

Attracting and Retaining New Talent to Juvenile Defense

I. INTRODUCTION

The impetus of this paper was a workshop held at the Juvenile Defender Leadership Summit entitled "Building Leadership and Partnership with Young Defenders." This session was convened at the request of frontline defenders and managers who wanted to discuss how they could encourage new lawyers to choose and maintain juvenile law as a practice specialty. This paper summarizes the ideas that emerged from that spirited discussion and offers some new ideas as well.

The Facts

The fiscal disincentives surrounding the practice of juvenile law are well known. The National Association for Law Placement concluded that in 1998 the median starting salary for new graduates of ABA-approved law schools in the private sector was \$60,000, almost twice the median salary for entry-level public interest attorneys, \$31,000. In 1999, the *National Law Journal* reported that sample entry-level public defender salaries ranged from \$27,000 (in Douglas County, Nebraska) to \$38,732 (for Providence, Rhode Island). The salary gap for top law firms is even more pronounced. For example, this year the nation's largest law firm, Skadden, Arps, Slate, Meagher and Flom, raised its first-year associate's salary level up 40% to \$140,000. This salary disparity is even more pronounced when you factor in the high cost of student loan payments. As one county administrator observed, "We were having a very hard time recruiting people because our starting salary was so pathetic people couldn't pay off their student loans."

Juvenile defenders, however, face more than just fiscal challenges. There are institutional and systemic disincentives as well. Many juvenile defenders are saddled with overwhelming caseloads, limited resources and a marked competitive disadvantage with prosecutors. In addition, too many juvenile courts and, sadly, some juvenile defenders also cultivate a culture of mediocre advocacy. As a result, some new juvenile defenders become disillusioned, "burn out," and leave juvenile defense for other employment.

Despite these obstacles there have been, and shall continue to be, talented attorneys who remain dedicated to defending children. Many attorneys continue to believe that defending children is a noble calling and are horrified by the unprecedented punitive treatment of some of our most neglected and marginalized children. Our challenge is to identify what inspires these attorneys and how to nurture that inspiration.

Managers need to help new defenders sustain their interest and motivation. Although no easy task, this goal of job satisfaction is attainable if new defenders are fulfilled by representing a young person who needs an able advocate and recognizing that every case presents another opportunity to improve our system of justice.

Universally, juvenile defenders decry their lack of sufficient funding and resources. However, more can be done *with creative use of existing resources and increased communication and cooperation* to attract and retain new talent in juvenile defense. What follows are some suggestions that were compiled from the Summit, conversations with new and seasoned juvenile defenders and personal experience.

II. ATTRACT NEW TALENT TO JUVENILE DEFENSE

Encouraging new lawyers to choose juvenile law as a practice specialty requires creative leveraging of resources and program opportunities.

A. Public Interest Fellowships Attract High Quality New Attorneys

- *Advertise for Skadden, Soros, NAPIL, or other public interest fellows. Encourage interested law students and experienced attorneys to apply for these fellowships.* Each of these fellowships requires the applicant to fill a special need within a sponsoring agency. Juvenile defenders should aggressively advertise for these fellows at law schools all over the nation. Law schools will post information in their career offices about organizations wishing to sponsor a fellow; then interested law students and experienced attorneys from other fields can contact you and you can assist them with their fellowship proposals. In addition, the National Juvenile Defender Center can put potential applicants and sponsors in touch with current fellowship recipients.
- *Try to establish a local fellowship to support new juvenile defenders. Attempt to establish a local fellowship like the Independence Foundation's Public Interest Legal Fellowship in Philadelphia.* The Independence Foundation funds a fellow at a sponsoring public interest agency serving indigent clients in the Philadelphia area. Contact law firms and other local organizations and try to raise money for such a local legal fellowship. Law school colleagues or fellow alumni who work at prominent law firms can serve as excellent facilitators.

One advantage of these fellowships is that they allow exceptionally high caliber law students who otherwise may go elsewhere, or experienced attorneys who want to try something new, to work in juvenile defense. They may become inspired and remain juvenile defenders, even when their fellowships have expired. Another advantage is that these fellowships typically allow defenders to create and participate in original or innovative programs under the guidance of the sponsoring defender organization.

By involving the new defender from the project's inception, an organization can utilize the high level of energy and enthusiasm that new lawyers typically bring to their work. Conversely, the new lawyer has an added level of commitment to and ownership in the program that s/he helped to create. The result can be new programs and a new focus on the needs of our clients.

For example, one Soros Justice Fellow was able to secure additional funding to continue and expand the child advocacy program he started as a Fellow at a local legal aid office in Virginia. This program, now in its fourth year, currently has two full time lawyers, a community organizer, and the part time support of a law professor and student interns.

B. Build Relationships with Law Students

- *Create student internships.* Juvenile defenders should establish internships with a diversity of academic institutions. These internships should have a formal application procedure officially approved by the academic institution. Such a formal, official process not only increases the quality and quantity of applicants, but it may persuade the academic institution to provide an internship recipient with a stipend or course credit. Internships provide juvenile defenders with valuable assistance and interns with real-world experience, course credit, major accomplishments and references for their resume.
- *Recruit law students.* Juvenile defenders should observe the same recruitment and employment conventions of other legal employers. Administrators should schedule on-campus interviews and informational meetings at law schools. Establishing contacts with juvenile law and clinic professors helps identify and recruit potential candidates. Juvenile defenders should

also try to determine as early in the hiring year as possible how many new positions will be available. Many talented law students understandably do not want to graduate without a job in hand and are thereby unwilling to wait for months after graduation to begin applying for a position with no guarantee of success. Public defenders and court officials that are constrained by governmental budgetary cycles should use creative budgeting schemes or obtain a special exception to allow for earlier hiring. Paralleling private firms, juvenile defenders could offer second-year law student summer internships that can result in an offer of employment for the following year after graduation. The National Juvenile Defender Center can assist with law student contacts through its new Law Student Initiative, created to build a juvenile law network among law students.

C. Convey Information about Juvenile Defense on the Internet

- *Create a website or a listserv.* Many talented law students do not realize the depth and importance of juvenile law practice. A web-site or listserv dedicated to issues such as confidentiality, false confessions, and equal protection concerns for girls can help new attorneys learn about the range of possibilities in the field of juvenile law. Websites and listservs are also great ways to share timely information about pending appeals and recent decisions in the local courts.
- *Advertise for openings on the internet.* There are employment listings for legal positions on the Internet. Placing an ad is as easy as contacting one of the many cites that lists the positions. One cite that places positions state-by-state and in a special public interest category is www.palidan.com.

III. RETAIN NEW TALENT IN JUVENILE DEFENSE

Promoting personal and professional satisfaction for lawyers who decide to develop a practice in juvenile law is critical to retaining new talent. Creatively expanding programs, increasing communication and cooperation and using existing resources strategically will help promote job satisfaction.

A. Increase Communication to Improve Job Satisfaction

Good networking and communication are essential ingredients for job satisfaction. New juvenile defenders need to know that they are not alone in their efforts. Talking to both seasoned and new defenders helps build their confidence, their knowledge base, and most importantly their arsenal of tools to use in the courtroom.

1. Increase communication among fellow juvenile defenders

- *Form in-person or online juvenile defender peer groups.* Peer groups provide invaluable professional and personal support. New juvenile defenders need to meet, network, strategize and commiserate in an organized manner with others like themselves. Public defenders, solo practitioners and law school clinical faculty should form a peer group to share information and advice and provide empathy and camaraderie. Even if your office is small, you can still encourage juvenile defenders to network by sharing contact information, listservs and professional training or social events with other juvenile defenders in the same jurisdiction. Juvenile defenders should not stop there; defenders in other states and jurisdictions can be invaluable assets for new strategies and ideas. The National Juvenile Defender Center and its nine Regional Affiliate Centers can help you create a juvenile defender peer group in-person or online.

- *Match a new juvenile defender with a mentor.* New juvenile defenders should be paired with an experienced juvenile defender who can serve as a mentor. A defender mentor does not need to reside in your community or office. If you need a mentor or would like to volunteer to mentor a new or less experienced juvenile defender, please contact the National Juvenile Defender Center.

2. Increase communication between new juvenile defenders and administrators

- *Administrators should tell juvenile defenders that they truly care about job satisfaction.* Administrators and supervisors must recognize that the job satisfaction and professional development of new attorneys is their responsibility.
- *Foster good communication with new defenders by allowing them to share their true opinions and feelings.* The best way for administrators and supervisors to learn how to retain new defenders is simply to ask the defenders themselves. Administrators should meet regularly with new juvenile defenders both as a group and as individuals.
- *Encourage new juvenile defenders to express their ideas.* New juvenile defenders have the advantage of a fresh perspective. Administrators need to keep an open mind to new ideas. Such new ideas should not be considered criticisms of the status quo, but rather ways that the organization can better serve its clients.

B. Increase Cooperation to Improve Job Satisfaction

While good, frequent communication with colleagues is essential for job satisfaction; it alone is not enough. Given their many obstacles, juvenile defenders also need to coordinate their efforts with private practitioners, academic institutions, bar associations and communities.

1. Increase cooperation between fellow juvenile defenders

- *Harness the unique private and solo practitioner's perspective.* While there is some coordination between public organizations such as public defender offices, law school legal clinics and children's law centers, there is unfortunately less frequent coordination between these public organizations and private law firms or court-appointed attorneys who practice juvenile defense. Private practitioners, both civil and criminal, have a unique perspective and their opinion of how to work a case can offer new insights into case law and practice. In return, juvenile defenders can often provide information about dispositional options and recent case decisions. With increased collaboration, both public and private juvenile defenders will better represent their clients.
- *Convene regular strategy sessions on specific juvenile justice topics.* Perhaps one of the most intense and productive experiences a group of dedicated juvenile defenders can experience is a strategy session on a narrowly defined topic. Bringing together juvenile defenders and other experts to formulate action plans on juvenile justice issues and case strategies literally grows energy and enthusiasm for the practice of juvenile law. The National Juvenile Defender Center can help you organize strategy sessions around a variety of topics.

2. Increase cooperation between juvenile defenders and academic institutions

- *Consult with university faculty.* Juvenile defenders should cultivate good relationships with law, criminology, sociology, psychiatry, psychology, medical and social work professors with an interest in the juvenile justice system. Professionals in the academic arena can provide a wealth of new information and ideas in addition to inexpensive or free expert advice or even testimony. While juvenile defenders benefit from their exper-

tise, professors can apply their academic knowledge in the real world and may obtain valuable new information or case studies to use in their research.

- *Provide law school outreach.* Juvenile defenders can be guest lecturers or symposium participants at law school classes and student-sponsored events concerning juvenile justice. Such classes and events provide the juvenile defender with an opportunity to meet and network with professors and students interested in juvenile justice work.

3. Increase cooperation between juvenile defenders and bar associations

- *Form a juvenile justice committee in the local bar association if there is not one already.* Bar associations provide a ready-made peer group of attorneys in the local jurisdiction. Many bar associations have a juvenile justice committee—if the local bar association does not, then start one. The state or local bar association may assist financially and perhaps completely fund the effort. Although the bar association is not the best place to discuss trial strategies, due to the membership of prosecutors and judges, it affords an opportunity to address systemic juvenile justice issues such as conditions of confinement, overrepresentation and dispositional alternatives. A juvenile justice committee could also confront problematic courtroom practices, docket issues, and a variety of other political, structural or legal challenges that concern defenders, prosecutors and judges.
- *Participate in bar association trial advocacy and continuing legal education programs whenever possible.* Even if your office lacks an established training program, take advantage of continuing legal education programs offered by the local bar association. Many often have tuition assistance or waiver programs.

4. Increase cooperation between juvenile defenders and communities

- *Cultivate contacts with communities.* Encourage juvenile defenders to get involved with community centers. A child's community is often his or her greatest resource. Connections with the community prove invaluable for investigation, trial preparation and disposition. In addition, the community can help keep the child stay out of trouble before trial if a juvenile defender knows about available community resources. Some community centers have dispute resolution or mediation programs for court diversion and community leaders have a keen interest in creating these peaceable solutions. Community members also can provide character witnesses and placement and treatment alternatives at disposition. Since clients often come from the same or neighboring communities, such contacts can also prove invaluable in future cases.
- *Participate in revitalizing communities.* Great juvenile defenders do not just maintain the status quo for their clients; they practice proactive advocacy. Juvenile defenders can help revitalize communities in a number of ways, ranging from volunteering in a community center to teaching street law. Proactive advocacy not only makes the juvenile defender understand clients better but it keeps the juvenile defender apprised of pre-adjudicatory and post-adjudicatory community options.

C. Use Existing Resources Creatively to Improve Job Satisfaction

The happiest and most effective juvenile defenders in our experience have even more than good communication and cooperation efforts; they have innovative ideas and set them into action in spite of their limited resources. Such creativity is perhaps the most elusive ingredient of job satisfaction.

1. Create an innovative training program to increase job satisfaction and the competency of new juvenile defenders

There should be an established and ongoing training program that orients new juvenile defenders before beginning their duties, continually refines their skills and keeps them informed of new developments in the field. The juvenile defenders in your peer networks already possess the knowledge and expertise. Many can offer training sessions at little or no cost. Bar associations, law schools, and philanthropic organizations also frequently fund such training programs. All that is needed is forethought, organization and perseverance. *There is a broad range of training topics that ought to be covered including, but not limited to:*

- *Adolescent Development:* How to interview child clients properly; how to prepare them for trial and how to understand child behavior and cognition.
- *Community Familiarization:* Social workers, community leaders and other young people can help educate juvenile defenders about the communities where their clients live.
- *Disposition:* Provide new defenders with real dispositional options to present in court.
- *Education:* The interaction between the juvenile justice system and schools with regard to school discipline and special education.
- *Effects of Incarceration on Children:* The facts about the overuse of and abuses in detention facilities and the effects of incarceration on the life of a child.
- *Mental Health:* The nature of various mental illnesses and disabilities and their effects on child behavior; the prevalence of mental illnesses in the juvenile justice system; and how to use psychologists, psychiatrists and social workers as part of your legal team.

2. Contact local service organizations for free equipment

Creating a pleasant workspace is just one way of letting juvenile defenders know that they are valued. Agencies like the United Way administer programs such as Gifts-in-Kind International which pair up businesses that are looking to donate their used office equipment or furniture with needy community organizations. Juvenile defenders should also contact local law firms and organizations directly or through local bar associations.

IV. Conclusion

Increasing communication, cooperation and the creative use of resources will improve juvenile defender job satisfaction and help retain strong and talented attorneys in the practice of juvenile law. The ideas presented in this paper are intended to give you, hopefully, ideas of your own. The recruiting and retention of new juvenile defenders is not just a personnel or administrative issue: it is crucial to the future survival and success of not only the juvenile defense bar but also the children we represent. Regardless of your position or level of experience, if you are committed to providing children in the juvenile justice system with the highest quality representation, you need to do all you can to attract, inspire and retain the very best new juvenile defenders.

This bulletin was written and inspired by Andrew Block, a Soros Equal Justice Foundation Senior Fellow and Director of Project JustChildren in Charlottesville, Virginia and Angela Coin, a Director of the Northwestern University Community Law Clinic of the Children and Family Justice Center in Chicago, Illinois.

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ensuring excellence in juvenile
defense and promoting justice
for all children

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Statement of Beliefs

All children in the justice system must have ready and timely access to capable, well-resourced, well-trained legal counsel.

All children are entitled to legal representation that is individualized, developmentally and age appropriate, and free of racial, ethnic, gender, social, and economic bias.

All children have strengths and the potential to become productive members of society and each has the right to constitutional and statutory protections.

The juvenile defense bar must build its capacity, develop leadership and demonstrate a commitment to professionalism.

The juvenile defense bar must promote accountability and bring about reform in the juvenile justice system.

The juvenile defense bar's role in the justice system will be advanced through collaboration and partnerships.

The juvenile defense system will be enhanced by greater community involvement.