# 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/ASet spam or junk e-mail filters to allow receipt of e-notices fromcourt. Make change at Internet Service Provider (ISP) level *and*in settings of e-mail program. 🞎 Completed 🞎 N/ACreate agent or rule in e-mail program to duplicate and forwardcopies of e-notices from attorney-of-record to appropriate staff. 🞎 Completed 🞎 N/AReview 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 🞎 NoCalendar 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/AReview discovery – if it appears incomplete, write a letter to the prosecutor specifying omissions. 🞎 Completed 🞎 N/AFile motion to compel if response from prosecutor is  unsatisfactory. 🞎 Completed 🞎 N/AConsider Judicial Settlement Conference 🞎 Completed 🞎 N/AEvaluate 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/AAssess client’s eligibility under “escape clauses” in mandatory minimum cases. 🞎 Completed 🞎 N/AEvaluate 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/AContact OCDLA for assistance, if needed 🞎 Completed 🞎 N/A |
|  **CASE PREPARATION**Interview client. 🞎 Completed 🞎 N/AWatch for signs of mental illness, lack of competency, illiteracy and direct representation accordingly 🞎 Completed 🞎 N/ANotice affirmative defenses. 🞎 Completed 🞎 N/ASeek pretrial production of records in the possession of third parties under ORS 136.580. 🞎 Completed 🞎 N/AReview police reports and other discovery. 🞎 Completed 🞎 N/ADelete victim’s contact information from defendant’s copy of discovery 🞎 Completed 🞎 N/AThrough 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/AThrough an investigator, interview defense witnesses. DO NOT INTERVIEW ANY WITNESS OUTSIDE THE PRESENCE OF A THIRD PARTY, preferably your investigator. 🞎 Completed 🞎 N/AGather evidence that may be offered in defense, BUT BE CAUTIONS ABOUT TAKING POSSESSION OF PHYSICAL  ITEMS THATMAY 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/AProvide discovery required by ORS 135.835. 🞎 Completed 🞎 N/AMotion to Suppress Evidence. 🞎 Completed 🞎 N/AOther Pretrial Motions (Motion in Limine). 🞎 Completed 🞎 N/ASubpoena witnesses. 🞎 Completed 🞎 N/AAssess 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/ADiscuss client’s options re testifying at trial, including  prohibition on perjury. 🞎 Completed 🞎 N/AIf 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/ACourt 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 GuidelinesReview charging instrument to determine if any aggravation issues require jury finding (*See* *Blakely v. Washington*, 452 US 296 (2004) 🞎 Completed 🞎 N/AReview evidence of mitigation. 🞎 Completed 🞎 N/AReview evidence to contradict, state’s evidence of aggravation. 🞎 Completed 🞎 N/ADetermine 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/AReview sentencing Order (Judgment) to make sure it reflects what the Judge said. 🞎 Completed 🞎 N/ASentence:  |
| **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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