

Juvenile Law Center Press Release

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JLC REPORT: PUBLIC DEFENSE SYSTEM FAILING POOR CHILDREN Statewide Reform Needed To Remedy ‘Justice By Geography,’ PA Defenders Have Uneven Resources, Caseloads, Training, Accountability

PHILADELPHIA, PA—With overwhelming caseloads, little access to investigators and limited time for preparation, many Pennsylvania juvenile public defenders are failing the poor children they are expected to defend. According to a new report released today by Juvenile Law Center (JLC) and the American Bar Association (ABA), the quality and effectiveness of legal representation for indigent youth in the Pennsylvania juvenile justice system varies dramatically from county to county.

“Poor children in the Commonwealth face ‘justice by geography,’ meaning some counties are better equipped than others to provide them with defense,” said Laval Miller-Wilson, JLC Staff Attorney and lead author of the report. “This inconsistency often leaves children with poorly prepared, often absent counsel at critical stages of the legal process”

Pennsylvania: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings, illustrates that the unevenness of resources from county to county is in part caused by the lack of statewide standards and accountability. Pennsylvania has no uniform system for assigning indigent defense lawyers, provides no state funding to counties, and collects no data in oversight of county defender services.

“We know that children and the system are better off when lawyers have the time, training and resources they need to be constructively engaged with their clients,” said Marsha Levick, Legal Director at JLC. “This assessment should serve as a wake up call to Pennsylvania policymakers that a larger state role is needed to ensure that indigent juveniles are represented equally well in all parts of the Commonwealth.”

Other key findings:

- More than half of the public defender offices surveyed report that caseload pressures limit their ability to represent juvenile clients effectively. Fifty-eight percent say that lack of support services (such as investigators or expert witnesses) limits their ability to effectively represent juveniles.
- Seventy-one percent described themselves as having fewer resources than local prosecutors.
- In preparing for disposition hearings, less than half usually prepare witnesses (e.g., the youth or the youth’s family), and 52 percent do so “rarely,” or “never.”

“The factors preventing lawyers from serving as effective advocates for poor children are solvable institutional barriers,” said Miller-Wilson. “The Commonwealth should take these findings seriously and enact reform to guarantee fair and effective representation to all juveniles through all phases of the delinquency process.”

JLC makes several recommendations based on the report’s findings:

- The Commonwealth should take steps to ensure that sufficient resources are available to increase the number of attorneys representing juveniles in delinquency proceedings, and increase the availability of non-lawyer support—including paralegals, social workers, investigators and experts.
- The juvenile defense system should receive sufficient funds to adequately compensate court-appointed counsel. It is in children’s interests that their attorneys be paid enough to do their jobs.
- Attorneys representing youth in delinquency proceedings should receive training in trial advocacy skills, as well as comprehensive and on-going training about adolescent development and issues to promote communication and understanding with their clients.
- Caseloads should be lowered enough to permit every attorney to offer, timely, full and effective counseling and representation to each client.
- The Commonwealth should establish an independent, state-level Indigent Defense Commission to oversee the delivery of defense services, including juvenile defense, and promulgate uniform, effective minimum standards.

In developing the study, JLC distributed a 70-question survey to approximately 450 attorneys representing children in delinquency proceedings throughout Pennsylvania and received responses from 58 of 67 counties, including 50 county defender offices. In addition, state, regional and national experts gathered on-site qualitative and quantitative data from 17 of the Commonwealth’s 67 counties.

The sites included five of Pennsylvania’s six most populous counties, plus twelve others selected on the basis of population, percentage of minority population, poverty rates, and crime rates.

The report serves as a follow up to a 1995 national assessment highlighting woeful inadequacies in the juvenile justice system for indigent children.

The Pennsylvania report is one of six state juvenile indigent defense assessments released today by the ABA at a Washington news conference.

For more information, go to www.abanet.org/media.

Pennsylvania: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings is available on JLC’s website at www.jlc.org.