

## 9.4 Attorney Meeting with Inmate-Respondent

The meeting with the respondent will be at the correctional facility, unless special arrangements can be made with the Department of Correction to transport the inmate elsewhere. Because of security concerns, this may not be possible.

Counsel should call the correctional facility to make arrangements to meet with the client. A private meeting place should be requested and provided, subject to accommodations to ensure counsel's safety. For example, a staff person could be within eyesight, but out of hearing range, during the meeting.

Counsel should make inquiry as to what form of identification is required to be admitted to the correctional facility, as well as what items are not permitted. The correctional facility may allow counsel to bring in only relevant court documents, a legal pad, and a pen. Briefcases and purses are usually prohibited. (Mobile telephone and other wireless communications devices are prohibited on state correctional facility premises except in a motor vehicle in a designated parking area of the premises or as authorized by Department of Correction policy. G.S. 148-23.2.) Prohibited items should be locked in the car trunk to avoid having to leave them in a secure area of the correctional facility. Having these matters in order before attempting to enter the facility will make the meeting go more smoothly and the time expended shorter.

When making an appointment with the client, counsel should also try to arrange meetings with prison staff, such as the social worker and psychiatrist or psychologist. If possible, arrangements to review relevant records should be made. The social worker may be able to obtain the client's consent and have the records available at the time of the appointment with the client.

Counsel should carefully explain that the involuntary commitment is a new proceeding, separate from the prior criminal trial. Counsel should inform the client that representation is for the involuntary commitment only and is not part of the criminal case, but should also explain how the two cases interconnect.

It is important to explain to the client exactly what will happen at the commitment hearing, reiterating that it is not a criminal trial. The dispositional alternatives, including possible confinement in a state facility, should be discussed. The client should be informed that the term of the involuntary commitment might last longer than the criminal sentence.