



METROPOLITAN PUBLIC DEFENDER SERVICES, INC.
JOB DESCRIPTION

SECTION ONE – POSITION INFORMATION

Classification Title:	Capital Team Attorney
Department:	Capital Team
Supervised by:	Director, Capital Team
FLSA:	Exempt
Union Representation:	AFSCME Public Defenders Local 3668
Grade:	14
Salary:	\$85,360.08 - \$97,873.62

SECTION TWO – SUPERVISION RECEIVED AND EXERCISED

Capital Team Attorneys receive general supervision from the Capital Team Director. This position does exercise supervision over Legal Assistants, Fact Investigators and Mitigation Specialists on assigned cases.

SECTION THREE – POSITION SUMMARY

This position provides court appointed criminal defense services in capital cases in various counties in Oregon. Attorneys who are assigned to a capital case will review charging instruments, police reports, and other discovery provided by the State. The attorneys will meet with clients and learn the client's goals for the representation and any special needs of the client. Attorneys then determine what further investigation to undertake and direct that investigation. Attorneys determine what legal issues need development, research those issues, and present them in the appropriate forum. The attorney will negotiate with the State and promptly advise the client of the status of the negotiations. The attorney will litigate any legal issues that are necessary and appropriate, including bringing cases to trial. The attorney will also conduct any post-trial litigation necessary such as sentencing and post-trial motions (excluding appeals).

Attorneys on the Capital Team must also be familiar with the investigation, planning, and presentation of a sentencing proceeding should one be needed after a conviction for aggravated murder in Oregon. Attorneys on the Capital Team must be able to investigate and plan this phase of the litigation simultaneously (with a dedicated team) with the culpability phase of the litigation, and should be aware of how the strategies for each phase of litigation impact each other.

Capital team attorneys must be familiar with and able to follow the ABA Guidelines for Representation in Death Penalty Cases, as well as the ABA Guidelines for Mitigation in Death Penalty Cases:
https://www.americanbar.org/groups/committees/death_penalty_representation/resources/aba_guidelines/
<https://www.oregon.gov/opds/provider/Pages/capital-defense.aspx>

SECTION FOUR – ESSENTIAL FUNCTIONS

The essential duties of this position include, but are not limited to, the following elements which require a Capital Team Attorney to:

- Conduct their law practice according to all applicable statutes, practice standards, and the Oregon Rules of Professional Conduct.
- Be qualified to handle death penalty cases in Oregon per OPDS requirements.
- Be familiar with death penalty cases and jurisprudence in Oregon and in the United States.
- Be familiar with the Colorado Method of jury selection in capital cases, as well as other preparations and applications unique to death penalty litigation.
- Attend regular trainings in the area of death penalty litigation.
- Be familiar with and able to follow the ABA Guidelines for Representation in Death Penalty Cases, as well as the ABA Guidelines for Mitigation in Death Penalty Cases.
- Able to work closely with team members for long periods of time as cases progress through stages of capital litigation.
- Be adept at dealing with the voluminous discovery received and generated in capital cases.
- Be skilled in the use of expert witnesses for evidentiary purposes as well as consultation.

You will be evaluated based upon the following four performance topics:

- **Legal Proficiency:** solid base of legal knowledge and advocacy skills (in capital and all other homicide cases) while continually striving for better skills and to keep abreast of new law. Areas of proficiency should include: evidence, criminal law, criminal procedure, court procedure, ethics, Oregon sentencing guidelines, death penalty jurisprudence, capital case mitigation, and collateral consequences of criminal convictions.
- **Teamwork:** making the capital and office team culture stronger; volunteering to assist others through education and coverage; respecting the value of others' work and roles in providing service to our clients; keeping the team and office well informed; communicating effectively and respectfully with clients, coworkers, colleagues, experts, professionals and all other community members; accepting and meaningfully integrating constructive criticism; providing respectful constructive criticism to any member of the office when appropriate.
- **Casework:** Capital Team attorneys zealously work for client goals by whatever legally and ethically permissible means exist. These include: being punctual and thoroughly prepared for all court appearances; being unafraid to bring cases to trial; negotiating effectively with the District Attorney's office; advising clients properly and promptly communicating well with them, regardless of a client's disability or special circumstance; seeking experts and alternative programs to fit the clients' needs; investigating cases thoroughly; and communicating effectively and respectfully to the court. Capital Team Attorneys must initiate and lead team meetings for case review and discussion and must provide leadership for team members.
- **Community:** Capital Team lawyers must represent the office well within the community. This includes: behaving with decorum and professionalism at all times when on the job; developing and maintaining relationships with agencies and other professionals; assisting other criminal defense attorneys in the pursuit of excellence.

SECTION FIVE – NONESSENTIAL FUNCTIONS

- Maintain availability to other staff members for consultation and education; participate in training programs; maintain current knowledge of appropriate support functions.
- Participate actively in the performance appraisal process, staff meetings, office committees, projects and training, as required.
- Maintain accurate, complete and legible case files.

- Perform duty attorney functions as assigned.
- Other duties, as assigned.

SECTION SIX – EQUIPMENT OPERATED

Computer, telephone, fax, postage meter, and networked copiers, printers, and scanners. Capital Team lawyers must be able to use different case management computer tools and software programs.

SECTION SEVEN – JOB SPECIFICATIONS

KNOWLEDGE

- Must be a current member of the Oregon State Bar in good standing.
- English usage, spelling, grammar and punctuation.
- Proper telephone etiquette.
- Basic usage of modern office equipment and Microsoft Office software.
- Basic mathematical principles.
- Principles and practices of working safely.
- Qualifications for capital work under OPDS standards mentioned above.

SKILLS

- Skill in operating a computer to search, update, correct, and retrieve information.
- Excellent skill in communicating orally and in writing with a variety of people, and in gathering and exchanging information.
- Skill in typing (proficient at 35 words per minute with 100% accuracy).
- Skill in operating typical office equipment such as office phones, cell phones, computer, fax, calculator, printer, copier, scanner, digital video and digital cameras.

ABILITIES

- Ability to deal effectively with people of widely divergent backgrounds, within and outside the office, and to relate empathetically to clients and their special needs.
- Ability to exercise common sense and good judgment.
- Ability to use current office software to log note in client files.
- Ability to use current office software to meaningfully manage case documents.
- Ability to maintain an accurate and current calendar using current office software.
- Ability to learn quickly and function efficiently under stressful and distracting conditions; ability to multi-task.
- Ability to deal confidentially with highly sensitive information.
- Ability to accept direction and follow office policies and procedures.
- Ability to comprehend and efficiently address complex legal issues.
- Ability to observe, remember, recall and communicate detail accurately and completely.
- Ability to deal competently and appropriately with the unexpected.
- Ability to effectively communicate verbally in English including ability to communicate effectively with judges and juries.
- Ability to work independently as well as cooperatively in a legal services team.
- Ability to utilize services of interpreters as necessary, to communicate with clients, witnesses and other persons related to cases.
- Ability to balance the responsibility of leading a team while participating as a team member.
- Ability to bring personal background and experiences to the office which will enable MPD to better represent clients and which will enable the employee to better participate within the office culture.
- Ability to deal constructively with stress; ability to recognize signs of stress in co-workers and take appropriate action.

- Ability to maintain any hand-written log notes in a legible fashion and to prepare documents for transcription.
- Ability to access clients and witnesses in correctional facilities (may preclude employees and applicants arrested and jailed in preceding two years.)
- Ability to testify in court without impeachment (may preclude employees and applicants convicted of certain crimes within the prior 15 years).
- Ability to travel to the courthouse and other criminal justice system facilities across the State to contact clients, witnesses and to appear in court; ability to travel to crime scenes and other case related locations to gather information. (Driver's license and vehicle are required.)
- Ability to transport or arrange for transportation of files, trial notebooks, evidence, exhibits, other related materials to and from the courthouse and other criminal justice system facilities.
- Ability to work on difficult and stressful cases while remaining calm and organized.

SPECIAL CONSIDERATIONS:

Capital Team lawyers may participate only in MPD assigned legal work for compensation during the term of their employment, with the exception of cases obtained prior to employment with the office. Permission of the Executive Director is required to continue representation on prior non-MPD cases and/or to be involved in active representation on a pro bono basis.

SECTION EIGHT – PHYSICAL REQUIREMENTS

Work is often sedentary, in an office setting, courthouse, field location or jail facility. There are frequent requirements for some physical activity such as carrying boxes of records weighing up to 10 pounds, stooping to extract records from files, or carrying and setting up display easels in court.

Must have visual acuity, clear speech and keen hearing.

SECTION NINE – WORK ENVIRONMENT

The work environment is friendly, team-oriented, cooperative and respectful. Regular and predictable attendance is a requirement of the job.

APPROVALS & REVISION DATES

Created January 29, 2019

Approved by:

**Carl Macpherson, Executive Director
 Greg Scholl, Capital Team Director
 Kristine Constans, Human Resources Manager**