

How do I choose a Good Attorney?

Before you make an appointment to see an attorney, prepare a list of the attorneys who specialize in the specific area you need help in. Once you have prepared a list, call the offices.

Find out with whom you are speaking, briefly explain your legal problem and ask the following questions:

- Does the attorney have experience with this kind of problem?
- Does the attorney charge for a consultation? If so, what is the charge?
- Does the attorney have a standard fee for this kind of

problem? What does the fee cover? Is the fee hourly, flat, or on contingency?

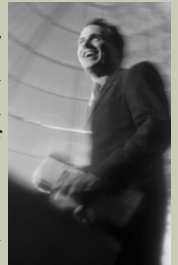
- Does the attorney provide a written agreement describing the services provided for the fee?

Keep a list of the information and think about the answers you receive regarding each attorney. Then call back to make an appointment with the attorney whose answers satisfied you most.

More specifically, when choosing an attorney to handle a personal injury claim, you should search for the following:

- An attorney who specializes (Board Certified) in handling personal injury cases. This attorney can properly assess your claim and determine the best strategy for pursuing the claim.
- An attorney with trial experience—although most personal injury cases settle out of court, you do not want an attorney that is not willing or lacks the experience in preparing a case properly for trial.
- An attorney who respects you as a client—Remember, when you hire an attorney, you are paying for a service and you should be satisfied. The attorney or somebody in their office

should return your calls promptly and keep you updated on the status of your case.



If you have been arrested for a crime, you should consider consulting an attorney. You need an attorney who specializes (Board Certified) in criminal defense. You need somebody that has the skills and knowledge necessary to defend your case and help you get the best possible result.

In selecting an attorney to represent you for a criminal matter, consider the following:

- An attorney who will evaluate the evidence or lack thereof against you.
- An attorney who will evaluate whether you were treated properly when arrested.
- You should avoid the discount attorney because the saying is true: “you get what you pay for”.

The Kuzmich Law Firm, P.C. has Board Certified Attorneys for both Personal Injury and Criminal matters. We offer free consultations to discuss your options and any fees associated with hiring our firm to handle your case.

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What should I expect from my attorney? What is expected of me?

Here are a few tips about what to expect from your attorney once you have decided to hire them:

- Give you frank, honest advice;
- Explain the strong and weak points of your case;
- Keep you informed;
- Protect and defend you;
- While representing you, not represent any other client

whose interests conflict with yours;

- Provide you, if you ask, with copies of correspondence and documents involved in your case.

Here are a few tips about what your attorney will expect of you:

- To be prompt for court dates and appointments.



- To let him or her know how to keep in touch with you.

- Be completely honest -- even if it is embarrassing. Remember, what you tell an attorney in private will be kept confidential.

What happens when my child has a run-in with the law?

Texas juvenile law is governed primarily by Title III of the Texas Family Code. The main goals of the juvenile justice system in Texas are to:



- provide for the safety and protection of the public,
- promote the concept of punishment and accountability, and
- provide treatment and rehabilitation of the juvenile offender in the community.

In order to be an alleged juvenile offender, one must be a person who is at least 10 years of age and not yet 17, or a person who is 17 years of age or older and under 18 who is alleged or found to have engaged in delinquent conduct or conduct

indicating a need for supervision as a result of acts committed before becoming 17 years of age.

What is considered delinquent conduct?

Delinquent conduct refers to a more serious category of criminal offenses. It is defined as:

- Conduct that violates a penal law of Texas or the U.S. that is punishable by imprisonment or by confinement.
- Conduct that violates a municipal or justice court order under circumstances that would constitute contempt of court.
- Conduct that violates Sections 49.04, 49.05, 49.06, 49.07, or 49.08 of the Penal code.
- The third or subsequent offense of driving under the influence of

alcohol by a minor.

There are less severe offenses which are found to have only a need for supervision. These offenses include:

- Truancy
- Runaway
- Inhalant abuse
- Public intoxication
- Violation of school districts previously communicated written standards of student conduct
- Conduct that violates a court order for a child declared at risk.

The juvenile justice system holds detention hearings to determine whether the child is in fact a child and there is probable cause to believe the child engaged in the offense. Once the court makes their determination, the child may then be placed on probation for any term not to exceed the child's 18th birthday and the court may choose from three types of placement to include:

- the child's home,
- foster home, or
- in a suitable institution. (except

The juvenile system attempts to rehabilitate the child to become a productive member of society.

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Texas Youth Commission)

A child may be committed to TYC under certain circumstances:

1. If the child is adjudicated for a felony offense or violates probation for a felony offense;
2. If the child is adjudicated for a third misdemeanor offense or violates probation on the second misdemeanor adjudication; and,
3. If the child has been adjudicated for a misdemeanor offense and has previously been adjudicated for any felony offense.

The juvenile system will place any

student in an alternative education program when expelled for an offense.

Juvenile Sex Offenders: A juvenile adjudicated for certain sexual offenses is legally required to register with law enforcement in the area where they reside unless the juvenile court makes a finding that registration is not necessary. Information regarding sex offenders is available to the public, however, the court may restrict the public access to this information on juvenile sex offenders.

How are juvenile records kept?

The Juvenile Justice Information System (JJIS) is a statewide database containing an offenders photograph and fingerprints and is only available to certain individuals or entities authorized by law (unless the court grants an exception). Historically, these records are considered confidential. After the last official court action in a case, a juvenile may be eligible for automatic restricted access and/or sealing of records.

How are criminal cases for adults resolved?

There are four different ways a criminal case can be resolved.

- Plea Bargain
- Non-negotiated Guilty Plea (Open Plea)
- Trial
- Dismissal

Plea Bargain—This is the disposition of criminal charges by agreement between the prosecutor and the person being charged (defendant) under judicial supervision. In exchange for the defendant pleading guilty or no contest and waiving the right of trial by jury, the prosecutor recommends a specific punishment which the judge can follow or reject. If rejected, the defendant is allowed to withdraw their plea. If the judge follows the agreement, the defendant must obtain the judge's permission before the defendant may appeal any matter in the case except matters raised by

written motions filed prior to trial. However, the defendant usually waives the right of appeal as part of the plea bargain. This method of resolving criminal cases is the most common.

Non-negotiated Guilty Plea (Open Plea) - A defendant may plead guilty or no contest to a criminal charge without an agreement with the prosecutor as to the punishment the prosecutor will recommend. The judge is responsible for assessing the punishment applicable to the offense unless the defendant requests a jury assess punishment. The defendant retains the right to appeal.

Trial—Any person accused of a criminal act has the right to a trial by a jury. The defendant may waive trial by jury and proceed with trial to the court (judge) with the consent and approval of the judge and the prosecutor in any criminal

prosecution except a capital felony in which the prosecutor notifies the court and the defendant that the state will seek the death penalty.

Dismissal—A prosecutor may, with the consent of the judge, dismiss a criminal case. Common reasons for dismissal include:

- Insufficient evidence
- Crucial evidence is suppressed (excluded)
- Case is re-filed to correct mistakes in the information or indictment or to better plead the case
- Request of the victim
- Defendant pleads guilty to other offenses
- Defendant has never been arrested
- Necessary witnesses cannot be located



The court may set any criminal case for a pre-trial hearing before it is set for trial upon its merits. The pre-trial hearing is to determine legal issues only.

Kuzmich Law Firm, P.C.

335 West Main Street
Lewisville, Texas 75057

Phone: 972-434-1555

Fax: 972-219-9948

We're on the web at:

www.kuzmichlaw.com

How our firm can help you

Our firm has handled thousands of clients over the past 15 years in many different practice areas. We have two attorneys, each of which is Board Certified by the Texas Board of Legal Specialization. *Steve Kuzmich is Board Certified in Personal Injury Trial Law and Jonathan M. Bailey is Board Certified in Criminal Law.*

Therefore, our firm primarily handles personal injury and criminal law matters.

Personal Injury

Catastrophic accidents
Wrongful deaths
Nursing home negligence
Slip and Falls
Job related injuries
Construction accidents

Criminal

Felonies
Misdemeanors
DWI
White collar crimes
Family Disputes
Juvenile matters

Please feel free to contact our office with any questions you may have, even if it is not an area we specialize in. Our firm will try to answer all your questions and if it is something outside our practice area, we will try to refer you to another attorney or firm, that we trust to handle your matter.