

Criminal Law Section A

Criminal Law Dos & Don'ts

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DO

I. Technology

A. Emails

1. Paper Trail
2. Confidentiality issues

B. Data Storage & Security

1. Weekly back up
 - A. External hard drive
 - B. Keep It Safe – remote back up service
2. Security updates to personal workstations & server

II. Getting and Keeping Clients

A. Initial phone contact

1. Determine the Issue: If not your area of law; refer
2. Basic Information
 - Full Name, date of birth
 - County of Occurrence
 - Criminal History
 - Employment Status
 - Marital Status Schedule appointment

B. Office Conference

1. Research about client available to you
2. Discuss/show procedural aspects of case, giving time estimates
3. Get his/her version of events
4. DO NOT given opinion of final outcome
5. Discuss fees: flat v. hourly and what is covered
6. Find out what brought them to your office

C. Clients to avoid

1. They know more than you do
2. "My friend's lawyer got him a deal"

3. Last second contact
4. Financial issues, check ICIS for lawsuits, unpaid fines, small claims judgments

D. Processing the case

1. Set up file
 - Name address, phone numbers email addresses
 - Keep notes as to who you have talked to and case updates in the file
2. Calendar
 - Keep Current
 - Back Up
 - Reminders of deadlines
3. Prepare client
 - How to dress for court
 - Substance abuse evaluation/treatment
 - Alert client as to UA's may be required at any time
 - Be on time for hearings and appointments
 - Warn about social networking
 - Protect their time
 - Discuss confidentiality in regards to families

III. Management

A. Manage yourself

1. Time to work
 - Block out time on calendar
 - No interruptions
 - Turn off cell phone
2. Delegate
 - Unless you practice completely on your own, have a right hand person to:
 - A. Screen calls
 - B. Schedule appointments
 - C. Arrange for service of documents
 - D. Billing
 - E. Banking/trust account
 - F. Preparation of documents, correspondence and phone calls

Set aside time each day to meet and discuss with this person, case reviews, calendar, clients contacts, etc.

3. Set limits
 - Hours per week
 - Weekends
 - Plan vacations

IV. Miscellaneous:

A. Concluding the case

- 1. Letter to client: if outcome other than a dismissal or acquittal, guide them/remind them of probation or service of time, follow up on sentencing order**
- 2. Ask client for referrals, mention other areas of practice**

B. Maintain closed files

- 1. 10 years**
- 2. Destruction of files**

C. Malpractice Insurance

D. Office Space

DON'T

Sharing "chain" emails with prosecutors that may include confidential client exchanges.

Failure to obtain basic information from client: lost time, faulty assessment of case.

Don't predict outcomes: The client will only remember positive predictions.

Don't avoid fee issue.

Lack of contact with client.

Sharing information with spouses, family members, friends.

Accept every case.

Lie to judges.

GENERAL

Fee contracts: hourly v. flat

Withdrawal of fees from trust
Ethical rule

Firing clients -- give them the money back?

Network, list-serves

Sit in on a trial or parts of one

Visit the scene