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**Want to know what's going on in the other Action Networks?**

### **Disproportionate Minority Contact**

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### **Mental Health Action Network**

[National Center for Mental Health and Juvenile Justice](#)

[New and Noteworthy](#)

## JIDAN JOURNAL

Issue # 6

March, 2011

From Rey C. Banks

I can scarcely believe it has been 2 1/2 years since the inaugural JIDAN meeting. When we first came together as a group we were excited about the possibilities for our upcoming journey, but unsure of the path we would take to make substantive changes to juvenile indigent defense policy. I remember an enthusiastic group brimming with ideas. So many ideas that it took the better part of the meeting to refine and narrow the focus into two concrete strategies: the creation of resource centers and improving access to and quality of counsel.

We have come a long way since that gathering at the Palomar in D.C. Ideas turned into workplans. Workplans turned into strategies. Strategies became pilot projects, resource materials, training, colloquies, indigency determinations and model contracts. And most importantly, we created of a network of colleagues invested in and equipped to collaborate across states and action networks.

This spring, we will convene a cross-action network meeting with members of the Mental Health and Disproportionate Minority Contact Action Networks. This meeting will provide us a final opportunity to strategize across networks on issues that effect each of these distinct but overlapping areas of juvenile justice. And all three action networks can enhance their understanding of each other's role in the outcomes for court-involved youth.

In addition, we have an incredible opportunity to demonstrate to the Foundation the impact we've made in the past 2 1/2 years in the field and the tremendous amount of work left to do, as they begin to look toward funding future juvenile justice projects.

Yes, we've accomplished a lot, but we aren't finished yet. In June, we will meet in Chicago for two days to review and refine the Juvenile Training Immersion Protocols (JTIP) and national practice standards for juvenile representation. These two cross-cutting issues will become signature JIDAN products that have the potential to make lasting impact on the field of juvenile indigent defense.

Those who plan to attend the SIG meeting should come prepared to roll up their sleeves and delve in as we



## SAVE-THE-DATE

**May 10-11, 2011**

Cross-Action Network Meeting

[Madison Hotel](#)

Washington, DC

**June 28-29, 2011**

Spring SIG Meeting

[Palomar Hotel](#)

Chicago, IL

For addition info, email

[rbanks@njdc.info](mailto:rbanks@njdc.info)

### Quick Links

[Children and Family Justice Center](#)

[Barry University Juvenile Justice Center](#)

[Juvenile Regional Services](#)

[Models for Change](#)

[Pacific Juvenile Defender Center](#)

[Juvenile Defenders Association of Pennsylvania](#)

[TeamChild](#)

[Youth Advocacy Department](#)

put the finishing touches onto these two JIDAN projects.

Now, more than ever, it is incumbent upon us to showcase what has been accomplished in terms of sustainable, replicable reforms. Please know that NJDC is prepared to be your partner as we continue to innovate new ways of sustaining our work and improving juvenile indigent defense.

## Changes in the Field

### LSU Law Clinic Receives Faculty Recognition

Recently, the full LSU Law faculty voted to approve major changes that affect all of the clinics for the Fall 2011 semester. Clinical courses, including the law clinic, will now be divided into two separate components - a course and a practicum component - that together will give enrolled students five credit hours for the semester instead of the three credits they currently receive.

In addition, the two credits devoted to the course component will be graded. These changes will more accurately reflect the time students devote to clinic and will help attract more students to the clinical program.

This change is a result of individual course proposals submitted by each clinic faculty and ushered through the clinical committee and the curriculum committee.

The tracking and the comparative information collected from site visits and other research as part of the grant work was instrumental in developing and supporting the clinic's arguments in favor of increasing the credit value of the clinics and the clinics becoming graded courses.

The clinic grant has helped LSU change the culture at the Law Center with regard to clinics. There was only one vote opposing the changes.

Read the full description of the LSU law clinic [here](#).

## Field Updates

**New Jersey-**The last several months have been eventful for the New Jersey JIDAN team. In a major milestone, the new protocol for providing representation to all young people charged with delinquency at their initial detention hearings was completed and forwarded to the Administrative Office of the Courts for approval. Law students from both Rutgers-Newark and Rutgers-Camden are providing post-dispositional representation to approximately 50 clients incarcerated in the State's three secure facilities as well as in group home settings. The JIDAN team added a new Fellow and a former juvenile public defender has joined the team as a consultant. The consultant will work with the Office of the Public Defender to implement the initial detention hearing protocol and also to expand the post-dispositional

[National Juvenile Defender Center](#)



**Training**

**Louisiana**

April 15 - Ruston

July 8 - South Louisiana

November 18

Central Louisiana

New Defender Trainings

DTI Introductory Workshop

April 7 -9

Baton Rouge

Defender Training Institute

September 11 - 16

Baton Rouge

DTI Annual Conference

August 11 - 12

Baton Rouge

Mental Health Advocacy

May 19

Baton Rouge

For more information

contact: [Julie Gregory](#)

**Illinois**

Illinois Public Defender

Association Juvenile

Training

April 30

Juvenile Defender

Training Symposium

advocacy component of NJ-JIDAN beyond the two pilot counties of Essex and Camden.

**Pennsylvania**-Last week, the PA JIDAN team held a stakeholders meeting in Harrisburg that brought together juvenile defenders, staff representatives from the Pennsylvania Senat, the House of Representatives, the Pennsylvania Commission on Crime and Delinquency, the Juvenile Court Judges' Commission, the County Commissioner's Association of Pennsylvania, the Juvenile Law Center and other interested juvenile justice stakeholders to develop plans to implement PA JIDAN recommendations that were endorsed by the Interbranch Commission on Juvenile Justice.

The group's discussion included:

- Formula for state funding of indigent defense that includes the implementation of caseload standards, compensation standards and performance guidelines;

- Updates on the development of the Model Juvenile Units Initiative which has been funded in the amount of \$800,000 over the next two years;

- Development of a state-wide appellate division for the representation of juveniles;

- Development of state-wide mandatory training guidelines for juvenile indigent defense.

- Development of a Pennsylvania Center for Juvenile Defense Excellence which would include the following divisions: Training, Policy, Clinical Programs, Model Juvenile Units and Technical Assistance.

- Updates on plans for the training and dissemination of PA-JIDAN Publications 2010/2011, which include: *The Pennsylvania Juvenile Defense Notebook*, *The Pennsylvania Juvenile Collateral Consequences Checklist and Performance Guidelines for Quality and Effective Juvenile Delinquency Representation*.

The PA-JIDAN team will continue to work to promote improvements in indigent juvenile defense through training, increased funding and state-level support for defenders and court appointed counsel representing juveniles.

**Florida**-The Florida JIDAN team is extremely pleased to report that through working with the Florida Department of Juvenile Justice, data will be collected on the amount of children waiving counsel throughout the state. Steps, including a weekly conference call with DJJ and several discussions, were taken to identify statistically relevant samples, define methods to collect data and agree on a time frame for completion. On February 16, DJJ presented a population of approximately 150 juveniles in Circuit 6 (which includes the counties of Pinellas and Pasco) to use as a target collection. DJJ projected that it

June 30

For more information:  
Contact [Marjorie Moss](#).

### Helpful Tips

Find your state's data  
(about 34 states are  
now complete and up)  
on the ABA's website  
[www.beforeyouplea.com](http://www.beforeyouplea.com)

would take about 30-50 days to obtain data. Plans to expand the project throughout Florida will follow.

Additionally, the Florida JIDAN team is meeting in March in Miami to finalize the details for the early access to counsel detention project to improve outcomes for children at detention hearings and reduce the unnecessary detention of children. The model will include a training and implementation of best practices as well as increased use of the writ practice for the defenders in the field.

**California-**The California JIDAN team is gratified that draft juvenile competence rules will soon be circulated for comment by the state's Judicial Council. One proposed rule flows directly from the recently enacted juvenile competence legislation, and addresses qualifications of experts. The other proposal draws from a juvenile competence protocol developed as part of California's JIDAN work. The second proposed rule will be circulated to gauge interest in a comprehensive protocol for the state. If there is positive reception, it may be further developed as a second rule.

California is putting the finishing touches on its analysis of what should be included in contracts for non-defender appointed counsel to assure competent representation and proper compensation. The elements include ethical duties, scope of work, training and experience, compensation, oversight and independence of the appointed counsel system.

The California JIDAN team is also in the process of editing its collateral consequences manual, which will feature chapters on close to 20 different consequences youth may suffer as a result of juvenile court involvement. Each chapter will lay out the law and then discuss strategies for preventing or minimizing negative impacts on youth.

**Illinois-**The Illinois team has collaborated with the state's Public Defender Association to provide a juvenile training track during the 2011 Illinois Public Defender Association Spring Conference. Two (hour and a half) sessions will be offered to defenders that focus on confessions, motions to suppress and preserving the record for appeal.

This training will take place on April 30th with specific outreach to juvenile defense attorneys practicing in central and southern Illinois.

The Illinois team is in the process of planning a Juvenile Defender Training Symposium in June. The focus of this training will be on interrogations, confessions, motions, cross examinations and preserving the record for appeal. The team is collaborating with defenders across the state to ensure that this training has broad appeal and applicability to defenders.

Model Supreme Court Rule to Expedite Juvenile Appeals  
With the help of the Office of the State Appellate Defender and Law Office of the Cook County Public Defender, the team has drafted an Illinois Supreme Court Model Rule that would expedite juvenile appeals, and are in the process of discussing the implications of having such a rule with the Illinois State Bar Association.

Juvenile Appellate Advocacy Google Group Listserv  
At the end of last year, Illinois created a Google group to serve as a mechanism for our juvenile defense attorneys to communicate directly with our appellate defenders, as part of the team's juvenile appellate advocacy pilot project. In February, in an effort to make this Google group more useful and to increase the number of appeals filed, each appellate defender involved in this project was assigned a week in which they offer a tip via the Google Group. The tip can focus on something directly related to appeals (i.e. what is an appealable order or how to preserve a record for appeal); an appellate issue that trial attorneys should be aware of; a recent appellate or Supreme Court case decision; or even a useful article. Basically, the tip can include any information that would be helpful for trial attorneys in their representation of children in juvenile or criminal court that may also help down the road with the appellate process. All of the tips will be accumulated into one document.

Project off the Record Success  
POTR attorneys and law students are working actively to help young clients to petition the court for termination of their sex offender registry requirements. Last month, the court granted two petitions, one where the State was in support and one where the State took no position. Currently, five cases are in the risk assessment process and seven more will be referred for assessment this week.

**Washington-**The colloquies to be used by judges, in Washington, when explaining to a youth the conditions of release from detention and the conditions of probation were completed last week. The team launched the Juvenile Colloquies Pilot Project in Benton/Franklin Counties this week and team members met with the County Judges to present the colloquies. The JIDAN team will be meeting with the judges from the other pilot site, Clark County, next week. Team member, Judge Yule has also arranged a meeting to introduce the colloquies to the Washington State Juvenile Court Judges Association at the end of the month.

In addition, the Washington team has collected data on outcomes for youth represented by counsel at their initial appearance hearings in Yakima County Juvenile Court. They are in the process of comparing those outcomes with prior years to support our belief that effective advocacy at this early stage of proceedings results in better outcomes for youth.

**Massachusetts**-The team in Massachusetts continues to make strides in developing its resource center, the Youth Advocacy Department. Specific examples include the opening of six brand new offices across the state this spring. The locations include Fall River, Lowell, Quincy, Salem, Somerville, and Springfield. Each new office will be staffed with four attorneys, a social services advocate, and an administrative assistant.

The Committee for Public Counsel Services just finished a one week leadership training for new YAD managers. Numerous issues concerning leadership and supervision were covered during the week.

Starting March 14<sup>th</sup>, YAD's Training Director Wendy Wolf will begin a month-long training of YAD's 12 brand new staff attorneys. This training will culminate in a day-long mock trial.

In addition, the team is happy to report that statewide efforts to reduce Disproportionate Minority Contact in the Massachusetts' detention population are now expanding statewide under the leadership of JIDAN partner, the Massachusetts Department of Youth Services, with collaboration of all other partners.

## **JIDAN IN THE NEWS**

### **Attorney General Eric Holder Speaks at the National Association of Counties Legislative Conference**

"As a 2009 report by the National Juvenile Defender Center describes it, "Many juvenile courts still operate in a... mode in which the defense attorney is irrelevant, real lawyering cannot occur, and the fair administration of justice is impeded."

Read the full transcript of Attorney General Holder's [remarks](#) on juvenile indigent defense at the National Association of of Counties Legislative Conference.



### **Pittsburg Post-Gazette**

By Leo Strupczewski

Nine months after a commission offered its recommendations on how to improve the state's juvenile justice system, Pennsylvania Chief Justice Ronald D. Castille has provided a road map for the court's implementation of some of those changes.

Justice Castille, on behalf of the court, noted in a news release last week and a "progress report" that the justices are awaiting 11 proposed changes from various rules committees. It appears that seven of those proposed

changes stem from the recommendations released by the Interbranch Commission on Juvenile Justice in May 2010.

In addition, Justice Castille said, he has met with juvenile justice stakeholders to discuss other possible changes, and the court has issued an order requiring judges to report to the Supreme Court if they're a target of a criminal investigation.

All are in response to the juvenile justice scandal that plagued Luzerne County and led to the conviction by jury of one local judge there, Mark A. Ciavarella Jr., and a guilty plea for another, Michael T. Conahan, on racketeering charges.

Mr. Ciavarella was convicted of racketeering and conspiracy charges on Feb. 18. Justice Castille said the court purposely waited to release the progress report until after the verdict.

"I believe it is important for the people of Pennsylvania to know that Pennsylvania's Unified Judicial System and the Supreme Court have not let the commission's report simply gather dust on a shelf," Justice Castille said in the news release.

"The judiciary is committed to improving the juvenile justice system so that the problems that were highlighted by the tragedy in Luzerne County are never repeated there or in any other county."

Federal prosecutors had alleged Mr. Conahan and Mr. Ciavarella concocted a "kids-for-cash" scheme, took more than \$2.8 million from the builder and former co-owner of two private juvenile detention facilities and sent kids there who did not receive a placement recommendation from juvenile probation officers.

In concluding its recommendation, the ICJJ wrote that those allegations made "no difference" to the commission, as children were still "unlawfully" adjudicated and their victims were "denied their day in court."

Among the proposed changes being weighed by the high court's rules committees are creating a presumption of indigence for juveniles, restricting shackling and requiring judges to state their dispositional reasoning on the record, according to Justice Castille's press release.

According to the news release and progress report, the rules committees are also weighing proposals to increase the rights of victims in juvenile cases, "fast-track" appeals for certain juvenile delinquency court decisions and address the roles of district attorneys and juvenile probation offices.

All six of those proposed changes were recommended by the ICJJ. The court's rules committees are also staying close to the ICJJ's recommendations with respect to juvenile representation

Instead of requiring juveniles to be represented by counsel at all levels of a delinquency proceeding, the court's rules committee has chosen to create a presumption of indigence for juveniles, which will provide juveniles with a right to counsel, while still allowing those juveniles to waive that right.

Robert Schwartz, the executive director of the Juvenile Law Center, pointed to that proposed rule change when critiquing the progress being made. "Though the JLC 'appreciates' the attention being paid to key areas of juvenile justice, it feels recommendations could 'go further,'" Mr. Schwartz said.

"The ball is moving forward," he said. "This is like one of those fundraising campaigns where the thermometer is moving up, but it's pretty clear it hasn't gotten to where it's supposed to be."

Still, the fact the court's juvenile rules committee is addressing the concerns is encouraging, he said.

Save for the establishment of a restitution fund for victims of juvenile crimes in Luzerne County, "nothing" has been done on either the executive or legislative front, Mr. Schwartz said.

"We're waiting for the process to end and for the reforms to take hold," Mr. Schwartz said. "The issues that they're taking on are the right issues. The question will be whether the court adopts the right solutions."

In the news release, Justice Castille noted that the court is "in the process of implementing" the changes. He was less committal in a telephone interview.

"It's another look by the court," Justice Castille said when asked what stands in the way of the proposed rules becoming final. "Really, our advisers are the rules committee. We take their recommendations pretty seriously."

The chief justice said there's no time frame for adopting the rules.

Justice Castille did note in his progress report that the court has adopted a code of conduct for judicial employees and appointed a committee to review the existing judicial conduct canons. He did, however, say mandatory training for judges would be far too costly for the court -- both in terms of finances and lost court hours. "You would lose a judge for four days," he said. "There's 1,000 judges, by the way, so that'd be 4,000 days of lost judicial time."

Shira Goodman, the associate director of Pennsylvanians for Modern Courts, said her organization was pleased with Justice Castille's update, but like Mr. Schwartz, would like to see more done.



"We think the ethical issues involved in this case are really important, regardless of the verdict," Ms. Goodman said. "Whatever the conviction, things happened that someone somewhere has to say, 'Judges can't do this.'"

[The Legal Intelligencer](#).

Join Our Mailing List!

The JIDAN Journal reports on efforts by the Juvenile Indigent Defense Action Network (JIDAN) to improve juvenile indigent defense practice. JIDAN is a project of the John D. and Catherine T. MacArthur Foundation's Models for Change. The National Juvenile Defender Center manages the JIDAN and publishes this newsletter. Please contact us at [rbanks@njdc.info](mailto:rbanks@njdc.info) or 202-452-0010, ext. 107.

The submission deadline for the March edition of the JIDAN JOURNAL is February 20, 2010.

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