

Supreme Court Advocacy Project

Position Announcement 25-01

Director / Staff Attorney

Anticipated Start Date: February 2026

About the Project: The Federal Public Defender and Community Defender Program is excited to announce the development of its new Supreme Court Advocacy Project (SCAP), which aims to create an institutional resource devoted to Supreme Court litigation. Federal public and community defenders, together with attorneys appointed under the Criminal Justice Act (CJA), represent numerous indigent criminal defendants before the Supreme Court each term. Recognizing that Supreme Court litigation is a unique and highly specialized area, the defender community seeks to staff SCAP with individuals who can help improve the overall quality of indigent defense representation at the Supreme Court level. SCAP will be overseen by an Oversight Committee consisting of federal public and community defender personnel with Supreme Court experience.

We are currently seeking applications for the Director position. If funding permits, we may also hire one staff attorney position under this posting. Please indicate in your cover letter whether you wish to be considered for the Director position, the staff attorney position, or both.

Duties: The Director Position offers an exciting opportunity to spearhead a new, nationwide initiative with the potential to positively affect outcomes for criminal defendants across the country. Under the Director's leadership, the Project will be expected to serve the defender community in the following ways:

- **Resource Counsel.** The Project will serve as a resource for defenders and CJA counsel with cases before the Supreme Court at both the cert stage and merits stage. In that role, the Project will provide advice on litigation strategy, including potential vehicle-related questions and amicus considerations; review draft pleadings, including cert petitions, merits briefs, and amici filings; serve as a liaison with experienced practitioners in the private Supreme Court bar; assist with planning, and participating in, moot courts; conduct post-argument assessments; and provide other assistance as needed on a case-by-case basis. Although the Project will not be expected to carry an independent caseload, its attorneys may serve as co-counsel in the Supreme Court if requested by defender or CJA counsel.

- ***Litigation Strategy.*** The Project will monitor Supreme Court jurisprudence to identify and develop cutting-edge litigation strategies on criminal defense issues. The Project will also create and maintain resources, including model pleadings and arguments, to assist defenders and CJA counsel in implementing those strategies at all stages of their representation. In addition, the Project will identify and monitor cert-worthy issues in the lower courts and assist with developing strategies both to present those issues to the Supreme Court and to oppose certiorari petitions filed by opposing parties.
- ***Training.*** The Project will provide educational resources and training for defenders and CJA counsel on Supreme Court practice. Such resources and trainings will focus on both substantive developments in the Court's jurisprudence and best practices for advocacy before Court, especially at the cert stage.

Requirements. For the Director and staff attorney positions, you must:

- Have a law degree from an accredited law school;
- Be licensed to practice and in good standing in at least one State or Washington, D.C.;
- Have substantial experience practicing before the Supreme Court (including at the cert stage);
- Have a dedicated interest in indigent defense and federal criminal law;
- Possess excellent research and writing skills;
- Possess the ability to manage a small staff (as Director) and to work collaboratively with other attorneys (federal defenders and private practitioners) throughout the United States;
- Have the ability to work remotely and independently.

The ideal candidate(s) will have a deep commitment to federal indigent criminal defense, extensive knowledge of Supreme Court practice, significant experience litigating Supreme Court cases, excellent research and writing abilities, a history of training other attorneys, and a demonstrated ability to communicate, collaborate, and work closely with other attorneys (of all backgrounds). Some travel is required.

Although the position(s) are remote, preference may be given to applicants who live near, or are willing to relocate or travel regularly to, the Washington, D.C. area.

Salary and Benefits: For administrative purposes, the SCAP Director and staff will be hired as federal defender employees of the Office of the Federal Public

Defender for the Eastern District of Virginia. The starting salary will be commensurate with experience and qualifications under the Judiciary Salary Plan (JSP), with a maximum of \$195,200 per year (based on locality pay in Alexandria, Virginia). The position offers federal employment benefits that include paid vacation, paid sick time, paid holidays, health insurance, life insurance, retirement plan and participation in the Thrift Savings Plan (401k). Salary is payable only by Electronic Funds Transfer (direct deposit).

How to Apply. To be considered for this position, you must email a single PDF containing your resume, a detailed cover letter explaining your interest in the Project's mission, and two representative writing samples (preferably at least one Supreme Court pleading) to FPDedva_hiring@fd.org. The application deadline is November 14, but applications will be considered on a rolling basis with preference given to applications submitted by November 3. We anticipate conducting interviews during the first two weeks of December; references will be required from any candidates selected for an interview.

The position is "at-will" employment in the excepted service and does not carry the tenure rights of the competitive civil service. The final candidate will undergo a background investigation and employment is conditional upon its completion. This position will remain open until filled and is subject to the availability of funds. All responses will remain confidential. More than one position may be filled from this announcement.