

CAPITAL RESOURCE COUNSEL ATTORNEY

A. DEFINITION

The Capital Resource Counsel (CRC) Attorney coordinates and provides expert advice, assistance and training to Federal Defender Organization (FDO) attorneys, appointed counsel, and other attorneys regarding the representation of persons charged with federal capital crimes, and represents persons charged in federal capital cases as co-counsel with FDO attorneys or Criminal Justice Act (CJA) panel attorneys.

B. PRIMARY JOB DUTIES

The CRC Attorney performs or supervises the performance of tasks such as the following:

1. Consults with federal defenders who have capital cases in their district concerning recommendations for the appointment of counsel.
2. Provides direct representation in federal capital cases by serving as a co-counsel with FDO staff or CJA panel attorneys.
3. Identifies experts and provides advice and assistance to FDO and panel attorney capital case teams regarding matters relating to their use of experts.
4. Provides expert advice and assistance to FDO and panel attorneys in connection with the representation of persons charged with federal capital crimes.
5. Prepares for critical litigation events, such as mitigation presentations to the U.S. Attorney's Office or the staff of the Attorney General during the government's consideration of whether to seek to have a sentence of death imposed upon a client.
6. Attends critical events with FDO and panel attorneys and monitors developments in a particular stage of a case to assess what is working and what is not working. Monitors the status of cases to facilitate timely assistance and contribute to the collection of relevant trial data.
7. Provides training and continuing education to attorneys, including:
 - a. Brings FDOs up to date on trends and critical developments related to death eligible cases.
 - b. Disseminates information and education via list serves.
 - c. Helps assess training needs related to representation of persons charged with federal capital crimes.
 - d. Organizes training programs related to representation of persons charged with federal capital crimes.
 - e. Prepares training materials related to representation of persons charged with federal capital crimes.
 - f. Serves as faculty at training programs related to representation of persons charged with federal capital crimes.

8. Participates in the Death Penalty Working Group as requested and otherwise provides information, advice, and assistance to the Defender Services Office (DSO) regarding capital representation matters.
9. Coordinates with other CRC staff and FDO and DSO; provides information to the DSO and identifies issues of concern associated with federal capital trial cases.
10. Assists courts and counsel with case budgeting in order to promote high quality, cost-effective representation. Maintains information relevant to the cost of death penalty representation.
11. Performs all other duties as assigned.

C. ORGANIZATIONAL RELATIONSHIPS

Project Director: One CRC Attorney may be designated as Project Director to supervise the work of the CRC staff. The CRC Attorney designated as Project Director will retain the CRC Attorney title. The CRC Project Director is hired by the host FDO upon the recommendation of the Capital Trials Expert Panel and in consultation with DSO and the Federal Death Penalty Resource Counsel Project Director. The CRC Project Director is accountable to the Federal Public/Community Defender of the host FDO with respect to all administrative matters, including time and attendance, leave and travel. The CRC Project Director keeps contemporaneous time records, in categories identified in consultation with DSO and the Capital Trials Expert Panel. The CRC Project Director works under the general supervision of the Capital Trials Expert Panel and in cooperation with the Federal Death Penalty Resource Counsel Project (FDPRC). The Capital Trials Expert Panel, along with the FDPRC Director, determines the Project Director's work assignments, including, in consultation with the host FDO, the decision of whether to seek or accept an appointment to provide direct representation.

Attorney: The CRC Attorney is hired by a host FDO upon the recommendation of the Capital Trials Expert Panel and in consultation with DSO and the Federal Death Penalty Resource Counsel Project and CRC Project Directors. The CRC Attorney is accountable to the Federal Public/Community Defender of the host FDO with respect to all administrative matters, including time and attendance, leave and travel. The CRC Attorney keeps contemporaneous time records, in categories identified in consultation with DSO and the Capital Trials Expert Panel. The CRC Attorney works under the general supervision of the Capital Trails Expert Panel, the CRC Project Director, and in cooperation with FDPRC. Day-to-day oversight, management, and supervision of the CRC Attorney are performed by the CRC Project Director. The CRC Project Director, along with the Capital Trials Expert Panel and the FDPRC Director, determine the CRC Attorney's work assignments, including, in consultation with the host FDO, the decision as to whether or seek or accept an appointment to provide direct representation.

The CRC Attorney is treated as an Assistant Federal Defender (AFD). When providing direct representation, the CRC Attorney is either an AFD on loan to an FDO that has been appointed to represent a capital client, or assigned by the host FDO that has been appointed to represent a capital client. When providing direct representation in a capacity that equates to that of a loaned AFD, the appointed Federal Public/Community Defender supervises the CRC Attorney's work.

When the host FDO is appointed, the host Federal Public/Community Defender supervises the CRC Attorney's work.

D. QUALIFICATIONS

To qualify for the position of CRC Attorney, the individual must demonstrate the requisite experience outlined in the Salary and Experience and Experience Requirements sections. The individual must be able to perform each essential job duty satisfactorily. The job requirements are representative of knowledge, skills, and/or abilities to perform the essential functions of the job.

The CRC Attorney must be an attorney with knowledge of capital defense, and expertise in defending persons charged with a death-eligible crime.

Requirements include admission and good standing before a federal bar, in combination with admission and good standing to a state bar. If mandated by the laws of the state or the local rules of the district in which the defender organization is located, admission to the bar of that state, or a commitment to admission to that bar within a year of acceptance of the position, is also required. The CRC Attorney must have substantial experience in representing, at trial and sentencing, persons charged with capital offenses. In addition, experience and skills in the development and delivery of legal training are required.

E. SALARY AND EXPERIENCE

The salary of the CRC Attorney may not exceed the maximum salary level established for that position by the Executive Office for United States Attorneys (EOUSA) and must conform to the AFD Appointment and Compensation Policies provided by DSO. Information concerning the salary maximum for this position is updated as received from the EOUSA and is provided to all defender organizations.

F. EXPERIENCE REQUIREMENTS

Distinguished prior experience as a lawyer in the functional areas described in the Primary Job Duties section above. Such experience provides evidence the individual has:

- the ability to supervise the work of others;
- a comprehensive knowledge of legal principles, practices, methods and techniques;
- the ability to identify and evaluate pertinent facts and regulations, policies and precedents;
- skill and judgment in the analysis of cases and legal opinions;
- an understanding of criminal law, criminal procedure, evidence, and capital jurisprudence;
- experience performing progressively responsible duties as a lawyer;
- knowledge of regulations and guidelines related to capital law;
- mental adaptability and flexibility;
- knowledge of the local rules, including procedural, local and evidentiary, in different regions;
- knowledge of resources for finding legal information;
- the ability to negotiate and persuade;
- the ability to communicate, orally and in writing, to diverse audiences, including judges, attorneys, experts, juries, clients and witnesses;
- skill in preparing and delivering training on highly technical legal information to lay people;

- skill in structuring and using databases to manage and access massive amounts of information (e.g., discovery) from the government and from defender organizations;
- experience working with capital cases;
- the ability to interpret and synthesize massive amounts of complex information (e.g., mental health, capital litigation, forensic, legal principles and procedures, rules and standards of the court in various litigation stages);
- willingness to delegate;
- the skills and ability to execute the duties of this position; and
- the ability to write well in a professional style.

G. PHYSICAL DEMANDS AND WORK ENVIRONMENT

The physical demands described are representative of those required in order for an individual to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the individual is regularly required to sit and talk and hear. The individual frequently is required to use hands to touch, handle, or feel. The individual is frequently required to stand, walk and reach with hands and arms. The individual must occasionally lift and/or move up to 25 pounds. Extensive travel is required. The individual primarily works in an office environment.