Criminal 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

This position provides legal assistance and representation to indigent adult and juvenile clients charged with misdemeanor and felony offenses in Tribal Court. Specific duties are:

1. Represents adults charged in Tribal Court with misdemeanor and felony offenses. Provides advocacy at all stages of proceedings, from initial appearance to trial, sentencing, and appeal.

2. Represents juveniles charged in Tribal Youth Court with misdemeanor and felony offenses. Provides advocacy at all stages of proceedings, from initial appearance to trial, sentencing and appeal.

3. 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.

4. May also be required to represent individuals in mental health commitments, guardianships, child protection, or other civil matters as needed.

Direction Received

The Criminal 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 periodic basis.

Supervision Exercised

As a member of the holistic defense team, the Criminal Defense Attorney may be called upon to provide some consultation or assistance to the criminal defense advocate, legal interns, or other members of the Tribal Defenders interdisciplinary team.
Working Relationships

The Criminal Defense Attorney is expected to maintain a vital working relationship with their clients. To facilitate advocacy, the attorney is expected to maintain rapport with Tribal judges, prosecutors, police, probation and individuals employed in relevant Tribal departments and outside agencies. The Criminal Defense Attorney is also expected to maintain a working relationship with other members of the Tribal Defenders interdisciplinary team and act as a resource in the area of criminal law, willing to research and consult on questions from walk-in and call-in clients. Communication among staff is key. The Criminal Defense Attorney must proactively reach out to other members of the team and utilize the Defenders’ software to share client progress notes. The Criminal Attorney must also be willing to assist staff by assuming other duties as needed. The Criminal 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

Although the Tribal Defenders are currently rotating days in the office and working remotely due to Covid, the Criminal Defense Attorney 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 Criminal Defense Attorney must also be willing to travel to crime scenes and other places on the reservation for purposes of investigation and witness interviews.

Qualification Requirements

1. Must be a member in good standing of the State Bar of Montana, or the state bar association in which the applicant currently practices. Applicants to the Montana Bar waiting for admission may be considered on a contingency basis.

2. Must have demonstrated knowledge of criminal law, criminal procedure, and ability to function in the courtroom.

3. 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.

4. Must be willing to prepare correspondence and court documents with limited assistance from clerical staff.

5. Must have solid legal research and writing skills.

6. 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, but also do the necessary preparation work all with effective assistance to clients as a priority. A sense of humor also goes a long way.

7. Must be committed to the holistic defense model that is innovative,
client-centered, and team based. Holistic defense focuses on the client in the context of their community, not the disposition of a case.

8. 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.