

COMMONWEALTH OF MASSACHUSETTS

STANDARD CONTRACT FORM

ATTACHMENT A

**SUPERVISING ATTORNEY FOR JUVENILE DELINQUENCY/YOUTHFUL
OFFENDER TRIAL REPRESENTATION**

Vendor Name: Attorney X, Esq.

Office Address: **xxxx**

Phone: **xxx**

Cell: **xxx**

Fax: **xxx**

Email: **xxx**

Region Where Services are to be Performed:

County: **xxx**

Juvenile Division of District Courts: **xxx**

Juvenile Courts: **xxx**

Staff Contact: Helen Fremont, Esq.

Contract Amount: **\$1,300** per month payable at the rate of **\$60.00 per** hour for **5** hours per week

Scope of Service

This Agreement is entered into on the date set out below, by and between the COMMITTEE for Public Counsel Services of the Commonwealth of Massachusetts, hereinafter referred to as "COMMITTEE" and the named vendor, hereinafter referred to as "CONTRACTOR."

In consideration of mutual covenants, promises and presentations, the parties referred to above do hereby agree as follows:

ARTICLE I

1. Selection of Panel Attorneys

The Juvenile Supervising Attorney will assist the County Program for Assignment of Private Counsel, (hereinafter the Program) and the Youth Advocacy Department in the selection of attorneys by making recommendations based upon the following criteria:

- a. Criminal or delinquency trial experience as characterized by:
 1. Positive relations with clients demonstrated by prompt and consistent communication outside of court, DYS or other facility visits to detained clients (including both committed and “incarcerated” clients), and timely appearance for clients at all court proceedings
 2. Conduct of trials and litigation of substantive motions
 3. Pretrial preparation including witness interviews and appropriate use of investigators; appropriate use of social workers, or other developmental and mental health experts
 4. Legal research and skilled drafting and filing of motions and memoranda of law
 5. Practice consistent with the CPCS Performance Standards
 6. Experience working with DYS, DCF, mental health professionals and other youth advocates and resources
- b. Languages spoken
- c. Contribution to panel diversity
- d. Demonstrated commitment to indigent defense or other indigent services
- e. Demonstrated commitment to juvenile justice
- f. Academic background and skills training indicating strong potential to provide high quality representation
- g. Possession of related skills
- h. Writing skills
- i. Experience and ability to provide high quality juvenile delinquency representation
- j. Efficiency in providing high quality legal services as evidenced by reasonable hourly billing
- k. File maintenance and record keeping consistent with CPCS standards and ethical obligations
- l. Lack of substantiated complaints by assigned clients or others, and lack of history of CPCS or bar discipline, criminal involvement, or other misconduct that would indicate a risk to assigned clients
- m. Commitment to developing and maintaining professional skills evidenced by participation in CLE and consultation with Resource Attorneys, Supervising Attorneys, and other mentors
- n. Consistency in timely meeting obligations to assigned counsel program and cooperation with CPCS published policies including billing policies
- o. **In addition to the preceding criteria, all attorneys wishing to represent juveniles in delinquency proceedings must have at least one year of high-quality district court (or comparable) trial experience and eight (8) hours of juvenile-specific training within 12 months of application to be a member of the juvenile delinquency panel.**

2. Oversight of Legal Services

The CONTRACTOR shall assure that zealous advocacy consistent with the COMMITTEE'S published Performance Standards is provided by all attorneys participating in the Program. To this end, the CONTRACTOR shall supervise and evaluate the panel attorneys' performance, and provide technical assistance and training of assigned counsel in all juvenile delinquency and youthful offender matters in the courts specified above. The CONTRACTOR shall also immediately notify CPCS of complaints regarding the performance or conduct of assigned counsel in all courts specified above, and shall assist CPCS in investigation, when appropriate.

a. Performance Evaluation

The CONTRACTOR shall perform, for every 5 hours per week of work, 1 attorney Performance Assessment per month. [Ex: an attorney contracting for 10 hours per week would perform 2 evaluations per month.]

A Performance Assessment shall include:

1. A list of the attorney's last 3 jury trials, even if the trials were in previous fiscal years (which files the supervising attorney should review and discuss with the attorney), including the case name, principal charge, court, and year of trial.
2. A list of at least 3 additional files which the supervising attorney has reviewed and discussed with the attorney, including case name, principal charge, court, and current status of the case.
3. For each performance area (numbered I-IX in Attachment 1), comments that address the attorney's strengths and areas for improvement, including reference to the particular case files that support the supervising attorney's conclusions.
4. If none of the files reviewed provides information regarding a performance area, the supervising attorney should consider reviewing additional files so that (s)he can evaluate the attorney in that performance area with reference to specific cases.

The CONTRACTOR shall consult with the Program to select attorneys for Performance Evaluations, and also shall conduct such evaluations at the request of the COMMITTEE or Program, or when an attorney has been the subject of a complaint.

The CONTRACTOR shall routinely monitor the performance of assigned attorneys through interviews with judges, court personnel and others, including clients, where appropriate (e.g., complaint investigation), and courtroom observation. The CONTRACTOR shall also monitor the CPCS sponsored JDN list serve for private assigned delinquency and youthful offender trial counsel, and contribute advice on a regular basis.

The CONTRACTOR shall submit to the Committee and to the Program Performance Assessment Reports on or before the 5th day of each month in the form agreed to by the CONTRACTOR and the COMMITTEE, incorporated herein as Attachment 1.

3. Complaint Investigation

The CONTRACTOR shall immediately notify the COMMITTEE of any complaints, regardless of the source, about the performance or conduct of assigned private counsel in juvenile delinquency and youthful offender cases, as set out in Part b of this paragraph. The CONTRACTOR will also cooperate with CPCS in the investigation of such complaints, as needed.

The COMMITTEE may request that CONTRACTOR conduct occasional out of county complaint investigations. Such investigations will be reimbursed by NAC rather than through this contract.

The COMMITTEE will conduct investigation of complaints, or delegate same to the Juvenile Supervising Attorney, and take disciplinary action in accordance with COMMITTEE policy.

- a. Telephone Access for Detained Clients (including committed and “incarcerated” clients)

To receive and investigate client complaints effectively, the CONTRACTOR shall maintain a means for receiving collect telephone calls from detained clients (including committed and “incarcerated” clients).

- b. Timeline

1. The CONTRACTOR shall immediately notify the COMMITTEE upon receipt of information providing reason to believe that a participating Program attorney may be rendered unable to provide proper client representation by illness, physical or mental, or by substance abuse. Complaints alleging that an attorney is rendered unable to provide representation due to illness, physical or mental, or substance abuse, intake having been reported to the COMMITTEE on the date of receipt, shall be investigated within 15 days, except for extension for good cause requested in writing from the Committee.

The CONTRACTOR shall immediately notify the Committee upon receipt of information providing reason to believe that a participating attorney is charged with a crime or is subject to a decision by the Board of Bar Overseers to impose discipline.

2. Complaints alleging neglect or failure to communicate with the client shall be immediately referred to the COMMITTEE. The CONTRACTOR shall cooperate with the COMMITTEE in investigation of these complaints.

3. All other complaints shall also be immediately referred to the COMMITTEE, and the CONTRACTOR shall cooperate with the COMMITTEE in investigation of these complaints.
4. Complaint Intake Report: When a complaint regarding attorney performance is received by the staff of the COMMITTEE or by the CONTRACTOR, an Intake Report shall be completed, which Report appears as Attachment 2 to this Contract. Additionally, the CONTRACTOR shall enter the Complaint information in the CPCS Complaint Database, unless the Program has already done so.

4. Training

The CONTRACTOR shall review the jury skills training program provided by the local Bar Advocate Program and, in cooperation with the Juvenile Defense Network, will provide additional material as needed to assure that the jury skills training program assists Juvenile Court practitioners.

Additionally, the CONTRACTOR shall work with the COMMITTEE'S Youth Advocacy Department and Juvenile Defense Network to provide a minimum of 8 hours of training during the contract period devoted to issues in juvenile delinquency cases.

5. Resource Attorney Program

The Contractor shall assist the county Program by recommending appropriate Resource Attorneys.

The Contractor shall communicate with the local Resource Attorneys to ensure that Program Attorneys are utilizing their services, and to determine the needs for training. To promote such communication, the Contractor shall convene or attend quarterly voluntary meetings of Resource Attorneys assisting panel attorneys in the particular courts overseen by the Contractor. The Contractor shall also assist the county Program to insure that each eligible panel attorney has an appropriate Resource Attorney.

6. Participation and Collaboration with Youth Advocacy Department ("YAD") and Juvenile Defense Advisory Committee ("JDAC")

- a. The Contractor shall work collaboratively with the CPCS Youth Advocacy Department ("YAD") and shall participate and contribute as a board member of the Juvenile Delinquency Advisory Committee ("JDAC"), including attendance at quarterly JDAC meetings.
- b. The Contractor shall work collaboratively with the Attorney in Charge of any local YAD office to identify and address any local practice or training issues affecting indigent delinquency and youthful offender defendants.

- c. The Contractor shall work collaboratively with the Attorney in Charge of any local YAD office to assure that the staff of the office is receiving enough cases to be working at maximum efficiency.

ARTICLE II

1. Subcontracting

The CONTRACTOR shall not assign, subcontract, or in any way transfer any interest in this Agreement without the prior written consent of the COMMITTEE.

2. Joint Property

Any and all reports, information, or material, prepared or assembled by the CONTRACTOR pursuant to this Agreement are and shall be the joint property of the COMMITTEE and the CONTRACTOR and confidential according to the mandates of the federal and state laws, and they shall only be made available to any individual or other organizations, other than as provided herein, with the prior written approval of the COMMITTEE and in compliance with the canons of professional ethics and rules of the courts of the Commonwealth. All such records shall be maintained for 6 years.

3. Applicability of Rules

The CONTRACTOR performing services under this Agreement shall be subject to any and all rules, regulations and standards approved and promulgated by the Supreme Judicial Court and/or the COMMITTEE relating to indigent representation in the courts of the Commonwealth.

4. Compensation

The COMMITTEE shall compensate the CONTRACTOR for services outlined in this Agreement.

- a. Within ten (10) days of the last business day of each month, beginning the month the CONTRACTOR commences to provide services under this Agreement and concluding the last business day of the last month of this contract period, the CONTRACTOR shall submit a statement, in a form approved by the COMMITTEE, of services rendered.

Proper documentation in a form prescribed by the COMMITTEE, shall accompany each statement; furthermore, accurate books and records will be kept, and will be available for review by the COMMITTEE upon request for a period of not less than six years subsequent to the close of the fiscal year of the records requested. Said statement shall be processed for payment within ten (10) days of its receipt, in proper form, by the COMMITTEE.

b. Notwithstanding any other provision of this Agreement, the COMMITTEE may elect not to make payment on occurrence of any of the following events:

1. If the CONTRACTOR defaults with respect to any of the provisions of this Agreement, after written notice of the default and a fourteen (14) day opportunity to correct the default.
2. Payments will be delayed if Performance Assessment Reports or Complaint Investigation Reports are outstanding beyond the agreed time periods.

5. Termination

If the CONTRACTOR shall fail to comply timely with any of its obligations under this Agreement, the COMMITTEE shall have the right to terminate this Agreement and/or suspend any payments hereunder. Payments may be suspended at any time, and from time to time, by giving written notice of the suspension, which shall specify the cause or causes of suspension and the conditions under which payment will be resumed to the CONTRACTOR. Payments may be terminated by giving written notice of termination to the CONTRACTOR, which notice shall specify a termination date of at least sixty (60) days after mailing. Such notice shall be sent by certified mail--return receipt requested--to the last known address of the CONTRACTOR.

If the CONTRACTOR violates the CPCS Performance Standards or the Massachusetts Rules of Professional Conduct, the COMMITTEE shall have the right to terminate the contract for cause as of the last day of the month of the violation.

Should the CONTRACTOR's other professional or personal obligations create a hardship in the performance of this contract, CONTRACTOR may terminate its obligations under this contract as of the last day of the month that such termination is requested.

6. Amendment

The parties may propose amendments to this Agreement by giving written notice at their respective offices of record. Such notice shall be sent by certified mail--return receipt requested--unless delivered in hand and acknowledged in writing.

7. Duration

This Agreement shall be effective beginning **July 1, 2017** and shall continue on a month-to-month basis, not beyond **June 30, 2018**.

BY: _____ DATE _____

Kevin Lucchetti
Chief Financial Officer

CONTRACTING JUVENILE SUPERVISING ATTORNEY

BY: _____
xxx, Esq.

DATE _____



Committee for Public Counsel Services
Youth Advocacy Division – Trial Panel Unit

Juvenile Delinquency / YO Supervising Attorney Monthly Monitoring Report

County:

Choose an item.

Supervising Attorney:

Click here to enter text.

Date Submitted:

Click here to enter a date.

For Month/Year:

Click here to enter text.

I. COURT VISITS

- A. Courts Observed: *Click here to enter text.*
- B. Attorneys Observed: *Click here to enter text.*
- C. Issues: *Click here to enter text.*

II. COMMUNICATIONS WITH COURT PERSONNEL

- A. Judges: *Click here to enter text.*
- B. Clerk:: *Click here to enter text.*
- C. Probation: *Click here to enter text.*
- D. Prosecutors: *Click here to enter text.*

III. TRAINING CONDUCTED

- A. Training Scheduled Dates: *Click here to enter text.*
- B. Other Trainings: *Click here to enter text.*

IV. SELECTION PROCEDURES CONDUCTED FOR NEW PANEL ATTORNEYS:

- A. Participants: [Click here to enter text.](#)
- B. Number of Applicants: [Click here to enter text.](#)
- C. Number Selected: [Click here to enter text.](#)
- D. Attorneys Leaving Panel: [Click here to enter text.](#)

V. ATTORNEY OVERSIGHT ACTIONS

- A. Supervisory Meetings with Panel Attorneys: [Click here to enter text.](#)
- B. File Review (include names and brief description. Attach Performance Assessment Report for each attorney): [Click here to enter text.](#)
- C. Dates of Review: [Click here to enter text.](#)
- D. Dates of in-court observations: [Click here to enter text.](#)

VI. COMPLAINT SUMMARY

- A. Complaints received (or information received indicating performance issues):
[Click here to enter text.](#)
- B. Names of Complainants and Attorneys: [Click here to enter text.](#)
- C. Nature of Complaints: [Click here to enter text.](#)
- D. Dates of receipt of information and/or complaint: [Click here to enter text.](#)
- E. Complaint Investigations:
 - 1. Date of Intake: [Click here to enter a date.](#)
 - 2. Name of complainant and attorney: [Click here to enter text.](#)
 - 3. Investigation and follow-up done:
[Click here to enter text.](#)

VII. RESOURCES REQUESTED BY PANEL ATTORNEYS:

[Click here to enter text.](#)

VIII. ADDITIONAL REMARKS:

Click here to enter text.



Committee for Public Counsel Services
Youth Advocacy Division – Trial Panel Unit

Juvenile Delinquency Performance Assessment Report

County: Choose an item. **Juvenile Supervising Attorney:** Click here to enter text. **Evaluated Attorney:** Click here to enter text.

Type of Supervision: Click here to enter text.
(Should include case file review. If attorney is observed in court, please state procedure.):

Date of Evaluation: Click here to enter a date. **For Month/Year:** Click here to enter text.

Please enter comments, where appropriate in the corresponding comments section below each category. Address comments to the considerations listed under each heading. Please state the source of information (observation, file review, etc.) in each instance. Remove all italicized text after reading instructions.

GENERAL INFORMATION: Click here to enter text.

1. In which counties does attorney practice? Which courts?
2. On what other CPCS panels is attorney active?
3. Where is attorney’s office? Proximity to client population? Courts?
4. What type of legal research does attorney have in office?
5. Who is attorney’s **Resource Attorney**? How often do they meet?
6. Is attorney a Resource Attorney for others? If so, for whom, and how often do they meet?

JURY TRIALS: Click here to enter text.

Please list evaluated attorney’s last 3 jury trials (even if not reviewed at this time) and **other case files reviewed, including name of case, major charge, court and dates of trial. Please review at least one case in which the client was held awaiting trial.**

THREE CASES REVIEWED: Click here to enter text.

I. GENERAL DUTIES OF COUNSEL

- | | | | | | | |
|--|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Treats client respectfully | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Punctual in court | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 3. Interviews client promptly | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. Maintains complete file on each case | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 5. Protects speedy trial rights, including “30-day rule” | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 6. Regularly reviews cases with mentor | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 7. Appropriate appearance in court | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 8. Appropriate demeanor in court | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

Interviews client promptly, including number of interviews with client throughout representation, dates and location. Please note as to client interview: location of first jail interview for clients in custody or location of first interview in an appropriate and private setting for clients not in custody; number of days after assignment; notes in case file.

II. ARRAIGNMENT

- | | | | | | | |
|--|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Prepares for hearing (notes in file) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Familiar with competency and criminal responsibility law | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 3. Protects client from identification advantageous to prosecution | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. Persuasive advocacy at bail hearing | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 5. Protects right to bail appeal | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 6. Promptly obtains police reports and court documents | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

Files Bail Appeal whenever client is held on bail, and follows through to Superior Court for Bail Review Hearing. Files motions, where appropriate, i.e., Motion to Preserve Evidence, Get Release of Records signed by client and parent/guardian (to obtain school records, mental health records, etc.)

III. PRETRIAL PREPARATION

- | | | | | | | |
|--|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Promptly investigate facts of case | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Files Motion for Funds for Investigator and Social Worker | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

Where appropriate, attorney files Appeal of any denial of Motions for Funds; investigates any possible Mental Health, SPED, etc. issues of client. Attorney obtains expert assistance when and where appropriate.

- | | | | | | | |
|---|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 3. Promptly contacts defense witnesses (File notes show date and content of interview) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. Attempts to interview prosecution witnesses and knows their availability (File notes show date of contact) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 5. Amends pretrial conf. form as case law allows in defense interest | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 6. Prepares trial notwithstanding tentative plea negotiations | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 7. Formulates theory of the case | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

Explores school consequences – suspension, expulsion, etc.; where appropriate, seeks authorization to advocate; Makes arrangement to review any evidence to be used against client. Visits scene of the crime.

IV. DISCOVERY

- | | | | | | | |
|---|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Identification procedures | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Written and oral statements of defendant and codefendant | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 3. Statements and criminal records of witnesses | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. Official reports (police, medical, etc.) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 5. Inspection of physical evidence | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 6. Expert opinions | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

Comments: [Click here to enter text.](#)

V. PRETRIAL MOTIONS

- | | | | | | | |
|---|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Relief from joinder | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Suppression | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 3. Funds for investigation, expert, etc. | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. Familiar with MA Rules of Crim. Proc. Governing pretrial motions | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

Comments: [Click here to enter text.](#)

VI. TRIAL

- | | | | | | | |
|---|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Summonses favorable witnesses | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Presents expert evidence, when appropriate | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 3. Plans effective direct and cross examination (File includes notes) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. Has available copies of witness statements, including police reports | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

VII. JURY TRIAL

- | | | | | | | |
|--|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Appropriate Motions in Limine | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Motion for voir dire questions (In file) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 3. Opening and closing plans (Notes in file) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. Motion for jury instructions (in file) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 5. Motion for Required Finding of NG/ND (In file) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

VIII. SENTENCING

- | | | | | | | |
|--|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Advises client of potential additional punishments, parole eligibility in Youthful Offender case, time assignment on DYS classification grid, explanation of assessment/staffing/classification process if client committed to DYS, immigration consequences, SORB consequences, m/v license consequences | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Explores specific alternatives to incarceration | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 3. Present evidence or witnesses | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. If client is committed to DY, follows through with Staffing and RRT preparation | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

IX. POST-TRIAL

- | | | | | | | |
|--|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Protects client's right of appeal | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Requests tape or transcript of proceeding promptly | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 3. Files Motion to Revoke and Revise timely if appropriate or, in any case, if requested by client | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. In all DYS commitments, attorney prepares for, attends, and advocates on behalf of the client at all DYS Staffing Hearings and RRT Hearings. | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

Comments: [Click here to enter text.](#)

X. TRIAL

- | | | | | | | |
|----------------------------------|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Summonses favorable witnesses | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
|----------------------------------|--------------------------|-----|--------------------------|----|--------------------------|-----|

Comments: [Click here to enter text.](#)

XI. JURY TRIAL

- | | | | | | | |
|-----------------------------------|--------------------------|-----|--------------------------|----|--------------------------|-----|
| 1. Appropriate Motions in Limine | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 2. Motion for voir dire questions | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 3. Opening and closing plans | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| 4. Motion for jury instructions | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

Comments: [Click here to enter text.](#)

INFORMATION ABOUT THE LAST JURY TRIAL THIS ATTORNEY PERFORMED: [Click here to enter text.](#)

XII. SENTENCING

- 1. Advises client of potential additional punishments, parole eligibility, or immigration consequences Yes No N/A
- 2. Explores specific alternatives to incarceration Yes No N/A
- 3. Presents evidence or witnesses Yes No N/A
- 4. DYS staffing hearings Yes No N/A

XIII. POST-TRIAL

- 1. Protects client’s right of appeal Yes No N/A
- 2. Requests tape or transcript of proceeding promptly Yes No N/A
- 3. Files Motion to Revise and Revoke timely, if appropriate, or, in any case, if requested by client Yes No N/A

Comments: [Click here to enter text.](#)

XIV. OVERALL PERFORMANCE SCALE AND RATING

The rating scale is made up of the five factors listed beside the ratings below. Any factor rated (D) Opportunity for Improvements/Inconsistent, or, (E) Unsatisfactory, MUST have performance comments. For any factor, performance comments should support the overall rating given.

A	Highly Effective	Performance consistently achieved and very often exceeds YAD standards.
B	Newer Attorney - Extremely Promising	Attorney relatively new to practice and show exceptional promise, with time and experience will become a top performer.
C	Fully Competent	Good, solid performance. Fulfills all YAD requirements.
D	Opportunity for Improvements/Inconsistent	Attorney inconsistently meets established YAD standards. Performance achieves some but not all YAD standards and needs improvement in some areas. May be new attorney requiring more training and coaching or, may be established attorney whose practice needs improvement.
E	Unsatisfactory	Performance does not meet YAD requirements, either because the level of performance seldom rises to that requirement by YAD standards or, because significant gaps in performance require immediate review.

XV. SUPERVISING ATTORNEYS OVERALL COMMENTS:

Click here to enter text.

XVI. SUPERVISING ATTORNEY'S OVERALL RATING:

(Insert corresponding alphabet letter from rating scale above)

Click here to enter text.

Part II: Attorney Core Competency Assessment

This section of the performance report is designed to aid supervising attorneys, and the evaluated attorney, in gauging the evaluated attorney’s knowledge and skill in each are of juvenile defense. The information will be used to put together an individualized professional development plan.

Instructions: Click on the box that most closely resembles the evaluated attorney’s knowledge, ability and/or skill referenced in each row. The selection of number 1 indicates “no skill knowledge” and number 5 being “proficient”. In the comments area, please identify particular areas of strength, as well as areas where a particular skill or knowledge needs improvement.

A. CLIENT-CENTERED REPRESENTATION	1	2	3	4	5
a. Interviewing clients (including working with kids)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Information gathering	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Use of GALs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Negotiating placements/ASAPs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Positive Youth Development (PYD)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Trauma	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Racial and Ethnic Disparities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. LGBTQ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: [Click here to enter text.](#)

B. ARRAIGNMENT/BAIL/FIRST APPEARANCE	1	2	3	4	5
a. Bail advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Humberto H.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conditions of Release	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Bail Reviews	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Dangers of detention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Sec. 35s	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. JPAST	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: [Click here to enter text.](#)

C. TRIAL PREPARATION AND TRIAL SKILLS	1	2	3	4	5
a. Litigation skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Cross-examination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Impeachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Introducing evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Evidentiary objections	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v. Direct examination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
vi. Jury selection and attorney conducted voir dire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
vii. Opening statements (story telling)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
viii. Closing arguments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Theory of the case development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Criminal responsibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Exploring diminished capacity for kids	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Trial Motions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Motion to recuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Motion in Limine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Motions for required findings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Drafting jury instructions (including juvenile specific)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Competency of witnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Preserving the record for appeal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: [Click here to enter text.](#)

D. DISPOSITION AND SENTENCING	1	2	3	4	5
a. Sentencing law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Sentencing memo writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Dispositional advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Revise and revoke	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Probation conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Restitution hearings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: [Click here to enter text.](#)

E. PROBATION HEARINGS	1	2	3	4	5
a. Violation hearings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Dispositional advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. OYAD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: [Click here to enter text.](#)

F. YOUTHFUL OFFENDER	1	2	3	4	5
a. Challenging indictments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Dispositional advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Sentencing law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. YO specific trial issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Verdict Slips	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. YO elements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Research on adolescent sex offenders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Motions for Relief from Registration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: [Click here to enter text.](#)

XVII. Core Competency Assessment – Professional and Organizational Skills:

G. PROFESSIONAL AND ORGANIZATION SKILLS	1	2	3	4	5
a. Punctuality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Appropriate demeanor for meetings/court appearances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. File keeping/TRIS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Time management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: [Click here to enter text.](#)

XVIII. Attorney's Areas of Strength (list three)

1.	Click here to enter text.
2.	Click here to enter text.
3.	Click here to enter text.

XIX. Attorney's Areas of Needed Improvement (list three)

1.	Click here to enter text.
2.	Click here to enter text.
3.	Click here to enter text.



Committee for Public Counsel Services
Youth Advocacy Division – Trial Panel Unit

COMPLAINTS & CONCERNS ABOUT ATTORNEY PROFESSIONAL CONDUCT

Please Note: All complaints and issues of concern regarding alleged and/or observed attorney failure to meet Performance Standards must be entered in the CPCS Complaint Database, available on the computer at each Bar Advocate Program Office.

In order to record all pertinent information prior to your ability to go to your Bar Advocate Program to enter you intake information (and later, details of your investigation), and ultimately, your findings and disposition recommendation), into the Complaints Database, the following Intake Report form should be used to obtain and record all necessary information.

COMPLAINT: INTAKE REPORT

Attorney Name:	Click here to enter text.	
Attorney Address:	Click here to enter text.	
Attorney Phone:	Click here to enter text.	
Attorney Email:	Click here to enter text.	
Complaint Received By:	Click here to enter text.	Intake Date: Click here to enter a date.
Client Name:	Click here to enter text.	
Client Address	Click here to enter text.	
Client Phone	Click here to enter text.	
Complainant Name:	Click here to enter text.	
Complainant Address:	Click here to enter text.	
Complainant Phone:	Click here to enter text.	
Complainant Email:	Click here to enter text.	
Relationship to Client:		
Why Client isn't Calling:		

(cont'd next page)

COURT:	NEXT COURT DATE:	Click here to enter a date.
COUNTY	Choose an item.	

CHARGES / TYPE OF CASE:

Click here to enter text.

**PURPOSE OF NEXT COURT
DATE:**

Click here to enter text.

TYPE OF COMPLAINT: *(check all applicable boxes)*

1. Lack of Contact
2. Lack of Preparation
3. Missed Court Appearance or Other Appointment
4. Inappropriate Behavior
5. Possible Substance Abuse
6. Other

SUMMARY OF COMPLAINT AND/OR CONCERNS:

Click here to enter text.