

**CLIENT INTERVIEW**

Today's Date: \_\_\_\_\_

**Client Biography**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (C): \_\_\_\_\_ (H): \_\_\_\_\_  
(W): \_\_\_\_\_ Email: \_\_\_\_\_

Emergency Contact 1: \_\_\_\_\_

Phone: (C): \_\_\_\_\_ (H): \_\_\_\_\_  
(W): \_\_\_\_\_ Email: \_\_\_\_\_

Emergency Contact 2: \_\_\_\_\_

Phone: (C): \_\_\_\_\_ (H): \_\_\_\_\_  
(W): \_\_\_\_\_ Email: \_\_\_\_\_

**REMINDE CLIENTS THAT IF THEY MOVE OR CHANGE ANY CONTACT INFORMATION (PHONE NUMBERS, ADDRESS, EMPLOYMENT, E-MAIL, ETC) THEY MUST NOTIFY ME**

Employer: \_\_\_\_\_ Length of Employment: \_\_\_\_\_

Work Address: \_\_\_\_\_  
City State Zip

**CASE INFORMATION**

Charges: \_\_\_\_\_

Courtroom: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Prosecutor: \_\_\_\_\_ Motion to Revoke \_\_\_\_\_ Current Bond: \_\_\_\_\_

**The policy of the Jefferson County Attorney's Office is to revoke any probated jail time**

Conditions of Release: \_\_\_\_\_ No Contact with: \_\_\_\_\_

Any other pending charges or warrants: \_\_\_\_\_

Criminal Pleas or Convictions in past 2 years? \_\_\_\_ What? \_\_\_\_\_

Criminal History: (Any Felony Pleas or Convictions): \_\_\_\_\_

\_\_\_\_\_

Referred by: \_\_\_\_\_ Prior Attorney: \_\_\_\_\_

**Explanation of No contact: No Calls to Home \_\_\_\_ Work \_\_\_\_ Family & Friends \_\_\_\_  
Cell \_\_\_\_ Home phone \_\_\_\_ Text messaging \_\_\_\_ Email \_\_\_\_ Letters \_\_\_\_ Voice Mail \_\_\_\_  
3<sup>rd</sup> parties \_\_\_\_ If out in public Client leaves without incident \_\_\_\_**

**DO NOT TEXT, EMAIL OR POST ANYTHING ON FACEBOOK/TWITTER/MYSPACE.**  
Please print out and report to me if any witnesses text or post about your arrest.

**On Probation/Parole/Conditional Discharged Jail Sentence in past 2 years?:\_**

Have you advised your probation/parole officer? \_\_\_\_ What did they say? \_\_\_\_\_

\_\_\_\_\_

**OFFENSE:**

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_ **Location of Offense:** \_\_\_\_\_

**Officer(s)** \_\_\_\_\_ **Department:** \_\_\_\_\_

**Environmental Conditions:** \_\_\_\_\_

**Probable Cause:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Facts Leading Up to Arrest:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Employer: \_\_\_\_\_

Work Address: \_\_\_\_\_

City State Zip

What would he/she say under oath?: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Witnesses 2:** \_\_\_\_\_

Address: \_\_\_\_\_

City State Zip

(C): \_\_\_\_\_ (H): \_\_\_\_\_

(W): \_\_\_\_\_ Email: \_\_\_\_\_

Employer: \_\_\_\_\_

Work Address: \_\_\_\_\_

City State Zip

What would he/she say under oath?: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Witnesses 3:** \_\_\_\_\_

Address: \_\_\_\_\_

City State Zip

(C): \_\_\_\_\_ (H): \_\_\_\_\_

(W): \_\_\_\_\_ Email: \_\_\_\_\_

Employer: \_\_\_\_\_

Work Address: \_\_\_\_\_

City State Zip

What would he/she say under oath?: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONSTITUTIONAL RIGHTS**

Right to Jury Trial\_\_\_\_ Presumption of Innocence\_\_\_\_ Right to Appeal\_\_\_\_ Right to Confront & Cross Examine\_\_\_\_ Right to witnesses testify\_\_\_\_ Right to Remain Silent\_\_\_\_ Expungement\_\_\_\_ Community Service in lieu of fine\_\_\_\_  
Are you a US citizen?\_\_\_\_  
Any questions? \_\_\_\_\_

**Drug Convictions may result in Financial Aid for college or technical school to be denied\_\_\_\_  
If you are on probation/parole-even just a criminal charge may result in your revocation \_\_\_\_\_**

**If you are in this country illegally, your charge/conviction may result in your deportation \_\_\_\_\_**

**COURTROOM DECORUM**

Dress Appropriately (Not flashy-little jewelry) \_\_\_\_\_ Sit in first three rows\_\_\_\_\_

Do not talk to anyone other than to identify that I am you lawyer\_\_\_\_\_  
Referrals/5cards\_\_\_\_ Expert's fee? \_\_\_\_\_ Final Payment two weeks before date of plea, amendment, trial or dismissal \_\_\_\_\_  
3-5 Page Detailed Report \_\_\_\_\_ Pictures:\_\_\_\_\_ Video:\_\_\_\_\_ Map:\_\_\_\_\_ Diagram:\_\_\_\_\_

**Anything Else?**

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**RETAINER AND FEE AGREEMENT**

The undersigned does hereby retain BENHAM J. SIMS III, for a representation on the following charges: \_\_\_\_\_ occurring on or about the \_\_\_\_ day of \_\_\_\_\_, 2010 in \_\_\_\_\_ County, KY.

The Undersigned agrees to pay a retainer, which is nonrefundable, in the amount of:

**The sum of \$\_\_\_\_\_ is due immediately and which shall be applied for the following fee schedule:**

The sum of \$\_\_\_\_\_ if the matter is resolved without a trial in District Court

The sum of \$\_\_\_\_\_ if the case is tried before a judge or jury in District Court

The sum of \$\_\_\_\_\_ if the matter is resolved without a trial in Circuit Court

The sum of \$\_\_\_\_\_ if the case is tried before a judge or jury in Circuit Court

Other:

In addition thereto, the undersigned agrees to pay all costs associated with this action, including fees paid to expert witnesses, photographers, process servers, private investigators, and for postage, copying and long distance calls.

I agree to pay an additional fee of \$\_\_\_\_\_ for additional representation regarding:

I understand that Mr. Sims will begin work on my case when this amount has been paid and that no portion of this retainer fee is refundable to me. I further understand that if applicable, the additional fee for a trial must be paid no later than ten days prior to the date set for trial. If I do not pay the fees or costs as agreed, I under-

\_\_\_\_\_  
(Client initials)

stand that Mr. Sims will be relieved of any further obligations to represent me or to appear in court on my behalf and, in that event, I authorize him to withdraw from my case.

The fee schedule quoted herein does not include representation in any Revocation hearings, Transportation Cabinet hearings, or appeals or writs to a higher court, whether pre-trial or post-trial or whether initiated by me or by the prosecution, or retrials following a mistrial, successful appeal, or where a motion for new trial is granted. I authorize Mr. Sims initiate any pretrial appeal or writ, if, in his opinion, my interests will be served thereby, and if I am unavailable for consultation.

I specifically authorize Mr. Sims to take any action on my behalf, including the waiving of my right to speedy trial or to a jury trial, if, in his opinion, my interest would best be served thereby. I understand that my retainer and legal fees do not include Mr. Sims's representation at a show cause hearing if I fail to pay fine and costs before the show cause. I further understand that I can contact the Jefferson District Court Clerk's Office at (502) 595-4428 to confirm my court dates, including show cause date, and the amount of money I owe the court and any other court order.

I further understand the 1.5 % per month charge will be imposed on any portion of the balance of the fees not paid on the date established above and that I will be responsible for any costs and reasonable attorney fees and incurred should collection procedures be necessary. I have read and fully understand this contract and I have discussed any questions I have with my attorney and I agree to its terms.

CLIENT: \_\_\_\_\_  
Date: \_\_\_\_\_ 2010

**TO DO LIST**

ORDER SCUP &: \_\_\_\_\_ ENTER DATABASE \_\_\_\_\_

ORDER TAPE OF: \_\_\_\_\_

TO DO:

Payment entered into quick books? \_\_\_\_\_ Is there a receipt(s) in file? \_\_\_\_\_

Has Pretrial Letter Been Sent \_\_\_\_\_ Has 3rd Pretrial Letter Been Sent? \_\_\_\_\_

Has 2nd Pretrial Letter Been Sent \_\_\_\_\_ Has 4th Pretrial Letter Been Sent? \_\_\_\_\_

Has Show Cause Letter Been Sent? \_\_\_\_\_ Has Trial Letter Been Sent? \_\_\_\_\_

DATE CASE BEEN SCANNED & ARCHIVED \_\_\_\_\_

**COURT DATES**

Arraignment Date: \_\_\_\_\_ Bond: \_\_\_\_\_ Conditions: \_\_\_\_\_

Pretrial Date: \_\_\_\_\_ POP: \_\_\_\_\_ PWP: \_\_\_\_\_ Terms: \_\_\_\_\_

NOTES:

Pretrial Date: \_\_\_\_\_ POP: \_\_\_\_\_ PWP: \_\_\_\_\_ Terms: \_\_\_\_\_

NOTES: \_\_\_\_\_

\_\_\_\_\_

Pretrial Date: \_\_\_\_\_ POP: \_\_\_\_\_ PWP: \_\_\_\_\_ Terms: \_\_\_\_\_

NOTES: \_\_\_\_\_

\_\_\_\_\_

Show Cause Date: \_\_\_\_\_

**CLIENT PAYMENT**

Date: \_\_\_\_\_ Amount: \_\_\_\_\_ Amount due: \_\_\_\_\_ Due Date: \_\_\_\_\_

Date: \_\_\_\_\_ Amount: \_\_\_\_\_ Amount due: \_\_\_\_\_ Due Date: \_\_\_\_\_

**JEFFERSON COUNTY CIRCUIT CLERK  
DISTRICT COURT  
REQUEST FOR COPY WORK**

Date of Request: June 16, 2010

Attorney's Name: Benham J. Sims, III

Attorney's Phone Number: Office 589-6190 or 736-4768; Cell 648-1759

**Required information:**

Defendant's Name: \_\_\_\_\_

Other names or alias: \_\_\_\_\_

Case Number: \_\_\_\_\_

**Required information**

Next Scheduled Court Room: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ /2010

Please indicate documents to be copied

Arrest Slip:  X       BA Report:           BA Slip:    

Warrant:  X       Prior Record:  X       Driving Rec  X

Front of Case Jacket  X       Back of Jacket  X

Other documents (please be specific): Motion to Revoke

**Requests for copies Judges Docket**

(Only current dockets are housed in this office)

Court Room: \_\_\_\_\_ Court Date: \_\_\_\_\_

Does docket need to be certified?    Yes      No    

Certification costs \$5.00

Request for Screen Prints of Judges Orders

Defendant's Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

Courtroom: \_\_\_\_\_ Court Date: \_\_\_\_\_

Processed By: \_\_\_\_\_ Total Copies: \_\_\_\_\_ @ \$.25 Ea = \$ \_\_\_\_\_

**Clerk**

## CLIENT INFORMATION

**Client Assistance:** My first rule is that we must work this case together. I need your help. I want you to stay in contact with me. If you move or change your phone number, I must be notified immediately. I ask all my clients to draft a five page statement as soon as possible. Please write legibly and in chronological order. Remember to include every word an officer said to you and your response during the investigation, arrest, and trip to jail. It is imperative that you write this statement as soon as possible. Every day you will forget important facts. Please also provide pictures of the area where you were arrested if I ask. I request that you use a whole roll of film, label the pictures with your name and what it is depicting.

**Courtroom Decorum:** Please be respectful to all court personnel. Please dress respectfully for court and arrive on time. Do not wait out in the hallway for me. Please wait in the courtroom so I will know where to find you. Turn off your cell phone or pager in court. Do not make any calls on your cell phone while you are in court. If your case is called by the police, prosecutor, clerk, or Judge, please politely tell them that I am your attorney and they can reach me at 648-1759 (Cell) or 589-6190 (Office). Please do not ever talk to anyone about your case unless I am with you and agree to you discussing the case. Do not eat or drink anything while in court. Please keep any conversation to a minimum. Please do not bring young children to court, make arrangement for childcare in advance of your court date.

**Constitutional Rights:** In our client interview, I explained to you the rights that are guaranteed to you by our state and federal constitution. These rights include:

**You have a personal right to have a trial by Jury**

**You are presumed innocent until the Commonwealth proves their case to a Jury Beyond a "Reasonable Doubt".**

**You have the right to Appeal a conviction to a higher court and ask that court to review the conduct of the trial Judge and other parties**

**You have the right to confront and cross examine the Commonwealth's witnesses**

**You have the right to have your own witnesses testify on your behalf**

**You have the right to remain silent (Please note that I do not want you to talk to anyone about the charges against you. The sole exception is your lawyer and your therapist)**

**If you are not a citizen of the United States, you must advise me immediately so that I may assist you in understanding the deportation consequences of a guilty plea.**

**Arraignment:** The purpose of Arraignment is to advise you of the charges against you, your constitutional rights and to provide you with written notice of your next court date. Please wait for me in the Courtroom. I will be representing several other clients on the same day I am representing you. If you have not talked to me by 10am on your court date if you have morning court or 2:00 pm if you have afternoon court, please call my cell at 648-1759.

No witnesses or police officers are subpoenaed to appear at Arraignment. You will not have to say anything at this hearing.

### **No Contact with Prosecuting Witnesses**

The Judge may, depending on the case, order that you have no contact with the prosecuting witness. You must not, under any circumstance, violate the Judge's order. A no contact order means you are not to talk, write, or call the prosecution witness. If you are in a McDonald's and the prosecuting witness enters, you must leave the restaurant immediately without having any contact with the witness. You are not to drive in front of their home or place of residence. You are not to have third parties, such as your family or friends, contact the witness on your behalf.

### **Probable Cause Hearing** (Felony Charges-carrying one or more years in the Penitentiary)

If you are charged with a felony, you have a right to a probable cause hearing within 10 days if you are in custody and within 20 days if you are not in custody. You may waive this right to a speeding hearing until your next agreed upon court date.

A Probable Cause hearing requires a Judge to find Probable Cause (more likely than not) that felony offense was committed and that you committed that felony.

If witnesses are not present at the probable cause hearing we may agree to amend the charges and resolve the case as a misdemeanor or we may ask the court to dismiss the charges. If the Judge dismisses the charges in District Court, the officer or witnesses may meet with the Commonwealth Attorney and ask the Commonwealth Attorney to bring felony charges against you. Quite often, clients are encouraged to accept a misdemeanor charge(if the facts warrant it) even if the case could be dismissed in District Court, so as to avoid the charges being presented to the Commonwealth Attorney.

**Pretrial:** If you are charged with a misdemeanor, your next court date is called a pretrial conference. This is often the first opportunity for the prosecutor and defense to meet with the officers and any other witnesses. I will meet privately with the prosecutors and

witnesses. I do not want you part of this process because you will be tempted to make comments that may later incriminate you. No one who is represented by a lawyer is present for these conferences. Depending on the issues presented, the parties may decide to have additional pretrial conferences.

After I meet with the prosecutor and witnesses I will briefly discuss the matter with you and set a new pretrial or trial date. We do not discuss the merits of your case in the courthouse because we have no assurance that our conversation is private. I do not want you to make statements to me when prosecutors and police are walking by and listening. I am always available to talk with you in my office.

## **Trial**

If a case is set for trial you must meet with me at least two weeks before your trial date. Just because a case is set for trial does not mean that the case will be tried on that date. We, however, must prepare ourselves as if the case is going to be tried on that date. You will need to help me prepare your case and prepare you for trial. It is imperative that I have the names and addresses of all witnesses well in advance of trial, but no later than two weeks before the trial date.

## **Payment of Fines and Court Costs**

The fines and court costs that are assessed by a Judge or jury are actually due on the date you plead guilty or are found guilty. If you cannot pay the fines and court costs on the conviction date, the court will usually grant you 4-6 weeks to pay your fines and court costs. This court date is called a Show Cause date. You must pay your fines to the Jefferson District Court Clerk's Office, First Floor Hall of Justice, 600 West Jefferson, Louisville, Kentucky at least one day before your schedule court date or you must appear in the sentencing court at the regular court time, to explain to the Judge why you should not be sentenced to jail for your failure to pay. **DO NOT MISS THIS COURT DATE IF YOU HAVE NOT PREVIOUSLY PAID YOUR FINE AND COURT COSTS.** (Please also note that my retainer and fee agreement does not include representing you at a Show Cause Hearing) You may pay your fines anytime before to the Jefferson District Court Clerk's Office, First Floor, Hall of Justice, 600 West Jefferson Street, Louisville, Kentucky 40202. The Jefferson District Clerk's Office is open twenty-four hours a day, seven days a week and accept cash, check, or charge. Checks or money orders should be made payable to: David Nicholson-Jefferson County District Court, and include the your name and case number on memo portion of the check or money order. You may also pay by phone or online:

## **Pay by Phone**

- . The District Criminal Traffic division currently offers pay by phone M-F 6:30am – 11:30pm for all pre-payable citations. You may pay your fines by phone by calling the Jefferson District Court Clerk at (502) 595-4428.

- The Jefferson District Court Clerk's Office accepts Visa, MasterCard, Am Express and Discover.
- There is a 5% convenience fee applied to all phone transactions which is collected by the third party vendor (VitalChek).
- VitalChek is the vendor that the Administrative Office of the Courts (AOC) signed to contract to supply credit/debit card services to all 120 counties.
- Payments can be made over the phone up to 2 hours prior to court, inside the 2 hour window you have to come to court.

Once the transaction is authorized the customer receives an email receipt confirmation on the fly.

Some Judges will accept volunteer work at approved agencies in lieu of the fine and court costs. You must secure permission of the court to perform the volunteer work at one of the approve agencies at the time the Judge sentences you. Please remember the Court is not a bank where you can make payments. You are to pay your fine and costs in full. If you have some emergency, some Judges, but certainly not all, will give you more time to pay your fine and costs. Never forget to attend a Show Cause court date if you have not already paid your fine and cost. Finally, please remember to retain a copy of the receipt for your payment and fines and court costs. Never, ever, throw away a court receipt or any other court document.

### **Alcohol Education/Treatment Programs**

I will often suggest clients enroll in a state approved alcohol education/treatment program in advance of a trial or hearing. If you are a multiple offender, I strongly recommend that you enroll with a state approved treatment provider as soon as possible. I often recommend clients call Linda Weis. Mrs. Weis is the former director of the Jefferson County Drug Court Program and many Judges have worked with Mrs. Weis and respect her opinion and qualifications. I have called Mrs. Weis on several occasions to testify on behalf of clients with drug and alcohol dependency issues. Because some of my clients have been motivated to address their chemical/alcohol dependency issues, Mrs. Weis has been able to testify that in her expert opinion jail would be injurious to my client's recovery. If you or members of your family believe you have a problem with alcohol or other substances it is critical to address it now. Mrs. Weis can be reached at:

Linda Weis  
 Dave Harmon and Associates  
 4010 DuPont Circle  
 Louisville, KY 40206  
 (502) 896-8006 Office  
 (502) 550-9132 Cell

I also recommend Dr. Linda Bailey if you are in need of psychotherapy counseling. Being charged with a criminal offense is very stressful for most of my clients. I have received excellent feedback from the clients I have referred to Dr. Bailey. Dr. Bailey has testified in Circuit and Family Courts and has an excellent reputation in the legal and psychotherapy communities.

Dr. Linda Bailey  
9700 Park Plaza Avenue, Suite 105  
Louisville, KY 40241  
(502) 327-0209

### **Home Incarceration Program**

Because of Jail overcrowding, some Judges allow DUI First Offenders and DUI Second Offenders to serve their sentence on Home Incarceration. It is imperative that you have a basic residential home telephone service and that you cancel all accessory phone services such as call waiting, caller I.D., three way calling, etc prior to checking into the Home Incarceration Program. Only on rare occasions will Judges permit DUI Third offenders to serve their sentence on Home Incarceration. Please note the court system charges a daily fee of at least \$20.00 a day to serve your sentence in home incarceration. You must pay on the date you enter the HIP program.

### **Bonds**

Many Judges require defendants to post a bond to be released from custody. Please be aware that if you fail to appear in court a Judge may order the bond to be forfeited to the state. Recently, the Chief Justice of the Kentucky Supreme Court met with all Kentucky Judges to encourage the collection of bond forfeitures. If the Judge has set a bond 10,000/10% this means that the defendant is released if a friend or family member posts a \$1,000 surety bond. Please note if the defendant fails to appear in this case, the family or friend will forfeit \$10,000.00 not just the \$1000.00, posted bond.

**Expungement: Expungements are governed by statute (KRS 431.076-431.078) and are not left to the discretion of the Judge or Prosecutor. If all the charges are dismissed you have the right to ask the court to Expunge (Remove) the charges from your record. If you plead guilty to the original criminal charge or a reduced charge you must wait five to seven years (depending on whether you received a suspended jail sentence or probation) on a misdemeanor to have the charge expunged. You are eligible for expungement only if:**

**The offense was not a sex offense or an offense committed against a child; you have no previous felony conviction; you have not been**

**convicted of any other misdemeanor or violation offense in the five years prior to the convictions sought to be expunged; you have not since the time of the conviction sought to be expunged been convicted of a felony, a misdemeanor, or a violation; there is no proceeding concerning a felony, misdemeanor or violation pending or being instituted against you;** and the offense was an offense against the Commonwealth of Kentucky. If the court grants the Motion you must pay a \$25.00 fee to the Court.

**REMEMBER:**

If you are arrested on any new charges, contact me immediately.

Drug Convictions may result in Financial Aid for college or technical school to be denied

If you are on probation/parole-remember that even just a criminal charge may result in your revocation!

If you are in this country illegally, your charge/conviction may result in your deportation.