

**STATE OF CALIFORNIA**  
Judicial Branch  
Habeas Corpus Resource Center

*Class Code: 5079/5080*  
*FLSA Status: Exempt*  
August 1, 1998

### **STAFF ATTORNEY I/II -HCRC**

#### **DEFINITION**

Under general supervision, works on case teams to provide professional legal services by conducting research and investigations, assisting in case preparation, and drafting legal documents in support of representing indigent persons convicted of capital cases in state and federal habeas proceedings; and performs related work as assigned.

#### **SUPERVISION RECEIVED AND EXERCISED**

Receives general supervision from assigned supervisory and managerial staff. May provide direction to subordinate attorneys, non-attorney case team members and consultants.

#### **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 post-bar legal experience.

Positions at the I-level initially operate in a learning capacity and receive close supervision from the case lead and/or case supervisor. Positions work as instructed and consult with the case lead or case supervisor, as needed, on all matters not specifically covered in the original instructions or guidelines. As experience is gained, positions perform a broader range of legal duties with supervisory controls eased to the extent that positions are expected to use judgment in applying guidelines, processes, policies, and procedures when performing tasks and making decisions.

Positions at the II-level initially perform work under supervision similar to the Staff Attorney I as experience and objectives, timelines, and methods to deliver work products or services dictate. Positions use initiative in independently carrying out recurring assignments without specific instructions, and refer deviations, problems, and unfamiliar situations not covered by instructions to the case lead or case supervisor for decision or help. Work is typically reviewed upon completion for soundness, appropriateness, and conformity to policy and requirements. The case lead and/or case supervisor makes assignments by defining objectives, priorities, and deadlines and assists with unusual situations that do not have clear precedents.

The Staff Attorney classification series is distinguished from the Habeas Corpus Counsel classification series in that the latter requires experience specifically in criminal defense.

**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.*

- Assists in representing 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.
- Supports assigned cases by collecting, researching, reviewing, and analyzing documents and case materials such as client's social history and law enforcement investigatory documents.
- Conducts legal research; researches, interprets, and incorporates laws, court decisions, and other legal authorities.
- Drafts habeas corpus petitions, briefs, claims, status reports, transcripts, and other legal correspondence and documents on behalf of death row inmates.
- Conducts 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; prepares witnesses; drafts witness declarations; directs and participates in coding of transcripts and case-related documents.
- Collects 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.
- Researches, analyzes, prepares, and organizes legal memoranda, issue papers, legal opinions, policy memoranda, and related documents.
- 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:**

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

### **Ability to:**

- Learn and apply state and federal habeas corpus practices and procedures.
- Perform legal research and 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.
- 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.

*Staff Attorney I:* No experience required.

*Staff Attorney II:* One (1) year of post-bar legal experience or one (1) year as a Staff Attorney I 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 Certifications:**

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