|  |  |  |  |
| --- | --- | --- | --- |
| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | October 08, 2024 | County | Lander |
| Court | Eleventh Judicial District Court | Judge | Jim Shirley |
| Defense Attorney | Kyle Swanson | Prosecutor(s) | Michael MacDonald  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 4 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Hearing Types | Arraignment, Sentencing, Status Hearing, and an Order to Show Cause hearing | | |
| **Attorney's Preparedness** | | | |
| Did the Attorney appear for court? | | | Yes / No / N/A |
| Did the Attorney have the file? | | | Yes / No / N/A |
| Did the Attorney appear to have had a substantive, confidential meeting with  each client before court? | | | Yes / No / N/A |
| Did the Attorney appear prepared to handle their clients' cases? | | | Yes / No / N/A |
| **How prepared did the Attorney appear?**  Kyle appeared prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Kyle appeared to be knowledgeable about his cases. | | | |
| **The Attorney's courtroom advocacy skills were:**  Kyle did a good job advocating for his clients during the court hearing. | | | |
| **How was the Attorney/client communication?**  The attorney-client communication appeared to be good, with the exception that one client who had been in contact with Kyle failed to appear today but had not called Kyle to let Kyle know why the client was not able to appear in court today. | | | |
| **Case Stage-Specific Issues** | | | |
| Did the Attorney argue for pretrial release/OR, or for reasonable bail? | | | Yes / No / N/A |
| Did the Attorney counsel each client to refrain from waiving trial rights until the  attorney completed investigation of the case? | | | Yes / No / Unknown |
| Did the Attorney appear to have counseled clients to refrain from waiving any  rights at arraignment? | | | Yes / No / N/A |
| Did the Attorney appear to adequately advise clients of the consequences of  accepting a plea or going to trial, including any collateral consequences? | | | Yes / No / N/A |
| Did the Attorney present mitigating evidence and provide argument at  sentencing? | | | Yes / No / N/A |
| Did the Attorney address the Presentence Investigation Report (PSI) and/or  Psychosexual Evaluation/Risk Assessment appropriately? | | | Yes / No / N/A |
| Did the court require defendant(s) to reimburse the entity for representation? | | | Yes / No / N/A |
| **Overall Assessments** | | | |
| Does the Attorney appear to have a sustainable workload? | | | Yes / No / N/A |
| Overall, does the Attorney appear to be providing effective representation to  their clients? | | | Yes / No / N/A |
| **Remarks/Recommendations/Notes (continue on reverse):**   * One of Kyle’s clients was in custody following his positive test for methamphetamine. The client was on a deferred sentencing with Drug Court as a condition of the deferred sentencing. The client admitted the use of methamphetamine. The court imposed a sanction of time served and ordered that he continue on the deferred sentencing and return immediately to the Drug Court. | | | |

Remarks/Recommendations/Notes, continued:

* One of Kyle’s clients entered a guilty plea to one count of Possession of a Controlled Substance, a category E felony, pursuant to negotiations, with a joint recommendation for diversion with Drug Court as a condition of the deferred sentencing. The court followed the agreement and ordered the client into the Drug Court as a condition of the deferred sentencing.
* Two of Kyle’s clients failed to appear for court today. Kyle requested a continuance for both clients. The court granted the continuance for the client who had called Kyle to let Kyle know that she was positive for Covid and not well enough to come to court. The court issued a bench warrant for the client who had not called Kyle or the court to explain why she was not able to come to court.