

ABA Commission on Youth at Risk  
ABA Criminal Justice Section  
National Juvenile Defender Center  
National Center for Youth Law  
Youth Law Center

**Fulfilling the Promise of *Gault*:  
Due Process and Effective Advocacy for Youth in the 21<sup>st</sup> Century**

**Friday, August 5, 2016  
Morrison and Foerster  
425 Market Street, San Francisco, CA**

**6.5 CLE credits, including 1.5 Ethics**

**To attend and receive CLE credit, [register here](#)  
(\$50 fee includes attendance at ABA Annual Meeting)**

**To attend without CLE credit, [register here](#)**

**Agenda**

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| 8:30 – 8:45  | Registration   |
| 8:45 – 9:00  | Welcome<br>Vanessa Peterson Williams, Chair, ABA Commission on Youth at Risk |
| 9:00 – 10:30 | In the Matter of <i>Gault</i> – 50 Years Later                               |

In June, 1964, fifteen-year-old Gerald Gault was sent to a prison for kids after a brief off-the-record session in a Globe, Arizona, judge's chambers. How did his parents end up finding their intrepid lawyer in Sun City who would then take the case from Globe to Phoenix and then to Washington, DC? Was this the way juvenile justice was dispensed in Arizona before the seminal *In re Paul and Marjorie Gault* decision by Justice Fortas in 1967? What lessons do events in the summer of 1964 tell us about access to justice, about fundamental fairness, and about who would have made a difference that fateful day June 15, 1964, when a routine hearing in Gila County, Arizona, set the stage for the US Supreme Court ruling that changed juvenile justice in America forevermore.

Presenters: The Honorable Peter J. Cahill (ret), J.D., Tucson, AZ  
Lisa Pferdoert, J.D., Tempe, AZ

10:30 – 10:45

Break

10:45 – 12:00

Challenging Implicit Bias in Defense of Children of Color

The due process protections promised by *In re Gault* are still not realized for many young people of color caught in the delinquency system. Increasingly, scientific research shows that even people consciously committed to equality may still hold hidden, unconscious prejudices or stereotypes that influence their actions. Throughout the juvenile delinquency system, and the systems that feed into it, these pervasive implicit biases—hidden, unconscious prejudices or stereotypes that influence action—have important implications for the persistence of racial disparities. Adequate representation and due process for youth of color therefore requires more than a commitment to be “color-blind”: it requires concerted effort to identify unconscious attitudes and stereotypes and to advocate against reliance on these biases in decision-making.

Presenters: Michael Harris, J.D., Oakland, CA  
Dr. Jason Okonofua, PhD, Berkeley, CA  
Ji Seon Song, JD, Richmond, CA

12:00 – 12:45

Lunch (provided)

12:45 – 2:15

The Role of the Juvenile Defense Attorney: Ethics in Practice

While *In re Gault* affirmed a child’s right to an attorney in delinquency proceedings, implementation of that right has been hampered for nearly 50 years, in large part, due to misunderstanding or undervaluation of the role of the juvenile defense attorney. In this session, participants will explore the legal and ethical underpinnings of what it means to be a defense attorney who represents a child client. Using a real-world fact pattern, participants will engage in a lively discussion of the ethical red flags that may arise in their representation and will explore ways of approaching them.

Presenter: Tim Curry, J.D., Washington, DC

2:15 – 2:30

Break

2:30 – 4:00

Adolescent Brain Science and Juvenile Justice Reform

Research on adolescent brain science not only has changed everyone’s perception of adolescence, but was also the basis for four US Supreme Court decisions impacting juveniles over the past decade. This session will provide an overview of normal adolescent neurodevelopment and discuss opportunities for their amenability to treatment and rehabilitation. Adolescent brain science is also reforming juvenile justice practices and is motivating a review of use of detention and incarceration, automatic transfer to adult status, accomplice

culpability, age of jurisdiction, the impact of collateral consequences, and many other issues. This panel will focus on a number of areas in which change is occurring.

Presenters: Rourke Stacy, J.D., Los Angeles, CA  
Jennifer Rodriguez, JD, San Francisco, CA  
Allen Nance, Chief Probation Officer, San Francisco, CA  
Dr. Eric Trupin, MD, Seattle, WA

4:00 – 5:00

Expanding *Gault*: Establishing the New Normal in Juvenile Defense

*In re Gault* established a constitutional right to counsel for children at the adjudication stage of delinquency proceedings. Nearly 50 years have passed since the *Gault* decision without new Supreme Court decisions to define the scope of juvenile defense representation. At the same time the legal needs of children and youth have increased before, during, and after the court process, impacting children at the schoolhouse, station house, and in their communities. This moderated panel will present a comprehensive representation model and legal justification for the defense of children and youth today.

Presenters: Tshaka Barrows, San Francisco, CA  
Sue Burrell, JD, San Francisco, CA  
Semuteh Freeman, JD, San Francisco, CA  
Kim Dvorchak, JD, Washington, DC

All of us, as co-sponsors, express our gratitude and appreciation to Morrison and Foerster for hosting this conference by providing space, meals and technological assistance. Thank you for sharing our goal to honor the wisdom of the 1967 *Gault* decision and to improve the quality of legal representation for children and youth in the juvenile justice system.