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| **DIDS Attorney Observation Report** | | **Reviewer** | Derrick Lopez |
| Date | March 11, 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 | 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 | 1 |
| Cases Continued  In Custody | 0 | Cases Continued  Out-of-Custody | 0 |
| Hearing Types | Sentencing and Review 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 2 adult clients on today’s court calendar:   1. First Client: Sentencing hearing. The client is in custody and present in person. Swanson informed the court that they were prepared for sentencing. However, this morning the client changed his mind and would now like to request a diversion program. A substance use evaluation is needed to support that petition. Based on his client’s wish to pursue a diversion program, the defense requested a 2-week continuance. The State did not oppose the continuance. The court agreed to continue the sentencing hearing but for 4 weeks instead of 2. The court explained that it does not want to set it for 2 weeks only to find out that two weeks was insufficient time to get an evaluation. The client’s custody status was not addressed. 2. Second Client: Continued Review hearing and disposition hearing on the client’s violation of the terms of his deferred sentencing. The client is out-of-custody and present in court. Kyle filed an updated substance use and mental health evaluation. Kyle explained that the evaluation has a very detailed treatment plan to address both the client’s drug abuse and mental health diagnoses (bipolar and more). Kyle argued for the court to allow the client to remain on deferred sentencing with the added requirement that he follow the new treatment plan. The State recommended that the court proceed to grant diversion with requirements that the client participate in both the mental health and substance use courts. The court followed the joint recommendation and placed the client in both specialty court programs with their standard terms and conditions and supervision by the Division of Parole and Probation. | | | |