

**Felonies are the most serious types of crimes. Conviction of a felony will usually involve a substantial prison sentence. Felony cases can be tried in Monroe County Court, New York State Supreme Court, or United States District Court.**

**Misdemeanors and traffic infractions are lesser criminal charges but an adverse outcome can still have serious implications.**

### **Questions to Ask and Information to Obtain About your Prospective Attorney:**

#### **What is your criminal law background?**

Most but not all attorneys practicing criminal law started their career in one of three places, as a prosecutor in a District Attorney's Office or United States Attorney's office, or as a public defense attorney in a Public Defender's Office. Attorneys with these backgrounds will have had a lot of trial experience in a relatively short period of time. Other attorneys may have worked with more experienced criminal defense lawyers for several years before handling their first case. This is a reasonable area of inquiry if you are interviewing an attorney to represent you or a loved one in a felony case where prison time is a relative certainty if you are not successful. It is less important if you are seeking representation on a traffic infraction.

#### **How many cases of this type have you tried?**

Not all cases go to trial. Some involve guilty pleas to lesser charges. Others are dropped due to insufficient evidence. But an experienced criminal defense attorney will have gone to trial a fair number of times over his or her career. If he or she has not, they are not likely to be very experienced, or they have a tendency to plead guilty in every case. This is something you may wish to consider. Certain types of crime, insurance fraud or DWI for instance, may involve specialized knowledge and it is helpful to find an attorney with experience in that type of case.

#### **What will it cost me?**

Criminal lawyers usually charge by the case or by the hour. The amount varies by attorney and by the complexity of the charge. Some if not most criminal attorneys will also want that fee paid up front before they take the case. You need to be clear on the fee arrangement before getting started.

#### **Do you belong to any specialty bar associations or committees relating to criminal defense?**

This is not essential, but if they do you can be assured that criminal law is an important part of their practice.

#### **Have you ever been disciplined?**

Attorneys are strictly regulated by the State of New York through the Attorney Grievance Committee of each of the four Appellate Divisions. It is completely appropriate to ask if an attorney has ever been disciplined and if so for what.

Do you have malpractice insurance? Attorneys make mistakes because they are human like everyone else. Most but not all attorneys carry insurance to protect clients from the effects of any mistakes that are made. You should hire one that provides this protection.