

Foreword to the 2005 revision of the Principles and Standards for
Counsel in Criminal, Delinquency and Dependency Cases

The original version of the Principles and Standards for Counsel in Criminal, Delinquency, Dependency and Civil Commitment Cases (“The Performance Standards”) was approved by the Board of Governors on September 25th, 1996.

Changes in law and practice over the last nine years have rendered some of the earlier provisions either obsolete or inconsistent with current best practices.

In order for the Performance Standards to continue to serve as valuable tools for practitioners, they must be current and accurate in their reference to federal and state laws and they must incorporate evolving best practices.

As noted in the Foreward to the original Performance Standards, “The object of these [g]uidelines is to alert the attorney to possible courses of action that may be necessary, advisable, or appropriate, and thereby to assist the attorney in deciding upon the particular actions that must be taken in a case to ensure that the client receives the best representation possible.”

These guidelines, as such, are not rules or requirements of practice and are not intended, nor should they be used, to establish a legal standard of care. Some of the guidelines incorporate existing standards, such as the Oregon Rules of Professional Conduct, however, which are mandatory. Questions as to whether a particular decision or course of action meets a legal standard of care must be answered in light of all the circumstances presented."

We hope that the revised Performance Standards, like the originals, will serve as a valuable tool both to the new lawyer or the lawyer who does not have significant experience in criminal and juvenile cases, and to the experienced lawyer who may look to them in each new case as a reminder of the components of competent, diligent, high quality legal representation.



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