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**An Evaluation of the Youth Advocacy Project  
of the Committee for Public Counsel Services**

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*An Evaluation of the Youth Advocacy Project of the Committee for  
Public Counsel Services: Executive Summary*

The Spangenberg Group (TSG) is a nationally recognized research and consulting firm which specializes in the evaluation and improvement of indigent defense systems. The Spangenberg Group has conducted research in all fifty states and provides consultative services to improve indigent defense systems. For fifteen years, The Spangenberg Group has been under contract with the American Bar Association's Bar Information Program (BIP), which provides support and technical assistance to individuals and organizations working to improve the jurisdictions indigent defense systems. As the ABA's primary provider of technical assistance relating to indigent defense systems, The Spangenberg Group has worked with judges, bar associations, state and local governments, legislative bodies and public defender organizations in nearly every state in the country. This report was prepared on behalf of the American Bar Association's Bar Information (BIP) Program.

In December 2000, the Youth Advocacy Project (YAP), invited The Spangenberg Group to meet with the Project Director and other senior members of the staff to discuss ways in which TSG might be able to assess the performance of YAP's work. YAP is an initiative of Massachusetts' state wide indigent defense program, the Committee for Public Counsel Services (CPCS). The Youth Advocacy Project accepts youthful offender and serious juvenile delinquency cases in the Greater Boston area. Through its attorneys, social workers, and consulting psychologist, Roxbury-based YAP handles almost 1,000 cases a year. In April of 2001, TSG interviewed YAP's staff, juvenile court judges, prosecutors, community based youth and family service providers and other members of the juvenile justice community.

Our fieldwork revealed that there is a near consensus in the juvenile justice community that criminality in juveniles is almost always the product of the child's untreated social, mental or education problems. We also found widespread frustration with the fact that the courts have often been unable to understand the children before them, resulting in sentences that often exacerbate these problems. YAP has successfully used its platform as a public defender's office to bring these untreated problems to the surface, and force the juvenile justice system to treat them in a meaningful way. They have done so by both infusing their courtroom advocacy with a holistic understanding of their clients and by expanding their advocacy efforts beyond the courtroom.

YAP's approach to juvenile defense is not to think of their clients merely in terms of their court involvement, but rather to understand their cases in the context of their client's often troubled lives. Since developing this understanding of their client's demands more than a lawyer's legal expertise, YAP employs two full-time social workers and a part-time psychologist. When YAP's staff realized that most of its clients failed in school before becoming court involved they initiated The EdLaw project, an educational advocacy partnership with The Children's Law Center of Massachusetts. This project works at breaking the cycle of school failure, truancy, and delinquency. YAP attorneys, social workers and often the psychologist and EdLaw attorney form the core of their multi-disciplinary defense teams. Through such collaboration, YAP can suggest dispositions that deal with the root causes of a child's criminal behavior. As one judge told TSG, "I can't do my job if the prosecution simply says convict and the defense simply says acquit. I need to be shown a range of options and YAP provides that."

YAP has expanded the scope of its advocacy beyond what is typically undertaken by a public defender's office. Just as YAP staff members realize that their client's criminal behavior cannot be understood apart from their underlying problems, they realize that their clients' problems cannot be understood in isolation from their client's family and community. In response YAP has become a significant presence in Dudley Square, the neighborhood in Roxbury in which YAP's office is located. YAP's efforts to engage in family and community strengthening initiatives include: community workshops on accessing social services and navigating the criminal justice system, child advocacy training sessions for parents and other lawyers and the "Community Notebook," a quarterly desk reference for parents and child advocates in the Greater Boston area.

YAP has also spearheaded the creation of the "Roxbury Network," a collaboration between YAP and several community based service providers. The Roxbury Network's mission is to help community based agencies meet the needs of families whose complex problems do not fit within a single agency's purview. Other members of the network include: La Alianza Hispana, the Roxbury Boys and Girls Club, Youth-Build Boston and Families First. YAP's dedication to the Roxbury community demonstrates its long-term commitment to the health and well being of children and sets them apart from the vast majority of criminal justice agencies.

The Youth Advocacy Project has increasingly found itself not only advocating for individual clients, but advocating and advancing its philosophy of juvenile justice. YAP and The Equal Justice Partnership work to bring together police, prosecutors, probation departments and youth service providers in a collaborative effort to improve juvenile justice. By focusing on areas in which there is wide spread agreement, these meetings have focused energy on making improvements and establishing bonds of trust between agencies. TSG was informed by several state agencies that they view YAP not only as an effective child advocate, but also as a valuable and trusted resource on alternatives to incarceration and juvenile justice standards.

YAP is engaged in many wide-reaching and ambitious initiatives, which are all tied together by the common goal of reducing risk of court involvement for its young clients and for neighborhood youth. By helping families and at-risk children make reflective, long-term choices about themselves and their future, by helping courts make the right choice for troubled youngsters (including alternative sentencing and effective intervention services), and by helping schools and parents find successful teaching plans for hard-to-reach children, YAP is making significant strides toward fulfilling this goal.

It is clear to TSG that The Youth Advocacy Project is approaching the problems of juvenile justice in an efficacious and creative way. We believe YAP's model is one to be replicated and one worthy of support. It is in this spirit we recommend that YAP further develop in the following areas:

Expand the capacity of YAP in the State of Massachusetts to maximize the benefits of the multi-disciplinary model in more courts in Boston and throughout the state.

Build a statewide network of attorneys for children, sharing legal knowledge and skills, education expertise, alternative sentencing successes and to help assure better long-term results for children and their communities.

Increase YAP's public profile by instituting a national advisory board to assist in strategic planning and program development.

Develop the capacity to measure outcomes, by adopting a version of the CPCS case management system with significant alterations to reflect YAP's unique practice. This will both improve YAP's ability to document its successes and to follow clients after case disposition. This, in turn, will help to prevent recidivism and probation violations.

Develop the capacity to engage in more local and national policy initiatives, thereby becoming a role model to other children's advocacy organizations throughout the country.

Undertake a sustained and coordinated fund-raising effort to implement the proceeding initiatives.

## TABLE OF CONTENTS

|  |    |
|--|----|
| I. Introduction .....  | 1  |
| II. Methodology .....  | 1  |
| III. YAP: Practice and Philosophy. ....  | 2  |
| IV. YAP Leadership .....   | 4  |
| V. Some Significant Characteristics of YAP .....                                       | 6  |
| VI. The Relationship Between YAP and Other Member of the Juvenile Justice System ..... | 11 |
| VII. YAP's Community Advocacy Efforts. ....  | 12 |
| VIII. Special Projects and Initiatives. ....   | 13 |
| IX. Conclusion. ....   | 16 |

## *I. Introduction*

In December 2000, the Youth Advocacy Project (YAP) invited The Spangenberg Group to meet with the Project Director and other senior members of the staff to discuss ways in which The Spangenberg Group (TSG) might be able to assess the performance of YAP's work. YAP is an initiative of the Committee for Public Counsel Services (CPCS), Massachusetts' state wide indigent defender agency.<sup>1</sup> YAP is CPCS's only public defender office that handles juvenile cases to any large degree. This report, which evaluates the YAP program, we hope will assist YAP in several ways, including: 1) expanding and developing the current program 2) building coalitions with law school clinical programs and 3) building a national support group.

The Spangenberg Group is a nationally recognized research and consulting firm which specializes in the evaluation and improvement of indigent defense systems. The Spangenberg Group has conducted research in all fifty states and provides consultative services to improve indigent defense systems. For fifteen years, The Spangenberg Group has been under contract with the American Bar Association's Bar Information Program (BIP), which provides support and technical assistance to individuals and organizations working to improve the jurisdictions indigent defense systems. As the ABA's primary provider of technical assistance relating to indigent defense systems, The Spangenberg Group has worked with judges, bar associations, state and local governments, legislative bodies and public defender organizations in nearly every state in the country. This report was prepared on behalf of the American Bar Association's Bar Information (BIP) Program.

## *II. Methodology*

In January of 2001, Marea Beeman, Vice President of The Spangenberg Group and Rangita de Silva-de Alwis, Research Associate, visited with YAP Project Director, Joshua Dohan, Assistant Director, Christine Fiechter and Program Coordinator of the Ed Law Project (an advocacy partnership between the Children's Law Center and YAP), Jenny Chou to learn more about the mission of YAP as well as to discuss alternative ways to improve their services. The Spangenberg Group began a study of the program in April 2001. A team of TSG researchers including Marea Beeman, Rangita de Silva-de Alwis and Research Assistant James Downing conducted site visits to meet with YAP staff including the Director, Assistant Director, supervising attorneys, staff attorneys, social workers, the staff psychologist and the Ed Law Project Director. TSG also met with juvenile court judges, prosecutors, community based youth and family service providers, community liaison, the Director of Court Clinics, Department of Youth Services staff, law school juvenile justice clinical programs and CPCS Chief and Deputy Chief Counsels. The Spangenberg Group also conducted court observations to gain a fuller understanding of YAP'S role in the Massachusetts juvenile justice system and reviewed materials such as YAP and EdLaw annual reports, staffing structure, case weighting processes, practice guidelines, training manuals and public education materials. The site work was conducted over a period of three days followed by phone interviews with certain persons who were unavailable for in-person interviews.

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<sup>1</sup> CPCS provides counsel for defendants in criminal matters where incarceration is possible and counsel for respondents in petitions for civil commitments.

### *III. YAP: Practice and Philosophy*

Traditionally, the field of juvenile defense has been paid little attention by public defender organizations across the country. This field is generally regarded as a training ground for attorneys with relatively little experience. Marginalized and largely devalued, juvenile defense has been regarded as one of the least critical areas of criminal practice. In reality, juvenile defense is a very demanding and highly specialized area needing the expertise of a highly trained team of professionals drawn from various disciplines and able to identify the multitudinous needs of juvenile defendants.

The Youth Advocacy Project in its philosophy and practice has redefined juvenile defense and juvenile crime prevention. By professionalizing juvenile defense, exploring creative approaches to juvenile defense and building new programs aimed at preventing juvenile crime and recidivism, YAP has opened the eyes of the criminal justice community to the critical importance of juvenile defense in preventing adult crime.

The Youth Advocacy Project is a public defender office specializing in juvenile defense. It was established in 1992 as an initiative of the Committee for Public Counsel Services (CPCS), Massachusetts state public defender agency. The Committee for Public Counsel Services is a body established by Chapter 211D of the Massachusetts General Laws to oversee the provision of legal representation to indigent persons in the Commonwealth. The Committee oversees the operation of a state department comprised of 126 public attorneys which provide legal services of various types to indigent parties. Most of the legal representation in nearly 3,000,000 cases annually is provided by approximately 2,400 private attorneys appointed by various courts. There are thirteen CPCS regional offices and two CPCS family law offices in which CPCS staff attorneys provide legal services in the various counties or specific courts are based. In addition, CPCS contracts with twelve local Bar Advocate Programs, which are located in the various counties to provide oversight of the private bar advocates assigned to criminal cases. Although several Public Defender Division trial offices accept a limited number of serious cases for clients in Juvenile Court, the CPCS Roxbury office has a separate division, the Youth Advocacy Project (YAP), which has the statutory authority to accept youthful offender<sup>2</sup> and felony juvenile delinquency cases throughout Massachusetts. Additionally, they are permitted to accept misdemeanor juvenile delinquency cases in Suffolk and Bristol County. However, as their office is located in Roxbury, the majority of YAP's clients are from the Dorchester, Roxbury and Mattapan neighborhoods of Boston. The majority of youthful offender and juvenile delinquency cases are handled by Bar Advocates. Public Defenders from CPCS provide representation in delinquency and youthful offender cases on a very limited basis.

Currently YAP employs 6 attorneys, 2 social workers and a part-time psychologist. The program's Director, Josh Dohan and Assistant Director, Christine Fiechter are an attorney and social-worker respectively, though neither are regularly taking new cases. YAP also has a position for a community liaison which is vacant at the time of this writing. YAP expects to fill this position at the beginning of fiscal year 2002. Of the 820 cases YAP handled in fiscal year 2000, 31% were charged as person offenses and 26% were charged as property offenses. The

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<sup>2</sup> Unlike juvenile delinquency charges, children charged as youthful offenders face the possibility of being sentenced to adult prison. Also, youthful offender cases often entail longer Department of Youth Services commitments than do delinquency matters.

remainder were composed of drug, sex and public order offenses; and probation violation. YAP provides direct services to young people between the ages of seven to 21 with most clients falling between the ages of 12 to 17. The majority of the Project's cases are assigned while the staff attorneys are in court handling pending matters. The remainder of their cases come from walk-ins and referrals from judges and prosecutors. Records are kept through case tracking and case weighting forms which are filled out by YAP's attorneys, social workers and psychologist.

In FY 2001, YAP's budget was \$514,104. Of this amount \$456,913 is allocated by the state. The remaining \$57,191 was donated by several charitable organizations.

YAP's primary role is to provide comprehensive legal representation and advocacy to children who are charged as delinquents and youthful offenders in Boston's juvenile courts. Its mission is not only to provide effective legal representation, but also to prevent initial or repeat court involvement by juveniles through early intervention. The Program's innovative and holistic approach to advocacy involves partnering with local organizations in search of alternatives to incarceration, as well as effective intervention services such as educational and mental health support services, substance abuse treatment, job training and placement and psychological referrals. By using multiple advocacy strategies such as legal representation, community education, networking, training and legislative testimony, YAP engages in a whole range of advocacy efforts.

The Youth Advocacy Project integrates most of the elements considered essential for a strong and effective public defender program serving children, for example, a presence in the community, a multi-disciplinary team approach to representation, child-focused advocacy, access to resources for children and a wide network of parents and community organizations.

The Project's philosophy is founded on the belief that effective early intervention with troubled young people can yield lasting benefits in their lives. Further, early intervention can save the justice system enormous cost and time that otherwise might be required to deal with these same people in the adult courts and correctional systems.<sup>3</sup> The YAP trial team hopes to help children and families to make choices that will minimize the child's long term risk of chronic court involvement. The team has been able to pursue this form of intervention without compromising their role as legal advocates by striving to provide the child and his/her family with appropriate risk reduction opportunities and the information they need to make wise decisions within a safe and trusting working relationship. It is clear that the YAP staff makes an effort to develop relationships with their clients that facilitate thoughtful decision making.

Another hallmark of YAP's philosophy is team-based decision making and a fostering of a trusting attorney/client relationship, both of which clarify the client's broader needs. By teaming lawyers with mental health experts and social workers who have special expertise in working with children, YAP embraces a holistic representation philosophy based on the premise that children are fundamentally different from adults. To offer quality representation, YAP strives to keep caseloads manageable so that staff attorneys and social workers can establish a

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<sup>3</sup>This approach is consistent with the leading research in the area of delinquency prevention. The Office of Juvenile Justice and Delinquency Prevention of the United States Department of Justice, the Child Welfare League of America, The National Crime Prevention Council and other authorities have published numerous reports over the past ten years documenting the success of early intervention services and the high monetary cost to society of failing to provide appropriate early intervention services.

rapport with their clients. In the words of Patricia Puritz, Director of the Juvenile Justice Center of the ABA, representing children often means asking yourself, “who is this child before you”.<sup>4</sup> Similarly, getting to know the child that is being represented in court is of paramount importance to YAP.

The YAP leadership and staff strongly believe that the community in which the child is reared should take responsibility for the health and well being of each child. Hanging on one staff member’s office is the poster with the now often quoted African folk saying: “It takes a village to raise a child.” YAP’s holistic approach to representation is premised on the belief that the child cannot be seen in isolation from her environment. YAP also believes in former Attorney General Janet Reno’s words that “collaboration is the motor that drives the engine of progress on indigent defense.”<sup>5</sup> By recognizing that representation of children requires interagency collaborations and activity, forging alliances and partnerships with community groups, local bar associations and law school clinical programs, YAP’s objective is to improve the effectiveness and fairness of the criminal justice system through better information sharing. Our observations revealed a wide spread agreement among the different players of the Massachusetts juvenile justice system as to the needs of the juvenile justice community. YAP strives to direct this shared belief into action.

#### ***IV. YAP Leadership***

Building on the vision of YAP’s founding director Jay Blitzman, now an Associate Judge of the Middlesex Juvenile Court, the current leadership at YAP has expanded the scope of a traditional public defender’s role to include educational and preventive work in the community.

The program’s Director, Josh Dohan, and the Assistant Director, Christine Fiechter, complement each other in the varied strengths and talents they bring to the program. While the Director has articulated an innovative vision for the program, the Assistant Director, a social worker with vast experience and knowledge of the advocacy world, provides the balance necessary to realize YAP’s vision and the glue to hold a multi-disciplinary staff together. The Director provides direction and oversight to the trial team, and is YAP’s primary face in the local community and the juvenile justice community. He works closely in leadership initiatives in the community and attempts to bring different players of the juvenile system to one table. The Assistant Director administers the in-house, multi-disciplinary defense teams, and also provides a clearing-house of information to related organizations, juvenile justice clinical programs and agencies in the field. She has played a crucial role in formalizing office procedures, program development, fund raising, data collection and web design among other things.

It is apparent that the leadership of YAP is committed to keeping its staff motivated and nurtured. YAP has succeeded in attracting and, to a large extent retaining a highly motivated group of people who match the needs of the office’s service ideals. The supervising attorney works closely with the YAP leadership to keep the caseload manageable so that YAP attorneys and other staff members can provide meaningful representation to their clients and also engage

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<sup>4</sup> See “Improving Criminal Justice Systems Through Expanded Strategies and Innovative Collaborations: Report of the National Symposium on Indigent Defense”. February 1999, at p 28.

<sup>5</sup> *Id* at p 17.

in activities in the community which help build a better understanding of actual community needs.

YAP has become a significant force in the statewide juvenile justice community. The YAP leadership believes in building bridges and bringing parties with disparate viewpoints to the negotiating table with a view toward developing a broader understanding of juvenile justice. For example, one of the programs that YAP played an important role in initiating is the Equal Justice Partnership which engages the Commissioner of Department of Youth Services (DYS), Commissioner of Probation, the Boston Public Health Commission, the Department of Social Services, the Department of Transitional Services, the District Attorney's office, the Attorney General's office and the Boston Police Department. The purpose of the Partnership is to gather together the various stakeholders in the juvenile justice system to identify common issues of concern, to talk through problems and to put aside disagreements long enough to develop collaborative solutions. One achievement of this collaboration has been a better understanding of each other's view points and the strengthening of relationships between various players in the juvenile justice community. In system-wide collaborations such as the Equal Justice Partnership Project, YAP draws upon its work with community organizations to give voice to client communities and advance reforms conceived in the client communities. In 2000, YAP assembled a team of Equal Justice Partnership collaborators to attend a U.S. Department of Justice's Office of Justice Programs symposium of criminal justice leaders and policy makers from across the United States entitled *Indigent Defense 2000: Redefining Leadership for Equal Justice*, held in Washington, D.C.

In 2001 the Partnership submitted a joint concept letter to the Robert Wood Johnson Foundation to develop a community-based infrastructure for substance abuse treatment and delinquency prevention for a neighborhood in Roxbury. The Equal Justice Partnership is the first formal partnering of most of the stakeholders in the juvenile justice system. Furthermore, this is the first partnership initiative to bring together law enforcement, corrections, treatment providers, residents, and child advocates.

Other such collaborative measures involve Boston Juvenile Court meetings, known as PAL meetings which include the District Attorney, attorneys involved in abuse and neglect and child in need of services (CHINS) cases, judges, probation officers, and clerks of court. YAP's collaborative work in the words of the District Attorney "does not breach or compromise its chief interest of representing its clients, in fact all such efforts are strategically designed to enhance the representation of juvenile clients."

YAP has devoted significant resources to collaborate with other components of the system to improve the overall criminal justice system in Massachusetts. YAP was a founding member of Citizens for Juvenile Justice (CJJ) and its Director continues to sit on the Board of Directors. Citizens for Juvenile Justice has been influential in defending the concept that children facing criminal charges belong in juvenile court and not in adult court and adult prisons. The coalition also led the fight to maintain the Department of Youth Services under the auspices of the Executive Office of Health and Human Services, rather than lumping it in with the Department of Corrections. More recently the coalition has been campaigning for the creation of meaningful intervention and rehabilitation services for children deemed by the court to be "in need of services."

An example of YAP's engagement in policy making and law reform efforts involves its

work with the Suffolk Law School Juvenile Justice Center. Together YAP and Suffolk Law School have worked steadily on many pressing policy issues including disproportionate minority confinement, suspension and expulsion from school, community based justice roundtables, and harassment of young people by the MBTA police department.<sup>6</sup>

YAP invests significant energy in working with local agencies and collaborations as well. Those efforts are discussed in section VII below.

### ***V. Some Significant Characteristics of YAP***

#### *Manageable Caseload*

YAP had an annual caseload of 820 in FY2000. Their goal is for each attorney to have 25 open cases at any given time. In practice attorneys tend to have between 30 and 35 open cases.

Reasonable caseloads promote careful preparation and analysis of alternative dispositions. YAP keeps its caseload determinedly manageable so as to allow adequate time for case preparation, research on the background of the child and the family, meetings with the child and family and to evaluate community placement alternatives. Manageable caseloads also make time for other advocacy activities such as providing support services to the juvenile justice community, mentoring and workshops for member of the juvenile defense bar. In our experience manageable caseloads are an important factor in providing quality defense services. Although charges are often not as serious as in the adult units, it is clear that representing children is a complex and time consuming process.

#### *A Multi-Disciplinary Approach to Representation -Ensuring Child Focused Advocacy*

The Youth Advocacy Project utilizes a core team of an attorney and a social worker on most cases. The team is supplemented, as needed, by the addition of a child psychologist, a community liaison, an education law attorney and/or other professionals with special expertise needed to provide an effective representation. YAP also makes use of its extensive network of community based organizations to find alternatives to incarceration. In the fiscal year 2000, YAP used a social worker in 80% of its cases. During the same period, YAP used a psychologist in 13% of its work.

Due to the input of the psychologist and social workers, an understanding of mental health and child development issues informs YAP's case preparation and courtroom work. Even probation officers and prosecutors we met expressed an appreciation for the perspective the YAP trial team brings to the Juvenile Court. DYS personnel also noted that YAP's thorough preparation and thoughtful presentations regarding their clients mental and emotional status was often helpful in determining appropriate placements.

The psychologist takes an active role in case preparation. She is often consulted by the

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<sup>6</sup> The Community Based Justice Roundtables are discussion groups convened by prosecutors at middle and high schools around the state. YAP, Suffolk University Law School, and other child advocates have been campaigning against the roundtables because despite the fact that juvenile files are sealed, the participants have been sharing information about individual children and have an official policy of excluding parents from the discussions.

attorneys and social workers regarding questions of competency, criminal responsibility, and child development issues. Her testing and insight are utilized in every stage of delinquency hearings, as well as at DYS staffing, school meetings and alternative dispositional hearings. Prosecutors, judges, and court officials we spoke to commented on how the presence of a psychologist on YAP's team has, on many critical occasions, bolstered their case. At a recent assault with intent to murder trial, the psychologist sat in court and assisted the team throughout the trial.

One example of the kind of contribution the staff psychologist enables YAP to make involved a school disciplinary hearing in an EdLaw Project case. A YAP client had been caught using a "cheat sheet" during an exam. The school took the position that the child had not made the effort to learn the material and immediately moved to discipline the child. A request was made for testing and consultation with the psychologist. The testing revealed that the child had a previously undetected learning disability that prevented the child from memorizing the information tested on the exam. YAP's psychologist played an effective advocacy role in determining whether the child cheated on a school test because the child was unwilling to study, or was coping badly with a learning disability. This discovery allowed the school to see the "cheat sheet" for what it was, a coping mechanism reflective of a desire on the part of the child to do his work and please his teachers. Ultimately the child was not disciplined and steps were taken to address the child's serious learning disability. The lawyer admitted that without the expertise of the psychologist, she would not have been able to identify the child's problem, nor would she have known which services to seek out to assist the child. The psychologist can help bridge the gap between the lawyer and the special needs of a child, which are generally beyond the scope of a lawyer's formal training. Thus, only a psychologist or social worker can identify the needs of a child that cannot be traditionally spotted by a lawyer.

YAP attorneys tell us that working with a multi-disciplinary team has helped them to identify the multitude of factors impacting on a child's case. Working with professionals from different disciplines enables attorneys to look at all facets of their juvenile clients. By exploring the root causes of what might be causing a child's delinquent behavior, attorneys are able to explore alternative dispositions. The psycho-social analysis often helps to present the child through different lenses and paint a more compelling portrait of the client. One YAP attorney told us, "We would not be such sophisticated advocates if our social workers or our psychologist did not open our eyes to important issues in the case which would otherwise have remained dormant."

The YAP psychologist and social workers also provide training workshops and presentations. In the fiscal year 2000, YAP staff offered over 40 trainings to attorneys and other professionals involved in child advocacy. For example, at the Massachusetts Continuing Legal Education (Annual Juvenile Law Conference), the psychologist and social workers made presentations on interviewing children, competency issues, linkages between trauma and delinquency, sex offender evaluations, special issues for children and *Miranda* waivers.

### *Representing the Client: Child Focused Advocacy*

Representing a child is qualitatively different from representing an adult. Traditional litigation skills must be combined with knowledge and insights on the special worlds of childhood and adolescence. Children often have unique and complex needs which should be addressed during representation.

In ensuring child-focused advocacy, YAP is fully aware that representing children requires a blend of services that takes into account the community and family in which the child is located as well as mental health, school failure, family dysfunction, trauma, special needs and other interrelated issues.

The project understands that representation should begin as early as possible. YAP encourages families to walk in to their Roxbury office even before the arrest of a child. YAP also encourages Department of Social Services (DSS), DYS, police officials and prosecutors to include them in planning discussions as early as possible. An effective defender's office must invest a substantial amount of time towards working with its young clients to identify witnesses, gather evidence, prepare motions, learn about the family and begin to explore educational and sentencing options.

The Youth Advocacy Project seeks to identify the best available treatment plans for its clients. This task is made easier by YAP's multi-disciplinary team, which usually involves a social worker and sometimes the collaboration of a psychologist, a community liaison and an education law attorney. The treatment plans are often very creatively designed. YAP's team approach with multi-disciplinary capabilities presents the attorney assigned to the case information on residential, clinical, educational and treatment resources available in the community through private and state agencies. These resources can feed relevant information to the defendant's team as well as important information to the court to help arrive at the right disposition. Other lawyers, probation officers, DYS workers, and community outreach workers often call the YAP social service staff for advice regarding both diagnosis and treatment options.

Once a defense team is assembled, the social worker and the attorney on the case visit their clients as soon as possible. The team will often meet weekly with the child and his/her family during the pendency of the case. In addition to office, home or institution visits, YAP has a policy of encouraging frequent phone contact. The attorneys also make it a point to accompany the investigators on visits to the crime scene or to meet with witnesses. If the child has mental health problems or the need for psychological evaluation, a psychologist is invited to join the team. If the child's educational performance or placement appears to be an issue, an attorney from the Ed Law project is also invited to join the team.

The Youth Advocacy Project also turns to its clients to help them find their strong points. By asking questions that are not traditionally asked by lawyers, the multi-disciplinary YAP team searches for ways in which to present a more humane portrayal of their client in court. Some of these questions relate to the interests of their clients such as hobbies, community involvement and relationships with mentors.

The project staff also strive to develop a relationship with adult members of the family who are important to the children being represented. In most cases YAP tries to reconcile the interests of the family with that of the child. This often involves complex negotiation with parents to forge a better understanding of what works in the best interest of the child.

The psycho-social report produced by social workers and the psychologist is most often shared with the court. The Spangenberg Group was informed by prosecutors and judges that this greatly helps in advancing the understanding of the full context of the child's circumstances. A prosecutor told us, "the more information that is shared with the court as to the defendant the more chance there is for justice to prevail." This information often helps in presenting

mitigatory circumstances and helps to humanize the client. For example, in a recent assault with intent to murder case, the psychological testing helped to prove that the client had no capacity to form an intention to kill. The report also helped in the disposition of the case since it explored the causes of the child's problems and demonstrated that the child's illegal conduct was at least partially traceable to psychological and emotional problems brought on by the child's personal history. The report also identified the services available at DYS that were designed to meet the child's treatment needs.

The Spangenberg Group was informed that even though YAP does not pursue a trial when it is not in the best interest of the client, it is always prepared to go to trial if the plea is not in the child's best interest or the child asserts innocence. We were also told that YAP consistently challenges the prosecution, who know that in every case they take to trial, they will face a tenacious defense.

#### *Provision of Expert Services*

The Youth Advocacy Project ensures that children are provided with appropriate independent and qualified assessments and expert evaluations. Towards this end, YAP has developed a data base containing information on 220 experts who are qualified to work with YAP's clients. YAP makes this resource available to the private bar as well.

#### *Team Resources for Dispositional Sentence Planning*

The YAP staff spends time with their young clients and gets to know them well, thus building trust as well as a greater opportunity to mount an effective defense. Social workers, experts in child developmental and educational issues, and professionals who can develop mitigation arguments and alternative sentencing plans for children in plea discussions and post-conviction have the capacity to assess delinquent behavior, educational and mental health needs of the clients, and the special strengths and weaknesses of the clients. The YAP staff is familiar with youth culture, youth codes of honor, the role of gangs, peer pressure, drug use and family dysfunction. YAP staff is also alert to issues such as credibility of children's testimony and how these factors relate to police interrogation strategies and juvenile confessions.

The YAP staff informed us that they are aware of the competing interests of having a child as a client who must participate in making legal and strategic decisions. The child psychologist and the social workers have expertise on issues of competency, the emotional and cognitive limitations of children, and their own ethical responsibilities to child clients. A memorandum or report prepared by the psychologist or social worker is often used post-dispositionally. Such psychological evaluation comes into play in different circumstances. For example, YAP has become quite aggressive in challenging unrealistic terms of probation. YAP attorneys often challenge terms of probation such as perfect school attendance or regular reporting to the probation officer. As the YAP psychologist told us, a child with a low IQ and little supervision cannot be reasonably expected to keep regular appointments with a probation officer. Nor can children with years of unaddressed educational needs be expected to suddenly maintain a perfect attendance record. YAP attorneys, informed by the expertise of their social workers and psychologist, have been effective in explaining why seemingly innocuous terms of probation are setting children up for failure.

In building their defense teams, the YAP staff is sensitive to the various professional

relationships members of the team have with the client, such as the potentially conflicting duties of an attorney to represent her client's explicit wishes and of a social worker to promote the client's best interests. The defense team accomplishes this by making its role explicit to the client, their colleagues and them selves. The staff psychologist, told us that she made it clear when she came on at YAP that she could only be effective if she was allowed to maintain a high level of clinical objectivity. One of YAP's social workers told us that her understanding of the client's best interest included getting the client to a point where she can advocate for herself. This understanding helps her to reconcile any conflicts that occur between her role as a social worker and that of the attorneys. Prosecutors that we spoke to informed us that they had been worried about such conflicts, but, they reported that YAP's ability to manage these conflicts has assuaged those fears.

### *Holding Service Agencies Accountable*

It is important for a juvenile defender program to have the ability to work with agencies responsible for providing support services, such as schools, mental health clinics and social service agencies.

The Youth Advocacy Project engages DYS on issues concerning its clients at staffing, treatment and classification meetings by identifying mitigating circumstances concerning the child's background and by advocating for the special needs of the child. The YAP staff is also present at clients' parole revocation hearings, i.e., "grant of conditional liberty" hearings. The Youth Advocacy Project staff arrive prepared with a treatment plan and a list of services that it can offer to DYS in expectation of a client being placed in the community. The service plan offers options ranging from counseling, recreational activities ( youth enrichment services, snow-boarding trips, community center sports programs ), arts ( The Huntington and Strand theater program), residential programs, higher educational programs to job placement programs. In transitional treatment meetings, where decisions are made concerning grants of conditional liberty, the Project not only advocates for the client by presenting a realistic and thorough service plan focusing on treatment based options rather than on incarceration, but also engages in advocating between DYS and other state agencies such as DSS, Department of Medical Health and the public schools.

The Department of Youth Services holds YAP and its staff in high regard and often looks to YAP for technical assistance in developing its policies and recommendations. The Youth Advocacy Project was invited to put together a group of child advocates to advise DYS as it rewrote its regulations on parole revocation hearings and classification procedures. YAP has also been invited to give a variety of workshops to train DYS staff on children's issues, provide workshops for incarcerated children and takes dozens of advice calls from DYS staff every year. In *In re Gault*,<sup>7</sup> the seminal children's rights case, the Supreme Court declared that "... neither the Fourteenth Amendment nor the Bill of Rights is for adults alone"<sup>8</sup> and endorsed the theory that the "observance of due process standards intelligently administered will not compel the

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<sup>7</sup> 387 U.S. 1 (1967).

<sup>8</sup> *Id* at 13.

states to abandon any of the substantive benefits of the juvenile process.”<sup>9</sup> Although falling short of the full panoply of procedural rights guaranteed to criminal defendants, these decisions effectively transformed the juvenile system. We were informed by numerous interviewees that YAP serves as the eyes and ears of the juvenile justice system and holds the juvenile justice system accountable to the standards set by *In re Gault*.<sup>10</sup> YAP successfully plays a watchdog role in regard to DYS by challenging the inequitable treatment of juveniles and abuses of juvenile justice standards, while simultaneously maintaining a high level of respect for the people and programs of the department.

This kind of healthy interaction with other state agencies helps to prevent arbitrary and capricious decision making. Just as importantly, this cooperation between departments focuses energy on providing meaningful assistance to children that might otherwise be wasted on interagency feuds. This kind of cooperation is all too rare in the juvenile justice arena, and is a model to be followed.

#### *Access to resources for children*

The YAP staff strives to keep abreast of the latest information about available community services and resources to keep children from being committed to DYS and to prevent recidivism. The Youth Advocacy Project stays abreast of any new community resource or opportunity that opens up in the community that will best help their client. Since YAP makes an effort to be intimately acquainted with the available programs and their staff, it is easier for its clients to find a placement in these programs. YAP maintains close ties with these organizations by offering workshops and other support services to their staff and clients.

### ***VI. The Relationship Between YAP and Other Members of the Juvenile Justice System***

From our site work, we found that the relationship between YAP and other members of the juvenile justice system is one of mutual respect. Court officials told us that YAP attorneys are respectful to their clients unfailingly polite to court staff and respectful of their clients. Staff members of the YAP program not only prepare children for what to expect in court and how to respond to these proceedings but are also specially responsive to the vulnerabilities of children. Court staff informed TSG that YAP attorneys conduct conversations at the side bar with judges when they need to guard the privacy interests of their clients. The expressions of kindness and care, such as seeing that the juvenile client is appropriately dressed in court and uses appropriate body language, speak to the overall compassion with which YAP staff members treat their clients.

Several court officers, DYS officials and judges told TSG that YAP attorneys go well beyond the call of their case to assist their young clients. “They go the extra mile,” was typical of the statements made by court officers. One court official told us, “if there is one criticism to make of YAP, it is that they personalize their case and agonize over a decision that is unfavorable towards their client.”

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<sup>9</sup> *Id* at 21.

<sup>10</sup> *Supra* note 7.

## *VII. YAP's Community Advocacy Efforts*

Located in Roxbury, a neighborhood composed largely of minority groups with many disadvantaged young people, YAP has built special ties with its surrounding community. YAP's community advocacy efforts are a result of YAP's belief that preventing and controlling crime is as important as representing children in court. Community educational work is included in the office's mission statement and YAP strives to give it proper weight. However, legal representation in individual cases remains the main focus of its work.

YAP employs a "whole client" model of legal representation rather than a more traditional model of legal representation. In the "whole client" approach, YAP is concerned with more than the client's immediate legal problems. In most cases, YAP is committed to developing a disposition that will have some chance of preventing a child's return to the criminal justice system. As the court psychologist told us, "If the only thing a lawyer knows about a child is his or her criminal record, there is very little a lawyer can do to help the child. But, because a YAP attorney knows so much more about the child, it helps the court to make a disposition most favorable to the child." Thus, YAP's intimate knowledge of the child and his or her circumstances helps the court in making a decision. YAP is also skilled in understanding what is in the best interest of the child as well as the community. An interviewee told TSG, "YAP helps us see things that we never saw in the child." YAP also helps us find treatment when we thought none was available." YAP's close ties to the community and its constant research have led it to the conclusion that many neighborhood children face the same risks and obstacles as do its clients. The YAP mission includes working to reduce those risk factors for the entire community, not just the children who are already court involved.

By working in collaboration with community partners, YAP has coordinated "Know the Law" workshops, parent empowerment workshops and a network of social service agencies. These workshops provide children and youth workers an introduction to the criminal system. They give parents the knowledge and skills to effectively partner with their children's school to assist the child in obtaining academic success. In fiscal year 2000, YAP offered 67 Know the Law workshops to more than 1,200 participants at different community venues. YAP staff also offered 42 workshops in FY2000 for attorneys and other professionals interested in juvenile justice and child advocacy.

YAP's rich and varied community resources have been brought to bear on their work as effective advocates for children in the courtroom. We were told repeatedly by judges and prosecutors that all parties to the litigation look to YAP to develop an effective and sensible service plan for the child that will work in the best interest of the child and the community. We were informed that YAP is aware of the tension between the liberty interests of the child and societal interests. This collision of interests is most often resolved by responding to what kind of treatment plan might, in the long run, be in the child's best interests.

YAP's relations with the community have strengthened YAP's links to its clients. YAP attorneys and other staff members have a solid understanding of the challenges and the problems facing their client communities. This understanding has gone a long way in building the trust and empathy between client and attorney. We were informed by community groups and court officials that YAP attorneys often go out of their way to see to the well being of their clients. This includes driving their clients to job interviews, engaging personally in the case, and advising them about school and work options even after the case is closed.

One comment we heard from those we spoke to in the juvenile system was that the bond between the client and a YAP attorney becomes so close that the child looks to the attorney as a mentor and guide. In an exchange that was related to us by a community group, one client asked a YAP attorney, "Won't I see you again, if I stay out of trouble? And if so, will you represent me when I am a famous rap artist?"

The community groups we met with reinforced the view that YAP really cared about their clients and the community as a whole. We were told that when necessary, YAP attorneys will visit children and families late in the evening and work through difficult family situations, often winning the trust of the family in unrelated legal matters. The Youth Advocacy Project has built community trust by making itself available for advice calls on all kinds of legal issues and taking the time to match an appropriate attorney with the client's needs.

YAP's active role in the community and its multi-disciplinary defense team has helped raise awareness both in the court as well as in the juvenile justice community on alternative sentencing programs that best fit client's needs. The YAP team is in constant search of effective local programs that help clients. They also assist in designing and initiating new programs in the community. YAP's close working relations with different groups such as La Alianza Hispana, Youth Build and Families First have provided YAP with special insights and a wealth of knowledge into the unique characteristics and special needs of different ethnic groups.

### *VIII. Special Projects and Initiatives*

#### **Community Initiatives**

##### *The Roxbury Network*

The Roxbury Network is a coalition of service organizations which focus on at-risk youth and families. Among the member organizations are: YAP, La Alianza Hispana, The Roxbury Boys and Girls Club, Youth Build Boston and Families First. As well as being an important part of the Network, YAP has been a driving force behind the network's creation and ever expanding capacity. We were repeatedly told by community organizations that the Network would not have been realized had it not been for the efforts of the YAP staff. Recently, YAP received a grant from the Hyams Foundation to fund a Network Coordinator. The position will be located at La Alianza Hispana. By using its resources in a creative way, YAP establishes strong bonds of trust that hold the Network together, and allow all of its members to better provide services to the community.

The Network's purpose is to coordinate the efforts of various organizations to better serve their clients. A problem that many service groups and agencies have faced is that they are torn between expanding themselves beyond their original purpose, and being unable to assist someone whose problems extend beyond the agency's main focus. Many people who make use of these programs have multifaceted problems that cannot be easily compartmentalized to fit within the limited scope of just one organization's mission statement. By networking, these service programs can treat the whole client, not just their individual problems. The network also streamlines and accelerates the process of getting agencies in touch with people who need services. This has been an important factor in establishing the reputation of the Roxbury Network as an effective resource.

As the Network grew and its members became accustomed to using its resources, they began to lose interest. In response, YAP's community liaison developed methods to keep its members engaged. For example, a problem many of these organizations share is the high burn-out rate among their youth workers, who are asked to balance low pay and emotionally draining work. YAP staff addressed this problem by inviting speakers to give talks on personal finance, investment, nutrition, immigration and health issues. These speakers have helped combat the high turnover rate among youth workers, and have given youth workers further information to disseminate in the community.

In addition to being instrumental in the formation of the Roxbury network, YAP has been an important resource to members of the network. YAP has an open door policy and accepts walk-ins. Furthermore, they give advice and referrals for questions pertaining to immigration, employment, education and housing law. A problem facing the Dudley Street neighborhood in which YAP is located is that many members of the community are unaware of their rights and do not know how to access the services available to them. Local agencies identified YAP as the only law oriented voice in the community that has addressed this knowledge gap. The Spangenberg Group was also informed by Tracy Litthcut, Director of Boston Community Centers and one of the founding members of the Roxbury Network, that YAP's commitment to fighting racial discrimination has enriched the neighborhood's dialogue on race.

The Network has increased YAP's ability to represent clients. Through the Network, YAP builds relationships with service and treatment organizations that allow it to avoid bureaucracy, and place clients in treatment programs without delay. In turn, this allows YAP to suggest alternatives to incarceration. For example, YAP has built a relationship with Youth Build Boston, a group that provides academic and vocational training to at-risk youth. YAP helps Youth Build's clients clear outstanding warrants, and Youth Build places YAP's clients in their program. This relationship has evolved into an understanding that each organization will respond promptly to the needs of the other's client.

The Roxbury Network has been making significant contributions to the Dudley Street community for two years. However many feel that the Network has yet to realize its full potential. If expanded, the Network could track children in need of services, without involving the child in the criminal justice system. This will eventually save the state money, and reduce the involvement of children in the juvenile justice system. The prosecutors we spoke to raised the issue that a majority of defendants are in need of social services the state can't provide until they are committed. Ideally, treatment services should be available as a preventative measure rather than as a cure. By identifying and tracking social and educational problems before they manifest themselves in criminal behavior, the Roxbury Network could provide a similarly comprehensive service as DYS, without branding the child a criminal or taking him or her out of the home.

#### *Arts and Recreation Programs*

The Huntington Theater company collaboration is an example of YAP's novel initiatives to make use of community resources in an imaginative way to directly affect the well being of the children it represents as well as the community in which it works. YAP refers children of color from Roxbury and surrounding communities to the company where they receive acting and technical training. Some of the participants are YAP's clients while others are referred to YAP by the community groups it works with. This program is a successful alternative to divert

children from the juvenile justice system. Some of its actors have also performed in YAP's frequent Know the Law workshops.

Some of YAP's other outreach and partnering initiatives include the Dearborn Summer Enrichment Program, which runs in collaboration with Harvard University's Phillips Brooks House, Chill; a snow-boarding recreation program at Wachusett Mountain; and Walk for Kids. The money raised by the Walk was utilized to fund internships for neighborhood children.

### *Training and Mentoring Programs*

YAP plays a prominent role in the community by participating in community events and forums. YAP also co-sponsors mentoring and tutoring programs and facilitates trauma groups for at-risk children. In collaboration with the Children's Law Center in Massachusetts and Suffolk University Juvenile Justice Center, YAP plans to publish a quarterly newsletter, called the "Community Notebook," with information on education, after-school and recreation programs, health services and legal and multi-service agencies. YAP has also produced community education material on juvenile rights, the juvenile court and probation.

Apart from the Know the Law workshops, the YAP social workers and psychologist have run trauma groups and maintain strong links with the community which help them advocate for a place for their child clients. It also helps YAP to pass information to their clients about the available educational resources even after a case is closed.

## **Advocacy Initiatives**

### *The EdLaw Project*

Recognizing the inter-connectedness of problems facing young people, YAP has initiated the EdLaw Project, which is an educational advocacy partnership between YAP and the Children's Law Center of Massachusetts. The EdLaw Project provides YAP's clients with specialized educational advocacy and is part of the holistic legal representation that YAP strives to provide. An estimated 75% of the children represented by YAP have unmet educational needs. The EdLaw Project addresses such needs as academic failure, suspension and expulsion, undetected special needs, inadequate education while in state custody, and ineffective reintegration into the school system following detention or incarceration. A YAP social worker or EdLaw attorney attends school disciplinary procedures and expulsion and suspension hearings of the child. YAP is also present at TEAM meetings held at the end of a child's evaluation process. Since a student on probation must attend school, YAP's advocacy role at school disciplinary procedures is doubly important. YAP's multi-disciplinary team's specialized understanding of the link between early school failure, truancy and delinquency makes staff better advocates for special education needs of their clients. In addition to the in-house advice offered to the YAP team of attorneys, social workers and psychologist, the EdLaw project also responds to requests for consultation from outside sources. Ever mindful of the role of parental involvement in identifying problem situations and rebuilding the lives of the family, the EdLaw Project offers trainings to parents, children, youth workers, service providers, advocates and attorneys.

The three attorneys on the EdLaw project also serve, when needed, on the multi-

disciplinary team with a child who is court involved. This special sensitivity to the interrelatedness of children's issues, whether dealing with mental health, trauma, disability, or dysfunction, helps YAP attorneys to be more effective advocates, as well as provides more relevant information to the court to help arrive at the right disposition.

The EdLaw project also provides information and resource links to private attorneys.

One of the chief drawbacks of the EdLaw Project is that its resources are limited to serving YAP clients who have educational needs or have problems in school. The EdLaw Project also takes referrals from a city organization called Youth Opportunity Boston (YOB). However, since YOB offers services only for children between the ages of 14-21, a large group of elementary and middle school children between the ages of 8-14, who are not court involved but need educational advocacy and intervention in school hearings, go unattended. For example, currently, the EdLaw Project just succeeded in obtaining an agreement that the Department of Mental Health and the Boston School Department would share the cost of a therapeutic residential school placement for a deeply troubled and traumatized 12 year-old girl. The School Department resisted this placement for months and only capitulated on the eve of trial. Prior to the EdLaw project's intervention the child was in an inappropriate school setting and then hospitalized for several months following a minor assault on a teacher. During her hospitalization her educational needs were not being met. Absent a pending delinquency matter this child would not have been eligible for the services of the EdLaw Project. The capacity to reach children younger than 14 would allow the EdLaw Project to intervene before the client suffers several years of school failure.

### **Consulting Services**

YAP provides an important service by providing referrals to, and for, community organizations on a whole host of related issues such as immigration, housing, welfare and health care. By doing so YAP helps to connect social service agencies with clients who are unaware of the resources available to them.

YAP's contribution to the juvenile justice community is not limited to serving those whom they represent directly. In order to enhance the overall quality of legal representation, YAP provides consulting services to the private juvenile in Massachusetts. Mentoring services are also offered to the private juvenile bar, youth case workers or anyone involved with youth. In the fiscal year 2000, YAP staff offered 42 workshops to attorneys and other professionals interested in juvenile justice and child advocacy.

### ***IX. Conclusion***

TSG's overarching impression of YAP is that the organization is staffed by innovative people committed to zealous advocacy for their clients, prevention of crime, safety, empowerment of the community and a more humane criminal and juvenile justice system.

One member of the juvenile justice community told us, "YAP is relentless in the pursuit of justice for their clients, however, in this process YAP is ever mindful of the need to build the bridges necessary for the child to successfully transition from the juvenile justice system to the community." This in essence, is YAP's role and the goal it sets out to meet.

### **Some Indicators of YAP's Success:**

Most staff members have a high level of job satisfaction. Most staff members thrive within the context of a multi-disciplinary team environment and enjoy the community advocacy initiatives. Staff universally feel that the multi-disciplinary team effort encourages creative thinking on not just how to handle a client's case but on how to problem solve as a lawyer. Staff feel that the YAP office is a nurturing environment which strives to enhance professional development.

YAP enjoys an excellent reputation in the community as well as with judges, prosecutors, the private bar and court officials. One judge told us, YAP is "indisputably the best defense that even money can buy."

YAP makes the juvenile justice system run better. The non-adversarial, collaborative nature of YAP's relations outside the courtroom with judges, prosecutors, court staff and DYS and DSS officials have created checks and balances when necessary and helped the system work more efficiently.

YAP plays a leadership role across the Massachusetts juvenile justice system, but mainly in the Boston area. YAP's work with the Roxbury community has enhanced community perceptions of the juvenile justice system as well as the justice system as a whole. This increased trust has made it possible to represent the children more effectively in court as well as prevent children's involvement in the juvenile justice system in the first place or as a repeat offender.

YAP integrates and models itself on the best practices of a juvenile defender office in its representation of juveniles.<sup>11</sup> YAP's practice is in accordance with the ABA Standards Relating to Juvenile Justice.

TSG was told by judges and prosecutors that YAP's collaboration with the community groups and social service agencies has enabled YAP to suggest dispositions that balance the need to hold juvenile defendants responsible for their actions while treating the underlying causes of the child's criminal behavior.

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<sup>11</sup> In February of 1999, The Sentencing Project, a national leader in the reform of criminal justice policy, brought together a team of experienced advocates and defenders representing children. This team known as the Model Program Advisory Team, heard from representatives of established and new defender programs serving children and reviewed various document. The advisory team in its report of June 2000 made recommendations as to model practices which could be implemented by juvenile defender programs with adequate resources. Some of these model practices included:

- Forming and maintaining a stable team of juvenile defenders;
- Ensuring child-focused advocacy;
- Multi-disciplinary team representation; and
- Supplying the public and policy makers with information.

## Recommendations

Without exception, those we interviewed told us that YAP provides high quality representation and innovative advocacy services to clients. Based on our findings and observations it is clear that YAP is a model worthy of support.

During our interviews we were repeatedly told by judges, community outreach workers and members of the bar that they wished that the Youth Advocacy Project could handle more cases, be more involved in community outreach, be more in the forefront in juvenile justice policy, etc. These competing interests highlight a potential problem for the project: their vision often exceeds their resources. Being a relatively small office, the more resources the project devotes to new initiatives, the less it will have to devote to its existing programs and courtroom advocacy.

For example, to counteract burnout among its staff attorneys, the Project has reduced its caseload. In FY2000 YAP's caseload decreased by 25% from 1999 levels, a drop from 182 cases per attorney per year to 136 cases per attorney per year. This reduction has resulted in a decreased presence in the courts. Additionally, in FY1999, YAP scheduled to do a "duty day" every Monday at the Dorchester District Juvenile Court and every other Thursday at the Boston Juvenile Court. Currently the Project staffs duty days only on an ad hoc basis. This practice has underscored a perception among judges, prosecutors and other youth advocates that YAP is less visible in court.

As YAP's decreased in court presence has decreased, more time has been devoted to several community and advocacy initiatives. This effort has produced several successful initiatives, particularly establishing the EdLaw Project and fostering the growth of the Roxbury Network. The Youth Advocacy Project is uniquely positioned to have a positive impact on many fronts. However, there is real risk that as YAP grows it will over commit itself and lose focus. As the project grows it must focus its resources in such a way that ultimately aims to augment YAP's ability to provide high quality legal defense to as large a community as possible.

The following recommendations are intended to assist the Project to maximize its resources as it enters into an exciting period of growth, while maintaining its core vision and purpose.

### Strategic Plan

The project needs to rethink how it can best allocate resources by putting together a strategic plan which can be revised every year in light of new developments and changes in resources. We feel that the programmatic goals of YAP can be best met by a well designed strategic plan.

The strategic plan should set out: 1) the mission and purpose of the enterprise, and the values it is trying to promote; 2) identify the sources of support that it needs to sustain its operations; and 3) describe how the resources granted to the enterprise can best be deployed to accomplish the desired goal.

The Youth Advocacy Project has articulated its vision in very definite terms and has made the purpose of the enterprise clear. What is needed now is to identify the sources of

support and how best these sources can be harnessed to accomplish the goals of the organization. In doing this YAP needs to rethink what direction it is going to expand and how this expansion may or may not undermine its initial mission of representing youth in court. Even though very often YAP's work in the community enables the project to better represent youth in court, without adequate resources and strategic organizing it will be difficult to combine individual client representation with other efforts to strengthen networks and to build coalitions.

### A Fund Raising Committee

The Youth Advocacy Project lacks a high level advisory board which can help YAP to raise funds more effectively. YAP should make use of the tremendous good will and reputation it has built for itself to recruit community groups, social service agencies, universities and influential members of the business community to cultivate support for a statewide juvenile defender system.

The Youth Advocacy Project has already forged effective and constructive partnerships with community-based organization in Massachusetts. These partnership arrangements not only result in institutional change but impact positively on individual client advocacy. We would strongly recommend that YAP build on the connections already made with the community to engage the community in a more effective way in the larger operations of the program. Representatives of community-based organizations which have played an important role in YAP's work as well as respected leaders of the community can be invited to sit on a fund-raising committee. This committee, which should also include representatives of community-based organizations, can enhance support for the Program. The value of a committee such as this can be manifold: 1) it can bring the community to policy makers, law makers and funders; 2) it can give effective testimony on behalf of YAP by articulating how valuable YAP's work is to the community; and 3) it can help to put a human face on the problems affecting the community.

A diverse membership among the Board will be better able to speak to the different issues concerning various funders. Therefore, a committee consisting of representatives from children's services as well as those working in women's rights, immigrant rights, health rights, and social service organizations who also focus on children could speak to different funding needs. With a collection of messages, each tailored to particular sources, YAP can find more support for its work. Apart from community leaders, children's rights scholars, representatives from the corporate world and public figures should be invited to serve on the Board.

### Director of Development

Another possibility is for YAP to seek funding to hire a development director, who could work full-time or part-time to develop a funding plan and seek grants for the Program.

### Advocates for Policy Change

Defender programs such as YAP have an important voice in policy planning and law reform. As the only juvenile public defender organization in Massachusetts, YAP is in a unique position to speak on juvenile justice issues and shape juvenile justice policy. YAP already is an effective voice for change at the local level. However, being the eyes and ears of the community, YAP could play a more prominent role in giving voice to the needs of the juvenile justice community at the state and national level. It also has a role to play in working with the media to

change public perceptions on juvenile crime and thus ultimately work towards reforming the process.

Along with the success of the community advocacy efforts, it is important for YAP to take on the challenge of becoming effective advocates to affect state and national laws and policies. The office may have to develop specialized capacities to interact with legislators and communicate through the press to the wider public. Through its advocacy efforts in the community and its coalition building efforts with other organizations, YAP is in the important position of giving voice to community concerns. The Youth Advocacy Project is one of the major players of the juvenile justice system; its role as advocates in the court room and partners in the community places it in the special position of being able to play a stronger role in policy making.

In this effort, YAP should join forces with other advocacy organizations such as the Suffolk University Law School Juvenile Justice Center and other public policy programs across the state.

### A Statewide Network of Youth Rights and Children's Rights Advocates

YAP's expanding web of community connections built over the years by its social workers, psychologists and community liaison workers are fruitful sources for contacts and placement services for juvenile clients. However, much of YAP's community network is based in Roxbury. YAP needs to expand its community network statewide.

YAP should also build a statewide network of juvenile attorneys and develop a clearing house of information to attorneys who want to access to a motion bank and information on support services and trainings. Since YAP has the greatest concentration of expertise on representing juveniles, this initiative will raise the standards of juvenile advocacy throughout the state.

Currently, YAP's function as a clearing house of information to support the defense bar generally is underused. The attorneys who call for assistance and support services are the more established attorneys who have a prior relationship with YAP. The Youth Advocacy Project must improve its information dissemination capacity through 1) newsletters and other publications; 2) training programs and conferences open to the private bar; 3) joint action to lobby for juvenile defense with the legislature; and 3) a list serve of attorneys in the juvenile justice field should be created and information exchanged at regular intervals.

The support network should be expanded to cover all those working in the family and juvenile rights field.

### Measuring Performance

A defender program should collect data that can inform the public about trends, disparities, and irregularities in sentencing outcomes that relate to ethnicity or class, facts about recidivism and the impact of education and training on the community and its subsequent impact on the rate of crime. By documenting these facts, defender programs may be able to persuade lawmakers to develop effective, less costly sanctions for youthful offenders as well as fund the defender program and the multifaceted activities of the program.

Funding agencies as well as the general public often wonder why we need public defense. To help justify its existence, YAP needs a message which explains how the program can contribute to savings and efficiency and how a well-funded and adequately staffed public defender office can help move cases through the system faster. In addition, YAP's "whole client" advocacy approach is a unique example of how it strives to keep clients from becoming repeat offenders. By focusing on educational and vocational services, YAP is preventing "at-risk" youth from getting involved with the juvenile justice system.

### Resource Collaboration in Juvenile Defense

We recommend that YAP seek affiliation with a law school clinical program. The collaboration could be formed with an already existing family, children's rights, civil rights or criminal justice clinic in a law school. In the alternative, we would hope that a law school would initiate a program that could collaborate with the Youth Advocacy Program. This affiliation can provide mutually reinforcing benefits for participating law students and YAP. Such a collaboration would enable YAP to employ law students from clinical programs in innovative ways. Law students develop practical lawyering skills as well as substantive legal skills by engaging in representation of juvenile clients in the context of a law school clinical program. Law students collaborating with YAP will not only work on a single case or a small number of cases but will learn what a public interest law practice entails. Apart from training future lawyers, this collaboration will help YAP address the growing problem of scarce resources and unmet legal needs.

### Community Outreach

Community outreach is a very important part of the work of YAP. The relationships built and the resources located have actively affected direct advocacy. Building connections has created networks that YAP can call upon later. Currently, YAP has been approached by community organizations that would like to work with a defender organization. YAP should strategize on how best to include more community groups and organizations to work in coalition on multifarious issues. Given the importance of this work, YAP needs funding to hire a full-time community liaison. This will release the YAP director from the time intensive role that he plays to bridge the gap between the juvenile justice field and the community.

### Greater Public Visibility

Most of YAP's work goes unsung and unseen by the public. YAP must improve the publicity of its work. A percentage of time must be set aside for media work and press releases. The Youth Advocacy Project already has several media initiatives underway in collaboration with the Suffolk University Law School clinic.

The Youth Advocacy Project staff, while remaining engaged in local conferences and seminars, should also actively participate in national and regional workshops and conferences so as to share with children's rights advocates from across the country an effective and innovative model of child advocacy.

### Satellite Offices in Springfield, Lowell and Bristol County

Members of the juvenile justice community widely regard YAP's "whole client"

advocacy as setting the standard for juvenile defense in the state. We were told of ways in which YAP's practice improved judges', social service agencies, and prosecutors' abilities to do a good job. Towards this end, and consistent with CPCS' statutory authority, we recommend the expansion of YAP's services beyond greater Boston. We recommend that community based offices enshrining YAP's philosophy of legal representation along with advocacy for services for young clients, be opened in counties such as Springfield, Lowell and Bristol County. This new model of legal services will provide integrated community-based legal services to clients who need and will benefit from YAP's multi-disciplinary, team-based approach to legal services in care and protection, CHINS, delinquency and youthful offender cases. It is hoped that these offices serve not just youth in their respective communities but their families as well. Thus, in partnership with private attorneys who work in this area the new program, by making use of improved coordination of legal and community-based services, will handle not just juvenile delinquency and youthful offender cases but represent clients involved in care and protection, termination of parental rights and CHINS cases as well. The new program would also be a resource to private attorneys on the Juvenile Delinquency and Children and Family Law assigned counsel panels and to local service providers. Such a proposal was considered by the Massachusetts State Legislature in 2001, but failed to obtain funding. We recommend that it be funded in 2002.

Children in care and protection and CHINS cases are also frequently involved in delinquency and youthful offender cases.

#### A Greater Presence in Juvenile Court

In order to manage its case-load, YAP has stopped being present on so called "duty days," when lawyers are available in court to be assigned cases by the presiding justice. Several judges bemoaned the resulting diminution of YAP's presence in the Boston juvenile courts. An increase in staff will enable YAP to retain a stronger presence in court while maintaining high quality service. We recommend more funding to recruit additional staff.

#### Follow the Clients After Disposition

Rehabilitation of youth charged with crime is a major part of YAP's mission. YAP staff prepare clients for probation by exploring the right program for their client and then usually follows up with the client. However, YAP lacks the resources to systematically follow its clients in the post-disposition stages. With some exceptions, YAP keeps in touch with those clients who proactively choose to keep in contact with YAP. A more effective tracking services aimed at maintaining connections with former clients would help in preventing recidivism and in preventing probation violations. The project should persuade funders as well as the general public that maintaining connections with families and clients will help in preventing recidivism as well as probation and parole violations.

#### A Case Management System

YAP has never had a centralized and thorough case management system. Thus, various record keeping practices have evolved out of necessity. As it now stands, case tracking is not automated. Attorneys, social workers and the staff psychologist manually fill out monthly caseload reports. The attorneys' report tracks case closings and new juvenile cases; notes the progression of a case from juvenile delinquency to youthful offender status and records open

cases in district and superior court and any post-dispositional advocacy. From these records, attorneys fill out a summary of the cases that are assigned, closed or transferred, and the total cases pending at the beginning and end of each month. From these surveys, office statistics are compiled. Attorneys also fill out monthly activity reports recording community involvement, continuing education and presentations given. Since different types of cases require different amounts of work, YAP attorneys fill out case weighting questionnaires from which the office can assess its workload. The staff psychologist and social workers fill out similar monthly case tracking forms on top of maintaining extensive case files and resource databases.

This system fulfills the bare minimum standards of keeping accurate files of the cases YAP handles. However, an automated case tracking system could greatly lessen the Program's administrative burden, allowing it to devote its resources towards its court-room advocacy. Additionally, an automated case-tracking system designed to YAP's unique practice could be a powerful tool for tracking clients and defining budgetary needs. Therefore, one of TSG's main recommendations is that YAP engage in a thorough overhaul of its case management and tracking system. CPCS is currently in the midst of developing a case management system for its public defender offices. However, we suggest that YAP contract with a MIS analyst to tailor the existing CPCS system to best meet the needs of YAP's practice.

A great strength of the Youth Advocacy Project is its holistic, multi-disciplinary approach to juvenile advocacy. This approach is made possible by the ability of the YAP staff to reconcile and complement the various professional relationships they have with their clients. Their case management system should reflect and facilitate these qualities. A centralized case-driven data base that offers both case-based and client-based analyses could best achieve this goal. By giving social workers and attorneys easy access to detailed information on clients' legal history and involvement with social service agencies, this system could assist YAP in tracking their clients' treatment in a sustained manner.

Furthermore, a case-tracking system that can produce detailed reports of the office's caseload can be of great use in defining and predicting exact budgetary needs. Such a system ought to report the exact number of cases open at any time, and provide an analysis of the aspects of those cases that are relevant to workload. This type of information can significantly aid appeals to the legislature for additional funding, and solicitation of private funds.

As a result of YAP's multi-disciplinary approach to its work, many staff members will make entries to the same case files. Safeguards to keep the system uniform and to prevent the loss of information should be built into the system. Access should be controlled by a password that when entered would guide the user to the appropriate interface, and restrict the changes that can be made to the database. Wherever possible, pull down menus and toggles should be used in place of boxes that allow unrestricted data entry. Also, when information is changed there should be an audit trail that keeps track of the old entry, the name of the person who changed it, and the time it was changed. These measures will minimize accidental information loss and increase the ease of updating the information.

It is important that a large amount of biographical information be included. However, from the point of view of the user, the database should be as simple as possible, and one point at which information could become particularly clouded is if the case tracking function becomes over-burdened with information about the client. The best way to balance simplicity of the database and its effectiveness in tracking clients is to represent the data in two interconnected

interfaces that represent different aspects of YAP's work.

One interface would be case-based and maintained by attorneys. The attorney interface would be used as a starting point with addendums made to make it reflective of YAP's practice. For example, there should be points for entering information about meeting with parents, and social worker/psychologist/ EdLaw involvement. Files should be opened shortly after the case is assigned and shut shortly after the disposition. The case-weighting function of the database should be incorporated into this interface.

The social worker interface would provide a client-based analysis of the case-based system. A client's file would include a legal history that is automatically updated as the case files are entered. This section should also be amendable from the social worker interface to allow entry of the client's legal history outside of YAP. In addition these files should include relatively detailed intake information on what services the client is receiving, whether the child is involved in any CHINS or care and protection cases, and what evaluations have been done. There should be a similar data entry point to record the client's status at the conclusion of the case. YAP's Assistant Director, has discussed the possibility of having social worker student interns do three month and six month updates. If and when this plan is implemented, it should be reflected in the social worker entries.

#### Develop A National Advisory Committee

Our final recommendation is for YAP to consider putting together a national advisory team. Once an advisory team is put together we suggest that the Youth Advocacy Project invite the advisory team for a series of round table discussions to share thoughts on best practices and programming ideas. Most importantly these discussions would focus on how best to present the innovative initiatives undertaken by the project to funding sources and, toward this end, how best to measure the intangible successes of the program.

Another initiative we hope would grow out of these round table discussions would be strengthened connections between national and regional youth advocacy programs. By strengthening networks between other youth advocacy organizations, YAP can play a heightened role in defining and shaping national policy in this field. While these efforts must be carefully tailored to available resources, strategic alliances and initiatives can eventually generate more funds. For example, involvement in a national training program can yield funds or at least cover basic costs of taking part in a national program. As a national player YAP would also be able to access hitherto untapped funding sources.

We recommend consideration of the following individuals for the advisory team:

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