

## **JUVENILE APPELLATE AND POST-TRIAL MATTERS**

### **I. CERTIFICATION TO TAKE JUVENILE APPELLATE ASSIGNMENTS**

The Youth Advocacy Division is committed to providing our clients with excellent appellate advocates who are dedicated to building a strong professional relationship with each client, understanding their diverse circumstances, and to meeting their needs. YAD strives to meet these goals by recruiting and maintaining a diverse and inclusive panel of private attorneys who represent a broad range of human difference and experience.

To qualify for the juvenile appellate panel, counsel must be a member in good standing of the Massachusetts bar and:

1. Possess demonstrated proficiency in legal research and writing; and
2. At least one of the following:
  - a. One year of trial experience with adult criminal defense, delinquency, youthful offender, juvenile murder, Children and Family Law, SORB, SDP or Mental Health litigation; or
  - b. Primary authorship of one or more thoroughly researched and well written appellate briefs; or
  - c. A recent judicial clerkship, substantial editing experience for a law journal, primary or ancillary authorship of a law journal article, or other substantial legal research and writing experience; or
  - d. Other relevant life or legal experience that has provided the applicant with a unique or personal perspective on juvenile defense work.

Acceptance onto the juvenile appellate panel is on a provisional basis. Once accepted onto the juvenile appellate panel, the attorney must successfully complete the next available certification training and the YAD Appeals mentor program to become a permanent member. The Director of Juvenile Appeals may grant a waiver of the mentor requirement in some circumstances. Unless such a waiver is granted, the attorney must successfully complete the mentor program, including working with a mentor for the first three assignments, to become a permanent member of the panel.

Attorneys certified for juvenile appellate assignments may receive assignments in juvenile delinquency and youthful offender appeals, juvenile murder appeals, screenings for collateral motions (new trial, relief from unlawful restraint, revise and revoke), sentencing appeals and other post-adjudication matters. An additional certification process is required to receive juvenile murder appeals. Once certified, counsel is expected to comply fully with the performance standards as outlined in Part III below.

## **II. APPLICATION PROCESS**

The applicant must submit the following documents via email to yadappeals@publiccounsel.net, with a subject line of “Juvenile Appeals Panel Application-[Applicant’s Name]”:

1. A completed application at least 45 days prior to the next certification training;
2. A current resume;
3. Two legal writing samples totaling no more than 100 pages, of which the applicant is the primary author. If the applicant does not have two samples of primary authorship, one jointly authored sample may be included provided the following are clearly identified: the name and level of involvement of other attorneys; the portions the applicant wrote; and whether anyone edited the portions written by the applicant. Writing samples concerning criminal or delinquency law are preferred but not required. Court investigator or GAL or other similar reports will not be accepted.
4. In addition, the applicant must submit three professional references that are familiar with the applicant’s abilities in legal research and writing, and trial experience and/or appellate practice in adult criminal, juvenile delinquency/youthful offender, juvenile murder, Children and Family Law, SORB, SDP or Mental Health law. References familiar with the applicant’s experience working with adolescent clients are preferred but not required.

## **III. PERFORMANCE STANDARDS**

By accepting CPCS-assigned cases, attorneys agree to abide by the PERFORMANCE STANDARDS GOVERNING REPRESENTATION OF CLIENTS IN JUVENILE APPEALS AND OTHER POST-TRIAL MATTERS.

## **IV. TRAINING PROGRAM**

Applicants are required to attend a comprehensive certification training that covers topics including but not limited to: adolescent development, positive youth development, client relationship building as well as communication with parents and guardians, the screening process, the performance standards and the appellate process.

## **V. ANNUAL REQUIREMENTS**

Attorneys who wish to maintain their juvenile appellate certification must:

1. Comply fully with the Performance Standards Governing Representation of Clients in Juvenile Appeals and Other Post-Adjudication Matters, the Assigned Counsel Manual, and the Massachusetts Rules of Professional Conduct;
2. Remain in good standing with the Board of Bar Overseers.
3. Remain in good standing with any other CPCS panel(s) for which counsel is certified.
4. Complete eight hours of CPCS-approved continuing legal education credits per fiscal year (July 1-June 30): four of which must be juvenile-specific;
5. Accept at least one direct appeal every three fiscal years;
6. Accept one screening appointment per fiscal year;
7. Provide YAD Appeals with screening reports within the 90 days required, unless an extension has previously been granted;
8. Provide YAD Appeals with copies of all appellate briefs and collateral motions;
9. Maintain regular client contact as required by the Performance Standards;
10. Comply with any complaint allegation investigation; and
11. Comply with any additional performance-related requirement as a result of any complaint investigation.

Attorneys who do not satisfy these requirements may be removed from the panel at the discretion of the Director of Juvenile Appeals.

**PERFORMANCE STANDARDS GOVERNING REPRESENTATION OF CLIENTS IN  
JUVENILE APPEALS AND OTHER POST-TRIAL MATTERS**

**I. INTRODUCTION**

These standards are intended for use by the Youth Advocacy Division (YAD) of the Committee for Public Counsel Services (CPCS) in evaluating, supervising, supporting, and training counsel assigned as juvenile appellate defenders pursuant to G.L. c. 211D. Counsel assigned pursuant to G.L. c. 211D shall comply with these standards as well as the Massachusetts Rules of Professional Conduct. In evaluating the performance or conduct of counsel, CPCS will apply these standards, the Massachusetts Rules of Professional Conduct, and all CPCS policies and procedures in effect during the relevant time period.

Generally, there are two types of assignments that YAD Appeals will make to juvenile appellate defenders: direct appeals and screening counsel for the purpose of determining whether the client would benefit from the appointment of counsel for collateral litigation. These performance standards will address the requirements for assigned counsel in both of these assignments.

**II. GENERAL PRINCIPLES APPLICABLE TO ALL CASES**

1. The role of a juvenile appellate defender is to diligently and zealously represent the client's substantive and procedural rights and interests through the appellate or post-adjudication process on all matters within the scope of counsel's assignment. To ensure this level of zealous advocacy, counsel shall, at a minimum:
  - a. Give the client counsel's undivided loyalty free of all conflicts of interest;
  - b. Maintain the confidentiality of all client communications;
  - c. Remain unaffected by the client's indigent status, age, background, or the nature of the offense;
  - d. Be thoroughly knowledgeable of relevant statutes, regulations and decisional law, including but not limited to:
    1. G.L. c. 119, particularly Sections 53-84;
    2. G.L. c. 120 (Department of Youth Services) (DYS) and the regulations governing DHS and its classification process contained in 109 C.M.R. 4.00 et seq;
    3. G.L. c. 124-127 (Department of Correction) (DOC) and the regulations governing DOC contained in 103 C.M.R. 1.00 et seq;
    4. G.L. c. 120 (Parole Board) and the regulations governing parole contained in 120 C.M.R. 1.00 et seq; and
    5. Federal, state, and local education law and policies, including the Individuals with Disabilities Education Act;
  - e. Be thoroughly knowledgeable of:
    1. The scientific studies and decisional case law in Massachusetts as well as the U.S. Supreme Court addressing the legal ramifications of adolescent development;

2. The various service delivery systems in Massachusetts, including but not limited to the Department of Children and Families (DCF), the Department of Mental Health (DMH) and the Department of Developmental Services (DDS); and
  3. The interplay between delinquency and the Child Requiring Assistance (CRA) and the Care and Protection systems, particularly where multi-system youth (DYS/DCF) are concerned.
2. The juvenile appellate defender shall comply with all court rules and standing orders, including, but not limited to: the rules of criminal procedure, the rules of appellate procedure, Juvenile Court standing orders, the rules and standing orders of the Massachusetts Supreme Judicial Court, and the rules and standing orders of the Massachusetts Appeals Court, particularly the Appeals Court standing order regarding dismissal of cases for lack of prosecution.
  3. In order to adequately represent the juvenile or former juvenile client, the juvenile appellate defender shall have a thorough understanding of adolescent development, positive youth development, and the effects of trauma. In particular, counsel shall:
    - a. Develop a trauma-informed relationship with the client; and
    - b. Communicate with an adolescent or young adult client employing a positive youth development approach and model positive adult behavior.
  4. The juvenile appellate defender shall use the litigation process to support adolescent or young adult clients in focusing on the adolescent client's strengths and shall encourage ways for the client to have a voice in the proceedings. Examples of how counsel can implement this standard are:
    - a. Ensure the client always feels safe;
    - b. Maintain a neutral posture and expression;
    - c. Ask open-ended questions whenever possible;
    - d. Encourage the client to speak, but also allow silence in one-on-one meetings to give the client time to internalize information;
    - e. Listen actively and carefully;
    - f. Ask the client to repeat back what you have discussed in order to gauge their level of understanding;
    - g. Encourage conversations outside the details of the case to discover the client's goals and dreams, and follow up during subsequent meetings regarding these goals and dreams;
    - h. Assist the client in finding solutions and making realistic plans regarding their future; and
    - i. Consider hiring or consulting with a social worker to assist the client with future goals and planning.
  5. In all communications with the client the juvenile appellate defender shall:

- a. Employ a developmentally appropriate approach to written and oral client communication with the goal of assisting the client to have the maximum investment in and understanding of the post-adjudication litigation;
  - b. Respond in a timely manner to all client communications, accept collect calls from a committed or incarcerated client, and ensure there is confidentiality in all communications;
  - c. Unless otherwise specified below, have contact with a direct appeal client at least every eight weeks, preferably in a one-on-one confidential meeting, or, alternatively, via electronic messaging or telephone;
  - d. Advise the client and parent/guardian, if the client is still a minor, that the juvenile is the client, not the parent/guardian, and, as such, all communications with the client in a one-on-one setting are privileged and counsel cannot break this privilege without client authorization;
  - e. Completely inform both the client and, where the client remains a minor, the parent/guardian, about counsel's role, particularly clarifying the lawyer's obligation to advocate for the client regardless of the parent/guardian's perspective;
  - f. Advise the client and the parent/guardian that counsel cannot waive any substantial right or substitute counsel's own view or the parent/guardian's view for that of the client; and
  - g. Promptly provide the client information concerning all developments in the case and copies of all documents filed on the client's behalf or filed by the Commonwealth in opposition to the client's position.
6. There may be situations when the juvenile appellate defender determines that, due to a mental, emotional, or cognitive impairment or other disability, informing the child client of all significant developments in the case would create an adverse circumstance not in the child client's best interest. In these circumstances the juvenile appellate defender shall:
- a. Comply in all respects with Rule 1.14 of the Massachusetts Rules of Professional Conduct;
  - b. Consult with the Director of Juvenile Appeals or designee (Director) regarding the steps taken in making this determination, the particular reasons for limiting contact with the client, the information that will and will not be provided to the child client and the development of a client-specific course of action;
  - c. Reassess the situation periodically, at least every three months; and
  - d. Maintain contact with the client's parent, guardian or other interested adult designated by the child or other interested party.
7. If required to work with a mentor, the juvenile appellate defender shall comply with all YAD Appeals mentoring program requirements.

### **III. PRINCIPLES APPLICABLE TO DIRECT APPEALS**

These standards apply to assignments involving a direct appeal either after trial, a conditional plea under Mass. R. Crim. P. 12(b)(6) and Commonwealth v. Gomez, 480 Mass. 240 (2018), or an allowed interlocutory appeal. Juvenile appellate defenders shall comply with all the principles outlined in Part II of these performance standards. In addition, in a direct appeal, counsel shall comply with the following.

1. Within two business days of the assignment:
  - a. File an appearance in the trial court, serve the appearance on all trial counsel of record, and confirm all relevant hearings have been ordered in accordance with the procedural requirements of Trial Court Administrative Order 19-1: Transcription procedures for appellate review;
  - b. Notify the client in writing of the appointment and provide the client with a developmentally appropriate method for regular communication; and
  - c. Communicate with trial counsel regarding the client, proceedings below, and potential appellate issues.
  
2. Within ten business days of the assignment:
  - a. Meet in person with the client to explain counsel's role, discuss the appellate process, and begin to engage the client in a conversation using the model set forth in Section II(4) of these standards. If the client remains in the community, the juvenile appellate defender shall arrange to meet the client at a private and safe location convenient to the client and any parent/guardian.
  - b. Where the client remains a juvenile, it is advisable to meet with the parent/guardian immediately before or after the client meeting. Counsel shall, except in extraordinary circumstances, meet with the client alone to maintain the attorney-client relationship. If extraordinary circumstances exist such that meeting alone with the juvenile client is not possible or ill-advised, counsel shall confer with the Director and develop a client-specific course of action.
  
3. Within 14 business days after receipt of the transcript, the juvenile appellate defender shall have read the entire transcript of the case and shall:
  - a. Determine whether there is a need for reconstruction of the record and, if so, comply with the procedures outlined in Mass. R. App. P. 8;
  - b. Determine whether there is a need to order additional hearing dates to be transcribed and, if so, comply with the procedural requirements of Trial Court Administrative Order 19-1: Transcription procedures for appellate review; and

- c. Meet in person with the client to discuss the appellate process as well as potential legal issues identified by counsel and the client. Such meetings shall follow the standards set forth in II(4).

The juvenile appellate defender shall promptly take all measures necessary to cure any unreasonable delay in the production and assembly of the record on appeal, particularly the production of recordings and transcripts of the trial court proceedings. Such measures may include contacting the clerk, court reporter, or other court personnel and, if necessary, seeking a court order to cure any unreasonable delay.

4. If, at any time, it appears to the juvenile appellate defender that, in light of the standards set forth in Commonwealth v. Hodge (NO. 1), 380 Mass. 851, 855 (1980), there is a reasonable possibility that an incarcerated client, or client confined at DYS for secure treatment, might receive a stay of sentence pursuant to Mass. R. Crim. P. 31 or Mass. R. Crim. P. 6, the juvenile appellate defender immediately shall bring in the appropriate court a motion to stay the client's sentence.
5. In youthful offender cases, representing clients before the Appellate Division of the Superior Court in a sentencing appeal is generally the responsibility of trial counsel. However, if trial counsel is unable to do so, the juvenile appellate defender shall notify the Director, who may authorize the juvenile appellate defender to represent the client in the sentencing appeal.
6. In all appeals, the juvenile appellate defender shall evaluate whether an application for direct appellate review (DAR) is warranted. If counsel determines that such an application is meritorious, counsel should consult with the Director before filing such application and shall explain to the client the grounds for the application and any likely delay in the appeal. If an application for DAR is granted, the juvenile appellate defender shall:
  - a. Comply with all requirements for filing of briefs in the SJC;
  - b. Provide the client a copy of the application and brief filed in the SJC following the standards set out in II(5)(g);
  - c. Immediately notify the Director of the grant of DAR; and
  - d. Provide an electronic copy of the SJC brief to the Director.
7. In conformance with the Rules of Appellate Procedure, upon notice that the case has been docketed in the Appeals Court, counsel shall efile a criminal docketing statement.
8. The juvenile appellate defender shall be familiar with the requirements of the "eFileMA" system, or other similar system employed by the Appeals Court or Supreme Judicial Court, and shall efile all documents in accordance with these procedures.



9. The juvenile appellate defender shall file timely, in the appropriate court, all motions necessary or advisable to preserve and perfect the client's appellate rights, including where necessary, motions to stay proceedings or stay the imposition of a judgment, motions in accordance with Mass. R. App. P. 14(b) to enlarge the time for filing a brief, and motions in accordance with Mass. R. App. P. 8 to correct or expand the record. Counsel shall notify the client of each such motion and the ruling.
10. Any brief filed by the juvenile appellate defender shall be of high quality, thoroughly researched, and well written, and shall conform in all respects with the Rules of Appellate Procedure, particularly Rules 16, 18 and 20.
  - a. Before filing the brief, counsel shall meet in person with the client, to discuss the arguments and provide the client an opportunity to have a voice in the proceedings;
  - b. In developing the arguments for the brief, in any case in which the juvenile faces incarceration, probation and/or parole, the juvenile appellate defender shall consider whether there are federal constitutional claims which could, in the event relief is denied in the state appellate courts, form the basis for a successful petition for a writ of habeas corpus in federal district court. If so, counsel shall raise and argue such claims.
  - c. Because there is not a right to oral argument in every criminal appeal, the juvenile appellate defender shall file a reply brief when necessary to respond to any portion of the Commonwealth's brief that either: (1) raises significant new issues not discussed in the juvenile appellant's brief; (2) materially misrepresents the facts or the law; or (3) materially misrepresents the issues or arguments raised in the appellant's brief.
11. The juvenile appellate defender shall, upon filing the brief, provide the client a copy of the brief in person, by mail, or electronically, as requested by the client, and shall provide an electronic copy of all briefs to the Director.
  - a. For any committed client, counsel shall inquire whether the client would like to receive a copy of the brief before mailing it to the client, in order to prevent any unintended exposure of material to other inmates or facility personnel. In this instance, counsel shall visit the client to review the brief and keep a copy available for the client upon release.
  - b. The juvenile appellate defender shall provide the client a copy of the brief filed by the Commonwealth, in the same manner as set forth above. If the client prefers not to receive the Commonwealth's brief, counsel shall meet with the client in person to discuss the Commonwealth's position.
12. Within five business days of receipt of the notice of oral argument date, the juvenile appellate shall notify the Director of the scheduled date of oral argument.

13. The juvenile appellate defender shall not waive oral argument. Counsel shall meet in person with the client within ten business days of receipt of the notice of oral argument date. Counsel shall inform the client and any parent/guardian of the date, time, and place of the oral argument, and of the client's right to attend (if not incarcerated), to allow the client to arrange transportation to the argument. If the client is unable to attend the oral argument, counsel shall offer either to order a CD of the oral argument, or meet with the client to view the archived webcast of a Supreme Judicial Court argument or listen to the archived audio file of an Appeals Court oral argument.
14. Within five business days of receiving a decision, the juvenile appellate defender shall email the decision to the Director and meet with the client, unless such meeting would create a hardship for counsel. In such cases, counsel must notify the client of the decision in writing within two business days and meet in person with the client within ten business days of receiving the decision. Counsel shall provide a copy of the decision to the client, consistent with the standards set forth in III(11) except where the client has specifically requested no papers be mailed.
15. If the decision in the Appeals Court is adverse to the client in whole or in part, within three business days, the juvenile appellate defender shall inform the client of the right to seek further appellate review (FAR) in accordance with Mass. R. App. P. 27.1. After consulting with the client, if the client wishes to file an application for FAR, counsel shall file the application within the time frame outlined in Rule 27.1. The juvenile appellate defender shall notify the client in writing within two business days of the SJC's order on the application for FAR. If counsel is unable to timely consult with the client or the client takes no position on seeking FAR, counsel shall file the application.
16. If an application for FAR is granted, the juvenile appellate defender shall:
  - a. Comply with all requirements for filing of briefs in the SJC;
  - b. Provide the client a copy of the application and brief filed in the SJC following the standards set forth in III(11);
  - c. Immediately notify the Director of the grant of FAR; and
  - d. Provide an electronic copy of the SJC brief to the Director.
17. If the SJC issues an amicus announcement in the client's case, the juvenile appellate defender shall immediately notify the Director.
18. In the event the client's appeal is unsuccessful, the juvenile appellate defender shall meet with the client in person before closing the case. Before that meeting, counsel shall:
  - a. Inform the client of the opportunity to file within 60 days a motion to revise and revoke sentence pursuant to Mass. R. Crim. P. 29 and, unless the client directs

counsel not to, timely file a motion so as to preserve the client's rights under Mass. R. Crim. P. 29.

- b. Consult with the Director regarding seeking relief from the client's adjudication by petition for writ of certiorari to the United States Supreme Court, upon the request of the client and subject to the approval of the Director; and
- c. Inform the client of the right to seek federal habeas corpus relief if such relief is available and subject to the approval of the Director. In considering this type of relief, the standard to be applied is whether, in the best judgment of the juvenile appellate defender, there exists a reasonable likelihood that such relief may be obtained. In any case in which federal habeas corpus relief is potentially available but the juvenile appellate defender has not been approved to continue representation, counsel shall explain to the client the one-year statute of limitations for the filing of a petition for a writ of habeas corpus in federal district court and the necessity to exhaust any federal constitutional issues for federal habeas review.

#### **IV. PRINCIPLES APPLICABLE TO SCREENING CASES AND COLLATERAL LITIGATION**

Due to the evolving nature of juvenile law and practice, counsel is often needed for the purpose of conducting an investigation to determine whether the client would benefit from the appointment of counsel to pursue a collateral attack of their adjudication or sentence. However, there is no right to counsel in this context. Instead, this is a limited appointment as "screening counsel" and counsel's primary duty is to investigate the factual and legal claims. As such, where appropriate, screening counsel shall advise the client that counsel may not make any claim that, in the opinion of counsel, is frivolous or fails to meet the standard that the client would benefit from the appointment of counsel.

Screening counsel shall comply with the principles outlined in Parts I, II and III of these Performance Standards. In addition, screening counsel shall comply with the following.

1. Within seven business days of appointment, screening counsel shall communicate by letter with the client regarding:
  - a. The screening appointment and its limitations, in particular that at this stage, counsel's role is a factual and legal investigator and counsel has not been appointed to file motions or represent the client in court;
  - b. The steps that screening counsel will be taking on the client's behalf; and
  - c. The timeframe for conclusion of the screening.
2. Screening counsel shall follow the guidelines for client communication set forth in Part II(5), incorporated here by reference.

3. Within 30 days of appointment, counsel shall meet in person with the client to obtain a history of the case, the client's personal history, and any other details necessary to thoroughly investigate the screening assignment.
4. Generally, screening counsel shall not file an appearance unless it is necessary to complete the investigation. In that instance, a "limited appearance" as "screening counsel" may be entered for the purpose of investigation.
5. The screening process shall include a factual and legal investigation focused on juvenile-specific issues to determine whether the juvenile would benefit from the appointment of counsel. To properly investigate a screening case, counsel shall:
  - a. Review all available documents, transcripts, motions, or other items related to the issues raised by the client or identified by screening counsel;
  - b. Where appropriate, obtain and review educational and DYS records;
  - c. Meet with the client in person on at least one occasion in a confidential setting;
  - d. Where appropriate, speak with any additional parties authorized by the client, such as a parent, trial counsel, retained expert, or other individual;
  - e. Consider whether a miscarriage of justice may have occurred;
  - f. Evaluate any potential claims of ineffective assistance of trial or prior appellate counsel;
  - g. Assess the legality of any sentence at the time it was imposed;
  - h. Determine whether there have been any changes in jurisprudence or sentencing laws, or other changes to sentencing practices, that may benefit the client. Such claims may involve a Perez hearing, relief from SORB registration, or other collateral consequences;
  - i. Determine whether there were any errors in the imposition of the sentence or on the client's official Criminal Offender Record Information (CORI). Counsel can only ensure that no such errors have occurred by obtaining a copy of the client's CORI. Therefore, in all screening cases, counsel shall:
    - i. Obtain from the client an authorization to access the client's CORI through the Commissioner of Probation's office;
    - ii. Have the client complete the Affidavit of Indigency form to seek a waiver of the CORI request fee; and
    - iii. Obtain the client's official CORI from the Criminal History Systems Board.
  - j. Consider whether the case contains meritorious issues not previously presented to a court even if not specifically raised by the client; and
  - k. Determine whether the client would benefit from sealing or expunging certain offenses.
6. Within 90 days of appointment, counsel shall provide the Director a thorough and detailed written screening report. Counsel may request additional time for the report

from the Director. Requests for reasonable extensions will typically be granted. The screening report shall include:

- a. A description of all the steps completed during counsel's investigation including all steps outlined in IV(5)(a)-(k) and, where appropriate, facts discovered that either support or refute the client's claim. However, in no instance shall screening counsel divulge any information that is subject to attorney-client privilege or other ethical restrictions;
  - b. The dates, times, and locations of all client meetings;
  - c. A comprehensive legal analysis of all claims investigated, including legal citations and a detailed explanation of the arguments in support of and in opposition to the claim; and
  - d. A conclusion regarding whether the client would benefit from the appointment of counsel to litigate any collateral motion for relief.
7. Counsel shall, at the time the screening report is submitted, mail a copy of the screening report to the client, along with a letter indicating the decision whether to appoint counsel to pursue further litigation rests solely with YAD.
  8. Upon receipt of screening counsel's report, the Director will within 30 days either approve counsel's suggested course of action or decline approval of the case for further litigation. In no instance shall screening counsel file any collateral motion without the prior authorization of the Director.
  9. If the case is approved for litigation of collateral relief, screening counsel shall submit a final bill and close the screening NAC. A new NAC will be issued for any approved collateral litigation. It is expected that screening counsel will accept the appointment of counsel to represent the client for any collateral litigation.
  10. Within 15 days of filing a motion for collateral relief, counsel shall provide the client a copy of the motion and memorandum in person or by mail, in accordance with the standard set forth above at II(5)(g) and shall simultaneously provide an electronic copy to the Director.
    - a. For any committed client, counsel shall inquire whether the client would like to receive a copy of the motion and memorandum before mailing them to the client to prevent any unintended exposure of material to other inmates or facility personnel. In this instance, counsel shall visit the client to review the filings and keep a copy available for the client upon release;
    - b. The juvenile appellate defender shall provide the client a copy of any opposition filed by the Commonwealth, in the same manner as set forth above. If the client prefers not to receive the Commonwealth's opposition, counsel shall meet with the client in person to discuss the Commonwealth's position.

11. If a hearing is scheduled, and the client remains committed, counsel shall order and confirm that a habeas has issued to ensure that the client is present for all hearings. For any client not committed, counsel shall within seven business days notify the client of any hearing dates to allow sufficient time for the client to arrange transportation to the proceeding.
12. Counsel shall within seven business days notify the client in person or in writing of any decision of the court and shall provide a copy of any such decision to the client, except where the client has requested no papers be mailed due to his commitment or other status. Counsel shall also promptly provide the Director with an electronic copy of the decision.
13. If the decision on any collateral motion is adverse to the client, counsel shall timely file a notice of appeal. Simultaneously with the filing of the notice of appeal, counsel shall provide the notice to the Director. Except for circumstances where counsel believes he or she may have provided deficient representation, it is expected that counsel shall accept appointment as appellate counsel. Counsel shall promptly submit a final bill and close the collateral appointment NAC. A new NAC will be issued for the appeal. As appellate counsel, counsel shall comply with the procedures outlined in Parts II and III of these standards.
14. In the event a former screening client requests a subsequent screening on a different collateral issue, it is preferred that counsel accept the appointment for the subsequent screening, both for the continuity of representation for the client and in order to conserve limited resources. If a conflict arises, counsel should consult the Director regarding the appointment of different screening counsel.