

STATE OF CALIFORNIA  
Judicial Branch  
Habeas Corpus Resource Center

Class Code: 5074/5075/  
5076/5077  
August 1, 1998

[Reviewed by the Habeas Corpus Resource Center Board of Directors on July 21, 1998]

**HABEAS CORPUS STAFF COUNSEL I/II/III**  
**SENIOR HABEAS CORPUS COUNSEL**

**DEFINITION**

Under direction, provides representation in state and federal habeas proceedings to indigent persons convicted of capital cases; performs a broad range of legal duties for the Habeas Corpus Resource Center (HCRC); provides lead direction and work review to assigned staff; serves as a consultant, and/or performs and coordinates specialized legal work; performs legal related work as assigned.

**CLASS CHARACTERISTICS**

Attorneys at all levels in this series generally perform the same broad range of legal duties. Differences between classes are essentially the level of service and the degree of expertise provided, the complexity and difficulty of the legal subject matter, the sensitivity of the issues and their relative importance to the justice system, and the degree of independence required. All levels in this series are alternatively staffed and attorneys may advance to the higher level after gaining experience and demonstrating proficiency that meets the qualifications of the higher-level class.

*Habeas Corpus Counsel I/II* are the experienced level classes in this specialized legal series. Habeas Corpus Staff Counsel I requires the equivalent of two years of post-bar legal experience in criminal defense. Habeas Corpus Staff Counsel II requires the equivalent of a minimum of four years of post-bar legal experience with three years in criminal defense including one year in capital defense.

*Habeas Corpus Counsel III* is the full journey-level class in this specialized legal series, and incumbents are fully competent to perform independently the full range of legal tasks performed in the HCRC. This class is distinguished from Senior Habeas Corpus Counsel in that the latter provides lead direction and work review to assigned staff and/or performs and coordinates complex and specialized work.

*Senior Habeas Corpus Counsel* is the advanced specialist and/or lead class in this specialized legal series. Incumbents may serve in a lead capacity and direct the work of assigned staff, and/or may serve as specialists who work independently and deal with the most complex and/or sensitive projects. Incumbents also train and mentor other attorneys, serve as a branch-wide

resource in their subject matter expertise, mentor other attorneys, and develop scholarly papers and/or policies that advance the administration of justice and the goals of the HCRC.

**EXAMPLES OF DUTIES** (*illustrative only*)

- Represents indigent death row inmates in habeas corpus proceedings.
- Analyzes and prepares legal memoranda and issues papers, legal opinions, and policy memoranda.
- Directs HCRC investigators, paralegals, and other staff in the representation of death row inmates.
- Researches, interprets and incorporates laws, court decisions, and other legal authorities in the preparation of cases.
- Provides advice and/or assistance to HCRC staff and private appointed counsel representing capital petitioners in post-conviction proceedings.
- Develops and recommends case strategy.
- Performs legal research and prepares legal documents and necessary supportive materials for legal proceedings.
- Exercises high level of judgment in handling difficult and sensitive projects.
- Maintains proficiency in specified areas of procedural and substantive law through continuing education.
- May provide lead direction, training, and work review; organizes and assigns work, sets priorities, and manages projects to ensure coordination and completion of assigned work and effective representation of clients.
- Develops and continues to refine subject matter expertise; may initiate, develop, and implement programs relating to this area of expertise.
- May provide input into selection, evaluation, discipline, and other personnel matters as a lead.
- Attend and participate in statewide and national training programs.

**WORKING CONDITIONS**

- Attend meetings outside of normal working hours.
- Work evening and weekend hours.
- May be required to travel as necessary.

**QUALIFICATIONS**

**Knowledge of:**

- Substantive and procedural legal principles of criminal and constitutional law and their applications.
- California statutory and case law and provisions of the United States and California Constitutions.

- California Rules of Court; the legislative process; drafting statutes and constitutional provisions governing the organization, duties, powers, procedures, management, and conduct of the trial and appellate courts.
- State and federal habeas corpus practice and procedures.
- Legal research methods.
- Rules of evidence and conduct of proceedings in California courts.
- Criminal defense trial and case law.
- Basic principles and practices of effective law office management and administration.
- Principles of project management.
- The operation of personal computers and the use of specified computer applications, such as word processing.
- Principles and techniques of preparing effective oral presentations and written materials.

**Ability to:**

- Perform legal research, including computerized legal research; apply legal principles and precedents to particular sets of facts.
- Present statements of facts, law, policy, and argument clearly, concisely, and logically in both written and oral form.
- Use initiative and independent judgment within established procedural guidelines.
- Interact effectively with judges, attorneys, court and agency staff, the State Bar, the Legislature, and the public.
- Develop specialized projects, scholarly papers, or policies that advance the administration of justice and the goals of the HCRC.
- Organize, prioritize and coordinate multiple work activities and meet critical deadlines.
- Communicate effectively with the client, client’s family, witnesses, courts, opposing counsel, and representatives of other agencies.
- Litigate legal and evidentiary issues, including presentation of witnesses at evidentiary hearings.
- Exercise sound judgment and integrity.
- Operate personal computers and use specified computer applications, such as word processing.
- Establish and maintain effective working relationships with colleagues and those contacted in the course of the work.
- Plan, direct, and review the work of others on a project or day-to-day basis.
- Acquire and develop expertise as a statewide expert and resource to the HCRC.

**Licenses and Certificates:**

Admission to the State Bar of California.

## **Education and Experience:**

*Habeas Corpus Counsel I:* Admission to the State Bar of California and the equivalent of two years of post-bar legal experience in criminal defense or two years as a Staff Attorney III with the HCRC.\*

*Habeas Corpus Counsel II:* Admission to the State Bar of California and the equivalent to four years of post-bar legal experience with three years in criminal defense including one year in capital defense or one year as a Habeas Corpus Counsel I with the HCRC.\*

*Habeas Corpus Counsel III:* Admission to the State Bar of California and the equivalent to six years of post-bar legal experience with four years in criminal defense including two years in capital defense or one year as a Habeas Corpus Counsel II with the HCRC.\*

*Senior Habeas Corpus Counsel:* Admission to the State Bar of California, the equivalent to six years of post-bar legal experience in criminal defense including four years of capital defense experience or two years as a Habeas Corpus Counsel III with the HCRC, and must meet the qualifications (or alternate qualifications) for appointment as habeas corpus counsel as specified by Supreme Court Rule 76.6.\*

\*After passing the state bar, work experience as a Law Clerk in a federal judicial clerkship prior to formal state bar admission may be considered qualifying experience.