

Case Timeline for Pro Bono Motion to Vacate

Step	Approximate Timing	Case Steps	References & Resources
1	Day 1	Case assignment <ul style="list-style-type: none"> • Schedule a call with Pro Bono 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	Review Case Materials <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: Post-Conviction Relief Primer • Hold intro call with Pro Bono Coordinator • Sign & Return Pro Bono Volunteer Agreement 	<ul style="list-style-type: none"> • Case packet provided by Pro Bono 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 Volunteer Agreement
3	Weeks 2-3	Initial Client Meeting <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"> • Checklist for First Client Meeting • Interpreter Training Videos (if using interpreter) • ILRC Manual, Chapter 7, “Humanizing your Client: Demonstrating Equities” • Template Release of Information
<i>Check-in with Pro Bono Coordinator to discuss client meeting and next steps</i>			
3	Months 1 - 2	Gather Court Documents <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 Obtain Case File from Prior Counsel	<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"> • Mail letter requesting case file and release form signed 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"> ○ <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 Pro Bono 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 Pro Bono 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 Pro Bono Coordinator <p>Obtain Expert Declaration</p> <ul style="list-style-type: none"> • Consult with Pro Bono Coordinator re: obtaining appropriate expert • Use sample expert declaration to draft case-specific decl. • Send to expert for review, edits and signature <p>Compile Equities Packet</p> <ul style="list-style-type: none"> • Work with client to collect letters, photos, and other equities information • Compile packet to be attached as an exhibit to 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 Pro Bono 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 Pro Bono Coordinator for edits & feedback <p>Draft Proposed Order</p> <ul style="list-style-type: none"> • Send to Pro Bono Coordinator for editing & feedback <p>Compile Motion & Exhibits</p> <ul style="list-style-type: none"> • Send to Pro Bono 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

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

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 (some counties will require you to file a motion before speaking with the DA’s Office) • File motion with appropriate court after consulting with Pro Bono 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” • County-by-County PCR Guide • Example Email Outreach to DA
7	Months 6 – 8	<p>Continue to Negotiate with DA</p> <p>Prepare for Hearing</p> <p>Attend Hearing</p> <p>Obtain Certified Copy of Order for Client</p>	<ul style="list-style-type: none"> • <u>ILRC Manual</u>, Chapter 8, “Winning the Case” • <u>Tips for Your First Hearing</u>
8	Month 8	<p>Send Case-Closure Letter to Client</p>	<ul style="list-style-type: none"> • Template Case Closure Letter (or firm’s template)

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