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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | May 20, 2025 | County | Lander |
| Court | Eleventh Judicial District Court | Judge | Jim Shirley |
| Defense Attorney | Kyle Swanson  Lander County Public Defender | Prosecutor(s) | Michael MacDonald  Deputy District Attorney |
| Attorney Present | In Person / Virtual / w/Client | Number of Clients | 5 |
| Defendants Present | In Person / Virtual / Off-Site | Custodial Status | IC / OOC / Blend |
| Number of Clients  In custody | 0 | Number of Clients Out-of-Custody | 5 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 3 |
| Hearing Types | Arraignment and Sentencing 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?**  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 5 adult clients on today’s court calendar:   1. First Client: **Sentencing hearing**. The client is out of custody and present in person.  * When the client entered his plea, the court and parties waived the preparation of a Presentence Investigation Report. * Kyle submitted a Substance Use Evaluation and Mental Health Evaluation for the court’s consideration. The evaluations were marked and admitted into evidence. * Kyle made a mitigation argument in support of his client’s request for a diversion program with recommendations for both drug court and mental health court. Kyle pointed out that both evaluations recommend outpatient treatment for the client. Kyle also acknowledged that the evaluations disagree on the severity of the client’s methamphetamine addiction (the Substance Use Evaluation says the client has a moderate addiction and Mental Health Evaluation says the client has a severe addiction). Kyle argued for diversion with a treatment program (both substance and mental health treatment). * The client made an allocation statement. The client said that he is hopeful he will have full-time employment soon. He said that he would like to participate in both the mental health court and the drug court programs. He said that he wants to do better, is trying to do better, and believes that he will benefit from both specialty court programs. * The State agree to recommend a diversion program if the client qualifies. The State does want the client to receive treatment The State said that the client should also be required to pay restitution to the victims. * The court praised the client for his recent string of clean drug tests. * The court granted diversion: placed the client on probation for 12 months, and required the client to participate in and successfully complete both the drug court and mental health court programs with their standard conditions, including search and seizure testing.   The court also ordered the client to pay a $25 administrative assessment fee and a $3 DNA assessment fee. The court did not order restitution because the DA Office has not received the dollar amount from the victim. The court pointed out that if the client fails the diversion program, then the victim will have an opportunity to request restitution at that sentencing hearing.   1. Second Client: **Arraignment hearing**. The client is out of custody and present in person.  * The client was not present when her case was first called by the court. Kyle informed the court that the client had called his office to let him know that she was on her way, but running late. The client arrived at 2:05 for her 1:30 hearing. * The court directed the client to go to Pretrial Services for testing (Note: it is the court’s standard practice to test clients prior to each district court hearing). * Pretrial Services informed the court and parties that the client tested positive for controlled substances. * Kyle asked the court to admonish the client (consistent with this court’s practice on first dirty tests) and continue the hearing for 2 weeks. * The State also requested that the court admonish the client about the dirty test and warn her that the next dirty test will result in her arrest. * The court admonished the client, allowed her to remain out of custody, and ordered her to obtain a Substance Use Evaluation prior to the next hearing in light of the parties intended resolution with a diversion drug treatment program. The court continued the arraignment to 6/3/2025 at 1:30 p.m.  1. Third Client: **Arraignment hearing**. The client is out of custody and present in person.  * Pretrial Services informed the court and parties that the client tested positive for controlled substances. * Kyle stated that this is the client’s first dirty test. Kyle requested a continuance and that his client remain out of custody. The client will return clean to all future court hearings. * The State requested that the court admonish the client and advise the client that the next time she comes to court positive for a controlled substance, she will be remanded into custody. * The court admonished the client and continued the arraignment to 6/3/2025 at 1:30 p.m.   **Remarks/Recommendations/Notes (continued from previous page):**   1. Fourth Client: **Arraignment hearing**. The client is out of custody and present in person.  * Pretrial Services informed the court and parties that the client tested positive for controlled substances. * Kyle stated that this is the client’s first dirty test. Kyle requested a continuance and that his client remain out of custody. The client will return clean to all future court hearings. * The State requested that the court admonish the client and advise the client that the next time she comes to court positive for a controlled substance, she will be remanded into custody. * The court admonished the client and continued the arraignment to 6/3/2025 at 1:30 p.m.  1. Fifth Client: **Arraignment hearing**. The client is out of custody and not present in court.  * The court stated that the client was previously ordered to cooperate with Pretrial Services and be subject to testing. The client failed to get in contact with Pretrial Services and has not tested or met with them. * Kyle informed the court that he has not heard from the client despite numerous attempts to reach the client. Kyle’s last contact with the client was at the court hearing in April 2025. * The court issued a Bench Warrant for 11 Western States.   [**Not**e: Judge Shirley of the 11JDC typically admonishes clients on their first dirty test and has the clients arrested on a second dirty test.] | | | |