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# MacArthur Foundation Juvenile Indigent Defense Action Network (JIDAN)

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Team Leader, California JIDAN Team**

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In the Beginning, there was *In re Gault*

387 U.S. 1 (1967)

*California children have had the statutory right to appointed counsel in delinquency cases since 1961.*

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## Effective Representation is Even More Essential as California Juveniles Face Increasingly Severe Consequences:

- Being found “unfit” for juvenile court & facing prosecution in criminal court – upon conviction, facing prison or even LWOP
- Lifetime law enforcement records, DNA in state database, sex offender registration, use of juvenile cases as sentencing enhancements
- Educational disruption; interference with activities that would reduce delinquency
- Difficulty getting back into school; accessing health/mental health services
- Lengthy incarceration, up age 25; often in substandard or abusive institutions
- Employment barriers - joining the military, working in some professions
- Adjusting immigration status
- Exercising driving privileges
- Obtaining financial aid, public housing and other public benefits

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## How Do Things Look for California Juvenile Delinquency Defense in 2010?

### **The Good:**

- Several statewide conferences focus on delinquency; The Dog Book: A Practical Guide to Delinquency Law since 1994
- Pacific Juvenile Defender Center - affiliate of NJDC (since 1999) – small listserv & core group of defenders
- Mobilization of juvenile defenders in relation to state facilities crisis beginning 2003
- Increasing use of social workers, education and placement specialists and some post-disposition work
- Loyola Center for Juvenile Law & Policy established 2004
- Attention to delinquency In State Bar Guidelines for Indigent Defense 2007 & Delinquency Court Assessment 2008

### **The Not So Good:**

- Unequal access to training and support resources – small core is highly energized, educated; many are missing in action
- Inability to connect with one another for support and issue development – 58 different county systems; geography
- Lack of clarity on standards for juvenile delinquency representation
- Structuring of our work that fails to meet our clients needs (education, post-disposition work)
- Compensation structuring in some places that is inadequate to the tasks we must perform
- Workloads that are too heavy to assure adequate representation
- Lack of career paths for juvenile defenders
- Exclusion from local and statewide policy discussions
- General lack of respect for or understanding of what we do with the public at large
- Even in professional organizations, being overlooked or viewed as a side issue

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The MacArthur Juvenile Indigent Defense Action Network (JIDAN)  
Offers a Way to Work on the “Not So Good” in a Deliberate Way:

- California team includes Youth Law Center; Center for Families, Children & the Courts; Los Angeles, San Francisco, Contra Costa County Public Defenders; Loyola Center for Juvenile Law & Policy; Human Rights Watch
- Focus to be on developing capacity in the Pacific Juvenile Defender Center (PJDC)
- Multi-year project
- Work with MacArthur Models for Change and National Juvenile Defender Center
- Initial goal: building a statewide Resource Center

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## Step One: Assessment of Training and Resource Needs

- 45% had no juvenile specific training when they began representing children
- Of those who received some training, 43% received one day or less
- 50% do not work in offices that provide ongoing juvenile delinquency defense training
- 70% work in an office with no practice manual or do not know if one exists
- 82% work in an office that lacks practice standards or do not know if standards exist
- Only 13% were members of the statewide Pacific Juvenile Defender listserv
- 71% are not paid or reimbursed for attending training

*[Survey of more than 200 juvenile defense counsel from 38 counties]*

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## California JIDAN Work So Far:

- Launching of comprehensive PJDC web site with practice materials
- Outreach to every juvenile defense counsel in the state (no easy task) to connect them with PJDC
- Creating an infrastructure to do work
  - ✓ Committees
  - ✓ Coordination of Training
  - ✓ Expert Corner
- Beginning to connect with system professionals on other issues

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## Work In Progress/The Future

- Develop training for outlying areas of the state
- Work toward practice standards for juvenile defense
  - ✓ Model contracts for appointed counsel
  - ✓ Tie standards to workload and compensation
- Create training academy; practice manuals; mentoring
- Do a better job of explaining what we do and why it is important
- Enhance juvenile defense as a specialty profession
- Make organizational decisions for PJDC (incorporation, governance, location)
- Address sustainability issues for PJDC – funding, staffing



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An investment in knowledge always pays the best interest.

-- *B. Franklin*

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For further information , please go to:

Web site: [www.pjdc.org](http://www.pjdc.org)

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