

Family Defense Attorney, Tribal Defenders Office
Position Description
February, 2022

Description of the Tribal Defenders Holistic Defense Model

The Tribal Defenders provide public defender services to indigent tribal members in tribal court. In addition to representation of adults in criminal court, youth in youth court, parents in child protection proceedings, and respondents in adult protection and mental health matters, the Tribal Defenders provide services that address the issues that bring their clients into the justice system and those collateral consequences to criminal charges and convictions. Utilizing a client-centered and interdisciplinary approach, the Tribal Defenders offer psychological services, case management, civil and pro se assistance, driver's license restoration, cultural mentoring, the Flathead Reservation Reentry Program and permanent supportive housing at the Morning Star.

General Description of Work

The Family Defense Attorney's primary responsibility is to represent parents or guardians of children subject to child protection matters in Tribal Court. However, the Family Defense Attorney will assist in the planning and implementation of a Families in Need of Services pilot project that will divert families out of the adversarial court system. As a member of the holistic team, the Family Defense Attorney will assist walk-in clients, do community outreach, and approach their work not by moving cases through the system, but by focusing on their clients' needs within the context of their families and the tribal community. Specific duties are:

1. Represents parents or guardians of children who are the subject of child protection investigations and matters filed in the Tribal Court. This includes advocacy both before and after petitions are filed. It includes representation at hearings, appeals, and any post-dispositional proceedings or issues that arise. The Defenders keep the door open to their clients, regardless of the outcome of the court case.
2. Will assist the Managing Attorney in the planning and implementation of a pilot project in the Tribal Court that will divert child protection cases to a Families in Need of Services model.
3. When caseload allows, represents clients in criminal court who have child protection matters pending as a collateral consequence to their criminal charge. Will provide coverage in criminal matters when necessary.
4. Is occasionally on-call for weekend and holiday court duty to represent individuals at initial appearance or to address clients' needs in any emergency related to incarceration, mental health, or other Tribal Defender matters.
5. Will keep data on client progress and provide summaries to the Managing Attorney or the Holistic Programming Director as requested.

Direction Received

The Family Defense Attorney functions under the general direction of the Managing Attorney of the Tribal Defenders Office. The Attorney is expected to work independently but keep the Managing Attorney informed of their work on a regular basis.

Supervision Exercised

The Family Defense Attorney may be called upon to provide some consultation or assistance to advocates, volunteers, or interns at the Tribal Defenders Office.

Working Relationships

The Family Defense Attorney is expected to maintain a vital working relationship with their clients. To facilitate advocacy, the Family Defense Attorney is expected to maintain rapport with Tribal judges, prosecutors, social workers, police, probation and individuals employed in relevant Tribal departments and outside agencies. The Family Defense Attorney is also expected to maintain a working relationship with others on the Tribal Defenders team and act as a resource in the area of children's and Indian Child Welfare Law, and must be willing to research and consult on questions from staff and clients. The Family Defense Attorney must also be willing to assist staff by being cross-trained and assuming other duties as needed. The Family Defense Attorney is expected to adhere to the Montana Rules of Professional Conduct, with confidentiality and loyalty to the client a primary concern.

Working Conditions

This position works primarily in an office and court environment but is also required to visit clients at the Tribal Jail and other detention facilities on a regular basis. The Family Defense Attorney must also be willing to travel to homes and other places in the field for purposes of investigation and client or witness interviews. Currently, the Tribal Defenders Office is making tribal court appearances remotely and rotating remote work from home.

Qualification Requirements

1. Must be a member in good standing of the State Bar of Montana or eligible for admission by hire date.
2. Must have been practicing law for three years with at least one year in the area of poverty law.
3. Experience in child protection cases is preferred but other transferrable experience will be considered. Criminal law experience is also preferred due to the overlap with child protection cases and to understand the collateral consequences to clients involved in the criminal justice system.

4. Must have basic knowledge of Indian law and tribal statutes.
5. Must have legal writing experience and experience with legal research.
6. Must have knowledge of the social and cultural lifestyles of the reservation community and be able to communicate effectively with native clients and the native community.
7. Must be willing to prepare correspondence and court documents with limited assistance from clerical staff.
8. Must have basic skills research tools and case management software.
9. Must be able to prioritize, and manage a high volume of cases in an extremely fast-paced atmosphere. This includes the ability to think on one's feet in a pressured situation and to perform under stress, all with effective assistance to clients as a priority. A sense of humor also goes a long way.
10. Must be committed to the holistic defense model that is innovative, client-centered, and team based.
11. Must have a demonstrated interest in working with the disenfranchised, the criminally accused, and those suffering from mental illness and addiction, knowing that clients of the Tribal Defenders Office are resilient and capable of change.