



SUPREME COURT OF APPEALS OF WEST VIRGINIA

October 10, 2007

Memorandum

TO: THE HONORABLE CIRCUIT COURT JUDGES

FROM: THE HONORABLE ROBIN JEAN DAVIS, CHIEF JUSTICE

RE: Assessment of Access to Counsel and Quality of Representation in Juvenile Delinquency and Status Offender Proceedings

At the request of the Court Improvement Program Youth Services Committee and members of West Virginia's juvenile justice community, the National Juvenile Defender Center, formerly part of the American Bar Association (ABA) Juvenile Justice Center, will shortly begin conducting an assessment regarding access to counsel and quality of juvenile indigent defense services to children in West Virginia's justice system. Plans are now underway to study delinquency and status offender proceedings in several counties in our State. If a county in your judicial circuit is selected, your participation and approval, both to be included in this study and to allow NJDC's assessment team investigators to observe juvenile delinquency and status offender proceedings in your courtroom, will be requested by Patricia Puritz, Executive Director of the National Juvenile Defender Center. The final report will not identify the counties that comprise the study or any participants. An assessment of our juvenile indigent defense delivery system is particularly appropriate this year, as we mark the 40th anniversary of the United States Supreme Court's 1967 *In re Gault* decision, which extended the right to counsel to juveniles facing delinquency proceedings. I hope that you will be agreeable to participate in this important work, as the full Court has given its endorsement to this project.

The Center intends to conduct these assessments in every state and the District of Columbia to ensure that accurate, baseline data are available to decision and policy makers. To date, work has been completed in Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Montana, North Carolina, Ohio, Pennsylvania, Texas, Virginia and Washington, and assessments of Mississippi and Illinois will be released this year. These assessments build on the national work conducted by the ABA in the early 1990's that resulted in the publication entitled *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Juvenile Delinquency Proceedings*. *A Call for Justice* was the first national examination of access to counsel, quality of legal services, and the training and resource needs of the juvenile defenders who provide legal representation for our country's poor children.

During the course of the assessment, there will be meetings with the various stakeholders in the justice system – judges, defense attorneys, prosecutors, probation officers, court administrators, mental health

advocates, detention and corrections administrators – to gain a comprehensive view of the system in the selected counties. A team of national experts will work closely with local colleagues to conduct confidential interviews and courtroom observations. All the data will be collected and compiled into a final report with recommendations.

The Center advises that the purpose of these assessments is to provide a thorough examination of the systemic and institutional barriers that prevent lawyers from providing adequate legal services to children within a particular state's legal system. They also highlight promising approaches and innovative practices within the state and offer recommendations to improve weak areas. In addition to gathering general data and information about the structure of the juvenile indigent defense delivery system, assessments examine issues related to the timing of appointment of counsel, the frequency with which children waive their right to counsel and under what conditions they do so, resource allocation, attorney compensation, supervision and training, and access to investigators, experts, social workers, and support staff.

It is hoped that by participating in this assessment we will be able to stimulate discussions about the ways in which counsel is provided to indigent youth and the systemic barriers that impede effective representation. The Center hopes that the West Virginia Assessment will ensure that juvenile and criminal justice planners have a comprehensive picture of the juvenile defense system embodied in a report with recommendations.

If you have any questions, please feel free to contact Patricia Puritz, Executive Director of the National Juvenile Defender Center, at 202.452.0010 ext. 101, or at ppuritz@njdc.info.

cc: John Hedges, Esq.