



**ATTACHMENT\***

**Rule 32.7. Informal conference**

The court may at any time hold an informal conference to expedite the proceeding. In a capital case, the court shall hold an informal conference within 90 days after the appointment of counsel on the first notice of a petition for post-conviction relief. The defendant need not be present if the defendant is represented by counsel who is present.

**Comment**

This provision authorizes a ~~discretionary~~ prehearing conference. Such a conference ~~may~~ could be useful in reducing the length or, perhaps, entirely disposing of some plenary hearings. The hearing ~~may~~ could be used to hear argument on issues of law, narrow the disputed issues of fact, explore issues which may arise at an evidentiary hearing, or otherwise expedite the hearing. ~~Such a conference is not necessary in every case. Accordingly, the decision whether or not to hold a prehearing conference is entirely within the discretion of the court. Prehearing conferences, though not specifically sanctioned, are often part of current post-conviction practice.~~

\* Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.