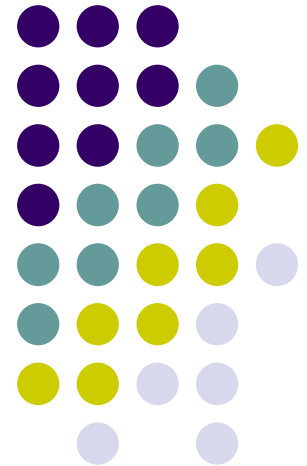
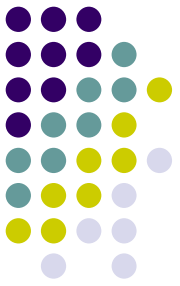


MOTIONS PRACTICE IN JUVENILE DELINQUENCY CASES

JUVENILE PRACTICE CLE AT
UNC SCHOOL OF GOVERNMENT
JUNE 3, 2005
TAMAR BIRCKHEAD
UNC SCHOOL OF LAW

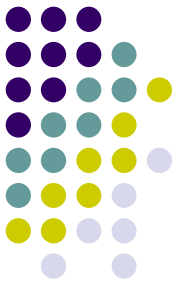


WHAT TO CONSIDER BEFORE FILING A WRITTEN MOTION?



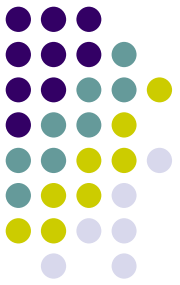
- WHO IS THE JUDGE?
- WHO IS THE ADA?
- IS THIS THE BEST WAY TO GET WHAT I NEED?
- DO I NEED TO PRESERVE THE RECORD FOR APPEAL?

WHAT DO I ULTIMATELY WANT TO ACCOMPLISH?



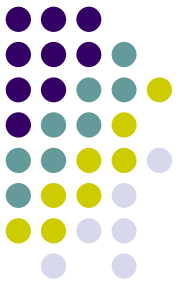
- TO GET INFORMATION?
 - DISCOVERY
 - TRANSCRIPT
 - COMPETENCY DETERMINATION
- TO GET FUNDS?
 - EXPERT
 - INVESTIGATOR
- TO GET A COURT ORDER?

WHAT MOTIONS DO I FILE PRE-TRIAL?



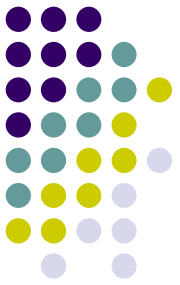
- PRE-TRIAL
 - DISCOVERY MOTIONS
 - COMPETENCY MOTION
 - MOTION FOR FUNDS TO HIRE EXPERT
 - MOTION TO SUPPRESS
 - MOTION FOR TRANSCRIPT
 - MOTION TO CONTINUE
 - MOTION TO DISMISS

WHAT MOTIONS DO I FILE AT TRIAL?



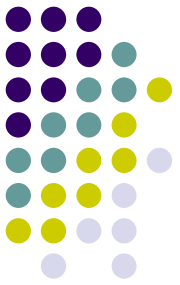
- AT TRIAL
 - MOTION TO SEQUESTER
 - MOTIONS IN LIMINE
 - MOTION TO DISMISS AT END OF STATE'S CASE
 - MOTION FOR FINDING OF NOT DELINQUENT

WHAT MOTIONS DO I FILE POST-TRIAL?



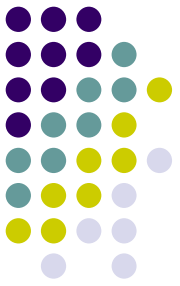
- POST-TRIAL
 - NOTICE OF APPEAL
 - CHANGE OF VENUE
 - MOTION FOR DEFERRED DISPOSITION
 - SENTENCING MEMORANDUM
 - MOTION FOR APPROPRIATE RELIEF
 - PETITION TO EXPUNGE JUVENILE RECORD

PUT IN THE EFFORT AND BE CREATIVE!



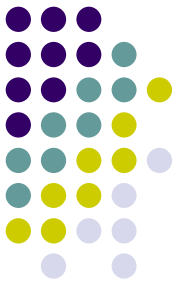
- BE INVENTIVE –
START FROM SCRATCH, IF NECESSARY
- TAKE CHANCES – YOU CAN CHANGE
THE PRACTICE OF YOUR COURT
- DO THE LEGAL RESEARCH – IT'S WORTH
IT
- LET YOUR GOAL DRIVE YOUR METHOD

HOW DO I PREPARE FOR THE HEARING?



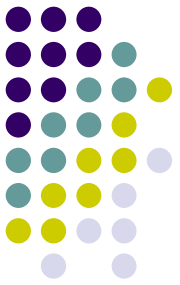
- AFTER FILING THE MOTION, YOUR WORK IS NOT OVER
 - PREPARE YOUR ORAL ARGUMENT
 - PREPARE YOUR WITNESSES
 - PREPARE YOUR CROSS-EXAMINATION
 - KNOW THE LAW AND BRING COPIES OF CASES
 - KNOW THE APPLICABLE JUVENILE CODE

CAVEATS FOR MOTIONS PRACTICE



- FILE ONLY WHEN YOU HAVE
A **GOOD** REASON
- COLLECT OTHERS' MOTIONS – BORROW
FROM THEM WHEN APPROPRIATE
- GET FEEDBACK FROM COLLEAGUES
- KNOW YOUR JUDGE
- KNOW YOURSELF

AND, FINALLY...



- COMMUNICATE WITH YOUR CLIENT
- EDUCATE THEM ON WHAT YOU'RE TRYING TO ACCOMPLISH
- SHARE YOUR MOTIONS STRATEGY WITH THEM
- EMPOWER THEM WITH UNDERSTANDING

MORE QUESTIONS?

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