

Introduction to Habeas Practice: Getting Started Pointers

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Initial client communication

- Discuss scope of representation, applicable deadlines
- Discuss issues the client identified
- Discuss of the client's experience of trial/plea proceedings and previous representation
- Get releases for record collection

Record gathering

- Court records (trial, direct appeal, local post-conviction, prior federal habeas, current federal habeas)
- Prior counsel's files
- Other records depending on case/jurisdiction
 - client records (prison disciplinary, medical, mental health, educational)
 - prosecutor files
 - law enforcement files

Issue spotting and planning

- What legal issues have been identified by the client?
- What legal issues have been raised in prior proceedings?
- What legal issues are evident from record review?
- What legal issues arise from investigation?
- What systemic legal issues may be relevant to your client's case?
- What, if any, procedural hurdles may affect the viability of any issues?
- What are strategies to address any identified hurdles?