

SUPERVISING HABEAS CORPUS COUNSEL

DEFINITION

Under general direction, plans, organizes, directs, supervises, and provides strategic oversight and guidance to case teams responsible for indigent persons convicted of capital cases in state and federal habeas proceedings; leads and supports agency-wide initiatives, committees, projects, and programs; and performs related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from assigned managerial staff. Exercises direct and general supervision over attorneys and legal support staff.

CLASS CHARACTERISTICS

This is the full supervisory-level class in the Habeas Corpus Counsel classification series. Positions are responsible for managing assigned cases including developing case strategy, goals, objectives, and timelines; supervising assigned staff; managing case resources; and evaluating process operational efficiencies and service delivery models; and developing and implementing appropriate changes. Positions serve as a technical expert in disciplinary and/or programmatic areas using initiative and resourcefulness in deviating from traditional methods or researching trends and patterns to develop new methods, criteria, or proposed new policies and procedures. Positions actively participate as a member of HCRC's management team including recommending, designing, and leading the implementation of changes to business practices, in compliance with entity-wide established processes, policies, and procedures and regulatory and legislative requirements.

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.

- Plans, organizes, assigns, supervises, and reviews the work of assigned case teams; serves as case supervisor for post-conviction proceedings by developing case strategy, goals, objectives, and timelines; managing case resources; evaluating process operational efficiencies and service delivery models and developing and implementing appropriate changes.
- Participates in the development and implementation of entity-wide and case specific goals, objectives, policies, and priorities; identifies resource needs; recommends and implements policies and procedures.

- Evaluates employee performance, counsels employees, and effectively recommends initial disciplinary action; assists in selection and promotion.
- Monitors operations and activities of assigned case teams; identifies opportunities for improving service delivery methods and procedures; provides recommendations concerning process changes; reviews with appropriate management staff; implements improvements.
- 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.
- Supervises and participates in conducting field investigations, document collection and coding, and legal research in support of assigned cases; approves investigation plans; reviews and approves witness declarations.
- Supervises and participates in drafting, reviewing, and editing habeas corpus petitions, briefs, claims, status reports, transcripts, and other legal correspondence and documents on behalf of death row inmates.
- Supervises and participates in researching, identifying, selecting, consulting with, and administering contracts for experts in specific subject matter areas pertinent to the case; researches and organizes information for expert review; prepares questions; reviews and approves declarations; serves as witness or expert.
- 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.
- Supervises and participates in researching, analyzing, preparing, and organizing 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 internal committees responsible for planning, developing, and implementing agency-wide case management strategies and standards, business practices, and policies and procedures.
- Leads and 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 and practices of employee supervision, including work planning, assignment, review and evaluation, discipline, and the training of staff in work procedures.
- Principles and practices of case management, including setting and implementing strategy, goals, and objectives and managing timelines, resources, and deliverables.
- 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:

- Assist in developing and implementing goals, objectives, practices, policies, procedures, and work standards.

- Recommend, develop, and implement work plans and effectively manage assigned cases.
- Supervise assigned case team including planning, organizing, directing, coordinating, and evaluating the work of assigned team members.
- Research, analyze, evaluate, and develop preliminary recommendations for improvements and/or new service delivery methods, procedures, and techniques.
- Supervise and 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.
- Supervise, 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.
- Effectively represent HCRC in meetings with various external agencies and in meetings with individuals.
- 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 eight (8) years of post-bar legal experience in criminal defense including six (6) years in capital defense or two (2) years as a Senior Habeas Corpus Counsel 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.