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Study faults juvenile justice for poor

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Poor teen-agers in Texas routinely get substandard legal defense, often not meeting a lawyer until just before a court appearance, according to a study to be released today.

As a result, Texas ranks second to California in incarcerating youths because too much emphasis is placed on extracting guilty pleas, according to the report prepared by Texas Appleseed, an Austin-based nonpartisan group studying the Texas criminal-justice system.

In many cases, judges have overlooked alternative sentences such as treatment for drug or mental-health problems that could keep youths out of state schools, said Bill Beardall, legal director of Texas Appleseed.

"The juvenile courts are the most important gateway in the entire criminal-justice system," Beardall said. "They are positioned at that very early stage, when juveniles can either be diverted into being productive, stable members of society or carelessly passed into juvenile incarceration, which frequently leads down to a path of crime. In Texas, the latter is happening."

The report, "Selling Justice Short: Juvenile Indigent Defense in Texas," is the first in a series of reports Texas Appleseed is preparing on how poor people are treated in the criminal-justice system.

Among those assisting Texas Appleseed in preparing the report were the American Bar Association, the University of Houston Law School, the National Juvenile Defender Center, Northwestern University Legal Clinic and the Southern Poverty Law Center.

The report is based on on-site interviews, courtroom observations, review of relevant literature and data analysis of 23 Texas counties that account for 60 percent of those sent to Texas Youth Commission centers.

Officials with the Texas Youth Commission, the Texas Association of Counties and the Texas District and County Attorneys Association withheld comment Monday.

"We look forward to seeing the report, as would anyone who values a good juvenile-justice system in Texas," said TYC spokeswoman Pam Ward.

According to Texas Appleseed, the major problems with indigent youth defense in Texas are:

The state has no uniform system setting standards for how to handle young offenders. While some Texas counties do a good job, too many do not, the report said.

Defense attorneys are underpaid, at times getting flat fees and no compensation for out-of-court work. This causes them to rush through cases.

Many judges feel pressured by the county to control their budgets and move cases quickly. In addition, some judges base court appointments on campaign contributions, the report said.

Juveniles often do not understand their legal rights.

"The report found that justice in many Texas juvenile courts runs like an assembly line," the report states. "Children often meet their appointed counsel minutes before their first hearing, counsel recommends that the child plead guilty, the judge accepts the plea and the defendant is sentenced at his first court hearing, and it's on to the next case."

Vincent Schiraldi, director of the Justice Policy Institute in Washington, D.C., and the Center on Juvenile and Criminal Justice, said Texas is not the only state lacking in its approach to handling of poor juveniles.

"But the state is at the bottom in funding because there is no state funding. That is left to the counties, which are already tax- strapped," Schiraldi said.