

OFFICE OF THE STATE APPELLATE DEFENDER

Government Services/Judicial Agency

FY14 Headcount: 239

<http://www.illinois.gov/osad/Pages/default.aspx>

Summary of Agency Operations

The Office of the State Appellate Defender represents indigent persons on appeal in criminal and delinquent minor proceedings when appointed to do so under Supreme Court Rule or Illinois law. The office also administers an informational program regarding the sealing and expungement of criminal records for both juvenile and adult ex-offenders.

Internal Hiring

Agency positions subject to criminal history restrictions, by statute or **regulation**
State Appellate Defender; other attorneys

Statutory, regulatory, restrictions applicable to internal hiring

Administrative Code: Title 2, Subtitle B, Chapter IV, Part 500, Sub part A, Section 500.20
Office of The State Appellate Defender

1) Appointment of the State Appellate Defender B. The State Appellate Defender must be an attorney licensed to practice law in Illinois and shall devote full time to the duties of the office. The person appointed as State Appellate Defender shall not engage in the private practice of law while holding that position. (Section 5(a) of the Act)

Restriction Type: Mandatory

Restriction Duration: Not specified

Supreme Court of Illinois, Rules on Admission and Discipline of Attorneys, Article VII, Part A Admission to the Bar, Rule 701 General Qualifications (a) Subject to the requirements contained in these rules, persons may be admitted or conditionally admitted to practice law in this State by the Supreme Court if they are at least 21 years of age, **of good moral character and general fitness to practice law**, and have satisfactorily completed examinations on academic qualification and professional responsibility as prescribed by the Board of Admissions to the Bar or have been licensed to practice law in another jurisdiction and have met the requirements of Rule 705.

Restriction Type: Mandatory

Restriction Duration: Not specified

System of personnel administration

State Appellate Defender Act [725 ILCS 105/9] (Organization of office)

a, The State Appellate Defender shall establish an office in each judicial district.

Office of the State Appellate Defender

- b. The State Appellate Defender shall appoint a deputy defender for each judicial district who shall serve as the administrator of the district office. Each such appointment shall be approved by a majority of the appellate court judges of the judicial district. Each deputy defender must be an attorney licensed to practice law in this state. Deputy defenders shall serve at the pleasure of the State Appellate Defender.
- c. The staff of the State Appellate Defender may consist of additional attorneys licensed to practice law in this state to serve as assistant appellate defenders, and administrative, investigative, secretarial, and clerical employees necessary to discharge the duties of the office.
- d. Deputy Defenders shall employ, with the approval of the State Appellate Defender, assistant appellate defenders, investigators, secretaries, clerks, and other employees under their direct supervision.
- e. Attorneys employed by the State Appellate Defender or by a Deputy Defender shall devote full time to their duties, except as provided in Section 9.1, and may not engage in the private practice of law.

Administrative Code: Title 2, Subtitle B, Chapter IV, Part 500, Sub part A, Section 500.20 Office of The State Appellate Defender

B. The State Appellate Defender may appoint administrative, investigative and clerical employees necessary to discharge the duties of the Office. (Section 9(c) of the Act) These Office personnel may include Deputy State Appellate Defenders, Deputy Defenders and Assistant Defenders in non-District offices, and the Chief Fiscal Officer/Human Resources Director, Legislative Liaison, Information Technology Directory, Director of Support Services, Senior Administrative Assistant and Expungement Staff

Office of Appellate Defender employment policy

Agency employee manual: "The hiring of employees shall be based upon the requirements for the position and the applicant's qualifications and ability to perform the duties for the required position. In the hiring of attorneys, consideration shall be given to the applicant's professional qualifications including legal and writing ability, as well as the ability to deal professionally with clients, other employees, court personnel and the public. The Office of the State Appellate Defender shall not discriminate or base employment upon race, sex, age, creed, religion, color, marital or parental status, sexual orientation, age, national origin, political affiliation or beliefs, mental or physical handicap, or any other non-merit factor."

Background Check Procedures:

(1) Self-disclosure on application

Not mentioned in the agency report

(2) Background check review procedure

Not mentioned in the agency report

Exemption, waiver, or review mechanisms

Not mentioned in the agency report

Total number of people who underwent a background check

0

Occupational Licensing, Certification, Regulation

Occupational licenses issued by agency that are subject to criminal history restrictions
N/A

Employment Contracting

Contract positions subject to criminal history restrictions

Attorneys for non-death penalty criminal appeals

Contracting restrictions based on criminal history, by statute or regulation

725 ILCS 105/10.5 (Competitive bidding for appellate services)

a. The State Appellate Defender may, to the extent necessary to dispose of its backlog of indigent criminal appeals, institute a competitive bidding program under which contracts for the services of attorneys in non-death penalty criminal appeals are awarded to the lowest responsible bidder.

Supreme Court of Illinois, Rules on Admission and Discipline of Attorneys, Article VII, Part A Admission to the Bar, Rule 701 General Qualifications (a) Subject to the requirements contained in these rules, persons may be admitted or conditionally admitted to practice law in this State by the Supreme Court if they are at least 21 years of age, **of good moral character and general fitness to practice law**, and have satisfactorily completed examinations on academic qualification and professional responsibility as prescribed by the Board of Admissions to the Bar or have been licensed to practice law in another jurisdiction and have met the requirements of Rule 705.

Restriction Type: Mandatory

Restriction Duration: Not specified

Summary of Employment Restrictions from Agency Report

According to the Office of State Appellate Defender's report to the Task Force, "The hiring of employees shall be based upon the requirements for the position and the applicant's qualifications and ability to perform the duties for the required position. In the hiring of attorneys, consideration shall be given to the applicant's professional qualifications including legal and writing ability, as well as the ability to deal professionally with clients, other employees, court personnel and the public. The Office of the State Appellate Defender shall not discriminate or base employment upon race, sex, age, creed, religion, color, marital or parental status, sexual orientation, age, national origin, political affiliation or beliefs, mental or physical handicap, or any other non-merit factor."

None of the employees of the Office of the State Appellate Defender have undergone criminal background checks.