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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | March 26, 2025 | County | Lander |
| Court | Eleventh Judicial District Court | Judge | Spencer Roberts |
| Defense Attorney | Kyle Swanson | Prosecutor(s) | Michael MacDonald  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 2 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 1 | Number of Clients Out-of-Custody | 2 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Arraignment, Bench Trial, Preliminary 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:**  Good. | | | |
| **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:**  Kyle had 3 clients on today’s calendar:   1. First client: Scheduled for a Preliminary hearing and Bench Trial. The client was out-of-custody and present in court. Kyle informed the court that the parties had reached a resolution that involved both the felony and misdemeanor cases. The client will waive his right to a preliminary hearing. The agreement is for the client to obtain a Substance Use Evaluation and enter the drug court program (initially in Lander and then transferred to Elko). The court canvassed the client regarding his decision to waive his right to a preliminary hearing and have the court transfer the case to the district court. Following the court canvass, the court accepted the waiver of preliminary hearing and ordered the case bound over to the district court. The negotiations include dismissing the misdemeanor case after the client enters his plea in district court. The next hearings (District Court Arraignment and Justice Court Status hearing) will be set by the judicial assistant. 2. Second client: Scheduled for a Preliminary hearing and Bench Trial. The client was out-of-custody and not present in court. Kyle informed the court that he has had no contact with the client despite his efforts to reach the client through phone calls and staff phone calls to the client’s phone number. Kyle told the court that he does not know if the client is aware of today’s hearing. Kyle requested that the court issue an Order to Show Cause rather than a Bench Warrant to give him additional time to try and get in touch with his client. The underlying charge is a category E felony (Possession of a Controlled Substance). The court ordered that an Order to Show Cause hearing be scheduled for approximately 30 days from today. The judicial assistant will set the court date. 3. Third client: Arraignment. The client was out-of-custody and present in court. The client was advised of the charges against him and his rights. Kyle informed the court that the parties are working toward a resolution of the case. The prosecutor confirmed that the negotiations contemplate a charge less serious than Battery That Constitutes Domestic Violence. The client waived his right to a speedy trial. The next hearing is scheduled for May 14, 2025. | | | |