

## **Practice Standards**

December, 2012

### **Section VI, Qualifications and Duties of Counsel**

#### **5. Counsel's Duties at Preliminary Hearing:**

A. If the client is entitled to a preliminary hearing, counsel should take steps to see that the hearing is conducted in a timely fashion, unless there are strategic reasons for not doing so.

B. In preparing for the preliminary hearing, counsel should become familiar with:

- a. the elements of each of the offenses alleged;
- b. the law of the jurisdiction for establishing probable cause;
- c. factual information which is available concerning probable cause;
- d. the subpoena process for obtaining compulsory attendance of witnesses at preliminary hearing and the necessary steps to be taken in order to obtain a proper recordation of the proceedings; and,
- e. the potential impact on the admissibility of any witness' testimony if they are later unavailable at trial.