

STATE APPELLATE PUBLIC DEFENDER
OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER

CURRENT OPENING – BOISE

Full-time (40 hours) – plus competitive benefits

Salary: D.O.E.

SPECIAL NOTIFICATION: The State Appellate Public Defender is appointed by the Governor for a term of four (4) years, with the advice and consent of the senate, and will serve as a member of his Executive Cabinet

AGENCY DESCRIPTION: The office of the State Appellate Public Defender (SAPD) is a law office which provides appellate and post-conviction representation to indigent defendants pursuant to Idaho Code §§ 19-868, 19-870. The SAPD is a self-governing agency.

The office of the Governor is accepting applications for the position of State Appellate Public Defender for the office of the SAPD. The office of the SAPD is comprised of twenty-three (23) full-time employees, including fifteen (15) deputy state appellate public defenders. The office of the SAPD is divided into the Capital Litigation Unit (CLU) and the Appellate Unit (AU). The State Appellate Public Defender oversees and is counsel of record for all cases handled by both the CLU and the AU, and is responsible for the day-to-day operations of the office of the SAPD.

The CLU represents indigent clients on direct appeal and in post-conviction proceedings who have been convicted of murder and sentenced to death throughout the State of Idaho. The CLU provides capital defense services through a staff of dedicated attorneys (3), a mitigation specialist, a fact investigator, and an administrative assistant, as well as contracting with outside forensic, mental health, and other experts.

The AU represent indigent clients convicted of felony offenses in the following types of cases: direct appeals from criminal convictions in the district court; interlocutory appeals from the district court; appeals from the district court in post-conviction relief proceedings brought pursuant to chapter 49, title 19, Idaho Code; and appeals from the district court in habeas corpus proceedings brought pursuant to chapter 42, title 19, Idaho Code.

ADMINISTRATIVE DUTIES

- Provides vision and leadership in administering all Public Defender activities, focusing on a client-centered approach to the representation of indigent defendants;

- Directs strategizing, planning, organizing, reviewing, designing, and evaluating the overall operations and development of the office of the SAPD ;
- Directs the office of the SAPD goals and objectives in a manner consistent with priorities, policies and procedures, with adherence to the American Bar Association (ABA) standards for the defense function and guidelines for performance in death penalty case;
- Oversee all administrative, personnel and office operations, including the selection, training, and professional development of attorneys and staff, as well as the assignment of individual attorneys to specific courts, clients and cases;
- Maintains a highly competent staff to meet the established standards of practice of the ABA; implements personnel additions, changes or terminations within guidelines set by the Division of Idaho Human Resources; administers and formulates salary and personnel recommendations approved by the Idaho Division of Financial Management and the Idaho Legislature;- Monitors and oversees SAPD operations to ensure that services delivered are in compliance with applicable laws, rules and regulations established by federal and state laws, and by applicable ABA standards ;
- Modifies existing policies and procedures in response to changing needs and standards;
- Serves as the principal spokesperson to the public and the legislature on issues relating to the office of the SAPD and public defense;
- Confers with justices, judges, prosecutors, law enforcement and corrections officials, and other stakeholders within the criminal justice system as necessary for the efficient and effective representation of indigent defendants; and
- Actively participates as a member of the Criminal Justice Commission, the Public Defense Commission, the Court Technology Committee, the Idaho Criminal Rules Committee, the Idaho Rules of Evidence Committee, and the Idaho Appellate Rules Committee.

INDIGENT DEFENSE DUTIES

- Plans, organizes and directs legal counsel and representation of indigent persons on direct appeal and in post-conviction proceedings who have been convicted of murder and sentenced to death in the State of Idaho;
- Plans, organizes and directs legal counsel and representation of indigent persons on direct appeal who have been convicted of any felony offense or denied post-conviction relief relating to an underlying felony conviction;
- Formulates and applies office policies, standards of defense practice and employee conduct;
- Consults with the Governor's Office on pending legislation related to criminal defense issues and provides advice and counsel as needed;
- May personally appear in court as necessary as counsel of record on any case to which the office of the SAPD is appointed and that is pending before the Idaho Supreme Court, the Idaho Court of Appeals, or any district court in the State of Idaho; and

- Provides legal assistance and resources to county level public defenders where appropriate, and where the assistance will not create a conflict with the State Appellate Public Defender's representation of any current or future clients.

BUDGET DUTIES

- Responsible for the annual budget and fiscal year allocations for the office of the SAPD, including, but not limited to: expected expenditures for capital cases; personnel costs; operating expenses; and conflict counsel expenses;
- Oversees financial planning for the office of the SAPD's daily operation;
- Prepares and presents the office of the SAPD's annual budget to the Joint Finance-Appropriations Committee (JFAC); and
- Administers and formulates salary and personnel recommendations approved by the Idaho Division of Financial Management and the Idaho Legislature.

MINIMUM QUALIFICATIONS: The State Appellate Public Defender shall be licensed to practice in the state of Idaho and in good standing with the Idaho State Bar and have a minimum of five (5) years' experience as a practicing attorney. The position requires an attorney with criminal defense experience and in-depth knowledge of the appellate process. The State Appellate Public Defender shall have management experience and knowledge of Idaho's legislative and budgeting process. The successful candidate will have a working knowledge of Idaho rules of criminal, civil, and appellate procedure and the Idaho Rules of Professional Conduct. The State Appellate Public Defender shall have knowledge and understanding of the national standards for the practice of criminal defense, including the ABA standards for the defense function and for the appointment and performance of defense counsel in death penalty cases. In addition, the successful candidate must have knowledge and understanding of the statewide and local criminal, juvenile, and post-conviction civil justice systems within which the services of the office of the SAPD are mandated. The successful candidate must be proficient with Microsoft Office applications and have extensive experience researching, writing, editing, and drafting motions, briefs, and policies. Experience analyzing and drafting legislation is required.

PREFERRED QUALIFICATIONS: Although not required, the preferred candidate will have experience representing indigent defendants in felony criminal appeals in Idaho, and experience litigating capital cases. Preference will be given to those candidates with experience developing and implementing policies for the effective and efficient management of personnel and appellate caseloads. Candidates should have a working knowledge of employment law and experience addressing personnel issues within a professional office environment. The preferred candidate will have familiarity with the legislative process.

HOW TO APPLY: Qualified applicants who would like to apply for this position must submit the following: 1) cover letter; 2) resume; 3) three letters of recommendation; and 4) two writing samples. The required materials must be

received by the Governor's Office no later than November 15 at 5:00 p.m. Email submissions are preferred. Please direct all application materials to:

Cally Younger at cally.younger@gov.idaho.gov

Hiring is done without regard to race, color, religion, national origin, sex, age or disability. Preference may be given to qualified veterans under state & federal laws & regulations.