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Kernersville man is state's first juvenile defender

He's charged with elevating the status of juvenile-defense work to attract good lawyers

By Lisa Hoppenjans

In many legal circles, it's known as "kiddy court," a steppingstone for lawyers on the way to taking on bigger and better cases. Juvenile court isn't seen to be as important or serious as adult court, say those who have studied juvenile proceedings in North Carolina.

Eric Zogry hopes it won't be that way much longer.

Zogry, an assistant public defender in Guilford County who has spent five years in juvenile court, has been appointed the state's first juvenile defender, charged with improving the quality of juvenile defense statewide and elevating the status of juvenile work to attract and retain talented lawyers. He will begin work Jan. 3.

Zogry, a resident of Kernersville, said that one of the reasons he was first attracted to juvenile-defense work was because he saw a need.

"No one else wanted to do it," he said. "And that's one thing I really want to change."

In October 2003, the American Bar Association Juvenile Justice Center released a report highlighting problems with juvenile defense in North Carolina. The center found that the quality of representation for juveniles was uneven across the state.

The report said that juveniles are often questioned and held in custody without seeing a lawyer and that attorneys have little access to investigators or other support services. The report also suggests that the lack of training opportunities and qualification standards for juvenile-defense attorneys contribute to the problems associated with juvenile representation.

In response to the report, the N.C. Commission on Indigent Defense Services, the governing body of the state's Office of Indigent Defense Services, formed a committee to look at ways to improve juvenile-defense services.

One of the main recommendations of that committee was to create a position for a state juvenile defender. It is a one-of-a-kind job - the only official state-level position in the country dedicated solely to supporting and promoting juvenile-defense work.

One of Zogry's main challenges as juvenile defender will be identifying the juvenile-defense lawyers on court-appointed lists, said Danielle Carman, the assistant director of Indigent Defense Services.

“People straight out of law school get on the list and ‘graduate’ to ‘more important’ courts,” Carman said. “We want to find a way to keep people on the list. In a lot of counties, by the time we identify them, they’re out of that courtroom.”

Zogry, Carman said, knows the juvenile code as well as anybody in the state. After law school, he worked as a researcher for the N.C. Sentencing Commission. His job there included researching how changes to the state’s juvenile sentencing laws would affect the population of juvenile-detention centers and training centers.

He was later hired by the Administrative Office of the Courts to analyze how changes to the juvenile code would affect the court system. After poring over the code for months, he became an expert on it.

“When I first came here, people thought I actually wrote the code myself,” he said.

There are about 40,000 juvenile petitions filed in North Carolina each year, Carman said. Almost all juvenile cases are handled by appointed attorneys, rather than those privately hired, because juveniles are presumed to be indigent and are automatically provided with an attorney by law.

Guilford County’s chief public defender and Zogry’s boss, Wally Harrelson, is one of few public defenders in the state to hire full-time staff members to handle juvenile cases. In other judicial districts, public defenders contract with private lawyers or lawyers are court-appointed from a list.

“I have always thought that juvenile matters were extremely important, because if you can turn a child around while they’re still in juvenile court ... then they’re not likely to end up in adult court down the road,” Harrelson said.

In addition to changing lawyers’ views of juvenile court, Zogry said that he has two main goals for his first 12 to 18 months on the job. He wants to go to every judicial district in the state to evaluate juvenile-defense services and to introduce himself to all the juvenile-defense lawyers. He hopes to maintain contact with them and serve as a resource for them.

Zogry said he would also like to create a program to offer comprehensive training for juvenile-defense lawyers in the state.

Juvenile-defense work can be tough, he said. There are many parties involved - prosecutors, social-service workers and court counselors, who make sentencing recommendations - and sometimes defense attorneys will be the lone voice pushing for a different solution. But Zogry said that he became a lawyer to do public service, and juvenile defense certainly fits the bill.

“Juvenile court is extremely difficult emotionally, and it can be a real downer to just have everybody against you and your client,” Zogry said. “But I never got up in the morning and left work and thought I wasn’t at least trying to help somebody.”