

Seattle Post-Intelligencer
Wednesday, October 22, 2003

Lawyers failing juveniles, study finds

By TRACY JOHNSON

Some children end up facing a judge alone or with a swamped public defender who hasn't had time to fully explain what's going on.

Sometimes the lawyers haven't had any training or experience in handling cases when the person accused of a crime is a child.

A first-of-its-kind study to be released today shows that public defenders in Washington's juvenile-justice system often are juggling too many cases and aren't always properly trained to handle them.

It's a system that leaves children feeling rushed, slighted or completely confused.

"I wish lawyers would sit down and really listen to me," one boy told the study's researchers. "Every time we have a visit, they are talking fast, and I don't have time to ask questions because we are about to go into court -- or sometimes we are already in court."

Another said he wished his lawyers would "spend more time with me and that they would look into things more, instead of just believing the police and what they say."

Despite what can be the best of intentions, defense lawyers in juvenile cases say they're often stretched too thinly to address each child's needs effectively in a job that takes far different skills than defending adults.

Simmie Baer, director of the Northwest Regional Juvenile Defender Center and a juvenile-case public defender in King County for nearly 20 years, said her job is only 70 percent "criminal defense lawyer." The rest is being a social worker, a counselor and a scout for problems such as drug addiction, learning disabilities or mental illness.

"When we don't use defenders to help address these needs, we miss important opportunities to help turn children's lives around," she said.

Robert Boruchowitz, the director of King County's largest public-defense agency, said making sure children are represented properly can make them less likely to end up back in court for other offenses.

"If they're treated fairly, they're more likely to respect the system."

The study -- the effort of groups including the Washington State Bar Association, the Washington Defender Association and the governor's Juvenile Justice Advisory Committee and

written by former TeamChild Executive Director Elizabeth Calvin -- is the first to address how well attorneys represent children in Washington.

Researchers went to six Washington counties -- trying to use a diverse mix to include well-populated and rural court systems -- to quietly observe court hearings and talk with judges, lawyers, young offenders, parents and others.

Their report, which did not name or compare the counties, makes a handful of recommendations aimed at fixing things statewide, including:

- Making sure public defenders aren't overloaded with more cases than they can handle. Though the state bar association recommends a 250-case limit for each lawyer annually, juvenile-case lawyers reported handling 360 to 750 each year.
- Making sure children are represented at all types of court hearings and changing Washington law so that children are not allowed to waive their right to counsel.
- Creating county standards for caseload limits, training, supervision and performance reviews of lawyers who handle children's cases.
- Developing law-school programs that focus on the specialty of representing children.

Eleven other states have done similar studies -- and discovered similar shortcomings -- in an effort led by the American Bar Association.

King County has major resources compared with other counties in the state -- including roughly 20 juvenile-court defense lawyers and supervisors -- but public defender Baer would give the system only a B-plus. King County lawyers still handle an average of 330 cases each year.