

CHEYENNE RIVER SIOUX TRIBE
PUBLIC DEFENDER'S OFFICE – JUDICIAL DEPARTMENT
PUBLIC DEFENDER

DESCRIPTION OF WORK

General Statement of Duties: To represent individuals who are charged with violations of the Tribal Criminal Code. The Public Defender has independent authority, judgment and decisions on matters relative to court cases. Guidelines will be the Cheyenne River Sioux Tribal Constitution, the Indian Civil Rights Act, Law and Order Code, ordinances, policies, all applicable Federal laws, rules of evidence, including Federal, State and local court decisions affecting the Indian people in Indian country; and the Code of Judicial Conduct as adopted by the American Bar Association. Effective administration of justice on the Cheyenne River Sioux Reservation has a significant impact on every aspect of life on the reservation. The Public Defender's work can result in the safety and security of the community as well as assuring the people of fair and equal treatment.

Supervision Received: Will be under the immediate supervision of the Tribal Administrative Officer. Reports to the Chief Judge for administrative purposes only. May also be required to report to Tribal Council and any related committees.

Supervision Exercised: Supervises the Public Defender's office staff.

EXAMPLE OF DUTIES (Duties may include but are not limited to the following):

Prepares for the representation of individuals in criminal court matters from arraignment through court or jury trial, including reviewing all affidavits, police incident reports and complaints filed in determining what legal advice and assistance is proper.

Prepares for the representation of individuals in juvenile delinquency matters and status offenders from advisory hearing through adjudication, including reviewing all affidavits, police incident reports and petitions filed in determining what legal advice and assistance is proper.

In preparation for trial or an adjudication hearing, the Public Defender shall interview all witnesses and make the determination of who shall testify in court and be responsible for doing legal research pertinent to each case and shall prepare all pleadings, including motions for continuances, for dismissal, etc.

Presents evidence according to the rules of evidence applicable, to Tribal or Federal rules.

Prepares and follows through on cases brought on for appeal before the Tribal Court of Appeals in cases where the Public Defender is involved including submitting briefs and making oral arguments.

Other job related duties as assigned.

MINIMUM QUALIFICATIONS

Required Knowledge, Skills and Abilities: Must be familiar with any federal or state law applicable to persons within the jurisdiction of the Tribal court. Knowledge of the Tribal Law and Order Code rules of criminal procedure and rules and know its provisions together. Knowledge of criminal law, juvenile law, the Tribal constitution, codes and ordinances, rules precedents, any case law, and relationships affecting jurisdiction on criminal court cases. Knowledge of Tribal customs, traditions, constitution and ordinances to be able to protect the sovereignty and customs of the Tribe and protect the rights of the people. Knowledge of the Indian Civil Rights Act and all its provisions and have full understanding of due process. Must demonstrate fitness and competency for the appointment including familiarity with the Cheyenne River Sioux Tribal Constitution and Code and Judiciary.

Education: Must be a law school graduate (Attach Juris Doctor/Jurisprudence, J.D.). Admission to a state bar required (Attach license to practice law); must be in "good standing" with that bar.

Experience: Must have some working experience in law, this may include any internships.

Special Requirements: Must be able to pass Federal, State, and Tribal Criminal Background Checks in accordance with P.L. 101-630, P.L. 101-647 and Resolution No. 86-2013-CR. This position is subject to mandatory drug and alcohol testing in accordance with the Cheyenne River Sioux Tribe Drug and Alcohol Free Workplace Policy. Must have never been convicted of any Tribal/local, Federal, or State felony offenses or convicted of a misdemeanor one (1) year prior to appointment.

Revised Date: 03.07.2016