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SENIOR STAFF ATTORNEY, REINVESTIGATION PROJECT

The Office of the Appellate Defender (OAD) is one of New York City's oldest providers of legal representation to people who cannot afford to pay an attorney for the appeal of a felony conviction. OAD's core mission is to ensure full and equal access to justice by providing high-quality and client-centered representation throughout the appellate process. OAD is committed to developing and litigating innovative legal theories that most effectively demonstrate the injustices that our clients have experienced.

OAD handles post-conviction cases from the Bronx and Manhattan, including direct appeals before the Appellate Division, First Department, and the New York Court of Appeals. OAD also litigates motions to overturn wrongful convictions (including claims based on new or undisclosed evidence, prosecutorial misconduct, and ineffective assistance of counsel), sex offender registration level hearings, and re-sentencings. OAD additionally advocates for improved prison and parole conditions, and provides reentry assistance.

Since 2007, OAD's Reinvestigation Project has reviewed every case assigned to OAD by the Appellate Division, First Department, for potential wrongful convictions. The Project aims to identify potential wrongful convictions as soon as possible and, where appropriate, reinvestigate before the appeal is perfected, and, as a result, drastically reduce human and financial costs. The Project also reviews claims of wrongful conviction from clients whose cases have long since become final, undertaking difficult and time-consuming investigations of very old cases.

OAD seeks a Senior Staff Attorney to join its talented staff. This hybrid role covers both OAD's appellate practice and post-conviction work with its Reinvestigation Project. The ideal candidate will be well-versed in wrongful conviction issues; will have experience in case investigation; will have significant experience in criminal defense trial, appellate, and/or post-conviction litigation; and will possess strong written and oral advocacy skills.

OAD is devoted to maintaining a staff of lawyers with diverse backgrounds and experiences. We seek a team member who is committed to public service and criminal

justice reform, and who possesses an understanding of pervasive racial and economic issues embedded in the administration of criminal justice.

Responsibilities:

- Advise clients as to all potential appellate options, and represent clients on direct appeal in the Appellate Division and the New York Court of Appeals, including case conferencing and strategy development, client communication and legal visits, brief drafting, oral argument, and leave applications;
- Represent clients in post-conviction matters in Bronx and New York County Supreme Courts, including researching, writing, and filing post-conviction motions, and litigating evidentiary hearings challenging the lawfulness of convictions and sentences, pursuant to Article 440 of the New York Criminal Procedure Law;
- Reinvestigate and evaluate felony convictions by, *inter alia*, reviewing trial discovery, interviewing trial attorneys, conducting field investigation, supervising investigators and interns, consulting with experts, and coordinating with other OAD attorneys on case reinvestigations;
- Negotiate pleas or other dispositions following reversal or vacatur of convictions;
- Litigate evidentiary hearings ordered on remand from the Appellate Division, First Department, including suppression hearings and reconstruction hearings;
- Represent clients in other proceedings in Bronx and New York County Supreme Courts, including re-sentencings, hearings to determine classification level, pursuant to the Sex Offender Registration Act (SORA), and bail applications;
- Develop and conduct training programs for incoming staff attorneys and pro bono attorneys, as well as CLE and training programs for outside defender organizations and assigned counsel, on substantive, procedural, and practice-oriented criminal law topics.

Qualifications:

- J.D. degree, with a strong preference for at least five years of relevant experience, which could include trial court, appellate court, and/or post-conviction litigation experience;
- Admission to the New York Bar, or ability to secure immediate admission to the New York Bar, pursuant to 22 NYCRR § 520.10;

- Significant experience in case investigation and familiarity with wrongful conviction issues, such as eyewitness identification and false confessions;
- Significant experience with New York City criminal defense practice is preferred, and experience as a defense attorney collaborating with conviction integrity units in prosecutorial offices is a plus;
- Ability to work both collaboratively and independently and to litigate cases with minimal supervision;
- Ability to occasionally supervise staff attorneys, pro bono attorneys, and law students in the litigation of direct appeals, post-conviction motions, or SORA hearings;
- Commitment to public defense and holistic representation of indigent clients;
- Excellent written and oral advocacy skills;
- Spanish language fluency is a plus.

Salary:

Competitive salary with excellent benefits.

To Apply:

Application materials, including substantive cover letter, resume, and writing sample should be addressed to Margaret Knight, Recruitment Director, and sent by email to jobs@oadnyc.org. The subject line in the email should state: **Senior Staff Attorney, Reinvestigation 2021**. If necessary, questions may be directed to the same email address, with **Question** in the subject line.

The Office of the Appellate Defender is committed to providing equal employment opportunities without regard to race, creed, color, religion, national origin, sex, sexual orientation, pregnancy, marital status, age, veteran status, disability or genetic information.