

Portland Press Herald
Thursday, October 23, 2003

Juvenile justice in Maine is criticized

By GREGORY D. KESICH

The lawyers who represent Maine children in court are underpaid and undertrained, according to a study released Wednesday.

Teenagers accused of crimes are committed to detention facilities more often than necessary, and go without services that could help them right their lives and avoid future crimes, the study says.

“Kids run the risk of being over-punished,” said Lisa Thureau-Gray, executive director of the New England Juvenile Defender Center, one of the study’s sponsors. “We are also wasting court resources when we don’t do it right the first time.”

The study, also sponsored by the American Bar Association, sent juvenile defense lawyers from five states into Maine courtrooms. Among their findings:

No training is required for juvenile defense lawyers and virtually none is available.

A \$350 pay cap per case discourages lawyers from devoting adequate time to cases.

The lack of community-based shelters means judges have few alternatives to locking kids up.

The report was welcomed by Maine’s District Court Chief Justice Vendean Vafiades, who said it identifies serious problems with the system. “I do support the conclusion that juvenile defense is inconsistent in terms of availability and quality,” she said. “This is really an important message.”

The report comes as Maine’s juvenile justice system faces increased scrutiny. A lawsuit alleging that officials allowed excessive use of isolation and restraint at the former Maine Youth Center during the 1990s has sparked a state investigation of management practices at its successor institution, the Long Creek Youth Development Center.

Lars Olsen, who headed the former youth center, has been temporarily removed as superintendent of Long Creek pending the results of the investigation.

The juvenile justice study interviewed Long Creek residents. Its primary focus was not the institution itself, but the legal process that landed them there.

It was a process that most of the kids sentenced to Long Creek found confusing. More than half said they did not know their lawyer’s name. Many felt their attorney was friendlier with the prosecutor than with them.

Maine does not have a public defender program. The state provides free legal defense for people who cannot afford lawyers through a system of court appointments of private attorneys. Unlike many states, Maine does not have a juvenile court system, but handles juvenile cases in district courts.

As a result, there are few lawyers, and no judges, who focus solely on juvenile justice, and that causes problems, the study alleges.

One problem is training, said Edwin Chester, a Portland lawyer who does most of his work in the juvenile court system. Chester is also the lawyer suing state officials on behalf of a former youth center resident who claims he suffers from permanent mental disorders as a result of long periods of isolation and restraint that began when he was 13.

Chester said representing children is different from working with adults. Children can't participate in their own defenses the way adults can. Children often don't trust strangers, even those who say they are trying to help them.

Chester said juvenile defenders need training in child development to understand their clients.

"Patience is huge," Chester said. "You might have to go back and visit a kid two or three times to get him to trust you. This is hard work."

Payment is also an issue, Chester said. The state is required to provide a lawyer for a juvenile accused of a crime, but only pays \$50 an hour, to a maximum of \$350 per case.

Reimbursement is inconsistent. Sometimes a judge will approve more than the maximum, Chester said. But other times a judge will refuse to pay a bill because it involves work outside the normal legal process, such as negotiations with a school principal, that could prevent a youth from going into detention.

"This is important work, and if you want it done well you need to compensate people for the work that they do," Chester said.

In January, the Maine Bar Association is devoting a day of its winter meeting to juvenile justice training for the first time. Today and Friday, Maine's district court judges are conducting their own training on juvenile justice, said Vafiades.

Well-prepared defense lawyers help judges make better decisions and save the system money, Vafiades said. "Maine courts do put a priority on juveniles, but we always can do more," she said.

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