

## **SENIOR HABEAS CORPUS COUNSEL**

### **DEFINITION**

Under general direction, serves as case lead by planning, directing, and overseeing the representation of indigent persons convicted of capital cases in state and federal habeas proceedings; leads and/or serves on internal Habeas Corpus Resource Center (HCRC) committees; and performs related work as assigned.

### **SUPERVISION RECEIVED AND EXERCISED**

Receives general direction from assigned supervisory and managerial staff. Exercises technical and functional direction to attorneys and legal support staff on assigned cases.

### **CLASS CHARACTERISTICS**

This is the case lead-level in the Habeas Corpus Counsel classification series. The Senior Habeas Corpus Counsel, in consultation with the case supervisor, sets case objectives, milestones, and timelines and having developed expertise in habeas proceedings, is responsible for planning and carrying out case assignments, resolving conflicts and problems that arise, coordinating the work with others as necessary, and interpreting policy and procedures. In some assignments, the Senior Habeas Corpus Counsel determines the approach to be taken and the methodology to be used. The work involves a high-level of problem-solving requiring analysis of unique issues or increasingly complex problems without precedent and/or structure and formulating, presenting, and implementing strategies and recommendations for resolution. Work assignments are typically given as broad, conceptual ideas and directives and an employee is accountable for overall results and responsible for developing guidelines, action plans, and methods to produce deliverables on time and within budget. This class is distinguished from the Supervising Habeas Corpus Counsel in that the latter is the full supervisory-level class in the series responsible for organizing, assigning, supervising, and reviewing the work of assigned staff.

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

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Serves as case lead for post-conviction proceedings by planning, directing, overseeing, and reviewing the work of attorneys and legal support staff responsible for identifying primary legal and factual issues; creating schedules for investigation of guilt and penalty phases for assigned cases; and collecting, researching, reviewing, and analyzing documents and case materials such as client's social history and law enforcement investigatory documents.

- Represents death row inmates at evidentiary hearings, including motions and any pre- and post-trial briefings; corresponds, consults, and builds rapport with clients; presents opening and closing arguments.
- Plans, oversees, and participates in conducting field investigations to develop facts for use in litigating habeas corpus and clemency petitions; reviews transcripts and prior proceedings to identify legal violations and potential issues for additional interviews and investigations; serves as a liaison with foreign national government representatives and ensures compliance with regulations and requirements; develops and approves investigation plans including strategy, priorities, timelines, and investigation tactics; prepares witnesses; drafts witness declarations; directs and participates in coding of transcripts and case-related documents.
- Plans, oversees, and participates in the collection of relevant documents necessary for litigation of post-conviction proceedings for death row inmates, including trial counsel's files, official case transcripts, and various private and public records.
- Strategizes, oversees, and participates in conducting legal research; researches, interprets, and incorporates laws, court decisions, and other legal authorities.
- Drafts, reviews, and edits habeas corpus petitions, briefs, claims, status reports, transcripts, and other legal correspondence and documents on behalf of death row inmates.
- Researches, identifies, selects, consults with, and administers contracts for experts in specific subject matter areas pertinent to the case; researches and organizes information for expert review; prepares questions; drafts declarations; serves as witness or expert.
- Researches, drafts, files, and argues motions in lower courts and Supreme Court proceedings.
- Plans case strategies for and files motions, civil lawsuits, and other pleadings and filings on behalf of clients in clemency proceedings or during end-stage litigation after the issuance of a death warrant.
- Plans, prepares materials for, and presents internal and external trainings to attorneys, paralegals, and investigators on various aspects of representation of death row inmates in habeas corpus proceedings.
- Reviews new cases and drafts case status reports for attorneys assigned to the case.
- Researches, analyzes, prepares, and organizes legal memoranda, issue papers, legal opinions, policy memoranda, and related documents.
- Provides advice and assistance to private appointed counsel representing capital appellants in post-conviction proceedings.
- Leads and serves on internal committees responsible for planning, developing, and implementing agency-wide case management strategies and standards, business practices, and policies and procedures.
- Participates in external work groups as a technical expert to gather information for policy and decision making and to advance and represent the priorities and interests of HCRC.
- Stays abreast of new trends and innovations in the field of criminal law; monitors changes in laws that may affect the assigned cases; implements policy and procedural changes after approval.
- Performs other duties as assigned.

## **PHYSICAL DEMANDS**

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; to operate a motor vehicle and to visit various HCRC and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. Standing in and walking between work areas is frequently required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification frequently bend, stoop, kneel, and reach to perform assigned duties, as well as push and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 10 pounds with the use of proper equipment. Reasonable accommodations will be made for individuals on a case-by-case basis.

### **ENVIRONMENTAL ELEMENTS**

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

### **WORKING CONDITIONS**

- May be required to travel and work on evenings and weekends.

### **QUALIFICATIONS**

#### **Knowledge of:**

- Principles of providing functional direction and training.
- State and federal habeas corpus practices and procedures.
- 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, including legislative process, drafting statutes and constitutional provisions governing the organization, duties, powers, procedures, and management, and the conduct of trial and appellate courts.
- Rules of evidence and conduct of proceedings in California courts.
- Criminal defense trial and case law.
- Applicable federal, state, and local laws, rules, regulations, ordinances, and HCRC policies and procedures relevant to assigned area of responsibility.
- Record keeping and filing systems and methods.
- Principles and practices of legal research, data collection, and report preparation.
- Business and legal correspondence writing and the standard format for reports and correspondence.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Modern office practices, procedures, technology, and computer equipment and applications, including word processing, database, and spreadsheet applications.
- Techniques for effectively representing HCRC in contacts with governmental agencies and various business, professional, regulatory, and legislative organizations.

- Techniques for providing a high level of customer service by effectively dealing with clients, judges, attorneys, court staff, the public, contractors, and HCRC staff.

**Ability to:**

- Plan, organize, and coordinate the work of attorneys and legal support staff on assigned cases.
- Perform legal research, apply legal principles and precedents to particular sets of facts, and draft legal pleadings independently.
- Present statements of facts, law, policy, and argument clearly, concisely, and logically in both written and oral form.
- Litigate legal and evidentiary issues including presentation of witnesses at evidentiary hearings.
- Independently present oral arguments in court on motions and appeals and in evidentiary hearings.
- Prepare, review, and present legal correspondence, reports, and other documents and communications in a clear and concise manner.
- Interpret, apply, and explain applicable federal, state, and local laws, rules, regulations, ordinances, and HCRC policies and procedures relevant to assigned area of responsibility.
- Maintain accurate databases, records, and files.
- Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities, and meet critical time deadlines.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Operate modern office equipment including computer equipment and specialized software applications programs.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

**Education and Experience:**

*Any combination of training and experience which would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Equivalent to possession of a Juris Doctorate degree from an accredited school of law and six (6) years of post-bar legal experience in criminal defense including four (4) years in capital defense or two (2) years as a Habeas Corpus Counsel III with HCRC. Employees must also meet the qualifications (or alternative qualifications) for appointment as habeas corpus counsel in death penalty proceedings as specified by California Court Rule 8.652.

\* 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.

**Licenses and Certificates:**

- Possession of, or ability to obtain, a valid California Driver's License by time of appointment.
- Admission to the State Bar of California.