

Washington Defender Association Press Release

Press Conference 10-22-03 at 10:00 a.m.

ASSESSMENT OF PUBLIC DEFENDERS FOR CHILDREN FINDS MISSED OPPORTUNITIES TO HELP THE STATE'S HIGHEST-RISK CHILDREN

Seattle, WA—October 22, 2003—The first-ever report assessing the quality of attorneys representing children in Washington's juvenile offender cases will be released today. The report is the result of a year and a half-long study sponsored by the American Bar Association in partnership with the Washington State Bar Association, the Washington Defender Association, the Washington State Governor's Juvenile Justice Advisory Committee, TeamChild and the Northwest Regional Juvenile Defender Association. The report finds that, while there are successes and failures in every county, many counties fail to enact and follow professional standards of public defense, that defenders often are not adequately trained or supervised, and that excessive caseloads inhibit proper representation.

Speaking at the press conference:

- *Washington State Bar Association Executive Director, Jan Michels*
- *Former President of the Washington Defender Association and Director of The Defender Association (King County), Robert Boruchowitz*
- *Director of the Northwest Juvenile Defender Center and juvenile defender with almost 20 years of experience, Simmie Baer*
- *Chair of the Governor's Juvenile Justice Advisory Committee and juvenile defender, Ann Carey*
- *Washington Juvenile Justice Assessment Project Director, Sarah Yatsko*
- *Member of the Board of Governors of the Washington State Bar Association and Director of the Whatcom County Public Defender, Jon Ostlund*

PRESS RELEASE

Embargoed Until October 22, 2003 – 12:01 am

Press Conference

Time: 10:00 a.m.

Location: Washington State Bar Association Washington State Bar Association's Rainier Room, 2101 Fourth Avenue, Suite 400
(Between Lenora and Blanchard) in Seattle.

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Background Summary

ASSESSMENT OF PUBLIC DEFENDERS FOR CHILDREN FINDS MISSED OPPORTUNITIES TO HELP THE STATE'S HIGHEST-RISK CHILDREN

Seattle, WA—October 22, 2003—The first-ever assessment of the quality of public defense provided to children in Washington concludes that many basic standards are not being met. The report, sponsored by the Washington State Bar Association, the Washington Defender Association, the Washington State Governor's Juvenile Justice Advisory Committee, and TeamChild, in partnership with the American Bar Association and the Northwest Regional Juvenile Defender Association, is being released today in Washington state and Washington D.C. The report finds that many counties fail to enact and follow professional standards of public defense, that defenders often are not adequately trained or supervised, and that excessive caseloads inhibit proper representation. As a result, the quality of Washington's juvenile indigent defense is inconsistent and unpredictable.

"A key player in the juvenile justice system, and arguably the person with the closest relationship to the children who enter juvenile court is the attorney who represents them. Juvenile defenders are in a unique position not only to protect children's constitutional rights, but also create positive outcomes in their lives" states Simmie Baer, Director of the Northwest Juvenile Defender Center and a juvenile defense attorney with close to twenty years of experience.

Washington law requires each county to enact public defense standards. But most have not, leaving many county public defense systems without acceptable supervision, management or caseload limits. "While some counties do a great job in providing effective representation for children, others fail to meet minimum standards. Effective defense can develop alternatives to incarceration and help children not to become adult criminals, and result in significant savings to county governments," notes Robert Boruchowitz, the former President of the Washington Defender Association and Director of The Defender Association, a King County public defense organization.

The report found that caseloads exceed standards across the state and, as a result, the quality of representation is reduced. Defenders reported caseloads ranging from 360 to 750 cases per year, an average of 60% over the accepted standard. The Washington State Bar Association's endorsed standards mandate no more than 250 cases annually per attorney. High caseloads mean that attorneys for children often do not meet with their clients until just before their first court appearance, and rarely have enough time to file motions or prepare for hearings and sentencing. As a result, children are too often moved through the system quickly and with little attention to their individual cases. A boy interviewed for the report said, "I wish lawyers would sit down and really listen to me. 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. I wish they would tell me stuff."

"The lack of training and available resources to juvenile defense lawyers can lead to a type of conveyor belt justice," said Patricia Puritz, Director of the ABA Juvenile Justice Center. "This is a serious problem which needs to be addressed, children caught in the system otherwise can be lost forever."

Moreover, important opportunities to address the problems underlying the criminal behavior are lost. Christie Hedman, the Executive Director of the Washington Defender Association, observes, “Defenders just have too many cases, and it doesn’t leave much time to get to the heart of the matter with the kids. As a defender, you have a special relationship with these children—you are in a position to gain their trust and help them make good decisions about treatment and other services—but with the high caseloads that some defenders have, all they can possibly do is focus on getting the case over with as quickly as possible so they can move on to the next client.” A girl interviewed for the report implores defense attorneys, “Talk to me ahead of time so that I can know the facts and the possibilities. Try for the possibilities and don’t just assume it’s not going to happen.”

Ann Carey, Chair of the Governor’s Juvenile Justice Advisory Committee, reports that “The mission of the Governor’s Juvenile Justice Advisory Committee is to improve the juvenile justice system. The Committee helped to fund this study, so that the juvenile justice system would have up-to-date information about juvenile defense in Washington State. The Committee is concerned about the number of youth in the juvenile justice system with mental health and substance abuse problems, and the number of youth with learning disabilities.”

Defenders generally receive insufficient training on juvenile issues and child development, lack important support from investigators, social workers, and other with skills to assist in the juvenile court setting. Juvenile defense is a specialized practice, requiring training in issues specific to children. While training and supervision tends to be more available in King County, most places in Washington have no comprehensive training available to juvenile defenders. As one defender described it, “My training consisted of a one hour meeting with the former public defender. Nothing else.”

“The children in the juvenile justice system are among the most needy children in our state,” explains Simmie Baer. “They suffer from mental health problems, drug addiction, learning disabilities, and other problems at a much higher rate than the general population. When defenders don’t have the time and training needed to help address those issues, they can not be effective with juvenile clients. When we don’t use defenders to help address these needs, we miss important opportunities to help turn children’s lives around.”

Washington’s report is one of six being released nationally today. Patricia Puritz notes that the six studies are part of a nationwide effort to evaluate state juvenile justice systems. The new studies bring the number of states evaluated to 12. “Although each state’s juvenile defense system is different, all share some serious problems,” she explains, “minority and poor children and hardest hit when a system ignores their individual circumstances in exchange for conveyor belt justice.” The other reports released today come from Maine, Maryland, Montana, North Carolina, and Pennsylvania. Their reports can be found on the ABA’s website, along with six earlier assessments, Georgia (2001), Kentucky (2002), Louisiana (2001 and 2002), Ohio (2003), Texas (2000), and Virginia (2002), all of which were also prepared by the ABA Juvenile Justice Center at the invitation of and in cooperation with local indigent juvenile defense organizations.

Washington: An Assessment of Access to Counsel and Quality of Representation in Juvenile Offender, is the product of a year and a half-long study of the state’s provision of public defense for children. A team of national and state experts conducted over 200 extensive in-person

interviews of juvenile justice professionals, including commissioners, judges, court administrators, detention staff, parents, probation officers, prosecutors, youth, and defenders. In addition, data was collected in a written survey, with responses from nearly half of all juvenile defenders practicing in the state. The data collected is from a cross-section of the state's population, including urban, suburban and rural areas—and also covers a diversity of juvenile indigent defense programs. The full report is available by calling (206)623-4321, or on-line at either: www.abanet.org/crimjust/juvjus/home or www.defensenet.org.