What is a Mitigation Specialist:

The mitigation specialist plays a crucial role for the legal defense team, in particular during capital cases. Throughout the legal proceedings, he or she will provide defense attorneys with professional analysis related to the case, investigative information that impacts the case, key evidence, and experts to testify regarding mitigating circumstances presented in the case. Providing both supportive evidence and a detailed, documented history of the defendant, he or she holds the responsibility for the preparation and presentation of this information during trial and during the sentencing phase.

Working with the defense team to develop a comprehensive defense during trial, a mitigation specialist will seek to uncover as much background information as possible regarding the defendant’s background. Objectively, he or she seeks to use the information uncovered to inform the jury and make recommendations to the court during the sentencing phase. Interview and investigative skills are crucial to the job. A mitigation specialist will spend much of his or her time tracking down family members, professionals and all other individuals associated with the defendant as well as conducting extensive interviews with the individuals in order to build a profile of the defendant.

While backgrounds of mitigation specialists vary, most have a four-year degree in [**criminal justice**](https://www.mylawquestions.com/what-is-criminal-justice.htm), [**psychology**](https://www.allthescience.org/what-is-psychology.htm), social work, [**sociology**](https://www.allthescience.org/what-is-sociology.htm), journalism or anthropology. Important to the position are keen investigative, research and analytical skills. During the course of carrying out the duties required of the job, a mitigation specialist will track down and record details about the defendant’s physical condition, mental health, social environment, family upbringing, educational background, economic circumstances, employment background and any addiction issues. From this information, the mitigation specialist will then prepare recommendations for the jury or the judge during trial and during sentencing.

At trial, the mitigation specialist will often bring in expert witnesses to scientifically or medically corroborate the information uncovered during the investigative process. Independence is a key part of this position. Since attorneys often lack both the time and expertise to supervise the process, they instead rely on the final reports submitted when preparing for court. As such, a mitigation specialist needs to prove his or her competence in all phases of the job before the defense team will extend an offer.

Mitigation investigations are considered a integral part of providing a defendant with competent counsel during trial. Failure to provide such services effectively can result in violating the defendant’s rights under the Sixth Amendment of the United States Constitution, as reiterated by the United States Supreme Court in a number of cases investigated between the years 2000 and 2005, including Wiggins vs. Smith in 2003. Taking into consideration mitigating circumstances and examining them thoroughly, for example, often means the difference between the death penalty or a commission to a psychiatric hospital due to a severe mental illness, which would likely be the reason behind the defendant committing the crime. Therefore, a mitigation specialist has a major stake in conducting his or her duties faithfully and effectively, answerable to the [**attorney**](https://www.mylawquestions.com/what-does-an-attorney-do.htm) for which he or she works, who in turn may lose his or her license to practice law if found providing incompetent counsel.