

WHEN TO CONSIDER A MITIGATION REFERRAL

A Quick Guide for Defense Counsel

Mitigation is most useful when it begins before the case is at the finish line. A referral may be appropriate when counsel needs a fuller, better-documented understanding of the client's life history, functioning, strengths, needs, and realistic path forward.

CONSIDER A REFERRAL WHEN...

- The client has a significant history of trauma, neglect, instability, foster care/DHHS involvement, loss, or other adversity that may not be visible in the case file.
- Mental health, substance use, cognitive, developmental, learning, or functional concerns may have shaped the client's history, choices, or presentation.
- The client's behavior is being read as noncompliance, indifference, poor insight, or "not caring," but the reasons behind that presentation have not been fully explored.
- Records are extensive, fragmented, inconsistent, or spread across medical, school, treatment, justice, and social-service systems.
- Family members, providers, employers, mentors, or other collateral sources may hold important context that has not yet been developed.
- There is a pattern of repeated justice-system involvement, failed services, or instability that needs a clearer chronology and explanation.
- Sentencing or release planning will depend on a concrete plan for housing, treatment, employment, transportation, benefits, family support, or community resources.
- Counsel needs more time back: the case requires deep record review, collateral interviews, organization, and synthesis that the legal team cannot realistically absorb.

WHAT MITIGATION CAN ADD

CONTEXT

A coherent social history that explains the person behind the charge without excusing the conduct.

CORROBORATION

Records and collateral information that support, clarify, or challenge the existing narrative.

REENTRY PLAN

Specific, realistic supports tied to the client's actual needs, barriers, strengths, and community.

TIME FOR COUNSEL

A focused narrative and organized findings so attorneys can spend their hours on legal strategy.

EARLIER IS BETTER

Records take time. Interviews take time. Community resources take time. Early involvement creates room to investigate, verify, and build a plan before deadlines dictate the work.

HELPFUL AT REFERRAL

- Key case documents & deadlines
- Client contact/release information
- Known record sources
- Questions counsel wants explored

Not sure whether a case is a fit?

A brief referral conversation can help determine whether mitigation, reentry planning, or both would add meaningful value.

Laura E. Catevenis, ASHS | Lead Mitigation Specialist
(207) 740-5204 | Laura.Catevenis@creatingbelief.com | creatingbelief.com
 Hartford, Maine | Serving clients throughout Maine