

Developing an Emergency Plan

False arrests happen every day at an increasingly alarming rate. Everyone should have an emergency plan and be ready to implement it. Your first phone call is the most valuable one.

1. Know who you will call, memorize their phone number and say as little as necessary.
2. Prepare important details to be cared for (does this person have keys, codes and permission)
 - a. Who picks up the kids
 - b. Who feeds the animals
 - c. Who posts bail and where they get the money
 - d. Who waters the plants
3. Prepare a contact list of who calls whom on your behalf.

If you can wait to bond out until after the first appearance (In Florida this happens within 24 hours) to bail out, ask the Judge to reduce your bond or release you on a signature bond or R.O.R. (which requires no money). Ask for a Jury Trial at this time as well. Give the Judge brief information about your job, connections to the community and your desire to face the charges. Always ask that an attorney be appointed, even if you plan on hiring a private attorney later.

See the American Bar Association web site at www.abanet.org - Click on General Public Resources to find a lawyer in your area or contact the FL CAN Legal Support Network.

321-726-6656 or 321-253-3673

Initial Statement

Say nothing to any member of law enforcement regarding your case. If you are incarcerated do not speak to other inmates about the situation. Remember, Jail House phones are may be listened too. Any statements you make can be used to impeach you at trial even if you are never read your Miranda Rights. Make a written statement of events about the case. The draft that you give to your attorney and copy for your case file should be concise, well edited, typed or neatly printed and should include:

1. A paragraph on what events led up to the encounter.
2. Names, address and contact numbers on all witnesses.
3. Description of encounter with authorities
 - a. Names of each agent involved.
 - b. Badge number or ID numbers for each agent
 - c. Name of agency the person represents
4. Description of any conversations with law enforcement.
5. Include your complete contact information.

Attach copies of any and all papers provided you by law enforcement, jail personnel or clerks. **DO NOT MAKE ANY STATEMENTS** or sign any documents you don't understand.

FL CAN
2613 Larry Court
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www.floridacannabisaction.net

FL CAN's

Just Say Know Series #4



Making Your Attorney Work for You

Beginning the Dialogue

“No One Can Make You Feel Inferior Without Your Consent.”

Eleanor Roosevelt

Beginning the Dialogue

If you are seeking an attorney, you are already in an unusual situation. The legal profession has specialists just like the medical field. It is important that you understand the nature of the problem you are seeking representation for. Always remember your attorney works for you. Once you determine the specialty you need, don't be afraid to interview attorneys.

Community Resources

If you can't afford an attorney you may qualify for Legal Aide. In the case of criminal charges, your county has made provisions to provide you with a public defender based on financial need. Attorneys provided by the county may still charge you a sliding fee. Whether hiring an attorney or using a public defender, the rules still apply....*Make the attorney work for you.*

The family attorney might not be right for your situation, but referrals from friends, family members or an attorney you know is a common way to find representation. Other sources of referrals may be available through a referral service like FL CAN or through your local Bar Association. The Bar Association sets the standard of practice and is the oversight organization for attorneys and Judges.

Take Your Time

With few exceptions, take your time when hiring an attorney. Always remember that hiring an attorney is a substantial investment. Interviewing several attorneys before you hire one is a MUST. Some attorneys may ask a consulting fee. Make sure this will be applied to the total cost should you hire him or her. When meeting a new attorney present him or her with your typed concise statement of events. Stick to the topic and make sure you understand your options. Ask attorneys you interview how many Jury Trials and dismissal motions they have done and what their win ratio is. Before hiring an attorney make sure

they are willing to work with other attorneys, experts and organizations. Hire the attorney who meets your needs and you feel most comfortable with. If cost is an issue, ask about payment arrangements. Make sure you know in advance their standard hourly rate. Hiring the attorney you can afford instead of the one you trust might be a bad investment later. Check with the local Bar Associations for commendations or complaints that have been filed on the attorney before you give them a retainer. (A retainer is the initial payment for hiring their firm.)

Put it in Writing

Just as your first communication with the attorney is your written statement of events, put every communication with the attorney in writing as well. Take notes of all meetings and phone conversations with your attorney. After the conversation, summarize your understanding of what both of you agreed to do and send a copy to the attorney. Keep a copy of all your notes and summaries in your case file. Know Your Rights Series #8 gives simple suggestions for developing your case file. Keep copies of everything your attorney asks you to provide and get them to your attorney immediately. If you can't provide the information or document immediately, let your attorney know why you can't.

Know the Law

Once you have an attorney, the real work begins. Understanding the time line ahead of you also helps you not miss important hearings and deadlines. Your attorney should have explained the charges against you. Visit the local Law Library provided by the County at no charge. Read and copy the statutes related to your case. Put copies in your case file. Don't be afraid to ask the clerk for help.

If you are caught in the legal system, you are in for a long haul. Clerks at the library and in your attorney's office are a great resource and are usually helpful in explaining the meaning of the legal jargon and hearings.

Exercise Your Rights

From the moment you realize you may need an attorney, exercise extreme caution when discussing your case. Statements made to anyone not involved directly in your case can still be used against you. The Fifth Amendment to the U.S. Constitution guarantees you the right not to incriminate yourself. That Right means when in doubt say nothing.

If you have been declared indigent, you have the right to a variety of expert witnesses and services related to your defense. Know what services are available and use them to their fullest.

- Co-defendants are strongly encouraged to hire separate attorneys.

Firing Your Attorney

This should never happen if you took care in hiring your attorney. If you do find that your attorney is not representing your best interests you may need to fire them. Missed deadlines and motions not filed in a timely manner effect your ability to defend yourself. Your case file provides proof your attorney is not doing his or her job. Without proof of ineffective council, you may have trouble getting a new public defender or your money back from pre-paid attorneys. Knowing the hourly rate in advance, you can force paid council to justify any money he or she doesn't refund. The local Bar Association records complaints against attorneys. Take the time to file a written complaint against any attorney you fire.

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