

## Clark County Special Public Defender

The Clark County Special Public Defender consists of eight attorneys, two investigators and three support staff. The Special Public Defender is the conflict office for Clark County. We represent defendants charged with murder, including but not limited to capital murder, who cannot be represented by the Public Defender due to a conflict of interest. The eight attorneys in the office are experienced trial attorneys from various backgrounds, but now only represent indigents charged with murder. The Special Public Defender is usually appointed after a defendant is arrested and charged and represents that client through trial and direct appeal to the Nevada Supreme Court. Externships will last for one semester. Externs will report directly to the Special Public Defender, Phil Kohn, but will work with the entire staff during the course of the externship. Externs will participate in all aspects of the justice system with emphasis on the following opportunities:

1. **LEGAL RESEARCH:** Externs will research legal issues that arise in criminal litigation of homicide cases from the moment of arrest up until and including trial and the direct appeal. Issues will most certainly include, but are not limited to, evidence, search and seizure, self incrimination, sufficiency of evidence, prosecutorial misconduct, grand jury, capital litigation, jury selection, indigent representation, mitigation, discovery, and constitutional law. While the Special Public Defender only represents indigents in state court, many of the issues that arise have a federal component due to the nature of capital litigation; will ultimately be resolved in federal court. Research, therefore, will not be limited to Nevada state law, but often extends to other states and federal law. In addition to case-related research, the Special Public Defender is involved in lobbying the legislature for changes in state statutes. Externs may have the opportunity to research issues of law to be used in drafting new legislation proposals, as well as supporting pending bills. Recent examples include the proposal for the death penalty moratorium, outlawing the execution of the mentally retarded, and raising the age of death penalty eligibility to exclude minors.
2. **LEGAL WRITING:** Externs will have the opportunity to draft motions, writs, appeals, answers, responses, jury instructions, memoranda, etc. that arise in the defense of homicide cases. In addition to trial work, the Special Public Defender represents clients on appeal in the Nevada Supreme Court. Externs may have the opportunity to research and draft direct appeals. Externs will work closely with attorneys in generating legal documents to be filed in the courts of the Eighth Judicial District as well as the Nevada Supreme Court.
3. **CLIENT/WITNESS CONTACT:** Externs will have contact with clients and witness, both lay and expert. Such contact will allow externs to develop skills in client relations, fact gathering and interviewing. A licensed attorney will supervise all contact and the

client or witness will be aware that the extern is a law student. Externs will not be placed in a position to give legal advice to clients. Externs will only be involved in the gathering of information. Externs will gain unique and valuable experience learning to interact with clients and witnesses.

4. **TRIAL PREPARATION:** There will be ample opportunity for externs to participate in trial preparation. Externs will assist attorneys with case organization, trial strategy, jury selection, audio-visual aids, and case investigation. Externs will participate in team building as they interact with attorneys, investigators, witnesses, experts, mitigation specialists, doctors and clients. Externs will not be able to appear in court on behalf of clients, however, externs will be encouraged to attend court sessions and observe courtroom interaction. All in-court observations will be the subject of discussion with an attorney, giving the extern valuable insight into the actual workings of the judicial system.
5. **LEGAL TRAINING:** The Special Public Defender routinely provides continuing legal education for office staff. Externs will be invited to attend all such training sessions. Recent training involved mental health issues in capital cases, immigration issues in criminal cases, and legal ethics. The staff of eight attorneys in the office has a wide range of legal experience and backgrounds and the extern will have the opportunity to work with as many attorneys as possible over the course of the externship.

#### Grade Requirements:

Students must have completed at least 45 hours of course work including all first year requirements. Professional Responsibility is a pre- or co-requisite. The externship will provide up to six credits per semester, per the Externship Director and the field supervisor. As six credits require 264 hours of fieldwork, each extern will be required to spend 20 hours per week in-office. Actual schedules of fieldwork will be agreed upon by each student and the field supervisor so that the hours may be completed in light of other courses and examinations. The field supervisor and the Externship Director will work closely to supervise the student to ensure a positive academic experience.

All students will execute an agreement of confidentiality with regard to privileged information learned during the externship. Attorney client privilege, confidentiality and legal ethics will be an important training component of the program.

#### Evaluation and Grading:

Students will be evaluated and graded on the following criteria:

- 5.1 Office participation. Students are expected to work the hours required for their credits in-office.
- 5.2 Work log and draft file. Students will be required to show the hours worked and work product, including drafts, relayed to the cases or projects to which they contributed.
- 5.3 Paper. The Externship Director will work with each extern to establish the requirements of a final paper, which will reflect what the student has learned over the course of the semester. This paper may not be used to satisfy the advanced legal writing requirement.
- 5.4 Evaluations. The field director and supervising attorneys will review written work and informally confer with the student during the course of the externship. At mid-semester and at the end of the externship, the field director, Externship Director and supervising attorneys will formally confer with the student and evaluate performance. A written formal evaluation will be submitted to the Externship Director and the student.
- 5.5 Students will be given a pass/fail grade pursuant to the above criteria.