

# Specialized Training

## Advancing the Ethical and Professional Representation of Youth

### ISSUE

There is an immediate and predominant need for specialized training in juvenile defense: training is both the foundation and the gateway to comprehensive advocacy by juvenile defenders,<sup>1</sup> and it is key to ensuring that youths' constitutionally mandated due process rights are protected.<sup>2</sup> To be effective and zealous advocates, juvenile defenders must develop a set of specialized skills and a knowledge base unique to the practice of juvenile defense—a set of skills and a knowledge base that are considerably different from and broader than that needed for adult criminal defense. Beyond knowledge of criminal law, juvenile defenders need to be familiar with terminology, procedures, timelines, standards, and case law specific to delinquency proceedings; be familiar with appropriate local services and programs to advocate effectively at disposition; be versed in a growing body of research in adolescent development; be able to communicate complex legal principles to their young clients in developmentally appropriate ways; be able to manage and engage with the families of their young clients; have a thorough understanding of other child-serving systems, such as the education, welfare, and mental health systems; be aware of the collateral consequences of juvenile court involvement that can continue well into adulthood; and be able to monitor post-disposition progress after sentencing. Specialized training is crucial to help defenders develop these practice skills and keep pace with an evolving body of scientific research and legal jurisprudence that applies directly to the representation of children.

### NATIONAL SNAPSHOT

At the national level, there is growing recognition that juvenile defense (and juvenile justice in general) is a specialized area of practice, yet

there are no national guidelines or policies detailing training requirements for attorneys who represent youth in delinquency proceedings. At the state level, only five states and the District of Columbia have statutes explicitly delineating the training required for juvenile defense attorneys.<sup>3</sup> While 16 jurisdictions require the relevant public defense commission or public defender office to establish juvenile training standards, they do not dictate minimum training requirements explicitly in the statutes.<sup>4</sup> Even in states where there are statutory training requirements or a commission or office charged with establishing training standards, in practice, there is a documented lack of specialized training for juvenile defenders, as evidenced in the 21 state-based assessments of access to and quality of juvenile defense counsel conducted by the National Juvenile Defender Center (NJDC). All 21 assessment reports include recommendations for more specialized training for juvenile defenders.

### WORKING INNOVATIONS

Because juvenile courts and delinquency law are locally driven and can vary from jurisdiction to jurisdiction, any juvenile defender training program must take into account the type of juvenile defense delivery system in which the participants work—*e.g.*, city/state public defender offices, non-profit law centers, law school clinics, and/or court-appointed or contract attorney systems—and particular issues of practice, law, and procedure in the specific jurisdiction. While juvenile defense practice is largely based on the intricacies of local practice and structure, it must also be informed by constitutional and federal principles and national standards of best practice.

#### National

In response to the lack of specialized hands-on training programs for juvenile defenders, NJDC partnered with experts from around the country to develop the 40-lesson Juvenile Training Immersion Program (JTIP) curriculum.<sup>5</sup> JTIP is intended to serve as the “gold standard” in juvenile defense training and is the first national training

program of its kind to provide integrated and comprehensive training both on the substance of juvenile and criminal law and on trial advocacy skills. JTIP is aimed at ensuring that juvenile defenders appreciate their unique role in the delinquency system and have the tools to competently and zealously advocate on behalf of their clients in a manner that fulfills youth's fundamental right to counsel. It is the only national curriculum designed with the goal of creating juvenile defense specialists.

JTIP lessons are organized into twelve topical units<sup>6</sup> designed to offer a foundation for high-quality, meaningful representation. The curriculum promotes dynamic learning through interactive exercises, hypothetical case scenarios, facilitated discussions, guides for developing legal arguments, and other engaging training tools. While written from a national perspective, each lesson is designed to be customizable to account for local rules, procedures, and case law, while also providing defenders with valuable insight into alternative approaches from other jurisdictions.

There are several kinds of training programs associated with the JTIP curriculum. First, NJDC holds a periodic course for certifying JTIP Trainers. Certified JTIP Trainers are leaders and specialists in the juvenile defense field who are nominated by their communities and, through the certification process, are then qualified to provide JTIP training. Second, NJDC and Certified JTIP Trainers partner with state and local defender agencies, bar associations, and other organizations to provide locally tailored trainings on the state, county, or city level. Finally, defenders seeking an in-depth program for developing their specialization in juvenile defense can apply to attend the JTIP Summer Academy, an intensive, week-long immersion training course held each year.

Since its release in the summer of 2013, JTIP has been immensely successful: the bench of Certified JTIP Trainers continues to grow at a rapid pace, with certification of over 100 trainers by July 2014. NJDC and Certified JTIP Trainers respond to requests for training and deliver targeted intensive training programs for juvenile defenders on an ongoing basis in states across the country.

## State

JTIP has altered the juvenile defense training landscape by providing a readily available source of comprehensive training materials for juvenile defenders that can be used in any state. Individual regions and states have also improved and increased specialized trainings and resources for defenders in their jurisdictions, including, for example:<sup>7</sup>

- **Regional Juvenile Defender Centers:** Each of NJDC's nine regional centers<sup>8</sup> developed trainings targeting issues of particular prominence/concern to the states in that region. For example,

the Pacific Juvenile Defender Center (PJDC) is "localizing" the JTIP curriculum to California by creating a California-specific juvenile delinquency training program focused on four critical areas of delinquency practice. Other regions regularly hold juvenile defense training summits using JTIP lessons.

- **Colorado:** In the wake of NJDC's 2012 assessment of the Colorado juvenile defense system—which included a core recommendation for specialized juvenile defense training in the state<sup>9</sup>—the Colorado Juvenile Defender Coalition and the Office of the Alternate Defense Counsel started an annual "Excellence in Juvenile Defense Conference," a two-day conference aimed at inspiring juvenile defenders to take their zealous advocacy to the next level and create community and support within the Colorado juvenile defense bar.
- **Massachusetts:** The Youth Advocacy Division<sup>10</sup> formalized statewide training for juvenile defenders by creating the Juvenile Defense Network (JDN). JDN is a support network that provides trainings, resource guides, legal outlines, and expert legal advice to public and private juvenile defenders throughout the state. Trainings are geared towards the needs of juvenile defenders in each geographic region. JDN resource guides aid lawyers while they are in court and faced with common issues specific to practicing in juvenile court, while JDN legal outlines provide more in-depth legal analysis on case law and juvenile statutes.
- **New York:** The New York Legal Aid Society's Juvenile Rights Practice conducts extensive training on both implicit and inherent bias. These programs, which start by training managers and supervising attorneys, include interview role plays to explore how attorneys can discuss issues of race, sexual orientation, and gender identity with clients.
- **Pennsylvania:** Juvenile defense leaders in the state developed several training innovations, such as a training program based directly on the Pennsylvania Juvenile Act and Rules of Criminal Procedure; a "train the trainers" workshop that provides tools to enable experienced defenders to conduct ongoing trainings for juvenile defenders in their regions; programs based on locally developed tools, such as the Pennsylvania Juvenile Defense Notebook, Performance Guidelines for Quality and Effective Defense Representation, and Collateral Consequences Checklist; and a two-day training program on defending children accused of sexual assault.
- **Washington:** TeamChild<sup>11</sup> and juvenile defense stakeholders organized a series of Leadership Summits to train defenders on, among other things, how to proactively address policies and

practices in the juvenile justice system that may not be beneficial to youth. The Summits covered various ways to solve policy problems, including legislative advocacy, appellate litigation, and community organizing.

- **Wisconsin:** The Wisconsin State Public Defender Office developed a training on race issues where the entire staff, including administrative and support staff, explores issues of race relations and white privilege in order to better serve all clients.

## RECOMMENDATIONS FOR REFORM

To equip juvenile defenders across the country with the skills and knowledge they need to provide the highest level of advocacy for their clients, NJDC recommends that:

- Interested stakeholders advocate for legislation mandating specialized juvenile training requirements to ensure that all children are represented by competent and qualified counsel. For example, if the California legislature passes Senate Bill No. 166, attorneys would be required to complete a certain amount of training and education, as determined by the Judicial Council, before they are eligible to be appointed as defense counsel in delinquency proceedings.<sup>12</sup>
- Federal, state, and local governments allocate resources for juvenile defender-specific training programs, such as JTIP;
- States and local defender agencies, bar associations, and other organizations use JTIP trainings and work to increase the number of Certified JTIP Trainers in each state;

- Juvenile court judges and administrators allocate a set number of court hours per month as mandated training time for all juvenile justice professionals and refrain from holding delinquency proceedings during those hours;
- Defender offices and commissions/associations develop or coordinate trainings to address diversity and cultural competency issues, as well as issues related to special populations (*e.g.*, lesbian, gay, bisexual, and transgender (LGBT) youth; tribal youth);
- Non-profit, advocacy, and community groups support NJDC's nine regional juvenile defender centers and promote the creation of state-based resource centers as places to centralize and facilitate juvenile defense trainings across the individual states; and
- Non-profit, advocacy, and community groups incentivize the creation of state-based Juvenile Defender Resource Counsel—resource attorneys for juvenile defenders to contact for support and training.

## CONCLUSION

Specialized training for juvenile defenders is vital: it ensures that defenders have the knowledge base and skills needed to zealously protect the rights of their young clients. Undertaking the proposed recommendations will ensure that critically needed specialized training reaches the broadest possible array of juvenile defenders across the country.

<sup>1</sup> NJDC supports specialized training for all juvenile justice professionals—*e.g.*, judges, probation officers, prosecutors, police—but this issue brief focuses exclusively on training for juvenile defenders.

<sup>2</sup> The Supreme Court's seminal 1967 decision *In re Gault* unequivocally held that children in delinquency proceedings have, among other rights, the due process right to counsel, the privilege against self-incrimination, and the right to compel and confront witnesses. *In re Gault*, 387 U.S. 1, 36, 55 (1967).

<sup>3</sup> See CAL. WELF. & INST. CODE § 218.5 (West 2014) (domestic violence training); MISS. CODE ANN. § 43-21-201(3) (West 2014) (annual juvenile justice training); N.M. STAT. ANN. § 32A-18-1, 32-18-3 (cultural recognition training); N.Y. FAM. CT. ACT § 249-B (McKinney 2014) (domestic violence training); OKLA. STAT. tit. 10A, § 1-8-101 (2014) (juvenile defense training); LEE F. SATTERFIELD, SUPERIOR COURT OF D.C., ATTORNEY PRACTICE STANDARDS FOR REPRESENTING JUVENILES CHARGED WITH DELINQUENCY OR AS PERSONS IN NEED OF SUPERVISION 8-9 (2004) (panel attorney training), <http://www.dccourts.gov/internet/documents/0413a.pdf>.

<sup>4</sup> States where the agency is required to provide training or standards to juvenile defense attorneys include Connecticut, Georgia, Indiana (only if reimbursed by the Indiana Public Defender Commission), Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Montana, New Mexico, North Carolina, North Dakota, Ohio, South Carolina, Washington, and West Virginia.

<sup>5</sup> JTIP was developed under the rubric of the Juvenile Indigent Defense Action Network (JIDAN), supported by the John D. and Catherine T. MacArthur Foundation (MacArthur Foundation) through its Models for Change Initiative. JIDAN brought together eight states (California, Florida, Illinois, Louisiana, Massachusetts, New Jersey, Pennsylvania, and Washington) to develop and implement new solutions and strategies to improve the delivery of legal services to youth in the juvenile justice system while strengthening and enhancing juvenile indigent defense systems nationwide.

<sup>6</sup> The twelve units are Introduction to Juvenile Defense, The Client, Arrest and Detention, Winning the Case Out of Court, Case Planning, Pre-trial Decisions, Transfer to Adult Court, Motions Practice, Trial Skills, Special Challenges on the Juvenile Docket, Disposition and Post-disposition, and Holistic Juvenile Defense Advocacy.

<sup>7</sup> The innovations in California, Massachusetts, and Pennsylvania were supported by the MacArthur Foundation through JIDAN.

<sup>8</sup> The nine regional centers are (1) Central (Arkansas, Indiana, Kansas, Kentucky, Missouri, Ohio, and Tennessee); (2) Mid-Atlantic (District of Columbia, Maryland, Puerto Rico, Virginia, and West Virginia); (3) Midwest (Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin); (4) New England (Connecticut, Maine, Massachusetts, Rhode Island, New Hampshire, and Vermont); (5) Northeast (Delaware, New Jersey, New York, and Pennsylvania); (6) Pacific (California); (7) Southern (Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina); (8) Southwest (Arizona, Colorado, New Mexico, Oklahoma, Texas, and Utah); and (9) Western (Alaska, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming).

<sup>9</sup> NAT'L JUVENILE DEFENDER CTR. & COLO. JUVENILE DEFENDER COAL., COLORADO: AN ASSESSMENT OF ACCESS TO COUNSEL AND QUALITY OF REPRESENTATION IN JUVENILE DELINQUENCY PROCEEDINGS 7, 51 (2012).

<sup>10</sup> In October 2009, the Youth Advocacy Project became the Youth Advocacy Division (YAD). With offices in Fall River, Hyannis, Lowell, Quincy, Roxbury, Salem, Somerville, Springfield, and Worcester, YAD leads, trains, and supports the entire Massachusetts juvenile defense bar. YAD's over-arching purpose is to improve legal and life outcomes for youth by building the skills and capacity of their advocates. YAD assists children in delinquency proceedings with effective representation in court, educational advocacy, psychological assessments, and individualized referrals to community resources.

<sup>11</sup> TeamChild is a non-profit serving five counties in Washington State. TeamChild aims to uphold the rights of youth involved, or at risk of involvement, in the juvenile justice system to help them secure the education, healthcare, housing, and other support they need to achieve positive outcomes in their lives.

<sup>12</sup> S.B. 166, 2013 Leg., Reg. Sess. (Cal. 2013).



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*The National Juvenile Defender Center (NJDC) is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC provides support to public defenders, appointed counsel, law school clinical programs, and non-profit law centers to ensure quality representation in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. To learn more about NJDC, please visit [www.njdc.info](http://www.njdc.info). If there is a topic you would like NJDC to explore in an issue brief, please contact us by sending ideas to [inquiries@njdc.info](mailto:inquiries@njdc.info).*