|  |  |  |  |
| --- | --- | --- | --- |
| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | October 24, 2024 | County | Humboldt |
| Court | Union Justice Court | Judge | Jim Loveless |
| Defense Attorney | Massey Mayo | Prosecutor(s) | Anthony Gordon  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 21 clients (28 cases) |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Hearing Types | Arraignments, Pretrial Conferences, Review Hearings, and Preliminary Hearings, and a Bench Trial | | |
| **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?**  Massey appeared prepared for court. | | | |
| **How knowledgeable was the Attorney about their cases?**  Massey appeared to be knowledgeable about her cases. However, on one of Massey’s cases she thought that the case was a DUI First Offense when it was actually a DUI Second Offense. That case ended up being continued. | | | |
| **The Attorney's courtroom advocacy skills were:**  Massey did a good job advocating for her clients during the court hearing. | | | |
| **How was the Attorney/client communication?**  The attorney-client communication appeared to be good. | | | |
| **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):**   * Massey had 21 clients and 28 cases scheduled for today. Even though she did an excellent job at remembering all the cases, the clients, and the pertinent facts of each case for the hearings (with the exception of one case she mistakenly thought was a DUI-1st when it was a DUI-2nd), it appeared to be too large a volume for a single attorney. Today’s calendar may have been a one-off rather than an average justice court calendar for Massey. So, in fact, her workload may be sustainable.   Remarks/Recommendations/Notes, continued:   * One of Massey’s clients had 2 cases on calendar today: (1) a review hearing on a deferred sentencing agreement; the client had complied with all conditions and the charge was dismissed; and (2) a pretrial conference where the State dismissed the charge at the request of the victim. * One of Massey’s clients was scheduled for a pretrial conference on a DUI-2nd offense. The State had made an offer for her to plead guilty and a joint recommendation for minimum penalties. However, Massey and her client believed that it was a DUI-1st offense with an offer for minimum penalties. Based upon the confusion (and the client appearing possibly impaired) the court continued the hearing to 12/19/2024. The court initially planned to have the client tested for alcohol but Massey persuaded the court not to do so. (Note: I do not know with certainty that the client was impaired, but she did appear to be impaired.) * One of Massey’s clients had a review hearing today. The client is doing well. Another review hearing was scheduled for 2/6/2024. * Massey assisted one client with 3 cases. 2 of the cases were misdemeanor arraignments. No rights were waived by the client. A pretrial conference was scheduled for 12/12/2024 for both cases. The client’s third case was a pretrial conference. That case was set for a preliminary hearing on 2/20/2025. * One of Massey’s clients had 2 cases on calendar today (a felony case and a misdemeanor case). One case was set for Preliminary Hearing and the other case was set for a misdemeanor bench trial. The dates were to be picked by the attorneys and court clerks. * One of Massey’s clients was scheduled for a pretrial conference. However, the client called Massey and told Massey that she was too sick to come to court. The hearing was continued to 12/12/2024. * One of Masseys’ clients pled guilty, pursuant to negotiations, to charges of DUI-1st and Reckless Driving. The Eluding a Police Officer charge was dismissed. The parties jointly recommended to the court the minimum statutory penalties for the DUI-1st and an identical concurrent sentence for the Reckless Driving charge. The court followed the joint recommendation in part but added a 30 day suspended jail sentence for 1 year with sobriety and “good conduct” provisions. * One of Massey’s clients had 2 cases scheduled for a 3 month review on deferred sentencings. The client is doing well and is in compliance with the terms of the deferral. Another review was scheduled for 2/6/2025. * Three of Massey’s clients had their pretrial conferences continued. * One of Massey’s clients did not appear for her pretrial conference. Massey explained to the court that it was her error which resulted in the client not appearing today. The pretrial conference was rescheduled for 11/7/2024. * One of Massy’s clients was scheduled for a preliminary hearing today. However, the State filed a motion to continue based on the unavailability of a necessary witness. The court granted the motion and rescheduled the preliminary hearing for 12/19/2024. * One of Massey’s clients was scheduled for a pretrial conference. The parties did not reach a settlement agreement. The case was scheduled for a preliminary hearing on 10/31/2024. * One of Massey’s clients was scheduled for a bench trial today. However, the State made a new settlement offer. The case was set for a pretrial conference on 12/19/2024. * One of Massey’s clients did not appear for her pretrial conference (on a new case) and review hearing on an old case. Massey had only recently been appointed (in place of the former Humboldt County Public Defender Matt Stermitz). Massey had not had contact with her client and did not know why her client was not present. Massey requested a continuance to have time to meet with her client and have her appear in court. The court granted Massey’s request and continued the hearings to 12/19/2024. * One of Massey’s clients had 2 cases set for preliminary hearing today. The client failed to appear today. Massey requested a continuance. The State requested a bench warrant and explained that it was ready to proceed on the preliminary hearings and had all of their witnesses present in court today. The court issued bench warrants in both cases. * One of Massey’s clients was in custody on a charge of Open Murder. Mansfield also represents this client but was not present today. Today’s hearing was a pretrial conference. No resolution was entered into today and the case was set for a preliminary hearing on 12/13/2024. * One of Massey’s clients entered a No Contest plea, pursuant to negotiations, to an amended charge of Disturbing the Peace. The original charges were dismissed. The parties jointly recommended a sentence of time   Remarks/Recommendations/Notes, continued:  served. The court sentenced the client to 7 days jail with credit for 7 days time served.   * One of Massey’s clients was scheduled for a pretrial conference. The Stated moved to dismiss the case, pursuant to negotiations, and the client having entered a guilty plea to a charge in District Court. * One of Massey’s clients was scheduled for a review hearing on a Battery that Constitutes Domestic Violence sentence. The client is making progress on the conditions of his sentence but has not completed the domestic violence counseling sessions, the community service hours or paid all of the fines, fees, and assessments. The court set a review hearing for 2/3/2025 for the client to show proof of completion of counseling, community service hours and full payment of the fines, fees, and assessments. | | | |