



# OJJDP

Shay Bilchik, Administrator

December 1998

## JUVENILE JUSTICE BULLETIN

# Innovative Approaches to Juvenile Indigent Defense

**Patricia Puritz and Wendy Wan Long Shang**

More than 30 years have passed since *In re Gault*, 387 U.S. 1 (1967) established the constitutional right of children to appointed counsel in juvenile delinquency proceedings. In this landmark opinion, which remains the standard for children's due process rights, Supreme Court Justice Abe Fortas announced that "[u]nder our Constitution, the condition of being a boy does not justify a kangaroo court" (387 U.S. at 28).

Congress expressed similar concern regarding the need to safeguard children's rights when it enacted the Juvenile Justice and Delinquency Prevention (JJDP) Act in 1974 (42 U.S.C. § 5601 *et seq.*, P.L. 93-415). When Congress reauthorized the JJDP Act in 1992 (P.L. 102-586), it re-emphasized the importance of lawyers in juvenile delinquency proceedings. Congress charged the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with developing a program to enhance the quality of due process available to children in juvenile court by improving the level of legal representation in delinquency proceedings.

In 1993, OJJDP awarded a competitive grant to the American Bar Association's (ABA's) Juvenile Justice Center to determine ways to build the capacity of the juvenile defense bar and improve the quality of legal representation available to children in trouble. The ABA and its

partners, the Youth Law Center and Juvenile Law Center, embarked upon a study to determine the issues and obstacles impeding the legal representation of delinquents. Project staff also began to develop strategies to build the capacity of the juvenile defense bar through training, technical assistance, and other supportive services. The findings of this study were released in 1996 in a report entitled *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings* (Puritz et al., 1995).

The report focused on serious concerns that the interests of many young people in juvenile court are significantly compromised, leaving many juvenile defendants literally defenseless. Such concerns are especially critical at a time characterized by unprecedented scrutiny, criticism, and transformation of the Nation's juvenile justice system and a trend toward increased reliance on the incarceration of children as an answer to juvenile crime. The stakes for children are much higher than in the past: Many States have changed the purpose clause of their juvenile codes to emphasize punishment and public safety considerations rather than treatment; sanctions have become more punitive and longer in duration; and more juveniles are locked up in secure detention centers, training schools, jails,

### From the Administrator

In a century of service marked by exceptional achievements, one of the most significant contributions to the welfare of our youth made by the juvenile justice system has been to further the right of every young person in the system to due process under the law. For too many years, fundamental constitutional protections had been largely denied children, at times compromising the mission of the juvenile justice system as an impartial instrument of justice, as documented in *In re Gault* (1967).

A key area in which due process is required by *Gault* is the right to counsel. While progress has been made in improving the availability and quality of legal counsel afforded youth in delinquency proceedings in the three decades since *Gault*, much remains to be done—as the American Bar Association (ABA) report, *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*, documents.

Juvenile defendants need—and are entitled to—effective legal representation. This Bulletin describes ABA/OJJDP collaboration to further that goal and features informative examples of promising approaches to ensuring quality legal services for youth. The programs it features are helping to turn the promise of *Gault* into reality for our Nation's youth.

Shay Bilchik  
Administrator



and prisons than ever before (Puritz et al., 1995). Mail surveys, telephone interviews, and indepth site visits with juvenile defenders revealed that heavy caseloads were the most significant barrier to effective legal representation. With crushing caseloads, often in excess of 500 cases, even the most conscientious juvenile defenders struggle just to keep their heads above water. Often, defenders have no time to meet with clients prior to the detention hearing. Resources are often inadequate to investigate the charges or gather critical information from families, schools, or social service agencies. Despite defenders' best intentions, they often find it impossible to present their clients in the best possible light. The results are likely to be secure detention of youth who pose no significant danger to themselves or others, reduction in the accuracy of judicial decisionmaking, unnecessary transfers of juveniles to the adult criminal justice system, dispositions that have little connection to public safety or children's needs, and a denial of fundamental fairness.

The role of counsel is central to these issues. Young people need, and are entitled to, effective representation. Youth require the active assistance of trained counsel to challenge prosecution evidence and to present evidence on their behalf. If the charges against them are sustained, juveniles need representation to ensure that the dispositional order is fair and appropriate. If incarcerated, youth need access to attorneys to help them respond to myriad postdispositional legal issues. If tried as if they were adults, juveniles need defenders who have developed special expertise in working with

the unique problems criminal adolescent defendants present.

The impact of inadequate representation on youth—and their lawyers—is devastating. Children represented by overworked attorneys frequently do not understand what is happening in court and come away with the impression that their attorneys do not care about them. Similarly, burnout, job dissatisfaction, and anxiety over never having enough time to do a complete job are serious problems for many caring juvenile defense attorneys.

## Promising Approaches

While substantial deficiencies in access to counsel and the quality of representation exist in juvenile court, it would be incorrect to conclude that effective representation of young people cannot and does not exist. High-quality defender-based programs that deliver first-rate legal services to juveniles usually have one or more of the following characteristics:

- ◆ Ability to limit or control caseloads.
- ◆ Support for entering cases early and the flexibility to represent, or refer, clients in related collateral matters such as special education.
- ◆ Comprehensive initial and ongoing training and available resource materials.
- ◆ Adequate nonlawyer support and resources.
- ◆ Hands-on supervision of attorneys.
- ◆ Work environments that value and nurture juvenile court practice.

These characteristics are evident in the initiatives profiled below, which are exciting,

innovative, and worthy of closer examination and replication.

## Office of the Public Defender, State of Maryland

*To the people that's helped me a lot! I really appreciate all the things you all did for me when I was in need the most. I am very grateful that you all did not give up on me even though I continue to get in trouble. I know why you all did not give up on me, because you all saw a lot of good things in me.*

—“Frankie,” public defender client

In 1992, Maryland's Office of the Public Defender recognized the need to provide comprehensive and holistic representation for its juvenile clients involved in criminal and delinquency matters. Because of this need to look beyond legal problems, the Office created the Juvenile Client Services Division (JCSJ), which involves social workers and specially assigned attorneys on the juvenile public defender defense team. JCSJ provides the following range of services.

### Youthful Defendant Unit

The Youthful Defendant Unit (YDU) was created in 1995 to address the special circumstances and needs of juvenile defendants charged in criminal court. Although charged as adults, these clients have the opportunity to petition the criminal court to transfer jurisdiction of their cases to juvenile court. Currently staffed with one attorney and one law clerk, YDU represents only a fraction of all transfer-eligible clients in Baltimore City. However, by focusing on these cases, YDU acts as a resource both for other attorneys in the Office of the Public Defender and for those in private practice. YDU emphasizes to lawyers that success in transfer motions often depends on an understanding of programs that would be available to clients if they were adjudicated as delinquents and on the ability to convey the appropriateness of those programs to the court. YDU also assists adult criminal law practitioners, who are often unfamiliar with issues unique to transfer-eligible cases, to identify which cases actually qualify for transfer and the statutory standards applied by the court in considering transfer motions.

By concentrating on this class of cases, YDU is also able to devise or propose improvements to the procedure involved in

these cases. For example, a task force of court officials organized by YDU helped to formulate a new protocol for filing transfer motions and producing reports to assist the court in ruling on these motions. YDU plans to compile a comprehensive data base on transfer-eligible cases to facilitate a study of the impact of legislation designed to increase automatic transfers.

### **Detention Response Unit**

The Detention Response Unit (DRU), a unit of assistant public defenders and social workers, works with juvenile clients who are in detention, either pending a court hearing or awaiting placement in a residential facility. Upon receiving a referral from an attorney, DRU identifies any critical circumstances indicating that an alternative to detention might be beneficial or essential. Once the determination is made that respondents are in need of DRU assistance, both the legal and social work services begin.

The DRU social worker researches appropriate residential and community services and completes a psychosocial assessment of the respondent to determine whether any further mental, behavioral, or educational evaluations will be necessary and often makes arrangements for those evaluations. The social worker also prepares treatment plans in conjunction with the attorneys. The DRU social worker is available to present reports in court and to testify at the request of the attorneys.

The DRU attorney investigates the case from a legal perspective. This investigation includes exploring ways in which court-ordered detention can be modified or amended, particularly to allow for community-based alternatives. Whenever necessary, the DRU attorney files exceptions to detention (or review hearings) so that the judge may review the order.

### **Educational Development Unit**

The Educational Development Unit (EDU) addresses educational issues that have an impact on juvenile respondents appearing in Baltimore City Juvenile Court at any stage in the proceedings from arraignment through postdisposition. Upon referral from the attorneys, EDU identifies clients who have special education needs or who have been suspended, expelled, or dropped from school rolls. EDU then gathers all the information necessary to educate and advise clients and

their parents or guardians about educational rights and procedures involved in obtaining appropriate school placement. Whenever necessary, EDU will refer clients and their parents or guardians to appropriate community-based programs that provide educational assistance.

The EDU staff consists of an educational specialist (ES) and an educational liaison (EL). The ES performs educational evaluations and assessments, refers clients for specialized (e.g., neurological, psychiatric, psychological, speech and language) services, facilitates and attends Admission Review Dismissal and Local Coordinating Council meetings, educates parents or guardians on special education rights, and testifies in court, at the request of the attorney, regarding clients' educational needs. The ES also conducts psychosocial evaluations for the court.

The EL conducts brief interviews with clients and their families to obtain education-related information, contacts the expulsion and suspension office to determine reasons for disciplinary action, obtains school records, attends expulsion and suspension meetings, educates parents or guardians about educational rights and regulations, and refers age-appropriate clients to general educational development (GED) diploma or alternative education programs.

### **Client Assessment Recommendation and Evaluation Unit**

In the Client Assessment Recommendation and Evaluation (CARE) Unit, social workers develop treatment plans and dispositional alternatives for clients ages 12 to 17. Attorneys can refer clients to CARE for assistance in addressing a wide range of problems and gaining access to needed services. CARE social workers provide the attorneys with complete psychosocial assessments of clients.

CARE social workers prepare transfer-of-jurisdiction summaries for attorneys whose clients are between the ages of 15 and 18 and who are being charged as adult criminals. CARE social workers also provide waiver summaries when the State has petitioned the court to waive juvenile court jurisdiction. These summaries are used to advocate that the juveniles be transferred back to or remain in the juvenile justice system.

CARE social workers are also responsible for complete drug assessments and appropriate treatment recommendations;

representation and advocacy for clients at various interagency meetings; investigation of resources and referrals of clients and their families to community-based services; and home, school, and facility visits to interview clients and their families. All reports prepared by CARE social workers can be presented in court, and the social workers are available to testify at the attorneys' discretion.

### **New York Legal Aid Society**

*I pray every night I'll go home that day, that some day I may be able to look back on the ordeals in my life and tell other juveniles that I'm defending as a attorney . . . that their future can still be bright.*

—Excerpt from an incarcerated Legal Aid Society client's diary

The Legal Aid Society, the primary defender agency in New York City, has two divisions that represent young people: the Juvenile Rights Division (JRD), which represents children younger than 16 years charged as juvenile delinquents in Family Court, and the Criminal Defense Division (CDD), which represents juvenile offenders (13- to 15-year-olds charged with specific serious felonies) and youth 16 years and older that are adults under New York law. Divisions in the Manhattan and Bronx offices recently developed specialized teams to deal with the particular needs of young clients.

### **Delinquency Unit, Bronx Office**

In July 1997, the Bronx office of JRD developed a Delinquency Unit. Although JRD generally handles both delinquency and child protection cases, child protection cases so dominate the caseload in the Bronx office that delinquency cases were in danger of being marginalized. The formation of a Delinquency Unit addressed this concern and, as a result, expertise, efficiency, and innovation within the office have risen dramatically. The unit comprises five staff attorneys, a supervising attorney, a social worker, and a paralegal. The unit also shares an investigator with the child protection attorneys.

In addition to increased proficiency in juvenile issues as a whole, the unit has developed expertise in specific areas of juvenile law. Attorneys see similar cases with greater frequency and have developed strategies to handle cases more

efficiently. Attorneys also have the opportunity to become involved in areas of personal interest. For example, one attorney focuses on children and families with HIV and AIDS. Attorneys maintain their own research files, which are available to all members of the unit, thus avoiding the need to "reinvent the wheel" with each new case. Attorneys discuss trial strategies with other staff, and a motions bank is being developed for the unit. In addition to increased expertise and efficiency, morale has improved among the attorneys, as they focus on one area of the law and do not have to constantly shift between child protection cases and delinquency cases. The social worker attempts to meet clients at intake, and dispositional planning begins at arraignment. Early intervention by a social worker has proven to be one of the greatest benefits of the new unit, resulting in avoidance of placement in many cases or securing more appropriate placements in others. With the social worker acting as a witness, the dispositional plan is offered to the court.

The Delinquency Unit has begun to identify global issues that affect clients, such as remands outside of statutory guidelines, lengthy adjournments between fact-finding dates, and inadequate remedial education and psychiatric services in court-ordered placements. The Delinquency Unit is working with the Special Litigation Unit and Appeals Unit to address these issues in the appropriate courts.

The Delinquency Unit's long-term goals are to restructure the intake process, devote more resources and time to the initial arraignment, identify more community-based services and dispositional alternatives, and take on an increased number of writs and interim appeals. The unit plans to work with Youth Force, an advocacy group made up of individuals who have gone through the juvenile and criminal justice systems, to facilitate communications with detained juveniles, work with families of clients, and prepare clients for probation interviews. The Delinquency Unit is also considering assigning cases according to police precincts, which would allow attorneys to become familiar with particular schools, neighborhoods, and police officers.

### Juvenile Offender Team, Manhattan Office

The Juvenile Offender (JO) Team in the Manhattan office of CDD represents young people, ages 13 to 15, charged in adult criminal court with serious felony offenses.

The cases involving those young people, known as JO's under New York's Juvenile Offender Law, comprise a small percentage of the entire CDD caseload yet require a great deal of time and attention. According to one attorney, "You need more patience and time to explain the consequences of important decisions, such as whether to take a plea, when you're dealing with younger clients." The JO Team was created to ensure that attorneys who handle these cases are experienced in the issues involved in representing such young clients and are familiar with the special laws and services that are available to them. The team draws on the expertise of lawyers in JRD, thereby giving the JO lawyers familiarity with the workings of family court, where many of the JO clients had or have cases, or where they might go if their JO case is removed (waived down) to juvenile court.

The team comprises the director, three CDD attorneys, a social worker, an investigator, and an attorney from JRD who acts as a liaison with family court. The team handles the majority of JO cases and has developed concentrated and specialized knowledge in this field. The team has made a significant impact on the lives of many young people, and expansion of the program into other borough offices of CDD is being considered.

### Youth Advocacy Project

*If it wasn't for YAP, I wouldn't be working and in school right now. I'd be in jail.*

—Former YAP client, age 18

Established by the Committee for Public Counsel Services, Roxbury, MA, in 1992, the Youth Advocacy Project (YAP) is a multidisciplinary, community-based juvenile defense initiative that combines social services with legal services to represent clients thoroughly and to find community-based alternatives to commitment and incarceration. YAP also engages in violence prevention efforts by linking high-risk youth with available community services and offering Know the Law, a community education workshop. YAP's mission is to provide quality legal representation to court-involved youth and to prevent initial and repeat court involvement among young people.

YAP began as an initiative to assign experienced trial attorneys to defend juveniles charged with serious offenses.

Attorneys quickly recognized the diverse social service needs that contributed to their clients' being in court and the problems that resulted from court involvement. In 1993, with startup funding support from the Boston, Shaw, and Public Welfare Foundations, YAP added nonlegal staff and became a multidisciplinary project with an innovative approach to advocating for young defendants, both in the courtroom and in the community. In addition to legal representation, YAP provides training and consultation, community education, needs assessment, service planning and sentencing advocacy, referrals to community-based services, psychological evaluation, and case management.

In its first year, staffed with 2 lawyers, 1 social worker, and 1 community liaison, YAP represented 33 clients, most of whom were charged with murder or other serious violent offenses. YAP also reached out to the community, looking for resources and opportunities for partnerships. Now, after 5 years, the project has expanded to include a project director, an assistant director, two supervising attorneys, three staff attorneys, three social workers, a community liaison, and a psychologist. The caseload also has expanded to more than 750 cases each year, representing young people who have been charged as delinquents or youthful offenders (young people who are eligible to receive an adult sentence). Outreach and partnership with community and local agencies also have expanded, becoming the project's greatest resources. YAP tracks the availability of a wide range of programs for youth in the Boston area and also works to identify program gaps. YAP also has developed and participated in numerous prevention initiatives directed at youth who are at high risk of initial or repeat court involvement.

### Project TeamChild

*I was expelled from school. What I did was wrong, I know, but I wanted to make up for it, not sit at home for a year. My TeamChild advocate encouraged me to get into counseling and to start doing community service hours. She then negotiated with the school district, and we created a plan that would allow me back in school. I'm so happy to be back in school. I'll be able to show everyone that I can do well.*

—R.W., Project TeamChild client

Through an alliance between public defender and legal services organizations, Project TeamChild, a joint project of Columbia Legal Services, the Seattle-King County Defender Association, and the Washington Defender Association, addresses the gap in juvenile advocacy that results from the traditional separation of the civil and criminal justice systems. The project, initiated in 1995 with funding from OJJDP, supports a full-time attorney to represent juvenile offenders on civil legal issues. Public defenders can refer their clients to Project TeamChild for advocacy on issues such as access to education, mental and medical health benefits, and safe living situations.

Project TeamChild advocates for clients on a variety of issues, both in and outside the courtroom, most frequently addressing school issues. The project seeks readmission to school and other educational alternatives for expelled students and obtains specialized assessment and services for disabled youth. During the course of assisting clients, Project TeamChild often uncovers an unidentified learning disability or special need. This discovery can facilitate the return of children to school and the initiation of appropriate services. Project TeamChild attorneys also devise individualized programs and agreements that satisfy the needs of both school and student, eliminating the necessity for suspension or expulsion. Project TeamChild attorneys work

with schools to ensure that students receive the full benefit of Federal and State laws that provide rights and services to those with special education needs.

Approximately 30 percent of Project TeamChild cases involve children with multiple problems. Project TeamChild lawyers bring together representatives from numerous agencies to devise plans that address these children's educational, mental health, medical, and housing needs comprehensively rather than in a piecemeal fashion. In other cases, Project TeamChild assists public defenders by obtaining community-based alternatives to incarceration. Project TeamChild has often secured educational, mental health, or social services, so that judges are persuaded to give youth a community sentence. Volunteer tutors and mentors also play a critical role in Project TeamChild's success by providing encouragement and support to children.

Although Project TeamChild is a relatively new project, 2 years of independent evaluation have shown that it works. The findings demonstrated that Project TeamChild had tremendous success in facilitating school reentry (Ezell, 1997). Virtually every youth who was not in school when Project TeamChild opened that youth's case was reinstated by the time the case was closed. The study also found that, compared with a control group of similarly situated young people, Project TeamChild clients "showed better stability and direction in their school, mental health, family, and employment status. Further, Project TeamChild clients are less likely to be rearrested, violate probation, or be convicted of new crimes" (see figure 1). The evaluation concluded that Project TeamChild:

- ◆ Enhances juveniles' access to educational services.
- ◆ Increases opportunities for youth to obtain mental health and other social services.
- ◆ Helps reduce the likelihood of future criminal behavior.

With offices in four Washington State counties, Project TeamChild's goal is to help obtain needed services for its clients. Project TeamChild's partnership of civil and criminal legal services enhances dispositional outcomes.

## Public Defender Service for the District of Columbia

*I would still be on lockdown at Oak Hill if it wasn't for [the Juvenile Services Program] JSP. I did not understand what was going on in my case, and JSP took the time to explain my placement and my options. JSP helped me decide to work with the residential program the judge was sending me to. . . . I am home with my mom now, and the law clerk I worked with out at Oak Hill is helping me get back into school.*

—“Emmanuel,” former PDS client

The Public Defender Service (PDS) for the District of Columbia provides defense services to the city's indigent residents. In addition to a rigorous in-house training program for its attorneys, PDS also has devised several low-cost strategies to improve the quality of representation provided to its clients by concentrating on the desire of students and less experienced attorneys to learn about and contribute to the legal defense process and on the willingness of more experienced attorneys to teach and work with them.

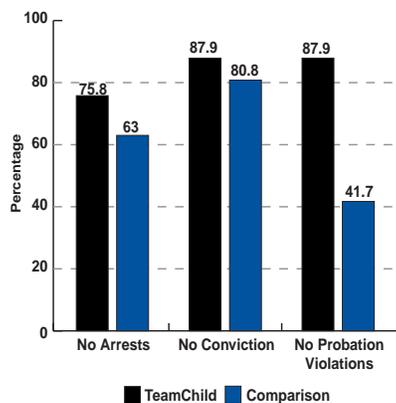
## Juvenile Services Program

The Juvenile Services Program (JSP) in the PDS was created in 1982 pursuant to authorization by the District of Columbia Council. The Council was responding to a task force report on the reorganization of the Department of Human Services expressing concern that incarcerated youth need legal guidance and access to counsel.

JSP is staffed by an attorney who recruits, trains, and supervises law clerks throughout the year. JSP maintains an office inside the Oak Hill Youth Center, the District of Columbia's juvenile corrections facility. Under the close supervision of the staff attorney, law clerks work to ensure that the due process rights of incarcerated youth are protected at disciplinary hearings by giving youth the chance to give their version of the events in question, providing representation, and conducting investigations. Law clerks also explain the disciplinary process to the residents—an important function, because no one else at the facility is available to explain the procedures.

In addition to helping youth understand the internal workings of the facility, law clerks also play an important role

**Figure 1: Comparison of Recidivism Rates After 6 Months**



Source: Ezell, M. (1997). *TeamChild: Evaluation of the Second Year*.

in facilitating communication and understanding among youth and their families, attorneys, and social workers. JSP law clerks help youth maintain contact with their attorneys and social workers and give information to the attorneys and case workers about each child's progress within the facility. The law clerks assist youth with questions regarding their legal status, draft pleadings for court reviews, and assist with legal research on issues relating to postcommitment proceedings.

JSP works with hundreds of incarcerated youth each year. In the summer months, JSP employs as many as 10 full-time law clerks in the program. It deals with numerous youth who have fallen through the gaps in the system and wound up in secure confinement either inappropriately or illegally. JSP has become an integral part of the institution and is relied upon by the children, staff, and administrators.

### Criminal Law Internship Program

For more than 20 years, PDS has leveraged its resources into a thriving corps of young and enthusiastic investigators through its Criminal Law Internship Program. Recognized as one of the top 10 internships in the country, the Criminal Law Internship Program trains college, graduate, and law students in methods of conducting investigations of crime scenes, interviewing witnesses, and obtaining important documents. As members of the defense team, interns also are expected to prepare detailed reports and statements in a format appropriate for use in court, take photographs of crime scenes, prepare maps and charts for use during trial, serve subpoenas, and assist their assigned attorneys with logistical problems that arise during trial. In exchange, interns receive academic credit; take part in tours of criminal justice agencies in Washington; and meet with prosecutors, vice squad officers, detectives, and judges.

### Attorney Mentoring

Recognizing that strong supervision is critical to effective representation, PDS operates a mentoring program that matches attorneys who have less than 3 years' experience with senior attorneys, thus ensuring that less experienced attorneys always have access to their colleagues' expertise. Mentors are responsible for routinely meeting with attorneys, discussing pending cases in detail, observing and critiquing hearings and trials, and review-

ing case files. Mentors supervise only one attorney at a time, and the trial chief and assistant trial chiefs provide additional supervision. Mentoring also helps establish camaraderie in the office and provides a measure of reassurance for those who are less experienced.

### Neighborhood Defender Service of Harlem

*Today I learned you have the freedom to do things or say things that get you out of trouble.*

—P.S. 115 student, after participating in the NDS street law course

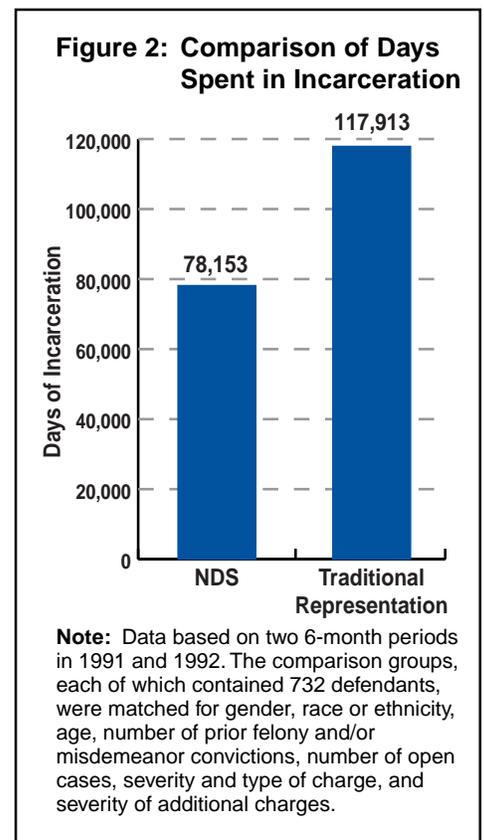
The Neighborhood Defender Service (NDS) of Harlem, NY, set out to test the theory that if the quality of justice for clients is improved, overall costs to the justice system will decrease because clients spend less time locked up. By purposefully addressing many of the structural problems that plague attorneys in traditional defender agencies, NDS has significantly reduced the amount of time clients spend in jail or prison and made important contributions to their quality of life (see figure 2).

One unique aspect of NDS is its location: Instead of setting up shop in a courthouse, NDS operates in the neighborhood it serves. NDS is thus accessible to its clientele and is able to encourage them to obtain NDS assistance as soon as possible. As part of an ongoing outreach campaign to promote its free legal services, NDS distributes cards with its phone number and a formalized request for an attorney with a statement of the bearer's nonwaiver of rights. NDS also conducts workshops in neighborhood elementary, junior high, and high schools to teach youth their rights and methods of handling and deescalating confrontations with the police. As a result of this outreach work, half of NDS clients seek out the agency's attorneys before arraignment. Encouraging clients to call NDS can lead to an immediate benefit for juveniles: Every child who is arrested and under the jurisdiction of family court is interviewed by a probation officer. Early intervention allows NDS attorneys to accompany children and their families to these probation interviews to advise them. Court appointed attorneys cannot engage in this practice because probation interviews typically occur before the appointment of counsel.

The swift retention of attorneys goes hand in hand with early, aggressive inves-

tigation, which is another hallmark of the NDS approach. While most public defenders do not get the case until the client's first appearance in court, the early retention of NDS enables attorneys to gather their own information instead of relying on information from police or prosecutors. In particular, NDS can investigate crime scenes quickly because of its close proximity to those crime scenes. In some cases, NDS can scout out a location and speak to witnesses before the client is even booked. Early intervention in juvenile cases enables NDS attorneys to work with out-of-school clients to place them in a school or job program. Having their clients constructively involved in a program gives NDS attorneys a bargaining chip at disposition and, in some cases, allows them to avoid going to court at all.

A broad-based team approach to representation is another way NDS has altered the traditional legal services delivery structure to provide clients with seamless and holistic assistance. Instead of attorneys laboring alone in their offices, teams of attorneys, investigators, social workers, and administrative assistants work in open areas and confer regularly. All members of the team file computerized reports, allowing other team members to look up cases



and provide anxious clients with any new information, even when the attorney is not available. The team approach also allows attorneys to work as co-counsel on cases that go to trial and ensures continuity of representation in the event that an attorney leaves the agency or is unable to attend a hearing or stay with the case.

The NDS approach to legal services is comprehensive. Social workers address the social needs that frequently overshadow their clients' legal problems. NDS also has received funding to address civil legal problems that arise out of criminal matters, such as housing and family law issues. In addition, NDS attorneys who work with juveniles are able to represent their clients in school expulsion or suspension hearings.



## First Defense Legal Aid

*First Defense Legal Aid [FDLA] gives youth support, safety, and security and teaches the element of trust, as they can now trust adults when [they] go in front of the juvenile justice system. They feel that their rights and their privileges will be protected when they see someone from FDLA at the police station.*

—Earl Williams, Chicago child advocate

For defense attorneys, being able to intervene at the arrest and interrogation of a client can make a critical difference in the case. However, public defenders in States like Illinois are prohibited from representing defendants until their initial appearance before the court to determine indigency. First Defense Legal Aid bridges this gap by providing fast, free legal advice at the police station immediately after arrest and until a public defender is assigned.

FDLA provides legal aid to residents of Cook County, IL. No income requirements are involved. During business hours, staff attorneys respond to calls and immediately meet with callers at the police station to advise them of their rights. During evenings and weekends, a bilingual answering service notifies volunteer attorneys of calls through a paging system. Volunteer attorneys agree to attend a training workshop and to work a minimum of one 15-hour shift per month.

FDLA attorneys collect vital information about the clients and the nature of the alleged offenses. FDLA also ensures that detainees' critical needs, such as

access to medication, are met and that any violations that may have occurred while they were in police custody are documented. This recordkeeping benefits both the defendants and the police. FDLA's records can be relied on both to protect police officers from false allegations of physical abuse and to document incidents of police brutality.

The hotline averages 5–10 calls each day, with the attorneys performing many additional functions, such as offering advice about the criminal justice system over the phone, helping people find family members who have been taken into custody by the police, and making police station visits. Many calls come from young people or their parents. According to FDLA's director, "Many times we get calls from distraught parents. They don't know where their kids are, and they don't know what to do. We find out where the kid is and act as a liaison between the parent and child."

FDLA also works to educate the public, reaching out through street law programs, public service announcements, social workers, halfway houses, and other agencies. FDLA receives a great deal of word-of-mouth publicity, which it sees as a sign that "our clients have faith in us and trust us."

## Conclusion

Through creative and resourceful strategies, the programs and services discussed above are providing comprehensive and holistic representation for delinquent youth. These programs have reorganized their office structures so that attorneys have the time to handle complex and cum-

bersome cases more effectively. They also have constructed ways to expand and develop their expertise in a broad range of noncriminal issues including disabilities, suspension/expulsion, Supplemental Security Income, health care, and civil rights laws. As a result, they have improved their representation of young clients and raised the level of practice within the courtroom.

In these programs, attorneys are able not only to represent young clients effectively in court, but also, in many instances, to have a long-lasting impact on their lives. Reduced caseload burdens; adequate administrative, investigative, and social work support; and a work environment that values juvenile defense allow attorneys to help youth return to school, find jobs and suitable living arrangements, and receive needed treatment and other services in addition to resolving their court cases. Dedicated attorneys address many of the causes underlying their clients' behavior, thereby enabling these youth to turn their lives around. Some of these attorneys teach street law and citizenship classes to help youth navigate complicated laws, programs, and procedures.

By spending time with their clients; learning about their lives, friends, and families; helping them understand legal proceedings and their rights; advocating vigorously on their behalf; and searching for solutions, these attorneys also show their clients that they truly care about their well being—a fact that matters to many children almost as much as the outcome of their cases.

The attorneys and programs described here have begun to fulfill the promise of *Gault*, combining dynamic legal advocacy

with the recognition that childhood is a unique time—children need guidance and nurturance, and they possess a tremendous capacity to heal and change. They deserve the chances and opportunities for success that these outstanding legal advocacy programs can offer.

## For Further Information

For further information contact:

**Office of the Public Defender, State of Maryland**

David Fishkin, Chief of the Juvenile Division  
410-333-4899, ext. 280

**New York Legal Aid Society**

Pat Bath, Director of Public Information  
212-577-3346

**Youth Advocacy Project**

Steve Weymouth, Director  
617-445-5640

**Project TeamChild**

Elizabeth Calvin, Director  
206-447-3900, ext. 795

**Public Defender Service for the District of Columbia**

JoAnn Wallace, Director  
202-626-8370

**Neighborhood Defender Service of Harlem**

Leonard Noisette, Director  
212-876-5500

**First Defense Legal Aid**

Petra Harris, Director  
773-292-9780

**American Bar Association Juvenile Justice Center**

Patricia Puritz, Director  
202-662-1515

**Juvenile Law Center**

Robert Schwartz, Director  
215-625-0551

**Youth Law Center**

Mark Soler, President  
202-637-0377

## References

Ezell, M. 1997. *TeamChild: Evaluation of the Second Year*. Seattle, WA: University of Washington, School for Social Work.

Puritz, P., Burrell, S., Schwartz, R., Soler, M., and Warboys, L. 1995 (December). *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*. Report of the American Bar Association. Washington, DC: American Bar Association.

Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of OJJDP or the U.S. Department of Justice.

## Acknowledgments

The authors would like to thank the members of the agencies and programs featured in this program who made this Bulletin possible. In addition to the program contacts listed here, the authors would like to recognize David Addison, Jackie Deane, Traci Douglas, Christine Fiechter, Nancy Ginsburg, Carolyn Gold, Jacci Johns, Marc Schindler, and Kendra Young for their contributions.

Photograph page 2 copyright © 1998 Corbis Corporation; photograph page 7 copyright © 1998 PhotoDisc, Inc.

*The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.*