



STATE OF MONTANA

Working Title Conflict Coordinator	Job Code Title Attorney
Division and Bureau Public Defender Commission	Profile Produced By Montana Public Defender Commission 406-496-6091

Mission Statement of Work Unit

The Office of Statewide Public Defender will be responsible for:

1. Establishing a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense;
2. Ensuring that the system is free from undue political interference and conflicts of interest;
3. Providing that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the State of Montana;
4. Establishing a system that utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests; and

Ensuring that adequate public funding of the statewide public defender system is provided and managed in a fiscally responsible manner.

Describe the Job's Overall Purpose: The Conflicts Coordinator is assigned to the Montana Public Defender Commission and is separate from, and independent of, the Chief Public Defender, the eleven regional offices, local offices, the Major Crime Unit, contract attorneys, conflict attorneys and the Office of the Appellate Defender. Regional Offices will be responsible for identifying conflict cases, which will be referred to the Conflict Coordinator. The Conflict Coordinator will be responsible for assigning the case to either a contract attorney or staff attorney in a different region. The Conflict Coordinator, under the direct oversight of the Montana Public Defender Commission, is responsible for assisting conflict attorneys in securing payment for legal services directly relating to the delivery of case resources.

Major Duties or Responsibilities:

Receives conflict cases from Regional Public Defender Offices and determines case assignments. These cases may be assigned to a contract attorney or staff attorney in a different region. The incumbent will be responsible for reviewing information which includes but is not limited to attorney qualifications necessary to provide effective assistance of counsel that meet the standards issued by the Montana supreme court for counsel for indigent persons in capital cases; attorney access to support services, such as paralegal and investigator services; attorney caseload, including the amount of private practice engaged in outside the contract; reporting protocols and caseload monitoring processes; continuing education requirements in accordance with standards set by the commission.

Reviews claims for payment to ensure that the contractor is in compliance with the established standards; that billing information is correct and supported by required documentation; and that the services provided are reasonably stated in terms of time spent on activities. Follows up with the contractor as required and forwards the claim to the Central Office for payment.

Provide for contract oversight and enforcement to ensure compliance with established standards. The OPD has approximately 200 contract attorneys, mental health professionals, investigators and others who provide Public Defender Services and other required services to meet the needs of clients.

Assists the Public Defender Commission in the development and implementation of operational policies, procedures and programs pertaining to conflict cases for the Office of the State Public Defender.

Provides training to regional staff to identify conflicts.

The Conflicts Coordinator shall file written financial reports with the Montana Public Defender Commission on a monthly basis and as directed by the Commission. Additionally, if requested by the Commission, the Conflict Coordinator shall provide reports to the Commission to assist the Commission in evaluating the work of attorneys providing conflict services.

The Conflict Coordinator will not have support staff assigned unless determined by the Commission.

The Conflict Coordinator does not have access to staff, files or premises of any public defender attorney or office, including conflict attorneys. The office of the Conflict Coordinator has a separate phone number, facsimile equipment, and computer equipment as determined by the Commission. The Conflict Coordinator's computer may be linked to the financial and accounting database maintained by the central office of the Office of the Statewide Public Defender system for purposes of reporting statistical and financial information. However, such connection must be appropriately screened from confidential client information by firewalls or other devices as determined by the commission

The Conflict Coordinator handles only administrative functions unrelated to the direct provision of legal services to clients. Neither the Conflict Coordinator nor anyone assigned to the office of the Conflict Coordinator may:

(1) exercise control or influence over the handling of individual public defender or conflict cases; except as necessary to make determination of case allocation resources as determined by the Commission

List Main Knowledge, Skills, and Abilities Required for the Position:

- Knowledgeable in the public defender arena and general business applications including contracting and procurement of services.
- Knowledgeable in legal and court policies, procedures, practices, terminology and systems; state and federal laws, rules and regulations; principles and practices of evidence collection.
- Demonstrated verbal and written communication, negotiation, problem-solving and decision-making skills.
- Demonstrated ability to provide strong leadership and direction.
- Strong management, supervisory and organizational skills.
- Possesses progressively responsible management experience.
- Must be self-motivated and customer-oriented.
- Capable of framing issues based on the policy implications associated with managing the State's Public Defender System.
- Able to develop and implement statewide policies based on short and long-term strategic planning goals, management concepts and practices.
- Able to establish and maintain effective working relationships with the public, elected officials, defendants, witnesses, county and district court judges, court personnel, law enforcement personnel.
- Able to advance statewide and agency-specific program and goals.
- Able to recognize, analyze and solve complex management problems.
- Able to deal effectively with highly sensitive public, political and agency specific issues.
- Able to assess hypothetical situations and impacts; consolidate a unified strategy in response to numerous issues and concerns; make proper decisions in stressful situations.
- Able to direct a complex organization through effective planning, delegation and leadership.
- Able to accept the direction of the Public Defender Commission.
- Able to gain respect, and manage and utilize the skills of staff.

What behaviors are required to perform the duties?

- Demonstrated leadership
- Write and speak effectively on complex subjects on behalf of the Public Defender Commission regarding the conflict process and system.
- Manage change
- Demonstrated ability to think analytically
- Exhibit a commitment to the state, and to the mission of Public Defender System
- Build trust and credibility in working relationships
- Use a reasonable, common sense approach to problem-solving
- Exhibit personal accountability and ownership of decisions
- Prioritize and balance multiple projects.
- Share information and knowledge between policy-makers and technicians and provide feedback

Education and Experience:

- | | |
|--|--|
| <input type="checkbox"/> No education required | <input type="checkbox"/> 2 year job-related college or vocational training |
| <input type="checkbox"/> High school diploma or equivalent | <input type="checkbox"/> College degree (Bachelor's) |
| <input type="checkbox"/> 1 year job-related college or vocational training | <input checked="" type="checkbox"/> Post-graduate degree or equivalent (e.g. Master's, JD) |

Undergraduate degree and Juris Doctor from ABA accredited law school

Continuing legal education seminars to satisfy the required annual quota of Montana Bar Association which includes both substantive and ethics course content.

Please indicate the minimum amount of job-related work experience needed as a new employee on the first day of work (not the experience of the person now in the position):

Ideal candidate will have at least six years of practical experience in law, preferably in litigation of criminal and civil law involving public defense actions. Admission to the State Bar of Montana. Admission to Montana Courts.

SECTION V – Signatures

My signature below (typed or hand written) indicates the statements in Section I to IV are accurate and complete.

Immediate Supervisor:

Name

Title:

Date: