

FIRST APPEARANCE INTERVIEW

CASE

The prosecution is accusing your client of Assault in the Fourth Degree as a crime of Domestic Violence. The prosecution accused your client of slapping his long-term girlfriend. Your client and his girlfriend have two children, under the age of 12, in common and live together. A neighbor called 911, and their statement is the basis of the charge. Your client's girlfriend does not want this case to move forward.

WHAT ELSE YOU KNOW

This interview is the first time you will have contact with your client. Your client does not have any criminal history. Your client is self-employed as a general contractor. If he doesn't work, he doesn't have any income. He is his family's sole earner.

WHERE THIS INTERVIEW TAKES PLACE

Your client is in custody and this interview takes place at the jail just before the first appearance calendar.

GOALS

- Introduce yourself
- Learn about your client
- Explain the first appearance process
- Gather information to argue for release without bail
- Advise client of confidentiality, likely release conditions, charge, and possible penalties

ADDITIONAL CLIENT INFORMATION

You have not been arrested before. This experience was very shocking to you. You are surprised to have been taken into custody. You maintain your innocence, clearly indicating to your attorney that you never laid a hand on your girlfriend.

DISCUSSING A PLEA

CASE

The prosecution has charged your client DUI. Your client was under 21 at the time of the incident, and the prosecutor has agreed to amend the DUI to a minor DUI, all time suspended for two years, conditions of substance use evaluation and treatment, victim impact panel, no new law violations, no alcohol or non-prescribed drugs, and no driving without valid license and insurance.

WHAT ELSE YOU KNOW

You set up this meeting to discuss the plea offer with your client. Your client has no criminal history, and this is the first time they have ever had police contact. Client is terrified of going to jail. Client is going to college and studying to get a degree in Criminal Justice with the goal of being a corrections officer.

WHERE THIS INTERVIEW TAKES PLACE

This interview takes place in your office in the morning. The next court date in this case is scheduled for tomorrow afternoon

GOALS

- Go through the plea offer with your client
 - Explain the pertinent parts of the document
 - Answer any questions your client might have
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ADDITIONAL CLIENT INFORMATION

You are scared. You're nervous about how this charge will affect your future and ability to gain employment. You fear the stigma of having a DUI on your record. You ask a lot of questions and ask the lawyer to re-explain the information many times.

PROBATION REVOCATION/NON-COMPLIANCE

CASE

Four months ago, your client plead guilty to reckless driving. The original charge was DUI. Your client completed a substance use evaluation prior to entry of the plea and it recommended ADIS. Your client has not completed the ADIS or the victim's impact panel, according to the Court and District Court Probation.

WHAT ELSE YOU KNOW

You have not met this client prior to today. There are no allegations of new law violations.

WHERE THIS INTERVIEW TAKES PLACE

This interaction occurs outside of the courtroom minutes before your client's case will be called on the non-compliance calendar.

GOALS

- Advise client of the status of their case and possible outcomes
 - Learn if there is a reasonable explanation for client's circumstances
 - Advise client what you intend to tell the court/prosecutor. Ensure your understanding is accurate and have permission to share the information you discussed.
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ADDITIONAL CLIENT INFORMATION

You have had speeding tickets and other traffic infractions before, but never a criminal case. You have recently lost your job and your focus has been on food and shelter, instead of probation. Before losing your job, you did complete a DUI victim's impact panel, but the agency at which you completed it did not send proof to the Court. You don't remember the name of the agency where you completed the panel.