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UNIVERSITY OF THE PACIFIC
McGEORGE SCHOOL OF LAW
"IMPACT OF LAW STUDENT AIDES
ON THE JUVENILE COURT PROCESS"
(NI - 067)

FINAL REPORT
May 20, 1970

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INTRODUCTION

This project was supported by a "Project Acorn" grant from the National Institute of Law Enforcement and Criminal Justice, United States Department of Justice.* It was developed in response to the decision of the United States Supreme Court in the case of *in re Gault* (387 U.S. 1) which held that minors facing a juvenile court hearing have the right to counsel. This decision was amplified by the President's Commission on Law Enforcement, which stated that it was imperative "that counsel be provided in the juvenile courts at once and as a regular manner for all who cannot afford to retain their own."

In the Sacramento area, it used to be a rarity for an attorney to be involved in a juvenile hearing; however, it is now almost the rule. In the fiscal year ending June 30, 1968 nearly 3,300 contested cases were heard in the juvenile court. The Public Defender's office had only one full-time attorney assigned to the Juvenile Center yet he was required to handle nearly one-half of all cases heard. Under this staggering work load the single defender was forced to limit his services to only the most serious cases. Interviews of juveniles were generally limited to a single fifteen-minute conference in which the defender could only ascertain the most basic facts surrounding the incident leading up to the juvenile's detention.

In the present study, three advanced law students (one from the Day Division and two from the Evening Division) were added to the

*The fact that this agency furnished financial support to the activity described in this publication does not necessarily indicate the concurrence of the Institute in the statements or conclusions contained herein.

Public Defender's staff to work for five months as part-time juvenile court aides. The Public Defender was authorized to use the students in whatever capacity he felt would be most valuable, although it was anticipated that following an orientation period, the aides would devote the majority of their time to interviewing, investigative work, and preparation for court hearings.

The questions which this project proposed to study were:

1. What impact will the aides have on the attitudes of the defendants and their families? Would the increased attention increase, decrease, or have no effect on how these people view the judicial process in particular and society's institutions in general?
2. Would aides assistance reduce the Public Defender's workload to the extent that making such an arrangement on a long term basis would be beneficial?
3. Would the students learn enough about the juvenile court program to allow law schools to grant credits for such work?
4. Would the aides become interested in a career in this field?

Measurements were taken of the number and types of activities performed by the Public Defender and his staff before and after the student aides began their work assignments to determine what changes would occur in the Defender's duties as well as any changes in the type or quality of the services rendered to the indigent clients or their parents. In addition, the attitudes of the juvenile defendants were examined as to their feelings about society in general, the judicial process, and their own involvement with the juvenile court. We further examined the student aides' knowledge of juvenile law and juvenile court procedures obtained as a result of their work assignments and also

gathered some subjective measurements of improvements in court effectiveness from the Public Defender, the Juvenile Court Judge, probation officers and others connected with the Juvenile Court.

It should be noted that the cooperation of all parties involved in the project was enhanced by the fact that both the Judge of the Juvenile Court and the Public Defender are part-time members of the law school faculty.

RESULTS

The findings of this study will be presented in terms of the various "impacts" which addition of the law student aides to the Public Defender's staff had on the individuals and agencies concerned with the juvenile court process in Sacramento County. A description of the conditions existing prior to the employment of the aides will be compared to the situation during and after their entry onto the scene.

A. Impact on the Public Defender's Office

As noted above, prior to this project the lone public defender assigned to the Juvenile Center had a staggering case load. He was required to interview nearly 300 clients per month, check the facts surrounding their cases, discuss the situation with the various probation officers and appear in court on behalf of these juvenile clients. In view of this heavy case load, it is not surprising that the Defender was limited to a brief interview of each client. In some cases, this consisted of a fifteen-minute session just prior to the actual court hearing. Occasionally, a detained juvenile waited nearly two weeks before seeing the attorney assigned to defend him.

One result of this shortage of interviewing time was that possible defenses of the juvenile were not raised at the court hearing or were not presented in as full detail as they could have been. Lack of follow-up interviews prevented the thorough investigation of inconsistencies in the case.

After assignment to the Juvenile Center, the law student aides performed ninety to ninety-five percent of all interviewing of juveniles. Having more time to devote to this task, the aides were able to conduct three, four or more interviews per client. This permitted a continuity of investigation, checking of facts, and clearing up of inconsistencies in the defendant's stories. More timely interviews became the rule with all juveniles in detention being contacted within two days of their arrival at the Center.

A more effective procedure was also developed for interviewing juveniles who were not in custody, but at home pending the date of their hearing. Prior to the project, the Public Defender was required to spend a great deal of his morning in court thus missing calls from parents since his phone and office were unattended. With the students on duty, the office and phone were constantly attended, appointments were set up for personal interviews and regular office hours were established.

Another impact of the study was felt in the relations between the defender and probation officers. One concomitant of the Public Defender's heavy workload prior to this project was the lack of time he had to discuss individual cases with probation officers. Several of these officers had cases pending disposition and needed a conference with the defender to resolve them, but were frequently unable to see him. As a result, there were frequent delays in the resolution of cases which might have been disposed of sooner.

As part of their duties, the students held preliminary discussions with probation officers regarding individual cases so that those requiring an early decision could be settled in a timely manner. In addition, the students expressed their opinions as to the legal demerits of the case (such as illegal search) to the probation officers which he considered in his decision to recommend dismissal, reduction of charges,

or other action which would promote a just result. Prior to the project, some juveniles had been kept for weeks with charges pending against them even though the case against them could not be proved.

Improvement of information processing for the defender's office was another result of this study. For example, the Public Defender rarely had time to thoroughly evaluate the police reports which detail the circumstances surrounding the arrest or detention of each juvenile. Due to time limitations, his evaluation of these reports was usually rather hasty. In contrast, however, the law student aides were able to thoroughly analyze each police report and present a summary of facts to the defender so that his time could be used more effectively.

One additional and unexpected outcome of this study will result in a substantial savings of money for the County of Sacramento. Our student aides devised a form to screen out the families who had adequate resources to hire private counsel. They uncovered an average of ten cases per month who had requested legal representation by the Public Defender and who were in fact ineligible for such aid. Conservatively estimating that each case would cost \$250 to represent, this means a monthly savings of \$2500 or approximately \$30,000 per year. Mr. Kenneth Wells, the Sacramento Public Defender, has declared that the law student aides' work has been so effective that it saves him the equivalent of one full-time defender. He has proposed making part-time law student aides a permanent part of his staff with some to be assigned to the Juvenile Center and others working downtown to assist with cases of adults charged with felonies.

One final impact was that a manual entitled, "So You Have A Client In Juvenile Court" prepared by one of the students on this project, Mr. Gerald McGee, is being reproduced by the Public Defender's staff for distribution to attorneys unfamiliar with the juvenile court process.

B. Impact on Probation Officers

An important result of this study was that relationships between the Public Defender and probation officer's were greatly enhanced. As mentioned above, probation officers frequently experienced long delays before discussing an individual case with the defender. This meant that charges were kept pending even when a case could ultimately not be legally proven in the court. The student aides were able to demonstrate their abilities and legal knowledge to the probation officers so that the latter looked upon the court aides as an official arm of the Public Defender's office. Thus, the officers could discuss each case with our students confident in the knowledge that the defender would receive a correct and proper summary of the case. This resulted in a saving of time and energies for the probation officers which they devoted to counseling and guidance of juveniles under their supervision.

The law students' discussions with the probation officers regarding legal shortcomings of various cases also led to a time saving for

the juveniles in that cases were dismissed or otherwise disposed of without the necessity of a formal court hearing which would have resulted in the same outcome at a later time.

C. Impact on the Juveniles and Their Families

Prior to the inauguration of this study, many of the juveniles and their parents expressed the opinion that the juvenile court process was "mechanical", "a rubber stamp", or similiar phrases indicating the feeling that juvenile courts were impersonal, "kangaroo" proceedings. However, after much close contact between the juveniles, their families and the law student aides, the defendants and their parents become better aware of the many efforts being made on behalf of the youngsters. In the opinion of many, a better quality of legal representation was being rendered under this "team approach" concept.

Many factors contributed to this feeling ranging from such simple items as calls to the defender's office being promptly answered to the more subjective appreciation of the personal interest being shown by the defender's office toward each individual case. This can best be summed up in words of one family who felt they were "glad that someone cares".

In many cases, the law student aides were the only ones who could effectively communicate with the juveniles, especially concerning behavior which brought them to the attention of the law. For example, one boy who had stolen a radio from a locked house thought he had committed no worse than petty theft. After a conference with one of our students he was quite surprised to realize that under the law he could be charged with burglary. If the rehabilitation process begins with a change of the juvenile's attitudes, we feel that the law student aides have made a significant contribution in this area through their building of rapport and establishing a meaningful relationship with the youngsters.

D. Impact on The Law Students

One of the objectives of this study was to determine whether or not the experience gained by the students working for the Public Defender would be worthy of including in the curriculum for law school credit. It is significant to note that soon after this project was inaugurated, interest by others in the activities of the three students generated the development of a course in Juvenile Law which was taught by the Honorable Robert Cole, Judge of the Juvenile Court.

Judge Cole remarked that the experience gained by our three students at the Juvenile Center gave them even greater insight into the Juvenile Court process than they could possibly have learned from his course. This was borne out by the fact that after their experience on the project, these student aides displayed a remarkably extensive knowledge of California substantive law dealing with juveniles, delinquency, and minors.

In addition, these students developed skills which could only be obtained in a practical, clinical legal setting. For example, the students became highly skilled interviewers. They also developed the techniques of establishing evidentiary facts through sifting reports, gathering statements, collating data, and sorting out irrelevant material. In short, they have gained the skills necessary to prepare a case for trial. Additionally, their many observations of the courtroom defense of criminal defendants has given them great insights as to the methods of presenting a case at trial.

It would therefore seem that the students acquired some of the skills of an attorney which they could not have obtained in any other way. Two of the three students on the project have expressed an interest to continue their work in juvenile law after graduating and successfully passing the bar. The other student, was selected by a member of the State Legislature, Assemblyman Willie Brown, to work with him in the drafting of new legislation concerning the rights of juveniles under the law. We may confidently conclude, therefore, that this type of project can serve as an effective means of recruiting future attorneys to specialize in matters dealing with juveniles.

SUMMARY:

The major findings of this project can be summarized as follows:

1. The work of the juveniles for the Public Defender's Office enabled the lone public defender assigned to the Juvenile Center to devote a substantial amount of his time to courtroom work and final preparation for trial. The law student aides took over the significant portion of interviewing duties, conferences with probation officers, meetings with parents, and evaluation of police reports. Their screening of clients eligible for public defender services also led to a substantial monetary savings for the County.

2. Conferences by the aides with probation officers frequently led to a more just result for juveniles whose cases were pending but who could not have a final determination until a meeting between the probation officer and the defender resolved the matter.

3. The attitudes of juveniles and their parents toward the quality of justice they were obtaining in the Juvenile Court was greatly enhanced by the personal attention that the aides gave to each individual

case. The law students were also able to assist in the rehabilitation process by being able to effectively communicate with the juveniles concerning the latter's present difficulties with the law.

4. The students themselves greatly enhanced their substantive knowledge of California law and significantly developed skills in interviewing, preparation of cases for trial, and gathering of evidence. Two of the three students have expressed a desire to continue in the field of juvenile law while the third was selected by a member of the Legislature to assist in the drafting of new laws dealing with juveniles.