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Report: Young offenders shorted

Legal help poor for many; it's better locally, some say

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Poor kids caught in the legal system get inconsistent and unpredictable representation from overworked attorneys, a report released Wednesday says. A lack of training in juvenile law is also a contributing factor, according to the report.

The American Bar Association Juvenile Justice Center prepared the report in conjunction with six other Washington agencies. The findings were part of a report titled "An Assessment of Access to Counsel and Quality of Representation in Juvenile Offender Matters."

Spokane County juvenile experts agreed with some aspects of the report. However, they questioned whether many of the findings apply to Spokane County's juvenile justice system. John Rodgers, director of the county's public defender's office, said each juvenile attorney handles about 320 to 350 cases per year. The American Bar Association suggests caseloads exceeding 250 per year per attorney jeopardize the quality of legal assistance provided to clients.

The public defender's office has 11 attorneys appointed to juvenile cases. "Those high caseloads and a lack of resources does result in delays in the juvenile system," said Scott Mason, who has supervised the public defender's juvenile department for seven years.

In juvenile cases more than adults, attorneys look to have their clients psychologically evaluated by a mental health expert, which causes delays. Meanwhile, judges are putting pressure on attorneys to resolve cases quickly, Mason said. "We're limited by a lack of resources."

Spokane County's public defender's office receives just less than \$5 million annually and has 48 attorneys. By comparison, the Spokane County Prosecutor's Office has an \$8million budget and 71 attorneys.

Spokane juvenile court administrator Rand Young said despite a lack of resources, Spokane County is fortunate to have a wide array of resources available to young defendants.

"The assumption of the report is that they're being railroaded through the system," Young said. "I honestly don't believe that is the case here." Young noted that Spokane is among a small group of counties that has a juvenile public defender's office staffed with attorneys, investigators and paralegals. In the juvenile system, most court-appointed defense attorneys typically spend most of their time representing adults and often aren't familiar with juvenile law, Young said.

Young said he'd like to see a report titled "Why aren't more resources being devoted to juvenile court?"

When Spokane County judges send young defendants to drug and alcohol prevention programs rather than jail, 80 percent do not reoffend.

“If the system were set up to do more work at this end than incarcerating at the adult end, we'd save a lot more money in the long run,” Young said.

This sidebar appeared with the story:

Report findings

Here are the report findings regarding the current state of juvenile justice in Washington.

Problems

- Across the state, yearly caseloads violate accepted standards of practice.
- There is no comprehensive and regular training or supervision of attorneys in most jurisdictions. In only a few locations do attorneys get regular performance reviews.
- Some counties do not provide counsel at probable cause hearings and, in some counties, young people go forward in a variety of hearings without an attorney.

Solutions

- A state ombudsman office should be created and financed to address complaints concerning delivery of public defense services.
- Caseload limits should reflect the standards endorsed by the Washington State Bar Association.
- Washington law should be changed to conform to national standards prohibiting children from waiving the right to counsel.