



SWINOMISH INDIAN TRIBAL COMMUNITY

Human Resources
11404 Moorage Way
La Conner, WA 98257

Phone (360)466-7353 | Fax (360)466-1348

Is this a Testing Designated Position as described in the Drug and Alcohol-Free Workplace Policy?	No
Do the duties and responsibilities of this position involve regular contact with, or control over, Indian children or elders?	No

Indian Preferences in Hiring shall apply to Swinomish Indian Tribal Community Job Opportunities.

JOB TITLE: Public Defender
DEPARTMENT: Legal Department

POSITION SUMMARY:

Under the supervision of the Chief Legal Officer, the duties and responsibilities of this position includes representation of defendants in Swinomish Tribal Court. Swinomish public defense aspires to restorative justice for each criminal defendant and pursues a better way of realizing public safety and community wholeness. The Public Defender shall maintain a client-centered practice and fully advise each client regarding the legal and factual issues in their case to achieve an informed disposition through motion, trial, or plea.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Advocacy

- Serve as appointed defense counsel and represent those charged with violations of Swinomish criminal laws in pre-trial, trial, appellate and post-conviction proceedings.
- Efficiently and effectively research legal issues, including new and unexpected issues, involving Tribal, Federal, and State criminal law, and the complex intersections between these bodies of law.
- Determine legal defenses and strategy, prepare appropriate pleadings, motions and other documents as necessary in Swinomish trial and appellate courts.
- Serve as an active member of the Swinomish Wellness Court team, including attending weekly preparation staff conferences and Wellness Court docket.
- Advise all potential Wellness Court participants regarding their rights and obligations as they relate to the Wellness Court.
- Understand litigation schedules and deadlines, and plan and manage litigation work to comply with all deadlines.
- Conduct or direct pre-trial investigations and witness interviews and formulate defenses collaboratively with clients.
- Maintain knowledge of and relationships with local and Tribal service providers to facilitate client referrals.
- Negotiate plea bargain and diversion agreements with the prosecutor.
- Maintain updated records and files on all cases.
- Make recommendations on improving court procedures and forms to the Court Administrator.
- Research, draft, revise, and present new or amended Tribal Code provisions as related to Tribal Law Enforcement, Criminal Law, Criminal Procedure, and Civil Infractions.
- Draft Tribal Resolutions and Ordinances.
- Review Federal and State legislation for impact on the Swinomish criminal legal system and/or Tribal community members; advise the Law and Order and/or Legal Committee, and/or Senate, on impacts, propose amendments, and coordinate with other Tribal representatives.
- Think creatively to develop, and collaborate to implement, improvements to the Tribal justice system to protect and defend the rights of those involved in that system and enhance the well-being of Tribal members and the Swinomish community as a whole, and seek out funding opportunities to facilitate same.
- Develop and strengthen collaboration between the Public Defender and other tribal, federal and state/local criminal defense counsel.
- Develop and strengthen collaboration between the Public Defender and local civil legal aid providers to increase access to justice for the Tribal community in Tribal and other jurisdictions.

- Purchase necessary supplies, process invoices and manage the budget of the Swinomish Defense Services office in compliance with Swinomish administrative policies and procedures.
- Provide reports as the Senate may request on the program budget, expenditures and case load including major cases and issues handled that month.

Cultural Competence

- Possess and demonstrate a meaningful commitment to Native communities, social justice, and the elimination of disparities between Native and non-Native communities in education, health, economics, and well-being.
- Enjoy and excel working in a cross-cultural and interdisciplinary work environment.
- Understand, appreciate, and support cultural practices of the Tribal community.
- Effectively and appropriately communicate with the Swinomish Senate, Senate committees, and individual Tribal members.

Legal Analysis and Communication

- Identify, anticipate, and analyze legal problems or problems involving legal issues in a clear and comprehensive manner.
- Efficiently and effectively research legal issues, including new and unexpected issues, involving Tribal, Federal, and State law, and the complex intersections between these bodies of law.
- Orally communicate and discuss complex ideas, problems, and solutions in a thoughtful, efficient, and effective manner, and discuss sensitive matters with discretion and respect.
- Anticipate and analyze potential outcomes of various courses of action and develop strategic recommendations to maximize favorable outcomes.

MINIMUM QUALIFICATIONS

Qualified applicants must have:

- Graduated from an accredited law school;
- An active license to practice in Washington, but consideration will be given to applicants able to be licensed in Washington within six months of employment through reciprocity or the bar exam;
- Excellent written, oral, research, and analytical skills;
- Strong interpersonal communication skills, including active listening, negotiation, and facilitation;
- A Washington State driver's license, or the ability to promptly obtain a Washington State driver's license;
- Excellent legal and strategic judgment;
- Knowledge of criminal law and procedure;
- At least four years of legal experience, two of which comprise negotiating and litigating criminal law matters;
- A demonstrated commitment to public defense and/or working with Native or other minority communities and/or restorative justice;
- Have a strong commitment to restorative justice;
- Understand and comply meticulously with Tribal and ethical confidentiality requirements;
- Exceptional ability to advance legal arguments by writing persuasively, concisely, and respectfully;
- Ability to coordinate and manage issues of a diverse and complex nature;
- Ability to multitask and manage a diverse workload;
- Ability to facilitate issue and/or proceeding resolution.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

- Work effectively in a fast-paced work setting in which priorities may change unexpectedly and often, and in which interruptions are commonplace.
- Organize, track, assess and prioritize work on multiple complex and high value projects that may have similar or conflicting schedules and/or urgency.
- Enjoy and excel at both independent and collaborative problem-solving.
- Work independently without need for frequent or close guidance or direction.
- Complete assigned tasks by the applicable, specific deadline or, if none, then in a reasonable and appropriate time.

WORK ENVIRONMENT AND TIME COMMITMENT

Work schedule is 40 hours per week. This is a full-time position.

Tribal Administration Building with standard office furnishings and equipment. Work is generally sedentary, but may require standing and walking for about 15% of the time. Noise level is generally moderate, lighting and temperature

are adequate; there are no hazardous or unpleasant conditions caused by noise, dust, etc. Lifting and/or carrying up to ten pounds is required frequently with occasional lifting and/or carrying of up to 25 pounds. Travel out of town and out of state, including overnight travel, is occasionally required.

EMPLOYMENT CONDITIONS

The Personnel Policies and Procedures of the Swinomish Indian Tribal Community apply to all employees. The position of Attorney is considered to be an exempt “standard hour” position. All offers of employment are contingent on the successful completion of a drug and alcohol screening. If the position involves regular contact with or control over children or elders, then a successful applicant must also meet minimum standards of character based on an extended criminal background check.

Employee: _____ Date: _____

Supervisor: _____ Date: _____