

Foreword to Chapter Six of the Principles and Standards
for Counsel in State Post Conviction Relief Proceedings

This chapter is an addition to the existing Principles and Standards for Counsel in Criminal, Delinquency, Dependency and Civil Commitment Cases (“The Performance Standards”). Those standards were originally approved by the Board of Governors on September 25, 1996, and were revised and updated in 2005.

The new chapter of the standards describes the expectations of counsel for the petitioner in state post-conviction relief proceedings. These cases are collateral challenges to criminal convictions brought under the Oregon Post-Conviction Hearing Act, ORS 138.510–138.680.

As noted in the Foreword to the original Performance Standards, “The object of these [g]uidelines is to alert the attorney to possible courses of action that may be necessary, advisable, or appropriate, and thereby to assist the attorney in deciding upon the particular actions that must be taken in a case to ensure that the client receives the best representation possible.”

These guidelines, as such, are not rules or requirements of practice and are not intended, nor should they be used, to establish a legal standard of care. Some of the guidelines incorporate existing standards, such as the Oregon Rules of Professional Conduct, however, which are mandatory. Questions as to whether a particular decision or course of action meets a legal standard of care must be answered in light of all the circumstances presented."

We hope that the standards will serve as a valuable tool for all lawyers in providing competent, diligent, high quality legal representation.

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