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**DEFENSE COUNSEL: SUMMARY OF BEST PRACTICES****Before the Judicial Settlement Conference**

- Assigned attorneys should personally appear at JSC if at all possible. If necessary and appropriate for a particular case, make arrangements for coverage.
- Provide notice ahead of time to reschedule JSC, if necessary. See MCJRP Court Coordinator protocols for guidance.

**At the Judicial Settlement Conference**

- Listen to the Judge and PO; do not try to control the JSC. Allow the Judge to control JSC, and let the PO provide additional information about the Defendant and the availability of treatment and other resources.
- Discuss the case with the DA outside the presence of the Defendant and Judge. Do not bicker with the DA at the JSC.
- Encourage the Client to speak with the DA, PO and Judge at the JSC, but be prepared to speak for those Clients who are not articulate or who are uncomfortable
- Collaborate with the PO in explaining to the Judge and DA the Client's needs and skills; explain how utilizing existing skills, addressing treatment and other needs will reduce recidivism. How will the Client change his or her thinking, attitudes and associates? What is the plan?
- Offer reasonable resolutions likely to build consensus. Clients with lengthy or serious criminal histories will need to commit to more time and higher local jail sentences than those with minimal criminal histories.
- Discuss eligibility for alternative programs (START, DISP, Mental Health Court, etc). Be familiar with the basic criteria of any alternative programs you discuss.
- In non-probation cases, use the LS/CMI assessment report to advocate for a shorter sentence
- Provide mitigation information. If there is none at the time of the JSC, advise parties as to status of any mitigation.
- Ask the Judge to schedule time for a follow up JSC or plea if needed. If agreement is reached before the next court date, notify the PO. Let the PO know if the deal is prison.