

HABEAS CORPUS STAFF COUNSEL I/II/III

DEFINITION

Under general supervision, represents indigent persons convicted of capital cases in state and federal habeas proceedings; oversees and/or conducts investigations and research to establish legal and factual issues on assigned cases; and performs related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

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

CLASS CHARACTERISTICS

Attorneys at all levels in this series generally perform the same broad range of legal duties. Differences between classes are based on the degree of supervision received, degree of independence required to perform the work, and the years of experience in criminal and capital defense.

Habeas Corpus Counsel I/II: These are the experienced levels in the Habeas Corpus Counsel classification series responsible for providing representation in state and federal habeas proceedings as a member of assigned teams under the guidance of a case lead and/or supervisor. As experience is gained, supervisory controls are eased to the extent that the positions are expected to use judgment in applying guidelines, processes, and policies and procedures when performing tasks and making decisions; the work becomes more varied and complex requiring the use of discretion and independent judgment in performing assigned work; assignments are given with general guidelines and positions are responsible for establishing objectives, timelines, and methods to deliver work products or services; and work is typically reviewed upon completion for soundness, appropriateness, and conformity to policy and requirements.

Habeas Corpus Counsel III: This is the journey-level in the classification series and positions independently perform the full range of duties assigned; develop solutions to a wide range of issues; demonstrate independent judgment in selecting methods and techniques for obtaining solutions; and/or serve as a resource for issues which are complex in nature and diverse in scope. This class is distinguished from the Senior Habeas Corpus Counsel in that the latter serves as a case-lead, who 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.

Positions in the Habeas Corpus Counsel class series are flexibly staffed and positions at the II and III levels are normally filled by advancement from the I and II levels, respectively; progression to the higher levels are subject to management approval and are dependent on the

incumbent (i) performing the full range of duties assigned to the higher level, and (ii) acquiring the knowledge, skill, and experience necessary to meet the minimum qualifications for the higher level of the series.

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.

- Represents death row inmates at evidentiary hearings in the California Superior Court, including motions and any pre- and post-trial briefings; corresponds, consults, and builds rapport with clients; presents opening and closing arguments.
- Plans cases for post-conviction proceedings by identifying primary legal and factual issues; creating schedules for investigation of guilt and penalty phases for assigned cases; collecting, researching, reviewing, and analyzing documents and case materials such as client's social history and law enforcement investigatory documents; and assigning and reviewing work assigned to investigators, paralegals, and other legal support staff.
- 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; approves investigation plans including strategy, 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.
- Conducts 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, 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; may serve 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.

- Attends and participates in professional group meetings; 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:

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

Ability to:

- 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.
- Plan, organize, and coordinate the work of legal support staff on assigned cases.
- 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.

Habeas Corpus Counsel I: Two (2) years of post-bar legal experience in criminal defense or two (2) years as a Staff Attorney III with HCRC.

Habeas Corpus Counsel II: Four (4) years of post-bar legal experience with three (3) years in criminal defense including one (1) year in capital defense or one year as a Habeas Corpus Counsel I with HCRC.

Habeas Corpus Counsel III: Six (6) years of post-bar legal experience with four (4) years in criminal defense including two (2) years in capital defense or one year as a Habeas Corpus Counsel II with HCRC.

* 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.