Office of the State Public Defender
Administrative Policies

EXHIBIT 14

Subject: **Determining Conflicts of Interest**	Policy No.: **xxx**
Title	Pages: **2**
Section:	Last Review Date:
Effective Date: **x/xx/07**	Revision Date:

1.0 POLICY

1.1 Conflicts of interest are of paramount concern to the Office of the State Public Defender (OPD). Every office within the system must be scrupulous in avoiding conflicts of interest.

1.2 This policy specifically recognizes that waivers of conflicts of interest are, occasionally, in the best interest of the client and should be used where appropriate.

2.0 PROCEDURES

2.1 When a client is qualified for OPD services under Policy 105, Determination of Indigence:

- **2.1.1** The case information will be entered into the case management system as soon as possible.
- **2.1.2** If the case management system flags a potential conflict of interest, the Regional Deputy Public Defender will do sufficient inquiry into the nature of the conflict.
- **2.1.3** The Regional Deputy Public Defender will make a determination as to whether an actual conflict of interest exists.
- **2.1.4** If a conflict of interest does exist, the Regional Deputy Public Defender will assign the case to a private contract attorney who has signed the Memorandum of Understanding and is in good standing with OPD.

2.2 When an attorney in a public defender office is assigned a case and, during the course of representation, a conflict of interest becomes evident, the public defender shall bring the conflict of interest to the attention of the Regional Deputy Public Defender.

- **2.2.1** The Regional Deputy Public Defender shall make a determination of a conflict of interest as described in 2.1.
- **2.2.2** If the public defender assigned to the case disagrees with the finding of the Regional Deputy Public Defender, the decision may be appealed to the Training Officer.
- **2.2.3** Any appeal taken to the Training Officer shall be in writing and set forth all relevant facts, while preserving confidentiality, related to the conflict of interest question.

2.2.4 The Training Officer shall review the materials and determine whether a conflict of interest, in fact, exists. If a conflict does exist, he will refer the matter back to the Regional Deputy Public Defender for assignment to a private attorney

2.2.5 The finding of the Training Officer shall be final.

3.0 CLOSING

Questions about this policy should be directed to the State Office at the following address:

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