

ATTORNEY CHECKLISTS



HIGH PERFORMANCE WITH A LOW-TECH TOOL

Renowned surgeon Dr. Atul Gawande studied why people often die from surgery. He found that basic tasks, like washing with soap, were the cause of death in more than half of the cases. As procedures become more complex, people forget small but important details. He argues that there is a low-cost, low-tech solution to this modern problem: checklists. In his book, *The Checklist Manifesto*, Dr. Gawande illustrates how major industries have used concise, step-by-step instructions to save lives and money.



TIDC funds indigent defense innovation in Texas counties.

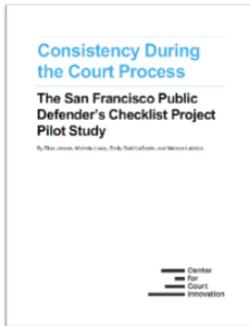
TIDC provides funding for improving indigent defense processes and technology.

Programs that measure and ensure the quality of representation are priority areas for funding.

STAYING ORGANIZED

In law, checklists have helped attorneys interview clients, research issues, and draft arguments. In fast-paced, high-stakes environments, like emergency rooms or courtrooms, checklists prevent critical mistakes. They're also useful to supervisors, who can review checklists to see gaps in performance at a glance.

MODEL PROGRAM: SAN FRANCISCO PUBLIC DEFENDER



Public defenders often represent many clients and manage dozens of complex cases at a time. Some have developed checklists to ensure that each person accused of a crime receives a thorough defense.

The San Francisco Public Defender pioneered defender checklists. It has created over 100 of them, including checklists for conducting the initial client meeting, drafting a motion to suppress, and preparing the client for testimony.

In 2013, they received funding from the U.S. Department of Justice to partner with the Center for Court Innovation on a pilot study of checklist implementation. They developed a toolkit to assist other defender organizations to create checklists for their own jurisdictions.

Checklist 03 - Bail Motions and Hearings

Which Cases: Every case where your client is in custody or being held on bail that he/she is having trouble affording.

When to Use: Fill out the checklist while (1) talking to your client about his/her background, (2) reviewing your client's RAP sheet, (3) writing the bail motion, and (4) at the bail hearing.

(1) Ask your client the following questions:

Are you currently employed?

Yes No

If yes, please describe: _____

How long have you lived in the community? _____

Who are your primary contacts in the community? _____

What are the names and addresses of your family members?

Are any community or family members willing to come to court on your behalf?

Yes No

If yes, who? _____

Have you ever been accepted into any drug treatment and/or rehabilitation programs?

Yes No

If yes, when and which ones? _____

How would your incarceration affect your dependents? _____

Discuss with your client the following release options:

Electronic monitoring

Home detention

Treatment program and/or counseling

Checklist Sample

TIDC INNOVATION SERIES

For more information on attorney checklists and other innovative practices, go to:

tidc.texas.gov/innovation

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512-936-6994


TEXAS INDIGENT DEFENSE COMMISSION