



COMMISSIONERS COURT COMMUNICATION

AGENDA DATE: 08/05/2013

CONSENT OR REGULAR: Regular

CONTRACT REFERENCE NO
(IF APPLICABLE): _____

SUBJECT:

Discuss and take appropriate action concerning the Chief Public Defender recruitment and job description.

BACKGROUND/DISCUSSION OF TOPIC:

Due to the pending retirement of Clara Hernandez, the position of Chief Public Defender will be vacant January 1, 2014. In accordance with the County's Department Head Hiring Process, the HR Director is placing this item on the agenda to initiate the hiring process. The current and proposed job descriptions are attached for review.

If Commissioners Court is interested in filling the vacancy, Staff asks that Commissioners Court approve the following in accordance with its policy on Department Head Hiring Process:

1. The proposed job description that is attached, which remains at pay grade A-06 in accordance with the Attorney Pay Plan.
2. Up to \$2,000 for advertising the position through November 1 in various methods with various associations to include, but not limited to:
 - El Paso Bar Association (approximately \$100.00)
 - National Legal Aid and Defender Association (price unconfirmed)
 - Texas Criminal Defense Lawyers Association (\$50.00)
 - Texas Bar Association (\$850.00 for a featured ad with 2 email blasts to members)
 - National Criminal Defense Bar Association (price unconfirmed)
3. Advertising the starting salary for the position to be a range between \$127,390 and \$144,826, depending on experience. This is Level 1 (entry) to Level 5 and should attract more candidates. The range suggestion is based on the rates of pay experienced public defenders and assistant public defenders in large communities are receiving around the state.
4. After the initial screening phase of qualified applicants is conducted to narrow the field to the top 10 candidates, have the first round of interview panel members include:
 - a. A Federal Judge (to be determined based on interest, lack of conflicts, and availability);
 - b. Family and Community Services Director (deals with similar philosophical issues and understands operational challenges from a similar viewpoint);
 - c. An outside expert (possibly a chief public defender from another community or a well respected civil attorney, to be chosen once the field of candidates is narrowed to avoid any conflicts of interest; with the understanding they will be reimbursed travel and per diem if non local);
 - d. Human Resources Director or her representative;
 - e. County Auditor or his representative.
5. The top 5 candidates who pass this phase will be referred to Commissioners Court for a second interview and the remainder of the process through final selection.

SUBMITTED BY:

Betsy C. Keller, SPHR, Director, Human Resources, 915-546-2218
humanresources@epcounty.com

FISCAL IMPACT:

The overall fiscal impact will depend on the date of hire and the rate of pay the Commissioners Court establishes for the person hired to fill the vacancy. It is projected to be a savings over the current budgeted amount for the position. Immediate impact is up to \$2,000 for advertising to conduct a nationwide search for candidates which will come from funds that are already budgeted in Index G-ADMIN-GF-6022 (Advertising).

RECOMMENDATION:

Move to approve:

1. The proposed job description and the advertising of the position with a starting salary between \$127,390 to \$144,826;
2. Approve spending up to \$2,000 from G-ADMIN-GF-6022 (Advertising) for advertising the position; and
3. Approve the proposed selection process in accordance with County policy.

EL PASO COUNTY

JOB DESCRIPTION

JOB TITLE:	CHIEF PUBLIC DEFENDER	FLSA: E
DEPARTMENT:	PUBLIC DEFENDER'S OFFICE	JOB CODE: 110730
REPORTS TO:	COMMISSIONERS' COURT	GRADE: AT-6
SUPERVISES:	PUBLIC DEFENDER'S OFFICE STAFF	

JOB SUMMARY (Purpose of the position)

Directs and supervises the legal services program and investigative program. Self-supervising; sets standards under administrative guidelines.

DUTIES AND RESPONSIBILITIES:

1. Provides legal services to indigent individuals charged with criminal offenses.
2. Supervises the attorneys assigned to the Chief Public Defender.
3. Performs other administrative duties to include the development and administration of the office budget.
4. Supervises Outreach Program.
5. Performs other job-related duties, within reason and capabilities, as directed.

JOB STANDARDS (Minimum qualifications needed to perform job functions)

Law Degree, Texas Bar License; fluent in Spanish; some legal experience.

NOTE: **The above statements are intended to describe the general nature and level of work being performed by this position. They are not intended to be an exhaustive list of all responsibilities and duties required of personnel so classified.**

JOB TITLE: CHIEF PUBLIC DEEFNDER

DEPARTMENT: PUBLIC DEFENDER

JOB LOCATION (Place(s) where work is performed)

Office, Courtroom, Crime Scene(s), Juvenile Probation Department, Jail, Jail Annex, and witness(s) locations.

EQUIPMENT (Machines, tools, etc., used in job performance)

- Personal computer
- Typewriter
- Copy machine and other general office equipment as necessary.

JOB TITLE: CHIEF PUBLIC DEEFNDER

DEPARTMENT: PUBLIC DEFENDER

**THE COUNTY OF EL PASO, TEXAS
PHYSICAL REQUIREMENTS AND CONDITIONS**

<u>Physical Requirement</u>	<u>Degree</u>
Hearing Acuity (Sharp, Average, Low):	Average
Visual Acuity (Precision, Average, Rough):	Average
Visual Color Acuity (Must be able to differentiate colors):	Yes
Manual Dexterity:	To accomplish duties as stated in job description.
Operate Moving Equipment:	No
Operate Vehicles:	Uses county vehicle or own vehicle for business travel.
Environmental (Fumes/Dust, etc.):	No
Extremes (Hot/Cold):	No
Noise:	No
Chemicals:	No
Confined Space:	No
Heights:	No
Uneven Terrain:	No

JOB TITLE: CHIEF PUBLIC DEEFNDER

DEPARTMENT: PUBLIC DEFENDER

The minimum physical qualifications for the above job are listed below. This information shall be used to establish a minimum standard of the evaluation of applicants for positions in the job classification and in reviewing the capabilities and physical restriction of employees returning from Industrial and Illness Leaves of Absence.

In an 8-hour workday an employee can be expected to:

(Note: Rare = 1-10% Occ.=11-33% Freq.=34-66% Cont.=67-100%)

On the Job You:	Never	Rare	Occ.	Freq.	Cont.
Bend/Stoop			X		
Squat			X		
Crawl		X			
Climb		X			
Reach above shoulder level			X		
Crouch		X			
Kneel		X			
Sit				X	
Push/Pull		X			

Weight limitations: Indicate frequency (Never, Occ. Freq., Cont.)

Actvy/lbs	0-10	11-24	25-34	35-50	51-74	75 -100	>100
Lifting	Freq.	Occ.	Occ.	Rare	Never	Never	Never
Carrying	Freq.	Occ.	Occ.	Rare	Never	Never	Never
Push/Pull	Freq.	Occ.	Occ.	Rare	Never	Never	Never

JOB TITLE: CHIEF PUBLIC DEEFNDER

DEPARTMENT: PUBLIC DEFENDER

Approved:

<hr/>	10/15/12
Elected Official/Department Head	Date

<hr/>	10/15/12
Human Resources Director	Date

Approved by Commissioners Court:

HISTORY: Job Title Changed from Public Defender to Chief Public Defender during Budget Sessions FY2013 to be effective 10/14/2012.

**EL PASO COUNTY
JOB DESCRIPTION**



**CHIEF PUBLIC DEFENDER
Law Office of the Public Defender**

Summary of Position

The Chief Public Defender is an officer appointed by Commissioner's Court. The incumbent has primary responsibility for the administration and direction of a comprehensive program providing legal counsel and representation to eligible persons, primarily those accused of criminal or juvenile violations of the law; directs, through subordinate managers and supervisors, program operations in accordance with the State and Federal Constitutions, State and Federal law, and the policies, regulations, codes, and ordinances of the County of El Paso.

Organizational Relationships

Reports to: Commissioner's Court

Directs: Staff and attorneys assigned to the Law Office of the Public Defender

Other: Has frequent contact with County Commissioners, Department Heads, Elected Officials, Medical Examiner, District Attorney, County Attorney, Judges, prosecutors, law enforcement officials, national and state legislators and indigent defense and equal justice advocates, community advocacy groups, clients, families, the general public and other county employees.

Essential Duties

Administrative Duties:

Provides vision and leadership in administering all Public Defender activities;

Directs strategizing, planning, organizing, reviewing, designing, and evaluating of the overall operations and development of the department;

Directs department goals and objectives to be consistent with priorities, policies and procedures established by Commissioners Court; interprets plans, specifications, standards, policies, procedures, and regulatory codes;

Responsible for all administrative, personnel and department operations; directs, through subordinate managers, the overall selection, training, and professional development of attorneys and staff; directs, through subordinate managers, the assignment of individual attorneys to specific courts, clients and cases; directs,

**In accordance with the Americans with Disabilities Act (ADA), this job description does not take into account potential reasonable accommodations.*

through subordinate managers, the assignment of the department's criminal calendar to appropriate staff members;

Maintains a highly competent staff to meet the established needs of the County; implements personnel additions, changes or terminations within guidelines set by Commissioners Court and County procedures; administers and formulates salary and personnel recommendations as they pertain to the department;

Monitors and oversees department operations to assure that services delivered are in compliance with contract provisions, applicable laws, rules and regulations established by federal, state, and local laws and by applicable standards established by Commissioners Court and the department;

Confers with judges, prosecutors, law enforcement officials and others regarding the public defense program and obtains information and possible action relative to defendants; and

Actively participates in the County's leadership team.

Indigent Defense Duties:

Plans, organizes and directs a comprehensive program for providing legal counsel and representation to eligible persons accused of criminal offenses; formulates and applies office policies and standards of defense practice and employee conduct;

Represents the department in Commissioners Court and makes presentations and recommendations to the Court; represents the department and/or county with customers and media; works with and makes presentations to elected county officials, county departments, state and municipal officials, citizen groups;

Consults with management staff on the conduct of cases in progress and provides advice and counsel as required;

Directs the defense of the most sensitive, complex and high profile cases; may personally appear in court as defense attorney of major and other cases or at arraignment to obtain first-hand knowledge and review of cases going to court;

Represents the Law Office of the Public Defender at a variety of public and professional meetings;

Confers with office management staff regarding office operations and administration issues, and directs the initiation of changes as required; and

Provides legal services to indigent individuals charged with criminal and juvenile offenses, as well as other legal matters assigned to the Law Office of the Public Defender.

Budget Duties:

Responsible for making financial recommendations on capital purchases, annual budget and expense allocations; oversees financial planning for departmental functions and needs in concurrence with Commissioners Court approvals;

Works with Commissioners Court, Elected Officials and their staffs, department staff and other county staff, and shared services partners to establish priorities and set schedules and budgets for timely completion of projects;

Assures that department recommendations that have been approved by Commissioners Court are carried out or complied with; forecast personnel and financial needs of all activities; keeps abreast of developments that affect the functions performed in each reporting section of the department; and

Directs search for supplemental grant funds and oversees grant programs and grant reporting;

General Expectations:

Promotes the County's public image through participation and membership in civic organizations, professional activities and community forums that are aligned with the County's mission and vision;

Commits self to providing excellent customer service and demonstrates commitment through cooperative team and individual efforts; and

Creates a high quality work culture through participation in and emphasis on training, skills development and mentoring to develop leadership, management, and technical defense and trial skills in self and all employees, including safety related training and skills.

Other Important Duties*

Performs such other related duties as may be assigned.

As members of the County of El Paso Emergency Response System, all El Paso County employees are designated as Disaster Service Workers during a proclaimed emergency and may be required to train on emergency response and/or perform certain emergency services at the direction of their supervisor.

Minimum Requirements: Knowledge, Skills, and Abilities

Knowledge of: The philosophy and practice of public defense in the United States; duties, powers, limitations and responsibility of the Law Offices of the Public Defender; methods and problems of administering the work of a governmental law office; legal principles and their application with emphasis on criminal law; rules of evidence and the conduct of court proceedings; legal research methods; principles of personnel management and supervision; English usage, grammar, punctuation and spelling; techniques for effective interpersonal communications; modern office procedures, methods and computer equipment to include Windows and Microsoft based products. *Skill/Ability to:* Investigate and defend criminal complaints and civil actions; analyze difficult and complex legal problems and apply legal principles and practices; present statements of fact, law and argument clearly and logically in written and oral form; draft legal instruments and opinions; perform legal research; win the confidence and respect of members of the legal profession, public officials, and the general public; exercise excellent interpersonal, managerial and administrative skills; handle public scrutiny; lead and motivate subordinates; complete projects on time and within budget; analyze and evaluate complex data and reports; communicate verbally and in writing with at all levels of an organization; operate personal computer using standard office operating software and general office equipment; prepare and maintain records pursuant to a sound record retention policy; maintain filing systems; make public oral and written presentations; work independently; exercise sound judgment and make sound and timely decisions; manage time well and perform multiple tasks; organize diverse activities; perform in a fast-paced and stressful environment; be dependable and self-motivated; and establish and maintain cooperative and effective relationships with those contacted during the course of work; Pass a Criminal Background Check; Bilingual (English-Spanish) preferred;

Each and every county position requires the following professional skills and abilities as key and necessary elements of performance:

- Demonstrate regular and reliable attendance;

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Job Title: Chief Public Defender **Job Code:** 110730 **Pay Grade:** AT 6 **FLSA Status:** E

- Work well with others and participate fully in a team oriented environment;
- Interface with other employees and customers in a courteous and respectful manner;
- Maintain strict confidentiality;
- Project positive support of their department and all county organizations at all times; and,
- Maintain and enhance the County's commitment to customer service excellence

Acceptable Experience and-Required Education

Juris Doctor (Law Degree) from an American Bar Association (ABA) accredited law school. With (10) years experience in criminal litigation, including five (5) years specializing in criminal defense, and five (5) years in an executive level capacity in a comparably sized entity .

Required Licenses, Memberships, Professional Standing

Must have or obtain by date of hire Texas driver's license, and applicable to job responsibilities, with a driving record (in Texas and any other U. S. state) acceptable to the County of El Paso.

Must be licensed to practice law in Texas. Must be a member in good standing of the State Bar of Texas. No disciplinary history, or finding of unethical or unprofessional conduct, by the State Bar of Texas, or the State Bar of any other State, or the Federal Bar; no finding of ineffective assistance of counsel by any court.

Texas Board of Legal Specialization (TBLS) certification in either Criminal Law, Juvenile Law, or Criminal Appellate Law is required at time of, or within three (3) years of hiring.

Physical Demands

Performs tasks requiring both sitting and standing for extended periods of time, and may require walking for short periods at a time; may require frequent bending, reaching, twisting, squatting, and extension of the arms; lifting and/or carrying of light to moderate equipment/supplies weighing up to 35 pounds; requires hand and finger dexterity sufficient to use computers and standard office equipment to perform assignments.

Work Environment

Office environment; crime scenes; courts

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Job Location (Place(s) where work is performed)

Various locations through the County

Equipment (Machines, tools, etc., used in job performance)

- Personal Computer
- General office equipment
- Other equipment related to job performance

THE COUNTY OF EL PASO, TEXAS PHYSICAL REQUIREMENTS AND CONDITIONS

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Job Title: Chief Public Defender Job Code: 110730 Pay Grade: AT 6 FLSA Status: E

Physical Requirement

Degree

Hearing Acuity:

low/average/sharp

Visual Acuity:

rough/average/precision

Visual Color Acuity

low/average/high

Manual Dexterity:

To accomplish duties as stated in job description

Operate Moving Equipment:

no/yes

Operate Vehicles:

Uses own vehicle for business travel

Environment:

office/field

Extremes:

low/average/high

Noise:

low/average/high

Chemicals:

low/average/high

Confined Space:

low/average/high

Heights:

low/average/high

Uneven Terrain:

low/average/high

Other Special Physical Requirements:

Ability to communicate orally and in written form

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Bend/Stoop			X		
Squat		X			
Crawl		X			
Climb		X			
Reach above shoulder level				X	
Crouch		X			
Kneel		X			
Sit				X	
Push/Pull			X		

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