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## DOLLEY LAW FIRM, LLC

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### D) What is our role as lawyers

Start with the premise that we are there to protect our clients. It is not enough to say “you’re taking your chances” or “I don’t know.” It is our job to inform our clients. We lawyers exist to take care of our clients.

### II) Practice Standards/Padilla as the practice standard/the Ordinary Fallible Attorney

Strickland v. Washington, 466 U.S. 668 (1984) (ineff. asst. counsel = 2 steps)

1. ineffective
2. prejudice

Aldus v. State, 2000 ME 47 - most valuable for the story it tells. To say I don’t know is not enough.

Padilla v. Kentucky, 559 U.S. 356 (2010). Must inform clients of immigration consequences. But the real point of Padilla is to say attorneys are supposed to take care of their clients.

### IV) the practice - how to handle a case

- always get the status
- 3 ways to analyze = deportation, inadmissibility, ineligibility

#### LOD

- beware pitfalls
- example of Displaying Fictitious Inspection Sticker, Class E, 29-A M.R.S.A. § 1768(1) “On or about June 24, 2014, in Lewiston, Androscoggin County, Maine, Mohamed Mohamed, did display or permit to be displayed on a vehicle a certificate of inspection knowing the certificate to be fictitious or issued to another vehicle or issued without an inspection having been made.”
- 15 M.R.S.A. § 810 – Judge can appoint atty for anyone in crim. case, regardless of risk of jail.

### practice topics

- **working with interpreters**
  - get a professional interpreter
  - beware the language line
  - qualified – commission approved – training/tier program
  - get a good one
    - word of mouth
    - experience w/the interpreter
- **knowing how and when to work with an immigration lawyer**
  - If there is a question on the result. Example is DVA pled to dis.con. fighting.
  - ILAP - <http://www.ilapmaine.org/> 780-1593
- **negotiating tactics with the DA**
  - don’t do a deferred

- sanitize the record
- noncitizen client in better but also a less bargaining position – tell the Pat Reynolds story
- ask Mom/ask Dad defense - if district court says no, transfer to superior court
  
- **understanding/dealing with cultural issues in a case**
  - Somali women = “Everything is Awesome”
  - honesty to govt/tribunal
  - substance abuse / alcohol issues
  - sometimes it is worth talking with your interpreter to gain understanding of cultural issues – example of no right to remain silent in some foreign countries.
  
- Juvenile offenses
  - o generally, Juveniles not subject to removability except for drug trafficking.

**15 M.R.S.A. §810.**

**COPY OF INDICTMENT FURNISHED; WITNESSES; ASSIGNMENT OF COUNSEL; COMPENSATION**

The clerk shall, without charge, furnish to any person indicted for a crime punishable by imprisonment in the State Prison a copy of the indictment. If he is indicted for a crime punishable by imprisonment for life, the clerk shall furnish a copy of the indictment, a list of the jurors returned and process to obtain witnesses, to be summoned and paid at the expense of the State; if for a crime punishable by imprisonment for a term of years, witnesses shall be summoned and paid at the expense of the State only by order of the court under such circumstances as the Supreme Judicial Court shall by rule provide. Before arraignment, competent defense counsel shall be assigned by the Superior or District Court, unless waived by the accused after being fully advised of his rights by the court, in all criminal cases charging a felony, when it appears to the court that the accused has not sufficient means to employ counsel. **The Superior or District Court may in any criminal case appoint counsel when it appears to the court that the accused has not sufficient means to employ counsel.** The District Court shall order reasonable compensation to be paid to counsel by the District Court for such services in the District Court. The Superior Court shall order reasonable compensation to be paid to counsel out of the state appropriation for such services in the Superior Court. [1975, c. 147, Pt. C, §14 (AMD).]

