



LAW, ETHICS, AND PROFESSIONALISM FOR DEFENSE ATTORNEYS

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Jennifer Arndt, Alcovy Judicial Circuit

Craig Colsky, Douglas Judicial Circuit

Sean Lowe, Rome Judicial Circuit

Council of Accountability Court Judges

INTRODUCTIONS

The image shows a courtroom with rows of empty blue chairs and wood-paneled walls. A dark blue vertical bar is overlaid on the left side of the image, containing the word "INTRODUCTIONS" in white, uppercase letters.

NEW RESOURCE!

- New All Rise (formerly NADCP) publication
- Constitutional and Legal Issues in Adult Drug Courts - All Rise
- <https://allrise.org/publications/constitutional-and-legal-issues-in-adult-drug-courts/>

A Practitioner's Guide to Constitutional and Legal Issues in Adult Drug Courts

Center
for
Justice
Innovation

AllRise

NEW APPELLATE CASELAW

- Dave v. State, 365 Ga.App. 1 (2022)
- Opt-out counties: please read very carefully!
- Holding: In post-plea, pre-adjudication/pre-sentence cases, the attorney of record at the time of the plea remains the attorney of record until they withdraw or a substitution is filed. Thus, notice of a termination hearing must be sent to plea counsel if they have not withdrawn or been substituted.
- Secondary holding: Do not have a termination hearing without the participant/client present.

SCOPE OF REPRESENTATION

- Different models of representation: Represent all participants actively? Or only upon request?
- Different techniques of representation: stand with the client at every court hearing? Only at sanctions? Not at all?
- Termination hearings: conflict counsel or assigned PD?

ETHICS AND THE ROLE OF THE DEFENSE ATTORNEY



American Council of Chief Defenders (ACCD)

Ten Tenets of Fair and Effective Problem Solving Courts

10. Nothing in the problem solving court policies or procedures should compromise counsel's ethical responsibility to zealously advocate for his or her client, including the right to discovery, to challenge evidence or findings and the right to recommend alternative treatments or sanctions.

QUESTIONS AND ANSWERS

