

## Letter to the Editor

# Sharing Information Could Stigmatize Juveniles for Life

In "Lack of Training in Juvenile System Risks Accountability" (February 23) Judge Eugene Hyman correctly points out the critical need for all those who work with the children in our juvenile courts to be adequately trained in developmental issues, mental disorders and drug abuse, as well as in criminal and juvenile law. The Los Angeles County Public Defender recognizes this same need and for many years has customized training for lawyers who undertake the serious task of representing youngsters in the juvenile delinquency system.

Over 70 lawyers in my office represent a majority of such children in Los Angeles County. In their role as advocates our lawyers investigate, prepare and litigate on behalf of our young clients pursuant to the expanded mandate of state court rules and state law. Hence, the scope of our advocacy extends well beyond the trial and beyond the four walls of the courtroom. While our young clients certainly need the vigorous courtroom advocacy that they receive from my lawyers, they also need help accessing mental health services, special education entitlements, regional center consumer status, and alcohol and drug treatment. Accessing and implementing these services are critical because it is often these services that will prevent these vulnerable children from being rearrested in the future. I recognize this as a crucial part of our responsibility to our young clients. In fact, such advocacy must be provided to comply with the expanded mandates alluded to above.

My lawyers are able to provide this type of comprehensive representation because they don't do it alone. They are teamed with psychiatric social workers, resource attorneys, investigators and paralegals in our Juvenile Division. The psychiatric social workers comprehensively

assess clients to determine their developmental, educational and psychological issues; they also make disposition and treatment recommendations. The resource attorneys assure accountability of various outside agencies that are obligated to provide services to address our clients' educational and mental health needs. The investigators help the attorneys gather information to provide a true picture of events to the court. The paralegals secure psychiatric records, medical records, school records, and dependency court records, all of which help provide a complete history of the child and help put the current behavior in the context of his or her life experiences.

We take our responsibility to train our lawyers who work with children in juvenile court very seriously. Representing young people is a complex, specialty practice and we treat it as such. When a lawyer begins in the Juvenile Division he or she participates in multiple training sessions that occur at various intervals. Training continues during a lawyer's entire tenure in the Division.

My lawyers have access to electronic resources that contain training videos and podcasts on topics specifically related to representing juveniles. Further, to educate my staff about the facilities that receive some of our youth, staff tours suitable placements, Division of Juvenile Justice facilities and probation camps on a regular basis. We also host one of the largest annual juvenile delinquency conferences in the country, and in doing so are leaders in training defenders from around the state. Moreover, we assign a healthy mix of lawyers who are experienced in life as well as in the practice of law to guide the children. A full range of promotional opportunities exists in our Juvenile Division.

While I agree with many of Judge Hyman's views on the benefits that occur when all known information about a young person is shared with the judge, the prosecutor and the probation officer, there are two serious limitations on my lawyers' ability to share all information about our clients. First, if the client does not consent then we cannot share the information. Simply put, our ethical duty to our client prevents us from acting contrary to the client's wishes.

Second, because there are so many potentially serious consequences that some clients may face in the future, we sometimes must advise them that sharing information is dangerous and thus inadvisable. In many situations, what happens in juvenile court no longer stays in juvenile court. For example, people can be alleged to have "Strikes" under the Three Strikes law even though the strikes occurred when they were tried in juvenile court years earlier. Similarly, confidential information shared with other juvenile delinquency agencies may later end up in a public record. Some states have laws that ensure the confidentiality of such shared information; California does not.

Sharing information is not without its risks, and defense lawyers are the only people in the juvenile courtroom who must evaluate that risk and then offer advice to the client. Sometimes an MOU binding all who receive such information may mitigate some of these concerns, but only if the agreement provides ironclad protections. Otherwise, children who are still developing may be unfairly stigmatized for life.

**Michael P. Judge**

Los Angeles County Public Defender