

POSITION ANNOUNCEMENT

CAPITAL RESOURCE COUNSEL

The Capital Trials Expert Panel of the federal public defender system seeks an experienced capital litigator to provide training, consultation, and support to attorneys in Federal Defender Organizations (FDOs) and CJA panel attorneys appointed to represent persons charged with federal capital crimes. Capital Resource Counsel (CRC) is employed as an assistant federal defender in an FDO and works in coordination with the Federal Death Penalty Resource Counsel Project (FDPRC). CRC also provides direct representation in federal capital cases, as time permits, by serving as co-counsel with FDO staff attorneys and, with the approval of the Capital Trials Expert Panel, CJA panel attorneys.

The selected applicant must be a licensed attorney in good standing admitted in at least one United States District Court and United States Court of Appeals and eligible for admission in other federal jurisdictions, *pro hac vice*; and have substantial experience in the representation, at trial and sentencing, of persons charged with capital offenses. In addition, the CRC shall have experience and skills in the development and delivery of legal training.

The office of the CRC will be located in a host FDO, subject to negotiation with the selected applicant. There are more than 75 FDOs located throughout the United States. The office location of the selected applicant will be determined based on the mutual needs of the candidate, the FDPRC and CRC Projects, and those of potential host FDOs.

Travel is often required. Salary range is commensurate with experience, but may not exceed the salary of the federal defender in the host FDO. Salaries of federal defenders are approximately \$153,000.

Please see the position description that follows this announcement for a more detailed discussion of the position, primary duties, and oversight and supervision.

Applications will be accepted until the position is filled, and applicants are encouraged to apply promptly. E-mail applications are preferred. Please submit a resume and cover letter detailing capital litigation and training experience, and the names of three references, to Gerald Zerkin at Gerald_Zerkin@fd.org.

CAPITAL RESOURCE COUNSEL POSITION DESCRIPTION

A. DEFINITION

Capital Resource Counsel (CRC) coordinates and provides expert advice, assistance, and training to Federal Defender Organization (FDO) staff attorneys and CJA panel attorneys regarding the representation of persons charged with federal capital crimes, and represents persons charged in federal capital cases as co-counsel with FDO staff attorneys and panel attorneys. CRC works under the direct supervision of the Director of the Federal Death Penalty Resource Counsel (FDPRC) Project and the general supervision of the Capital Trials Expert Panel. The FDPRC Director reports to the Capital Trials Expert Panel.

B. PRIMARY DUTIES

1. **Consultation:** Responds to requests from FDOs and panel attorneys by providing expert advice and assistance in connection with the representation of persons charged with federal capital crimes.
2. **Direct Representation:** Provides direct representation in federal capital cases, as time permits, by serving as co-counsel with FDO staff attorneys and, with the approval of the Capital Trials Expert Panel, panel attorneys.
3. **Training:** Assists the Office of Defender Services (ODS) Training Branch, the Federal Judicial Center, FDPRC, individual FDOs, and others with carrying out their responsibilities to provide training related to the representation of persons charged with federal capital crimes. Such assistance includes both (a) helping to assess training needs, organize training programs, and prepare training materials, and (b) serving as faculty at training programs.
4. **Identification of Experts:** Assists FDO and panel attorney capital case teams with recruiting qualified experts at reasonable cost.
5. **Case Budgeting:** Assists FDOs with preparing case budgets and presenting them to the Defender Services Committee Budget Subcommittee.
6. **Advisory Group Support:** Participates in the Death Penalty Working Group (an advisory group convened by the Administrative Office of the United States Courts) and, as requested, provides the Administrative Office with other advice and assistance regarding capital representation matters.
7. **Recommendations of Counsel:** Consults with Federal Defenders who have capital cases in their district concerning recommendations for the appointment of counsel.
8. **Priorities:** CRC shall prioritize the responsibilities identified above as follows: (1) consultation and advice over direct representation; (2) the needs of FDOs over those of CJA counsel; and (3) in connection with direct representation or intensive case involvement, cases within the region in which the CRC is located over cases outside of the region, with

the goal of reducing travel and increasing availability, while also meeting the needs of the Project.

C. ORGANIZATIONAL RELATIONSHIPS

1. **Employment Status:** CRC is employed as an assistant federal defender (AFD) in an FDO (“host FDO”).
2. **Hiring:** The FDPRC Director recommends one or more candidates to the Capital Trials Expert Panel. CRC is hired by the host FDO upon the recommendation of the Expert Panel.
3. **Oversight and Supervision**
 - a. **In General:** As an AFD, CRC is accountable to the federal defender of the host FDO with respect to all administrative matters, including time and attendance, leave, and travel.
 - b. **Direct Representation** [Primary Duty B(2)]: CRC provides direct representation either by acting in a capacity that equates to that of an AFD in an FDO that has been appointed to represent a capital client or as an AFD in the host office where that office has been appointed in the case. When providing direct representation in a capacity that equates to that of an AFD, the appointed federal defender supervises the CRC’s work. When the CRC host office is separately appointed, the host federal defender supervises CRC’s work.
 - c. **Consultation and Training** [Primary Duties B(1) & B(3)]: The FDPRC Director supervises CRC’s work in performing consultation and training duties.
 - d. **Work Assignments** [Primary Duties B(1) through B(5)]: CRC’s specific work assignments are determined by CRC in consultation with the FDPRC Director and the Capital Trials Expert Panel, including the decision of whether to seek and accept an appointment to provide direct representation, consistent with the following:
 - (1) The Capital Trials Expert Panel, at least annually, provides the CRC with general guidance regarding the relative priority to be given to the Primary Duties set forth in B above and is available to assist CRC in making decisions regarding competing demands for CRC’s services.
 - (2) The CRC will only seek or accept appointment in a federal capital case with the consent of the FDO in the district of representation.
 - (3) The CRC responds to requests from FDOs and panel attorneys for advice and assistance consistent with the workload of the CRC.
 - e. **Travel:** Travel in connection with the performance of Primary Duties B(1) and (B)(2) above is case-related travel. Travel in connection with Primary Duties B(3)

through B(6) above is administrative travel. Administrative travel to training seminars sponsored by the AO, the FJC, or an FDO, or travel to an AO-sponsored meeting, requires approval from the host federal defender. All other administrative travel requires advance approval from both the chair of the Capital Trials Expert Panel (or his or her designee) and the host federal defender. CRC will provide quarterly travel reports to the chair of the Capital Trials Expert Panel and ODS that delineate the dates, locations, purpose, and costs of each trip. Case-related travel expenses come from the CRC's budget or the budget of the requesting district's FDO. Administrative travel expenses come from the CRC's budget.

- f. **Performance Reviews:** The Chair of the Capital Trials Expert Panel, in consultation with the FDPRC Director, conducts reviews of the CRC's performance. The CRC is provided with at least one such review each year. Prior to conducting a review, the FDPRC Director solicits information as appropriate from persons who have received training and/or assistance from the CRC, and from federal defenders, their staff, and CJA panel attorneys with whom the CRC has served as co-counsel. Salary increases, awards, recognitions, adverse actions, and other personnel actions that the host federal defender is authorized or required to take regarding the CRC as an AFD in the host FDO are made based upon CRC performance reviews and the CRC's conduct in the host office.

D. QUALIFICATIONS AND SALARY

CRC is a licensed attorney in good standing admitted in at least one U.S. District Court and U.S. Court of Appeals, and is eligible for admission in other federal jurisdictions, *pro hac vice*; and has substantial experience in the representation, at trial and sentencing, of persons charged with capital offenses. In addition, the Capital Resource Counsel shall have experience and skills in the development and delivery of legal training.