

Pittsburgh Post-Gazette  
Thursday, October 23, 2003

## **State's legal aid to troubled children assailed**

*Allegheny County gets good marks in otherwise dismal report*

By Barbara White Stack

The quality of legal representation for poor children charged with crimes in Pennsylvania varies so greatly that two organizations described the situation yesterday as "justice by geography."

The groups issued a report citing promising programs in Philadelphia and Allegheny County, but describing defense of children in many other counties as compromised by overwhelming caseloads, little time for case preparation and limited access to investigators, social workers and experts.

The report, based on a study by the American Bar Association Juvenile Justice Center and the Juvenile Law Center, an advocacy group in Philadelphia, was one of six state reviews released.

In Pennsylvania, the defense of children is seriously flawed overall, the report says. But Allegheny County received what might be considered the "most improved defender" award, said one of the report's authors, Laval S. Miller-Wilson of the Juvenile Law Center.

Just seven years ago, when the rate of juvenile crime was higher, the Allegheny County public defender's office provided one full-time and three part-time attorneys to represent all children charged with crimes. Now there are nine full-time and three part-time lawyers who have access to the department's troop of investigators as well as a social worker.

M. Susan Ruffner, executive director of the public defender's office, declined to give the Pittsburgh chapter of the American Civil Liberties Union credit for those increases.

The ACLU's 1996 lawsuit claiming the public defender's office provided unconstitutionally inadequate defense led to a 1998 agreement under which the public defender's budget and staff were to be nearly doubled by 2001, including the addition of 31 full-time lawyers and 13 investigators.

Ruffner said it was up to her to assign the additional staff and she provided more attorneys to juvenile court.

"I felt it was important to get that staffing up to where it should be," she said, adding she was sensitive to the issue because she'd served as a juvenile court judge for a year before taking the public defender's job.

The report cites two efforts by Ruffner. She hired, with the help of the district attorney's office, an attorney to work at Shuman Juvenile Detention Center. And with another grant, she hired a staff member to assist abused or neglected youngsters who commit delinquent acts.

The Pennsylvania analysis was based on surveys of defense attorneys and visits to counties, including Allegheny.

The surveys found:

- Nearly 60 percent of defense attorneys said a lack of support services like investigators and expert witnesses limited their ability to represent juveniles effectively.
- Huge caseloads, including one defender with 620 youngsters, limited effective representation in half of the cases.
- Far too many children were waiving their right to lawyers, including cases in which judges were deciding whether to move the trial to adult criminal court.

Because they lack resources, time and training, the majority of the lawyers fail to talk to the child clients in a meaningful way, research the law, review files, conduct investigations and secure expert witnesses, the report says.

Attorneys candidly disclosed their own ineffectiveness, it says.

It recommends that the state and counties provide adequate funding for proper representation of children.

Pennsylvania is one of only three states providing no state funding for public defenders, according to Miller-Wilson.

In addition, the report says, caseloads should be lowered, attorneys properly trained and standards for practice set.