

Arrestment Considerations

1. Did the attorney obtain copies of any relevant documents which were available, including copies of any charging documents, recommendations and reports made by bail agencies concerning pretrial release, and law enforcement reports that might be available?
2. Was the attorney familiar with the legal criteria for determining pretrial release and the procedures that will be followed in setting those conditions?
3. Did the attorney present to the court a statement of the factual circumstances and the legal criteria supporting release and, where appropriate, make a proposal concerning conditions of release? For example, did the attorney describe the client's ties to the community, including the length of time they have lived at their current and former addresses, family relationships, immigration status (if applicable), employment record and history, and immediate medical needs (if applicable)?
4. Did the attorney challenge any bond conditions that were not reasonably necessary to assure the client's appearance or protect the public or a specific named person?
5. If the client was not eligible for a personal bond, did the attorney advocate for a specific bond amount that was consistent with the client's ability to pay?
6. If court did not grant a personal bond, did the attorney alert the court to any special medical or psychiatric and security needs of the client and request that the court direct the appropriate officials to take steps to meet such special needs?
7. Did the client seem to understand the nature of the hearing, the charges against them and their potential penalties, their rights, and what would happen next in their case?
8. Did the attorney treat the client with care and respect?

For more information, please see Oakland County Performance Guidelines 2.1, 2.3, 3.1

Pretrial Considerations

1. Was the attorney prepared?
2. If the case was not resolved or set for trial, was there a valid reason for setting another pretrial?
3. Did the attorney document what happened at the proceeding?
4. If the client was in custody, did the attorney request a bond modification or have a sound reason for not doing so?
5. Did the attorney treat the client with care and respect?

For more information, please see Oakland County Performance Guidelines 4.4 and 4.5

Plea Considerations

1. Was there a plea offer or sentencing agreement? If so, did it seem that the attorney had informed the client of the agreement reached with the prosecution, explained to the client the full content of the agreement, and explained the advantages and disadvantages and the potential consequences of the agreement?
2. Was the client prepared to provide a factual basis or did the attorney have information ready for a no contest plea?
3. Did it appear that the client fully and completely understood the conditions and limits of the plea agreement, the maximum punishment, potential sanctions, and any other consequences they will be exposed to by entering a plea?
4. If the client was in custody, did the attorney request a bond modification or have a sound reason for not doing so?
5. Did the attorney treat the client with care and respect?

For more information, please see Oakland County Performance Guidelines 6.1 to 6.4

Sentencing Considerations
(no sentencing agreement)

1. Did the attorney make any corrections of, or clarifications to, the PSIR?
2. Did the attorney address unfavorable information in the PSIR?
3. Did the attorney present mitigating and favorable information about their client? If so, was this information supported by letters, certificates, and other evidence?
4. Did the attorney request a specific sentence? If so, did the attorney explain why the requested sentence was appropriate?
5. Does it appear that the case warranted the use of a sentencing/mitigation specialist? If so, was a sentencing/mitigation specialist consulted?
6. Did the attorney correctly calculate the sentencing guidelines? Did the attorney effectively challenge the scoring of the guidelines—if applicable?
7. Did the attorney appear to understand the sentencing provisions and options applicable to the case? (Examples: deferrals, restitution, or minimum sentence)
8. Did the attorney appear to understand the potential direct and indirect consequences of the conviction? (Examples: jail credit, immigration consequences, or driver's license consequences)
9. Did the client seem prepared for sentencing?
10. Did the client effectively allocute?
11. Did the attorney treat the client with care and respect?

For more information, please see Oakland County Performance Guidelines 8.1 to 8.7

Sentencing Considerations
(sentencing agreement*)

1. Did the attorney make any corrections of, or clarifications to, the PSIR?
2. Did the attorney address unfavorable information in the PSIR?
3. Did the attorney present mitigating and favorable information about their client?
4. Did the attorney explain why the court should follow the sentencing agreement?
5. Did the attorney correctly calculate the sentencing guidelines? Did the attorney effectively challenge the scoring of the guidelines—if applicable?
6. Did the attorney appear to understand the potential direct and indirect consequences of the conviction? (Examples: jail credit, immigration consequences, or driver's license consequences)
7. Did the client seem prepared for sentencing?
8. Did the client effectively allocute?
9. Did the attorney treat the client with care and respect?

*Please note that if the attorney believes the case warrants the use of a sentencing/mitigation specialist even though there is a sentencing agreement, the attorney should consult one. Similarly, the attorney should submit a sentencing memo and/or supporting materials when they believe doing so is necessary.

For more information, please see Oakland County Performance Guidelines 8.1 to 8.7