CAREER PATHWAYS: CRIMINAL LAW

I. Overview

A. Survey of Substance

Criminal law traditionally refers to the prosecution or defense of those accused of crimes. This field offers the practitioner a unique opportunity to examine many aspects of constitutional law in depth and issues of public policy. Both knowledge of the law and skills of advocacy are hallmarks of effective practice in the area. The importance of zealous representation is particularly important for criminal lawyers. While being a good trial lawyer is important, it is only one aspect of the job. In fact, the majority of criminal matters are resolved through plea bargains before a trial begins. To be a good criminal lawyer, it is important to be a good negotiator, investigator, and counselor. Because of the high stakes of criminal law, it is important for criminal lawyers to have a sincere commitment to their work and an ability to limit stressful situations.

To be successful, criminal attorneys need to develop skills in organization, analytical abilities, communication, negotiation, relationship-building, judgment, and management. Prosecutors and public defenders often work with a high volume of cases. It is important to have the ability to organize and manage the workload, so that each case is given its due care and diligence. That being said, the ability to read and analyze a large quantity of information is important in this aspect of law as well. Criminal attorneys also need skills to engage in strong legal analysis and to think carefully about the evidence that will be presented in plea bargains and trials. Not only are legal skills important, but people skills are equally valuable. Criminal lawyers on both sides of the table must have the ability to form good relationships. This will aid in developing a strong client representation and effective negotiation strategies.

Though there are high demands placed on criminal lawyers, many attorneys in this field express a great sense of satisfaction in their work. There is rarely a dull day in this area of the law, and there is an aspect of public service that many attorneys find rewarding.

B. Typical Practice Settings

Typical practice settings for criminal law include prosecutors’ offices and public defenders’ offices, at both the state and federal levels, and private defense in small and large firms.

Prosecutors who work at the state level are generally employed by the state attorney’s office or a county district attorney’s office. Each county normally has one lead state and district
attorney and a number of assistant attorneys, depending on the size of the county. Federal prosecutors generally work for the Department of Justice as U.S. attorneys or through JAG offices with the U.S. military. Public defenders work both at the state and federal levels. They are employed by the state and work with clients who are unable to afford legal assistance.

Contract defenders are employed in some jurisdictions, especially when conflicts of interest arise within staff offices.

Private criminal defense lawyers generally work in law firms of varying sizes. White-collar criminal defense attorneys most often work in large law firms because of the complex mix of criminal and civil issues. Private defense attorneys usually gain experience combining practice working as public defenders or prosecutors before establishing their private practice areas.

C. Typical Tasks

Criminal lawyers should be prepared for all aspects of litigation, including witness location and preparation, and trial advocacy. In this field, lawyers frequently prepare and argue pretrial motions, such as motions to suppress. Questions of search and seizure often arise. Prosecutors would be expected to assist in interrogations and pretrial identification procedures. Attorneys engage in plea-bargaining and the plea process. Appellate litigation, including death penalty litigation, is an important aspect of criminal law practice in which lawyers tend to specialize.

- Litigation
- Pretrial motions
- Plea process
- Adjudication of motions to suppress
- Questions of search and seizure
- Assistance in interrogations
- Pretrial identification procedures
- Appeals

D. Related Areas of Practice

- Death Penalty Litigation
- Juvenile Delinquency

II. Courses

A. Primary Courses

- Criminal Law
- Criminal Procedure I & II
- Evidence
- Trial Advocacy
B.  Secondary Courses

- Labor Law
- National Security Law
- Legal Argument and Appellate Practice
- Juvenile Law and Practice
- Externships: U.S. Attorney’s Office (W.D. Tenn); Federal Defender’s Office (W.D. Tenn), Shelby County District Attorney General’s Office, Shelby County Public Defender’s Office, Tennessee Court of Criminal Appeals, United States District Court, United States Magistrate Court

III.  Related Opportunities

The following externships provide a great opportunity for law students contemplating a career in criminal law: U.S. Attorney’s Office (W.D. Tenn); Federal Defender’s Office (W.D. Tenn), Shelby County District Attorney General’s Office, Shelby County Public Defender’s Office, Tennessee Court of Criminal Appeals, United States District Court, and United States Magistrate Court. Students can also intern at these placements.

Alternatively, clerking opportunities may also be available in law firms or with private criminal defense lawyers.

IV.  Resources

- Tennessee Association of Criminal Defense Lawyers
  - Membership for law students $10 annually
  - http://www.tacdl.com/
- National Association of Criminal Defense Lawyers
  - Membership for law students $55 annually
  - http://www.nacdl.org
- Criminal Justice Section of the ABA
  - http://www.americanbar.org/groups/criminal_justice.html
- Criminal Justice Section of the TBA
- Criminal Law Section of the MBA
  - http://www.memphisbar.org
- DOJ Summer Law Intern Program
  - http://www.justice.gov/oarm/arm/sp/sp.htm
- DOJ Volunteer Legal Intern
  - http://www.justice.gov/oarm/arm/int/legalinternjq.htm
- National Legal Aid and Defender Association
  - Membership for law students is $35 annually
  - http://www.nlada100years.org/
- National Criminal Justice Association
  - Membership for law students is $40 annually
V. Contacts

A. Law School Faculty

- **Prof. Steven Mulroy**
- **Prof. Eugene Shapiro**

B. Law School Adjunct Faculty

- **Hon. Chris Craft**
- **Gen. Albert Harvey**
- **Hon. Mark Ward**