
title: Criminal Defense Checklist created: 2025-04-14

Main Checklist

- ☐ \$
- ☐ Prospective Client Meeting
- ☐ Open File
- ☐ Stabilize Case
- ☐ Is the case an unindicted felony?
- ☐ Discovery and Investigation
- ☐ Mitigation
- ☐ Review Discovery
- ☐ Scientific and Technical Issues
- ☐ Consider pretrial motions.
- ☐ Build a team
- ☐ Plea Offers?
- ☐ Guilty Plea
- ☐ Trial
- ☐ Appeal

☐ Specific problems:

☐ Close file

☐ Clear Client's record.

☐ Prepare for disaster.

Main Checklist | Prospective Client Meeting

- ☐ Conflict Check
- ☐ Language (interpreter needed?)
- ☐ Education Level
- ☐ Special needs
- ☐ Client Information Form and Client Info in File (SSN, TDL, address at time of offense [for expunction])
- ☐ Questionnaire
- ☐ Spheres of Influence Sheet
- ☐ Skills Assessment (what they like to do, are good at, etc.)
- ☐ Medical Records (what hospitals, HIPAA) [subpoena]
- ☐ School Records (releases, transcripts, college and primary/secondary school records) [subpoena]
- ☐ Criminal History (DPS) [online database search]
- ☐ Family Background Questionnaire
- ☐ Social History (include questions on trauma)
- ☐ References
- ☐ Psychological Eval (include explanation about all doing it, not to be ashamed, etc.)

- ☐ Drug Tests?
- ☐ Classes?
- ☐ Community Service Hours?
- ☐ Discuss consequences of conviction.
- ☐ Identify mental-health problems
- ☐ Identify brain issues
- ☐ Tell Client what to expect
- ☐ Double check with client key information.
- ☐ Draft agreement.
- ☐ Get client's or payor's signature.

**Main Checklist | Prospective Client Meeting | Client Information
Form and Client Info in File (SSN, TDL, address at time of offense
[for expunction])**

☐ Phone_

☐ Address_

☐ Back up contact information_

☐ Other active cases:*

☐ Education status_

☐ Military status_

☐ Immigration status_

Main Checklist | Prospective Client Meeting | Client Information Form and Client Info in File (SSN, TDL, address at time of offense [for expunction]) | Other active cases:*

- ☐ Other cases in county?__
- ☐ Other cases elsewhere?__
- ☐ Other probation/parole/PPS matters?__

Main Checklist | Prospective Client Meeting | Discuss consequences of conviction.

- ☐ Incarceration
- ☐ Conditions of probation
- ☐ Court Costs
- ☐ Driver's License Suspension
- ☐ Immigration
- ☐ Sex-offender registration
- ☐ Reputation
- ☐ School
- ☐ Employment
- ☐ Licensing
- ☐ Driver's License

Main Checklist | Prospective Client Meeting | Discuss consequences of conviction. | **Driver's License Suspension**

☐ Admin Date

☐ 90 Days

☐ 180 Restricted

Main Checklist | Prospective Client Meeting | Tell Client what to expect

- ☐ Patience
- ☐ Multiple court appearances
- ☐ May or may not be waived
- ☐ How to dress for court
- ☐ Don't volunteer, don't lie to me.

Main Checklist | Prospective Client Meeting | Double check with client key information.

- ☐ Immigration
- ☐ Criminal history
- ☐ Mental health / Medical Health
- ☐ Have client sign HIPAA and FERPA
- ☐ Military history

Main Checklist | Open File

- ☐ If hourly: Timesheet in file.
- ☐ Include Criminal Pleadings
- ☐ Pull all applicable statutes
- ☐ Codefendants?
- ☐ Charges the DA missed
- ☐ Determine all Court dates and list
- ☐ Place Court dates into calendar
- ☐ Pull sample jury charge
- ☐ Notice of Appearance / Appearance of counsel / Motion to Substitute
- ☐ Request discovery, notice, and disclosure.
- ☐ Is client noncitizen?
- ☐ Initial Legal Review
- ☐ Special subpoenas needed?
- ☐ Start file memo.

Main Checklist | Open File | Include Criminal Pleadings

- ☐ Criminal Information or Indictment
- ☐ Probable Cause – Affidavit / Hearing

Main Checklist | Open File | Place Court dates into calendar

☐ Next appearance

☐ Other deadlines

Main Checklist | Open File | Is client noncitizen?

- ☐ Consult with immigration lawyer
- ☐ Counsel client regarding immigration

Main Checklist | Open File | Initial Legal Review

- ☐ Jurisdiction correct?
- ☐ Statute of limitations?
- ☐ Speedy trial issues?
- ☐ Motion to suppress?
- ☐ Challenges to statute?
- ☐ Do any defenses need experts/notices/motions?
- ☐ Can client aid and assist in own defense
- ☐ Initial sentencing assessment

Main Checklist | Open File | Initial Legal Review | Initial sentencing assessment

- ☐ Max/Min penalties
- ☐ Consecutive/concurrent
- ☐ Same/Separate criminal episodes?
- ☐ Max sentences/fines?
- ☐ Diversion programs available?

Main Checklist | Open File | Special subpoenas needed?

☐ GPS data

☐ Medical records

Main Checklist | Stabilize Case

- ☐ Do not talk to anyone about case.
- ☐ Instruct client and allies on what to do if police call.
- ☐ Bond
- ☐ Instruct client on social media.

Main Checklist | Stabilize Case | Bond

- ☐ If so, Amount
- ☐ If no bond, why not? Check Constitution and statute for bases.
- ☐ If necessary, habeas to reduce bond.
- ☐ Connect family with bonding company.

Main Checklist | Is the case an unindicted felony?

- ☐ Pre-indictment negotiation
- ☐ Contact Prosecutor about grand jury packet- get it in writing
- ☐ Get client to take polygraph exam
- ☐ Write a grand-jury letter
- ☐ Send grand-jury letter

Main Checklist | Discovery and Investigation

- ☐ Witness Assessment
- ☐ Visit Scene
- ☐ Make a Timeline of the Incident
- ☐ Are there cell phones involved?
- ☐ Get cops' cell numbers
- ☐ Is it a drug case?
- ☐ Is it a DWI case?
- ☐ Are police location and travel important?
- ☐ Priors?
- ☐ Are there medical records involved?
- ☐ Identify healthcare providers.
- ☐ TCLEOSE Requested
- ☐ TCLEOSE Received
- ☐ MDTs Requested
- ☐ MDTs Received
- ☐ PIA Requests

- ☐ Do you have all police reports?
- ☐ Probable cause affidavits
- ☐ [View evidence in custody.](#)
- ☐ Lab Reports
- ☐ DNA Serology Reports
- ☐ Subpoenas
- ☐ Jail documents / pretrial reports
- ☐ Any follow-up police reports
- ☐ [911 / dispatch recordings](#)
- ☐ Social media
- ☐ [News articles](#)

Main Checklist | Discovery and Investigation | Make a Timeline of the Incident

- ☐ Movements/Actions possible in the timeframe?
- ☐ Match the witness statements?
- ☐ Any witnesses that would take exception to the timeline?

Main Checklist | Discovery and Investigation | Are there cell phones involved?

- ☐ Send cell phone company letter to preserve texts and GPS location.
- ☐ Subpoena cell phone records

Main Checklist | Discovery and Investigation | Is it a drug case?

☐ Drug test client

Main Checklist | Discovery and Investigation | Is it a DWI case?

☐ ALR Checklist

☐ Video Requested

☐ Video Received

☐ 911 Requested

☐ 911 Received

Main Checklist | Discovery and Investigation | Are police location and travel important?

- ☐ Get patrol car GPS records.
- ☐ Get patrol car dashcam / bwc that includes metadata.
- ☐ Map police coordinates to Google map for visualization.

Main Checklist | Discovery and Investigation | Priors?

- ☐ Investigate priors.
- ☐ Prior J&Ss Requested
- ☐ Prior J&Ss Received
- ☐ Compare Priors

Main Checklist | Discovery and Investigation | Identify healthcare providers.

- ☐ Get HIPAA release forms from providers.
- ☐ HIPPA release signed by client.
- ☐ HIPPA motion filed on CW.
- ☐ Medical Records Requested
- ☐ Medical records subpoenaed.
- ☐ Medical Records Received

Main Checklist | Discovery and Investigation | PIA Requests

☐ Jail records

☐ School records,

☐ Juvenile /TDCJ records

Main Checklist | Discovery and Investigation | View evidence in custody.

- ☐ Request court order.
- ☐ Get court order.
- ☐ Communicate court order to agency.

Main Checklist | Discovery and Investigation | 911 / dispatch recordings

☐ Subpoena to:

☐ If made to County: Traci Mullins, records custodian, 1301 Franklin, Houston 77002. Include cause number, offense report #, address, and date, and even phone number that called 911 if you have it

☐ If made to City of Houston: HEC, Custodian of Records, 5320 N. Shepherd, Room 1022. Houston, Texas 77091. Contact Joe.Laud@CityOfHouston.net if there are any problems (e.g., runaround). Include cause number, offense report #, address, and date, and even phone number that called 911 if you have it

Main Checklist | Mitigation

- ☐ Make timelines of client's life
- ☐ Confront family with records
- ☐ Confront client with records
- ☐ Contact family members/neighbors

Main Checklist | Review Discovery

- ☐ List possible witnesses and their connections.
- ☐ Client info on witnesses
- ☐ Review Video
- ☐ Transcribe audio
- ☐ Location awareness
- ☐ Update file memo.

Main Checklist | Review Discovery | Location awareness

- ☐ Google Map
- ☐ Google Street View
- ☐ Weather Conditions
- ☐ Lighting

Main Checklist | Scientific and Technical Issues

☐ DNA mixture case? CPI evidence issues? Is it single source DNA evidence?

☐ Other evidence which needs to be tested?

☐ Drug / Alcohol Reports

☐ Blood Analysis Reports

☐ Fingerprint Analysis Reports

☐ Gunshot Residue Analysis Reports

Main Checklist | Scientific and Technical Issues | DNA mixture case?
CPI evidence issues? Is it single source DNA evidence?

☐ Call the lab analyst, ensure there are no other supplemental reports, that you have all reports, that there are no calculations or other reports pending

☐ Discuss lab report data – ask analyst to pin down their interpretation of results

Main Checklist | Consider pretrial motions.

- ☐ Motion for no solitary confinement (show particularized need)
- ☐ Motion to Suppress
- ☐ Motion to quash.
- ☐ Ake motions:
- ☐ Trial-specific motions.
- ☐ 28.01 hearing set? Calendar motion-filing deadline.

Main Checklist | Consider pretrial motions. | Motion to quash.

☐ Charge track statute?

☐ Separate offenses in separate counts or indictments?

☐ All notice of

Main Checklist | Consider pretrial motions. | Ake motions:

☐ Investigators

☐ Experts

Main Checklist | Consider pretrial motions. | Trial-specific motions.

- ☐ Subpoena applications.
- ☐ Notices of business records.
- ☐ Motion in Limine.
- ☐ Trial brief.
- ☐ Juror questionnaire.
- ☐ Punishment election.
- ☐ Application for probation.

Main Checklist | Build a team

- ☐ Cocounsel
- ☐ Law lawyer
- ☐ Investigators
- ☐ Experts

Main Checklist | Plea Offers?

- ☐ Convey offer to client.
- ☐ Answer client's concerns.
- ☐ Get client's response.
- ☐ Update file memo.

Main Checklist | Guilty Plea

☐ Plea Agreement

Main Checklist | Guilty Plea | Plea Agreement

☐ Translate

☐ Explain

Main Checklist | Trial

- ☐ Trial Materials Preparation
- ☐ Preservation of error, generally
- ☐ Special Problems:
- ☐ Jury charge conference:
- ☐ Judgment issued.
- ☐ Sentencing date.
- ☐ Notice of Appeal

Main Checklist | Trial | Trial Materials Preparation

- ☐ Finalize themes and exhibit list
- ☐ Jury Instructions
- ☐ Exhibits
- ☐ Witness list
- ☐ Motions in limine
- ☐ Legal Resources
- ☐ Jury instructions
- ☐ Proposed jury charge.
- ☐ Briefs on anticipated evidentiary issues.
- ☐ Exhibits
- ☐ Audio player
- ☐ Video player
- ☐ Interpreters
- ☐ Closing Materials

Main Checklist | Trial | Preservation of error, generally

☐ Object

☐ Move to Strike

☐ Request that jury be instructed to disregard

☐ Move for Mistrial

Main Checklist | Trial | Special Problems:

☐ Cop cross-exam

Main Checklist | Trial | Special Problems: | Cop cross-exam

☐ Establish reliability of report

Main Checklist | Trial | Special Problems: | Cop cross-exam |

Establish reliability of report

☐ Trained to write

☐ Purpose:*

☐ Four principles:*

Main Checklist | Trial | Special Problems: | Cop cross-exam |
Establish reliability of report | Four principles:*

- ☐ Chronological (if the report says “A, then B,” A happened before B)
- ☐ Complete (if it’s not in the offense report, you didn’t think it important)
- ☐ True (if it’s in the offense report, it happened)
- ☐ Literal

Main Checklist | Trial | Jury charge conference:

- ☐ Read every word.
- ☐ Compare to your pattern charge.

Main Checklist | Appeal

- ☐ Notice of Appeal
- ☐ Jury-charge error
- ☐ Jury selection error

Main Checklist | Specific problems:

- ☐ Noncitizen client
- ☐ Unexpected extraneous at trial
- ☐ Missing witness
- ☐ Batson error

Main Checklist | Close file

- ☐ Withdraw
- ☐ Send closing letter.
- ☐ File to storage

Main Checklist | Clear Client's record.

- ☐ Expunge record
- ☐ Petition for Nondisclosure
- ☐ Juvenile Sealing of Records

Main Checklist | Clear Client's record. | Expunge record

- ☐ Identify agencies involved
- ☐ Look for other cases that can be expunged while you're doing one
- ☐ Get Client SSN, TDL, address at time of arrest, address now.
- ☐ Draft petition
- ☐ Petition to client for notarized signature
- ☐ File petition
- ☐ Draft order
- ☐ Order to respondents for signatures
- ☐ Signed order to court
- ☐ Final order to client
- ☐ Purge SSN, credit card numbers from file

Main Checklist | Clear Client's record. | Petition for Nondisclosure

☐ Eligibility Checklist

Main Checklist | Clear Client's record. | Petition for Nondisclosure | Eligibility Checklist

☐ Petitioner must have received successful discharge and dismissal of DADJ AND

☐ The court where petition filed is the court that granted the DADJ

☐ Petitioner complied with waiting period from date of discharge/ dismissal (5 years for felonies; 2 years for misdemeanors under PC Ch. 20-22, 25, 42 or 46), and immediately for all other misdemeanors

☐ There are some offenses for which Petitioner is NEVER eligible if convicted or placed on deferred – check Penal Code, ie Indecency with a Child, Aggravated Sexual Assault, etc.)

☐ Even if eligible, Petitioner becomes Disqualified IF: during period of DADJ or waiting period thereafter, Petitioner gets convicted or placed on DADJ for any offense (other than traffic offense punishable by fine only).

Main Checklist | Clear Client's record. | Juvenile Sealing of Records

- ☐ File Folder created
- ☐ Enter Client Sealing of Records in Contacts (SOS and Outlook)
- ☐ Draft Motion to Seal Records/Order
- ☐ Contact Client – Need to Review Motion and Sign/ Notarize verification
- ☐ Client notification for signature
- ☐ Client coming to office to sign
- ☐ Client wants Motion mailed
- ☐ Draft form letter and mail Motion to Seal Records to Client
- ☐ Received Motion and Executed verification
- ☐ Make 3 Copies of Motion and Verification. (One for office, Original and Copy for Court)
- ☐ Court Process and follow up for hearing date:
- ☐ File Motion with court and receive court date for hearing
- ☐ Received Motion and Notice of Hearing from Attorney
- ☐ Make copies of Motion and Notice of Hearing for each Agency
- ☐ Calendar date of Hearing for Motion of Sealing

- ☐ Draft Notice of Hearing to each agency and enclose copy of file stamped Motion and Notice of Hearing.
- ☐ Send regular mail
- ☐ Hearing for Motion to Seal:
- ☐ Hearing date – Motion submitted to court
- ☐ Date to pick up Order
- ☐ Received final Motion and Order for Sealing – granted
- ☐ Attorney to bring back Original Certified Motion /orders (one for each agency, plus one for office and one for the client (Harris County))
- ☐ Make additional copies of Certified Motion and Order if needed for each Agency
- ☐ Draft form letter to each agency and to Client – Order granted
- ☐ Copy of Order with form letter mailed to Agencies, Certified Mail Return Receipt Requested
- ☐ All green cards signed and received in office
- ☐ Attached Green card to each matching agency and scan in computer.
- ☐ Close File
- ☐ Attorney signed off

**Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested**

- ☐ Harris County DA*
- ☐ Harris County Juvenile Probation*
- ☐ Harris County District Clerk*
- ☐ Houston Police Department*
- ☐ Harris County Sheriff's Department*
- ☐ Harris County Constable Precinct *
- ☐ Harris County Fire Marshall*
- ☐ Other Law Enforcement Agency *
- ☐ School *
- ☐ School District, _____ ISD*
- ☐ N.C.I.C./FBI*
- ☐ T.C.I.C.*
- ☐ Texas Department of Public Safety/Expungements*
- ☐ Texas Education Agency*

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Harris County DA*

☐ Sent: _

☐ Received: _

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Harris County Juvenile Probation*

☐ Sent: __

☐ Received: __

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Harris County District Clerk*

☐ Sent: __

☐ Received: __

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Houston Police Department*

☐ Sent: __

☐ Received: __

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Harris County Sheriff's Department*

☐ Sent: __

☐ Received: __

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Harris County Constable Precinct _*

☐ Sent: _

☐ Received: _

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Harris County Fire Marshall*

☐ Sent: _

☐ Received: _

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Other Law Enforcement Agency _*

☐ Sent: _

☐ Received: _

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | School _*

☐ Sent: _

☐ Received: _

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | School District, _____ ISD*

☐ Sent: __

☐ Received: __

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | N.C.I.C./FBI*

☐ Sent: _

☐ Received: _

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | T.C.I.C.*

☐ Sent: _

☐ Received: _

**Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Texas Department of Public Safety/
Expungements***

☐ Sent: _

☐ Received: _

Main Checklist | Clear Client's record. | Juvenile Sealing of Records
| Copy of Order with form letter mailed to Agencies, Certified Mail
Return Receipt Requested | Texas Education Agency*

☐ Sent: _

☐ Received: _

Main Checklist | Prepare for disaster.

- ☐ Find quiet moment
- ☐ Make/Pour/Order coffee/liquor
- ☐ Sip and clear mind
- ☐ Decide whom you can trust with this information
- ☐ Download forms and fill out (and make 2 copies)
- ☐ Make 2 lists and copies of all the following, electronic or hard copy
- ☐ Make or arrange for electronic copies via scan or upload or portable drive of all office files, including client contact info
- ☐ Locate in your mind coffee shops with wireless, FEDex branches, and public libraries so you will not be shut out of online access.
- ☐ Make 2 copies of the following keys and gather them
- ☐ Prepare list of instructions in event of injury/illness
- ☐ Call person you picked
- ☐ Bring them hard drives, passwords, keys, list, instructions etc. listed above
- ☐ Take second set of copies to your home and put it in safe place, such as a shoe box, labelled "In case I get hit by a big yellow bus".
- ☐ Relax, sip coffee/drink.

**Main Checklist | Prepare for disaster. | Download forms and fill out
(and make 2 copies)**

- ☐ Power of Attorney (limited or durable)
- ☐ Health care Power of Attorney
- ☐ Will, if you prefer not to leave things to the State

Main Checklist | Prepare for disaster. | Make 2 lists and copies of all the following, electronic or hard copy

- ☐ Insurance policies with numbers [btw, consider disability and general umbrella insurance policies for disasters and illness/injury]
- ☐ Bank accounts, with acct numbers, including IOLTA
- ☐ Investment/IRA accounts
- ☐ Deeds and car titles
- ☐ Assets people may not know about [safes, safe deposit, envelopes of cash]
- ☐ Clients and status of accounts/cases and all passwords to your computers
- ☐ Office leases/contracts
- ☐ Credits cards/lines of credit

Main Checklist | Prepare for disaster. | Make 2 copies of the following keys and gather them

☐ office

☐ safe or locking file cabinet

☐ car

☐ safe deposit box

☐ home or apartment