

CRIMINAL LITIGATION PARALEGAL

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ALL OF THE BELOW DUTIES ARE ASSUMED TO, AND MUST BE, UNDER THE DIRECTION AND SUPERVISION OF A LICENSED ATTORNEY.

A. INITIAL CONTACT WITH POTENTIAL CLIENT

1. Communicate or correspond with potential clients regarding their criminal case.

a. Gather very limited information for attorney about the potential client's criminal charges and any pending court dates; and

b. Provide brief information about the attorney and firm to the potential client, and explain the process of retaining the firm.

2. Provide information gathered from potential client to attorney for review.

3. Arrange an initial consultation with attorney. An attorney must conduct the initial consultation with any potential client.

a. The initial contact may require an attorney to meet with an inmate at a correctional facility. If so, research the facility's policies regarding attorney visitation; and

b. Obtain visitation approval for attorney to meet with potential client.

B. COMMENCEMENT OF ACTION

1. Arrange Retainer Agreement to be reviewed and signed by client; however, the paralegal should never discuss fees with the client, unless the attorney gives the paralegal such authority.

2. Draft Entry of Appearance for attorney review and file with court. In municipal court cases, file a jury demand with a \$25 check and a plea of not guilty.

3. Assist attorney in gathering initial information including:

- a. Client's background information;
 - b. Obtain prior conviction and arrest records, including juvenile history and current charges;
 - c. Family history;
 - d. Work history;
 - e. Educational background;
 - f. Medical history;
 - g. Military history; and
 - h. Obtain discovery from the prosecutor.
4. Assist prosecuting attorney in explaining and notifying victim of all "critical stages" of prosecution/criminal justice process and seek input from victim regarding all such critical stages.
5. Assist in obtaining bond information and making bond, whether by family, friends or bondsman, as requested by attorney. This might include obtaining a Consent of Surety from bondsman in the event that the client wishes to travel out of the state.

C. COMMUNICATION

1. Communicate with clients on attorney's behalf throughout the legal process when the attorney is unavailable to do so. The paralegal should take detailed written notes of all communication with client, and provide notes/memo to attorney.
2. Facilitate attorney communication with media on high-profile cases. The paralegal should only act as a liaison with media, as requested by attorney, and should never make any comments to the media regarding the case.

D. DISCOVERY

1. Assist attorney in obtaining information relating to charges, possible defenses.
2. Research criminal history background for each prosecution and defense witness, and obtain copies of court documents including:
 - a. Prior court records;

- b. Arrest records;
 - c. Search warrants and affidavits for search warrants;
 - d. Charging instruments;
 - e. Statements made by clients, co-defendant(s), or witnesses;
 - f. Habitual criminal and penitentiary packets;
 - g. Bond information; and
 - h. Grand jury transcripts.
3. Locate and obtain pertinent evidence including:
 - a. Visitation and documentation of crime scene including photographs and diagrams, *etc.*;
 - b. Police records to include report and supplements, tapes, drug tests, medical records, and photos;
 - c. Independent lab examination of evidence;
 - d. Documentation for records listed in A(1) above; and
 - e. Draft and send out Preservation of Evidence Notices per attorney instructions.
 4. Review, organize, index, and/or catalogue evidence collected from law enforcement agencies and other sources.
 5. Prepare discovery/evidence logs.
 6. Coordinate locating and interviewing of witnesses including verification of information, written reports of interviews and expert witnesses.
 7. Assist interviewing potential witnesses.
 8. Draft discovery requests and responses for client and attorney review, and supplement as needed.
 9. Coordinate production of discovery and attend document productions as requested by attorney.

10. Draft for attorney review and file any documents and pleadings to fulfill reciprocal discovery obligations.

E. ALTERNATE DEFENSE COUNSEL/CRIMINAL JUSTICE ACT (IF APPLICABLE)

1. Research individual courts ADC/CJA policies and obtain proper forms from the court.

2. File initial paperwork associated with ADC/CJA authorization.

3. Maintain records of attorney costs and services associated with specific cases, as well as detailed records of the paralegal's costs and services.

4. Prepare authorization and vouchers for experts and other services for attorney review and submit to court.

5. Obtain expert travel authorizations and coordinate travel per attorney instructions.

6. Complete and submit ADC/CJA vouchers to court regularly.

7. Monitor ever changing policies and procedures surrounding the ADC/CJA.

F. PRETRIAL

1. Review and summarize evidence with/for the attorney.

2. Coordinate discovery strategy with investigators as to remaining evidentiary matters and additional witness interviews.

3. Perform and/or supervise docketing functions including deadline dates, court appearances and motion hearing dates.

4. Conduct legal research as requested by attorney for pretrial motions and trial regarding procedural issues, evidentiary issues and jury instructions.

5. Assist attorney as requested in development of defenses, theories of the case, and trial strategy.

6. Draft pretrial motions for attorney review, including required memorandums in support of motions.

7. Coordinate and schedule times for witness testimony at pre-trial hearing(s).
8. Coordinate and prepare documents for out of state witnesses.
9. Draft and manage subpoenas:
 - a. Determine what witnesses will require subpoenas (including subpoenas *duces tecum* and interstate subpoenas) for pre-trial hearings and trial;
 - b. Arrange for timely service of subpoenas and payment of required fees;
 - c. Follow up on service and handle any issues which may arise from uncooperative witnesses or service deadlines running out;
 - d. Timely serve subpoenas *duces tecum* for police records to include report and supplements, tapes, drug tests, medical records, and photos;
 - e. Follow up to witness availability; and
 - f. Prepare and submit Proof of Service on all subpoenas.
10. Ensure that expert witnesses receive appropriate materials for review prior to testimony and timely produce copies of expert reports.
11. Attend pre-trial conferences and/or special motions hearings with attorney, as requested.

G. TRIAL

1. Prepare trial notebooks including jury exhibit notebooks.
2. Obtain, list, and mark exhibits. Coordinate production of demonstrative evidence.
3. Index and summarize witness information, including telephone numbers and address for contact.
4. Draft witness list and prepare synopsis of anticipated testimony.
5. Review proposed jury list, identify desirable and undesirable jury "types," and draft proposed *voir dire* examination questions for attorney review.
6. Assist attorney in preparation of proposed direct and cross-examination questions for client and witnesses.

7. Assist attorney in preparation of client and witness for trial testimony.
8. Coordinate and prepare documents for out of state witnesses.
9. Schedule times for witness testimony at trial and coordinate appearance times as the trial days unfold.
10. Draft jury instructions for attorney review.
11. Assist at trial as requested by attorney including:
 - a. Observation of jury selection and of the jury during trial;
 - b. Take accurate notes of the proceedings including the offering and entry of exhibits into evidence;
 - c. Maintain control of files and exhibits and ensure that all required exhibits and evidence are available;
 - d. Coordinate witness appearance;
 - e. Ensure that all special equipment required at trial is available, and in working order; and
 - f. Review trial notes with attorney in preparation for closing arguments.

H. POST TRIAL/SENTENCING

1. Conduct legal research and draft post-trial motions for attorney review.
2. Draft Restitution Order and any other documents needed for sentencing (prosecution only).
3. Draft letter to victims regarding attendance at sentencing hearing (prosecution only).
4. Coordinate witnesses for sentencing hearing.
5. Assist attorney at sentencing hearing as requested.

I. POST TRIAL/APPEAL

1. Assist attorney in obtaining bond refunds or appeal bonds.

2. Prepare file for attorney review on appeal issues.
3. Assist attorney in researching issues for appeal from the trial record.
4. Coordinate with court reporters to ensure trial transcript and record is prepared in a timely manner.
5. Draft notice of appeal for attorney review and file.
6. Draft pleadings including designation of record on appeal, answer brief, response/reply, for attorney review.
7. Docket all necessary deadlines including due date for Designation of the Records, opening brief, oral argument, and response/reply dates.
8. Maintain contact with the district court to make sure record arrives on time.
9. Prepare file for attorney to argue, if necessary.
10. Monitor progress of appeal and attend/assist at oral argument as requested.

J. CONTINUING EDUCATION

1. Attend specialized training seminars hosted by courts regarding new procedures.
2. Attend CLE courses and other training seminars pertaining to the legal specialties.