

Suggested Procedures for Circuit Public Defender Selection Panels

Listed below are some suggested procedures that panel members can opt to follow when selecting its Circuit Public Defender. There is also some general information listed in regards to timelines for selection, voting requirements and helpful criteria.

Role of Georgia Public Defender Standards Council

O.C.G.A. §17-12-20 creates in each judicial circuit in the state a circuit public defender selection panel which is composed of five members. §17-12-20(b) states that by majority vote of its membership, the circuit public defender selection panel shall appoint the circuit public defender in the circuit as provided in this article. The first such appointments shall be made to take office on January 1, 2005, for terms of up to four years. **The Standards Council has identified funds for the chief circuit public defender to begin work 6 months early, beginning July 1, 2004.** The initial appointments shall be for a term of up to four years. Circuit selection panels can assign terms less than 4 years but cannot appoint a circuit public defender for a term that exceeds four years.

Circuit Public Defender Selection Panels are appointed for terms of five years. Since circuit public defender's can only serve terms of up to four years, the panel will need to either reappoint or select another circuit public defender before any of the terms expire. In addition, if the position becomes vacant, the chief judge of the circuit will make a temporary appointment until the circuit selection panel reconvenes and selects a new circuit public defender.

It is up to the panel members what procedures they want to utilize when selecting its public defender. However, the Georgia Public Defender Standards Council is available to provide any assistance needed by the selection panels. The Standards Council has posted the circuit public defender position in a wide variety of places and is currently collecting resumes, screening them to ensure that candidates meet minimum requirements, and determining which circuit(s) applicants are applying for so that they may be routed to that circuit's selection panel members.

If any additional assistance is needed by your panel please contact Joan Nalls, Human Resources Manager or Sarah Haskin, Deputy Director of Government Affairs & Compliance at (404)232-8900.

Selecting a Chairperson

At its initial meeting panel members may want to consider electing a chairperson. This person would be responsible for coordinating meetings and interviews. It would also be very helpful for the staff at the Standards Council to have one person in each circuit that they can send information to and call if there are questions or inquiries. If a panel chooses to select a chairperson please notify the Standards Council of the selection and we will note it on the list that is posted on the GPDSC website.

Eligibility Requirements

Per O.C.G.A. §17-12-21, to be eligible to fill the position of circuit public defender, a person must meet the following minimum requirements:

- (1) Have attained the age of 25 years;
- (2) Have been duly admitted and licensed to practice law in the superior courts for at least three years;
- (3) Be a member in good standing of the State Bar of Georgia; and
- (4) If previously disbarred from the practice of law, have been reinstated as provided by law.

Again, the Standards Councils staff will screen resumes to determine whether candidates meet the minimum requirements.

Additional criteria panel members should consider when selecting a candidate is as follows: In appointing Circuit Public Defenders, the Circuit Public Defender Selection Panels should consider whether candidates possess any or all of the following qualifications in addition to the minimum qualifications specified by O.C.G.A. § 17-12-21:

1. Has the person demonstrated a strong interest in the defense of indigent people accused of crimes?
2. Does the person have sufficient experience in the defense of criminal cases (or equivalent trial experience) to permit the person to evaluate the qualifications of the Assistant Public Defenders to be employed by the person's office and to evaluate their performance while representing clients as an Assistant Public Defender?
3. Does the person have sufficient trial experience in the defense of criminal cases (or equivalent trial experience) to permit the person to train or assist in the training of less experienced Assistant Public Defenders to enable them to gain the trial experience needed to handle more serious and complex trials? In that regard, the Standards Council suggests that the person should have been lead counsel in the defense of a person accused of a crime in at least 10 felony cases which were tried to completion before a jury, two of which involved crimes for which the maximum punishment was at least life in prison. However, the local committees should be free to consider all trial experience and courtroom abilities in making their selection.
4. Does the person have the leadership skills and ability to oversee the management of a Circuit Public Defender office and insure that Standards and Guidelines implemented by the Georgia Public Defender Standards Council are consistently met or exceeded throughout the circuit?

5. Does the person have the ability to establish and maintain sound fiscal policy and practice, the ability to supervise attorneys and other staff, and the ability to communicate well with other participants in the criminal justice system, as well as with local government representatives?

Notices & Posting of Job Announcements

We have attached a sample job posting that has been sent by the Standards Council to various agencies, media, organizations, and associations around the state and nationally. The posting reads as follows:

The Georgia Public Defender Standards Council is seeking candidates to fill the position of Circuit Public Defender in each of the 49 judicial circuits in Georgia. An applicant must be a member in good standing of the State Bar of Georgia. Additional statutory qualifications for the position are contained in O.C.G.A. § 17-12-21. An applicant may submit a resume and cover letter indicating the judicial circuit or circuits for which the application is submitted to Joan Nalls, Human Resources Manager, Georgia Public Defender Standards Council, 104 Marietta St., Atlanta, GA 30303. The resume and cover letter may also be submitted by FAX to 404 651 5709 or by email to jnalls@gpdsc.state.ga.us. For further information call 404 232 8900. The Georgia Public Defender Standards Council is an Equal Opportunity Employer. Deadline for submission is March 31, 2004

Please note that circuit's can customize job postings to apply to their circuit only. The Standards Council has posted the above announcement advertising for the 49 vacancies in the following places:

1. Georgia Public Defender Standards Council web site
2. Georgia Association of Criminal Defense Lawyers web site
3. Georgia Association of Criminal Defense Lawyers list server
4. National Association of Criminal Defense Lawyers web site
5. NACDL affiliates in each state (ie) TACDL, AACDL, FACDL, etc.
6. National Legal Aid & Defenders web site
7. State Bar of Georgia web site
8. All Local Bar Associations web site or newsletter
9. Superior court clerk in each county
10. Administrative Office of the Courts web site and newsletter
11. Atlanta Journal Constitution web site
12. State of Georgia job site
13. We also plan to post the announcement in the Fulton County Daily Report's monthly state-wide edition.

Unfortunately the Standards Council has limited funds and does not have additional funds in the budget to post notices in all local newspapers. If local panels want to advertise in the local newspapers it will be at their own expense. Panel members may utilize any and all free advertising that is available.

Interview Process & Questionnaire

The Interview process used is up to the selection panel members. This issue should be discussed and agreed upon at the initial meeting of the members. Included in this package is a sample questionnaire that may be utilized by the selection panels to screen applicants and gather information on experience . If a panel wishes to utilize this questionnaire, please notify Joan Nalls at the council and she will send it to all applicants applying to that circuit.

Selection Timeline

The Standards Council is requesting that all appointments be finalized by April 30, 2004. Circuit Public Defenders should be ready to begin work on July 1, 2004. Please notify Mike Mears or Sarah Haskin once a selection has been made and confirmed.

Voting Requirements

There must be a minimum of three affirmative votes from the five member panel to select the circuit public defender.