



In This Issue

- [Batting to Preserve Indigent Defense in San Francisco](#)
- [The New Jersey Supreme Court Agrees-Right to Counsel Attaches Early for Juveniles](#)
- [Florida JIDAN Team Members Instrumental In Adoption of Juvenile Rule](#)
- [News You Can Use from MA](#)

Mission and Vision

Our mission is to ensure the due process rights extended by *In re Gault*, most notably the right to counsel, are afforded to every youth and serve as a crucial counterweight in an adversarial system that can lead to harmful outcomes for young clients.

Our vision is the creation of a model juvenile justice system that provides immediate and meaningful representation upon the juvenile's arrest to every youth accused of a crime, regardless of race, sex, ethnicity, national origin, religion, sexual orientation, gender identity, economic status, level of mental

JIDAN JOURNAL

September 2009

Welcome to the inaugural edition of the Juvenile Indigent Defense Action Network e-newsletter. This quarterly publication will feature JIDAN news, information, events and updates. Ideas, articles and photos may be submitted anytime to rbanks@njdc.info. We'd love to hear from you.

STATE UPDATES

California

State battles to preserve indigent defense. [Read the story...](#)

Florida

Rule 8.165(a) mandates meaningful opportunity to confer with counsel before waiver. [Read the Story](#)

Illinois

The Illinois JIDAN team continues to make progress on the development of a weekend detention pilot project and broad-ranging post-dispositional advocacy which includes petitions to remove clients from the sex offender registry.

Louisiana

State seeks juvenile compliance officer. [See job announcement](#).

Massachusetts

The Committee for Public Counsel Services (CPCS) enhances juvenile representation in the state with the formation of the Youth Advocacy Department (YAD). [Read more...](#)

New Jersey

The NJ JIDAN team scored a major victory with the decision in *In re P.M.P.*, in which the New Jersey Supreme Court held that the right to counsel in delinquency proceedings attaches at the filing of a complaint and obtaining of a judicially approved arrest warrant. [Read the story...](#)

Pennsylvania

development, or severity of allegations.

Our work seeks to develop and implement new solutions, through Strategic Innovative Groups (SIGS), to improve access to and delivery of legal services to youths charged with crimes; assist defense attorneys in providing their clients highly competent, zealous, client-centered representation, thereby strengthening juvenile indigent defense systems nationwide; and ensuring the procedural and substantive rights of youth who enter the system.

Through their collaborative efforts, JIDAN members will identify critical issues in juvenile indigent defense; pinpoint discrete intervention points; prescribe targeted recommendations; collect data and propose concrete, action steps designed to produce measurable change towards the goals of improving meaningful access to counsel, and developing resource centers.

Our goal is to create and share replicable models of juvenile indigent defense policy and practice reform and catalyze change across the nation.

Strategic Innovations Group Meeting

In Pennsylvania the JIDAN team is busy working on a number of SIG projects, including compiling their statewide juvenile defender notebook. The Standards Committee has begun drafting standards on performance, caseloads, ethics and pay and will soon be making recommendations to the state's Interbranch Commission.

Washington

The Washington team members are involved in multiple juvenile trainings around the state.

JIDAN site leader George Yeannakis presented, *"Juvenile Issues: Selected Update and Issues,"* at the Washington State Bar Association Criminal Justice Training Institute. The training, a collaboration with the chief juvenile prosecutor for Pierce County, was on the adoption of the juvenile court rule restricting waiver of counsel in juvenile cases, an element of Washington's SIG work.

The training also provided the opportunity to share information on the work of the Juvenile Indigent Defense Action Network.

"Prosecutorial Ethics" was presented by team member Greg Hubbard to a group of juvenile prosecutors at the Washington Association of Prosecuting Attorneys' annual juvenile training.

Battling to Preserve Indigent Defense in San Francisco

By Jeff Adachi

As public defenders, we are used to fighting the good fight on behalf of our clients in court. However, this past year, the San Francisco Public Defender's Office was forced to fight the battle for self-preservation at City Hall.

Mayor Gavin Newsom attempted to close a \$576 million budget deficit by cutting vital public services for San Francisco's poorest citizens. The Public Defender's Office budget took a \$1.9 million hit.

A budget cut of this magnitude would have resulted in the loss of several felony attorneys, our entire juvenile social work staff and our two community-based juvenile reentry programs. It would have made it impossible for the Public Defender's Office to carry out its mission of providing legal representation to the 29,000 people the office is assigned to represent each year.

Facing the Mayor's devastating proposition, we developed a two-prong approach to making a successful case for restoration of funding to the San Francisco Board of Supervisors, which has the power to reallocate funds in the Mayor's planned budget.

First, we identified and demonstrated precisely which services and clients would suffer on account of the budget cuts. The Public Defender's Office is the most



The Fall Strategic Innovations Group meeting will be held November 9-10, 2009 at the Renaissance Mayflower Hotel. [Hotel reservations](#) can be made until 10/19/2009.

Join your state team members and JIDAN colleagues for two days of hands-on SIG implementation including budget development, measurement workshops, messaging, sustainability and more.

For additional information or to suggest workshop topics email [Rey Cheatham Banks](#).

Training Opportunities



Massachusetts
The Committee for

cost-effective way of providing indigent defense to adults and youth in San Francisco. However, with our juvenile social work component on the line, we began by compiling information on how these services functioned, why they were effective and what detriments the city would experience in their absence.

Thankfully, when it came to defending our holistic approach to representing juveniles, the law and the numbers were on our side.

California Rule of Court 5.663 requires that juvenile delinquency attorneys advocate for the care, treatment, and guidance that are in their minor clients' best interest. The Public Defender's Office interdisciplinary team of lawyers, social workers, youth advocates and support staff provides youth with individualized rehabilitative planning and case management. The team also works with the San Francisco Juvenile Probation Department and the court to assess and secure the most appropriate residential placements resulting in fewer placement failures, reduced detention wait time for placement, and earlier graduation from placements.

This approach to juvenile defense not only serves the best interests of our clients, but saves California and San Francisco money. The Department of Juvenile Justice (DJJ), formerly the California Youth Authority (CYA), costs California \$234,000 per youth per year. San Francisco's local youth detention facility, Log Cabin Ranch School, costs the city \$166,000 per youth per year. San Francisco also pays approximately 40 percent of the average \$5,000 per month group home cost.

Due to the Public Defender's advocacy, since January 1, 2008, zero out of six youth recommended to DJJ were committed, at a savings to California of \$1,404,000 million; eleven youth returned home from Log Cabin Ranch School at a savings to San Francisco of \$1,826,000 per year; and twenty youth were transferred from out-of-home placement to home placement, at a savings to San Francisco of \$800,000 per month.

Additionally, the Public Defender's Office promotes successful completion of juvenile diversion programs by providing counseling, home and school visits, community program referrals, and special education advocacy. Since January 1, 2008, 111 youth represented by the Public Defender's Office were successfully diverted after six months of services without a sustained charge. For each youth diverted, the city saved six months of legal representation and other stakeholder costs.

The second prong to our advocacy strategy was obtaining community support by educating the public on the importance of our work. With proof that holistic representation is effective and cost-efficient, we initiated a campaign to encourage people to contact their local elected Supervisor and ask that he or she restore our budget. We printed postcards with information on the effect of the budget cuts and the importance of indigent defense. We launched a weekend petition drive that garnered over 5,000 signatures in support of restoration of our budget.

We also organized the 2009 Justice Summit: Defending the Public and the

Public Counsel Services, as part of the development of its Resource Center, the Youth Advocacy Department, is offering a slate of training for juvenile stakeholders. Sign up today!

September 24

3:00 - 5:00 p.m.

DYS Representation

225 Main Street

Worcester, MA

Worcester Juvenile

Court

October 14

What to do When Your Juvenile Client

Confesses

Location and Time

T.B.A

(Plymouth County Bar Advocate Program)

October 21

5:00 - 6:30 p.m.

Competency to Stand

Trial in Juvenile Court

21 Essex Street

Salem, MA

November 18

5:00 - 6:30 p.m.

Hot Topics in Juvenile

Court

Middlesex County

Location TBA

Log onto [YAP](#) or contact Wendy Wolf at 617-989-8127 for additional information.

Louisiana

The third NJDC & Central Louisiana Regional Juvenile Training will be held

Constitution. The purpose of the summit was to examine the endemic and systemic failures of the indigent defense system, how public defenders, appointed attorneys and their clients are coping with the crisis, and the steps that must be taken to avert the undermining of the right to counsel. The 2009 Justice Summit was co-sponsored by organizations representing over 12,000 California attorneys - the California Public Defenders Association, California Attorneys for Criminal Justice and the Bar Association of San Francisco.

On the last day of budget hearings, over 300 supporters wearing t-shirts printed with the words "Save the Public Defender's Office," packed the steps of City Hall and the Board of Supervisors' chambers in a show of support for restoring the office's budget.

In the end, we were able to get \$950,000 of the \$1.9 million that was cut from our office restored. With the help of the community, we were able to make our case that equal justice for all San Franciscans matters. Our staff positions and capacity to provide holistic juvenile defense remain intact.

However, the battle is far from over.

Across California and the nation, public defense offices are falling victim to the budget axe. In Fresno, Calif., the public defender is being forced to lay off 13 employees and eliminate 11 unfilled positions.

Those who resist budget cuts face the prospect of political retribution. In Maryland, Public Defender Nancy Forster was recently fired partly because of her refusal to disband the office's Juvenile Protection Division after she was asked to scale back operations amid a recession that cut state revenue.

Chief public defenders cannot be expected to fight these budget battles alone. When public defense offices are left ill-equipped to represent the interests of their clients, human beings suffer and the integrity of the justice system wanes. Members of the legal community, and the community at large, must collaborate in showing their support for public defense and their commitment to the principle that justice does not come with a price tag.

Jeff Adachi is the Public Defender of the City and County of San Francisco.

The New Jersey Supreme Court Agrees: Right to Counsel Attaches Early for Juveniles

The NJ JIDAN team scored a major victory with the decision in *In re P.M.P.*, in which the New Jersey Supreme Court held that the right to counsel in delinquency proceedings attaches at the filing of a complaint and obtaining of a judicially approved arrest warrant.





November 13 in Alexandria, LA. Joe Tulman will present on the Interaction between Special Education and Delinquency, and Dr. Kim Larson will lecture on adolescent development and false confessions.

For additional information contact: [Heather Hall](#)

The Court further held that children cannot waive their right to counsel except in the presence of and after consultation with an attorney.

PMP was represented by the New Jersey Office of the Public Defender, which is headed by Yvonne Smith Segars. NJ JIDAN co-team leader Cynthia Samuels, also of the OPD, played an active role in the defense. Co-team leader Laura Cohen of the Rutgers Urban Legal Clinic and NJDC co-authored an *amicus* brief that was signed onto by the third NJ co-team leader, Sandra Simkins.

"This decision represents the perfect nexus for our JIDAN work," said Cohen. The NJ team selected Access to Counsel as their Strategic Innovation Group activity. "One of our JIDAN tasks is to ensure appointment of counsel prior to detention. This decision validates that we are on the right track," she concluded.

This outcome demonstrates the very close collaboration between all of the New Jersey JIDAN team members.

Employment Opportunity



The Louisiana state public defender is looking for a juvenile compliance officer.

For more information, please contact Clay Walker at cwalker@lpdb.la.gov.

Florida JIDAN Team Members Instrumental in Adoption of Rule to Provide Counsel to Parties in Juvenile Proceedings

Rule 8.165(a) Mandates Meaningful Opportunity to Confer with Counsel Before Waiver of Counsel



Florida JIDAN team member, Robert Mason, helped shepherd an amendment to Florida Rule of Juvenile Procedure 8.165(a), which mandates meaningful opportunity to confer with counsel before waiver, through Florida Bar Association's Delinquency Subcommittee and then the full Juvenile Court Rules Committee. Comments in support of the rule change were filed by Miami-Dade Public Defender and JIDAN colleague, Carlos Martinez.

The Florida Supreme Court adopted the rule without oral argument.

The rule reads:

(a) Duty of the Court. The court shall advise the child of the child's right to counsel. The court shall appoint counsel as provided by law unless waived by the child at each stage of the proceeding. Waiver of counsel can occur only after the child has had a meaningful opportunity to confer with counsel regarding the child's right to counsel, the consequences of waiving counsel, and any other factors that would assist the child in making the decision to waive counsel. This waiver shall be in writing. (Emphasis added).

The new rule became effective July 1, 2008 and can be viewed in its entirety on [Westlaw](#).

New Team Member

Please welcome Pennsylvania's newest team member Jeneve Mihal-Keczely.

A former CNN Headline News reporter, Jen joins the JIDAN team

News You Can Use from MA

Exciting change is coming to Massachusetts! In October 2009, the Massachusetts' public defender



from the juvenile division of the Pennsylvania Defender Association.

Welcome Jen!

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WASHINGTON

agency, the Committee for Public Counsel Services (CPCS), will enhance juvenile representation in the state with the formation of the Youth Advocacy Department (YAD). With offices in Roxbury and Worcester, YAD will serve as the statewide Resource Center, and in that role will lead, train, and support the entire Massachusetts juvenile defense bar. Historically, the [Youth Advocacy Project](#) (YAP) has provided direct services to indigent children in Boston. YAP has tried to ensure that every child has access to zealous legal representation, essential community-based services, and a quality education and is proud to use a "Youth Development Approach" that addresses the needs of the whole child. YAD will also be promoting this approach to youth advocacy.

As CPCS Chief Counsel William Leahy stated: "This is an important milestone in the evolution of the Committee for Public Counsel Services. I am confident that creation of the Youth Advocacy Department, so long envisioned, will elevate the quality of representation...." This expansion has been greatly aided by JIDAN. The funding, advice, and support offered by JIDAN and the MacArthur Foundation have been a catalyst and guide for this development. Just as important, the Massachusetts' JIDAN delegation, made up of local legislators, government officials, advocates, and community leaders, has offered invaluable advice and support in the creation of YAD.

The Juvenile Defense Advisory Council (JDAC), created by YAD and led by Mona Igram and Helen Fremont, is a committee made up of all of the juvenile supervising attorneys from every county in Massachusetts. YAD, as part of establishing the statewide Resource Center is investing in leadership development by sponsoring a large contingent of the JDAC, as well as YAD staff, to the annual Juvenile Defender Leadership Summit provided by the National Juvenile Defender Center. Attorneys will have the chance to meet with fellow defenders from different states and exchange information on best practices and supervising procedures.

Barry Juvenile Justice Center Hires New Director

Congratulations to Carrie Lee of the [Juvenile Justice Center](#) at Dwayne O. Andreas School of Law at Barry University for her promotion to Director. As the Director, Carrie will continue the work of the Center creating systemic change in the quality of representation of children in the delinquency court and spearheading the implementation of John D. and Catherine T. MacArthur Foundation Models for Change pilot projects in the State of Florida.



Defending Clients Who Have Been Searched and Interrogated at School: A Guide for Juvenile Defenders.

The National Juvenile Defender Center is pleased to announce that it has collaborated with the Barton Juvenile Defender Clinic at Emory University School of Law and the Youth Advocacy Project of the Committee for Public Counsel Services in Massachusetts to publish Defending Clients Who Have Been Searched and

Interrogated at School: A Guide for Juvenile Defenders. The guide provides an overview of the law relating to school searches and interrogations and practice tips for juvenile defense attorneys whose clients have been searched or interrogated at school. A two-page "Quick Reference Guide" is also included.

The guide can be found at: http://www.njdc.info/pdf/defending_clients_who_have_been_searched_and_interrogated_at_school.pdf.

For hard copies of the publication, please contact the National Juvenile Defender Center at inquiries@njdc.info or (202) 452-0010.

Join Our Mailing List!

The JIDAN Journal reports on efforts to improve the practice of juvenile indigent defense the Juvenile Indigent Defense Action Network (JIDAN). The Network 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 or 202-452-0010, ext. 107.

The submission deadline for the December edition of the JIDAN JOURNAL is November 9, 2009.

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