

What is criminal law practice?

- ◆ Criminal law practice refers to two opposite, though equally important, tasks of prosecuting and defending individuals who have been accused of crimes.
- ◆ Lawyers who practice criminal law must investigate their cases thoroughly, must effectively negotiate with the other side, and must communicate with individuals from all walks of life.
- ◆ Successful lawyers in criminal practice combine exceptional legal knowledge with a high level of proficiency for the art of advocacy.
- ◆ Prosecutors and public defenders have demanding caseloads that require the ability to multi-task and to appropriate the reasonable diligence and due care to each case that it deserves.
- ◆ The high stakes involved in criminal practice create significant pressures on both sides of the aisle. An attorney working in a criminal law practice should be capable of handling stress in a healthy manner so as to avoid burnout.
- ◆ According to the American Bar Association, “the duty of the prosecutor is to seek justice, not merely convict.” This duty necessitates that prosecutors remain forthright and open about the case during all stages of the proceedings.
- ◆ The role of the criminal defense attorney is to zealously defend his or her client within the bounds of the law.

What skills are most important to a lawyer who works in criminal law arena?

- ◆ Trial advocacy skills
- ◆ Perseverance
- ◆ Negotiation skills
- ◆ The ability to think on your feet
- ◆ Solid time management skills
- ◆ The ability to remain polite and deferential while aggressively arguing

Prosecution

- ◆ **Federal prosecutors:** Persons accused of committing a federal crime are prosecuted by federal prosecutors, specifically US attorneys and their staff attorneys, called assistant US attorneys, who all work for the US Department of Justice (“DOJ”).
- ◆ **State prosecutors:** Prosecuting attorneys may also work in state offices as assistant district attorneys, prosecuting those who have violated state statutes. In smaller, more rural counties, a handful of prosecuting attorneys may deal with all manner of cases. In larger jurisdictions, like Shelby County, Tennessee, the office may be broken up into smaller divisions. For instance, the Shelby County DA has the Special Victims’ Unit (“SVU”), the Organized Crime Unit (“OCU”), and the Financial and Economic Crimes Unit (“FECU”).

Defense

- ◆ **Law firms:** Smaller firms (sometimes called “boutique firms”) are more likely to specialize in a singular area of the law. Mid-size to large firms may have a number of attorneys litigating in different areas of the law, including a criminal practice.
- ◆ **Solo practitioners:** For the lawyer who wants to hang his or her own shingle, the world of criminal defense provides a practice conducive to those who like to work alone. Solo practitioners sometimes build their practice by initially learning the ropes through court appointed work.
- ◆ **Government:** Via the Sixth Amendment, the United States Constitution provides every defendant with the right to a lawyer. Public defenders’ offices seek to uphold that right whether at the state or federal level.

Where do lawyers who practice in the field of criminal law work?

What classes or activities would help a law student preparing to enter the field of criminal law?

- ◆ Criminal law
- ◆ Criminal procedure I & II
- ◆ Evidence
- ◆ Trial advocacy
- ◆ National security law
- ◆ Appellate advocacy
- ◆ Juvenile law clinic
- ◆ Intern with the Western District U.S. Attorney’s Office or Federal Defender’s Office
- ◆ Intern with the Shelby County District Attorney’s Office or Public Defender’s Office
- ◆ Intern with a private defense lawyer

Resources for Criminal Law



University of Memphis
Law School
Career Services Office

Join the American Bar Association's Criminal Law Section

- ◆ https://www.americanbar.org/groups/criminal_justice.html
- ◆ The Section's mission: "By bringing together the perspectives of prosecutors, defense lawyers, judges and scholars, the Section provides valuable and thoughtfully crafted products to its members, to the legal profession overall, and to the nation. The achievement of justice is the abiding purpose of the Section, and makes it the voice of criminal justice."
- ◆ The ABA's Criminal Law Section promulgated its "Criminal Justice Standards on Mental Health" in 2016: https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/mental_health_standards_2016.authcheckdam.pdf
- ◆ The ABA Criminal Law Section has three publications:
 - *Criminal Justice*: Published quarterly, the *Criminal Justice* magazine is intended for a national audience of defense lawyers, prosecutors, judges, academics, and other criminal justice professionals with a focus on the practice and policy issues of the criminal justice system.
 - *International Criminal Law Newsletter*: The International Committee of the ABA's Criminal Justice Section publishes a newsletter covering the crossroads of international law and criminal justice, covering subjects such as war crimes, anti-corruption enforcement, terrorism, human trafficking, and international wildlife trafficking.
 - *White Collar Crime Committee Newsletter*: This publication showcases content and opinion of leading experts, scholars, and practitioners through articles written by Criminal Justice Section members.

Interning for the Shelby County District Attorney's Office: If you're interested in volunteering/interning with the Office of the District Attorney for the Thirtieth Judicial, please come by the Career Services Office to find out more information about how to apply and who to contact.

Join a Local Defense Bar Social Organization

- ◆ The **Memphis Bar Association** has its own Criminal Law Section. Dues are just \$15.00 per year for lawyers and free for law students. Want to join? Contact Attorney Ruchee Patel - ruchee.patel@gmail.com.
- ◆ The Memphis chapter of the **Tennessee Association of Criminal Defense Attorneys (TACDL)** hosts its meetings on the first Thursday of every month. TACDL provides CLEs and support to criminal defense attorneys state-wide. TACDL also publishes *For the Defense*, a quarterly periodical, and weekly updates regarding case law with *The Weekly Writ*. We have a stu-