

Swinomish Indian Tribal Community

JOB DESCRIPTION – TRIBAL ADVOCATE

JOB SUMMARY

The role of the Tribal Advocate is similar, but not identical to a public defender in the state court system. The work involves a creative, holistic, and interdisciplinary approach developed in conjunction with other tribal departments to achieve restorative justice. The primary responsibility of the Tribal Advocate is to advise and counsel eligible criminal defendants regarding their legal rights, responsibilities, and options based on their particular criminal case in Tribal Court and Wellness Court. The Tribal Advocate may negotiate and advocate on behalf of the criminal defendant with the objective of achieving a just and mutually acceptable disposition of their case. The Tribal Advocate will represent their client at trial if one is necessary and appear with their client at probation revocation hearings. A secondary responsibility – as time permits – is to provide legal advice to tribal members on a variety of civil matters and off reservation criminal matters. The Tribal Advocate may also be asked to draft ordinances or amendments to ordinances and to provide advice and recommendations to the Tribe's Law and Order Committee and other departments of the Tribe, as well as the Swinomish Indian Senate and its Committees, on legal policy issues.

SUPERVISION RECEIVED

The Tribal Advocate is supervised by and reports to the Tribe's General Manager. Performance is reviewed through conferences, reports, and program results.

SUPERVISION EXERCISED

The Tribal Advocate directly supervises a program intern and may in the future be asked to supervise a legal assistant if one is authorized by the Tribe's budget and personnel committees. Supervision includes the assignment of work schedules, overseeing employees' job performance and responsibility for the selection, performance, evaluation, training, and discipline of supervised staff.

EQUIPMENT / JOB LOCATION / WORK ENVIRONMENT

Work will be performed primarily in an office provided in a tribal facility with standard office furnishings and equipment – currently adjacent to the Tribe's Court Room and Court Clerk's Office. Work will involve travel to visit clients that are incarcerated at various institutions in Western Washington and at times the Tribal Advocate will appear with them telephonically for tribal court hearings. Considerable time may be spent at a computer work station in the performance of administrative tasks. Work is generally sedentary, but may require standing and walking for about 15% of the time. 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.

PRIMARY DUTIES AND RESPONSIBILITIES

This list is intended only to illustrate the various types of work that may be performed. The omission of specific statements does not exclude them from the position if work is similar, related or a logical assignment to the position.

- The Tribal Advocate will be an active member of the Swinomish Youth Wellness Court (SYWC) team and the Swinomish Adult Wellness Court (SAWC) team
- Attend all Youth and Adult Wellness Court case staffing and hearings.
- Advise all potential Wellness Court participants and/or their parents and guardians regarding their rights and obligations as they relate to the Youth and Adult Wellness Court and obtain waivers and release of confidential information forms from participants.
- Assist the court in developing a legal services "self-help" program for tribal members. The primary goal of the program is to offer basic assistance and advice to self-represented people.
- Counsel and represent tribal members charged with violations of tribal criminal laws.
- Understand litigation schedules and deadlines, and plan and manage litigation work to comply with all deadlines
- Determine appropriate legal defenses to all charges brought by the prosecutor.
- Conduct pre-trial investigations, interview witnesses, and/or arresting officers.
- Negotiate plea bargain and diversion agreements with the prosecutor.
- Prepare appropriate pleadings, motions and other court related documents as necessary in trial and appellate courts
- Prepare pre-sentence reports, including other information as requested by the court.
- Maintain updated records and files on all cases.
- Make recommendations on improving court procedures, forms and tribal codes to the Court Administrator.
- Provide monthly report to the Tribe's General Manager on the program budget, expenditures and case load including major cases and issues handled that month.

SECONDARY DUTIES AND RESPONSIBILITIES

These duties are to be performed only "as time permits." The list is intended to include any and all work that may be performed. Any other tasks or duties must be approved in advance by the Tribal Advocates supervisor.

- Advise tribal members on civil matters such as dissolution of marriage, guardianship, wills, probates (BIA and State), collections and other small claims and superior court civil matters
- Advise tribal members regarding off reservation criminal matters and coordinate with state court counsel
- Advise the Tribe's Family Services Staff on family matters in State Court involving tribal members including state family law forms and procedures and CPS cases.
- Advise non-native members of the public including lawyers who propose to appear in Swinomish Tribal Court regarding court procedures and laws.
- Advise tribal members on immigration matters including Canadian and US immigration law.

TIME RECORDS / TIME KEEPING

This is a full time position based on four ten hour days – Monday through Thursday – but work will often require work hours in addition to normal work hours, different hours of work on regular work days and sometimes require work on other days of the week – Friday through Sunday - to meet the needs of clients and the court. Time worked will be recorded on an electronic timesheet for actual days worked and the actual number of hours worked each day. Time will not be recorded as “straight 10’s” for Monday through Thursday – unless 10 hours of actual work are performed on each of those days.

OTHER DUTIES AS ASSIGNED

Because of the Tribe's commitment to community service and the well-being of its members, each employee may be expected to perform a wide range of office and field duties from time to time which may or may not be related to their regular responsibilities.

MINIMUM QUALIFICATIONS REQUIRED

The following qualifications are minimum requirements for the position of Tribal Advocate:

- Law School degree from and ABA accredited law school
- Current licensed to practice law in the State of Washington or possess the ability to become licensed through reciprocity, or be eligible to register and then pass the next scheduled Washington State Bar Exam
- Knowledge of Federal Indian law and State and Federal criminal law
- At least 5 years of experience negotiating and litigating criminal law matters
- Excellent written, oral, research and analytical skills.
- Strong interpersonal and communication skills
- Ability to work effectively in a fast-paced work setting in which priorities may change unexpectedly and often, and in which interruptions are commonplace
- Ability to work independently without need for frequent or close guidance or direction
- Have a strong commitment to restorative justice
- Understand and comply meticulously with Tribal and ethical confidentiality requirements
- Willingness and ability to work hours in addition to the Tribe's regular schedule as necessary, often without specific request, to attend meetings or court proceedings, complete projects or comply with deadlines or expected timeframes
- Ability to complete assigned tasks by the applicable specific deadline or, if none, then in a reasonable and appropriate time
- Successfully pass a criminal background check and be admitted to the Tribal Bar.

The following qualifications are strongly preferred:

- Experience in tribal courts and familiarity with Indian Communities
- Ability and desire to thrive in a dynamic, interdisciplinary and cross-cultural work environment
- Experience in a tribal court
- Willingness and ability to independently work in a paperless office environment
- **Native American hiring preference**