

## Case Timeline for Pro Bono Motion to Vacate

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

		<ul style="list-style-type: none"> <li>• Mail letter requesting case file and release form signed by client</li> <li>• 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"> <li>○ <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></li> </ul> </li> </ul>	
<i>Check-in with Pro Bono Coordinator to discuss case strategy</i>			
4	Months 2 - 5	<p><b>Draft Client Declaration</b></p> <ul style="list-style-type: none"> <li>• Review: <ul style="list-style-type: none"> <li>○ Training materials on client declarations;</li> <li>○ Training materials on planned legal vehicle;</li> <li>○ Example client declaration</li> </ul> </li> <li>• Meet with client to interview (remote or in person)</li> <li>• Draft declaration</li> <li>• Send draft declaration to Pro Bono Coordinator for review &amp; feedback</li> </ul> <p><b>Obtain Declaration from Prior Counsel</b></p> <ul style="list-style-type: none"> <li>• Reach back out for declaration after reviewing full case file</li> <li>• Discuss any challenges with Pro Bono Coordinator</li> </ul> <p><b>Obtain Expert Declaration</b></p> <ul style="list-style-type: none"> <li>• Consult with Pro Bono Coordinator re: obtaining appropriate expert</li> <li>• Use sample expert declaration to draft case-specific decl.</li> <li>• Send to expert for review, edits and signature</li> </ul> <p><b>Compile Equities Packet</b></p> <ul style="list-style-type: none"> <li>• Work with client to collect letters, photos, and other equities information</li> <li>• Compile packet to be attached as an exhibit to motion</li> </ul>	<ul style="list-style-type: none"> <li>• <u>ILRC Manual</u>, Chapter 4, section IV “Vehicles for Vacating Convictions”</li> <li>• Example client declarations</li> <li>• <u>ILRC Manual</u>, Chapter 5, section III “Working with Prior Counsel”</li> <li>• Sample Expert Declaration</li> <li>• <u>ILRC Manual</u>, Chapter 7, “Humanizing your Client: Demonstrating Equities”</li> <li>• Sample Equities Packet</li> </ul>
<i>Check-in with Pro Bono Coordinator to discuss case strategy &amp; legal argument</i>			
5	Months 4-6	<p><b>Draft Motion</b></p> <ul style="list-style-type: none"> <li>• Research new developments in relevant case-law</li> <li>• Reference treatises, manuals, resources, and guides to determine prevailing standards of practice at time of plea (<i>if client was represented</i>)</li> <li>• Send draft to Pro Bono Coordinator for edits &amp; feedback</li> </ul> <p><b>Draft Proposed Order</b></p> <ul style="list-style-type: none"> <li>• Send to Pro Bono Coordinator for editing &amp; feedback</li> </ul> <p><b>Compile Motion &amp; Exhibits</b></p> <ul style="list-style-type: none"> <li>• Send to Pro Bono Coordinator for editing &amp; feedback</li> </ul>	<ul style="list-style-type: none"> <li>• List: Elements of a PCR Motion</li> <li>• <u>ILRC Manual</u>, Chapters 5, 6, 8</li> <li>• Sample motions</li> <li>• Sample proposed order</li> <li>• Sample exhibit list</li> <li>• ILRC Practice Advisories</li> </ul>

*Check-in with Pro Bono Coordinator to discuss case strategy & DA negotiations*

6	Month 6	<p><b>File Motion</b></p> <ul style="list-style-type: none"> <li>• Approach District Attorney’s Office <b>before filing</b></li> <li>• Negotiate for stipulation and/or new plea agreement (some counties will require you to file a motion before speaking with the DA’s Office)</li> <li>• File motion with appropriate court <b>after consulting with Pro Bono Coordinator</b></li> </ul>	<ul style="list-style-type: none"> <li>• <u>ILRC Manual</u>, Chapter 5, “Working with Prior Counsel”</li> <li>• <u>ILRC Manual</u>, Chapter 6 “Successful Negotiation with Prosecutor and Identifying a Safe Haven”</li> <li>• County-by-County PCR Guide</li> <li>• Example Email Outreach to DA</li> </ul>
7	Months 6 – 8	<p><b>Continue to Negotiate with DA</b></p> <p><b>Prepare for Hearing</b></p> <p><b>Attend Hearing</b></p> <p><b>Obtain Certified Copy of Order for Client</b></p>	<ul style="list-style-type: none"> <li>• <u>ILRC Manual</u>, Chapter 8, “Winning the Case”</li> <li>• <u>Tips for Your First Hearing</u></li> </ul>
8	Month 8	<p><b>Send Case-Closure Letter to Client</b></p>	<ul style="list-style-type: none"> <li>• Template Case Closure Letter (or firm’s template)</li> </ul>

*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