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Juvenile Attorneys Review Report

Staff
Charleston

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A Kanawha County public defender who deals with juvenile cases says many of his colleagues are doing what's best for their clients.

But a comprehensive report released earlier this week by The National Juvenile Defender Center says "...many lawyers demonstrate a fundamental lack of understanding as to the role of a defense counsel in delinquency court ..." and "is characterized by a sense of malaise."

Scott Driver says there are those who don't properly represent their juvenile clients and miss out on what they should be doing

"Some juvenile defense attorneys do seem to think that they are guardians for the children and that they're supposed to speak to the kid's best interest regardless of what the kid wants."

That's not's how Driver interprets the juvenile code.

"We are appointed to represent what the child expressed interests are," he said. "In other words, we advocate for juveniles in much the same way that we would advocate for any adult."

Driver hopes that attorneys who represent juveniles will take a long look at the NJDC report to see where they can improve. He says he's only been through the document twice but he plans to review it again.

"I welcome input from anybody that can help me do a better job," he said.

Driver adds many juvenile attorneys are doing their best with a large caseload, not enough time or money.

"I think there are a lot of people who are working hard to get justice for juveniles and believe me it's not for the money," Driver said.

Driver ultimately hopes the report will change how out of sync juvenile defenders handle their cases. Instead of giving in to the pressures of prosecutors, probation officers and family members, they'll take the child's wishes into account.

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