

**CONTRACT ANNOUNCEMENT**  
**NATIONAL HABEAS ASSISTANCE AND TRAINING COUNSEL**  
**PROJECT SEEKS SKILLED FEDERAL CAPITAL HABEAS ATTORNEY**  
**FOR “OPT IN” MONITORING AND CONSULTATION**

The National Habeas and Assistance Training Counsel Project (HAT) is presently comprised of five contract attorneys with extensive expertise in federal capital habeas corpus litigation and practice. HAT provides assistance to counsel in federal capital habeas litigation, as well as to the federal courts, including the U.S. Judicial Conference Defender Services Committee and the Administrative Office of the United States Courts’ Defender Services Office.

Chapter 154 of Title 28 of the U.S. Code was enacted in 1996 to enable states to “opt-in” to fast-track federal habeas review they meet certain requirements for the provision of competent counsel and necessary resources in state capital post-conviction proceedings. This was a *quid pro quo* arrangement: states that provided robust state post-conviction review could achieve significant litigation benefits in federal habeas review of state capital convictions and death sentences. Chapter 154 was amended in 2006 to give the U. S. Attorney General the authority to determine whether an applying state met the requirements for receiving the benefits of the statute. A Final Rule governing the certification process was promulgated by the Department of Justice in 2013. Under that rule, the U. S. Attorney General is required to apply some scrutiny to states’ applications for certification, looking beyond how the mechanism for the appointment and compensation of state post-conviction counsel looks on paper to evaluate its operation in practice.

A new Proposed Rule was published in the Federal Register on March 12, 2026, which seeks to make significant changes to the certification process, including omission of the current Rule’s qualification criteria, removal of any consideration of how a state post-conviction system operates in actual practice, and repealing the current requirement that the Attorney General formally solicit public comment on a state’s application. Numerous states have pending applications for certification, some of which are proceeding under the current Rule’s formal comment process. HAT has been directly involved in issues relating to Chapter 154 since 1996 and remains actively involved with analyzing and commenting on the Proposed Rule and the pending state applications and recommending avenues of litigation. HAT has coordinated a nation-wide effort to gather comments and recommend litigation, including litigation in the D.C. Circuit, which reviews the Attorney General’s certification decisions *de novo*.

HAT seeks a skilled and experienced federal capital habeas attorney to monitor and consult on Chapter 154 issues. Time is of the essence as the Department of Justice is moving rapidly. The successful applicant will:

- Have at least 5 years of capital appellate or capital post-conviction practice and experience,
- Demonstrated excellent legal research and analytic skills,
- Demonstrated excellent written and oral skills, and
- A demonstrated commitment to fairness and justice.

This is a contract position and will be performed remotely. No office space or benefits are included. Compensation is hourly at a rate of \$200 per hour. Monthly bills must be submitted detailing the date, the specific activities performed, and the amount of time expended. It is expected that the number of hours per month will not exceed 30. The maximum annual contract shall not exceed \$72,000.00 per fiscal year. Travel costs and other expenses related to the contract work, excluding overhead expenses, are provided in the contract, but the costs are deducted from the total contract budget.

The contract will begin in fiscal year 2026 (the current fiscal year which began on October 1, 2025 and ends on September 30, 2026), subject to the availability of funding. Since the contract will begin in the current fiscal year, it will be prorated in proportion to the time remaining in the fiscal year.

This is a one-year contract with the possibility of renewal.

This contract does not involve any direct representation of clients.

To apply, please email a cover letter expressing interest, capital appellate or capital post-conviction experience, and the skills mentioned above, a resume, a writing sample, and three professional references addressed to Mark Olive at [HAT\\_Applications@fd.org](mailto:HAT_Applications@fd.org). **Please include “Ch154 Contract Application” in the subject line.** No phone calls please.

Applications from individuals whose background and experience contribute to the diversity of the federal capital habeas defense bar are encouraged. Applications will be accepted until the contract is filled; interested applicants are encouraged to apply before June 15, 2026.