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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | October 29, 2024 | County | Douglas |
| Court | Tahoe Justice Court | Judge | Michael Johnson |
| Defense Attorney | Brian Filter | Prosecutor(s) | William Murphy  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 10 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Hearing Types | Arraignments, Pretrial Conferences, Sentencings, OSC hearings | | |
| **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?**  Brian appeared prepared for all his cases except 4:   * One of Brian’s clients was just assigned to him less than 2 hours ago. The client was out of custody. The client’s hearing was continued to 12/10/2024. * One of Brian’s clients was assigned to Brian yesterday. That client is out of custody and additional time was needed to receive the discovery, review it, and discuss it with the client. That client’s case was continued for 2 weeks to 11/12/2024. * One of Brian’s clients allegedly tested positive for alcohol in violation of his suspended sentence. However, it did not appear that the Department of Alternative Sentencing had notified the client of the positive urine test or today’s court hearing. Brian had not yet spoken with the client. The hearing was continued 5 weeks to 12/3/2024. * One of Brian’s clients previously paid a fine with a credit card. However, the credit card payment was declined and the court placed the matter on calendar today as an OSC. The client did not appear for court today. Brian requested additional time to try and reach the client. The OSC was continued 2 weeks to 11/12/2024. | | | |
| **How knowledgeable was the Attorney about their cases?**  Brian appeared to be knowledgeable about his cases. | | | |
| **The Attorney's courtroom advocacy skills were:**  Brian did a good job advocating for his client 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 / Unknown |
| 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 Brian’s clients was scheduled for sentencing on a misdemeanor charge. That client had just had her sentencing in the East Fork Justice Court revoked based on this new offense in the Tahoe Justice Court. The State argued for 120 days active jail consecutive to the East Fork Justice Court sentence. Brian argued for 60 days. The court ordered 90 days active jail consecutive to the EFJC sentence. * One of Brian’s clients pled guilty to a misdemeanor charge of Possession of Drug Paraphernalia, pursuant to settlement negotiations, which included the dismissal of other charges but left both sides free to argue regarding the sentencing. The State argued for 60 days active jail consecutive to the Ninth Judicial District Court sentence. (The District Court placed the client into the Drug Court program as a condition of probation. The Drug Court plans to place the client into an inpatient treatment program. The client will remain in custody on the District Court case until placed into the residential treatment program.) Brian argued for 7 days jail, with credit for time served of 7 days, concurrent to the District Court sentence. The court followed Brian’s recommendation and sentenced the client to 7 days jail, with credit for 7 days time served, concurrent to the District Court sentence. * One of Brian’s clients is in the hospital, seriously ill (heart failure). The State withdrew its settlement offer. The case was then scheduled for a preliminary hearing on 1/3/2025. * One of Brian’s clients has been charged with new offenses in the Tahoe Justice Court (a new case). This case was continued to enable the State to make a settlement offer that includes both cases. The client is out of custody and appeared by Zoom. Both cases were continued to 11/19/2024. * One of Brian’s clients pled guilty to two misdemeanors (Resisting a Public Officer and Disorderly Conduct) pursuant to settlement negotiations. The remaining count was dismissed. The court followed the joint sentencing recommendation of fines only ($640 and $198) taken from the cash bail. Note: this client appeared by Zoom video. * One of Brian’s clients waived his right to a preliminary hearing, pursuant to negotiations. The client will plead guilty in the Ninth Judicial District Court to 1 count of Embezzlement. The State will not oppose diversion with Drug Court or an equivalent treatment program and payment of full restitution. If the client is successful on diversion, the charge will be dismissed. If the client is unsuccessful, both sides will be free to argue at sentencing. The Arraignment was set for December 2, 2024. | | | |