

# CAREERS IN INDIGENT DEFENSE

A GUIDE TO PUBLIC DEFENDER PROGRAMS



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## INTRODUCTION

*“So you want to be a public defender? Don’t do it for the money, there isn’t enough. Don’t do it for prestige, you won’t get any. Don’t do it for the thrill of victory, victory rarely comes.*

*Do it for love. Do it for justice. Do it for self-respect. Do it for the satisfaction of knowing you are serving others, defending the Constitution, living your ideals.*

*The work is hard. The law is against you. The facts are against you. The judges are often against you. Sometimes even your clients are against you.*

*But it is a great job – exhilarating, energizing, rewarding. You get to touch people’s hearts and fight for what you believe in every day.”*

*Carol A. Brook  
Deputy Director  
Federal Public Defender for Northern Illinois*

Anyone accused of a crime that can result in incarceration is entitled a lawyer.<sup>1</sup> Because of that constitutional guarantee, federal and state governments must provide lawyers to the indigent accused of crime. There are several ways that obligation is carried out, leading to many different types of indigent defense programs.

Generally speaking, three models have emerged for the delivery of legal services to the criminally accused: assigned-counsel systems, contract-service systems, and public-defender systems. The assigned-counsel system involves assigning individual criminal cases to private attorneys on a systematic or ad hoc basis. The contract-service system delivers legal services through a government contract with an attorney, group of attorneys, bar association, or some other entity. Public-defender programs on the local or federal level have full staff attorneys and support personnel who provide defense services to indigent criminal defendants. Most states use some combination of these three models.<sup>2</sup> An accused person in Massachusetts, for example, may be represented by a federal public defender, a private attorney appointed from a panel of attorneys, or a full-time state public defender.

Defender organizations handle different types of cases. Attorneys in certain defender programs may represent such diverse clients as juveniles accused of delinquency or other status crimes, adult misdemeanants, adult felons, state or federal appellants, children or parents involved in custody or care matters, persons whom someone seeks to commit to a mental institution or to medicate involuntarily, or minors seeking an abortion without parental consent. There are also specialized programs, such as offices that provide legal services in death penalty cases and

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<sup>1</sup>See *Gideon v. Wainwright*, 372 U.S. 335 (1963); For a compelling description of the *Gideon* case and the story behind the development of the right to counsel, see Anthony Lewis’ Pulitzer Prize winning book, *Gideon’s Trumpet*.

<sup>2</sup> See Robert L. Spangenberg and Marea L. Beeman, “Indigent Defense Systems in the United States,” 58 *Law and Contemporary Problems* 31, (Duke University School of Law, Winter 1995). This article offers an excellent general description and analysis of indigent defense systems and the problems they confront in providing effective representation. For a breakdown of indigent defense systems by state, see Spangenberg, Beeman, and James Downing, “State and County Expenditures for Indigent Defense Services in Fiscal Year 2002”, available at the [www.indigentdefense.org](http://www.indigentdefense.org).

community based organizations, such as the Neighborhood Defender Services of Harlem or Bronx Defenders.

This guide will lead you through the thicket of these programs so you can determine which might be most suitable for you. But before you delve into those details, you must first confront the most fundamental question of all: do you want to become a public defender?

## **DECIDING TO BE A PUBLIC DEFENDER**

### *Is Indigent Defense Right For You?*

Why would anyone want to practice law on behalf of the indigent accused of crime? The work is sometimes frustrating, often exhilarating, and always demanding. The most difficult aspect of indigent criminal defense is probably working with people who live on the margins of society, deep in poverty, filled with despair, and often debilitated by substance abuse, childhood traumas, and many other problems. You enter their lives at a particularly bad moment: they face a criminal accusation that very well may lead to years of imprisonment. And if you do capital defense work, the stakes are life and death. Not surprisingly, your clients exhibit anger, hostility, and despondency. Your job as a public defender involves navigating these clients through a legal maze that we call the criminal justice system. Are you cut out for this work?

There is no single personality template for a public defender. Contrary to popular belief, you don't need to have the booming voice and eloquence of Clarence Darrow or the presence of Atticus Finch. Trial and appellate work on behalf of the criminally accused involve a whole range of skills that can be mastered by dedicated lawyers with a wide range of personality traits and personal attributes. Introverts can be excellent trial lawyers. Many powerful advocates are women with soft voices and gentle smiles. Don't rule out this career path simply because you can't imagine yourself being a courtroom advocate of the sort depicted on television or in the movies. The key is dedication and commitment to the mission that is embodied in the Sixth Amendment to the U.S. Constitution. That dedication and commitment may spring from different sources. Some lawyers become public defenders because they enjoy the role of advocate for the underdog. Some relish the courtroom drama and the highs and lows of winning and losing. Most public defenders are motivated by a desire to help those who society has largely abandoned. Before you submit a resume to a public defender office, you must search within yourself to discover why you would like to enter this uniquely challenging line of work.

### *Some Questions to Ask Yourself Before Sending Out Your Resume*

Perhaps the most critical question you must ask yourself is whether you are willing to represent individuals accused of crimes. Many people simply cannot understand how criminal defense lawyers do what they do because they cannot get beyond their disapproval of, and even outrage over, criminality. Of course, no one approves of crime, and becoming a public defender does not mean that you believe people should not be held responsible for criminal behavior. The public defender's job is to *defend*, and that often means defending the guilty, because no decent society would permit the government to imprison anyone without proving his or her guilt. And so, the critical question is not whether you approve of crime or criminal behavior – of course you don't. The real issue concerns your reaction to crime and anti-social behavior. Do you become so upset

and angry over criminality that you simply cannot muster the energy – emotional and intellectual – to defend an accused person? If so, then you should save yourself time and effort by pursuing a different legal career.

You must understand that most indigent defense work does not often involve Hollywood-style scenarios of valiantly exonerating an innocent man who would otherwise be marched off to the penitentiary. Defending the indigent is not the same as championing a particular cause or issue, but rather each client is your cause. Public defenders are not on the forefront of impact litigation or other types of law reform; what they do is work in trenches, fighting for the rights of their clients on the ground level of the justice system. This is one of several reasons why indigent defense is not for everyone. Some beginning public defenders might find that each case starts to look the same after a while, with the same problem or sets of problems re-emerging over and over again, and feel powerless to address the root causes of crime. For others the opposite is true – in each new case and client they see something new and someone unique. These aspects are factors you must consider carefully as you consider a career in indigent defense.

The next issue you must confront is subtler. How well will you be able to relate to your clients? Of course, becoming a public defender does not mean that you must like every single client you represent. And it certainly doesn't mean that you must count them as your friends. But it does mean that you are able to talk respectfully with clients who may have very different backgrounds than yours and have an understanding and empathy of their life stories. Compassion and empathy are vital to client-contact and effective representation. Many of you will never fully know what it feels like to live the lives of your clients. The temptation is high to quickly pass judgment, especially when the accusations are horrifying. Quite simply, it takes a special person to look beyond the outer human being who is accused of a horrible act and to seek out the humanity within. Some of the most rewarding experiences of public defender work come from this dimension of the practice.

### *Do You Have What It Takes To Be A Public Defender?*

If you wake up a criminal defense lawyer in the middle of the night and ask, “What is the one attribute that most defines a criminal defense lawyer?” the answer is likely to be: a willingness to confront and challenge authority. The ability to stand up for a client, and thus to stand up to “the system,” is a non-negotiable aspect of the public defender job. It is not easy. It is not for the timid. It is often a lonely and thankless duty. If you live for the approval of others, you will find this line of work agonizing. Oftentimes, only you, and no one else, will be reminding everyone else – the judge, the prosecutor, and most importantly *the jury* – that the presumption of innocence is more than a slogan. Cynicism, and the criminal justice system's all too common tendency to render the process an assembly line, often creates an environment that is hostile to what you are trying to do, which is to represent your client fairly and effectively. You must have the assertiveness, the fortitude and commitment and the courage to stand against the assembly line and convert the process into the obstacle course known as due process of law. Only you can answer the question: do I have the moxie (what it takes) to be a public defender?

Once you have resolved in your mind that becoming a public defender is right for you, then you must educate yourself about the career options. What follows is a brief overview of the various programs that provide indigent criminal defense.

### **FEDERAL DEFENDER PROGRAMS**

*“As a federal defender in the Southern District of California, I am in court on a daily basis representing indigent people charged with federal offenses. I meet with my clients at home, in my office or, as is too often the case, in custody. I negotiate plea agreements and I file and argue appellate briefs. There really is no typical day because each day’s activities are dictated by the court appearances I have on that day and the deadlines that are pressing. The job is never boring, always stressful, yet challenging and, at times, extremely gratifying.”*

*Shawn Hays '88  
Trial Attorney  
Federal Defenders of San Diego*

Federal Defender programs are established through Title 18 § 3006A of the United States Code. Fifty-eight Federal Public Defender Organizations (PDOs) have been established to serve 66 of the 94 federal judicial districts. Each falls under the supervision of a local Federal Public Defender, who is selected for a four year term by the Court of Appeals of the Circuit in which the District Court is located. The staff of the Federal Public Defender, which consist of attorneys, investigators, and other support staff, are all full-time federal employees.

Most, but not all, of the attorneys hired for the Federal Public Defender offices are experienced attorneys, either from state or local public defender organizations or from large private firms. A limited number of offices hire lawyers directly from federal clerkships, taking advantage of their knowledge of federal substantive and procedural law. Federal public defenders emphasize experience in their hires because federal criminal cases tend to be more complex than state crimes. In view of the high level of skill of most PDO attorneys and the complexity of the legal issues involved, both full-time and summer positions in a PDO can be an extremely valuable and interesting experience.

Fifteen Community Defender Organizations (CDOs) have been established in seventeen federal judicial districts. CDOs are nonprofit legal service organizations incorporated under state law, usually operating under the supervision of a board of directors and often as a branch of a state public defender or legal services organization. They are funded, for the most part, by grants from the Federal Judicial Conference, although some are paid on a case-by-case basis. They vary in size and their compensation is not part of the federal system, as is the case with the Federal PDOs.

Federal criminal cases are often handled by private panels of attorneys. Where there are no PDOs or CDOs, the private attorneys handle all of the appointments and are compensated on a case-by-case basis. A lawyer must be qualified by experience and approved by the court to be a panel member. Many private attorneys who represent indigents in federal court use interns to assist on their cases. Depending upon the case, working with a federally appointed attorney can be a very interesting learning experience.

## STATE AND LOCAL DEFENSE OF THE INDIGENT

*“My practice is very much courtroom-based. I am in court almost every day on one matter or another. In the course of a typical month, I will have several bail hearings for incarcerated clients, several probable cause hearings for felony clients, many misdemeanor and juvenile cases and some courtroom matters to resolve in felony cases. Additionally, each month I find myself involved in the preparation of, and often the completion of, several felony, misdemeanor, and juvenile trials.”*

*Jennifer Bensinger '92  
Staff Attorney  
New Hampshire Public Defender*

More than half of the states have organized some type of indigent defense system, either under the executive or judicial branch, and usually with a public defender component. Typically, public defenders serve metropolitan areas and are supplemented by private bar and/or contract programs to serve the less populous regions, the less serious cases, and the conflict or case overload matters. Sixteen states operate state public defender programs in which the public defender office has full authority for the provision of defense services statewide.<sup>3</sup>

Some states have commissions which oversee the setting of standards and the provision of some services but do not have a state public defender program. Within the state, however, there may be an independent county funded public defender program operated within the state guidelines. Examples of this type of program exist in Tulsa and Oklahoma counties of the state of Oklahoma and in Greenville, South Carolina. In some states, such as Indiana, Arkansas, and Louisiana, if the local public defender program meets state guidelines, it may qualify for state funding.

There are also a number of public defender programs that are organized, funded, and operated on a county, regional, or local level.<sup>4</sup> The larger the county, region, or locality, the more likely it is to have a public defender office. San Francisco, Philadelphia, and San Diego are prominent examples of locally operated public defender programs. The Legal Aid Society's Criminal Defense Division, a non-profit organization, has a contract with the City of New York to be the primary defender and provider of indigent defense in Manhattan, the Bronx, Brooklyn and Queens, making it one of the largest defense organizations nationwide.

There are other programs that do not fit neatly into any of the above categories. For example, Florida has created twenty independent elected public defender offices, one in each judicial district, with no state oversight. Illinois has mandated by statute a public defender office for every county with a population of more than 35,000. Nevada has two large county defender programs, in Reno and Las Vegas, with the rest of the state covered by other programs. Pennsylvania has mandated local public defender offices for each county. In Virginia, the legislature decides where the public defender offices will be placed, and in West Virginia there

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<sup>3</sup> These states are Alaska, Colorado, Connecticut, Delaware, Georgia, Hawaii, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, Rhode Island, Vermont, Wisconsin, and Wyoming.

<sup>4</sup> The following states delegate their systems to the county, regional, or local level: Alabama, Arizona, California, Idaho, Maine, Michigan, Mississippi, Montana, New York, North Carolina, South Dakota, Texas, Utah, and Washington.

are thirteen nonprofit public defender corporations established by the state, which funds all the programs.

Sixteen states have combined trial and appellate state public defender offices.<sup>5</sup> Twelve other states have no statewide public defender providing trial representation, but do have statewide appellate offices.<sup>6</sup> There are other states that have regional appellate defender offices, such as Florida, or combined state and regional programs, such as Nebraska and Washington. The types of cases (felony or misdemeanor) handled in a public defender office vary greatly, depending upon the state or local system. The extent of support systems that exist within public defender programs is dependent primarily upon the funding sources, the state or local standards and guidelines under which the program operates, and the amount and type of oversight that exists in the jurisdiction. Most programs have some investigative services available, either by full-time staff or through special assignment by the court for reimbursable expenses. The extent of other support, such as training programs, social services, research capability, computer systems, and office staff varies greatly.

Public defenders typically spend most of their time in court receiving case assignments at arraignments and handling bail hearings, pre-trial conferences, plea negotiations, and trials. The extent of time spent investigating crime scenes, interviewing witnesses, and performing legal research will depend on the availability and quality of the support services in the office. The person with whom a public defender spends the most time is the client, who often needs not only legal assistance, but also health, social, counseling, and other services.

### **SPECIALIZED PROGRAMS**

There are a number of programs in the public defender field that serve specialized indigent criminal defense populations. The most common of these are programs offering services to persons charged with capital crimes. For example, there are a number of death penalty organizations, which provide direct representation in death penalty cases, and assist courts in finding attorneys for assignment in other cases. Some of these programs are associated with law schools, state public defenders, or nonprofit corporations. Several offices provide only appellate services or post-conviction services for persons convicted and sentenced in death penalty cases.

Juvenile advocacy is another area in which specialized services are often offered. In Massachusetts, for example, the Youth Advocacy Project operates within the local Roxbury office of the state public defender and offers extensive social and community, as well as legal services to its clients. In New York, there is a Juvenile Rights Division of the Legal Aid Society and special programs for major offenses, narcotics, and major violent crimes.

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<sup>5</sup> They are Alaska, Colorado, Connecticut, Delaware, Hawaii, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, Rhode Island, Vermont, Wisconsin, and Wyoming.

<sup>6</sup> They are Arkansas, California, Illinois, Indiana, Iowa, Kansas, Michigan, Montana, North Carolina, Oklahoma, Oregon, and South Carolina.



## **HOW DO YOU DECIDE WHICH PROGRAM IS FOR YOU?**

There are a number of factors to take into consideration in deciding which program would be the best for you. Obviously, one of the most important is the geographical element. This is a decision that should be made early because it will determine where you will take the bar examination. Another factor you should think about is the type of program with which you want to be associated. Are you looking for the opportunity for both trial and appellate experience? If so, then you should be looking in those states and at those programs that offer both types of experience.

Other questions you might ask about a program before applying include:

- Is training offered to new attorneys and does that training include the opportunity for trial practice exercises?
- Is the ratio of supervisory lawyers to staff attorneys less than one to five?
- Is there a mentor program in the office?
- Is there at least one investigator for every five attorneys in the office?
- What legal research tools are available?
- What types of cases will you be handling initially?
- How long is it before you may be assigned more serious cases?
- Is there a system for obtaining expert witnesses in cases?
- Does the office have caseload standards to maintain effective representation?
- Are the caseload standards in accord with NLADA standards?
- What opportunities for advancement will you have?
- What is the typical attorney turnover?
- What investigation and support staff are available?
- What are the salary and benefits and how do they compare with other public employees, such as the prosecutors, in the same area?

You should also speak with local members of the National Association of Criminal Defense Lawyers (NACDL) to determine the intangible tests of a good public defender program. Some of the questions you should try to address are:

- Are the lawyers highly regarded by the criminal defense bar in the area?
- Does the program have a reputation for zealous advocacy?
- What is the ratio of trials to pleas?
- Is the office independent from political and judicial influence?
- Who appoints the public defender and for what term?
- How much authority does the chief public defender have in appointing her or his staff?

## **THE PUBLIC DEFENDER HIRING PROCESS**

Once you have decided that you want to work in a public defender office, and have decided upon where, you should think about the hiring process. That process is unpredictable because while states accept their responsibility to fund the right to counsel, they are not anxious to fund

indigent-defense programs. Budget decisions often reflect an emphasis on cost effectiveness as opposed to effective assistance.

The hiring practices of public defender programs will differ significantly based on their size and location. Programs located in densely populated metropolitan areas will more often hire new attorneys as part of a large annual hiring initiative than smaller public defender offices. These smaller offices will often hire only when a particular need arises, typically as a result of attrition. This means that getting an entry level staff attorney position in smaller public defender offices is often extremely competitive, with many applicants vying for the same few positions.

To give you an idea of scheduling, please examine this basic timeline of the hiring process for a large public defender program in a metropolitan area that employs more than 200 attorneys and usually hires between 15-22 new attorneys a year, depending on attrition and budget constraints:

- *August*: Begins soliciting applications for positions beginning the next year.
- *January*: Ends recruitment and begins conducting first round interviews, where applicants are interviewed by a panel consisting of three experienced attorneys.
- *February-March*: Begins conducting second round interviews, where chosen applicants interview with Chief Defender and First Assistant Defender. Offers are usually made by the end of March.
- *July*: Applicants must sit for the state bar (if they haven't already).
- *September*: New hires commence their employment with a three week training period on the Monday after Labor Day.

Note that this timeline is not universal for all public defender offices. You should find the hiring timeline and other details for the specific programs you are interested in.

Most public defender programs are at least able to give you an idea about the timing of their hiring process, the number of openings they may have and where, and the starting salaries (which range from about \$35,000 to as high as \$57,000 per year, with the median salary between \$40-\$47,000, depending on location). However, because of budget uncertainties, the programs often may not make any hiring commitments until late in the academic year. Some public-defender offices, such as those in California, are part of the civil service system with starting salaries of \$56,000. The San Francisco Public Defender's Offices starting salary is the highest in the country at \$92,000.

It is a good idea to contact the programs in early fall to obtain information about submitting your resume and application and arranging for an interview. If you have funding from some other source, such as a fellowship or from your law school, you should inform the program of that fact as soon as possible, as it will increase their interest in your application significantly. For permanent positions, you should also find out whether bar membership is required before you can be hired. For some programs, bar membership is not a prerequisite, but your job is conditional on bar passage within a specified time frame. Try to be as flexible as possible about the location and type of defense work (felony, juvenile, etc.) you will accept.

Most federal defender offices require litigation experience. A very limited number of federal defender offices will hire a recent graduate with a clerkship but no other experience. Check with the individual federal defender offices about their specific requirements. ([www.fd.org](http://www.fd.org) with links to most Federal Defender Offices)

An excellent way to gain experience in indigent defense and to network with possible employers is through a summer internship at a public defender office. There are many options available to both undergraduate students and law students. For example, the Public Defender Service (PDS) in Washington, D.C., offers both intern investigator positions and law clerk positions for law school students. Some states also have student-practice rules, which dictate when law students can appear in court. In Massachusetts, students who have completed their first two years of law school can appear in court for criminal cases. This is a way to gain significant experience in litigation and to see what indigent defense work is like first hand. It can also be very beneficial if you decide to pursue a permanent position in a public defender office.

But in the end, no single characteristic or experience can guarantee you a job as a public defender. Public defender organizations generally look at a number of different factors, including:

- Demonstrated commitment to the indigent
- Law school courses and clinical experiences
- Legal internships and summer jobs
- Ability to relate to indigent clients
- Writing skills (especially for appellate positions)
- Passion for constitutional rights and/or human rights, serving the poor, or litigation
- Commitment to public service
- Experience in oral advocacy
- Grades in key subjects such as Criminal Law, Evidence and other related courses

If there is one make-or-break characteristic for becoming a public defender, it is a demonstrated commitment to public service, particularly indigent criminal defense. Those considering your application would typically rather see extensive volunteer and clinical experience in public service on your resume than your position at the law review or your grades from law school.

### **PUBLIC DEFENDER INTERVIEWS: A UNIQUE EXPERIENCE**

Interviewing for a public defender job is a challenge. The interviews are often unlike any you have ever experienced. Whereas interviews with law firms tend to be congenial affairs, public defender interviews tend to be intense, sometimes confrontational, and always challenging. Being aware of what you might face during your interviews is crucial to landing a public defender job.

While each office has its own interviewing approach, interviews for public defender positions tend to share some common elements, which the discussion below attempts to capture. Be aware that the following descriptions do not pertain to every public defender program, nor do they provide an exhaustive list of public defender interview processes. Do not be afraid to call the

office you are applying to and ask them about their specific hiring/interview process. While they will not give all away their favorite hypothetical questions, they likely will oblige you with some basic information about how the process works and outline in broad terms what to expect.

You will likely have multiple interviews in your journey to become a public defender, as most programs use multi-step hiring processes. The first step in the process is submitting a cover letter, resume, and application (if needed) along with a law school transcript to the program where you want to work. This provides an initial screening of applicants for the program. Once you progress from there, you will most likely have to sit for at least two interviews.

First-round interviews are often conducted by a panel of employees (always consisting of experienced attorneys, and sometimes involving other staff, such as investigators). Some public-defender programs, such as the Miami Public Defender or the Committee for Public Counsel Services (CPCS, the Massachusetts Public Defender), conduct individual screening interviews first. They then take the best applicants from those screening interviews and follow up with a large-group panel interviews. However, for most public defender programs, in your initial interview you will face a room of experienced attorneys ready, and even anxious, to ask tough questions, including hypothetical questions that test your knowledge of substantive criminal law and criminal procedure. You should expect to answer questions regarding any litigation experience you have already had (such as clinical work), as well as questions regarding ethical issues and your comfort level in working with a diverse array of clients.

Besides doctrinal questions, it is quite likely that you will be asked several hypothetical questions dealing with ethical and client-oriented issues. For instance, you might be asked how you would counsel a young client who had never before been arrested and is proclaiming his innocence in the face of a serious crime based completely on the testimony of several police officers. That client is facing a long jail sentence should he be convicted after a jury trial but is now being offered a plea-bargained sentence of probation. “What do you say to your client?” the interviewer will ask, with the others peering at you expectantly. You might be asked to role-play where the interviewer plays the client and you’ll be asked to as his “attorney” to discuss a difficult decision or issue. Another question might ask about any cases that you would feel uncomfortable handling, such as sexual assault cases. The purpose of this sort of question is to reveal overly squeamish applicants. These employers are interested in applicants who will take every case they are given and run with it; they are interested in applicants who are not prone to stress or freezing up when confronted with an uncomfortable situation, as the work of a public defender is replete with uncomfortable situations.

The upshot is that many public-defender offices favor, to varying degrees, a “trial by fire” interviewing process. Suffice it to say that the interviewing process for becoming a public defender is intense. While it might seem like this process is designed to frighten you away from this line of work, the goal is to predict how well you can think critically in intense and unpredictable situations. Unlike large law firms, rookie public defenders do not work quietly behind the scenes for the first few years, but rather they get thrown right into the fire of the criminal-justice system immediately. Employers want to ensure that you will not succumb to the pressure of judges, prosecutors, and clients; they want to find out whether you have the fortitude and sense of self to resist the temptation to just “go along and get along.” They believe that one

of the best ways to test you is to simulate the kind of intensity you might expect in the trenches of a courtroom.

## CONCLUSION

Becoming a public defender can be a tremendously rewarding experience, even if only done for a few years, but it is not something to enter into without thought and reflection; it is not for everyone. Service as a public defender offers some great opportunities:

- Unrivaled trial experience
- Exposure to very interesting cases
- Representation of unique clients, many, or even most of whom have severe problems
- A chance to defend and enforce the constitutional rights of those individuals in our society who most need protection

On the other hand, it is work that can be terribly difficult and frustrating:

- Fighting a seemingly losing battle in most cases
- Lack of appreciation from clients and most others in the criminal justice system
- Always being asked the question: “How can you defend *those* people?”

The role of a public defender requires someone who likes working with a diverse group of people, believes in what the Constitution demands of the criminal-justice system, and is looking for a challenge and a chance to serve others. We hope this guide assists you in pursuing the opportunities that await you in this public-service field.

## NARRATIVES

MIRA EDMONDS, '07 – Staff Attorney, Criminal Defense Division of the Legal Aid Society, New York

I have been a staff attorney in the Criminal Defense Division of the Legal Aid Society in Manhattan since 2007. At Legal Aid, new attorneys start out representing clients charged with misdemeanors, but within a year or two, start picking up felonies. Our caseloads generally range from 120-160 cases at any given time, although new New York State legislation mandating case caps should lower those levels in the near future.

I am not one of those people who always knew I wanted to be a public defender. I went into law school interested in criminal defense but also interested in migrant labor issues. Although those are two very different areas of law, I think I was attracted to each because both involve representing the most disenfranchised members of our society. Since I lacked practical experience in either area, I decided to spend my 1L summer working at the Migrant Farmworker Justice Project in Florida and my 2L summer at the Public Defender Service for the District of Columbia. Although I really enjoyed the work I did at MFJP, the time I spent at PDS really clinched it for me. The clients that you represent as a public defender are so vulnerable and generally despised, and the stakes are so high in their cases, that I don't think there is any higher calling than to serve as their defender and advocate. Plus the stories in criminal law are so much

more interesting than in most other areas of the law, because they are fundamentally human dramas, whether writ small or large. I was also attracted to the diversity of tasks that fill your days as a public defender – time in court, talking with clients, doing legal research and writing motions, doing investigations, making phone calls, preparing for trial, and being on trial. Compared to my classmates who spend all day sitting in front of computers and boxes of documents at large law firms, I can't believe how lucky I am.

One notable aspect of our practice in Manhattan is that we spend the majority of our time in court taking pleas or adjourning cases, which often feels like a lot of bureaucratic processing of cases. Then every once in a while, you are on trial and you live on an adrenaline high for a week or two. There are certainly jurisdictions where public defenders are more regularly on trial than in New York, but I think it is a common experience that public defenders have to shift between the rush of being on trial and the less enthralling (and less frightening) day-to-day of simply managing one's caseload.

In law school, I did not do Criminal Justice Institute although I did do the Trial Advocacy Workshop. The reason I didn't do CJI is that at the beginning of my 2L year, I joined the student-run Harvard Legal Aid Bureau, which requires a two-year commitment. Knowing my interest in criminal law, I agonized over whether to commit to two years of a civil legal clinic, but in the end I decided that it was important to me to have the extended clinical experience with sustained client relationships that only HLAB offered. I hoped that the experience would sufficiently cross over to criminal practice if that was where I ended up, and that is indeed what I found. The experience of having been the primary counsel on multiple cases, working with clients, appearing in court, negotiating with opposing counsel, developing case strategy, and drafting pleadings was invaluable when I began my career at Legal Aid. I was far more comfortable appearing in court and managing my own cases than I would have been had I not had that clinical experience.

As a public defender I am honored to be able to defend the rights of poor people, whose advocates are few and far between, and at the same time, to do my part in combating the overreach of law enforcement. I love working with individuals, hearing their stories, getting the best results I can for them, and convincing them that I represent them because I want to, not because of financial or other incentive.

The hardest parts of the job are managing such a large caseload and facing the unrelenting hostility that one encounters from prosecutors, judges, court clerks, corrections officers, court officers, and frequently even our clients. On the other hand, that hostility generates a lot of camaraderie and solidarity among my colleagues. And there are individual prosecutors, clerks and officers with whom I have developed productive and friendly relationships. In general I have found that criminal court is the kind of place where you have to prove yourself. But once you have been there for a while, you are able to generate goodwill by acting professionally and treating others respectfully, which proves invaluable to getting things done.

As someone interested in systemic change, I sometimes find it frustrating to be involved in work that often amounts to triage – minimizing the damage to a person's life, rather than dramatically improving it in most cases. That is probably why I will not end up a lifer, though there are times when I cannot imagine doing anything else. But regardless of whether I remain a public defender

or not, I know I will be forever grateful for having had this experience at the beginning of my career.

LISA HAY, '91 – Assistant Federal Public Defender, District of Oregon

I have worked for the Federal Public Defender in Oregon for twelve years now and still love my job. Not all lawyers – and not all public defenders – can say that. For me, being a defender in the federal courts offers the perfect combination of intellectually exciting legal work, defense of liberty, and personal assistance for people who desperately need help. It's professor/civil libertarian/social worker all rolled up into one incredible roller-coaster of a job.

It did not occur to me in law school that I would be a public defender. I wanted to do some kind of vaguely undefined “public interest work,” but my interests leaned toward women and politics and civil rights issues, not criminal law. When I clerked in the federal district court in Boston a few years after graduating, however, I saw firsthand how exciting and important federal criminal defense could be. I tried to sit in on every criminal trial my judge had, and I learned federal criminal procedure by watching it. After working in a law firm for several years doing civil litigation, a little white collar criminal work, and a pro bono habeas corpus case, I decided to apply for assistant federal defender positions.

I did not get far. My enthusiasm and academic credentials just could not overcome my lack of any real criminal defense or trial experience. No matter how passionately I argued that I could learn this stuff – I could do it – few federal defender offices have space for attorneys who cannot walk in and immediately pick up a caseload. Luck turned my way, however, when we moved to Oregon for my husband's work. I had applied, unsuccessfully, for an assistant defender position in Portland, and I contacted the head defender just to let him know that I would be living in his city and, if anything changed, I was still interested in working with him. Months later he called to let me know there was a research and writing position available: Was I interested?

I agonized over the decision to take the R&W job. By this time I was a mid-level associate at a large law firm, handling some of my own civil cases, writing my own briefs and feeling like a real lawyer. Could I be happy doing grunt work and researching for other people's cases? The answer was yes. I took the job, and for four years got to work on every conceivable curlicue of criminal law. The more cutting-edge the issue, the more they needed an enthusiastic researcher to help. Yes, I felt underpaid and occasionally undervalued, and wondered some days why after three years of law school, two federal clerkships, and four years as a civil litigator, I was standing at the copy machine at midnight producing someone else's appellate brief. But, I got the experience I once lacked, and I worked every day with incredibly talented and committed people. I moved up into an assistant defender position eight years ago and have never looked back. Taking what felt like a step down in my career in order to get through the FPD door was one of the best career decisions I ever made.

My advice to current students is to seek out summer clerkships at defender offices to see what the work is like. Our office in Portland accepts volunteer clerks each summer, and many of these students have gone on to a career in criminal law. Take trial advocacy and criminal procedure courses, and hone your research and writing skills through work on journals or with professors. Go to federal court and watch trials. Demonstrate your commitment to justice – in any arena – by

your choice of extra-curricular activities and employment. Be prepared to accept employment in an office at a lower level than you would like, and work your way up. Finally, make connections with people who are doing the work you want to do. One way to meet people who are doing interesting federal criminal work is to help on an amicus brief to the Supreme Court or a Circuit Court of Appeals. Check the Supreme Court docket to see which organizations submitted briefs last year, then contact them and offer your help for their next project. Families Against Mandatory Minimums, the National Association of Criminal Defense Lawyers, and other good organizations can always use free talent. Local law firms that take pro bono habeas corpus cases might also value your help, and you would get the experience of meeting a client in prison, reading a trial transcript and dissecting the errors in a criminal case.

Planning a career on a straight path is not always possible or desirable. I ended up as a public defender after three bar exams, two clerkships, three civil law firms, two children, and a year of travel. Taking risks, being flexible, and learning from my experiences helped me develop my own voice and find what motivates me. Not everyone will thrive under the stress, workload, threat of defeat, endless tragedy, and sense of powerlessness that accompanies being a defender, but the rewards of the work will appeal to some.

I am always happy to hear from students considering a career in indigent defense, and I encourage you to explore widely as you imagine your future.

LISA KAVANAUGH, '00 – Trial Attorney, Committee for Public Counsel Services, Somerville (formerly Cambridge), Massachusetts. 2000 Prettyman Fellow

I am a staff attorney with the Committee for Public Counsel Services (CPCS), which is the Massachusetts statewide public defender office. I am in the felony trial unit in Cambridge, where I have been since July 2002. I came to CPCS after completing a two-year Prettyman clinical teaching fellowship at Georgetown University Law Center. I went directly from law school to the fellowship, after taking the Massachusetts and D.C. bar exams. I was admitted to practice law in D.C. and Massachusetts in the fall 2000, and planned to return to Massachusetts after completing the fellowship. By the time I started working at CPCS, I was already a member of the Massachusetts bar.

I knew from the moment I started law school that I wanted to be a public defender, and have remained passionate in my commitment to indigent criminal defense since that time. I first became interested in public defense while working as a paralegal for a small Boston criminal defense firm, which I did for one year between college and law school. I chose CPCS over other public defender agencies primarily because of location, but also because of its reputation for excellent quality of representation.

Being a public defender is immensely rewarding, but also very challenging and at times draining. I take my job very personally, and often find it difficult to leave my job at work -- that is, to not take it home with me and into my personal life. That said, I feel very lucky to have found a real calling -- a job that challenges me in many diverse ways, and one that consistently demands and inspires new growth as an advocate. I see working as a public defender as a long-term career choice, although I continue to be interested in the clinical teaching component of the fellowship



that I did in D.C. after law school. But I cannot imagine practicing any other type of law, and truly see myself as a defense lawyer for indigent clients.

I certainly think that any law student who is considering work as a public defender should participate in the Criminal Justice Institute during third year, as well as other clinical opportunities during first and second year. While I was at HLS, I was a student attorney for the Prison Legal Assistance Project (PLAP) for all three years of law school, and then also completed TAW in the fall of my third year and went on to participate in CJI. Both PLAP and CJI were invaluable experiences for me, in terms of giving me a realistic picture of the type of work that public defender offices do, as well as giving me the opportunity to get to know the client population I would later work with as an attorney. I certainly think that all of the best public defender offices look for evidence of a real commitment during law school to hands-on work with clients, as well as an engagement with criminal law and indigent defense. I would also encourage law students to pursue summer internships with public defender offices, including CPCS and PDS in D.C. Course work is frankly less important, although I thoroughly enjoyed taking Advanced Criminal Procedure and Steven Bright's seminar on Capitol Punishment. In general, the more that students can do to evidence their interest in criminal law, indigent defense, and hands on clinical work, the stronger their applications for public defender offices will be. I do not think that grades matter very much for public defender applications, although perhaps specific grades -- like evidence, criminal law, criminal procedure -- might make more of a difference than others -- like corporations, tax, etc. (neither of which I even took, by the way). I am always happy to answer questions from law students considering a career in public defense. I cannot emphasize how rewarding this type of work is, or how sustaining it can be as life's demands change and grow.

LARA KISLINGER '07 – Trial Attorney, Los Angeles County Public Defender

I don't mean to brag, but I have the best job in the legal profession. It's just a fact. I don't know anyone as happy with his or her job as is a public defender. First and foremost, I'm a trial attorney. I'm in trial an average of once a month on cases as varied as violation of a gang injunction and sexual battery by fraudulent representation... and I'm still only handling misdemeanors! My days are exciting and fast-paced, and I have the best stories to tell at cocktail parties.

I also have a job where I am able to see the immediate impact my work has on people's lives. Most of my clients are products of a broken system and have problems far beyond their misdemeanor cases, and unfortunately there's so much I can't fix. However, there are no quick fixes for the big problems, and sometimes it's easier to wake up in the morning and go to work when you can clearly see the small differences you do make. I may not be able to fix the terrible things in someone's life that have brought that person to me, but I can make a little difference by saving someone from going to jail, protecting his or her record or immigration status, winning a case, or just showing that there is somebody who gives a you-know-what about that person, and telling the government it can't just walk all over people because they are poor and easy targets.

Before law school, I don't think "public defender" was anywhere on my radar. I suppose if you had asked me about it, I would have conjured up some Law-and-Order stereotype, but it was never anything I actually thought of as a job option. I did know I wanted to be a public interest

lawyer, and my first summer I worked for a civil rights solo practitioner, since that was an area I cared about. I soon realized that while the issues were ones I found interesting and important, the job consisted primarily of sitting in front of a computer all day, which I wasn't cut out for. I wanted something more hands-on than just research and writing. My 2L year I joined the Legal Aid Bureau, which turned out to be my favorite aspect of law school. I loved having clients, going to court, and arguing motions. I learned important lessons about client communication and handling opposing counsel. In the meantime, through involvement with the Harvard Defenders and the Prison Legal Assistance Project, and taking Criminal Procedure and related courses, I discovered that criminal law was – for me – the most interesting aspect of the law, and the area about which I felt most passionate. Eventually (and after a trip or two to OPIA), the light bulb went off: the perfect combination of my passions, legal interests, and ideal work environment just might be a public defender office.

I am from Los Angeles and planned to be there at least for my 2L summer, so Lisa Williams (now Associate Director of OPIA) put me in touch with the hiring deputies at the Federal and LA County PD (the two public defender options in LA). After interviewing with both, and struggling over the decision, I decided to take the county job. It was the best decision I could have made. Coming from Harvard I think we're sometimes led to believe that the Federal Courts are the only real courts. However, I knew from my interview that the federal office rarely (if ever) hires straight out of law school, while the county hires primarily from its summer class. I owe a lot to good advice at OPIA (from both Lisa and Alexa), who convinced me that if I wanted to be a public defender, the most important thing was to put myself in the best possible position to actually *be* a public defender. If my likelihood of getting hired was the greatest with the county, then the county it should be.

The county wasn't just the right decision because I got a job out of law school, however. It was the right decision because this is the perfect job for me. The federal office is much more focused on research and writing, and that's what the new attorneys primarily do. I can't speak for other counties, but in Los Angeles, the county office is first and foremost a trial office. The theory is that the more experienced you become as a trial attorney, the better for your clients both in trial and as far as getting dispositions pre-trial. From the moment I joined I was thrown into the courtroom, starting with preliminary hearings for felonies, moving on to misdemeanor arraignments, and then – five months after I was hired – having my own misdemeanor caseload. I've been in the office a little over two and a half years now, and I've done almost 30 trials. I've worked in a number of courts around the county, including Downtown LA and Compton.

I care deeply about the work I do, and I also have a lot of fun. Every case presents a new set of issues to think about, not only from a legal but from a practical and strategic standpoint. Aside from the excitement of the cases themselves, I have terrific colleagues whom I respect, share ideas with, and just love hanging out with. I won't pretend the job doesn't make me cry sometimes out of sadness at what my clients go through and frustration at an unfair system. But that's why I'm so passionate about what I do, and having other passionate people fighting alongside me helps keep me going. And heck, I'm not sure I'd want a job that didn't make me cry sometimes.

JOCELYN SIMONSON, '06 – Criminal Staff Attorney, Bronx Defenders, New York

I have been a criminal staff attorney at the Bronx Defenders in New York City for three years. I represent indigent defendants in both felony and misdemeanor cases in state court. I came to the Bronx Defenders after one year of clerking on the Second Circuit in Manhattan. I chose to begin my defense career at the Bronx Defenders because of its client-centered and interdisciplinary model of holistic defense, as well as its intensive training program for each year's class of new lawyers. While my appellate clerkship was a valuable and rewarding experience that I would highly recommend to anyone, it was quite a change to come to the Bronx, where I am constantly on my feet – I am in court every day, often appearing on multiple cases in multiple courtrooms. I have over 120 active cases at any given time, and have represented more than 3,000 clients during my three years so far in the Bronx. The work is fast-paced and exciting, and I am lucky to work in an office with a holistic model of public defense – with the help of social workers and civil and family lawyers, we try to address not just the direct criminal case that flows from an arrest, but the collateral issues as well.

I became a public defender because of a desire to combat the systemic injustices I had learned about in my studies and experienced first-hand in my law school clinics and internships: the racism, classism, and xenophobia of criminal court systems, the over-criminalization of youth of color in urban communities, and the punitive sentencing structures and collateral consequences of convictions that exacerbate racial and economic inequalities. I remain a public defender not because of those systemic issues, but because of the inspiration that my clients give me as they struggle through the obstacles that the criminal justice system places before them. My clients help me maintain my energy and commitment to my work.

I came to law school knowing that I was interested in indigent defense. As a result, I tried to search out a variety of relevant clinical and intern/externship experiences – I spent my first summer at the Capital Appeals Project in New Orleans, LA, my second at the Federal Defenders of New York, and did an independent winter clinical at the Equal Justice Initiative in Alabama during my 2L year. If you're interested in becoming a public defender, I can't stress enough the importance of seeking out as many internship and clinical experiences as possible. Definitely do the Criminal Justice Institute – I did CJI both my 2L and 3L years. CJI is an invaluable opportunity to build relationships with your own clients after having assisted your internship supervisors with theirs.

I also believe it is important, both as a student and once you are working full-time, to remain reflective and open to critique when it comes to the difficult job of being a public defender. For me, one of the most difficult things about my job is the knowledge that by entering the courthouse every day and participating in its routines, I am legitimizing the very criminal justice system that I am trying to fight against. Recognizing and discussing the inherent contradictions of my work is another way in which I sustain excitement about what I do every day, as the challenge of constant self-critique becomes a source of reinvigoration. So, my final piece of advice would be to remember to give yourself the time and space to be a thoughtful and self-critical public defender.

AVI SINGH, '09 – Deputy Public Defender, Santa Clara County

I work as a deputy public defender at the Santa Clara County Public Defender's Office. I started as a trial attorney handling general misdemeanor charges like resisting arrest and driving under the influence. I am currently assigned to the misdemeanor domestic violence calendar. Most of cases on this rotation involve allegations of battery. Unlike a general misdemeanor assignment, people convicted of domestic violence charges are placed on three years of formal probation and required, as a condition of probation, to complete a 52-week domestic violence course.

In general, I meet clients for the first time at a pre-trial conference. At the conference, I interview the client in court, determine what investigation is necessary, request discovery, and negotiate with a deputy district attorney. I typically have between 10 and 20 clients at each pre-trial conference. I meet with clients that are in custody and out of custody. I help them understand what is happening by explaining the charges and the police report. We discuss what the case is about and begin a process of sorting out a client's goals.

After court, I work with a team of investigators, paralegals, clerks, and attorneys to prepare the case for trial. Our office is a very supportive place. All of the attorneys spend time together working through problems and strategizing. An attorney in our office who only works on homicide cases spent hours and hours helping me get ready for a prostitution misdemeanor.

Some clients settle. Other clients go to trial. I started at the office on December 7. I started my first trial on December 14. We picked a jury on the first day and moved into evidence and argument over the next two days. Since starting at the office, I have tried six cases to juries. The cases include driving under the influence, battery on an office, setting fire to property, and domestic battery.

The practice is client-centered. Most people feel like they have no control when they are accused of a crime. I don't know whether anything is more disruptive. Part of my work is about giving people some control and dignity in this situation.

People come to, and stay in, this work for all sorts of reasons--making good on constitutional principles like due process and confrontation, defending innocent people, challenging the government, advancing civil rights. These values motivate the practice in different ways at different times. I love this work because it gives me an opportunity to help people.

I came to law school with some interest in indigent defense. I developed that interest with an organization that represents clients in criminal show cause hearings in Boston. I wanted to use my legal training to help people. Clinical programs were a great way to learn about practicing law. Over my first summer, I worked at the California Appellate Project in San Francisco. It was a great way to meet people working in indigent defense in the Bay Area. I worked on a clemency petition, a direct appeal, and a regulatory issue. I worked on consumer law at a legal services center during my second year. I also worked at the U.S. Attorney's Office in Boston. I spent my 2L summer at a commercial law firm. I spent my third year with the Criminal Justice Institute (CJI). I worked as a public defender in Roxbury. We investigated cases and prepared for trial. I had six clients. More than anything else, working on cases from start to finish at CJI made me want to be a public defender.

The hiring process and opportunities are different at each public defender's office. Some offices hire law students for research positions that start after the bar exam. People who take these positions get to argue suppression motions in serious cases. Some offices commit to applicants for a year. Others hire students for 6 months. I don't know much about differences in compensation or available hours. I suggest contacting attorneys at each office for current information. After bar results, people can apply to attorney positions. Again, I think different offices develop their attorneys differently. I started on a general misdemeanor trial rotation.

I applied to law firms in the fall of my third year. A law firm offered me a job. I used the public interest hiring rules to postpone making a decision about the firm while I searched for a public interest job. I applied everywhere. My experience was mixed. Everyone was candid about the job market. There was no guarantee of full-time employment. In the end, I decided that I would not be able to obtain a job as a public defender. The time did not seem right. I decided to be risk-averse and take a job at a law firm.

Two weeks before the bar exam, the firm deferred me. I contacted a few attorneys at the Santa Clara County Public Defender's Office to ask about volunteer opportunities. The timing worked out well. I volunteered on a habeas corpus project addressing Brady violations in sexual assault cases. After working in the office as a volunteer for a few months, I had an opportunity to come into the office as an employee. I jumped at it. The decision involved a few difficult conversations with the law firm, but I have not looked back.

I feel so lucky to do what I do for a living. I love my work. I hope this narrative is helpful. If you have any questions or want to talk, please feel free to contact me at [singh@post.harvard.edu](mailto:singh@post.harvard.edu).

ANGELA YINGLING, '06 – Assistant Public Defender, Rhode Island

When I entered law school, I knew I wanted to practice criminal law. What I *thought* I wanted to do, however, was become a prosecutor. In college, I had interned with my state prosecutor's office (the Department of Attorney General in Providence, RI), and I had enjoyed the subject matter and the entire concept of —promoting justice. I felt that by working for the state, I was ensuring that victims were compensated and each wrongdoer received his or her proper punishment. So while all my friends were being wined and dined by big firms in New York City (this was the summer of 2005!), I decided to return to Providence and take a Rule 9 position with the AG's office. In Rhode Island, Rule 9 interns are allowed, under the supervision of a licensed attorney, to represent the state in misdemeanor and violation cases in court.

During that summer, I was thrown into the center of the hectic Superior Court violation calendar. I was able to experience what it was like to make arguments in front of an actual judge and an entire courtroom of people. Frankly, it was terrifying and exhilarating at the same time, and I knew by the end of the summer that I was meant to be a trial attorney. However, I also began to feel unsettled with my role in the prosecutor's office. It may have been weeks of having to point out the worst things about defendant after defendant in order to justify the higher sentence we were seeking in each case. It may have been the way I saw defendants' Fourth Amendment rights being violated time and time again with impunity, because illegally seized evidence is not necessarily excluded in a violation hearing. I remember one case in particular that really awakened me to the injustices perpetuated, ironically, in the name of —justice. It was the case of

a severely mentally ill man who had allegedly made some threats about a judge. I was given a copy of the man's mental health evaluation to read before we presented our argument about why he should be sentenced to a prison term for this crime. Now, after years of being a public defender, I've read and heard hundreds and hundreds of truly terrible stories, but I will never forget the first time I read about this man and the history of abuse and mental illness he suffered throughout his life. The gist of the report indicated that this man, although certainly mentally ill, was not capable of carrying through on any threats. However, as a prosecutor I was required to point out the worst parts of the report and ask for a jail sentence, and I felt uncomfortable doing so. But I also remember the public defender in that case (now a colleague of mine) and his passionate defense of his client and plea to release the man to a treatment facility instead of prison. That day, there was a particularly tough judge sitting on the calendar, and we —won. The man was sentenced to three years in prison.

When I was hired at the Public Defender's Office right after my clerkship, I started in the Juvenile Unit. I represented defendants (or respondents, as they are known in RI Family Court) on a variety of misdemeanor and felony charges. Because of the way the unit is structured, each attorney keeps a client assigned to him or her until the child ages out of the juvenile system, no matter how many times the client come back or how serious the charges. I became very close with some clients and their families, and saw the struggles that many of my clients faced on a daily basis – neglect, abuse, mental illness, learning disabilities, poverty. Currently, I am assigned to the adult misdemeanor calendar and I sometimes handle up to thirty-five cases in one day and have five trials scheduled for one week. (Many of them settle, but there is a lot of preparation work involved.) As a result, I work between twelve and fourteen hours most days, and often come in to the office at least one day on the weekend. My calendar is particularly challenging because of the volume, but the other attorneys in my office work just as hard. When an attorney is reached for a felony trial, he or she expects around-the-clock work and total and utter absorption of the case until its conclusion. Being a public defender is definitely *not* for someone who wants a cushy state job.

It is a job that really can deflate you if you let it. I believe it is simultaneously one of the most frustrating and rewarding jobs you could ever have in the legal field. I start each day reminding myself that my job is to advocate and serve my clients, many of whom are particularly unable to advocate for themselves. I do my best to present them to the court as people, and not just file numbers. It's not always easy; clients will let you down, are often ungrateful, and make promises they are not able to keep. In addition, being a public defender means you get first-hand experience with the injustices and inequities of the criminal justice system, and that can become very frustrating, sometimes overwhelmingly so. But when people ask me how I sleep at night defending criminals (and they do ask that, often), I always have the same response. It is something my boss, the Public Defender of RI, once told me, —I have the best job in the world. What other job can you go to where you constantly have to look for the best in people, where *every day* you get to go to court and focus on the positive in other human beings? Usually, that gives people a different perspective on my job.

I cannot over-emphasize how important it is for anyone thinking of a career in public defense to actually do a clinical or a summer internship with an office (preferably both). In my office, fancy law school degrees or a stellar GPA do not count for nearly as much as a clear passion and dedication to indigent defense. The best way to show that you are really interested in this type of

work is to volunteer with student organizations as much as you can (such as the Harvard Defenders and PLAP), participate in clinicals like the Criminal Justice Institute, and spend your summers involved with this type of work. Beyond demonstrating your commitment to this work, such experience truly is important to best determine if being a public defender is your calling.

## RESOURCES

Listed below are some of the organizations which focus on indigent defense and criminal defense and can help you locate and learn about public defender offices.

### NATIONAL LEGAL AID & DEFENDER ASSOCIATION (NLADA)

National Legal Aid & Defender Association, 1140 Connecticut Ave. NW, Suite 900,  
Washington, DC 20036

(202) 452-0620 | Fax (202) 872-1031 | [info@nlada.org](mailto:info@nlada.org)

[www.nlada.org](http://www.nlada.org)

National, nonprofit association supporting providers of civil and criminal legal services for the poor, including training, legislative technical assistance, publications and national advocacy.

### NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

150 18th St., NW, Suite 950, Washington, DC 20036

(202) 872-8600 | Fax (202) 872-8690 | [assist@nacdl.org](mailto:assist@nacdl.org)

[www.nacdl.org](http://www.nacdl.org)

Professional bar association for criminal defense lawyers, dedicated to promoting the proper and fair administration of justice.

### CRIMINAL JUSTICE INSTITUTE (CJI) AT HARVARD LAW SCHOOL

Austin Hall, Room 301, 1515 Massachusetts Avenue, Cambridge, MA 02138

(617) 496-8143 | Fax (617) 496-2277

[www.law.harvard.edu/academics/clinical/cji](http://www.law.harvard.edu/academics/clinical/cji)

Curriculum-based clinical program in criminal law. Offers a combination of classroom instruction and hands-on experience for Harvard Law students, valuable service to indigent criminal defendants and juveniles, and research in a variety of criminal justice areas. The Criminal Justice Institute is the clinical placement for students enrolled in courses including Introduction to Trial Advocacy: Criminal Justice, taught by Professor Ogletree, and Criminal Justice Advocacy: Clinical Seminar, taught by David Poole. In addition to legal representation, CJI provides valuable educational experiences and services for Harvard Law School, national and local communities.

### DEATH PENALTY INFORMATION CENTER

1101 Vermont Ave., NW, Ste. 701

Washington, D.C. 20005

(202) 289-2275 | Fax (202) 289-7336 | [dpic@deathpenaltyinfo.org](mailto:dpic@deathpenaltyinfo.org)

Non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. Contact for information regarding legal defense organizations that specialize in death penalty defense work.

For more information on public defender work, the following books and publications provide both practical advice as well as personal perspectives and anecdotes.



HOW CAN YOU DEFEND THOSE PEOPLE: THE MAKING OF A CRIMINAL LAWYER  
James S. Kunen, 1983

INDEFENSIBLE: ONE LAWYER'S JOURNEY INTO THE INFERNO OF AMERICAN  
JUSTICE, author: David Feige, 2006

THE PUBLIC DEFENDER EXPERIENCE: A STUDENT'S CAREER GUIDE INTO THE  
HEARTS AND MINDS OF AMERICA'S 'REAL LAWYERS'  
Bradley Bitton, 1997

HOW TO GET A JOB IN A PUBLIC DEFENDER OFFICE  
Richard Armstrong, University of Virginia Law School, 2001

NEW YORK UNIVERSITY SCHOOL OF LAW PUBLIC DEFENDER CAREER HANDBOOK  
[http://www.pslawnet.org/uploads/NYU\\_PD\\_Handbook--public\\_version\\_August\\_2008.pdf](http://www.pslawnet.org/uploads/NYU_PD_Handbook--public_version_August_2008.pdf)

Listed below are current faculty members at Harvard Law School who are former public defenders. Please contact them to learn more about working as a public defender.

Professor Philip B. Heymann  
Professor Charles J. Ogletree, Jr.  
Professor Carol Steiker

Furthermore, the following clinical instructors at the Criminal Justice Institute are former public defenders. Please feel free to contact them.

Ronald S. Sullivan, Director  
J. Soffiyah Elijah, Deputy Director  
Gloria Tan, Clinical Instructor  
Kirsten Muniz, Clinical Instructor

In addition to the faculty members and clinical instructors listed above, Lisa D. Williams is the Assistant Director for J.D. Advising for the Bernard Koteen Office of Public Interest Advising at Harvard Law School. Lisa has nearly two decades of experience doing indigent defense work in New York City and some experience in Massachusetts and is an excellent resource for students considering pursuing careers as public defenders.