

CRIMINAL CASE CHECKLIST (State Court)

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: _____

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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

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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

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Contact OCDLA for assistance, if needed	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
CASE PREPARATION				
Interview client.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Watch for signs of mental illness, lack of competency, illiteracy and direct representation accordingly	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Notice affirmative defenses.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Seek pretrial production of records in the possession of third parties under ORS 136.580.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Review police reports and other discovery.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Delete victim's contact information from defendant's copy of discovery	<input type="checkbox"/> Completed	<input type="checkbox"/> 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.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Through an investigator, interview defense witnesses. DO NOT INTERVIEW ANY WITNESS OUTSIDE THE PRESENCE OF A THIRD PARTY, preferably your investigator.	<input type="checkbox"/> Completed	<input type="checkbox"/> 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.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Provide discovery required by ORS 135.835.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Motion to Suppress Evidence.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Other Pretrial Motions (Motion in Limine).	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Subpoena witnesses.	<input type="checkbox"/> Completed	<input type="checkbox"/> 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.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
Discuss client's options re testifying at trial, including prohibition on perjury.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
If client intends to testify, prepare and execute mock direct and cross examination	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A		
WITNESSES				
NAME	ADDRESS	TELEPHONE	INTERVIEWED	SUBPOENAED
Investigator:		Telephone:		

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REVIEW DISPOSITION OPTIONS WITH CLIENT

Non-trial disposition - contact DA for a pre-trial offer, review court rules for docketing a plea.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A
Pretrial Motions (preserve record) & Stip. Facts Trial or Conditional Plea	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A
Court Trial vs. Jury Trial (client's choice)	<input type="checkbox"/> Completed	<input type="checkbox"/> 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 <i>Blakely v. Washington</i> , 452 US 296 (2004)	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A
Review evidence of mitigation.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A
Review evidence to contradict, state's evidence of aggravation.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A
Determine restitution and actual victim. (See ORS 137.106)	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A
Prepare client for right of allocution, if client wishes to address court.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A
Review sentencing Order (Judgment) to make sure it reflects what the Judge said.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A

Sentence: _____

CLOSING THE FILE

Closing letter to client discussing right to appeal, sentence and condition of probation, address for payment of fines, questions to probation judge, expungement date.	<input type="checkbox"/> Completed	<input type="checkbox"/> N/A
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Notice of Appeal Due Date: _____ Expungement Date: _____

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

IMPORTANT NOTICES

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