



1201 Franklin Street, 13<sup>th</sup> Floor  
Houston, Texas 77002

713.368.0016  
713.368.9278 eFax

**Attorney Mentoring Program  
Future Appointed Counsel Training Program (2014)**

The goal of the Future Appointed Counsel Training Program (FACT) is to provide comprehensive training, mentoring and support to a class of 10 new criminal defense lawyers in Harris County, Texas. The program will produce a team of attorneys ready and able for appointment to represent indigent defendants.

A cornerstone of FACT is mentorship – one year of individual, customized training from accomplished attorneys. The Mentorship Plan has the following basic requirements:

1. Submit Mentorship Agreement
2. Act as a resource for advice and assistance to all FACT mentees as needed.
3. Attend state court with partner a minimum of 2 times per month
4. Meet outside court with partner a minimum of 1 time per month
5. Attend regular FACT meetings
6. Participate in the FACTers email listserv
7. Total time spent with mentees: at least 75 hours in the year
8. Complete all activities listed in Mentorship Curriculum
9. Mentorship Term Ends: Fall 2015
10. Submit Certificate of Completion & Exit Survey: Fall 2015

## **The Goal: Training Lawyers to Represent Indigent Defendants**

The mentor's most important role is to serve as the mentee's trusted guide and advisor in the Harris County Criminal Justice Center. The mentee will lack exposure to the basics of local practice, which can create severe disadvantages. Details, like understanding the dynamics of the courtroom, are important. The goal of the FACT mentoring program is to teach the local customs and unwritten rules, as well as the official rules of procedure and evidence.

## **About the Curriculum**

The Mentorship Curriculum provides a list of the basic activities that the mentee needs to master (below). It is not necessary for the mentor to directly participate in each activity with the mentee, but he or she should strive to do so to the greatest extent possible. The mentor should oversee each activity, either in person or by directing the mentee to an experienced attorney, or by sending them to observe a particular proceeding. However, the mentor must, at a minimum, discuss and review each item with the mentee.

## **Stipends for Mentors**

The Harris County Public Defender's Office has received funding from the Department of Justice to provide mentors with a \$3,500 stipend for 75 hours of mentoring service. Mentors will receive \$1,750 at the beginning of the program, and the remaining \$1,750 at the end, upon documentation of 75 hours of mentoring service and completion of all activities in the curriculum. Failure to perform the mentorship requirements will be cause for forfeiture of the remaining stipend and removal from the program.

## **Mentors:**

- Are available for questions.
- Ensure that their mentees gain access to the people and professionals that will support their practice, by introducing mentees to judges, prosecutors, court staff, investigators, bondsmen, etc.
- Listen to ideas, plans, doubts and fears, give advice, and answer questions.

- Reveal their previous mistakes and lessons learned, as well as share successful strategies and “war stories.”

### **Mentees:**

- Support your mentor.
- Make sure your mentor is aware of your talents and expertise.
- Ask questions.
- Maintain strict confidentiality.

# FACT PROGRAM – MENTORSHIP CURRICULUM WORKSHEET

Mentee \_\_\_\_\_ Mentor \_\_\_\_\_

## Part 1. FACT Program – In-Person Meetings

List dates of required in-person meetings:

Month	In-Court (list 2 or more meeting dates)	Out-of-Court (list 1 or more meeting dates)
October		
November		
December		
January		
February		
March		
April		
May		
June		
July		
August		
September		

## Part 2. FACT Program – Mentoring Plan

The following activities and experiences need to be completed by the mentee over the course of the year. They are listed in a proposed chronological order, but do not have to be completed in order.

The mentor should oversee each activity, either in person or by directing the mentee to another attorney, or by sending them to observe a particular proceeding and must discuss and review each item with the mentee.

**One of the requirements of the FACT Mentoring Plan is for the mentee to second chair at least three misdemeanor or felony trials, with at least one trial being a misdemeanor trial.** As part of that activity, a mentee may also complete one or more of the specified activities, i.e. conducting a cross-examination.

### Sec. 1. Introduction to the Legal Community

Activity	Date	Mentee & Mentor Initials
Meet at the mentor’s law office to get acquainted and discuss the mentoring plan. The mentor should introduce the new lawyer to other members of the mentor’s law firm and law office personnel.		
Discuss the various bar associations (HCCLA, TCDLA, NACDL, HBA, etc.) that the mentee should consider joining and the advantages of joining each. Attend a meeting of an organized bar association together.		
Introduce the mentee to members of the judiciary, court personnel, and clerks.		

### Sec. 2. Rules of Professional Conduct and Ethical Issues

Activity	Date	Mentee & Mentor Initials
Discuss “unwritten” customary rules of civility and etiquette among lawyers and judges in Harris County.		
Review the Texas Lawyer’s Creed and the Texas Disciplinary Rules of Professional Conduct, particularly those having specific application to defense lawyers, prosecutors, and judges.		
Discuss ethical issues that arise with some regularity in criminal defense. Discuss ways to resolve the issues, referring to experience as well as the Texas Disciplinary Rules of Professional Conduct.		
Discuss the appropriate way to handle situations where the new lawyer believes another lawyer has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where the new lawyer has been asked by another lawyer to do something that is unethical or unprofessional.		
Review and discuss Appendix A, Section I, pertaining to role, duties, and obligations of defense counsel.		

### Sec. 3. Initial Case Procedures

Activity	Date	Mentee & Mentor Initials
Review and discuss Appendix A, Section II, pertaining to client interviews, initial appearance, competence, and grand jury.		
Visit a client in jail, review the procedures at different facilities and contingencies like bringing a translator, expert, or a computer.		
Competency: Discuss signs of incompetence to stand trial and mental illness, and procedures to follow. Review a file of a client where competency was an issue and how the case was handled.		
New client meeting: Observe a first meeting with a new or potential client.		
Client Contract: Review the written contract and fee agreements. Discuss associated ethical issues.		
Pretrial Bond: Discuss standard bond amounts, “no bond” scenarios and strategies, and how to request a bond reduction.		
Bondsman: Discuss how to work with a bondsman and if practical, introduce the mentee to a trusted bondsman.		
Bond Hearing: Observe or participate in a bond hearing.		
Grand Jury Packet: Review a grand jury packet and discuss the procedures for preparation and presentation. Assist in preparing a grand jury packet.		

### Sec. 4. Case Preparation

Activity	Date	Mentee & Mentor Initials
Review and discuss Appendix A, Section III, pertaining to investigation, discovery and theory of the case.		
Internet Resources: Review frequently used websites like the district clerk, criminal background databases, and legal research.		
Clerk’s Office: Go to the clerk’s office and pull a file, discuss procedures and resources available on the 3 <sup>rd</sup> floor.		
Analyze different pending criminal cases and the entire clerk’s and DA’s files. Look up each relevant statute and discuss the elements of the offenses. Analyze the indictment language. Go over the offense report. Review potential jury charges to guide analysis.		
Investigator: Discuss when and how to get an investigator and who to use.		
Participate in the interviewing of a witness.		
Crime Scene Viewing: Visit at least two crime scenes, with an investigator or lawyer, with regard to an active case.		
Translators: Discuss how to obtain and use translators in court and client meetings.		

Expert Witness: Discuss the engagement and use of an expert witness.		
Public Information Act: Review a PIA request and discuss commonly sought information and procedures.		
Review how to draft, file, and serve subpoenas and what to expect / best practices		

### Sec. 5. Pretrial Motions

Activity	Date	Mentee & Mentor Initials
Review and discuss Appendix A, Section IV, pertaining to types of pretrial motions and procedures for filing and arguing them.		
Pretrial Motions: Learn and review common motions, including how to draft and when to file.		
Learn how to reset a case and discuss variations in procedure and schedules in different courts.		
Participate in a pretrial motion hearing.		
Observe or participate in a hearing on a motion to suppress.		

### Sec. 6. Plea Negotiations

Activity	Date	Mentee & Mentor Initials
Review and discuss Appendix A, Section V, regarding the plea negotiation process, the decision to enter a guilty plea, ramifications, procedures, and alternative resolutions.		
Plea Offers: Discuss what to expect in a plea offer, including standard offers on different types of cases. Observe or participate in a plea negotiation.		
Plea Papers: Learn how to complete the papers and go over them with the client and prepare him or her for the plea.		
Alternative Resolutions: Discuss options like “special expenses,” Battering Intervention and Prevention Program (BIPP and dismiss), and Class C reductions.		
Discuss the role of the CLO and probation officer and how to use them as a resource		
Become familiar with Drug Court, Mental Health Court, Veteran’s Court and any other specialty dockets.		
Become familiar with when and how to apply for pretrial diversion programs.		
Discuss the potential collateral consequences of a plea, deferred adjudication, and conviction.		

## Sec. 7. Trial

Activity	Date	Mentee & Mentor Initials
Review and discuss Appendix A, Section VI, regarding jury selection, opening statements, cross examination, presenting a defense, closing arguments, and jury instruction.		
Sit second chair in at least three trials.		
Observe or participate in jury selection.		
Observe or participate in opening statements.		
Observe or participate in a cross-examination.		
Observe or participate in a direct examination of a testifying client.		
Observe or participate in a charge conference.		
Observe or participate in a closing argument.		

## Sec. 8. Sentencing

Activity	Date	Mentee & Mentor Initials
Review and discuss Appendix A, Section VII, regarding obligations of counsel at sentencing, sentencing options, preparation for sentencing, pre-sentencing reports, sentencing memorandum, and the sentencing process.		
Observe or participate in a pre-sentence investigation (PSI) hearing.		
Observe or participate in a sentencing hearing with testimony.		
Review a Motion to Revoke Probation (MRP) or Motion to Adjudicate (MAJ) and discuss common procedures and strategies.		
Observe or participate in an MRP or MAJ hearing.		

## Sec. 9. Post-Trial Proceedings

Activity	Date	Mentee & Mentor Initials
Review and discuss Appendix A, Section VIII, regarding duties in post-trial proceedings, motions for new trial, expunctions and sealing records, and deadlines.		
Review and discuss a motion for new trial. Participate in drafting a motion for new trial or observe a motion for new trial hearing if possible.		
Observe or participate in drafting and filing a petition for expunction or non-disclosure.		



## Sec. 10. Appeals

Activity	Date	Mentee & Mentor Initials
Review and discuss Appendix A, IX, regarding the right to appeal, duties in direct appeal proceedings, bail pending appeal, direct appeal, petitions for discretionary review (PDR's), and petitions for certiorari.		
Review and discuss a recent brief and decision in the 1 <sup>st</sup> or 14 <sup>th</sup> Court of Appeals.		
Review and discuss a recent case litigated on a PDR to the Court of Criminal Appeals.		

## Sec. 11. Law Office Management

Activity	Date	Mentee & Mentor Initials
Discuss the fundamentals of running a law office, including any good resources (websites, books, articles) on the topic.		
Become familiar with the mentor's law office, including details about how the office is managed.		
Discuss law office billing, calendaring and filing systems; phone systems, and messaging systems.		
Discuss legal research services.		

## Sec. 12. Appointment Process

Activity	Date	Mentee & Mentor Initials
Discuss the process and qualifications for receiving appointments in Harris County to represent indigent defendants in misdemeanor cases, felony cases, and appeals.		
Review a voucher for payment of an appointed case in Harris County. Discuss or observe the process of submitting a voucher for payment.		

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**CERTIFICATION**

I, \_\_\_\_\_ have read and understand the Attorney Mentoring Program information in its entirety. I agree to provide the mentoring services described in exchange for a stipend of \$3500, to be paid in two installments – \$1750 at the beginning of the program and \$1750 at the end, upon documentation of the completion of all requirements. I understand that a failure to participate in the program will result in forfeiture of the rest of the stipend and removal from the program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date