



PUBLIC DEFENDER CAREER GUIDE



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"In all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his defense."
-U.S. Constitution, Amendment VI, December 15, 1791

WHY BECOME A PUBLIC DEFENDER?

Public defenders safeguard the constitutional rights of indigent people accused of committing a crime. The work is fast-paced and litigation intensive. If you care deeply about the rights of individuals, equal access to justice for poor and low-income people, and find criminal law and litigation stimulating, becoming a public defender could be the right career choice for you.

WHAT DO PUBLIC DEFENDERS DO?

THEY GO TO COURT! More specifically, public defenders represent indigent criminal defendants in court. They negotiate, litigate, and otherwise zealously advocate for their clients.

The types of cases handled in a public defender's office vary greatly, depending upon the state or local system. That said, students who are hired as public defenders should expect to start by representing clients charged with misdemeanors handling such offenses as petty theft, simple assault, possession of small amounts of illegal drugs, and trespass. Eventually, new attorneys may be promoted from misdemeanor attorneys to felony trial attorneys, where they may handle such offenses as grand theft, aggravated assault, possession and distribution of illegal drugs and/or firearms, rape and homicide cases.

Public defenders generally spend most of their time in court receiving case assignments and handling bail hearings, pre-trial conferences, plea negotiations, and trials. The amount of time spent investigating crime scenes, interviewing witnesses, and performing legal research will depend on the availability and quality of support services in the office. In addition to needing legal assistance, clients may also need a wide range of services, including substance abuse treatment and/or mental health and social work services. Depending on staffing levels in a particular office, public defenders may directly assist clients with obtaining services or may work with a social worker to assist clients.

Public defender's offices operate either on a state or federal level. Most offices have some investigative services available, either by full-time staff or through special assignment by the court. The extent of other support, such as training programs, social services, research capability, computer systems, and office staff varies greatly.

Many programs in the public defender field serve specialized indigent criminal defense populations. For example, some organizations specialize in providing direct representation in death penalty cases. Alternatively, several offices have a specialized appellate division, juvenile advocacy division, and/or specialized drug court units. In addition, some public defender's offices have divisions devoted to civil litigation and administrative law in areas such as child welfare, immigration, mental health, housing and education. Even if a public defender office does not have such divisions, many attorneys will likely gain experience with some or all of the above areas of law depending on the needs of their clients.

CHARACTERISTICS OF A PUBLIC DEFENDER

A good public defender is comfortable challenging the system. Despite the presumption of innocence, judges and prosecutors in the criminal justice system may assume that the individuals in their courtrooms have committed the crime with which they have been charged. This creates a difficult dynamic for a public defender who is charged with ensuring that his or her client, guilty or innocent, attains a fair trial and receives the same constitutional protections afforded any other American. Moreover, in some jurisdictions, the pressure to convince clients to plead guilty is tremendous and it takes a strong sense of fortitude to stand up and assert a client's right to litigate his or her case. At the same time, a public defender needs to understand the system in which he or she works and be effective at communicating the risks and benefits of each possible course of action to his or her client. The defender must also be adept at negotiating with prosecutors, preparing witnesses and experts, managing an investigation and preparing a trial strategy. A good public defender is not afraid to go to trial, but at the same time can effectively counsel his or her client when s/he is offered a plea deal worthy of serious consideration. Ultimately, the decision regarding whether to go to trial rests with the client.

Finally, a good public defender handles pressure well, is confident, possesses well-developed problem solving skills, is comfortable thinking on his or her feet, and is a committed and zealous advocate for his or her clients. Public defender offices are mission driven and often offer a good deal of both camaraderie and support.

WHAT CAN I DO IN LAW SCHOOL TO POSITION MYSELF TO LAND A PUBLIC DEFENDER JOB?

1L

SCHOOL YEAR: Study hard. Develop your research and writing skills. Attend public interest programs on campus featuring public defender offices, as well as other public interest events. Get involved with the Public Interest Project (PIP); a main source for funding a summer working in a public defender office. Take the *Pro Bono* Program pledge and begin volunteering at public interest organizations in the Boston area and working with indigent client populations. Consider doing an alternative spring break *pro bono* trip. Discuss your goals with your CDO advisor and develop a strategy to reach them.

SUMMER FOLLOWING: Ideally, work for a public defender's office in a community in which you might one day wish to practice or work for a public interest organization working on behalf of the poor. While you probably cannot get courtroom experience the summer after your 1L year, you may be able to get significant experience doing investigations and working on other kinds of case preparation. In addition to getting experience in litigation and investigation, you should also seek to get experience working with indigent client populations.

Some students who are committed to public defense seek to work at a prosecutor's office after their 1L summer to round out their experience and gain perspective of criminal practice from the other side of the aisle. Students should be cautious about pursuing this path. While some public

defender offices will not object, many defender officers will not hire a student who has completed an internship with a prosecutor office, unless that student can persuasively explain why s/he took that position and how that experience influenced his or her decision to pursue a career as a public defender.

While a number of notable, well-funded offices carry a high prestige value in public defense and offer terrific supervision and training, many smaller public defense offices in rural areas or in communities without many law schools can provide an immensely valuable internship experience. Working at these types of under-resourced offices often allows students to obtain significant experience, increased client interaction and the ability to work on a wide variety of cases. Students also have the opportunity to make a significant difference in a client's case by supporting over-burdened attorneys.

If you are reading this guide after your 1L summer and wish that you had thought to work at a public defender office previously, it is not too late to get experience. Consider going to Boston Municipal Court to observe one of the criminal sessions and introduce yourself to public defenders there. Engage your network of contacts to see if you can shadow a public defender for a day to get greater insight into the work. Finally, speak with your CDO advisor regarding your prior experience for assistance in identifying transferrable skills to market yourself to potential employers in this sector.

2L

SCHOOL YEAR: Take courses relevant to public interest advocacy and criminal law. In particular, you should consider Evidence and Criminal Procedure. Continue to develop your research, writing and trial advocacy skills. Plan to enroll in the Criminal Clinic Program, Trial Advocacy Program and/or participate in the Externship Program. Network with students and alumni working at public defender offices – and if you know in which office you want to work, target that specific office. Consider doing *pro bono* work at a local public defender office and/or apply for the *Pro Bono* Spring Break Service Trips which may involve working at public defenders' offices. Join the criminal law sections of local and national bar associations and get involved in the associations by attending local events and conferences. Obtain "Student Practitioner" status under Massachusetts Supreme Judicial Court Rule 3:03.¹

¹ Massachusetts Supreme Judicial Court Rule 3:03 allows 2L students to appear in civil proceedings on behalf of indigent clients and allows 3L students to appear in civil and criminal proceedings on behalf of the Commonwealth or indigent clients under an attorney's supervision. This is called "Student Practitioner" status. Most states have a similar student practice rule which can be found online at [Georgetown Law Library's website](#).

To qualify for "Student Practitioner" status under Rule 3:03 in Massachusetts, law students must be enrolled in or have successfully completed either evidence or trial practice. Interested students then request that the law school submit an application to the SJC. To see Rule 3:03, go to the [Massachusetts Court System website](#). You can also find additional information regarding frequently asked questions [here](#).

Rule 3:03 status gives law students and recent graduates the option to apply for jobs for which they otherwise would not be eligible. *Many civil and criminal public interest organizations (including public defender and prosecutor offices) prefer that you get your certification before they hire you for the summer.* During this past year, a number of 3L students applied for permanent positions with various district attorney offices. The students were informed

SUMMER FOLLOWING: Ideally, obtain an internship in a public defender office in your targeted geographic area. Many public defender offices primarily hire attorneys that have previously interned in that particular office so think strategically about which office you wish to spend your 2L summer. If you can't obtain work for a public defender, work for a public interest advocacy organization serving indigent clients.

Many offices will assign 2L summer interns their own case load provided the student obtains Student Practitioner Certification. Therefore, students should try to obtain certification for the relevant jurisdiction as soon as possible.

3L

SCHOOL YEAR: Continue to take courses relevant to criminal defense. Begin/continue to network with BU students and alumni that are currently working as public defenders. Join the Bar Association in the county where you want to work and get involved with the Criminal Defense and/or Criminal Law Section by attending meetings (in person or remotely) and/or volunteering to help on a project. Develop your research, writing, negotiation and trial advocacy skills. Continue to do *pro bono*, community service and/or clinical experiences that demonstrate your commitment to work with indigent client populations.

SUGGESTED COURSES

Students pursuing a position with a public defender's office should consider taking the following courses:

** The Clinical Program (criminal/civil)	Immigrants and the Law (S)
Advanced Trial Practice (S)	Immigration Law
Alternative Dispute Resolution	Judicial Externship
Client Counseling (S)	Juvenile Delinquency (S)
Criminal Procedure: Adj.	Mental Health Law (SPH)
Criminal Procedure: Comp.	Restorative Justice
Criminal Procedure	Semester-in-Practice (related to, or in, criminal defense)
Critical Race Theory	Trial Advocacy
Evidence	Trial Advocacy (Advanced)
Federal Habeas Corpus (S)	White Collar Crime
Forensic Mental Health (S)	Wrongful Convictions Clinic
Homicide Investigations (S)	

that they would *only* be seriously considered if they had Rule 3:03 Student Practitioner status. Rule 3:03 applies only to students whose right to appear as student practitioners commenced *at least three months prior to graduation from law school*. Contact the Office for Student Affairs for more information.

THE APPLICATION PROCESS AND ASSIGNMENT EXPECTATIONS

While there are public defender offices throughout the United States, most government and non-profit employers do not pay interviewing expenses. Therefore, if you travel to a locale to interview with a government agency and/or public defender's office you may want to take the opportunity to set up additional interviews during the same trip. 2Ls may also seek to inquire about the organization's financial resources for the following year, especially if the student is hoping to obtain a permanent position with that particular office as some offices will be able to project their hiring needs for the following year.

Students in the past have obtained internships and post-graduate positions with local public defender agencies and federal public defender's office through targeted mailings and the fall and spring Government/Public Interest Job Fairs. You may bid for the job fair through the Massachusetts Law School Consortium's ("MLSC") Symplicity site. The Equal Justice Works ("EJW") Career Fair, held annually in October in Washington, D.C., offers a particularly good opportunity as many public defenders conduct both intern and post-graduate hiring there. Consider also making an application through BU Law's On Campus Interviewing ("OCI") Program where public defender's offices, such as the Public Defender Service in Washington, D.C., regularly come to campus to interview interested students. You can bid for OCI employers through BU Law's Symplicity site. If you do not receive an interview from job fairs or OCI, and your targeted employers have not stated in their posting that students should not re-apply directly, you can and should re-send your application materials directly to the office as employers are often unable to interview every qualified candidate at a job fair.

Most public defender offices have limited budgets for recruiting, so an office that is not conducting interviews at a job fair may still be hiring summer interns and/or post-graduate positions. Therefore, you should apply to any office in which you are interested by following the instructions on the office's website. If it is not clear from the website how to apply for a position, you should call the office to inquire and/or send a targeted cover letter and resume to the attorneys in charge of the office. 1L and 2L students should also be aware that most summer internships with public defender's offices are unpaid, though students may apply for grants (See How To Finance Your Public Defender Job below).

Summer intern programs typically begin in early June and run for approximately ten weeks. While most defender offices do not solely hire from their intern class, the connections you make with attorneys in a specific office during your 1L and 2L summers can be of immeasurable value in your post-graduate job search. Consider your summer internship as a ten-week job interview. You will be evaluated by senior attorneys who will ultimately report back to the hiring committee about your performance. Use your internship to demonstrate that you are committed to the work and are willing to work harder than anyone in the office to ensure that it is done well.

Interns in the trial divisions are often assigned to work closely with senior attorneys on their cases. Although opportunities for legal research and writing are available in the trial division, most interns find that they spend the summer in court, in meetings with clients and

witnesses, second-chairing trials and hearings, or assisting in investigations. In many states, students who have completed two years of law school are allowed to appear in court under the supervision of an attorney, often referred to as Student Practitioner Status as described above. As you research organizations, you should find out if this opportunity would be available to you. The opportunity to speak in court while under close supervision can be an invaluable experience, both in becoming a better advocate and in finding out if this kind of litigation is right for you.

Alternatively, students who intern with an appellate division are often given the opportunity to write several briefs during the summer and may even be able to argue in front of the appellate court if they meet local rules on student practice.

At the end of your 2L and in the beginning of your 3L year, you are well advised to determine any geographic area in which you would have even a remote interest in working and going to each office's website to determine their post-graduate application processes. Committing that information to one spreadsheet can be incredibly useful throughout your 3L year in tracking deadlines. Some offices will not hire attorneys until successful completion of the bar exam, but identifying hiring criteria for individual offices and applying broadly maximizes your chances of obtaining a post-graduate position in this sector.

DECIDING BETWEEN OFFICES

Deciding which office offers the best fit for your professional interests is certainly a personal decision. To assist in your discernment, however, consider the following factors:

- What geographical location do you want to work?
- What kind of training does the office provide?
- How much does that particular office pay?
- How is that office perceived by other public defender's offices across the country?
- How is that office perceived in the local legal community?
- What types of cases will you initially handle?
- How long before you get to try a case?
- How long before you handle more serious cases?
- Are you interested in trial or appellate work?
- Does the office have caseload standards to maintain effective representation?
- What investigation and support staff are available?
- What is the typical attorney turnover?

INTERVIEWING TIPS

This section is intended to facilitate your ability to prepare for an interview with any public defender office. Once you understand what to expect and have prepared accordingly, you will increase your confidence and consequently interview well.

On a cautionary note, the interview process varies depending on whether you are interviewing for a permanent position or an internship. Typically 1L and 2L students will only have one interview before they are extended an offer for an internship. In contrast, permanent candidates may have two to three rounds of interviews. The following interviewing tips are most applicable for 3L interview preparation, but they are relevant for 1L and 2L students as well. Regardless of your class year, plan to schedule a mock interview with a CDO advisor in advance of your interview. The CDO tracks data about interview processes in various sectors so your CDO advisor may have office-specific interview advice to help you prepare effectively.

INTERESTS, SKILLS, AND CHARACTERISTICS PUBLIC DEFENDERS SEEK

Interests

- Passion for representing indigent clients and zealous advocacy
- Passion for criminal defense
- Passion for being a trial lawyer
- Passion for defending the Constitution

Skills

- Criminal advocacy experience
- Trial advocacy experience
- Experience working with indigent/mentally ill/drug addicted clients
- Writing and Research

Characteristics

- Handle pressure well
- Strong oral presentation
- Potential as an advocate
- Critical thinking skills
- Ability to think on your feet
- Good judgment
- Jury appeal
- Willingness to fight for unpopular positions
- Demonstrated commitment to working with indigent client population

STRUCTURE OF THE INTERVIEW PROCESS

The typical public defender interview process consists of three rounds.

First Round

During the first round, you can anticipate questions and discussion related to the following topics:

- Why you want to become a public defender;
- Why you want to work with an indigent client population and your experience doing so;
- Your prior professional experience;

- Geographic ties to the area in which the office is located;
- Where you see yourself in five years; and
- General hypothetical questions, including role-playing scenarios.

During your interview, do not be afraid to ask the employer questions that you want answered! This will fulfill two goals: first, you can determine whether the office will be a good fit for you; second, asking thoughtful questions will demonstrate that you have prepared for the interview well and have a genuine interest in the work of the office. While it is difficult to predict the exact questions which will be asked in an interview, you will most assuredly be asked if you have any questions. Ensure that you have prepared thoughtful questions in advance which solicit information that is not readily available on the employer's website.

Second Round

Typically a panel of attorneys (as many as 15) will take turns asking questions of you. Questions will often address hypotheticals about substantive criminal law and ethical issues, which are designed to assess your understanding of the law, your judgment, and your commitment to the protection of one's constitutional rights. In addition, some offices require you to present an opening/closing statement, bail argument or other simulated exercise during this round of interviews.

Panel interviews are rarely comfortable. Below are some practice tips to help you prepare for a panel interviewing format.

- Smile;
- Try to make eye contact with each person on the panel regardless of whether the interviewer is looking at you;
- Stay positive and confident regardless of what negative energy you may perceive by one or more of the interviewers;
- While answering questions from the panel, keep in mind that they are assessing how you handle pressure;
- As you answer questions from the panel, this is your opportunity to demonstrate that you can handle yourself in challenging circumstances which you will inevitably face in court; and
- Avoid appearing flustered and angry.

The panel format is designed to test your ability to think quickly, speak effectively, and handle pressure. Answer questions confidently with that context in mind.

When answering hypothetical questions, think about WHY the question is being asked. Interviewers will frequently present applicants with hypothetical situations to test the applicant's instincts, ethics, discretion, judgment and ability to think quickly. When answering a hypothetical, it is important to think "aloud" to enable the interviewer to understand your reasoning in reaching an answer. In addition, you should be able to defend any strategic or style decisions you have made without being defensive. Make it

clear that you are open to critique, but you can articulate a thoughtful and reasoned response. It is better to talk aloud and risk giving the “wrong” answer, then freeze and not articulate any response. Be confident in your substantive knowledge and walk your interviewers through your analysis.

Understand that the office is also evaluating you on your comfort and capacity to defend people of crimes of which they are accused (and are often guilty of committing) regardless of your personal feelings about the nature of the alleged offense. Saying that you are unable to defend a particular crime or work with particular offenders is disqualifying in most offices.

Be prepared for questions that require you to engage in ‘role-playing’ (e.g., the employer may say to you “I am your client. I tell you that I just want to go straight up to the judge and admit that I am guilty to get this over with, because I know that I will be found guilty eventually anyways since this process is so screwed up. How do you counsel your client?”). Candidates who enthusiastically participate in the exercise gain points for flexibility and quick thinking.

Many offices will require you to present opening/closing statements or conduct a bail argument during this round. During these or any other simulated exercises, you will be evaluated on your capacity to issue spot, clearly articulate your theory of the case, and organize your argument. Your interviewers will also seek to assess your public speaking skills and professional composure.

Third Round

This is when you will typically meet the final decision makers and/or the Public Defender. If you have made it to the third round, you have likely demonstrated capacity for the role. This final interview usually addresses fit for the office and your ability to represent it well. If your interview is with the Public Defender, you should be prepared for the likelihood that an offer will be made in person. Strongly consider whether you will accept it prior to the interview as some offices look with disfavor on candidates who ask for additional time to consider after an offer is made. For the sake of your continued growth in the office and good will from the outset of your time there, weigh your decision regarding whether you would accept before the final round anticipating that an offer may follow.

COMMON QUESTIONS

Why do you want to be a public defender?

You should give this question a lot of thought before going to an interview as your answer must be genuine. Concrete answers referring to specific experience often offer the most compelling narrative. Generic phrases such as “I want to practice criminal law” or “I want to get trial experience” are disqualifying in many offices. Understand that the

core value of a defender association is to represent indigent people to safeguard their constitutional rights and frame your answers in this context.

Craft your response based on prior your experience, i.e., “I worked on cases where... “ or “During my time in Detroit on a pro bono service trip, I ... “

Be specific and thoughtful articulating what experience you have had working with indigent and under-served populations that has formed your desire to pursue this path.

Appropriate answers may also range from the *Constitutional*: “Everyone deserves a defense,” “ I believe that even those who commit the most heinous offenses deserve the protections given all Americans,” “I want to hold the government to its burden of proof” to the *anti-hero*: “I enjoy being the underdog,” “I believe that individuals have a duty to stand up to overreaching government,” “I think the system is unfair to the poor/people of color and I want to fight to make it fairer.”

Let’s assume that you know your client is guilty. How will that affect your ability to represent her?

According to the San Diego Public Defender’s Office, “a defense lawyer's belief in a client's guilt or innocence is totally irrelevant. That determination is the job of the judge or jury under our adversarial system of justice. Every person charged by the government is entitled to zealous representation, something that may not seem important to some people until someone from their family is charged with a crime. Additionally, [a public defender’s] job is every bit as much making sure that the government doesn’t over charge or over-punish a guilty client as it is to see that it doesn't convict an innocent one. [Public Defenders] believe that criminal defense lawyers are really constitutional defense lawyers; [they] are the last line of defense between the individual rights and liberty of all citizens and the often misguided, overzealous exercise of untold power by [the] government. If it weren't for criminal defense attorneys tirelessly challenging the power of the government to intrude into individuals' lives, no one would be safe from unreasonable government intrusion.”²

Your client is charged with domestic abuse. Will you be able to represent him to the best of your abilities?

For many new public defenders misdemeanor level assault cases make up a substantial part of their caseload. Everyone should be prepared to answer this question, but it is even more likely you will be asked if your resume includes any advocacy on behalf of survivors of domestic violence. Spend some time before your interview thinking about how to address issues related to domestic violence and sex crimes in particular. Be aware that public defenders’ offices are looking to hire zealous advocates. The most important thing for you to convey is that you will provide zealous representation for your client regardless of the nature of the charges. You do not have to deny the difficulty of this

² http://www.co.sandiego.ca.us/public_defender/answers.html

task, but you should show that you have given the issue some thought and are not naive about the conflicts.

You also may get asked about defending people charged with sexual assault or child abuse. While new attorneys typically do not initially handle serious felonies, this is nevertheless a common question designed to test your comfort level dealing with the most extreme types of cases.

Have you ever worked closely with individuals who are mentally ill? Do you think that you will be able to interact with such individuals effectively?

This question is typically designed to assess your comfort level dealing with potentially difficult clients.

An interviewer might be asking this question to test your ability to know the limits of the types of services you will be able to provide for you client. Do you know how to identify when you need to seek services beyond the traditional criminal justice system for your client? What would you do if you believed your client was not competent to assist in his or her defense?

Do you have any experience working with people who are addicted to drugs?

If you have worked with people addicted to drugs or alcohol, be prepared to answer questions about how your role as a defense attorney might differ from that of an addiction counselor or social worker. Your background will be helpful in communicating with and understanding your clients. If your client is ready to join a treatment program, that will help to resolve their criminal case. At the same time, however, you will encounter clients whose primary goal is the resolution of their case and who do not want help with their drug problems. When this is the case you will need to do your best for your client without pushing your own agenda even if you don't believe it to be in your client's best interests.

How do you see your role as a public defender?

Only you can answer this question. If you are interviewing for a 1L or 2L summer job, it is likely you will not have any experience in a public defender office and so you will have to give this question due diligence. Attend CDO programming related to criminal defense/prosecution work. Speak with your CDO advisor about the role. Reach out to alumni working as public defenders. Demonstrate an understanding of the nature of role and how you might best serve the clients the agency/organization represents.

You represent John Jones who is charged with beating his wife. Jones admits to you that he did, in fact, beat his wife, but stresses that an investigation into his wife's personal background will reveal facts about her drug addiction, neglect of her children, and petty theft which will devastate her credibility and result in Jones'

acquittal. He also tells you in an offhand remark that he would beat her again if he had the chance. The interviewer then asks you how you would proceed.³

An appropriate answer to this type of question is simply that the client is entitled to zealous representation within ethical bounds. This requires you to evaluate the strategy most likely to lead to an acquittal, which may mean using whatever information you and your investigator can gather to destroy the woman's credibility.

Students may also want to discuss the question within the framework of Rule 1.6 of the Model Rules of Professional Conduct. Rule 1.6 states that, "A lawyer may reveal information . . . to the extent the lawyer *reasonably believes* necessary: to prevent reasonably certain death or substantial bodily harm."

When answering these types of questions, remember to acknowledge your ethical obligations briefly. While very few of the questions are designed to test your knowledge of the Code of Professional Responsibility, offices do want to be certain that they hire ethical attorneys who will not embarrass them or tarnish the reputation of the office. At the same time, many public defenders feel that while they can teach a new lawyer the rules of ethics, the passion and commitment to the principals of the job are qualities they want to see in an applicant before an offer is extended.

FINAL THOUGHTS REGARDING INTERVIEW STRATEGIES

You do not have to know the answer and perfection is not required.

Pause. Think about the question before answering and then attempt to provide a well-reasoned analysis. It is more important to demonstrate your ability to come up with a well-reasoned response under pressure, than to come up with the right answer. Thus, *how* you answer the question is just as important as the answer itself.

If the question is somewhat ambiguous, answer the question that you feel more comfortable answering.

If you are getting bombarded with question after question, slow things down a little. Respectfully ask for permission to finish answering a previous question before proceeding to answer subsequent questions. If you become a public defender, you will have to deal with judges and district attorneys who will want to rush you through arguments that you know are important to the outcome of your client's case and are necessary to preserve the record for appellate review. The ability to slow things down and assert some control over an interaction in a respectful manner is an important quality in a public defender.

³ Taken from <http://www.law.virginia.edu/home2002/pdf/DefendersManual.pdf>

PSJD has a section on its website listing public defender career guides from other law schools in which you can find additional sample hypotheticals to help you prepare for an interview.

http://www.psjd.org/Careers_in_Public_Defense

HOW TO FINANCE YOUR PUBLIC DEFENDER CAREER

1L & 2L SUMMER

There are funding options for students who wish to take a public interest internship for which the employer does not pay. One such funding source is the Public Interest Project (PIP) Grant, which funds BU law students working in the public interest during their 1L or 2L summer. To qualify for PIP summer grants, applicants must complete PIP application requirements. PIP grants and Equal Justice Works Summer Corps grants are the main sources of summer funding for most summer internships at public defender offices.

You should also review the PSJD summer funding website. You will find a current listing of funding possibilities, specific summer fellowships, as well as funding you can take wherever you find an internship:

[www.psjd.org/Summer Funding Resources Available for Work in Any Geographic Location](http://www.psjd.org/Summer_Funding_Resources_Available_for_Work_in_Any_Geographic_Location)

AFTER GRADUATION

The number of options available to assist students with loan repayment has grown over the years. In addition to the income driven repayment options (Income Based Repayment and Pay As You Earn), there are several Loan Repayment Assistance Programs (LRAP's) and the federal Public Service Loan Forgiveness Program.

The Financial Aid Office offers experienced professionals who are well versed in various debt management options. Making an appointment to determine your financial options can be very illustrative in determining the viability of a public interest path. In addition to meeting with you one-on-one to develop a personalized plan that's based on your needs, the Financial Aid Office can help you make informed choices about financing your legal education. The [Financial Planning Calculator](#) is a resource intended to help you with this planning process. The office also offers financial literacy workshops throughout the academic year to help you manage your financial obligations.

For more information, please also visit BU Law Financial Aid [website](#).

BUSL ALUMNI NARRATIVES

Diana Nevins – Class of 2012

The Legal Aid Society, Queens Criminal Defense Practice (NY) Staff Attorney

I received an offer from the Legal Aid Society of New York City shortly after graduation, and started working at the Queens Criminal Defense Practice in October 2012. I currently represent defendants ages 17 and older in criminal court who are charged with misdemeanors and non-criminal infractions called “violations.” This year, once I have acquired enough hearing and trial experience, I will start to represent defendants charged with felonies.

The training at Legal Aid Society began with a central ten-week boot camp, which consisted of lectures, workshops, and simulations. Later, we attended a three-day suppression boot camp, and a one-week trial boot camp. That being said, you will learn the vast majority of what you need to know as you go. There is a steep learning curve, but a supervisor will always be there in court with you for the first couple months to guide you through court formalities. You will never be left alone to handle a hearing or a trial without a supervising attorney during your first years at Legal Aid.

As a public defender, most of my day is spent in court adjourning cases, taking pleas, or having cases dismissed under New York’s speedy trial statute. Since I handle misdemeanors and violations, the lifespan of the majority of these cases is short. It is rare for a misdemeanor case to proceed to a hearing or a trial because your client will often not want to take the risk – especially if the prosecutor’s offer is noncriminal disposition. While most cases stay in criminal court, sometimes I will divert a case to a special court, like Veterans’ court or Mental Health Court, if it is appropriate for the client. Sometimes a case will go to a suppression hearing or trial. So far, I’ve only had one suppression hearing during my time at Legal Aid, but I have second-seated some hearings and trials with more senior attorneys.

I usually have two to three arraignment shifts a month, which is where I pick up the vast majority of my cases. Legal Aid has a vertical representation model, meaning the same attorney handles a case from beginning to end. Because of this, new attorneys’ caseloads build slowly over time, allowing plenty of time to acclimate to the job and work on cases.

One positive aspect about working for a large public defender organization like the Legal Aid Society is that I am able to rely on an enormous community. My colleagues in Queens have been incredibly welcoming and supportive. If my supervisors are busy, I can turn to my colleagues to answer a question or seek their input on a case. I can also rely on the help of our in-office investigators to help me in preparing for hearings or trial, and our social workers to arrange services and treatment for my clients.

I became a public defender because I wanted to vindicate the constitutional rights of the indigent. But rage is what keeps me going. Working just one arraignment shift in New York City will open your eyes to the flagrant racism and disdain for the poor which infect our justice system – from the NYPD’s stop-and-frisk program, to the “types” of individuals who are arrested for the most minor of violations, to the system’s coercive use of bail to pressure impoverished individuals into pleading guilty. As a public defender, it is my job to push back against the system, to challenge the status quo, and to stand up to the police for my clients.

I did not always know I wanted to become a public defender. I entered Boston University School of Law with an eye toward public interest law. However, my desire to become a public defender arose from my summer internships and my participation in BU's Criminal Law Clinic.

I spent my 2L summer at the Rhode Island Public defender, where I represented individuals charged with misdemeanors. I knew on my first day in criminal court that I had a "calling" to become a public defender. Even though interns received extensive training, no amount of training will leave you feeling prepared for the first time you navigate a hectic criminal court calendar or make on-your-feet arguments in front of a packed courtroom. It was an exhilarating and terrifying experience. By the end of my summer internship, I had argued in a suppression hearing and two bench trials.

During my 3L year, I continued to represent adults charged with misdemeanors and probation violations in Boston Municipal Court through BU's Criminal Law Clinic. My time in the criminal clinic was by far my most rewarding experience at BU. I represented clients at various stages of the criminal law process, from arraignment through sentencing. I learned an incredible amount from my clinic professors, who bring to BU their years of real-world experience as criminal defense attorneys and prosecutors. The clinic also opened my eyes to the mental health issues which afflict a staggering portion of criminal defendants. My most rewarding clinic experience came from successfully diverting a case from criminal court to mental health court, where a homeless and schizophrenic client who had repeatedly slipped through the cracks was finally assigned a Department of Mental Health worker.

The pre-bar public defender hiring process was a long, slow, and intense experience. Many offices will have multiple rounds of interviews, stretching from the fall to the spring of your 3L year. I would recommend contacting BU alumni at your target offices before your interviews to get a feel for what the interview will be like. There will be a lot of ethical hypos which will test how you balance and navigate your ethical and professional duties to your client versus your duties to the court. You will be prodded to see if you are uncomfortable or squeamish about representing someone you "know" is guilty, or how you feel about representing an individual accused of a crime you might find repugnant, like animal cruelty or child molestation. Some offices, such as the Miami Public Defender, are notorious for so-called hostile interviews, where your interviewers will fire questions at you, pick apart or criticize your answers, and be incredibly antagonistic. These hostile interviews are testing you to see how you react under pressure.

Apart from speaking to attorneys at your target offices, read through the guides on psjd.org to get an idea of what kind of questions might be asked at your interviews. The public defender interview is very different from Big Law interviews. Above all else, public defender offices are looking for true believers. Nail your answers to the following questions: "Why a public defender?" and "Why not a prosecutor?" You should also seek the help and guidance of your clinic professors and internship/externship supervisors in your job search. The clinic professors have some great contacts at public defender and prosecutor offices around the county, and often keep in touch with students for years as they move up to managerial and supervisor positions.

I cannot emphasize enough how critical it is for students who are interested in becoming public defenders to do BU's Criminal Law Clinic and a 2L summer internship at a public defender office. Preferably, you should do both the clinic and the summer internship. If you cannot do both, try to arrange an externship in a public defender office. It is very important that

you get as much hands-on experience as possible. I would also recommend that you take, at minimum, Criminal Procedure, Evidence, and Trial Advocacy during your 2L year.

One concern many people have about becoming a public defender is the salary, especially in light of loan debts. Your salary will increase yearly according to the collective bargaining agreement. By working arraignment shifts on weekends or nights, you can also cash in up to 17 “comp days” a year, which will add over \$2,000 to your paycheck. Thankfully, as a public defender you can apply to BU’s Loan Repayment Assistance Program for help making your monthly loan payments. The award I received from BU will cover over 80% of my loan payments this year.

I feel incredibly lucky to be able to say that I love my job. To be sure, my job can be frustrating at times. But it can also be incredibly rewarding. I know that I am fighting the good fight. Some of my clients are mentally ill. Some are addicts. Some are homeless. All of my clients live in poverty. I am a public defender because I want to make Gideon’s promise a reality.

Randy Gioia – Class of 1977

Public Defender Division, Committee for Public Counsel Services (MA)

Deputy Chief Counsel

Originally, I wanted to be a pilot because my uncle was a pilot and I emulated him. Then, during college, my pilot uncle told me his friend was a public defender in upstate New York and asked if I would be interested in a summer job there. Taking my uncle’s advice, I began working at the public defender’s office and found it a fascinating experience. I saw how dedicated the attorneys were and witnessed the unfairness the criminal justice system can employ against poor people. This experience inspired me to become an attorney myself.

I had some wonderful professors in law school. My criminal law professor was passionate about people caught up in the justice system, and his passion inspired me. The other person who stands out is Paul Liacos, my Evidence and Criminal Procedure professor. When Liacos became the Chief Justice of the Massachusetts Supreme Judicial Court, I felt gratified to see his brilliance recognized.

During my 2L summer, I worked at the BU Law Center for Criminal Justice. The Center had just received a grant to study the effect of the first minimum mandatory sentencing law in the nation, the Bartley-Fox law, in Massachusetts. Bartley-Fox mandated a one-year jail sentence for anyone convicted of carrying a gun in public. At the Center, I studied how this minimum mandatory sentencing affected defense lawyers’ strategies and case-handling. I watched trials and then analyzed the effect of the law by speaking with the parties’ attorneys. Coincidentally, BU Law Professor David Rossman and Charles Spurlock, who went on to become a public defender, a District Court Judge, and a Superior Court Judge, were both staff attorneys in the Center at that time.

All of these experiences motivated me to dedicate my career to criminal justice work. When I graduated from law school in 1977, I worked as an associate for a well-known Boston criminal defense attorney for a few years. After that, I established a private practice with my wife, who I met at BU Law. We practiced together for 11 years and then I practiced on my own, always remaining very involved in indigent criminal defense law. I also helped found Suffolk Lawyers for Justice in 2000 and served as a co-chair of the organization until 2006.

Mine is not a common public defender career path because I worked in private practice for 30 years before I became a public defender. In 2010, I received the opportunity to become a public defender and accepted. At first, I was the Attorney-in-Charge of seven attorneys at the Roxbury Defenders Unit, a superior court public defender office at the Committee for Public Counsel Services. I represented clients in all serious felony cases originating from the Roxbury District Court and eventually transferring to the Superior Court. I held this position for two years until I was selected by the Committee for Public Counsel Services in 2012 to be the Deputy Chief Counsel of the Public Defender Division. As Deputy Chief Counsel, I supervise the entire Public Defender Unit for the state of Massachusetts. I oversee about 330 staff attorneys and 150 staff members, positioned in 27 offices throughout the state. Forty years later, I still love working in criminal law just as I did throughout law school and my career.

The most rewarding part of my job is working with staff attorneys who are motivated to go to great lengths for their clients because they recognize the importance of the work. Our criminal justice system is biased against poor people, especially people of color. It takes a courageous lawyer to stand between her client and the power of the government. A public defender has to do more than just advocate for her client, because when people, including many judges, hear that a person has been accused of a horrible crime, a piece of their mind closes up. A public defender needs to bang the drum for justice, so people will listen.

I believe being a public defender is one of the most important jobs a lawyer can do. Often the only person in the courtroom who believes in the innocence of the person accused is the public defender. It is a very important and rewarding job and I encourage interested students to explore this career path.

Greg Goldman – Class of 1993
San Francisco Public Defender’s Office (CA)
Staff Attorney

I lived in San Francisco after finishing college, where I found a job working on slip opinions. I noticed that I was always focused on reading the criminal cases – I couldn’t get enough of them. My father is a businessman who wanted me to take over his apartment management business, but I had no business acumen so I decided to go to law school.

At BU Law, I particularly enjoyed Professor Tracey Maclin’s Criminal Procedure class. I found that I was always taking the point of view of the defendant, regardless of the topic of the case, which indicated that defense was the best fit for me. After this experience, I decided I wanted to work for a Public Defender’s office.

When I began law school in 1990, it was the height of the Mergers and Acquisitions craze of the 80s. People were attending law school because they imagined this “pot of gold” at the end. However, by the time I graduated, the M&A bubble had burst and a lot of students who had been aiming for corporate litigation jobs were suddenly competing with me for public defender positions. It seemed nearly impossible for new graduates to secure work as public defenders. I initially interned at the Oakland PD’s office. After that, I worked for a private attorney for a year before I secured an internship at the San Joaquin County PD’s Office in Stockton, which is 80 miles outside San Francisco. Joaquin County wanted someone who could start work immediately, so I took the job. Then, in 1999, I began working at the San Francisco Public Defender’s Office and have been here ever since.

Public defender caseloads are very large, and the controlling element of a typical day is that you never know what is going to happen next. Defenders experience constant interruptions, which add excitement to the job. My day usually involves visiting clients, working on motions, and all kinds of court appearances, including arraignments, sentencing, motions – you name it.

The real blessing of my job as a defender is that I don't have to keep time sheets, seek new business, or even buy my own office supplies. Defenders can just focus on the real work – the trial work and related responsibilities. Trials are engaging, the work is very gratifying, and I enjoy representing people whom I would not otherwise have come into contact with. Often, I have to get creative with my representation of clients in order to increase their chances of a positive outcome for their case.

For example, I had a client who faced charges for armed robbery of gas stations. He had a tall, muscular frame and got arrested wearing the same "Fat Albert" jeans that he wore when the cameras caught him robbing the stations. I dressed the client in a baggy sweater and had him slouch to reduce his stature. Only one hold-out juror voted to acquit. My strategy must have worked, because the juror explained, "I'm an artist, and I can tell that the man sitting there is not the same man in the videos because he's not as muscular."

I enjoy meeting someone initially as a client and then seeing them again down the road. Many people are at the worst points in their lives when you first meet them, so if I can get those people into treatment and see them healthy later on, it feels like I saved a life. For example, I defended a homeless woman who was addicted to crack. I later ran into her at LAX, and she seemed healthy and was doing much better. Defending this woman in court helped inspire her to go to treatment and change her life. I am always amazed, because despite what problems a person may be stuck in, defenders can help that person find a way to work through it.

Students who are interested in public defense should volunteer in the city where they want to live as long as they possibly can, and never give up! You may not be placed in your first choice location at first, but you can move later in your career. As long as you keep focused, you will find one of these jobs.

HELPFUL WEBSITES

PSJD has a section of its website devoted to resources on becoming a public defender. It provides access to publications from other law schools, as well as the National Legal Aid & Defender Association ("NLADA"): http://www.psjd.org/Careers_in_Public_Defense

Careers in Criminal Defense- A Guide to Public Defender Programs:
<http://hls.harvard.edu/content/uploads/2008/07/2012pdguide.pdf>

Guide from UVA Law entitled: How to Get a Job in a Public Defender's Office:
<http://www.law.virginia.edu/home2002/pdf/DefendersManual.pdf>

New York University School of Law Public Defender Career Guide:
<http://www.psjd.org/uploads/2014PublicDefenderHandbook--PUBLICVERSION.pdf>

The “Hiring Practices of California Public Defender Offices” guide provides an extensive look at public defender’s offices throughout California and includes salary information:
<https://law.ucdavis.edu/career-services/files/PDHiringPractices.pdf>

The Defender Association provides information about current issues related to public defense work. The website also describes topic areas within public defense work, such as the death penalty, juvenile defense, and racial disparity: <http://www.defender.org/about.html>

The National Legal Aid & Defender Association (NLADA)’s website contains job postings from Public Defenders’ offices all over the country: <http://www.nlada.org/Jobs>

SAMPLE BIBLIOGRAPHY OF GREAT PUBLIC DEFENDER BOOKS

Indefensible: One Lawyer's Journey into the Inferno of American Justice, by David Siege

Just Mercy: A Story of Justice and Redemption, by Bryan Stevenson

The New Jim Crow: Mass Incarceration in the Age of Colorblindness, Michelle Alexander

Defending the Damned: Inside Chicago's Cook County Public Defender's Office, by Kevin Davis

Gideon’s Trumpet, by Anthony Lewis

To Kill a Mockingbird, by Harper Lee