



Please Note: The information contained in this Guide is not intended as legal advice in any individual's case. There are many exceptions and variations in the parole consideration process. If you have questions, please consult with an experienced parole attorney.

HOW TO WORK WITH YOUR PAROLE ATTORNEY

This Guide offers you tools for taking ownership over your parole hearing process and working effectively with your attorney. Because nearly 90% of parole applicants throughout the state are represented by attorneys who are appointed by the Board, this advice is primarily tailored to working with appointed attorneys. However, it is our hope that this overview will help you work effectively with any attorney representing you, whether they are appointed (assigned to your case by the Board), retained (hired), or pro bono (private attorneys representing you at no cost).

I. The Right to Counsel

You have the right to have an attorney represent you at your parole hearing. If you cannot afford an attorney, the Board will appoint you an attorney at no cost to you. Over time, the Board has changed the guidelines regarding appointed attorneys so that they are now expected to meet with you more often, for longer time periods. Currently, as of November 2021, the Board has stated some of the following *minimum* expectations for appointed attorneys:

When will I be appointed an attorney?

- Approximately five months before your parole hearing, the Board will appoint you an attorney and will provide the attorney access to your Central File.

When will I meet with my attorney, and for how long?

- Within 30 days of accepting the appointment, the attorney should review your Central File and have an initial meeting with you. **This initial meeting should be one to two hours long.** If you are scheduled for a Comprehensive Risk Assessment (CRA) interview, the initial meeting should be no less than two hours and the attorney should spend at least one hour preparing you for the CRA interview.
- The attorney should have at least one additional meeting with you at least 60 days before the hearing or two weeks after the CRA is finalized. **This additional meeting should be one to two hours long.**

Will the meetings with my attorney be in person?

- The attorney should make every effort to meet with you at least once in person. Otherwise, the meetings can take place on a confidential phone line, or by video.

Will my attorney be with me in-person for my hearing?

- For all hearings after December 6, 2021, the attorney should be present in person with you during the virtual parole hearing unless you waive the attorney's presence, choose not attend the hearing, or there are circumstances outside of the attorney's control that prevent them from appearing in person.

Do I have the right to accommodations during my meetings with my attorney?

- The attorney must be familiar with your rights under the Americans with Disabilities Act and provide accommodations during client meetings.

Reminder: These guidelines do not apply to attorneys that you hire for yourself, or to private attorneys who work for a law firm or nonprofit

and are representing you pro bono. These guidelines only apply to attorneys that the Board has appointed to represent you.

II. Roles at a Parole Hearing

Your Role

The most important thing to know is that this is *your* hearing. Your conduct and programming in prison, as well as how you prepare for and show up at your hearing, are the most important factors in being found suitable for parole. The parole suitability process starts long before you walk into the Board room or have an attorney appointed to represent you. It starts with your decision to program, your efforts to avoid write ups, and your commitment to your transformation. Because of this, at your parole hearing, the Commissioners are most interested in hearing from you. Unlike a hearing in a criminal case, where the lawyers do most of the talking, in parole hearings, *you* are expected to explain why you are suitable for parole.

Throughout the hearing, the Board will ask you a series of very personal questions about your childhood, your history of involvement in the criminal legal system, your life crime, and your self-help programming, education, and discipline in prison. Usually, towards the end of the hearing, the Board asks you questions about your relapse prevention plans and parole plans. These questions, and your answers, take up most of the hearing. Aside from asking for a break, or objecting to an improper question, there is not very much your attorney can do to engage in this part of the hearing. This is because the Board wants to hear from *you* about your experiences, rather than from your attorney.

Your Attorney's Role

Your attorney has several distinct roles at the hearing. First, the Board will ask your attorney several questions at the beginning of the

hearing to make sure that your procedural rights have been met. Your attorney will also have the opportunity to make preliminary objections. Sometimes, these objections involve factual or legal issues in your CRA. Later, after the interview portion of the hearing, your attorney will also have to opportunity to ask you clarifying questions. This is an opportunity for your attorney to help you clarify answers to questions you have previously answered, or to help you bring in new information you had not yet brought up. Your attorney will also make a closing statement. Their closing statement must be no longer than 10 minutes. Usually, this is their only opportunity to argue why you are suitable for parole. Attorneys also may object throughout the hearing, but they generally reserve objections for only the most extreme situations.

III. Tips for Working with Your Attorney

Because the attorney's role is fairly limited during the hearing, the best way to help your attorney advocate on your behalf is to communicate with them effectively *before* the hearing. Attorneys often have many clients, and may not have time to review your Central File thoroughly before your meetings. Thus, it is important to prepare for your meetings in advance and have specific goals for how you want to use your time with your attorney.

Here are some tips that may help you make the most of your two meetings with your attorney:

- Before meeting your attorney, do your best to gain a basic understanding of the parole process. You can do this by talking to people who have been through the parole process, or by looking at some of the other UnCommon Law Guides about parole hearings. This may help you feel more comfortable engaging with your attorney and asking questions.
- If you have done any writing that you want to submit to the Board, come to the initial meeting with your attorney with a *copy* of these

writings, and clearly label these writings. These writings can include relapse prevention plans, parole plans, remorse letters, crime-impact statements, and book reports. This way, the attorney can provide you feedback on the spot, or take a copy with them to provide you feedback during your second meeting.

- Make sure not to give them your only copy, because they may not return them.
- Ask the attorney for specific feedback on sections that you feel less confident about. For example, “Do my remorse letters feel genuine and communicate accountability?” or “Are my coping mechanisms specific enough on my relapse prevention plan?”
- Be sure to explain what you want the attorney to do with the documents. Be clear if you want them to submit the documents to the Board, or just provide you feedback.
- Provide your attorney with a “client worksheet” about you and your case during your first meeting so that they have all the relevant information in front of them. A sample worksheet is attached to this Guide.
- Write down all of your questions and concerns about the hearing process before you sit down with the attorney, and make sure that you get answers to all of your questions before the end of the meeting.
- Ask your attorney if they have a phone number that accepts collect calls, or if they have an address you can write to if you have questions.
- Make a plan with your attorney about how to submit documents to the Board. Be sure that you know if you should mail them to the Board yourself, or if they will do it on your behalf.
- If you disagree with your attorney about strategy (for example, if they give you advice to waive your hearing, but you want to attend your hearing), calmly explain your point of view and ask your attorney how to maximize your chances at being found suitable.

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Client Information Worksheet

Name: _____

CDCR #:

Parole Hearing Date: _____
Parole?: _____

Youth/Elderly

Sentence Length: _____

Time Served:

Date of Last Hearing: _____
Outcome: _____

Last Hearing

My Programming History:

My Work/Vocational/Educational History:

Why I Was Denied Parole at My Last Hearing (Or Why I Waived/Stipulated):

What I Have Done Since My Last Hearing to Address the Concerns Above:

Why I Should Be Found Suitable for Parole:

115s and 128s Since My Last Hearing:

Serious Errors/Concerns in My Last CRA:

I Need Your Support On:

Questions I Have for You:
