

Albin Law Office Press Release

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STATEWIDE ASSESSMENT OF MONTANA JUVENILE DEFENSE FINDS APPOINTMENT OF COUNSEL COMES TOO LATE, RESOURCES INSUFFICIENT, AND JUVENILE JUSTICE SERVICES AND PROGRAMS ARE LACKING

BOZEMAN, MT / WASHINGTON, DC – 22 October 2003 -- Today Albin Law Office, in partnership with the American Bar Association Juvenile Justice Center and the Cascade County Law Clinic, released an assessment of the juvenile defender system for the State of Montana. Entitled *Montana: An Assessment of Access to Counsel and Quality of Representation in the Delinquency Proceedings*, the report details a system of providing counsel to youth in delinquency proceedings that is uneven, under-funded, and lacking in statewide organization.

Dennis Archer, President of the American Bar Association released the Montana Assessment and five other state assessments, today in Washington, D.C., to highlight nationwide deficiencies in juvenile defense. The other states include Maine, Maryland, North Carolina, Pennsylvania and Washington, bringing the total number of states studied to 12.

The Montana assessment found that current laws and practices delay appointment of counsel for youth. Appointment of counsel often occurs too late in the legal process and provides too little time for juvenile defenders to adequately represent their clients. Provision of counsel is, at best, an uneven process, with various external factors mitigating against accessibility of counsel. The assessment also found that Montana lacks appropriate and readily available services for some youth in the justice system, particularly for those suffering from mental illness or chemical dependency, for sex offenders, and for girls. Fundamentally, however, the report documented the lack of community-based placement options for children and youth, the lack of resources and support services for juvenile defenders, a lack of available training and standards for attorneys handling delinquency matters, and a system that disproportionately impacts all minority youth—particularly Native American children.

Brock Albin, an attorney in Bozeman, notes: “Juvenile defenders in Montana often get appointed too late, are paid too little, have insufficient resources to help their clients, and scant training on how to use what resources they are provided. Montana provides few programs or services for

youth who need help. Too many of our delinquent youth languish in facilities that do not provide treatment but only warehousing. Something must be done. And quick.”

The report makes a series of recommendations to ensure continued improvement in the juvenile defender delivery system, to sustain existing reforms, and to assure that youth in the juvenile justice system are guaranteed their constitutional right to effective assistance of counsel. The assessment editors hope the report will encourage juvenile defenders, counties, the state legislature, the state probation association, the Montana Association of Criminal Defense Lawyers, the Youth Justice Council, the Department of Corrections, and other individuals and organizations to consider and adopt recommendations for reform to the Montana juvenile justice system. Some of these recommendations include:

- Providing adequate funding and oversight of the juvenile defender system, including the equitable distribution of available resources statewide;
- Providing children and youth with access to well-trained, well-resourced counsel at the earliest stage of the process;
- Providing children and youth with continued representation from arrest through dispositional placement and aftercare;
- Providing additional, community-based placement options and services for youth; Adopting and implementing minimum standards for awarding positions and contracts for representation in youth courts; and,
- Studying, reporting and recommending solutions on the issues of disproportionate minority representation in the juvenile justice system.

ABA President Dennis W. Archer’s comments suggest that Montana is not alone. Speaking of the six state reports, he noted: “The conditions in each state are unique, but these reports paint a disturbing picture. Too many children, particularly children of color, fall victim to conveyor belt justice—with kids rushed through a system riddled with institutional flaws without regard for their individual cases or needs. The net result is a massive misdirection of resources that fails children, and undermines public safety.”

The report and other information on juvenile justice can be found at:
<http://www.abanet.org/crimjust/juvjus/mtreport/mtreport.html>.