Deputy State Public Defender  
Class Series: Attorneys  
Class Code: R49P13  
Reports to: Supervising or Managing Deputy SPD  
Direct Reports: None  
FLSA: Exempt  
Date: July 1, 2022  
Range Min/Max: \$8,036 - \$12,054

### **GENERAL SUMMARY:**

Aligned with the mission of OSPD to defend and protect the rights, liberties and dignity of clients, in this third-level in the trial lawyer series, Lead Deputy Public Defenders demonstrate a master-level of trial and pretrial litigation and motions practice that enables them to lead and first-chair the most complex felony cases, homicides and high-profile cases. In addition to the ability to perform all the essential functions required at the senior level, Lead Deputies are capable of conducting their legal practice with a level of competence and confidence to manage all aspects of a felony caseload with little to no direct guidance or assistance from a supervising or managing attorney. Lead Deputies are also expected to assist in training, developing and mentoring less experienced attorneys and interns in courtroom practice or training programs, as needed.

### **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 caseload representing a wide range of felony cases in varying stages of litigation to provide legal representation for indigent clients. Assumes case assignments through felony and homicide rotations including, but not limited to, complex felony cases, high profile cases, and homicides
- 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, or leads a team of attorneys appearing, in all court hearings and related proceedings concerning assigned cases on behalf of client. Assists in training less experienced attorneys in managing and working through all aspects of a case.
- 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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- Serves as a resource to assist less experienced lawyers in resolving complex and difficult ethical matters related to the attorney-client relationship and in applying 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 difficult situations that arise such as, responding to client questions regarding the line of defense, with little to no assistance from the supervising or managing attorney. 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.
- Serves as an expert or resource with a master level of practice, applying sophistication and creativity in formulating and litigating complex defenses, theories and strategies, and pursuing 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 competency, child hearsay, rape shield, DNA, and habitual criminal.
- As first chair in the most complex felony cases and homicides, leads the defense team throughout all aspects of trial, and trains and mentors less experienced lawyers developing their practice.
- Demonstrates a broad 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 strong sentencing arguments, incorporating mitigation evidence and arguments, pre-sentence reports or evaluations, alternative sentencing laws, and use of community resources to gain the least severe sentence for even the most serious convictions.
- Advises client of appellate and post-conviction rights and deadlines. Provides the appropriate representation or timely refers the case to the appellate office consistent with Public Defender policy. Handles post-conviction 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. May assist the managing attorney in representing OSPD positions on adversarial policies or practices in the jurisdiction.
- 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.

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### Training

- Trains, mentors and assists less experienced attorneys in developing their practice, which may include serving as an instructor in the agency's formal training programs and fall conference as well as in-house training and mentoring programs in the assigned Regional Office. As first-chair in complex felony or homicide cases, assists in training and mentoring Senior Deputies developing trial skills in the courtroom.
- Completes all mandatory training required to maintain continuing legal education (CLE), which includes fall conference. Participates in non-mandatory trainings to maintain and develop their practice. Applies current developments and relevant law in defending cases and training others.
- Takes on additional assignments and assumes regional office, system-wide, or State Office-defined roles as requested by the Office Head or State Public Defender.

### 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 six years' practice as an attorney litigating a full range of felony cases, including complex cases and homicides. At least three years of the experience must have been with the Colorado State Public Defender.

#### Knowledge:

- Advanced knowledge of the principles and theories of criminal law, case law, defense strategies and client advocacy;
- Ethical obligations in accordance with the Rules of Professional Conduct, ABA standards, state and federal laws;
- Substantive criminal defense principles and techniques in conducting trials, litigating complex cases, and presenting written and oral arguments;
- Solid understanding of the criminal justice practices of the jurisdiction and potential impact on representing and defending clients.

#### Skills and Abilities:

- Skills in leading and mentoring others;
- 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;
- Strong skills in practicing 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.