

Practice Standards

December, 2012

Section VI, Qualifications and Duties of Counsel

23. Obligations of Counsel at Sentencing Hearing

- A. Among counsel's obligations in the sentencing process are the following:
 - a. where a client chooses not to proceed to trial, to ensure that a plea agreement is negotiated with consideration of the sentencing, correctional, financial, and collateral implications;
 - b. to ensure the client is not harmed by inaccurate information or information that is not properly before the court in determining the sentence to be imposed;
 - c. to ensure all reasonably available mitigating and favorable information which is likely to benefit the client is presented to the court;
 - d. to develop a plan which seeks to achieve the least restrictive and burdensome sentencing alternative that is most acceptable to the client and which can reasonably be obtained based on the facts and circumstances of the offense, the defendant's background, the applicable sentencing provisions, and other information pertinent to the sentencing decision;
 - e. to ensure all information presented to the court which may harm the client and which is not shown to be accurate and truthful, or is otherwise improper, is stricken from the text of the pre-sentence investigation report before distribution of the report; and,
 - f. to consider the need for and availability of sentencing specialists, and to seek the assistance of such specialists whenever warranted and possible.