

# STANDARDS OF REPRESENTATION OF CLIENTS IN JUVENILE DELINQUENCY CASES

## Introduction

These Standards promote quality representation and uniformity of practice throughout Ohio for attorneys who represent juveniles in delinquency cases. The Standards were written by a working group of public defenders and court-appointed counsel from across Ohio, along with the Office of the Ohio Public Defender and Children's Law Center, Inc. The Standards were written with the difficulties of day-to-day practice in mind, but also with the goal of raising the quality of representation. While local adjustments may be necessary to apply these standards in practice, jurisdictions should strive to meet their fundamental principles and spirit.

The Standards have been adopted by the Ohio Public Defender Commission as part of the Office of the Ohio Public Defender's ongoing efforts to both increase the number of youth who are represented by counsel in delinquency proceedings and improve upon the quality of such representation.

These Standards recognize that attorneys practicing in juvenile delinquency cases require specialized skills and knowledge to assure quality legal representation for young clients who are the subjects of delinquency complaints.

The purpose of these Standards is to provide juvenile defense attorneys with a general guide to appropriate and diligent advocacy on behalf of clients involved in delinquency proceedings in Ohio.

The Standards are divided into the following categories:

1. Role of defense counsel
2. Training and experience
3. Caseload
4. Review of the complaint
5. Meeting with the client
6. Communication issues
7. Competency
8. Investigation and discovery
9. Informal court processes
10. Detention hearing
11. Pre-trial motions
12. Adjudicatory hearing
13. Dispositional hearing
14. Requesting continuances
15. Adequate recording of proceedings and objections during court hearings
16. Objections to Magistrate's decision
17. Right to appeal
18. Post-dispositional advocacy
19. Transfer proceedings to adult court / Serious Youthful Offender proceedings

Several standards relate to specific sections of the *Ten Core Principles for Providing Quality Delinquency Representation Through Indigent Defense Delivery Systems*, the National Council of Juvenile and Family Court Judges' *Juvenile Delinquency Guidelines*, IJA-ABA *Standards Relating to Counsel for Private Parties*, IJA-ABA *Juvenile Justice Standards Annotated*, and the Ohio Rules of Professional Conduct.

These Standards apply to all attorneys who represent juveniles in delinquency cases, whether they work for a public defender office or accept court appointments.

Representing a juvenile in a delinquency case is a difficult and emotional job. There are many responsibilities. These Standards are intended to help the attorney prioritize duties and manage the practice in a way that will benefit each juvenile on the attorney's caseload.

# **STANDARDS OF REPRESENTATION OF CLIENTS IN JUVENILE DELINQUENCY CASES**

## **Role of defense counsel**

The principal duty of an attorney representing a youth in a juvenile delinquency proceeding is to diligently advocate for the child's expressed interests; counsel must not substitute his or her own judgment for that of the client.<sup>1</sup>

Counsel shall fully advise their client as to the probable success and possible consequences of the client's position, provide alternatives when available, and provide the client all necessary information to allow the client to make a fully informed decision.<sup>2</sup>

If, after fully counseling and conferring with the client, the attorney believes the child is not capable of exercising appropriate and reasoned judgment on his or her own behalf, counsel should consider and, if appropriate, consult with their client regarding moving the court for a guardian ad litem to be appointed to represent the child's best interest.<sup>3</sup>

## **Training and experience**

Counsel who undertake the representation of a client in a juvenile delinquency proceeding shall have the adequate knowledge and experience necessary to represent that child diligently and effectively.<sup>4</sup>

Counsel should consider working with an experienced juvenile delinquency practitioner as a mentor when beginning to represent clients in delinquency cases.

At a minimum, counsel should attend 12 hours of CLE relevant to juvenile defense biennially.

Counsel shall familiarize themselves with Ohio statutes relating to delinquency proceedings, as well as the Ohio Rules of Juvenile Procedure, Ohio Rules of Criminal Procedure, Ohio Rules of Evidence, Ohio Rules of Appellate Procedure, relevant case law, and relevant local court rules. Counsel should be knowledgeable about and seek ongoing formal and informal training in the following areas<sup>5</sup>:

- A. Competency and Developmental Issues
  - 1. Child and adolescent development
  - 2. Brain development
  - 3. Mental health issues, common childhood diagnoses, and other disabilities
  - 4. Competency issues and the filing and processing of motions for competency evaluations
- B. Attorney/Client Interaction
  - 1. Interviewing and communication techniques for use with children
  - 2. Ethical issues surrounding the representation of children and the role of the attorney
  - 3. The role of the attorney vs. the role of the guardian ad litem, including knowledge of how to work with a guardian ad litem
- C. Department of Youth Services and Other State and Local Programs
  - 1. Diversion services available through the court and probation
  - 2. The child welfare system and its services

3. Ohio Department of Youth Services facility operations, release authority, and parole policies
  4. Community resources and service providers for children, and alternatives to incarceration available in the community
  5. Intake, programming, and education policies of the local detention facility
  6. Probation department policies and practices
  7. Gender-specific programming available in the community
- D. Specific Areas of Concern
1. Police interrogation techniques and *Miranda* considerations, as well as other Fourth, Fifth, and Sixth Amendment issues as they relate to children
  2. Substance abuse
  3. Special education laws, rights, and remedies
  4. Cultural diversity
  5. Immigration issues
  6. Gang involvement and activity
  7. School-related conduct and zero-tolerance policies (“school to prison pipeline” research, search and seizure issues in the school setting)
  8. What factors lead children to delinquent behaviors
  9. Signs of abuse and/or neglect
  10. Issues pertaining to status offenders
  11. Scientific technologies and evidence collection

### **Caseload**

Counsel should not carry a caseload that, by reason of its excessive size or representation requirements, interferes with the rendering of quality legal service, endangers the juvenile’s interest in the speedy disposition of charges, or risks breaches of professional obligations.<sup>6</sup>

Before agreeing to act as counsel or accepting appointment by a court, counsel has an obligation to ensure that he or she has sufficient time, knowledge, and experience, and will pursue adequate resources to offer quality legal services. If, after accepting an appointment, counsel finds he or she is unable to continue providing effective representation, counsel should consider appropriate case law and ethical standards in deciding whether to move to withdraw or take other appropriate action.

### **Review of the complaint**

Counsel shall carefully read the complaint, review the complaint for any defects, and be knowledgeable of:

- A. The elements of each offense charged;
- B. The penalties for each possible adjudication/conviction, including enhancements;
- C. All possible defenses and affirmative defenses;
- D. Any lesser-included offenses that may be available; and,
- E. The collateral consequences attaching to any possible sentencing, for example: parole or probation revocation, immigration consequences, sex offender registration and reporting requirements, loss of driving privileges, DNA collection, school suspension or expulsion, consequences on public housing, etc.

### **Meeting with the client**

Counsel shall make every effort to conduct a face-to-face interview with the client as soon as practicable and sufficiently in advance of any court proceedings. In cases where the client is

detained or in custody, counsel should make efforts to visit with the client within 24–48 hours after receiving the appointment.<sup>7</sup>

Counsel shall interview the client in a setting that is conducive to maintaining the confidentiality of communications between attorney and client.<sup>8</sup>

Counsel shall maintain ongoing communications and/or meetings with the client, as they are essential to establishing a relationship of trust between the attorney and the client.<sup>9</sup> Counsel shall provide the client with a method to reach their office, including information on calling collect from facilities, if appropriate.

Counsel shall utilize the assistance of an interpreter as necessary. Counsel should seek funding for such interpretation services from the court.<sup>10</sup>

Counsel should work cooperatively with the parents, guardians, and/or other persons with custody of the child to the extent possible without jeopardizing the legal interests of the child. This shall be done only with the knowing consent of the child, and the attorney must represent the child's expressed interests and not those of the child's parent or guardian.<sup>11</sup>

### **Communication issues**

Counsel should be alert for issues that may impede effective communication between counsel and client. During all interviews and court proceedings, counsel should ensure that all communication needs are effectively addressed, in order to allow the client to fully participate. Communication issues may be created by language, literacy, mental or physical disability, or impairment. Appropriate accommodations—which might include the use of interpreters, mechanical or technological supports, or expert assistance—should be provided during all interviews, preparation, and proceedings.

Due to the age and maturity of youth who are the subject of delinquency proceedings, counsel must take care to communicate clearly with their clients using age-appropriate language, and take time to explain legal terminology in a manner understandable to their young clients.<sup>12</sup>

### **Competency**

Counsel shall consider the issue of client competency in all cases and at all phases of the legal process. Counsel shall consider the client's age, developmental stage, mental retardation, and mental health diagnoses. Counsel and client shall resolve ethical issues of raising or not raising competency. Counsel shall be aware of alternative proceedings that can result if the client is found to be incompetent. Counsel shall understand the details of the competency proceeding and should prepare for and participate in proceedings.

### **Investigation and discovery**

A thorough investigation by defense counsel is essential for the competent representation of youth in delinquency proceedings.<sup>13</sup> Counsel shall consider seeking the assistance of an investigator when necessary and consider moving the court for funding to pay for the use of an investigator.<sup>14</sup> Counsel shall consider going to the scene of the alleged offense or offenses in a timely manner. Counsel shall consider the preservation of evidence and document such by using photographs, measurements, and other means.

Counsel shall also identify and consider interviewing potential witnesses and reviewing the records of their client—including, but not limited to: educational, psychological, psychiatric, substance abuse treatment, children services, and court and prior delinquency records—and be

prepared to execute any needed releases of information or obtain any necessary court orders to obtain these records.

Counsel shall utilize all possible means of obtaining discovery and utilize motions for discovery when appropriate.<sup>15</sup> When appropriate, counsel shall also examine all records, reports, evidence, photographs, 911 recordings, dispatch reports, law enforcement radio transmissions, and other records or documents in the possession of law enforcement or the prosecutor.

Counsel shall be mindful of all requirements for reciprocal discovery and be sure to provide such in a timely manner.<sup>16</sup>

### **Informal court processes**

Counsel shall be familiar with all alternatives offered by the court or available in the community. Such programs may include diversion, mediation, or other informal programming that could result in a juvenile's case being dismissed, handled informally, or referred to other community programming. When appropriate and available, counsel shall advocate for the use of informal mechanisms that could steer the juvenile's case away from the formal court process.<sup>17</sup>

### **Detention hearing**

When appropriate, counsel shall attempt to obtain the pretrial release of a client.<sup>18</sup> At the detention hearing, counsel shall advocate for the use of alternatives to detention. Such alternatives might include: electronic home monitoring, day or evening reporting centers, and utilization of other community-based services, such as after school programming. If counsel is appointed after the initial detention hearing or if the youth remains detained after the initial detention hearing, counsel shall consider the filing of a motion pursuant to Juvenile Rule 7(G) to review the detention decision.<sup>19</sup>

If the youth's release from secure detention is ordered by the court, counsel shall carefully explain to the youth the conditions of release from detention and any obligations of reporting or participation in programming.

Counsel should advocate in their community for a system that allows for the appointment of counsel to youth prior to the detention hearing.<sup>20</sup>

### **Pre-trial motions**

Counsel shall review all statements, reports, and other evidence, and interview the client to determine whether any pre-trial motions are appropriate. Counsel should timely file all appropriate pre-trial motions and participate in all pre-trial proceedings.<sup>21</sup>

In order to preserve a client's appellate rights, counsel shall object on the record and state the grounds for such objection following the court's denial of any defense motion.

### **Adjudicatory hearing**

Counsel should develop a theory of the case in advance of the adjudicatory hearing. Counsel shall issue subpoenas and obtain court orders for all necessary evidence to ensure the evidence's availability at the adjudicatory hearing. Sufficiently in advance of the hearing, counsel shall subpoena all potential witnesses. During the adjudicatory hearing, counsel shall raise objections on the record to any evidentiary issues.

Counsel shall make a Motion to Dismiss pursuant to Juvenile Rule 29(F) at the close of the state's case and again at the close of the defense's case.

Counsel shall utilize expert services when appropriate and petition the court for assistance in obtaining expert services when necessary.<sup>22</sup>

### **Dispositional hearing**

Counsel should begin to prepare for disposition at the beginning of the proceedings. Counsel shall be knowledgeable of available dispositional alternatives available in the community and, as appropriate, outside of the community.<sup>23</sup> Counsel shall review, in advance of the dispositional hearing, if possible, the recommendations of the probation department or other court department responsible for making dispositional recommendations to the court.<sup>24</sup> Counsel shall inform their client of these recommendations and other available dispositional alternatives.<sup>25</sup>

Counsel shall familiarize themselves with potential support systems of the client such as their school, family, and community programs with which the child is involved, and consider whether such supportive services could be part of a plan for the child's disposition. Counsel shall offer testimony or other evidence regarding less-restrictive dispositional options for their client.<sup>26</sup> Counsel shall consider the use of a written dispositional brief filed in advance of the dispositional hearing. As necessary, counsel shall object on the record and state the grounds for such objection.

If a sentence to DYS is a possibility in a youth's case, counsel shall inform their client of the indeterminate nature of commitments to DYS facilities and that all commitments to DYS take the form of a minimum sentence up to age 21. Counsel shall review the disposition order to ensure that the sentence is clearly and accurately recorded. Additionally, counsel shall review the disposition order to ensure that it includes language regarding detention credits and plea agreements. Counsel shall be aware of sex offender registration requirements and requisite proceedings, when applicable.

Counsel shall be familiar with the procedure for sealing and expunging records, inform their clients of the same, and utilize such procedures for their clients when eligible.

### **Requesting continuances**

Attorneys shall diligently work to complete their investigations and preparations in order to be fully prepared for all court proceedings. In the event, however, that counsel finds it necessary to have more time to adequately prepare for a proceeding, counsel should consult with the client and discuss seeking a continuance of the upcoming proceeding. Whenever possible, written motions for continuance made in advance of the proceeding are preferable to oral requests for continuance. All requests for continuance should be supported by well-articulated reasons on the record, in the event it becomes an appealable issue.

### **Adequate recording of proceedings and objections during court hearings**

Counsel must be aware of appellate issues and the importance of their preservation at all stages of representation.

Counsel shall ensure that all pre-trial hearings, adjudicatory hearings, and disposition hearings are adequately recorded, and that the recording is preserved by the court.

Counsel must make specific, clear objections on the record. Counsel must resolve any doubt in favor of objecting, in order to preserve the client's rights.

### **Objections to magistrate's decision**

Counsel shall advise client of the role of the magistrate and the procedure and purpose of filing objections to the magistrate's decision. If the client agrees to proceed, counsel shall review the magistrate's decision for possible meritorious grounds to object. If the magistrate's decision does not contain findings of facts and conclusions of law, counsel shall request in writing such findings of facts and conclusions of law in accordance with Juvenile Rule 40. Counsel shall ensure that the transcript of the proceeding is timely obtained and objections are timely filed, in accordance with Juvenile Rule 40. Counsel shall draft and file objections with specificity and particularity, and participate in the oral argument.

### **Right to appeal**

At the time of the issuance of an appealable order, counsel must provide the client with written or oral notice of appellate rights and their right to have appellate counsel.<sup>27</sup> Counsel shall ensure that the notice of appeal and request for appointment of counsel is filed, or that the client has obtained, or the court has appointed, appellate counsel in a timely manner.

### **Post-dispositional advocacy**

Counsel shall inform any youth who are committed to the Department of Youth Services that they may motion the court for an early release from DYS during the time period equivalent to their minimum sentence to DYS. Whenever possible, counsel should continue with the post-dispositional representation of their client.<sup>28</sup> Counsel shall clearly tell the youth whether they will be available to continue to represent the youth for post-dispositional issues and if applicable, during the time period of their incarceration. If counsel is unable to continue with representation, counsel should advise the youth how to obtain other counsel.

Court-appointed counsel and public defender offices should strive to create indigent defense delivery systems that provide for continuity in post-dispositional representation for juvenile delinquency cases and utilize the available resource of the Office of the Ohio Public Defender for appellate advocacy when appropriate.

### **Transfer proceedings to adult court/Serious youthful offender proceedings**

Counsel must recognize that transfer proceedings to adult court and serious youthful offender proceedings are unique, with the most serious consequences for children so charged. Counsel shall not undertake the representation of children in these proceedings without sufficient experience, knowledge, and training in these unique areas.

Counsel should be experienced in adult criminal proceedings, with a thorough knowledge of adult criminal procedures and sentencing. This must include practical criminal jury trial experience. Counsel must be knowledgeable of the purposes and legal issues surrounding probable cause hearings and amenability proceedings. For amenability proceedings, counsel shall thoroughly investigate the social, psychological, and educational history of the child, and counsel shall obtain, as appropriate, the use of professionals, including psychologists, social workers, and investigators, in order to provide the court with a comprehensive analysis of the child's strengths and weaknesses.

It is recommended that counsel representing children in transfer proceedings have, at a minimum, litigated at least two criminal jury trials, or have co-counsel who has done so. Children charged with aggravated murder specifications should be represented by counsel who meet Rule 20 qualifications.



Counsel who represent children in serious youthful offender proceedings shall, at a minimum, have litigated two criminal jury trials, and/or two serious youthful offender jury trials, or have co-counsel who has done so. Counsel shall be familiar with the adult sentencing proceedings that the child will be subject to upon conviction, so as to be able to advocate for an appropriate suspended adult sentence.

---

<sup>1</sup> *IJA-ABA Juvenile Justice Standards Annotated*, Standard 3.1(a), p.75, “[T]he lawyer’s principal duty is the representation of the client’s legitimate interests.”

<sup>2</sup> *Id.*, Standard 3.1(b)(ii)[a], p.76, “Counsel for the respondent in a delinquency proceeding...should ordinarily be bound by the client’s definition of his or her interests with respect to admission or denial of the facts or conditions alleged. It is appropriate and desirable for counsel to advise the client concerning the probable success and consequences of adopting any posture with respect to those proceedings.”

<sup>3</sup> Ohio Rules of Professional Conduct, Rule 1.14(a), “When a client’s capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.”; and Rule 1.14(b), “When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken, cannot adequately act in the client’s own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator, or guardian.”

<sup>4</sup> *Ten Core Principles for Providing Quality Delinquency Representation Through Indigent Defense Delivery Systems*, American Council of Chief Defenders, National Juvenile Defender Center, Principle 7(B), “The indigent defense delivery system recognizes juvenile delinquency defense as a specialty that requires continuous training in unique areas of the law.” See also, National Council of Juvenile and Family Court Judges *Juvenile Delinquency Guidelines*, Key Principles 7 and 16, at pp.25 and 30, “Alleged and adjudicated delinquent youth must be represented by well trained attorneys with cultural understanding...” and, “Whether performed by a public defender or the private bar, counsel for youth is responsible to: Be an advocate, zealously asserting the client’s position under the rules of the adversary system; Be an experienced attorney in order to provide effective legal assistance. The representation of youth in juvenile delinquency court should not be an entry-level position that eventually graduates attorneys to other areas of defense work. Counsel for youth should have a particular interest in youth and family systems, focus on juvenile law, and be trained in the development, education, substance abuse and mental health of youth. They should be selected on the basis of their skill and competence...”

<sup>5</sup> *Id.* (*Guidelines*), at p.78, “Qualified counsel has an understanding of child development principles, cultural differences, mental health, trauma, mental retardation, and maturity issues that relate to juvenile competency to stand trial issues; treatment options that could serve as effective alternatives to detention; and special needs issues including prior victimization and educational needs. Qualified counsel understands juvenile delinquency court process and knows enough about disposition resources to advocate for a disposition response that will meet the youth’s needs.”

<sup>6</sup> *Supra* note 4 (*Ten Core Principles*), Principle 5(A), “The workload of indigent defenders, including appointed and other work, should never be so large as to interfere with the rendering of zealous advocacy or continuing client contact nor should it lead to the breach of ethical obligations.” See also, *IJA-ABA Standards Relating to Counsel for Private Parties* 2.2(b)(iv), “It is the responsibility of every defender office to ensure that its personnel can offer prompt, full and effective counseling and representation to each client. A defender office should not accept more assignments than its staff can adequately discharge.” *Supra* note 2, Key Principle 7, at p.25, “Alleged and adjudicated delinquent youth must be represented by well trained attorneys with cultural understanding and manageable caseloads.”

<sup>7</sup> *Supra* note 1, Standard 4.2(a), at p.80, “The lawyer should confer with a client without delay...”; and Standard 4.1 at p.80, “Many important rights of clients involved in juvenile court proceedings can be protected only by prompt advice and action. Lawyers should immediately inform clients of their rights and pursue any investigatory or procedural steps necessary to protection of their clients’ interests.”

<sup>8</sup> *Id.*, Standard 6.14, at p.27, “Secure detention facilities should have interview rooms for residents to meet privately with attorneys...”

<sup>9</sup> *Id.*, Standard 3.3(a), at p.78, “Counsel should seek from the outset to establish a relationship of trust and confidence with the client.”; and Standard 3.5, at p.79, “The lawyer has a duty to keep the client informed of the developments in the case, and of the lawyer’s efforts and progress with respect to all phases of representation.”

<sup>10</sup> *Id.*, Standard 2.7(C), at p.4, “When the respondent is incapable of speaking or of speaking in a language understood by respondent’s attorney, an interpreter who can understand the respondent should be appointed by the judge of the juvenile court and compensated from public funds to interpret communications from the respondent to the respondent’s attorney.”

<sup>11</sup> *Preamble, Ten Core Principles for Providing Quality Delinquency Representation Through Indigent Defense Delivery Systems*, Section B, “The Indigent Defense Delivery System must emphasize that it is the obligation of

---

juvenile defense counsel to maximize each client's participation in his or her own case in order to ensure that the client understands the court process and to facilitate the most informed decision making by the client."

<sup>12</sup> *Supra* note 5, at p.30, "Counsel for youth must be able to explain the juvenile delinquency court process in terms the youth can understand."

<sup>13</sup> *Id.*, at p.122, "Prior to the trial, counsel [should have] completed all of the following responsibilities: Investigated all circumstances of the allegations; Sought discovery of any reports or other evidence to be submitted to or considered by the juvenile delinquency court at the trial; If circumstances warrant, requested appointment of an investigator or expert witness to aid in the preparation of the defense and for any other order necessary to protect the youth's rights..."; and at p.31, "Effective representation of the client's interests is frustrated when counsel for the youth is ignorant of information contained in discovery materials."

<sup>14</sup> *Supra* note 6, Principle 4(B), "The indigent defense delivery system ensures the provision of all litigation support services necessary for the delivery of quality services, including...investigators..."

<sup>15</sup> *Supra* note 1, Standard 7.3(a)(i), at p.84, "Counsel should promptly seek disclosure of any documents, exhibits, or other information potentially material to representation of clients in juvenile court proceedings. If such disclosure is not readily available through informal processes, counsel should diligently pursue formal methods of discovery including, where appropriate, the filing of motions for...discovery and inspection of exhibits, documents and photographs, for production of statements by and evidence favorable to the respondent, for production of a list of witnesses, and for the taking of depositions." *See also, Supra*, note 2, at pp.30-31.

<sup>16</sup> *Supra* note 5, at p. 31. "Where the jurisdiction requires reciprocal discovery, counsel for youth should provide such materials as promptly as possible."

<sup>17</sup> *Supra* note 1, Standard 6.1, at p.82, "Whenever the nature and circumstances of the case permit, counsel should explore the possibility of an early diversion from the formal juvenile court process through subjudicial agencies and other community resources."

<sup>18</sup> *Legal Strategies to Reuce the Unnecessary Detention of Children*, National Juvenile Defender Center, p.56, "Research consistently shows that juveniles who have been in detention are more likely to be formally processed and receive more punitive sanctions at disposition than those not placed in detention..."

<sup>19</sup> *Supra* note 1, Standard 6.4(a), at p.83, "If the client is detained...the lawyer should immediately consider all steps that may in good faith be taken to secure the child's release from custody."

<sup>20</sup> *Supra* note 5, at p.77, "Key Principle 7—Youth charged in the formal juvenile delinquency court must have qualified and adequately compensated legal representation—applies regardless of whether the youth is released or detained. The Delinquency Guidelines recommends that youth, parent, and counsel for the youth meet prior to the detention or initial hearing to determine the position they will take at the hearing."

<sup>21</sup> *Supra*, note 1, Standard 7.3(b), at p.85, "Where the circumstances warrant, counsel should promptly make any motions material to the protection and vindication of the client's rights, such as motions to dismiss the petition, to suppress evidence, for mental examination, or appointment of an investigator or expert witness, for severance, or to disqualify a judge." *See also, Supra* note 2, at p.30–31, "[C]ounsel for youth is responsible to...file all appropriate pre-trial motions in order to protect the youth's rights and preserve the fairness of the trial and adjudication hearing. Such motions may include efforts to obtain discovery materials, to suppress physical evidence and confessions, or to challenge the circumstances of a pretrial identification etc."

<sup>22</sup> *Supra* note 6, Principle 4(A), "The indigent defense delivery system supports requests for essential expert services throughout the delinquency process and whenever individual juvenile case representation requires these services for effective and quality representation. These services include, but are not limited to, evaluation by and testimony of mental health professionals, education specialists, forensic evidence examiners, DNA experts, ballistics analysis and accident reconstruction experts." *See also, Supra* note 4, Standard 2.1(c), at p.72, "Competent representation cannot be assured unless adequate supporting services are available. Representation in cases involving juveniles typically requires investigatory, expert and other nonlegal services. These should be available to lawyers and to their clients at all states of juvenile and family court proceedings."

<sup>23</sup> *Supra* note 1, Standard 9.2(a), at p.89, "Counsel should be familiar with the dispositional alternatives available to the court, with its procedures and practices at the disposition stage, and with community services that might be useful in the formation of a dispositional plan appropriate to the client's circumstances." *Supra* note 2, at p.30, "[C]ounsel for youth is responsible to...[b]e knowledgeable of all the disposition resources available in the jurisdiction..."

<sup>24</sup> *Id.*, Standard 9.2(b), at p.89, "The lawyer should promptly investigate all sources of evidence, including any reports or other information that will be brought to the court's attention, and interview all witnesses material to the disposition decision."

<sup>25</sup> *Id.*, Standard 9.3(a), at p.90, "The lawyer should explain to the client the nature of the disposition hearing, the issues involved, and the alternatives open to the court. The lawyer should also explain fully and candidly the nature, obligations, and consequences of any proposed dispositional plan, including the meaning of conditions of probation, the characteristics of any institution to which commitment is possible, and the probable duration of the client's responsibilities under the proposed dispositional plan."

<sup>26</sup> *Supra* note 6, Principle 8(A), "Indigent defense delivery system counsel have an obligation to consult with clients and, independent from court or probation staff, to actively seek out and advocate for treatment and placement

---

alternatives that best serve the unique needs and dispositional requests of each child.” See also, *Supra* note 4, Standard 9.2(c), at p.90, “The lawyer should seek to secure the assistance of psychiatric, psychological, medical or other expert personnel needed for purposes of evaluation, consultation, or testimony with respect to formation of a dispositional plan.”

<sup>27</sup> *Supra* note 1, Standard 10.3(b), at p.93, “Whether or not trial counsel expects to conduct the appeal, he or she should promptly inform the client...of the right to appeal and take all steps necessary to protect that right until appellate counsel is substituted or the client decides not to exercise this privilege.”

<sup>28</sup> *Id.*, Standard 10.1(a), at p.91, “The lawyer’s responsibility to the client does not necessarily end with dismissal of the charges or entry of a final dispositional order. The attorney should be prepared to counsel and render or assist in securing appropriate legal services for the client in matters arising from the original proceeding.”