# CLIENT AND CASE INFORMATION

Name:

(aka):

DOB: SSN: SEX: RACE:

Address:

Phone: Work: Home: Cell Phone:

E-mail Addresses and Social Media:

Obtain signed releases of information: 🞎 Yes 🞎 No

Motion for Release: Hearing Date:

Custody: 🞎 Yes 🞎 No

Location:

Jail ID#: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Remind Client: 🞎 Do **NOT** discuss case with anyone except counsel; 🞎 Jail calls are recorded & reviewed

With whom (spouse, etc.) can you share case information and to what degree? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Explain the concept of privilege as to all attorney-client communications, including communications**

**with other members of the defense team. Explain exceptions to privilege, including sharing**

**communications with a third party or stating intent to commit a crime.** 🞎 Yes 🞎 No

Notes:

**BAIL - RELEASE – ARRAIGNMENT – TRIAL DATE ASSIGNMENT:**

Bail: 🞎 Yes 🞎 No Amount: $

Note to Practitioner:

If a third party offers to post bail, explain that there are two ways of doing so – in their own name or by putting the money on client's books. Explain that posting in third party's name exposes them to liability for the entire amount of bail, not just the 10%, if client violates release agreement.

Also explain that however bail is posted, there will be bail fees and the Court considers it the client's money, and it can be used to satisfy any existing financial obligations of client as well as any fees, fines or penalties imposed by the Court in the pending case.

Date Arraigned:

Next Court Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Purpose (plea entry/release hearing): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Request release hearing, review statute for criteria. 🞎 Completed 🞎 N/A

If custody, is hearing set within statutory time period? 🞎 Completed 🞎 N/A

Trial within 60 days (see exceptions under ORS 136.295) 🞎 Completed 🞎 N/A

Probation Violation within 14 days 🞎 Completed 🞎 N/A

Trial Date/Call Assignment:

Client Notified of all court dates 🞎 Completed

**REVIEW CHARGING INSTRUMENT:**

Compare charging instrument to statute. 🞎 Completed

Evaluate charges for grounds for demurrer under ORS 135.610 et seq.

or other Motions to Dismiss. 🞎 Completed

Evaluate charges for affirmative defenses, such as post-charge delay

in executing arrest, double jeopardy, and statute of limitations. 🞎 Completed

Determine elements of the offense – including a review of pertinent

Uniform Jury Instructions. 🞎 Completed

**REVIEW ALTERNATIVE DISPOSITIONS:**

In DUII cases, check client’s eligibility for diversion. Timely file request for

hearing with DMV of administrative suspension. 🞎 Completed 🞎 N/A

Evaluate availability of Civil Compromise under ORS 135.703. 🞎 Completed 🞎 N/A

Evaluate availability of District Attorney diversion programs. 🞎 Completed 🞎 N/A

Explore court-sponsored diversion/treatment alternatives –

primarily offering in drug and domestic violence cases. 🞎 Completed 🞎 N/A

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **CHARGE INFORMATION**  Charges:  Case Number: Court:  DA: Phone: | | | | |
| **COURT DATES AND CALENDARING**  Notice the Court and DA of representation. 🞎 Completed 🞎 N/A  Set spam or junk e-mail filters to allow receipt of e-notices from  court. Make change at Internet Service Provider (ISP) level *and*  in settings of e-mail program. 🞎 Completed 🞎 N/A  Create agent or rule in e-mail program to duplicate and forward  copies of e-notices from attorney-of-record to appropriate staff. 🞎 Completed 🞎 N/A  Review UTCRs and local rules for court deadlines and  “standard” court appearances, including:  Arraignment Date Time  Entry of Plea Date Time  Deadline for filing Demurrer Date Time  Pretrial Conference Date Time  Other Docket matters Date Time  Deadline for filing pretrial motions Date Time  Deadline for other motions Date Time  Notice of Defenses Date Time  Call date Date Time  Trial Date Time  Does local custom and practice require client to be at all  court appearances? 🞎 Yes 🞎 No  Calendar all court dates event and notify client in writing 🞎 Completed | | | | |
| **CASE WORK-UP**  Request discovery, including criminal histories of client  and state witnesses. 🞎 Completed 🞎 N/A  Review discovery – if it appears incomplete, write a letter  to the prosecutor specifying omissions. 🞎 Completed 🞎 N/A  File motion to compel if response from prosecutor is  unsatisfactory. 🞎 Completed 🞎 N/A  Consider Judicial Settlement Conference 🞎 Completed 🞎 N/A  Evaluate risk that client may be subject to mandatory  minimum sentence or denial of earned time credit.  ORS 137.717; BM 11, 57, 73; ORS 173.750. 🞎 Completed 🞎 N/A  Assess client’s eligibility under “escape clauses” in mandatory  minimum cases. 🞎 Completed 🞎 N/A  Evaluate client exposure to aggravating factors. Assess  tactical value of stipulating to same rather than having jury  decide under *Blakely v. Washington*, 542 US 296 (2004) 🞎 Completed 🞎 N/A  Contact OCDLA for assistance, if needed 🞎 Completed 🞎 N/A | | | | |
| **CASE PREPARATION**  Interview client. 🞎 Completed 🞎 N/A  Watch for signs of mental illness, lack of competency, illiteracy  and direct representation accordingly 🞎 Completed 🞎 N/A  Notice affirmative defenses. 🞎 Completed 🞎 N/A  Seek pretrial production of records in the possession of  third parties under ORS 136.580. 🞎 Completed 🞎 N/A  Review police reports and other discovery. 🞎 Completed 🞎 N/A  Delete victim’s contact information from defendant’s copy  of discovery 🞎 Completed 🞎 N/A  Through an investigator, seek to have state witnesses  interviewed. Have investigator confirm witness is not  represented with regard to this matter.  Provide state witnesses with “victim rights  letter.” DO NOT INTERVIEW ANY WITNESS OUTSIDE  THE PRESENCE OF A THIRD PARTY, preferably  your investigator. 🞎 Completed 🞎 N/A  Through an investigator, interview defense witnesses.  DO NOT INTERVIEW ANY WITNESS OUTSIDE THE  PRESENCE OF A THIRD PARTY, preferably  your investigator. 🞎 Completed 🞎 N/A  Gather evidence that may be offered in defense, BUT BE  CAUTIONS ABOUT TAKING POSSESSION OF PHYSICAL  ITEMS THAT  MAY BE EVIDENCE OF THE OFFENSE – ethics rules  may require that such evidence, if in the possession of the  defense, must be turned over to the state. 🞎 Completed 🞎 N/A  Provide discovery required by ORS 135.835. 🞎 Completed 🞎 N/A  Motion to Suppress Evidence. 🞎 Completed 🞎 N/A  Other Pretrial Motions (Motion in Limine). 🞎 Completed 🞎 N/A  Subpoena witnesses. 🞎 Completed 🞎 N/A  Assess client exposure to collateral consequences, such  as loss of driving privileges, deportation, sex offender  registration, denial of government benefits, loss of  professional license. 🞎 Completed 🞎 N/A  Discuss client’s options re testifying at trial, including  prohibition on perjury. 🞎 Completed 🞎 N/A  If client intends to testify, prepare and execute mock  direct and cross examination 🞎 Completed 🞎 N/A | | | | |
| **WITNESSES** | | | | |
| NAME | ADDRESS | TELEPHONE | INTERVIEWED | SUBPOENAED |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| Investigator: |  | Telephone: |  |  |
| **REVIEW DISPOSITION OPTIONS WITH CLIENT**  Non-trial disposition - contact DA for a pre-trial offer,  review court rules for docketing a plea. 🞎 Completed 🞎 N/A  Pretrial Motions (preserve record) &  Stip. Facts Trial or Conditional Plea 🞎 Completed 🞎 N/A  Court Trial vs. Jury Trial (client’s choice) 🞎 Completed 🞎 N/A | | | | |
| **SENTENCING ISSUES**  Calculate Crime Seriousness and client’s Criminal History to determine possible gridblocks under the Sentencing Guidelines  Review charging instrument to determine if any  aggravation issues require jury finding (*See*  *Blakely v. Washington*, 452 US 296 (2004) 🞎 Completed 🞎 N/A  Review evidence of mitigation. 🞎 Completed 🞎 N/A  Review evidence to contradict, state’s evidence  of aggravation. 🞎 Completed 🞎 N/A  Determine restitution and actual victim. (See 🞎 Completed 🞎 N/A  ORS 137.106)  Prepare client for right of allocution, if client wishes to  address court. 🞎 Completed 🞎 N/A  Review sentencing Order (Judgment) to make sure it  reflects what the Judge said. 🞎 Completed 🞎 N/A  Sentence: | | | | |
| **CLOSING THE FILE**  Closing letter to client discussing right to appeal, sentence 🞎 Completed 🞎 N/A  and condition of probation, address for payment of fines,   questions to probation judge, expungement date.    Notice of Appeal Due Date: \_\_\_\_\_\_\_\_\_\_\_\_\_ Expungement Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | |

**Contact the Oregon Criminal Defense Lawyers Association (OCDLA) for assistance and support,** [**http://www.ocdla.org/**](http://www.ocdla.org/)**. Telephone: 541-686-8716.**

IMPORTANT NOTICES

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