

CERTIFICATE OF ATTENDANCE FOR CALIFORNIA MCLE

Top portion of form to be completed by the Provider

It is preferred that the form is pre-printed with the attendee's name and bar number.

Provider Name: Ventura County District Attorney's Office

Provider Number: 1130

Title of Activity: Ethics/Discovery/Office Policies

Date(s) of Activity: September 18, 2018

Time of Activity: 1:30 p.m. to 5:00 p.m.

Location of Activity (City/State): Ventura, CA

This Activity qualifies for: Participatory Self-Study

Total California MCLE Credit Hours for the above activity: 3.25, including the following sub-field credits:

- Legal Ethics: 2.25
- Recognition and Elimination of Bias: _____
- Competence Issues: _____

Bottom portion of form to be completed by the Attorney after participation in the above-referenced activity

By signing below, I certify that I participated in all, or some*, of the activity described above and am therefore entitled to claim the following California MCLE credit hours:

Total California MCLE Credit Hours: _____, including the following sub-field credits:

- Legal Ethics: _____
- Recognition and Elimination of Bias: _____
- Competence Issues: _____

(You may not claim credit for the subfields above unless the provider is granting credit in those areas above.)

Print Your Name (clearly): _____

Your California State Bar Number: _____

Signature: _____

* partial participation hours must be pro-rated

ACTIVITY EVALUATION FORM FOR CALIFORNIA MCLE

Please complete and return to Provider (Please Print)

Provider Name: Ventura County District Attorney's Office Provider Number: 1130

Title of Activity: Ethics/Discovery/Office Policies

Date(s) of Activity: September 18, 2018

Time of Activity: 1:30 p.m. to 5:00 p.m.

Location of Activity: Bradbury Conference Room, DA's Office, Ventura, CA

Please indicate your evaluation of this course by completing the table below

Question	Yes	No	Comments
Did this program meet your educational objectives?	<input type="checkbox"/>	<input type="checkbox"/>	
Were you provided with substantive written materials?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the course update or keep you informed of your legal responsibilities?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the activity contain significant professional content?	<input type="checkbox"/>	<input type="checkbox"/>	
Was the environment suitable for learning (e.g., temperature, noise, lighting, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	

Please rate the instructor(s) of the course below

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
Michael D. Schwartz/ Ethics, Discovery, Office Policies	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF VENTURA**

MCLE AGENDA

LEGAL ETHICS, DISCOVERY, AND OFFICE POLICIES

September 18, 2018

Michael D. Bradbury Conference Room

Instructor: Michael D. Schwartz, Chief Assistant District Attorney

MCLE Credit: 3.25, including 2.25 hours legal ethics

- | | |
|-------------|---|
| 1:30 – 2:30 | Legal Ethics |
| 2:30 – 3:45 | Criminal Discovery, including statutory requirements and <i>Brady v. Maryland</i> |
| 3:45 – 4:00 | Break |
| 4:00 – 5:00 | Office Policies |

DA Policies – The Consolidated Version

(For full text of all policies please refer to the DA Policy Manual, on the DA Web)

(DA Web also contains links to Internet and Technology Use Policies, County Personnel Rules, Criminal Justice Attorneys Association of Ventura County MOA, etc.)

For other County policies, including County Administrative Policy Manual, go to <http://myvcweb/index.php/forms-and-policies>

Content revised September 2010

Minor changes July 2015; June 29, 2016; August 2, 2017; September 17, 2018

CHECK-IN/CHECK-OUT SHEET

We need to be able to find you.

BADGES, ID CARDS, LETTERHEAD

For use in performance of official business.

EXPENDITURES

Before incurring costs on behalf of the office, complete an ERF (Expenditure Request Form), now completed on-line. See DA Web for instructions.

OUTSIDE EMPLOYMENT, OUTSIDE SPEAKING ENGAGEMENTS, MEMBERSHIP ON COMMITTEES

All require approval.

COMPUTERS

Office computers may be taken home for DA Office work only (no personal use).

At work, occasional personal use permitted. Internet use may be monitored. Emails must be courteous, professional and businesslike. See various technology use policies on DA web.

CONFIDENTIAL INFORMATION

Access and disclosure on need-to-know basis. Criminal penalties for disclosure of rap sheets, DMV information.

SEXUAL HARASSMENT

It's unprofessional, it's illegal, and it can be expensive.

D.A. LEGAL OPINIONS

Law enforcement agency must make written request to District Attorney.

REQUESTS FOR INVESTIGATIONS

Fill out "Request for Investigation" form and have supervisor approve. (Be aware that investigator assistance in misdemeanors is the exception, not the rule.)

ROLE OF THE ATTORNEY IN INVESTIGATIONS

1) Pending Cases

You must try to avoid becoming a witness in your own case – this means you should not conduct your own witness interviews, but should request assistance from the police agency or a DA Investigator. If you do become aware of new information you must promptly document the information as well as your role in obtaining it.

2) Original Investigations

Deputy District Attorneys are rarely involved in original investigations, and you may not become involved, in any way, unless specifically assigned to do so. If you believe an investigation is warranted you should contact your supervisor who will then bring it to the attention of the proper person or persons.

3) Surreptitious Tape Recording

Surreptitious tape recording is generally not allowed by DDAs. This is a situation where you will need the assistance of a police officer or DA Investigator.

4) Use of Criminal / Driving Record Information

Access to criminal and driving record information is prohibited except for case-related purposes. Any such information received for case-related purposes is confidential and shall not be disclosed except as allowed by law.

Defendant's rap sheets are discoverable to the defense.

Witness rap sheets are not discoverable, but some information on the raps may be. If your witness has a rap sheet and you are unsure what to do with the information, consult a more experienced DDA for advice.

INTERPRETERS

If you need an interpreter in court for a witness, make advance arrangements with the interpreter. Languages other than Spanish may take some time.

TRANSCRIPTS

Misdemeanor cases are recorded on courtroom recording devices. The disks can be ordered from the court clerk's records department. If necessary you may have portions of the tapes transcribed by our Word Processing Unit.

Felony cases are reported by court reporters. Complete an Expenditure Request Form, with supervisor's approval, to obtain a transcript.

CHALLENGES TO JUDGES

A deputy may not challenge a judge under CCP 170.6 without supervisor's approval.

JUDGE PRO TEM

Supervisor's approval is required to accept a judge pro tem

NEWS MEDIA

1) DA Spokesperson

Only the District Attorney, Chief Assistant District Attorney, Chief Deputy District Attorney and Chief Investigator are spokespersons for the District Attorney's Office. No other employee may ever represent themselves as spokesperson without express prior authorization. However, you may talk to the news media about cases assigned to you.

2) Furnishing Information to the News Media

Attorneys relations with the news media are governed by Rule 5-120 of the California Bar Rules of Professional Conduct (new rule 3.6). You should be familiar with that rule before making any comment to the news media.

3) Information that May NOT Be Disclosed to News Media

Character, reputation, or record of the defendant

Possibility of a plea bargain

Existence or contents of any statements of an accused or of the accused's refusal to talk or the performance or results of any tests administered to the accused

Identity or nature of physical evidence

Identity, credibility, or expected testimony of any witness

Opinions as to guilt or innocence, weight of evidence, or merits of the case

Inflammatory statements or representations, which might affect the trial

Any information protected by any gag order or other protective order

Any identifying information of a victim of sexual assault or child abuse

Any information about any juvenile case

CONFLICT OF INTEREST

If you believe you may have a conflict of interest with any case pending in this office, for any reason (witness in case, previous involvement with parties, family member or friend is defendant or victim, etc.), you must immediately inform the Chief Deputy or Chief Asst.

JURY TRIAL REPORTS

After every jury trial, within one week of verdict, you shall complete a jury trial report. The form for this report is available on VCIJIS and includes:

The full name, city of residence, and occupation of each juror

A list of significant excused jurors – ones that others DDA's will need to know about if they ever show up again

Brief factual summary

Under "comments about jurors":

A brief explanation of any significant facts about specific jurors that would be helpful to a DDA in the future when considering whether to select this juror

Comments from the foreperson or other jurors regarding issues or evidence of concern to the panel and what might be done in the future to enhance prosecution efforts

Jury trial reports are generally not discoverable: *People v. Braley*(1969) 1 Cal.3d 277, 293-94; *People v. Quicke* (1969) 71 Cal.2d 502; *People v. Airheart* (1968) 262 Cal.App.2d 673; *People v. Darmiento* (1966) 243 Cal.App.2d 358.

PUBLIC RECORDS ACT REQUESTS AND SUBPOENAS FOR D.A. RECORDS

Requests for D.A. records by way of Public Records Act requests, subpoena duces tecum, or deposition subpoena should be referred to Chief Deputy District Attorney for Justice Services (Chuck Hughes).

POLYGRAPHS

No DA employee may offer, administer, or agree to offer, or administer a polygraph, or agree to enter such results in evidence or to base the investigation or disposition of a case in any way upon the outcome of any polygraph without express, written consent of the Chief Deputy District Attorney.

DISCOVERY

Every item that the defense is entitled to inspect under the rules of discovery shall be made available completely and promptly whether or not a formal order exists. For copies, we charge Public Defender and Conflict Defense Attorneys 3 cents/page, other attorneys 15 cents/page. Attorneys who do not want to pay can examine a copy in DA's office or can bring own machine or photocopy service.

INFORMANTS AND IMMUNITY

There are special policies regarding use of informant witnesses and grants of immunity.

CASE DISPOSITION

For misdemeanors, the defendant shall plead guilty to the most serious offense charged, and no less than one-third of all offenses charged. The DDA may not offer less than the arraignment offer without supervisor approval.

For felonies, the defendant shall be required to plead guilty to those provable charges which most accurately describe his criminal conduct. The DDA may not offer less than the Information Review offer without supervisor approval.

FORMATTING

Letters: Very truly yours

Court documents: Calif. Style Manual
Cal. Rules of Court, rule 2.104 et seq.
DA Document Style Manual on DA web



**Ethics
Discovery
and
Policy**

- State Bar Act (Bus. & Prof. Code 6000 et seq.)
- Rules of Professional Conduct (revised effective 11/1/2018)
- Case law

ETHICS

State Bar Act: Bus & Prof 6068

- Support federal & state constitution
- Maintain only legal & just actions
- Seek truth – never mislead the court
- Cooperate with Bar investigations against you

State Bar Act: Bus & Prof 6068

- Maintain respect due to courts and judicial officers
- Advance no fact prejudicial to honor or reputation of party or witness, unless required by the justice of the cause

Bus & Prof 6068

- Self-report to State Bar:
 - imposition of sanctions by court (except discovery sanctions or monetary sanctions less than \$1000)
 - filing of felony, certain convictions
 - reversal based on misconduct

Courteous professional *	Obnoxious jerk *
Effective advocate	Effective advocate
Courteous professional *	Obnoxious jerk *
Incompetent advocate	Incompetent advocate

Bus & Prof. 6106

The commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not, constitutes a cause for disbarment or suspension.

Rules of Prof. Conduct

New rule 3.8 (old rule 5-110): Special responsibilities of a prosecutor

- (a) Not institute or prosecute charge unless supported by probable cause
 - NDA/VCD standard: sufficient admissible evidence to warrant conviction by trier of fact (i.e., BRD)

Rules of Prof. Conduct

New rule 3.8 (old rule 5-110), cont.: Special responsibilities of a prosecutor

- (d) Timely disclose to defense all evidence or information prosecutor knows or reasonably should know tends to negate guilt, or mitigate the offense or sentence

Rules of Prof. Conduct

New rule 3.8 (old rule 5-110), cont.: Special responsibilities of a prosecutor

- (b) Make reasonable efforts to assure accused advised of, and reasonable opportunity to obtain, counsel
- (c) Not seek waivers from unrepresented defendant unless court has approved pro per status

Rules of Prof. Conduct

New rule 3.8(d), comment 3

- Not limited to *material* evidence (goes beyond *Brady v. Maryland*)
- Includes impeachment evidence
- Not require disclosure of info "protected from disclosure" by courts
- Not inconsistent with statutory, constitutional requirements
- Not impose new timing requirements

Rules of Prof. Conduct

New rule 3.8 (old rule 5-110), cont.:
Special responsibilities of a prosecutor

- (e) Reasonable care to prevent persons under supervision or direction of prosecutor, including LE, from improper trial publicity
 - Comment 6: ordinarily sufficient if “issues the appropriate cautions”

Rules of Prof. Conduct

New rule 1.13 (old rule): Organization as a client

- If know that acting or intend to act in violation of law, refer to “higher authority” in the organization
- May need to resign (see rule 1.16)
- Comment 2: must ordinarily accept decisions re utility, prudence, policy, operations

Rules of Prof. Conduct

New rule 3.8 (old rule 5-110), cont.:
Special responsibilities of a prosecutor

- (f) & (g) New evidence creating reasonable likelihood that D did not commit offense: disclose to court or authority, disclose to defense, investigate, and (if clear & convincing evidence that did not commit the crime) seek to remedy

Rules of Prof. Conduct

New rule 5.2

Lawyer must comply with rules even if at direction of another lawyer or person – if question can reasonably be answered only one way.

No violation if act in accordance with supervisor’s reasonable resolution of an arguable question of professional duty.

Rules of Prof. Conduct

New rule 3.2

A lawyer shall not use means that have no substantial purpose other than to delay or prolong proceeding or cause needless expense

Rules of Prof. Conduct

New rule 3.4 (old rule 5-220)

Suppression of evidence the attorney has a duty to reveal or produce

- Comment 2: violation of discovery rule "does not of itself establish a violation of this rule."

Rules of Prof. Conduct

New rule 3.3 (old rule 5.200(A)-(D))

Candor toward tribunal

- Knowingly make/fail to correct false statement of fact or law
- Misquote law or fail to disclose directly adverse legal authority
- Offer evidence lawyer knows to be false

Rules of Prof. Conduct

New rule 3.5(b) (old rule 5-300):

- Ex parte communications with judge (see Code of Jud. Ethics, Canon 3(B)(7))

Rules of Prof. Conduct

New rule 3.5 (old rule 5-320):

(d) No communications with members of venire from which jury will be selected

(e)(f) No communications with jurors during trial

(g) OK after trial, only after whole panel discharged, but not misrepresent, harass, embarrass, or influence future jury service

Rules of Prof. Conduct

New rule 4.2 (old rule 2-100):

• Communication with represented party prohibited

• Comment 8: exception for prosecutors in investigations AS LIMITED BY LAW. (Research this before you act!)

Rules of Prof. Conduct

• New rule 3.6 (old rule 5-120):

• Not make extrajudicial statement likely to be publicly disseminated and likely to prejudice proceedings
– Can make comment to protect client by mitigating recent adverse publicity (Talk to your supervisor before you do this!)

Rules of Prof. Conduct

New rule 4.4

Receipt of inadvertently produced privileged document:

- refrain from examining
- notify the sender

Berger v. U.S.
(1935) 295 U.S. 78

- Prosecutor's interest is not to win, but to see justice done
- Guilt shall not escape nor shall innocence suffer
- Should prosecute with earnest and vigor and may strike hard blows
- Duty to refrain from improper methods

Discriminatory prosecution

Murgia v. Municipal Court
(1975) 15 Cal.3d 286

- Equal protection violated if prosecutions deliberately based upon unjustifiable standards
- race, religion, other arbitrary classification

Conviction Integrity Deputy

Created October 2012

Vindictive / retaliatory prosecution

- Raise the ante after exercise of constitutional rights
- OK to withdraw pretrial offer

Duty During Voir Dire

- Not use voir dire to present inadmissible facts
- Use peremptory challenges only for proper purpose (*Wheeler/Batson*)

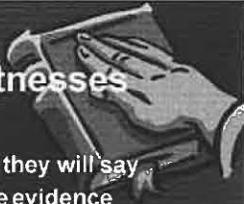


Duty with Witnesses (continued)

- Do not advise not to talk with defense (*Walker v. Superior Court* (1957) 155 Cal. App. 2d 134, 140; *People v. Hannon* (1977) 19 Cal.3d 588, 601)
- Do not threaten defense witnesses with arrest (*In re Martin* (1987) 44 Cal.3d 1)

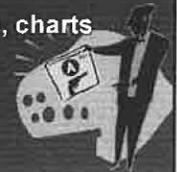
Duty with Witnesses

- Interview and prepare
 - You should know what they will say
 - Instruct re inadmissible evidence
- Do not suggest answers or influence content of testimony
- Plan questions carefully
 - Not elicit inadmissible evidence
 - Good faith belief



Duty During Opening

- Do not overstate case
- Do not speculate
- Do not ask to observe def's demeanor
- Pretrial rulings on evidence, charts
- No arguing



Duty During Closing

- Argue based on admitted evidence and jury instructions
- No comment on def's failure to testify (*Griffin* error)
- No comment on invocation of *Miranda* rights (*Doyle v. Ohio*)
- No disparaging counsel

Civil Liability

- Violations of Civil Rights (42 USC 1983) or tort claims



- No personal vouching for witnesses
- No facts outside the record
- No misleading jury
 - Facts or law
- No improper appeal to passion or prejudice
- No personal beliefs about guilt
(see new RPC 3.4(g))



Absolute Immunity

“Intimately associated” with judicial proceedings

Filing and trying cases

May not apply when case is over

Qualified Immunity

Authorized Acts

- Immunity unless violating clearly established right, reasonable official would have understood that violating right
- Advice to police
- Statements to news media
- Authorizing search warrant

Discovery

- *Brady v. Maryland* (1963) 373 US 83
- *Pitchess v. Superior Court* (1974) 11 Cal.3d 531
- Penal Code section 1054 et seq.



DISCOVERY



“There is an epidemic of *Brady* violations abroad in the land.”

United States v. Olsen (9th Cir. 2013) 704 F.3d 1172, reh'g. en banc denied, 737 F.3d 625 (dis. opn. of Kozinski, C.J.)

Brady

- **Constitutional due process duty to disclose evidence that is**
 - **Favorable to the accused**
 - and
 - **Material to guilt or punishment**

***Brady v. Maryland* (1963) 373 U.S. 83**

Penal Code § 1054.1 (e)

Must disclose any exculpatory evidence,
needn't be material

Barnett v. Superior Court (2010) 50 Cal.4th 890

Material

Reasonable probability disclosure
would have produced a different
result in the proceeding

Reasonable Probability

A probability sufficient to undermine
confidence in the outcome

What to Disclose

- Evidence directly opposing guilt,
e.g., new witness
- Third party culpability
- Inconsistent statement of witness
- Evidence that reduces degree of
culpability



**The *Brady* obligation includes
“substantial material evidence
bearing on the credibility of a
key prosecution witness.”**



***People v. Ballard* (1991) 1 Cal.
App. 4th 752, 758; *Giglio v. United
States* (1972) 405 U.S. 150**

What to Disclose

- False Reports
- Racial, religious or personal bias
 - Evid. Code § 780 (f); *In re Anthony P.*
(1985) 167 C.A.3d 502, 507-510

What to Disclose

- Promises, inducements (informant)
- Prior felony convictions
- Prior incidents of untruthfulness or moral turpitude
- Pending charges
- Probation status

Credibility Information

**Duty to run rap sheet on material
civilian witness and disclose any
information bearing on credibility**

The prosecution's duty includes evidence in possession of

- The prosecuting attorney and
- The "prosecution team" (investigating law enforcement agencies)



Brady

- No defense request required
- Ethical duty even after conviction (*Imbler v. Pachtman* (1976) 424 U.S. 409, 427 fn. 25; *People v. Garcia* (1993) 17 Cal.App.4th 1169, 1179)



No duty to disclose preliminary, challenged or speculative information

(*United States v. Agurs* (1976) 427 U.S. 97, 109, fn. 16)

Disclosure of impeachment evidence not required if guilty plea

(*U.S. v. Ruiz* (2002) 536 U.S. 622)

Evidence of actual innocence must be disclosed

**Resolve doubtful questions
in favor of disclosure**

*(United States v. Agurs
(1976) 427 U.S. 97, 108)*

**Avoid “tacking too
close to the wind”**

*(Kyles v. Whitley (1995)
514 U.S. 419, 439)*



Felony withholding

Felony for prosecutor to intentionally and in bad faith withhold any physical matter, digital image, video recording or relevant exculpatory material or information, knowing it is relevant and material to outcome of case, with specific intent that it be concealed or destroyed. (Penal Code § 141(b), effective 1/1/17 (AB 1909).)

Disqualification & State Bar

Court may disqualify prosecutor, and must report to State Bar, if it finds prosecutor deliberately, intentionally, and in bad faith withheld relevant or materially exculpatory evidence, and that it contributed to a guilty verdict, guilty or nolo plea, or seriously limited the ability to present a defense. (Gov. Code § 6086.7(a)(5); Penal Code § 1424.5, effective 1/1/2016)

Unresolved issues

Conflicting authority re:

- whether to be material under *Brady*, evidence must be admissible.
- whether *Brady* applies to evidence relevant to a suppression motion.
- whether disclosure required if public record or available through reasonable diligence

In re Benjamin T. Field
(State Bar Court, Review Dept.)

- Brady: fail to disclose exculpatory statements of witnesses before trial
- Moral turp./dishonesty: (& mislead court): unable to locate witness "at that address"
- "Ben, just don't do it."
Ignore court's directives re search warrant and dental exam

Pitchess vs. Brady

- | | |
|--|---|
| • Written motion and "good cause" showing required | • Prosecution must disclose with or without request |
| • 5-year limitation | • No specific time limit |
| • Dates and witness information only | • Must disclose material evidence |

Peace Officer Records

- Information from peace officer personnel records may only be disclosed pursuant to a *Pitchess* motion.
(Evidence Code §§ 1043-1047;
Penal Code § 832.7)



Issue: How to balance



Brady
responsibilities

Peace officer
rights

Internal Brady Policy

- Advise supervisor of potential *Brady* information re officers
- Check *Brady* list for witnesses
- Consult with Special Asst. DA on how to proceed

City of Los Angeles v. Superior Court (Brandon) (2002) 29 Cal.4th 1

- *Pitchess* and *Brady* operate in parallel
- On its face, *Pitchess* does not violate due process

External Brady Policy

- Law enforcement agencies advise DA's office that officer has *Brady* material in personnel file
- DDA checks *Brady* list for witnesses
- DDA makes *Pitchess* motion

Alford v. Superior Court (2003)
29 Cal.4th 1033

- *Pitchess* protective order limits use of information to that case.
- DA has limited role at *Pitchess* hearing
- DA does not get materials disclosed as result of defense *Pitchess* motion
- DA can make its own *Pitchess* motion

***People v. Superior Court
(Johnson) (2015) 61 Cal.4th 696***

- The prosecution does not have unfettered access to personnel files of peace officer witnesses to identify *Brady* information
- DA or defense can make *Pitchess* motion – equal access
- Police “laudably established” policy to provide DA with names of officers whose files contain potential *Brady* information
- DA must pass on that information to defense

**98 Ops.Cal.Atty.Gen. 54
(2015)**

External *Brady* policy is
“legally valid”



The Pretend Supreme Court

ALADS v. Superior Court

(2017) 13 Cal.App.5th 413
review granted 10/11/17, fully briefed
(S243855)

May Sheriff provide DA with
names from *Brady* list without a
Pitchess motion being heard
first?

CRIMINAL DISCOVERY STATUTE

What to Disclose (Penal Code § 1054.1)

- Any exculpatory evidence, needn't be material

(Barnett v. Superior Court (2010) 50 Cal.4th 890)

- Results of physical or mental examinations, scientific tests, experiments, or comparisons intended for trial use

What to Disclose (Penal Code § 1054.1)

- Witness names, addresses, statements
- Defendants' statements
- All relevant real evidence
- Felony conviction of any material witness

Discovery from Defense (Penal Code § 1054.3)

- Witness names, addresses and statements
- Results of physical or mental examinations, scientific tests, experiments, or comparisons intended for trial use
- Real evidence defense intends to offer

Discovery Procedure (Penal Code § 1054.5)

- Exclusive procedure
- Informal request deemed made at arraignment
- Discovery order if not comply within 15 days.
- Must provide at least 30 days before trial
- Sanctions: immediate disclosure, contempt, exclude evidence, continuance



You may be dealing with
the same attorneys for a
long time

Resources

CDA, Professionalism sourcebook

Hoffstadt, Cal. Criminal Discovery
(Lexis/Nexis)

New Rules of Professional Conduct:
Cal. State Bar web site

S/Brady file/Brady outline

S/Brady file/Pitchess outline



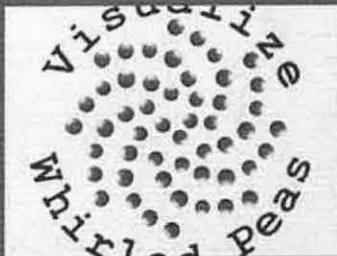
Don't sink
to their level



Ask for what you want



Individual style –
To thine own self be true



Visualize your plan



**Ethics
Discovery
and
Policy**