

# Sisseton-Wahpeton Oyate

## Job Description

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**Job Title:** Public Defender

Contract/ SWO Tribal Public Defender

**Salary:** Flat fee \$50,000; no benefits

**Supervision:** Under the supervision of the Chief Judge of the Sisseton-Wahpeton Oyate Tribal Court

**Employment:** times flexible; 2-3 days a week. The SWO Public Defender shall also be available after hours to their clients, court staff and other tribal persons or entities which regularly consult with the Public Defender's office, should the need arise.

**General Description:** It is the duty of the SWO Public Defender to represent indigent defendants charged with crimes within the boundaries of the Lake Traverse Reservation. The attorney should have experience in criminal defense, filing pretrial motions, representing their client at all stages of the proceeding, and conducting bench and jury trials.

This individual will assist with representing parents in all juvenile cases including but not limited to child abuse, neglect, and dependency, unruly and delinquent cases.

The SWO Public Defender should be familiar with the Indian Child Welfare Act, and should be able to understand motions to intervene and or transfer from State Court ICWA proceedings.

**Essential Functions:**

1. Represent individuals charged with criminal violations in the Sisseton-Wahpeton Oyate Tribal Court system. This includes, but is not limited to, tribal members and any and all defendants charged pursuant to the Violence against Women's Act, tribal provisions and/or the amended Indian Civil Rights Act, as well as criminal defense work, pursuant to the Tribal Law and Order Act. May handle civil litigation and perform other duties as required.
2. Represent persons involved in involuntary civil commitment proceedings in mental health and chemical dependency addictions cases.
3. Review police records, medical examiner's files and reports on physical evidence.
4. Interview suspects, victims and witnesses.
5. Conduct legal research for precedents of actions or decisions in similar cases.
6. Analyze the facts and issues of cases.
7. Develop criminal defense strategies.
8. Represent client through all stages of criminal trial.

9. Ability to file appropriate court documents, such as pleading, answers, and motions on a timely basis, as well as attending pretrial hearing and conferences.
10. Must maintain a working relationship with the SWO Tribal Prosecutor.
11. Upon direction of the Tribal Council, be required to represent tribal members charged in State Court.

**Knowledge, Skills, and Abilities:**

1. Considerable knowledge **of:** General office management practices and procedures of the Sisseton-Wahpeton Oyate;
2. Federal and tribal statutes governing crimes, must also have knowledge of Indian Law and state law cases including but not limited to jurisdictional issues;
3. Basic bookkeeping and accounting methods;
4. The criminal and civil functions of the SWO Public Defender's Office and its interrelationship with other jurisdictions' departments;
5. Interpersonal communication skills;
6. Computer operation and programs unique to civil document processing requirements;
7. Various computer applications including word processing, data entry, and spreadsheets.
8. Working knowledge **of:** Administrative procedures; legal processes associated with the maintenance of public records and documents; interpersonal communication skills.
9. Skill in: Superior writing skills, verbal communication, and legal-research skills.
10. Ability to: Maintain cooperative relationships with those contacted in the course of work activities; distill relevant and useful elements from vast amounts of information.

**Qualifications:**

1. Juris Doctorate degree from an ABA accredited Law School.
2. Must become licensed as an attorney in the Sisseton-Wahpeton Oyate Tribal Court.
3. Must be licensed attorney and member of any state bar.
4. Must possess some experience working in criminal defense, preferably working as a public defender.
5. Possess a working knowledge the Sisseton-Wahpeton Oyate Tribal Codes and of all relative federal, state, and tribal laws, rules and regulations.

**Job Requirements:**

1. Must sign a Confidentiality Statement upon hire and adhere to policy.
2. Must have a valid driver's license.

Approved \_\_\_\_\_



Date 11-5-20