

CAPITAL APPOINTMENT ADVISOR

DEFINITION

For capital cases — those in which a person has been sentenced to death by a trial court — the California Constitution and related statutes provide that the California Supreme Court will review all judgments of death through an automatic appeal directly from a trial court. The Supreme Court appoints attorneys to represent capital inmates in matters coming before the court, as provided by statute or pursuant to the court's inherent authority. The Supreme Court must identify qualified attorneys for these appointments, monitor the attorneys' performance, and compensate the attorneys for their work.

Pursuant to court direction, the Capital Appointment Advisor facilitates various legal aspects of the appointment and monitoring of counsel representing California inmates who are subject to capital punishment.

CLASS CHARACTERISTICS

Incumbents are responsible for providing legal subject matter expertise in coordinating the appointment and monitoring of counsel representing inmates subject to capital punishment. Incumbents perform legal duties including: reviewing and analyzing legal documents; drafting and reviewing contracts; and providing legal opinions to the court. Incumbents are fully competent to perform independently the full range of legal tasks assigned to them.

EXAMPLES OF ESSENTIAL DUTIES *(The duties listed are illustrative only and represent the core areas of responsibilities; specific position assignments will vary depending on business needs.)*

- Reviews and analyzes case records and other legal documents for the court's consideration regarding appointment of counsel.
- Reviews, drafts, and revises contracts or agreements with appointed counsel, the California Appellate Project in San Francisco (CAP), and alternative assisting attorneys. May review and propose amendments to contracts in light of new laws and other authorities.
- Answers legal inquiries from the court regarding legislation, court procedures, and rules relating to the appointment of counsel, criminal law, and capital punishment.
- Provides legal opinions in the development, analysis and implementation of the administrative policies of the Supreme Court and other judicial branch entities, including drafting or responding to recommended changes to the California Rules of Court or the court's published and internal policies and procedures.
- Engages in outreach efforts to encourage qualified attorneys to apply for appointments in capital matters and answers questions from prospective applicants regarding the application process.

- Coordinates the evaluation of attorney applicants, including obtaining information from CAP, other appellate panel projects, the applicant's references, and other sources.
- Consults with approved attorney applicants and CAP regarding appropriate cases for possible appointment by the court.
- Coordinates with the Office of the State Public Defender and the Habeas Corpus Resource Center regarding the capacity of those agencies to represent condemned inmates.
- Monitors appointed counsel's case progress through reviewing periodic status reports, consulting with CAP or alternative assisting counsel, and other means.
- Ensures the compliance of CAP and alternative assisting attorneys with the terms of their contract or appointment.
- Prepares memoranda for the court's consideration regarding the evaluation of attorney applicants, appointment of attorneys to particular cases, payment of counsel, motions for the appointment of associate counsel or for the withdrawal and replacement of counsel, and other matters.
- Consults with the justices and other Supreme Court staff including members of the justices' chambers, the court's central staffs, and the Clerk's Office regarding various issues related to attorneys appointed in capital matters.
- Monitors legislative, statutory, regulatory, and case law developments related to criminal law and capital punishment.
- Conducts special legal research and assignments when requested.

WORKING CONDITIONS

- Must be available to work overtime and on weekends and holidays as necessary.
- Must be able to travel statewide as necessary.

QUALIFICATIONS

Knowledge of:

- Substantive and procedural legal principles and applications, including in criminal appeals and writs before the Supreme Court.
- Scope and character of California and federal statutory and case law and provisions of the United States and California Constitutions; California Rules of Court; the legislative process; statutes and constitutional provisions governing the organization, duties, powers, procedures, management, and conduct of the work of the trial and appellate courts.
- Legal research methods.
- Principles of administrative and constitutional law.
- Rules of evidence and procedure in California trial and appellate courts.
- Applicable business equipment and desktop applications.
- Principles and techniques of preparing effective oral presentations and written materials.

Ability to:

- Perform complex legal research, including computerized legal research; apply legal principles and precedents to particular sets of facts.

- Analyze legal issues; present statements of facts, law, policy, and argument clearly, concisely, and logically in both written and oral form.
- Draft legal documents and correspondence.
- Interact effectively with justices, court and agency staff, and the public.
- Exercise sound judgment and integrity consistent with representing the judicial branch; maintain confidentiality of work product.
- Organize own work, set priorities, and meet critical deadlines.
- Utilize a computer, relevant software applications, and/or other equipment as assigned.
- Communicate effectively in English, orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of the work.

Licenses and Certificates:

Active membership in the State Bar of California.

Education and Experience:

Active membership in the State Bar of California and the equivalent of four years of post-bar legal experience in a legal setting such as a private law practice, corporation, government agency, law school, court, or legal publishing company

OR

One year of experience as an appellate attorney, Level C, with the judicial branch.

Note: Work experience as a law clerk to a federal judge after passing a state bar but prior to formal state bar admission will be considered equivalent to post-bar legal experience.