

CONFLICT DEFENDER

DISTINGUISHING FEATURES OF THE CLASS:

The Conflict Defender is an attorney who provides legal representation in certain matters to indigent defendants or other litigants eligible for and entitled pursuant to New York State County Law to legal representation by the Public Defender, in instances where the Public Defender has a conflict of interest. This position is responsible for directing the functions and services of the Office of Conflict Defender for Yates County, and administering the provisions set forth in the Yates County Plan for the Office of Conflict Defender executed by the County Legislature and the County Bar Association, and the Yates County Local Law establishing the Office of Conflict Defender. The incumbent works under the administrative direction of the Human Services Committee of the Yates County Legislature (County Legislature), and the general direction of the County Legislature, with wide leeway allowed for the exercise of discretion and independent judgment in planning and carrying out the details of the work. Supervision may be exercised over subordinate staff. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only):

- Provides legal representation to eligible indigent defendants or other litigants (“clients”) in the following cases, where the Public Defender has a conflict of interest: all eligible Public Defender conflict assignments arising in the Town, Village, County, Family, Surrogate and Supreme Courts in Yates County; as well as any appeal matters in said Courts. (The Conflict Defender does not provide representation for any conflict assignments regarding appeal matters before other Courts not listed);
- Provides legal services to include: investigation, preparation, counsel and representation of clients in certain court proceedings, as well as related administrative tasks;
- Confers with clients and any other necessary parties concerning a client’s case, and initiates action in such proceedings as necessary to protect the rights of said clients;
- Regarding a client’s legal matter: evaluates the matter; conducts the appropriate factual investigation and any necessary legal research; prepares any necessary motion papers and other written documentation; prepares for court hearings and trials; and communicates as needed with other attorneys, the court, and other persons in the legal system;
- Litigates matters in court, including but not limited to court appearances, motion argument, hearings, and trials; and in the case of trials, handles all aspects of the same, including but not limited to: jury selection, opening statement, witness examination, evidence presentation, and closing statement;
- May handle post judgment motions and certain appeals; and would do so by preparing and filing the necessary motions and/or briefs, and argument of the same before the appropriate court;
- May supervise subordinate staff in connection with the preparation of cases and the maintenance of appropriate records.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

- Appropriate knowledge of applicable substantive and procedural laws and rules, and the ability to interpret and apply the same to matters concerning the client.
- Ability to effectively analyze facts, organize facts and construct logical arguments.
- Ability to adequately prepare for and present cases in court.
- Ability to appropriately counsel and advise clients;
- Ability to communicate clearly and effectively, both orally and in writing;
- Ability to utilize standard office equipment, and proficiently operate a personal computer, utilizing common office software programs in the performance of duties;

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Ability to maintain accurate work records, compile and summarize information, and prepare periodic or special reports related to the work of the court or department to which assigned;
Ability to plan and organize work, and effectively supervise staff attorneys and other subordinate staff;
Ability to effectively establish and maintain effective and cooperative working relationships with judges, lawyers, court administrators, other persons within the legal system, county officials, and the public;
Sound judgment, integrity, resourcefulness, initiative, and tact.

MINIMUM QUALIFICATIONS:

An attorney duly licensed to practice law in the State of New York, and admitted to practice in all courts within the scope of his/her required duties.

SPECIAL REQUIREMENTS:

1. Must maintain good standing with the Appellate Division of admission throughout tenure of appointment to position.
2. Incumbents in this position are required to reside in Yates County or an adjoining county within the State of New York throughout tenure of appointment to position.

Jurisdiction Class	Exempt Class- NYS Dept. of CS- Commission approval- 11/7/14
Civil Division: Adopted by YC	County
Personnel Officer:	7/29/14

