

Criminal Defense



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CHAPTER 1

CRIMINAL DEFENSE

A. Overview

There are more than 2.3 million Americans behind bars in the United States¹—making it the highest rate in the world. This level of mass incarceration has had significant consequences for the imprisoned and their families, as well as for our society. It is imperative that our criminal justice system remain as equitable and impartial as possible. The role of defense counsel is to provide representation for those accused at every stage of the criminal process and, along with prosecuting attorneys, to ensure that all defendants have a fair trial. There are also individuals and organizations dedicated to ensuring that prisons, jails, and other places of detention comply with the Constitution, domestic law, and where applicable, international human rights norms. The Sixth Amendment² guarantees the right to be represented by counsel to all persons accused of criminal activity. It is, therefore, the responsibility of the government to provide free and effective legal representation for every defendant in a criminal action who cannot afford to hire an attorney. There are a variety of methods used by government to fulfill this obligation at the federal, state, and local levels, including establishing defender offices, setting up panels of volunteer criminal attorneys, and contracting with private attorneys. Together these different methods, described below, constitute the indigent criminal defense system in this country.

Many Yale law students choose to spend their summers working at a criminal defense office due to the substantial trial experience, stimulating cases, and meaningful public service that these offices provide. Indeed, many YLS alumni elect to pursue careers in criminal defense, for reasons best described in their own words.

“I have been a public defender for over twenty years. I guess I have voted with my feet—I have never left because I cannot contemplate a job I would rather do. My work is intellectually stimulating, desperately important, and ever-changing. And I am lucky enough to be surrounded by engaged, talented, like-minded people.”

“The best part of my job is that I get to stand up for people who the whole world has often turned against. Indigent, young, people of color (primarily), accused of a crime are the least regarded members of our society ... It is truly a privilege to stand next to my clients and ensure that the Constitution applies equally to them.”

“The job has been more rewarding and intellectually challenging than anything else I’ve done in my life.”

“At the end of the day, you feel a tremendous amount of personal satisfaction having helped those whom no one else deems worthy of assistance.”

This guide will examine such opportunities and careers in indigent criminal defense.

¹ See *Ending Mass Incarceration* at www.brennancenter.org/issues/ending-mass-incarceration and <http://www.aclu.org/issues/prisoners-rights>. Also, the report of the Constitution Project’s National Right to Counsel Committee, *Justice Denied: America’s Continuing Neglect of Our Constitutional Right to Counsel*, (www.constitutionproject.org/pdf/139.pdf) is the most comprehensive examination of the indigent defense crisis in over 30 years.

² The Sixth Amendment—Rights of Accused in Criminal Prosecutions: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.” U.S.C.A. Const. Amend. 6.

1. Types of Public Defense

a. State and Local Offices

There are three basic models of indigent defense currently in use, but the degree to which a given locality employs a particular method and the exact mix of methods varies from state to state. Defender programs are a highly visible model of indigent defense in many states. Public defender or public counsel offices are supported by public funds, but the attorneys are ethically bound to be independent in the handling of cases and hiring. Public defender offices have full-time staff attorneys and support staff, which include at least some investigators and, at times, social workers. In some states, public defender offices operate statewide, while in others they operate regionally, by county, or locally. Statewide defender programs employ about 4,300 (29%) of the nation's public defenders and handle about 1.5 million (27%) of the nearly 5.6 million cases received by public defenders nationwide.³

In some jurisdictions, non-profit agencies such as Defender Services or Legal Aid Societies operate defender programs for indigent clients. For example, the Legal Aid Society of New York contracts with the city to provide indigent defense. It is the largest private, not-for-profit legal services organization in the country, handling 300,000 individual cases and matters annually.⁴ Numeric caseload standards recommend that a public defender should carry no more than 150 felony, 400 misdemeanor, 200 juvenile-related, or 25 appellate cases in a year.⁵

A second model of indigent defense relies on court appointed panel attorneys. These are attorneys who agree to represent indigent clients and are assigned from a list or panel by the court to handle indigent cases. This method of representation is often used in areas where there is no public defender program or when there is a conflict of interest which prevents representation by the public defender office. The pay for assigned counsel is determined either by the hour or at a fixed rate.

Finally, there are also attorneys or groups of attorneys who contract with the government to provide indigent defense. Their pay is contractually determined for a specified dollar amount and for a specified time. Most states use some combination of these three models. Public defenders generally work in or near major cities; indigent defense in more rural or remote areas may be provided by attorneys from a court appointed panel or by contract attorneys.

Public defenders and other indigent defense lawyers are often in court for arraignments, bail hearings, pre-trial conferences, motions, and trials. They have a great deal of client contact and engage in extensive plea bargaining. They also conduct legal research, interview witnesses, and, depending upon resources, explore other forms of investigation.

b. Federal Defenders

The mission of the federal defender services program is to ensure that the right to counsel guaranteed by the Sixth Amendment, the Criminal Justice Act (18 U.S.C. § 3006A), and other congressional mandates is enforced on behalf of those who cannot afford to retain counsel and other necessary defense services.⁶ Since the enactment of the Criminal Justice Act in 1964, the Defender Services program has created 81 federal defender organizations that serve 91 of the 94 federal judicial districts and employ more than 3,700 lawyers, investigators, paralegals, and support personnel.⁷ Independently run, but funded by the

³ Office of Justice Programs, Bureau of Justice Statistics: www.bjs.gov/content/pub/pdf/spdp07.pdf (2007)

⁴ www.legal-aid.org/en/las/aboutus/ourmission.aspx

⁵ Office of Justice Programs, Bureau of Justice Statistics, op. cit.

⁶ www.uscourts.gov/FederalCourts/AppointmentOfCounsel/Mission.aspx

⁷ www.uscourts.gov/services-forms/defender-services

federal government, federal defender organizations are authorized in federal judicial districts where at least 200 people annually require the appointment of counsel in criminal cases, such as white-collar and drug crimes.

Federal defender offices either operate as a federal public defender organization under the judicial branch of the federal government, overseen by the Administrative Office of the U.S. Courts,⁸ or they operate as a federal community defender organization, set up as a corporation acting independently from the federal judiciary. Federal public defender organizations function under the direction of a chief federal public defender, who is appointed to a four-year term by the Court of Appeals of the Circuit in which the organization is located. Staffs at these federal public defender organizations are federal employees and compensated within the federal system. In contrast, federal community defender organizations are state-incorporated nonprofit defense counsel organizations operating under a board of directors. Handling cases in a number of federal judicial districts, community defender organizations receive funds primarily through grants from the federal judiciary.

Finally, over 10,000 court-approved Criminal Justice Act (CJA) panel attorneys also accept appointments for federal criminal cases. These panel attorneys handle all CJA cases in the four districts not served by a federal public defender or community defender organization, as well as 30 to 40 percent of CJA cases in districts with a defender office (typically due to some conflict of interest with the defender organization). Overall, federal defender organizations receive approximately 60% of CJA appointments, while the remaining 40% are assigned to CJA panel attorneys.⁹

The name and contact information of the Federal Public Defender for many districts can be found on the Defender Services Office Training Division [website](#) or at [Leadership Directories](#).

c. Capital Defenders

The high stakes involved in death penalty work make this type of practice extremely challenging. Capital cases are complex and involve legal research and writing; interviews; collection of information from jurors, lawyers, and other witnesses; review of court files, state documents, and evidence; and formulation of legal arguments. Death penalty organizations provide direct representation and may be affiliated with law school clinical programs or public defender offices. A large part of capital defense work involves appellate or post-conviction work. Nonprofit organizations such as the California Appellate Project specialize in providing resources for counsel representing death row inmates on direct appeal or habeas corpus proceedings.

d. Holistic Public Defender Offices

These are organizations that offer whole person representation. The goal is not just to represent the individual in contact with the criminal justice system, but to provide comprehensive support to avoid or minimize future problems. Understanding that an individual's problems may be rooted in poverty, drug abuse, mental illness, or other issues, the organization surrounds each individual with teams of criminal, civil, and family defense lawyers, social workers, parent advocates, investigators, and community organizers working to identify and overcome the challenges they face. [The Bronx Defenders](#) and [Neighborhood Defender Service of Harlem](#) are two of the bigger organizations in New York providing holistic services. In addition, the [Louisiana Center for Children's Rights](#) provides client-centered advocacy to youth in Louisiana's juvenile justice system. It also advocates for comprehensive representation, community engagement, and systemic reform.

⁸ www.uscourts.gov/about-federal-courts/judicial-administration

⁹ www.uscourts.gov/FederalCourts/AppointmentOfCounsel.aspx

e. Specialized Areas of Criminal Defense

1. Immigration

The intersection of criminal law and immigration is a rapidly growing area of practice, known as crim-imm. Crim-imm is a challenging and complex area that seeks to increase access to counsel trained in both areas of law. Individuals who have contact with the criminal justice system may face immigration consequences, including deportation and criminal charges, even if they are in the country legally. Crim-imm attorneys often challenge deportation proceedings triggered by their clients' involvement in the criminal justice system. A defense attorney ought to be cognizant of the possible disproportionate consequences of pleas and convictions on their client's immigration status.

a. Helpful websites/organizations:

- *Immigrant Legal Resource Center* :
The ILRC educates and assists indigent criminal defenders about immigration consequences of crimes.

2. Juvenile

The U.S Supreme Court decision of *In re Gault*, 387 U.S. 1 (1967), gave juveniles accused of crimes the same due process rights as adults, including the right to timely notification of the charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel. Since *Gault*, many state legislatures and state courts have provided greater protections to juveniles and have made it more difficult, if not impossible, for juveniles to waive their right to an attorney. Representing juveniles requires a good understanding of the law as it pertains to minors. It may also be helpful to have some knowledge of social work or psychology to assist in what are often emotionally charged situations.

a. Helpful websites/organizations:

- *National Association of Criminal Defense Lawyers*:
Under the *Criminal Defense* tab, go to *Juvenile Justice* to access information about litigation, news, reports on juvenile criminal defense, and contact information for a variety of relevant organizations.
- *The National Juvenile Defender Center*:
The National Juvenile Defender Center (NJDC) was created in 1999 to respond to the critical need to build the capacity of the juvenile defense bar and to improve access to counsel and quality of representation for children in the justice system. NJDC offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination.
- *Models for Change*:
Models for Change is a national initiative funded by the John D. and Catherine T. MacArthur Foundation to accelerate reform of juvenile justice systems across the country. Focused on efforts in select states, the initiative aims to create replicable models for reform that effectively hold young people accountable for their actions, provide for their rehabilitation, protect them from harm, increase their life chances, and manage the risk they pose to themselves and to public safety.

CHAPTER 2

HIRING

A. Summer Internships

1. Benefits

Summer provides a unique opportunity to experiment and explore public defender settings, vet possible fellowship sponsors, and gain real-life experience in the field. Though state and local defenders hire right out of law school, they often require at least a summer of clinical experience in this area. Information about specific requirements for different types of offices can be found in Chapter 3.

2. Qualifications

Hiring decisions rest heavily on outstanding references and a résumé that demonstrates intelligence, a commitment to public service, and good research, analysis, and writing skills. Trial experience is also a plus, but not expected for summer positions. If you are a first-year student, you will probably not have had much of a chance to differentiate yourself from your classmates in terms of legal experience but, if you handled a pro bono project, worked with the Capital Assistance Project, or participated in the Criminal Justice Clinic, definitely include these experiences in your application materials. Relevant experience includes any paid or volunteer positions where you were called upon to research, write, advocate, present, exercise judgment, or use any other lawyerly skills; similarly, any opportunities you may have had to conduct interviews, counsel individuals, or provide peer support would be considered helpful preparation for dealing with clients. You should also include activities that show an interest in litigation, prior work including experience in any criminal justice area or civil defense, and relevant law school classes. The ability to speak a language other than English is a plus.

3. Procedure

Your cover letter should state your commitment to public interest defense work in general and your strong interest in working for the particular public defender's office to which you are applying. Detailed information about the unique qualities of each office can be obtained by contacting students who have worked there, writing to the graduate mentors included in this guide, or contacting the offices directly. Refer to CDO's [Toolkit for Student Job Seekers](#) for examples of résumés and cover letters.

B. Attorney Hiring

1. The Interview

Interviews at public defender offices are often quite demanding. Defender offices want to see how much you know, how well you deal with pressure, how good your judgment is, and how prepared you are to represent clients zealously no matter what offense they are accused of committing. To this end, they employ a variety of techniques that you should understand and be prepared to handle.

In addition to asking questions about your experience and reasons for wanting to be a defense attorney, interviewers often ask hypothetical questions intended to probe your knowledge of criminal law and procedure. You might, for example, be asked hypothetical questions about ethics, client relations, and advice you would give in plea bargaining situations. Don't be surprised if they question you about how

you would feel defending someone who has allegedly committed a sexual assault, domestic violence, or other brutal act. Many candidates have been asked to role-play, with the interviewer taking the part of a client, to give an opening or closing statement, or to conduct a direct or cross examination based on a set of facts.

With this in mind, you should familiarize yourself as much as possible with the hiring practices and interview procedures of the particular defender units where you will be interviewing. You can get much of this information from the organization's website, speaking to a CDO counselor, or consulting with a classmate or YLS graduate who has gone through the process. You can also call the defender's office and ask them generally about how their hiring process works and what you should expect in the interview. Candidates should additionally look at publications which offer helpful pointers about these interviews. For example, NYU School of Law's *Public Defender Handbook* (available [here](#)) provides examples of the specific hiring procedures at various public defender offices, as well as sample hypothetical questions and responses. It is also very helpful to speak with any of the criminal defense faculty you know about these interview techniques. Please see the below sections on the Federal Defender System and State and Local Public Defenders for more specific attorney hiring information.

2. Rounds

While the interview process can vary from office to office, most federal and state defenders have multiple rounds of interviews for their permanent hires that begin with an initial screening of application materials and generally two subsequent interview stages; a few organizations conduct in-person screenings in their offices and at career fairs. The next interview is generally a group interview with several experienced attorneys, some junior attorneys, and sometimes other members of the staff like investigators. The final interview is usually with the person or persons who make the final decision, like the Public Defender or a Board.

CHAPTER 3

DEFENDER OFFICES AND OPPORTUNITIES

A. Federal Defender System

1. Summer Internships

a. Type of Work

Summer interns at federal public defender and community defender offices assist attorneys with their caseloads and may perform a variety of work, including conducting legal research; drafting motions and memoranda; helping with trial preparation; aiding with investigations, which may include conducting field investigations and client interviews. Additionally, summer interns gain valuable courtroom experience by observing or participating in court hearings and trials. Of course, the nature and volume of work at each federal public or community defender office varies based on the office's geographic location and its resulting size, so students are encouraged to contact interns from prior years to get a better understanding of each office's practices and policies.

b. Demand

Each summer, many federal public defender and community defender offices employ law students. The number of students hired by a given office typically varies by the size of the district and their attitude toward student assistance.

c. Procedure

Each federal defender office accepting summer interns typically lists their application materials and deadlines on their individual websites. Oftentimes, students must submit a cover letter, résumé, transcript, and writing sample as part of their application packet. While many federal defender offices will hire law students of any year, some may give preference to second and third year students. Please note that offices may hire on a rolling basis, beginning in September and ending around March, so students are encouraged to make contact with their preferred offices as early as possible.

d. Requirements

Summer interns should demonstrate an interest in defense work and have an understanding of the role that they play in the adversarial system. In addition, candidates should have an interest in trial work. First year applicants do not need to have previous experience in defense work. Second year students should be prepared to demonstrate their commitment through previous summer work, clinical experiences, classes, or extracurricular activities.

e. Salary

Usually, federal public and community defender offices do not pay summer interns. Since there may be funds available at some locations, however, students should check with any office in which they are interested. Students contemplating unpaid internships with defender programs should be aware that Yale's Summer Public Interest Fellowship Program (SPIF) provides weekly stipends for students who need funding to work in public interest.

f. Avoiding Conflicts of Interest

Students should be mindful that in every jurisdiction the Rules of Professional Conduct, or other applicable ethical rules, impose the obligation to avoid conflicts of interest. This could arise in a clinic or internship if you are on the other side from your future employer in a case or transaction. Legal employers are responsible for inquiring about possible conflicts of interest, but you should consider whether your past legal work (e.g. cases you handled during your 1L summer) or ongoing legal work (e.g. clinic or externship casework in which you are currently involved) may present a conflict and bring any potential issue to the attention of the hiring attorney as soon as it is feasible. Often, conflict issues can be dealt with by assigning students to different cases, if you provide the employer with timely notice. If you have questions as to whether your specific situation could possibly be a conflict of interest with your employer, make an appointment to talk it over with a career counselor.

2. Attorney Hiring

a. Demand

Hiring for Assistant Federal Defender positions is often extremely competitive, with most offices requiring several years of experience after law school. In general, larger federal public and community defender offices (located in major cities) are more likely to have positions available.

In 2019, the offices below had the following number of Assistant Federal Defenders:¹⁰

- Federal Community Defender Office—Eastern District of Pennsylvania (Philadelphia): 40
- Federal Defenders of New York (Manhattan): 21
- Federal Public Defender—Central District of California (Los Angeles/Riverside/Santa Ana): 76
- Federal Public Defender—Central District of Illinois (Peoria/Springfield/Urbana): 10
- Federal Public Defender—District of Connecticut (Hartford/New Haven): 8
- Federal Public Defender—District of Massachusetts, New Hampshire, & Rhode Island: 18
- Federal Public Defender—Middle District of Florida (Tampa Office): 18
- Federal Public Defender—Northern District of California (Oakland/San Francisco/San Jose): 23

b. Procedure

The Defender Services Office (DSO) Training Division maintains an online list of vacancy announcements for positions in federal public defender offices, federal community defender offices, and other select positions related to the Criminal Justice Act on its [website](#), under *Employment*. Note, however, that this is not an all-inclusive list of every available vacancy within the federal defender system, so interested persons should contact specific offices to inquire about job openings and get more information.

c. Requirements

These positions tend to require significant experience and there is less likelihood of being hired as an Assistant Federal Public Defender right out of law school than of being hired by a state or local defender program. Sometimes federal defender offices have entry-level research and writing attorneys who provide advanced research and writing services to Assistant Federal Defenders on trial and in appellate cases; these positions do not involve client contact or trial work. A few federal defender offices, such as the one in San Diego, will consider 3Ls for permanent positions.

d. Salary

Attorneys working for federal public defender offices are federal employees and are, therefore, compensated under the administratively determined judiciary salary plan of the United States Courts. In addition to a base starting salary, attorneys also receive an additional locality pay, based on the geographic location of the position. Locality pay varies from a low of 15.67% to a high of 40.35% added to basic pay. For specific information about base pay and locality rates, visit the [Administrative Office of](#)

¹⁰ Information on Eastern District of PA obtained from http://pae.fd.org/Our_Staff.html; information on Federal Defenders of New York obtained from <http://federaldefendersny.org/directory/southern-district-of-new-york/>; information on Central District of CA obtained from <http://www.fpdccad.org/>; information on Central District of Illinois obtained from <https://ilc.fd.org/>; information on District of CT obtained from <http://ct.fd.org/?section=about>; information on District of MA obtained from <https://bostondefender.org/about/our-attorneys/>; information on Middle District of FL obtained from <http://flm.fd.org/offices/tampa.php>; information on Northern District of CA obtained from <https://www.ndcalfpd.org/staff>.

the [U.S. Courts](#) website. In federal community defender offices, attorneys are not considered federal employees, so salaries vary by location depending on available funding.

CJA panel attorneys are paid a rate of about \$148 per hour in non-capital cases and a maximum hourly rate of \$188 in capital cases, including both attorney compensation and office overhead. Further, case maximums exist that limit total panel attorney compensation for certain categories of representation: \$11,500 for felonies, \$3,300 for misdemeanors, and \$8,200 for appeals.¹¹

B. State and Local Public Defenders

As noted earlier, a variety of different criminal defense organizations and models exist at the state, county, and local levels. Similarly, there are many different philosophies of representation among public defender programs. While some organizations focus primarily on issues pertaining to criminal defense, for example, other offices intentionally employ a more holistic model (see above). Overall, the philosophical orientation of an office may impact the types of cases an attorney handles, how involved a client is in directing his or her own representation, etc. Therefore, when considering summer opportunities or long-term employment at a public defender office, it is important to take into account the distinct philosophy and model of each organization.

1. Summer Internships

a. Type of Work

Given the heavy public defender caseload, a summer intern would do well to be self-directed. Opportunity will likely arise for client interaction (e.g. interviews, investigations), observing trials, and a limited amount of research and writing. A high number of clients are in the criminal system because of mental illness, family problems, and chemical use—many often associated with poverty. The work requires interns to be part lawyers and part social workers. They have to be comfortable dealing with a very diverse group of clients, always with the goal of providing them with the best representation possible.

b. Demand

In the summer of 2018, hundreds of law students worked in state and local criminal defense organizations across the country. The number hired in a particular office varies by the size of the district and their attitude toward student assistance.

c. Procedure

Each public defender office has its own hiring process and timeline. For some of the smaller markets, they may not advertise for interns. In that case, send an application (cover letter, résumé, list of references, and short writing sample).

d. Requirements

Similar to summer interns with federal defender offices, summer interns for state and local defender organizations should demonstrate an interest in defense work and have an understanding of the role that

¹¹ These maximums may be exceeded when higher amounts are recommended by the district judge as necessary to provide fair compensation and the chief judge of the circuit approves, <http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses>.

they play in the adversarial system. In addition, candidates should have an interest in trial work. First year applicants do not need to have previous experience in defense work. Second year students should be prepared to demonstrate their commitment through previous summer work, clinical experiences, classes or extracurricular activities.

e. Salary

Although salaries will vary from office to office, the majority of state and local public defender organizations do not pay at the intern level. Students should, however, check with any office they are interested in as there may be funds available at some locations. As stated above, any students in need of summer funding should consider SPIF.

2. Attorney Hiring

a. Demand

Attorney positions at public defender offices are typically quite competitive. In 2019, for example, The Bronx Defenders had 188 attorneys working in their Family, Criminal, Civil, and Immigration Practices.

b. Procedure

Since criminal defense offices at the local and state levels operate independently, students are encouraged to check with the organizations in which they are interested for vacancy information and for specific timelines. Employment opportunities are typically listed on a given office's website, although interested persons may also view job information for certain state and local organizations in the *Government Honors & Internship Handbook* (see online and print resources section of this guide for login information).

c. Requirements

Criminal defenders generally require litigation experience and a demonstrated commitment to defense work. That commitment can be demonstrated through summer internships, clinical experiences, pro bono work, relevant classes, and student group leadership. Appellate offices will also look for excellent research and writing skills. It is rare for a defender office to hire someone without any prior defense experience. Defender offices in larger systems do hire new attorney classes every year, the number being dependent on attrition and funding. Applicants should contact offices of interest for their individual timelines. Please note that it may take several months and several rounds of interviews, especially in larger markets, for candidates to be hired.

d. Salary

According to the NALP *2018 Public Service Attorney Salary Report*, the average nationwide starting salary of a public defender was \$59,235, while the average salary of a public defender with 11 to 15 years of experience was \$101,826. Of course, exact salaries for attorneys in criminal defense organizations at the state and local levels vary depending on geographic location.

C. Frequently Asked Questions

1. What should I consider before thinking about becoming a public defender?

While practice settings for defenders vary a great deal, there are basic questions you should ask yourself before entering this field. How do you feel about defending someone who may have committed a crime? Though it is true that not all charged individuals are guilty, many of them may have committed a bad act if not a crime. Do you feel up to fighting the system to ensure that your client receives a fair trial? In some jurisdictions, the defense attorney is the only person in the courtroom standing up for the defendant. It may be or may seem that the justice system is stacked against the defense. Do you enjoy direct interaction with clients? Clients range from likeable individuals who have exercised poor judgment to those who have made conscious decisions to break the law. They are mostly poor and struggling with many of the problems associated with poverty and they are often mentally ill, addicted, or depressed. Interactions can range from short client interviews, to traveling to unfamiliar neighborhoods, to finding and interviewing witnesses, to assuming the role of a social worker.

2. How do I choose the best office in which to work?

There is no such thing as the best office but, rather, the best office for *you*. Defender offices vary greatly. Getting answers to the following questions may help you determine whether the office will be a good fit for you.

- *What kind of training do they provide?* Some larger, better funded offices are able to provide training for new attorneys. The Legal Aid Society in New York is very well known for providing thorough training to its newly minted attorneys. In addition, you will want to find out whether there will be continuing education programs during your tenure there. Keep in mind that smaller offices may not offer any formal training at all. They will expect you to hit the ground running.
- *What is the caseload like?* While defenders are not generally happy with their caseloads, you can find out about the kind of support attorneys receive. Member offices of the National Legal Aid and Defender Association adhere to principles for quality representation.
- *How does the office divide the work on a criminal case?* There are two systems of representation. Vertical representation means that the client is represented by the same attorney through the entire proceedings, from arraignment to motions to hearings and trials. Horizontal representation means that the attorney handles only one stage of the process, such as bail hearings, for a period of time, and the client is represented by different attorneys at other stages. An office with vertical representation permits an attorney ultimate responsibility for the direction and outcome of the case, but the attorney may not be equally proficient in all stages of the case. Horizontal representation, while not providing for case continuity, allows attorneys to hone their skills in one area before moving on to the next.

- *What are the possibilities for advancement in the office?* You may want to find out whether there is room for growth. It may also be useful to inquire about the kinds of positions attorneys take when they leave the organization and the rate of turnover.

3. Should I be a defense attorney or a prosecutor?

Many students ask themselves: prosecution or defense? Can I switch sides at a later time? In order to answer that question, you have to understand that fundamental differences exist between prosecutors—who represent the state and have distinct responsibilities to seek convictions—and defense attorneys—who are bound to vigorously defend the interests of their clients. Given the very different perspectives of the two sides which make up our adversarial legal system, you should be thoughtful about which side you find most compelling. A switch at a later date may prove difficult and challenging, though not always impossible.

4. Is it difficult to get a public defender position right after law school?

Many public defender offices do hire recent graduates every year. You will need to have a demonstrated commitment to indigent public defense represented by one or two summer internships, clinical work, and classes. Use your time in law school to demonstrate your commitment and interest in defense work. The [Equal Justice Works fair](#) in Washington, DC features several public defender offices. If the defender organization that you prefer is not participating in the fair, inquire about their hiring timeline and apply to them directly. Federal defenders, with rare exceptions, do not typically hire right out of law school.

5. If I work at a law firm after I graduate, can I make a switch later to public defender work?

It is possible, but several facts conspire against you. First, you grow accustomed to the money. Just as you cannot imagine making \$190,000 a year from now, after you've made it for a few years, you will not be able to imagine making \$60,000. You will have expenses that seem necessary. Family and friends will tell you that you are insane. You'll wonder if it's fair to your family who may be used to a more affluent lifestyle. Second, you will then have an uphill battle in actually getting a public defense job. Your résumé does not demonstrate a commitment to public interest; your experience from a corporate law firm may not demonstrate the skills or knowledge needed for criminal defense work. Quite frankly, everyone is a little suspicious about whether you are serious about the cause and if you'll stay. These reservations may all be overcome by making sure you do a significant amount of pro bono work during private practice (preferably involving trial experience), maintaining and cultivating contacts in the public interest community, and continuing to live a simple life.

6. Do I need to be a U.S. citizen to be a public defender?

It depends on the office. Public defender offices seldom have the funds or the staff to petition for a work-permit. We encourage you to inquire at the office(s) in which you are interested. Please see the [Employment Eligibility](#) page on the CDO website for more information.

7. Can I survive on a public interest salary?

Only you know that. Can people survive on a public interest salary and lead happy lives? Sure. They do it all the time. Not only is this question enormously dependent on what you consider the essentials of life, whether you have a working partner, where you live, and whether you plan on raising children, but it is

also dependent on the type of public interest work you pursue. People working for the federal defenders will probably start in the fifties and can work up to well over \$100,000; by comparison, state and local defenders employ an amazing group of committed attorneys and offer lower salaries. In addition, Yale's loan repayment program (COAP) lightens the debt burden significantly and enables graduates to pursue public interest work. Having said this, the comparison to large firm salaries will always be dismal. If you choose the life of a public defense lawyer, it's best to stop comparing.

CHAPTER 4

YALE LAW SCHOOL RESOURCES

This section of the guide has been removed from the public version.

E. Online Resources

1. Online Resources

The Defender Services Office Training Division

The Defender Services Office (DSO) Training Division of the Administrative Office of the U.S. Courts. The ODS Training Branch provides substantial training and other resource support to federal defender organization staff and CJA panel attorneys. The website provides a directory of all federal public and community defenders under *Practitioner Resources* at the bottom of the homepage.

Government Honors & Internship Handbook

CDO has purchased the rights for all students to access the *Government Honors & Internship Handbook*, a compilation of federal employment opportunities, including public defender offices. Enter the password "YLScareer2015" to get the most current information on government hiring.

CDO Program Videos

View Program Videos produced by the YLS Career Development Office, including *Being a Public Defender* and *Careers in Capital Defense*.

Leadership Connect

Yale Law School students have access to this resource, which contains the name and contact information of the Federal Public Defender for many districts. Students using a Yale computer or connected to Yale through a VPN can access the directories without a password. Simply click on the login box in the upper right corner of the home page. Anyone accessing the site from an outside computer without VPN will be taken to a login screen. In that event, contact CDO at (203) 432-1676 for a username and password.

National Association of Criminal Defense Lawyers (NACDL)

A professional bar association founded in 1958, NACDL includes private criminal defense lawyers, public defenders, active U.S. military defense counsel, law professors, and judges committed to preserving fairness within America's criminal justice system. Under the *Criminal Defense* tab, access information about specific areas of criminal defense law, including the death penalty, indigent defense, and juvenile justice.

National Juvenile Defender Center (NJDC)

NJDC was created in 1999 to respond to the critical need to build the capacity of the juvenile defense bar and to improve access to counsel and quality of representation for children in the justice system. NJDC offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination.

National Legal Aid & Defender Association (NLADA)

NLADA is the nation's oldest and largest nonprofit association of legal professionals and organizations dedicated to providing legal services to low-income people in America. The NLADA provides resources to the public defense community through support, training and professional development, establishing and implementing standards, engaging clients and community, in addition to monitoring reform and advocating on behalf of indigent defense systems across the nation. The website also offers a *Job Search* tool.

Public Service Jobs Directory (PSJD)

Through membership in PSJD, YLS students and alumni have access to the PSJD database, a searchable and current database of thousands of organizations and internships, fellowships, and post-graduate job listings in the public interest. For specific information and resources concerning careers in criminal defense, click [here](#).

F. Other YLS Criminal Defense Resources

Student Organizations

Capital Assistance Project

The Capital Assistance Project (CAP) matches YLS students with public defenders from around the country to provide research support for capital defense work. CAP also raises public awareness about death penalty and indigent defense related issues.

Clinical Programs

Advanced Sentencing Clinic

Students handle matters including state parole reform projects and federal supervised release revocation hearings. Students handle all aspects of their cases and projects, including building relationships with clients and agencies; interviewing witnesses; investigating case facts; drafting pleadings and policy memos; and arguing on behalf of clients in court. In the Clinic's seminar, students lead discussions on topics of their choice related to sentencing law, policy, and practice.

Capital Punishment Clinic

The Capital Punishment Clinic assists members of the Capital Trial Unit of the Connecticut Public Defender Office in representing people facing the death penalty. Students make practical use of research

and analytical skills, and may participate in conferences with clients, witnesses, and experts, as well as observe court proceedings. Weekly class sessions include presentations and discussions of various aspects of capital cases such as mental health issues, jury selection, and scientific issues.

Challenging Mass Incarceration Clinic

Students represent clients in two types of cases: federal sentencing proceedings and Connecticut state parole hearings. Students learn advocacy strategies aimed at mitigating or ameliorating their clients' punishment, both prospectively during sentencing and retrospectively during post-conviction proceedings. This work includes building relationships with clients (some of whom will be incarcerated); interviewing witnesses; investigating case facts; developing case theories; working on interdisciplinary teams alongside expert witnesses; using narrative writing techniques to prepare persuasive pleadings; and developing reentry plans for clients leaving prison. Additionally, students will present oral arguments at their clients' federal hearings and will prepare state-sentenced clients to testify before the parole board.

Criminal Justice Clinic

Yale Law School's Jerome N. Frank Legal Services Organization (LSO) offers the Samuel Jacobs Criminal Justice Clinic, in which students represent defendants in criminal cases in the Geographical Area #23 courthouse on Elm Street in New Haven. Students handle all aspects of their clients' cases under the direct supervision of clinical faculty. Students learn how to build relationships with clients, investigate and develop their cases, construct persuasive case theories, negotiate with opposing counsel, prepare motions and briefs, and advocate for clients in court. Students also explore the legal framework governing the representation of clients in criminal cases, including the rules of professional responsibility. Throughout, students are encouraged to think critically about the operation of the criminal justice system and to reflect on opportunities for reform.

New Haven Legal Assistance Re-entry Clinic

Students provide legal representation to people with criminal convictions to help them challenge and navigate barriers to their successful reentry into society. The students gain experience in all aspects of lawyering, including interviewing clients and witnesses, written advocacy, informal and formal fact investigation, and oral advocacy. Students also have an opportunity to engage in systemic reform by conducting legal and policy research to identify avenues for broader reforms

CHAPTER 5

PERSONAL NARRATIVES

A. Faculty

STEPHEN B. BRIGHT

Harvey Karp Visiting Lecturer in Law

Working in the Public Interest—Responding to Desperate Needs

Public interest work provides an opportunity to help the poorest and most powerless people in society, the ones who have the greatest need for the protection of the courts. It involves meaningful and important work, not the mindless pursuit of money. There are men, women and children in jails throughout the country—many of them profoundly mentally ill or intellectually disabled—who may be held without bond because no lawyer has advocated for their release, who may have never talked to a lawyer about their plight and what can be done about it, and who may never spend more than 15 minutes with a lawyer

before being sent to prison. There are people in debtors' prisons all over the country because they cannot pay fines or child support. There are people who face loss of their home, their children or their employment in the courts. Others face serious physical abuse. Some children are arrested for trivial things and sent to juvenile institutions, ruining their lives. People from other lands seek asylum. And there are many more just as helpless and just as desperate in need of legal assistance in other areas. These people need competent representation by capable and caring lawyers.

The United States has never made good on the promise of equal justice under law, but there are public defender, legal services, and public interest offices throughout the country that struggle to provide justice for those who most need it but cannot afford it. You should ask some questions to see what offices are enthusiastically representing their clients and which are just going through the motions. You do not need a fellowship to do public interest work. Full-time employment is available at those offices. While public defender and legal services offices often do not know long in advance how many vacancies they will have, numerous positions become available each year. A good strategy for securing a job after graduation is to intern in an office so you learn about its work and how it operates and those in charge will see your talents and how you can contribute to the mission of the office.

I was a public interest lawyer—working at a legal aid office, a public defender service, and a non-profit, public interest law office—for over 40 years and never regretted a minute of it. I welcome any questions or concerns you may have about such a career.

2019

B. Attorneys

KATE BRANER '93

Public Defender

**County of San Diego, Department of the Public Defender
San Diego, CA**

I have been with the Public Defender's office for over twenty years and cannot imagine working anywhere else. As a brand new lawyer, I was assigned to misdemeanor cases. While not glamorous, these relatively simple cases were ideal for learning basic trial advocacy. Trying lots of cases is the only way to learn how to really litigate. While law school classes and mock trial teams are helpful, it is not until you are standing next to another human being whose liberties are actually at stake that you truly understand the reality of trial litigation. I handled my first jury trial within six weeks of starting with the office. Over the past twenty plus years I have tried everything from having an undersized lobster (yes, that is a misdemeanor offense in San Diego) to homicide. After fifteen years of trying cases for both adults and juveniles, I began supervising, training, and mentoring the lawyers in our office. I am currently Chief Deputy of Development and Training for the department, tasked with evaluating system wide issues to better serve our clients.

The common perception of the career of the public defender is too many cases, too little time. While there is an element of truth to that perception, in well-funded offices there are many resources available to aid the trial attorney in representing their clients. For example, our office has a large staff of full time investigators to interview witnesses, track down documents, photograph crime scenes, etc. We are able to hire expert witnesses to testify about DNA, eye witness identification, and psychological issues. We have staff trained to find rehabilitation programs for our clients who need drug and alcohol treatment. The office also has a Writs and Appeals section staffed with brilliant attorneys to answer tricky legal questions on a moment's notice.

A day in the life of a public defender involves covering a variety of different court appearances. You could appear on settlement conferences and preliminary hearings in the morning followed by motions and sentencing hearings in the afternoon. In between court appearances, lawyers research and draft motions, write up tasks for the investigators, review new client files, visit clients in custody, prepare for trials, preliminary hearings, sentencing hearings, and all other court appearances. This is not a 9 to 5 job. Many lawyers work ten hour days in addition to putting in hours on the weekend. Particularly when the lawyer is in trial, the case is all consuming. You are always thinking about the case. Sleep is often elusive and eating sometimes becomes an afterthought. Once the trial is complete, and you have protected the constitutional rights of another human being to the best of your ability, the sleepless nights and hours of preparation are well worth it.

Being a quality public defender requires courage, creativity, and compassion. It takes a tremendous amount of courage to advocate on behalf of an individual the rest of the community would like to see disappear. Given that public defenders are typically out resourced by the prosecutor's office, it also takes a tremendous amount of creativity. You must be more inventive with your legal arguments, your investigation, and your trial advocacy. Finally, you must have compassion. You must feel a calling to want to advocate on behalf of the most vulnerable members of our community—those with profound mental health issues, difficult substance abuse problems, those who suffer from educational deficits and often lack basic social skills. Finding the humanity within each client, regardless of how horrific their behavior may have been, is what makes it possible to zealously advocate on behalf of criminal defendants.

While the salary of a county employee cannot even begin to compare to that of an associate in a law firm, the compensation package including health care benefits and retirement pension makes for a comfortable living. The hours can be long, particularly when you are in trial. Still, with appropriate balancing, it is quite possible to have a quality family life in conjunction with a vigorous defense practice. At the end of the day, you feel a tremendous amount of personal satisfaction having helped those whom no one else deems worthy of assistance.

2018

JACLYN FRANKFURT '86
Deputy Chief—Appellate Division,
Public Defender Service for the District of Columbia
Washington, DC

I have been a public defender for over twenty years. I guess I have voted with my feet—I have never left because I cannot contemplate a job I would rather do. My work is intellectually stimulating, desperately important, and ever-changing. And I am lucky enough to be surrounded by engaged, talented, like-minded people. Some of my classmates from law school feel this passionate about the work they do, but not many.

After clerking, I started my legal career as a Georgetown Prettyman Fellow and then went to work as a trial lawyer at the Public Defender Service for the District of Columbia. Both jobs are luxurious by public defense standards. Luxurious not in the traditional sense—neither the offices nor the salaries come anywhere close to what colleagues in the private sector experience—but luxurious because caseloads are manageable (by public defender standards), lawyers have the full support of the organization's leadership to act as zealous advocates for their clients, and lawyers are expected, encouraged, and trained to provide the quality of representation—including expert services—that clients would have received had they been able to afford the highest priced attorney. I am in awe of my colleagues who took their skills and went to places such as Georgia and Alabama, Louisiana and Texas, where the situations are quite different, to say the least.

I spent about six years as a trial lawyer before switching to appellate work. As a trial lawyer, I loved the fact that I spent my days not merely with other lawyers in offices and libraries (I date myself), but interacting with clients and witnesses in court, at the local jail, and in neighborhoods of the city that others rarely visit. I loved being in the courtroom—a place most litigators never see. And I tolerated being asked at social events, “how can you represent those people,” because representing indigent clients charged with criminal offenses seemed to me then, and now, to be the most important work I could do.

I eventually shifted to appellate work, where the work is different but, for me, equally rewarding. The legal issues we tackle are complex and rarely repetitive, perhaps because as lawyers and writers we understand the power of facts, which are never the same. If our narrative of unfairness is not persuasive to our (judicial) reader, our likelihood of success is low. I don’t get the day-to-day client interaction that I used to have, but my work remains entirely client-focused. As public defenders we are not impact litigators; our strategies are entirely guided by our client’s goals. Occasionally as a byproduct of our client-centered representation we have a broader impact—either in the development of some good case law, or, perhaps more critically, in instilling in the prosecutors the sense that they are being closely monitored. Public defenders have a healthy distrust of the government—it is most probably a job qualification, and most definitely a byproduct of the work we do. Oh, and often we win—both in the traditional sense, with not-guilties and reversals, and in the less traditional, when our clients are appreciative of the quality of representation they received, no matter the outcome.

2019

CANDACE JACKSON-AKIWUMI ’05
Staff Attorney
Federal Defender Program—Northern District of Illinois
Chicago, IL

I have been a staff attorney at the Federal Defender Program, Inc. in the Northern District of Illinois since 2010. I represent indigent people from across northern Illinois who are accused of federal crimes. I represent my clients in trial court (U.S. District Court), in appellate court (the U.S. Court of Appeals for the Seventh Circuit), and in petitions for writ of certiorari in the U.S. Supreme Court.

Our office is the country’s oldest federal defender office. When the federal defender system was created in the 1960s, each federal district court had a choice of creating a) a federal public defender office staffed by federal employees and helmed by a Federal Public Defender appointed by the court of appeals for the circuit, or b) a community defender organization, which is a government-funded nonprofit with a board of directors that elects an Executive Director. In our district, the court chose option b. As a community defender organization, our office does the same work as a federal public defender office; we are just governed differently. Accordingly, our office is the “Federal Defender Program, Inc.,” our Executive Director’s title is the Federal Defender (not the Federal Public Defender) for the Northern District of Illinois, and I am a staff attorney (not an assistant federal public defender).

I represent clients in all types of cases. About one-third of my caseload is fraud—ranging from bank fraud to bankruptcy fraud, credit card fraud, identity theft, wire fraud, mail fraud, social security fraud, theft of government funds, and more. Another third of my caseload is guns and drugs: clients charged with selling or possessing guns, selling or attempting to sell narcotics, and related cases. A final third of my caseload is simply a big mix ranging from bank robbery, to immigration offenses, to child pornography and other sex offenses. My office assigns cases in an extremely egalitarian manner that contributes to my job satisfaction: whatever cases come in on my monthly duty day—whether it is the biggest terrorism case or a minor supervised release violation case—become my cases. My average case, through sentencing, lasts about a year. I juggle approximately 30-50 cases at one time, all at various stages and of varying

complexity and demand in terms of time.

I represent clients in all stages of their cases. I take their case from arrest (or from the moment the U.S. Attorney's Office notifies a client that he or she is under investigation) to trial or a guilty plea, and to sentencing. If a client wants to appeal, I handle the appeal. If a client wants to appeal again to the Supreme Court, I work on that petition for hearing as well.

There is more variety in criminal law than I imagined before coming to my job, and being able to do both trial and appellate work is incredibly satisfying. The variety does not end there. I am also a negotiator: because more than 95% of defendants choose to plead guilty, I am negotiating plea deals all of the time. I am a counselor, helping clients to navigate difficult choices. I am a strategist, trying to determine the wisest way to litigate a case and achieve the best resolution possible for my client. I am an investigator: hunting down facts and evidence as we prepare for hearings, trial, or sentencing. I am a teacher, introducing clients and their families to the federal court system, which is vastly different from the state court system with which they may be familiar. I am a lay social worker: many of our clients have disadvantaged backgrounds, extensive mental health histories, substance abuse issues, and other everyday challenges. We work with mitigation specialists and masters' level social work students in our office to thoroughly investigate our clients' backgrounds, present an effective mitigation case to the sentencing judge, and help our clients get the resources they need. (This is another type of variety my job offers: I work not only with clients, investigators, and specialists in our office, but also probation officers, pretrial service officers, prosecutors, expert witnesses, client's families, juries, and judges. I am constantly interacting with different people.) My job is rewarding because it requires me to fill all of these roles at different points. My job is exhausting because it requires me to fill all of these roles! I work harder and longer hours than I did as a law firm associate. But I do not mind the harder work, longer hours, and lower pay because my job has meaning to me. I provide quality representation to people who would not be able to afford it, and I am there for clients at a most dreary and frightening juncture: when they are being judged for the worst day or days in their life.

Listening and communication skills, flexibility, good instincts, and compassion are valuable for defenders. Additionally, oral and written advocacy skills are even more important than technical trial and appellate skills. Only a fraction of cases go to trial or get appealed, and the government wins more than 90% of the few cases that do go to trial. This means that almost all of my cases end up at a sentencing hearing where sound oral and written advocacy is paramount in persuading a judge to impose a fair and appropriate sentence. One must also have thick skin and a penchant for pressing forward in the face of seemingly insurmountable odds: winning must mean shaving needless years and months off of a client's sentence, helping the judge to craft a sentence that might get a client the help he or she needs, or negotiating a smarter plea deal. We do not win trials and contested hearings often but we must keep trying. There are numerous examples of the defense bar fighting an issue over and over and losing all of the time, only to have the Supreme Court or Congress finally weigh in and right a wrong that the defense bar has been pushing against for years.

In law school I knew I would work in the public interest but I never gave any thought to criminal defense. After graduation, I clerked for a federal district court judge and then a federal appellate court judge. Afterwards, I joined a large law firm as a litigation associate for three years. As I began applying for public interest positions, I enjoyed hearing former federal defenders talk about their jobs. The job seemed to have many of the elements that I sought including the opportunity to protect rights, to fight for those in need, and to enjoy variety. I now have the dream job that I did not even know was my dream job.

2019

TAMAR LERER '13
Assistant Deputy Public Defender, Appellate Section
New Jersey Office of the Public Defender
Newark, New Jersey

I am an appellate public defender working in Newark, New Jersey. I have been in this position for the last four years. It is the only job I've held since graduating from law school, other than an appellate clerkship.

After my appellate clerkship, I did not picture myself doing appellate work. When the offer was made to me, I hesitated because I had always imagined being a trial public defender. However, I love my job and it turns out to be a great fit for me. From there comes my most important piece of advice: think about your job hunt more broadly than is immediately apparent. There is a large apparatus of indigent public defense in this country—municipal, state, federal, trial, direct appeal, state collateral attacks, federal habeas, capital defense, etc. There are opportunities that are not obvious from what you've seen in law school. It's worth trying to figure out what these opportunities are.

It's also worth thinking more broadly in a geographical sense. Yale graduates tend to cluster in certain cities. But there is public defense all over the country. Not only does increasing your geographical scope increase your odds of getting a job, but it can help you find a gem of an office that Yale grads don't necessarily trend towards.

My office is one of those gems. As a statewide office, it is well-resourced compared to many public defender offices. That means caseloads are relatively manageable. I, personally, feel like I have the time to give each client the kind of representation he or she deserves, and I still only work 40-45 hours a week on average. I also know from my friends who are trial attorneys that it is not a struggle to get experts, psych assessments, etc. Also, as a statewide office, we have a bird's-eye view on all the criminal justice issues in New Jersey. It helps us make strategic decisions to further the cause. For instance, my office has a forensic science workgroup, composed of attorneys from all over the state, who are working to keep junk science out of the courtroom. And we have one of the most progressive bodies of case law in the country! That means that we can bring challenges that are not even cognizable in federal court, we can win cases, and we can change the law. That gives you a reason to keep going in the face of the onslaught of losses, which is part of any public defender's job.

It's hard to underestimate the kinds of things you'll need in order to work in public defense long-term. The funding, hours, and real potential for change discussed above are so crucial. So is the very livable salary, which is thanks in large part to my union (and COAP, which has worked very well for me and my partner, who is also in public interest law). When in law school, it's hard to tell how hard this work is. Know what you'll need to sustain yourself and don't be ashamed to look for offices that have that.

2018

GALIT LIPA '04
Supervising Attorney
Public Defender Service for the District of Columbia
Washington, DC

I have been a criminal defense attorney for over 14 years. I was a Prettyman fellow at Georgetown University Law Center (a fellowship I highly recommend for any aspiring public defenders) and a staff attorney and clinic director at Stanford Law School. But most of my career has been at traditional public defenders offices—first Contra Costa County and now in the District of Columbia. The work is difficult and can be taxing, but it is incredibly rewarding. I have always felt strongly that my education at Yale

was a privilege and a gift, and I feel that the work I do is one way I can provide greater dividends to all those who helped me attain that incredible education.

Being a public defender is probably some of the hardest work you can do as a lawyer. Your daily responsibilities require you to be a witness to people's worst moments, you are regularly expected to come up with cogent arguments on the fly without knowing all of the facts and you will be expected to sustain a work pace that is constant. You will be expected to have the skills of a psychologist, social worker, forensic scientist and investigator, while at the same time being able to quickly analyze facts and keep abreast of the constant changes to the criminal law. There are also judges and prosecutors who will treat you with veiled, or not so veiled, disdain because you are zealously defending someone accused of a terrible crime or insisting that the constitutional amendments be applied with full force. But the flip side of that is that your clients and their families will be deeply grateful to you for treating them humanely and with compassion, your co-workers will be some of the most caring, irreverent, intelligent people you will meet, and you will be often be the only person in the room ensuring that the less popular of our constitutional amendments are enforced. Moreover you will in fact develop a breadth of skills well beyond legal research and writing, I know more about the science of DNA and how illegal drugs are metabolized than I could have ever imagined. And while you will never make law firm bucks, you can quickly get to over \$100,000 a year at federal offices, PDS and almost any office in a big city in California. But even if you work in a smaller jurisdiction and never make over \$70,000, you will always have the best work stories and likely be the coolest lawyer in the room—although the bar for that standard is fairly low.

My advice to anyone seeking a job in this area is to make sure that any job you take is in an office where the other lawyers and staff see themselves as part of a supportive team. You will rely on your colleagues deeply in this job as you come back to the office and need to vent your frustrations or want to celebrate the victories with people who really understand what you and your clients went through. I would also recommend thinking through what your options are if you need a brief respite from the work. I have had two children while at PDS and it is not always easy to balance family life with being a trial attorney. I have been lucky to work at an office that allows lawyers to do 'rotations' in other divisions in our office and have taken advantage of that when I have felt that I needed to shift the balance more towards my family for periods of time. Lastly, criminal defense work is very jurisdiction specific. If you know you want to live in a particular city, make sure you spend at least one of your summers working in the public defenders office or courts in that jurisdiction—that will give you a great advantage when seeking employment.

When I first became a public defender, almost everyone asked me what I would do 'after.' But after over a decade I feel fairly certain that there doesn't have to be an 'after'. This is a job that is so varied and exciting and rewarding and needed that it is a life's work.

2019

CAROLYN WIGGIN '94
Assistant Federal Defender,
Federal Public Defender—Eastern District of California
Sacramento, CA

I have worked at the Federal Public Defender's Office in Sacramento since 1998. My path to this office was not direct. Although I took more criminal law classes in law school than is probably typical, it was not the only area of law I found interesting. After law school I clerked for a federal judge then spent a couple of years at a large law firm doing the lowest levels of civil litigation work. By the end of two years buried in discovery I was ready for something different.

Most Federal Public Defender's offices have a few research and writing attorney positions in addition to the more common assistant federal defender or deputy federal defender positions. The offices use these positions in different ways. In some offices they are used as long term career positions and in other offices they are used to bring in new lawyers for a one or two-year term. At the time I was on the job market, my office used the position to bring lawyers in for a two-year term. I was thrilled to be hired into one of these positions and moved to Sacramento to accept it. This job was my foot in the door to criminal defense and later I applied for and was hired into a longer term assistant federal defender position.

It just so happened that when I started my office had a need for someone to take on not regular criminal cases but habeas corpus cases involving persons who had been ordered deported and were in immigration detention (usually a county jail that had a contract with federal immigration authorities). These individuals, who were born in countries that did not have regular diplomatic relations with the United States, were spending years in detention because their home countries would not take them back because of the lack of diplomatic relations with the United States. Thus I did not start my criminal defense career in the usual slot of trying misdemeanor cases but instead started out learning about habeas corpus, immigration law, and the history of relations between the United States and the southeast Asian countries that most of my clients had been born in decades earlier. I loved my assignment! I went from spending my days and nights in a skyscraper to driving around county jails in the California central valley to meet with my clients, collaborating with other attorneys to craft constitutional challenges to indefinite civil detention, and actually making court appearances in my own cases. Although my colleagues and I suffered many defeats, in a few cases we were able to get people out of detention and reunited with their families.

Eventually I did spend a couple of years doing misdemeanors and then felonies. These cases also provided an opportunity for connection with clients and creative work. One thing that's been true in my career and I believe in the careers of many public defenders is that although the all-out victories in court are rare, in almost every case you can make some positive difference for your client. Extra investigation or legal research presented in the right way to a prosecutor can improve a plea offer to your client. Also, in the course of my career, federal sentencing has changed in a way that allows defense counsel a greater opportunity for creative advocacy. When I started work in the federal system the Sentencing Guidelines were all-controlling. Over the last decade or so a series of Supreme Court cases has changed the system so that now we can present arguments in federal court that question the fairness and legitimacy of particular Sentencing Guidelines or bring in evidence about our client to make the case that the Guidelines are too punitive in light of our client's circumstances.

For the last several years I have done mostly habeas corpus cases and appellate work. This entails spending most of my time reviewing case records, doing research, and writing briefs. This position within the criminal defense field is not for everyone—you have to be okay with spending a lot of time in the office in front of a computer. The position suits me well since I have always enjoyed research and writing. I still find this work intellectually and emotionally fulfilling. I think you do have to be able to connect with the underdog and have the ability to keep rallying despite lots of adverse rulings to stay in this career for the long term. I do not tend to count wins versus losses when I look at what I do but instead tend to look at the months and years I was able to shorten my clients' sentences in the aggregate. In those terms I think most public defenders have great success.

Obviously you will not get rich being a public defender, but fortunately many federal and state criminal defense offices can pay a reasonable salary and it is a great relief not to have to drum up business and deal with collecting payments from clients. I feel very lucky to have landed in this field and recommend it highly.

2017

C. Summer Interns

ANNA ARONS '15

Office of Capital Writs, Austin, TX

Bronx Defenders, New York, NY

In my summers, I worked at organizations that showed me the wide array of work encompassed by the label public defense. The summer after 1L year, I worked at the Office of Capital Writs, in Austin, Texas, an office that represents indigent defendants on death row in their state habeas proceedings. The summer after my 2L year, I worked at the Bronx Defenders, in New York, a trial-level public defender office. These internships showed me that indigent defense varies from stage to stage, and from place to place, and that different positions may appeal to people with very different strengths and personalities.

The Office of Capital Writs (OCW) was at the time a new office, first funded by the Texas legislature in 2010. As a result, it was a small office, with a small intern program. I was one of four interns, and when we showed up, we were immediately put to work. Lawyers rely on interns to do substantive tasks. Outside the office, I went on several solo investigative trips to Fort Worth, searching for and speaking to mitigation witnesses, and I visited clients on death row on a few occasions. But I spent most of the summer in the office, doing legal research, digging through volumes-long trial records, and drafting portions of habeas motions. My time at OCW gave me insight into the day-to-day experience of appellate indigent defense. It involves a lot of solitary time in the office at a computer, even if it does give rise to occasional trips outside the office, and it does not involve much day-to-day contact with clients (though I did find that OCW attorneys made a great effort to get to know and to support their clients, even given the constraints of distance and time).

Having experienced indigent defense at the appellate level, I wanted to see it at the trial level, as well, so I spent my second summer at the Bronx Defenders, in their Criminal Defense Practice. I had previously been a member of YLS's Criminal Justice Clinic, and I was excited to be immersed in the work full-time and to learn more about the Bronx Defenders' holistic defense model (meaning that the organization strives to address both the collateral consequences and enmeshed penalties of court involvement, as well as the underlying issues that play a part in driving clients into the justice systems in the first place).

The summer started off with a week of training for the 50-plus summer interns, and this training continues through the summer in the form of a weekly Trial Skills class (basically a crash mock trial course). In support of the holistic defense model, all of the interns receive trainings in every practice area, not just the practice area that they're assigned to. After the initial training, I was given all kinds of tasks. In a typical week, I might write a motion for dismissal; meet with a client to talk about his immigration situation and to learn details about his life that might lead to a better plea offer; dig up information on witnesses for a trial; go out and look for a client who missed a court date; stand up at arraignments and make a bail application; and go to Rikers Island to visit a client. The variety of work meant that I never got bored—and unlike when I was doing appellate-level defense, I got to get out of the office and meet with clients more frequently.

I appreciated that my two summers gave me a view into two very different experiences of indigent defense, each of which presented its own challenges. In capital work, the stakes are obviously high, which can be emotionally draining. But at any given time, the lawyers in the office had only a handful of cases each. On the other hand, at the Bronx Defenders, each lawyer had dozens of cases at any given time, and operated under the knowledge that a conviction in any case could have devastating collateral consequences for future employment, immigration status, or child custody—draining in its own way. In each of the offices I worked in, the stakes seemed even higher, because the attorneys formed close

relationships with clients. For me, it was this client-centered view of public defense that drew me to it in the first place, and that keeps me engaged in it.

Both of these internships offered a great opportunity to do substantive work and to explore the many forms that indigent defense can take. I learned a lot about indigent defense, but beyond that, I also learned a lot about what I like—and don't like—in a job. Both offices were supportive, and receptive to requests for certain types of tasks, giving me the chance to experience everything I had hoped to in each summer.

Summer 2014

DYLAN FAY '16
Innocence Project
Tallahassee, FL

During the summer of 2014, I interned with the Innocence Project of Florida, a nonprofit legal organization that works to exonerate wrongly-convicted prisoners across the state. I am from Orlando and knew that I wanted to return to my home state to work, and the Innocence Project had a philosophy and track record that really attracted me.

The seven other summer interns and I were an integral part of the Project's team. Like any nonprofit, the Innocence Project is stretched thin, with far too many cases for its few staff members. I was responsible for reading files submitted by inmates who applied for us to take their case. That meant I read everything pertaining to their case and its procedural history: investigative reports, trial transcripts, depositions, appeals, and post-conviction motions.

Once I was intimately familiar with the details of a case, I wrote a memo summarizing the applicant and his case, along with a recommendation as to whether the Innocence Project should take the applicant as a client. I based my recommendations on the strength of the applicant's claim, the availability of evidence, and the likelihood that objective examination of that evidence (e.g., DNA testing) could result in an exoneration. My memo was then used as the basis for a discussion with the Director and Intake Coordinator about whether to take the case. The Director made the final decision on each applicant.

The Innocence Project was a wonderful place to work. The office itself is a very relaxed environment: no dress code, flexible hours, and an open-door policy. We met once a week for a lecture on some aspect of criminal defense law, usually pertaining to how to work on DNA cases. We also had frequent discussions on the progress on ongoing cases.

I would certainly recommend the Innocence Project to any student who wants to work in criminal justice. The only improvement I could offer would be to add a little variety to the interns' work experience: we had few chances to meet clients, see litigation in action, or work with investigators. But the work we did was substantive, and it really mattered to the prisoners depending on us as their last resort. That is an experience I will not soon forget.

Summer 2014

ELLIOT FRIEDMAN '15
Federal Public Defender—District of Arizona
Phoenix, AZ

During the summer of 2013, I worked for the Office of the Federal Public Defender in Phoenix, Arizona. Born and raised in the New York-New Jersey area, I took the job without knowing anyone in Arizona. I took the word of a couple of YLS alums that the job was the best internship they'd ever had; I was not disappointed.

The Federal Defender's (FD) office has two units, and I worked for both. The FD's primary unit represents defendants charged with federal crimes during trial and appeal. The FD's other branch is the Capital Habeas Unit (CHU), which represents state prisoners sentenced to death in petitions for a federal writ of habeas corpus.

The attorneys and staff at the FD treated me and my one co-intern as full members of the team. When they had habeas petitions that they had to file and had claims that they did not have time to research, we researched the claims and provided the language that would be used in the petition. When another attorney's client raised a prisoner's rights issue that the attorney did not have time to research, the attorney tasked me with figuring out whether there was law on our side. He treated me as fully in-charge of that aspect of the case, making sure that I spoke with the client and having me lead a conference call with a lawyer at another organization working on a similar issue.

The best part of the job, even beyond the substantive work, was the people. The attorneys and staff took a deep interest in me and my co-intern. Our supervisor always read our work carefully, going through four or five drafts on each piece. She was deeply passionate about her work in indigent defense, an enthusiasm shared by every attorney I met at the office. This passion drives the FD lawyers to take their roles as mentors seriously. In fact, I still e-mail regularly with the Federal Defender, Jon Sands, who heads the office.

The Arizona FD's office gave me everything I could possibly want in an internship. I worked on fascinating issues that, for many of our clients, were literally matters of life and death. I met kind, smart, and passionate people who have dedicated their careers to representing poor people. I found mentors who I am sure I will continue to look to as I consider a career in indigent defense.

Summer 2013

AMIT JAIN '18

Federal Defenders of New York—Eastern District of New York Brooklyn, NY

The summer after my 1L year, I interned at the Federal Defenders of New York in their Brooklyn (EDNY) office. When I applied, I knew that I wanted to work in either public defense or deportation defense as a career. As a former teacher, I knew I loved direct services, and I wanted to stand alongside people against the racism and classism in the American criminal justice and immigration systems. Although I specifically hoped to do public defense in state court, I knew that I would not be able to stand up in court during my first summer either way. Accordingly, I chose to go somewhere where I could get a taste of public defense generally and sharpen my written advocacy and research skills. The Federal Defenders delivered.

In addition to FDNY's Brooklyn office, I applied to the Manhattan (SDNY) office and a slew of state-court public defense offices—the Bronx Defenders (BXD), Brooklyn Defender Services (BDS), Neighborhood Defender Services of Harlem (NDS), Legal Aid Society of NY (LAS), and the Public Defender Service (PDS) in Washington, DC. After hearing back from the Federal Defenders first in mid-December, I withdrew my other applications. Most offices, including FDNY, involved just one round of phone interviewing. I got the sense that they were looking more for commitment and passion than experience, though these can overlap.

I loved my summer at the Federal Defenders. The Brooklyn office is full of lifelong public defenders, most of whom have previously amassed state-court experience at LAS, BDS, PDS, or other great organizations. They are all brilliant and dedicated, and it was a privilege to work with them. The summer

I was there, all five interns got to work with attorneys and paralegals on at least one jury trial, meaning we supported with research, briefing, strategizing, and drafting/mooting openings and summations and directs and crosses—basically everything except actually standing up. This was a fascinating and powerful experience: there is truly nothing like watching a lifelong public defender tear apart a witness on cross.

The internship also involves a lot of court observation and research/writing, including both internal memos and full-on motions in limine (to exclude evidence under the rules of evidence), motions to suppress (to exclude evidence under the Constitution), motions to dismiss, and more. There are also opportunities for client contact if you want them (as I did). That being said, if you are interested in client contact opportunities, you should make that very clear to make sure you get them. I would especially recommend working on a sentencing letter, through which you will interview a client in-depth to gather mitigating factors, then use them to advocate in writing for the most humane sentence possible.

The hours were reasonable—interns usually left around 5pm or 6pm. I stayed past 7pm only a handful of times, mostly when we were on trial. The supervisors are careful not to overload interns—as long as you are able to communicate when you are feeling overwhelmed, or when you need more assignments, you can generally do as little or as much as you can handle. The office culture is friendly, funny, and informal, though everyone takes their responsibilities to clients very seriously.

Compared with the Manhattan office, I got the sense that the Brooklyn office was smaller and less formal. By the end of the internship, I knew all of the attorneys well, which did not appear to be the case for the Manhattan office. The Brooklyn internship program was also flexible enough that basically any time I wanted to learn from a specific attorney's unique style or approach, the internship coordinator figured out a way to make it happen. I even got to do a few assignments for the capital appeals team, which is not technically within the EDNY office but shares office space.

Compared with state-court public defense, federal defense is slower and involves much less client contact. The attorneys all have dramatically fewer cases, but each individual case requires more time. There is much more legal briefing, which allowed me to learn a lot and improve my writing skills, but there are no opportunities for interns (of any year) to stand up in court. That being said, I got what I had hoped for out of the experience. I spent my 2L summer at the Bronx Defenders, where the research and writing skills I had learned from the Federal Defenders proved valuable.

Overall, I would absolutely recommend spending a summer at the Federal Defenders in Brooklyn, particularly as a 1L. It's a wonderful office where you can learn from brilliant, inspiring attorneys and contribute to important, fulfilling work.

Summer 2016

GRACE KAO '15

ACLU Immigrants' Rights Project, New York, NY;

Federal Defenders of New York—Southern District of New York, New York, NY

My path to criminal defense is not a straightforward one. When I first came to law school, I had intended to work in the field of international human rights. I had helped develop the human rights minor at Berkeley, and in my first semester here, I researched for the Extraordinary Chambers of the Courts of Cambodia. However, the abstract legal questions I grappled with could not replace the realities of injustices that occurred closer to home. I grew up the child of immigrants, in a suburb of Asian and Latino immigrants, and within the cold and intellectual enclaves of Yale Law School, those were the people my thoughts returned to. Immigrants are among the most marginalized in our community—as noncitizens, their rights remain tenuous at best. Fueled by my interest in immigrants' rights, I decided to work at the ACLU

Immigrants' Rights Project my 1L summer, which showed me the scope of the law as a tool for advocacy and change through nation-wide impact litigation. I also joined the Workers and Immigrants' Rights Advocacy Clinic (WIRAC) my second year, drawn to their intuitive mix of direct representation and impact litigation.

It was through WIRAC that I developed my interest in criminal defense. By far the most fulfilling experience I had in law school is when WIRAC allowed me the opportunity to represent my client, M, at a bond hearing before an immigration judge (IJ). I had joined the case a mere week before the hearing, and in that one week, I plunged myself into the intricacies of M's case and the arguments we were presenting before the judge. I learned about his life before coming to America, the hardships he faced then and continues to face here, and the destructive behaviors he struggled with that had landed him in deportation proceedings. I visited my client in jail after reading his file, and was struck with the reality of the situation—M was charismatic, intelligent, and a well-respected leader within his pod who had assisted many others in their immigration proceedings. Within a week of learning M's life story, I stood before the IJ and presented my case. Never did I once forget the weight of what had been entrusted to me: the freedom of a man who faced a disproportionately heavy punishment for nonviolent crimes. And to paint that picture, I had to show M, not as a criminal or a saint, but as a man in all his fragile humanity.

The IJ granted M release on bond. And as M hunched over and began to sob with relief, I knew I had been made for this work. The marginalized, the foreign, the criminal—they are the forgotten. They have been told their lives, and consequently their humanity, are forfeit. I will always reject that. I knew I wanted to spend my life learning to tell others' stories, because I have been privileged enough to be born this side of the glass. With that experience in mind, I began my 2L summer at the Federal Defenders of New York. I was hired despite an almost total lack of experience in the field—all I knew about criminal law, I had learned in my Criminal Law and Criminal Procedure classes. Prior to starting my job, I asked a former FDNY trial attorney what she'd thought of the Federal Defenders. "It was the best job I've ever had, and I could only do it for five years," she responded enigmatically.

All expectations of what the job would entail flew out the window by my first day—after we introduced ourselves briefly, the intern supervisor launched into a lecture about what federal petty offenses were. We would be in court the very next day, representing clients and negotiating with agency representatives to reach a dismissal of the charge or, more realistically, an adjournment in contemplation of dismissal (ACD). "Nobody gets a conviction," said my supervisor fiercely. It was that exact attitude that had drawn me to FDNY, that belief that we would fight to the bitter end for our clients. It is hard to describe a typical day in a federal defender's office. One day, I might be running to court to listen to summations and wait with my attorney as the jury deliberates; another day, I may help interview potential witnesses, or accompany my attorney and client to the prosecutor's office across the way as my client makes a proffer. Or I might spend the day in the office, drafting a request for deferred prosecution or researching a substantive issue that will be turned into a motion to suppress evidence. Or I might clear the week in anticipation of a lengthy trial, only to hear in court that the judge believes there may be a conflict of interest, and that my attorney may not be able to argue the case after all, and return to the office feeling bereft—but not for too long before new assignments start rolling in. The only recurring theme is that I never felt like I was being given busy work—there is too much work to go around in a federal defenders' office to waste anyone's time like that. One of my favorite aspects of the FDNY office was how any attorney could call an office-wide meeting where they would explain the facts of their case and the roadblock they've come against, and solicit feedback from all of their colleagues. Everyone in the office who isn't busy, from appellate attorneys to paralegals, join the meetings, which sometimes devolve into a cacophony of shouting, but almost always give the lead attorneys the fresh pair of eyes they needed.

Inevitably, when you defend alleged child pornographers, terrorists, drug dealers, robbers and assailants and other unsavory elements, the question arises: "But do you think he did it?" And it is only natural that,

in the course of attempting to reconstruct timelines and investigate the panoply of options your client may have faced at a certain moment in time, you may wonder. But—and perhaps this is obvious, but it bears stating—it is not part of your job to know. Something I’ve learned since immersing myself in the field of criminal defense is that you have to check your judgment at the door simply because your client’s life is not for you to judge. When I argued for M to be released on bond, I learned the intricacies of his life, and that life included a criminal past that he was not proud of. Many of the clients I met reminded me with a jolt of someone I knew in my own life—a client being prosecuted for illegal reentry reminded me of my own immigrant father, shoulders hunched with decades of back-aching work; another client had the wide-eyed vulnerability of one of my friends with a tendency to get involved with terrible men. That is the job: to remind the judge and the jury of the weight of the sentence they impose, the fallibility of humanity and the possibility of clemency for people who have made poor decisions. Your client may not be repentant; indeed, they may be irretrievably disturbed. What I have learned is that you fight to make others forget the dark blue jumpsuit and the shackles—you will have to fight to remind the jury of the dignity of the man or woman who sits beside you. You will have to fight the prosecutor’s presentation of the law as a maze of technicalities that definitively guides the hand of the jury, and in doing so, remind the jury of their own humanity.

It is easy to see why a job in criminal defense would be intoxicating. On an intellectual level, the job never gets stale. The appeal is built right into the name: criminal defense. You are the shield, the defender. And when you truly comprehend the horrific and casual cruelties of a system that processes humans as numbers and papers, that calculates decades of a person’s life in sentencing guidelines, it becomes hard to walk away. But even in my short time in the office, I can see it is not for everyone forever. I can’t guarantee I’ll be practicing criminal defense for the rest of my career. Still, I hope I get the privilege to do so, even if only for a few years.

Summer 2014

MATTHEW LEE ’13

**Office of the Public Defender, San Francisco, CA
Orleans Public Defenders, New Orleans, LA**

Many people decide to go to law school because they want to help people, or because they dream of defending constitutional rights, or because they’re excited by the idea of standing up in court. Few lawyers actually get to do any of those things. Public defenders are some of the luckiest members of the legal profession: they spend their days doing the kind of work that law school applicants dream about, and that most lawyers only ever get to see on TV.

I spent my 1L summer (2011) at the Orleans Public Defenders in New Orleans, Louisiana. I spent my 2L summer (2012) at the Office of the Public Defender in San Francisco, California. In one respect, the public defenders’ offices in New Orleans and San Francisco are very similar to each other: they’re both full of smart, dedicated lawyers who have difficult jobs, and who do those difficult jobs well. In many other respects, the public defenders’ offices in New Orleans and San Francisco find themselves at the opposite ends of a spectrum. In New Orleans, public defenders face astronomical caseloads with minimal resources. In San Francisco, caseloads are much more reasonable, and resources are much less scarce.

But—regardless of how much work there is to be done or how many resources are available to the people doing it—one of the great things about working at a public defender’s office is that the work is always varied and never boring. On a typical day, you might appear in court throughout the morning, interview clients in jail after lunch, spend a few hours investigating a crime scene later in the afternoon, and then spend the rest of the day on legal research and writing. As a summer intern, I’ve had the opportunity to do almost everything that my supervising attorneys do: there’s no shortage of substantive work experience to go around. Not all jurisdictions allow law students to appear in court (Louisiana doesn’t; California does),

but if you do get the opportunity to appear in court as a law student, take it: it's a valuable experience and a lot of fun. And even in jurisdictions that don't let you appear in court, you might still get the chance to argue motions in chambers or whisper in your supervising attorney's ear in trial.

In the same way that you can expect to do every kind of work that a case might require, you can expect to do as much (or as little) work as your supervising attorney's current caseload might require. Sometimes (especially in New Orleans) I found myself working more than 80 hours a week just to make sure we stayed on top of our most pressing cases. Sometimes (especially in San Francisco) I was expressly discouraged from working nights and weekends, and my supervising attorney wouldn't hesitate to have us leave the office early if we finished everything we needed to finish that day: after all, we knew we'd be swamped with work again at some point in the near future, so there was no sense in wearing ourselves out until then.

If you want to work at a public defender's office—whether for a summer or for life—the most important thing is to make it clear that you really do *want* to work for a public defender's office. Even as a summer intern, you'll be given so much substantive responsibility—over cases that matter so much to clients and the people in clients' lives—that it's only fair to approach that responsibility with the seriousness and dedication that it deserves. In my experience, public defenders' don't really care about your grades. They may or may not care that you go to Yale Law School. If they do care, they'll care because YLS has a reputation for producing smart graduates who are committed to public service—they won't care about your pedigree for its own sake. They care about making sure that you're devoted to criminal defense and criminal defendants.

Fortunately, it's easy to want to work at a public defender's office. Every case you work on will be different: you'll need to approach each one with fresh eyes and an open mind. Every legal issue you work on will relate, in some immediate way, to questions of basic human freedom, due process of law, and fundamental constitutional rights. Not many other jobs will give you the opportunity to present arguments involving the 1st, 2nd, 4th, 5th, 6th, 8th, and 14th amendments. Most importantly, every client you work for will have his or her own life and his or her own story; their stories are always richer and more compelling than other people in the criminal justice system will expect, and they'll always deserve more humanity and compassion than they'll receive from the criminal justice system without your help.

Summers 2011 and 2012

MY KHANH NGO '17

San Francisco Public Defender's Office San Francisco, CA

During the summer of 2016, I worked for the San Francisco Public Defender's Office (SFPD) in San Francisco, California. It was my first time working in California, but as someone interested in pursuing a career in immigration and criminal law (crimmigration), I was drawn to the wealth of non-profit organizations and communities working at that intersection in the Bay Area. I also wanted exposure to the culture and perspective within a public defender's office, particularly since the criminal justice system is one of the main ways that immigrants are funneled into removal proceedings.

I ended up applying to the SFPD Office because it was one of the few public defender's offices on the West Coast that has an immigration unit. By unit, I mean there was one staff attorney hired specifically to work on advising non-citizen clients about the immigration consequences of taking particular plea deals (*Padilla* advising) and defending clients in their removal cases. This meant, however, that I got to work very closely with my supervisor, Francisco Ugarte, on a whole range of cases that came across his desk. It was an incredibly immersive experience and I really appreciate how much responsibility was given to me from day one on the job.

I worked on a range of tasks and cases throughout my nine weeks, some of the highlights being: working on four bond hearings, two of which I argued on my own in immigration court; collaborating with community partners to launch a press campaign and protest against Immigration and Customs Enforcement to free one of our detained clients; appearing in criminal court to get a bench warrant lifted for another detained client; researching and drafting legal arguments that were used in motions and briefs at the immigration court and Board of Immigration Appeals; and, participating in meetings with local activists and other “crimmigration” lawyers in the Bay Area. I left the internship with a much deeper understanding of what it would be like to practice in this field in Northern California, as well as a determination to return to work here in the future. In fact, I structured my fellowship applications around my experiences from this summer, and relied very much on mentors and connections I made in the fellowship application process.

A few notes on logistics: unless you voice a strong preference early in the process, as I did to work with Francisco Ugarte, you generally can expect to get matched to either a felony or misdemeanor practice attorney at the beginning of the summer. There’s a very short training on the first day, but if you are matched with a good attorney, you’ll be in court and meeting clients soon enough. Throughout the summer, you can also be proactive and volunteer on other attorney’s cases when they need more assistance (for instance, I helped with voir dire and jury selection when I had down time because my supervisor was out of the office). Based on my conversations with other interns, if you want court experience, it is better to intern here during your 2L rather than 1L summer because California only allows 2L student interns to appear and argue in court, which was one of the benefits of working at an office like this one, which aggressively pursues trials (a nice change of pace from other public defender’s offices).

My internship at the SFPD office turned out to be everything I hoped for and more. I strongly believe that it allowed me to develop oral advocacy and client-oriented skills that are essential for any career in direct services. Moreover, I was grateful for the professional relationships that came out of the summer; I am still in touch with my former supervisor about his work and my future practice in the Bay Area. I would wholeheartedly recommend interning at the SFPD office if you are interested in practicing criminal defense in California, particularly if you are interested in the intersection between immigration and criminal defense.

Summer 2016

MATTHEW PENNY ’13
Federal Public Defender—District of Maryland
Baltimore, MD

I spent my 1L summer (2011) at the Office of the Federal Public Defender in Baltimore, Maryland, and would strongly recommend this office to anyone interested in criminal defense.

I got the internship through the Spring Interview Program. The Baltimore FPD requested writing samples, a cover letter, and a list of references. I had a phone interview with Katherine Newberger (the office’s intern coordinator, and a YLS alumnus), which lasted about fifteen minutes. I should note that the interview would have been in-person, but a major snowstorm led many employers—including the Baltimore FPD—to cancel their on-campus interviews that year. The FPD offers only a handful of summer internship positions. In 2011, there were three of us in the Baltimore office (and two more in a separate office in Greenbelt, Maryland). They look for interns with a demonstrated passion for indigent criminal defense work. It helps if you can point to courses or extracurricular activities on your résumé that reflect your interest in the field—or in public interest law more generally.

The internship program lasts eight to twelve weeks, with flexible start and end dates. The office keeps its interns busy, but the workload is not overwhelming. The entire office works nine to five. Interns will rarely, if ever, need to take work home with them or work on the weekend. In a typical week, you might be expected to write one to three legal research memos on various topics, such as the factors a court should consider during sentencing, the admissibility of certain types of evidence, or the legal effect of police or prosecutorial misconduct during the investigation and prosecution of a case. Interns might also do factual research. For example, I listened to police wiretaps so we could estimate the amount of illegal drugs that our client allegedly had distributed, and another intern reviewed a client's medical records with an eye toward asserting a mental retardation defense. Interns generally get to write one or two longer pieces over the course of the summer, such as an appellate brief or cert petition. These make for great writing samples.

Assistant Federal Defenders have a great deal of autonomy over their cases. The office usually staffs just one to any particular case—unless it is going to trial, in which case at least two are staffed. This means that interns get to work directly with the one Assistant Federal Defender in charge of any given case. They make a real effort to keep you integrally involved in their cases, and give you substantive work whenever possible. The intern coordinator also does a great job of making sure interns get the chance to work with most of the Assistant Federal Defenders in the office over the course of the summer.

The work environment is very friendly, collegial, and comfortable. There are only about twenty attorneys in the office, so interns get to know everyone very well. I found all of them to be extremely kind and approachable. Many would periodically stop by the interns' office just to chat. One of the more unique things about the Baltimore FPD is that the attorneys (and interns) all eat lunch together in a conference room, every day. These lunches are very casual and informal, and they help interns get to know everyone in the office very well.

Assistant Federal Defenders get to spend a lot of time in court, and so do their interns. This is, without a doubt, one of the greatest benefits of working at the Federal Defender. The office strongly encourages interns to walk across the street to observe proceedings in the federal courthouse whenever they have free time. I got to see everything from a suppression hearing to a very dramatic five-day-long felony drug distribution trial. On occasion, interns even get to sit second-chair at a hearing, such as an initial appearance.

Interns have the opportunity to meet with clients. For example, I attended meetings with clients in our office and conducted the preliminary interview of a new client before his initial appearance in court. Interns also are given the chance to visit the federal prison and meet with clients there.

The office handles the full range of federal criminal cases—drug and gun offenses, bank robberies, Medicare fraud, even terrorism. Being located in a major city like Baltimore, drug and gun cases are particularly common. While all of these crimes are quite serious, I found that our clients were not nearly as “bad” as their rap sheets might suggest. Despite the fact that they might have done some reprehensible things in their lives, most were actually quite sympathetic characters—normal, friendly, everyday people who had made a few very bad decisions.

The vast majority of federal cases result in guilty pleas, so a lot of the legal jousting takes place at the sentencing phase. The battle is often not so much about guilt or innocence as it is about obtaining a fair sentence for your client. What typically happens is that the defendant is charged with dozens of offenses, most of which are dropped as part of a plea agreement, and the FPD negotiates with the U.S. Attorney's Office regarding the sentence. While the sentence is ultimately left to the judge's discretion, the judge often will defer to the sentence the FPD and USAO have agreed is appropriate. Interns can expect to research and write about sentencing issues quite frequently over the course of their summer. For example,

I drafted internal memos for use in plea negotiations with the USAO, and other memos designed to persuade the judge to impose a particular sentence.

As a final note, prospective interns should be aware that capital/death penalty cases (e.g., rape and murder) are usually tried in state court, and rarely go federal. So, if you are particularly interested in defending death penalty cases, you might want to work at a state or local public defender's office or a non-profit that specializes in death penalty work. That said, if you are at all interested in a career in criminal defense, I would strongly recommend working at a federal public defender's office, such as the Baltimore FPD.

Summer 2011

Appendix A

List of Representative Public Defense and Capital Defense Offices

PUBLIC DEFENDER OFFICES

State Offices

San Francisco Public Defender

555 Seventh Street
San Francisco, CA 94103
(415) 553-1671
Internship information available [here](#).

Miami Dade Public Defenders

1320 NW 14th Street
Miami, FL 33125
(305) 545-1600
Internship information available [here](#).

Gideon's Promise

101 Marietta Street, NW
Suite 250
Atlanta, GA 30303
(404) 525-4505
Public defense placements available throughout the South.
Internship information available [here](#).

Louisville-Jefferson County Public Defender Corporation

719 West Jefferson Street
Louisville, KY 40202
info@metrodefender.org
(502) 574-3800
Information found [here](#).

Orleans Public Defender

2601 Tulane Ave., Suite 700
New Orleans, LA 70119
(504) 821-8101
Internship information available [here](#).

North Carolina Public Defender District 26—Mecklenburg County

700 E. 4th Street, Suite 400
Charlotte, NC 28202
(704) 686-0900
Information found [here](#).
To apply, contact Jason St. Aubin, jason.st.aubin@mecklenburgcountync.gov; send resume, transcript, and cover letter.

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(603) 224-1236
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Bronx, NY 10451

(718) 838-7878

Internship information available [here](#).

Neighborhood Defender Service of Harlem

317 Lenox Avenue, 10th Floor

New York, NY 10027

(212) 876-5500

Internship information available [here](#).

Defender Association of Philadelphia

1441 Sansom Street

Philadelphia, PA 19102

(215) 568-3190

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Suite 2022, Parkway Towers Building

404 James Robertson Parkway

Nashville, TN 37219

(615) 862-5730

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To apply, contact Georgia Sims at NDinternships@jis.nashville.org; send a cover letter, resume, transcript and writing sample.

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Mobile, AL 36602

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Federal Public Defender—District of Arizona (Phoenix)

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Phoenix, AZ 85007

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Information found [here](#).

Federal Public Defender—Northern District of California

1301 Clay Street

Suite 1350N

Oakland, CA 94612

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Internship information available [here](#).

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San Diego, CA 92101
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122 Commerce Street
Montgomery, AL 36104
(334) 269-1803

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To apply, contact Jennifer Taylor at jtaylor@eji.org.

Southern Center for Human Rights

83 Poplar Street, NW
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(404) 688-1202

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Capital Appeals Project

636 Baronne Street
New Orleans, LA 70113
(504) 529-5955

Internship information available [here](#).

Louisiana Capital Assistance Center

636 Baronne Street
New Orleans, LA 70113
(504) 558-9867

Internship information available [here](#).

Office of Mississippi State Public Defender – Capital Defense Counsel Division

239 North Lamar Street, Suite 604
Jackson, MS 39201
(601) 576-2316

Information found [here](#).

American Civil Liberties Union Capital Punishment Project

201 West Main Street, Suite 402

Durham, NC 27701

(919) 682-5659

Information found [here](#).

Center for Death Penalty Litigation, Inc.

123 West Main Street, Suite 700

Durham, NC 27701

(919) 956-9545

Internship information available [here](#).

Atlantic Center for Capital Representation

1315 Walnut Street, Suite 1331

Philadelphia, PA 19107

(215) 732-2227

Information found [here](#).

Marc Bookman, Executive Director, mbookman@atlanticcenter.org

Philadelphia Federal Defender Office—Capital Habeas Corpus Unit

601 Walnut St., Suite 545 West

Philadelphia, PA 19106

(215) 928-0520

Information found [here](#).

Texas Defender Service

1927 Blodgett Street

Houston, TX 77004

(713) 222-7788

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Northern Virginia Capital Defender Office

8245 Boone Blvd., Suite 210

Tysons, VA 22182

(703) 875-0103

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