

THREE CASES REVIEWED:

Committee for Public Counsel Services Youth Advocacy Division - Trial Panel Unit

Juvenile Delinquency Performance Assessment Report

County:	Juvenile Supervising Attorney:	Evaluated Attorney:
Type of Sup		observed in court, please state procedure.):
Please enter comments, where appropriate in the corresponding comments section below each category. Address considerations listed under each heading. Please state the source of information (observation, file review, etc.) in a Remove all italicized text after reading instructions. GENERAL INFORMATION: 1. In which counties does attorney practice? Which courts? 2. On what other CPCS panels is attorney active? 3. Where is attorney's office? Proximity to client population? Courts? 4. What type of legal research does attorney have in office? 5. Who is attorney's Resource Attorney? How often do they meet? 6. Is attorney a Resource Attorney for others? If so, for whom, and how often do they mee	Month/Year:	
Date of Evaluation: For Month/Year: Please enter comments, where appropriate in the corresponding comments section below each category. Address of considerations listed under each heading. Please state the source of information (observation, file review, etc.) in each Remove all italicized text after reading instructions. GENERAL INFORMATION: 1. In which counties does attorney practice? Which courts? 2. On what other CPCS panels is attorney active? 3. Where is attorney's office? Proximity to client population? Courts? 4. What type of legal research does attorney have in office? 5. Who is attorney's Resource Attorney? How often do they meet? 6. Is attorney a Resource Attorney for others? If so, for whom, and how often do they meet?		
GENERAL I	NFORMATION:	
2. 3. 4. 5.	On what other CPCS panels is attorney active? Where is attorney's office? Proximity to client pop What type of legal research does attorney have in Who is attorney's Resource Attorney ? How often	oulation? Courts? office? n do they meet?
JURY TRIA	LS:	
including n	name of case, major charge, court and dates of tr	-

I.	<u>Gen</u>	ERAL DUTIES OF COUNSEL						
	1.	Treats client respectfully		Yes		No		N/A
		Punctual in court		Yes		No		N/A
	3.	Interviews client promptly		Yes		No		N/A
	4.	Maintains complete file on each case		Yes		No		N/A
	5.	Protects speedy trial rights, including "30-day rule"		Yes		No		N/A
	6.	Regularly reviews cases with mentor		Yes		No		N/A
	7.	Appropriate appearance in court		Yes		No		N/A
	8.	Appropriate demeanor in court		Yes		No		N/A
	Please n	ws client promptly, including number of interviews with client througl ote as to client interview: location of first jail interview for clients in c iate and private setting for clients not in custody; number of days afte	ustody	or locatio	on of fi	rst inter	view in	
II.	ARR	AIGNMENT						
	1.	Prepares for hearing (notes in file)		Yes		No		N/A
	2.	Familiar with competency and criminal responsibility law		Yes		No		N/A
	3.	Protects client from identification advantageous to prosecution		Yes		No		N/A
	4.	Persuasive advocacy at bail hearing		Yes		No		N/A
	5.	Protects right to bail appeal		Yes		No		N/A
	6.	Promptly obtains police reports and court documents		Yes		No		N/A
	where a	l Appeal <u>whenever</u> client is held on bail, and follows through to Superi opropriate, i.e., Motion to Preserve Evidence, Get Release of Records si _s ecords, mental health records, etc.)		-			_	
III.	<u>Pre</u>	TRIAL PREPARATION						
	1.	Promptly investigate facts of case		Yes		No		N/A
	2.	Files Motion for Funds for Investigator and Social Worker		Yes		No		N/A
		ppropriate, attorney files Appeal of any denial of Motions for Funds; in es of client. Attorney obtains expert assistance when and where appro		ates any _l	possibl	e Menta	l Health	ı, SPED,
	3.	Promptly contacts defense witnesses (File notes show date and content of interview)		Yes		No		N/A
	4.	Attempts to interview prosecution witnesses and knows their availability (File notes show date of contact)		Yes		No		N/A
	5.	Amends pretrial conf. form as case law allows in defense interest		Yes		No		N/A
	6.	Prepares trial notwithstanding tentative plea negotiations		Yes		No		N/A
	7.	Formulates theory of the case		Yes		No		N/A
	-	$school\ consequences\ suspension, expulsion, etc.; where\ appropriate$			ation t	o advoca	ıte; Mal	kes
	arrange	ment to review any evidence to be used against client. Visits scene of t	the crim	ıe.				

IV.	DISCOVERY			
	 Identification procedures Written and oral statements of defendant and codefendant Statements and criminal records of witnesses Official reports (police, medical, etc.) Inspection of physical evidence Expert opinions 	Yes Yes Yes Yes Yes	No No No No No	N/A N/A N/A N/A N/A
	Comments:			
v.	PRETRIAL MOTIONS			
	 Relief from joinder Suppression Funds for investigation, expert, etc. Familiar with MA Rules of Crim. Proc. Governing pretrial motions Comments: Click here to enter text.	Yes Yes Yes Yes	No No No No	N/A N/A N/A N/A
VI.	Trial			
	 Summonses favorable witnesses Presents expert evidence, when appropriate Plans effective direct and cross examination (File includes notes) Has available copies of witness statements, including police reports 	Yes Yes Yes	No No No	N/A N/A N/A
VII.	Jury Trial			
	 Appropriate Motions in Limine Motion for voir dire questions (In file) Opening and closing plans (Notes in file) Motion for jury instructions (in file) Motion for Required Finding of NG/ND (In file) 	Yes Yes Yes Yes	No No No No No	N/A N/A N/A N/A

VIII.	SENTENCING			
	1. Advises client of potential additional punishments, parole eligibility in Youthful Offender case, time assignment on DYS classification grid, explanation of assessment/staffing/classification process if client committed to DYS, immigration consequences, SORB consequences, m/v license consequences	Yes	No	N/A
	2. Explores specific alternatives to incarceration	Yes	No	N/A
	3. Present evidence or witnesses	Yes	No	N/A
	4. If client is committed to DY, follows through with Staffing and RRT preparation	Yes	No	N/A
IX.	Post-trial			
	1. Protects client's right of appeal	Yes	No	N/A
	2. Requests tape or transcript of proceeding promptly	Yes	No	N/A
	3. Files Motion to Revoke and Revise timely if appropriate or, in any case, if requested by client	Yes	No	N/A
	4. In all DYS commitments, attorney prepares for, attends, and advocates on behalf of the client at all DYS Staffing Hearings and RRT Hearings.	Yes	No	N/A
	Comments: Click here to enter text.			
Х.	Trial			
	1. Summonses favorable witnesses	Yes	No	N/A
	Comments: Click here to enter text.			
XI.	JURY TRIAL			
	 Appropriate Motions in Limine Motion for voir dire questions Opening and closing plans Motion for jury instructions 	Yes Yes Yes Yes	No No No No	N/A N/A N/A N/A
	Comments: Click here to enter text.			

INFORMATION ABOUT THE LAST JURY TRIAL THIS ATTORNEY PERFORMED:

XII.	<u>Sente</u>	<u>NCING</u>						
	1.	Advises client of potential additional punishments, parole eligibility, or immigration consequences		Yes		No		N/A
	2.	Explores specific alternatives to incarceration		Yes		No		N/A
	3.	Presents evidence or witnesses		Yes		No		N/A
	4.	DYS staffing hearings		Yes		No		N/A
XIII.	<u>Post-</u>	TRIAL Protects client's right of appeal	П	Yes		No	П	N/A
	2.	Requests tape or transcript of proceeding promptly		Yes	П	No		N/A
	3.	Files Motion to Revise and Revoke timely, if appropriate, or, in any case, if requested by client		Yes		No		N/A
	Comm	nents: Click here to enter text.						

XIV. OVERALL PERFORMANCE SCALE AND RATING

The rating scale is made up of the five factors listed beside the ratings below. Any factor rated (D) Opportunity for Improvements/Inconsistent, or, (E) Unsatisfactory, MUST have performance comments. For any factor, performance comments should support the overall rating given.

Α	Highly Effective	Performance consistently achieved and very often exceeds YAD standards.
В	Newer Attorney - Extremely Promising	Attorney relatively new to practice and show exceptional promise, with time and experience will become a top performer.
С	Fully Competent	Good, solid performance. Fulfills all YAD requirements.
D	Opportunity for Improvements/Inconsistent	Attorney inconsistently meets established YAD standards. Performance achieves some but not all YAD standards and needs improvement in some areas. May be new attorney requiring more training and coaching or, may be established attorney whose practice needs improvement.
Е	Unsatisfactory	Performance does not meet YAD requirements, either because the level of performance seldom rises to that requirement by YAD standards or, because significant gaps in performance require immediate review.

XV. SUPERVISING ATTORNEYS OVERALL COMMENTS:

XVI. SUPERVISING ATTORNEY'S OVERALL RATING:

(Insert corresponding alphabet letter from rating scale above)

Part II: Attorney Core Competency Assessment

This section of the performance report is designed to aid supervising attorneys, and the evaluated attorney, in gauging the evaluated attorney's knowledge and skill in each are of juvenile defense. The information will be used to put together an individualized professional development plan.

Instructions: Click on the box that most closely resembles the evaluated attorney's knowledge, ability and/or skill referenced in each row. The selection of number 1 indicates "no skill knowledge" and number 5 being "proficient". In the comments area, please identify particular areas of strength, as well as areas where a particular skill or knowledge needs improvement.

A. CI	IENT-CENTERED REPRESENTATION	1	2	3	4	5
a.	Interviewing clients (including working with kids)					
b	Information gathering					
C.	Use of GALs					
d	Negotiating placements/ASAPs					
e.	Positive Youth Development (PYD)					
f.	Trauma					
g.	Racial and Ethnic Disparities					
h	LGBTQ					

Comments:

B. ARRAIGNMENT/BAIL/FIRST APPEARANCE	1	2	3	4	5
a. Bail advocacy					
b. Humberto H.					
c. Conditions of Release					
d. Bail Reviews					
e. Dangers of detention					
f. Sec. 35s					
g. JPAST					

Comments: Click here to enter text.

C. TRIAL PREPARATION AND TRIAL SKILLS	1	2	3	4	5
a. Litigation skills					
i. Cross-examination					
ii. Impeachment					
iii. Introducing evidence					
iv. Evidentiary objections					
v. Direct examination					
vi. Jury selection and attorney conducted voir dire					
vii. Opening statements (story telling)					
viii. Closing arguments					
b. Theory of the case development					
c. Criminal responsibility					
i. Exploring diminished capacity for kids					
d. Trial Motions					
i. Motion to recuse					
ii. Motion in Limine					
iii. Motions for required findings					
e. Drafting jury instructions (including juvenile specific)					
f. Competency of witnesses					
g. Preserving the record for appeal					

Comments: Click here to enter text.

D. DISPOSITION AND SENTENCING	1	2	3	4	5
a. Sentencing law					
b. Sentencing memo writing					
c. Dispositional advocacy					
d. Revise and revoke					
e. Probation conditions					
f. Restitution hearings					

Comments: Click here to enter text.

E. PROBATION HEARINGS	1	2	3	4	5
a. Violation hearings					
b. Dispsitional advocacy					
c. OYAD					
d. Conditions					

Comments: Click here to enter text.

F.	YOUTHFUL OFFENDER	1	2	3	4	5
	a. Challenging indictments					
	b. Dispositional advocacy					
	c. Sentencing law					
	d. YO specific trial issues					
	i. Verdict Slips					
	ii. YO elements					
	e. Research on adolescent sex offenders					
	f. Motions for Relief from Registration					

Comments: Click here to enter text.

XVII. <u>Core Competency Assessment - Professional and Organizational Skills:</u>

G. PROFESSIONAL AND ORGANIZATION SKILLS	1	2	3	4	5
a. Punctuality					
b. Appropriate demeanor for meetings/court appearances					
c. File keeping/TRIS					
d. Time management					

Comments: Click here to enter text.

XVIII. Attorney's Areas of Strength (list three)

1.	
2.	
3.	

XIX. Attorney's Areas of Needed Improvement (list three)

1.	
2.	
3.	