

Step	Approximate Timing	Case Steps	References & Resources
1	Day 1	<p>Case assignment</p> <ul style="list-style-type: none"> • Schedule a call with OneJustice Clinic Coordinator • Run conflicts check • Customize Retainer Agreement • Arrange interpretation services if necessary 	<ul style="list-style-type: none"> • Retainer Agreement Template (or use firm’s template)
2	Week 1	<p>Review Case Materials</p> <ul style="list-style-type: none"> • Review client casefile • Review case-specific training material <ul style="list-style-type: none"> ○ ILCR PCR Manual Assigned Sections ○ Online Training: PCR Primer • Hold intro call with OneJustice Clinic Coordinator • Sign & Return Pro Bono Code of Conduct 	<ul style="list-style-type: none"> • Case packet provided by OneJustice Clinic Coordinator • ILRC Manual, Ch. 4, section IV: “Vehicles for Vacating Convictions” (case-specific sub-sections will be assigned) • OneJustice Online Training: Post-Conviction Relief Primer • Pro Bono Code of Conduct
3	Weeks 2-3	<p>Initial Client Meeting</p> <ul style="list-style-type: none"> • Contact client and schedule in-person meeting • Arrange for language support if necessary • Explain & sign retainer • Explain & sign release form • Discuss case process & timeline • Discuss planned legal approach • Discuss client’s role <ul style="list-style-type: none"> ○ Gathering equities materials ○ Client declaration 	<ul style="list-style-type: none"> • Interpreter Training Videos (if using interpreter) • ILRC Manual, Chapter 7, “Humanizing your Client: Demonstrating Equities” • Template Release of Information
<i>Check-in with OneJustice Clinic Coordinator to discuss client meeting and next steps</i>			
3	Months 1 - 2	<p>Gather Court Documents</p> <ul style="list-style-type: none"> • Obtain plea transcript from court reporter <ul style="list-style-type: none"> ○ Contact court to determine how to do this in the county of conviction • Check for outstanding fines, fees, or restitution <ul style="list-style-type: none"> ○ Contact County Revenue & Recovery office and/or court to determine process for county of conviction • Gather other relevant documents <p>Obtain Case File from Prior Counsel</p> <ul style="list-style-type: none"> • Mail letter requesting case file and release form sign by client • Call prior counsel to let them know you have mailed those materials and are working on a motion to vacate due to the adverse immigration consequences of the client’s convictions 	<ul style="list-style-type: none"> • Case & client information (DOB, client name, date of plea, case numbers) • Signed release form (may be necessary to obtain fine/fee information) • ILRC Manual, Chapter 5 • List: Documents to Gather for Your Client

		<ul style="list-style-type: none"> ○ <i>Suggestion to use this conversation to build rapport with prior counsel and ask for a declaration only <u>after</u> you have reviewed all relevant files and interviewed the client so that you know what information you want from prior counsel</i> 	
<i>Check-in with OneJustice Clinic Coordinator to discuss case strategy</i>			
4	Months 2 - 5	<p>Draft Client Declaration</p> <ul style="list-style-type: none"> ● Review: <ul style="list-style-type: none"> ○ Training materials on client declarations; ○ Training materials on planned legal vehicle; ○ Example client declaration ● Meet with client to interview (remote or in person) ● Draft declaration ● Send draft declaration to Clinic Coordinator for review & feedback <p>Obtain Declaration from Prior Counsel</p> <ul style="list-style-type: none"> ● Reach back out for declaration after reviewing full case file ● Discuss any challenges with Clinic Coordinator <p>Obtain Expert Declaration</p> <ul style="list-style-type: none"> ● Consult with Clinic Coordinator re: obtaining appropriate expert ● Update sample expert declaration with case-specific information ● Obtained signed expert declaration <p>Compile Equities Packet</p> <ul style="list-style-type: none"> ● Work with client to collect letters, photos, and other equities information ● Compile into packet to be attached as an exhibit to client's motion 	<ul style="list-style-type: none"> ● <u>ILRC Manual</u>, Chapter 4, section IV "Vehicles for Vacating Convictions" ● Example client declarations ● <u>ILRC Manual</u>, Chapter 5, section III "Working with Prior Counsel" ● Sample Expert Declaration ● <u>ILRC Manual</u>, Chapter 7, "Humanizing your Client: Demonstrating Equities" ● Sample Equities Packet
<i>Check-in with OneJustice Clinic Coordinator to discuss case strategy & legal argument</i>			
5	Months 4-6	<p>Draft Motion</p> <ul style="list-style-type: none"> ● Research new developments in relevant case-law ● Reference treatises, manuals, resources, and guides to determine prevailing standards of practice at time of plea (<i>if client was represented</i>) ● Send draft to Clinic Coordinator for editing & feedback <p>Draft Proposed Order</p> <ul style="list-style-type: none"> ● Send to Clinic Coordinator for editing & feedback <p>Compile Motion & Exhibits</p> <ul style="list-style-type: none"> ● Send to Clinic Coordinator for editing & feedback 	<ul style="list-style-type: none"> ● List: Elements of a PCR Motion ● <u>ILRC Manual</u>, Chapters 5, 6, 8 ● Sample motions ● Sample proposed order ● Sample exhibit list ● ILRC Practice Advisories
<i>Check-in with Clinic Coordinator to discuss case strategy & DA negotiations</i>			
6	Month 6	<p>File Motion</p> <ul style="list-style-type: none"> ● Approach District Attorney's Office before filing ● Negotiate for stipulation and/or new plea agreement ● File motion with appropriate court after consulting with Clinic Coordinator 	<ul style="list-style-type: none"> ● <u>ILRC Manual</u>, Chapter 5, "Working with Prior Counsel" ● <u>ILRC Manual</u>, Chapter 6 "Successful Negotiation with Prosecutor and

			Identifying a Safe Haven”
7	Months 6 – 8	Continue to Negotiate with DA Prepare for Hearing Attend Hearing Obtain Certified Copy of Order for Client	<ul style="list-style-type: none"> ● <u>ILRC Manual</u>, Chapter 8, “Winning the Case”
8	Month 8	Send Case-Closure Letter to Client	<ul style="list-style-type: none"> ● Template Case Closure Letter (or firm’s template)

Contact OneJustice’s Equal Justice Works Fellow Sponsored by Orrick & Payapl/ Staff Attorney Lydia Sinkus with any questions:
lsinkus@one-justice.org | (415) 834-0100 ext. 318

List of Elements of a Motion to Vacate

- Motion
- Proposed Order
- Client Declaration
- Equities Packet
- Expert Declaration
- Prior Counsel Declaration (if available)
- Prior Court Documents
- Resources showing prevailing standard of practice at time of plea (if applicable)
- Other Exhibits

List of Documents to Gather for Your Client:

- Charging papers
- Police reports
- State and/or FBI rap sheet or criminal history report
- Docket or clerk’s minutes from the plea and sentence
- Reporter’s transcript of the plea and sentence
- Waiver of rights form
- Probation report