

## Conflict Defender

### *DISTINGUISHING FEATURES OF THE CLASS:*

The Conflict Defender Shall supervise and be responsible for all the activities of the agency that represents all eligible defendants and respondents in criminal Court matters pursuant to County Law §722. The conflict Defender's representation of eligible individuals shall be without charge or by court order.

The Conflict Defender shall represent a defendant at every stage of criminal proceedings, and shall include any actions that are necessary to protect the rights of the client, including prosecuting appeals, where required, or if otherwise warranted by the facts and circumstances surrounding the case. The Conflict Defender shall also provide counsel to any defendant or respondent seeking representation prior or a formal court action, such as being charged with a crime or the filing of a Family Court petition, which may include investigating the allegations and counseling the client.

The Conflict Defender's responsibilities include assigning other professional, technical and clerical personnel in the investigation and preparation of each criminal case. The Conflict Defender is charged with ensuring that all representation shall be performed pursuant to the guidelines provided by law and in accordance with national and state standards, including but not limited to, standards and criteria and procedures set forth by the New York State Office of Indigent Legal Services, the New York State Bar Association Revised Standards for Providing Mandated Representation, and the American Bar Association's Ten Principles of a Public Defense Delivery System.

### *TYPICAL WORK ACTIVITIES:* (Illustrative only)

Supervises and administers the Office of the Conflict Defender;  
Recruits, hires, and supervises all positions within the Office if the Conflict Defender  
Prepares the budget for the operation of the Office;  
Identifies and applies for distributions, grants and other funding available from New York State and any other possible funding sources; assures compliance with requirements of said funding;  
Ensures that the office maintains a client centered ethos of quality representation;  
Secures, as necessary, the services of experts in various fields to assist in representing clients;  
Assigns counsel for each client or respondent who is charged with a crime where mandated representation is required;  
Represents and counsel's clients at every stage of the proceedings (including pre-arrest and pre-petition representation if requested by client);  
Initiates such proceedings which are necessary to protect the rights if the defendant or respondent;  
Prepares and processes any appeal which is required, or warranted under existing circumstances;  
Provides representation in sex offender classification proceedings (SORA) and parole revocation proceedings;

Represents the Office of the Conflict Defender at public events, with the NYS Unified Court System, and with the news media;  
Responds to and assists in public inquiries regarding representation, and makes referrals as necessary;  
Keeps records, collects data and makes reports.  
Oversees and coordinates ongoing training and professional development for both attorney and non-attorney staff; and  
Ensures that attorneys do not exceed caseload caps in accordance with the Caseload Standards issued by the Office of Indigent Legal Services.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of the general structure of New York State Criminal Procedures Law, Penal Law and the Family Court Act as well as relevant sections of the Corrections Law, County Law, Judiciary Law, and Civil Practice Law and Rules, including Article 78;  
Thorough knowledge of court procedures and of the rules of evidence;  
Thorough knowledge of the accurate practices and procedures in presenting cases before courts, Grand Jury proceedings and hearings/trials;  
Thorough knowledge of the procedures of filing and processing legal appeals;  
Thorough knowledge of legal research practices, procedures, and techniques;  
Good knowledge of acceptable principles and practices of interviewing witnesses and preparation of witnesses including the use of investigative professionals;  
Skilled in preparing briefs;  
Skilled in the presentation of a defense to the bench and/or before a jury;  
Ability to assign, distribute and evaluate the work of attorneys, investigators, non-attorney professionals and clerical staff in a manner conducive to high morale;  
Ability to analyze facts and evidence, build theory and advance the theory of a case;  
Ability to present ideas clearly and effectively orally and in writing;  
Ability to effectively perform pretrial tasks (such as settlement negotiations) and trial tasks such as cross examination of witnesses;  
Ability to analyze, identify, and apply legal principles, facts and precedent to legal problems;  
Must be an effective speaker who also possesses strong leadership skills, initiative, tact, courtesy, and good professional and administrative judgement.

MINIMUM QUALIFICATIONS:

At least 2 years of experience as a practicing attorney in the field of criminal law. Managerial experience preferred. Must also be admitted to practice in the State of New York at the time of appointment.

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