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Juvenile Defense Attorneys Speak Out

By Sue Burrell

The first part of this article explored the special skills and training needed to represent young people in California juvenile delinquency cases, and the reasons competent representation is so critical.

In 2009, a statewide survey of juvenile defense counsel conducted by the Pacific Juvenile Defender Center revealed serious deficiencies in training among some practitioners. When asked about what kinds of resources and training materials they would like to have, the lawyers surveyed enthusiastically requested everything suggested. They wanted quarterly regional training meetings. They wanted telephonic and on-line lunchtime MCLE trainings that they can do from their office. They wanted access to juvenile subject matter experts; practice materials; list serves and hotlines to people who can provide trial support and information about programs and service; and legal updates. They ranked the importance of dozens of training topics. Their individual comments reflected practitioners who are stretched to the limits of their capacity and who want and desperately need all the help they can get.

The survey results showing deficits in training and professional support are actually quite consistent with this clamoring for help. While there are half a dozen California juvenile law conferences each year directed either all or in part to the needs of juvenile delinquency attorneys, they are not evenly distributed around the state. Los Angeles hosts the majority of such conferences, with some conferences alternating between San Francisco and San Diego. Monterey also holds an annual conference. While this is wonderful for some practitioners, for those in the small counties of Northern California; those in the big counties in the eastern part of Southern California, and those in or near Sacramento; attendance at existing conferences is expensive and time consuming.

This survey was performed against a backdrop of increasing self-scrutiny by juvenile practitioners and broader efforts to improve the juvenile justice system as a whole. We wanted to know the actual status of professional training so we would know what needs to be done to make it more broadly available and more responsive to the needs of juvenile defense counsel. We now have good baseline information and a vehicle for developing helpful additions to California's training universe.

The Pacific Juvenile Defender Center has recently become the locus for California's work in the John D. Catherine T. MacArthur Foundation's Juvenile Indigent Defense Action Network (JIDAN). With JIDAN teams in New Jersey, Massachusetts, Florida, and other states where MacArthur is engaged in juvenile justice reform, California's team will develop and implement strategies to enhance the capacity of juvenile defense counsel. These efforts will unfold over the next two years. Developing a statewide resource center with enhanced training will form a central part of the work.

Already, the Center has compiled a statewide contact list for attorneys representing children in juvenile delinquency cases, and has launched a Web site with a "members only" resource bank. The defender list serv will be re-launched shortly, with an invitation to every identified juvenile defense attorney in the state. This is important because, again, many counties do not have public defender offices, and those representing youth through panel appointments or through contract offices may have only sporadic access to professional support. The resource bank and list serv will provide access to a much bigger professional community for defense counsel to ask questions and have access to state-of-the-art practice materials.

In addition, as part of its MacArthur JIDAN work, the Center has created an Expert's Corner composed of subject matters experts around the state who are available to answer listserv questions or provide off line trial support to Pacific Juvenile Defender Center members.

The Pacific Juvenile Defender Center has also created a committee structure to coordinate training statewide agendas with the organizations offering juvenile defender training, including staff at the Center for Families Children and the Courts (who annually present the Beyond the Bench Conference); the California Public Defenders Association, the Los Angeles County Public Defenders Office; and Loyola Law School's Center for Juvenile Law & Policy. In November 2009, the Pacific Juvenile Defender Center hosted an all-day training at Loyola Law School,

featuring an agenda developed entirely from the survey responses.

Over the next year, the Center will focus its efforts on reaching out to juvenile defense counsel in parts of the state that make it difficult to attend existing trainings. Plans are under way to provide telephonic and on-line MCLE trainings on topics of interest to those defenders, and regional in-person trainings. Long term plans include the development of a California Juvenile Defense Practice Manual and a training academy for attorneys new to juvenile defense.

In terms of systemic goals, it is clear that specific requirements and support for training for juvenile delinquency defense must be built into indigent defense systems and agency funding streams. Training must be designed to reach counsel unable to attend current offerings because of distance and cost.

California is not alone in this work. As part of the MacArthur Foundation's JIDAN initiative, we can learn from and benefit from colleagues all over the country engaging in similar endeavors. The Pacific Juvenile Defender Center is actively engaged in work on recommendations stemming from the *2008 Juvenile Delinquency Court Assessment* (Administrative Office of the Courts, Center for Families, Children, and the Courts). And in February 2010, California juvenile delinquency practitioners will take part in the U.S. Dept. of Justice National Symposium on Indigent Defense: Looking Back, Looking Forward 2000-2010, which will look at the past and future of indigent juvenile and criminal defense.

For each child whose needs are promptly recognized and addressed, counties and the State will save tens of thousands of dollars in reduced recidivism and associated costs to victims, the courts and ultimately, the taxpayers. Juvenile defense counsel play a key role in assuring that this happens.

No child should have a lawyer who started practicing with one day or less of training in juvenile delinquency practice. No child should have a lawyer who lacks meaningful access to ongoing delinquency training and support. In the experience of the Pacific Juvenile Defender Center, a relatively small investment may pay big dividends in developing professional capacity and assuring competent representation of young people in the delinquency system.

Sue Burrell is a staff attorney at the San Francisco-based Youth Law Center, and leads the California team for the John D. and Catherine T. MacArthur Foundation's Juvenile Indigent Defense Action Network. This work is focused in the Pacific Juvenile Defender Center, an affiliate of the National Juvenile Defender Center for California and Hawaii, providing support to ensure quality legal representation for children.

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