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Dear Justice Koch and Members of the Indigent Representation Task Force:

I am writing to express my keen interest in and enthusiasm for the work of the Indigent Representation Task Force. I am confident that the Task Force will take many important steps to promote integrity in the court system and improve access to justice for indigent persons. I hope that as you do, you will also seriously examine the strengths and weaknesses present in Tennessee's *juvenile* indigent defense system and consider the critically important matters related to the defense of children. Young people who have the misfortune of becoming enmeshed in the justice system are our most vulnerable defendants, and these cases require specialized care and attention.

I have had the privilege of studying and assessing juvenile indigent defense systems across the nation for over two decades, and have found that a concentrated focus and attention on these systems is sorely lacking. That is due, in part, to the large problems that must be addressed in the adult indigent defense system; we tend to run out of steam or sidestep the juvenile issues, even though, many would agree, those problems are imminently solvable. I have observed jurisdictions all over the country taking steps to examine and rebuild their juvenile defense systems into constitutionally sound, due process based, developmentally appropriate systems. Such great efforts are taking place now in Shelby County, as you are no doubt aware. The tools, strategies, research, and information needed to rebuild these broken systems is available.

The problems and deficiencies that plague the juvenile defense system are devastating. Every year, well over a million youth are hand-cuffed, shackled and processed through our nation's juvenile courts, literally defenseless, many never seeing or consulting with an attorney and many entering into blind plea agreements, with harmful, lifelong consequences. Most who receive counsel, have brief access to an attorney who may or may not have any experience in juvenile court, or with children; he or she may have received no specialized training at all, and in a place like Tennessee, they will not be guided by any statewide juvenile defense standards and the defense expectations regarding the handling of these important cases is left to chance. Detention advocacy is deficient, despite all the research that points to the harmful effects of detention, and incarcerated children lack sufficient access to due process and the support they need to successfully re-enter the community, leaving them frustrated and disenfranchised. In most jurisdictions, the utter lack of any meaningful participation of the child-client in his or her defense is shameful. Practices like these have been reported throughout Tennessee.

To address these problems, the National Juvenile Defender Center and the National Legal Aid and Defender Association produced the *Ten Core Principles for Providing Quality Defense Representation through Public Defense Delivery Systems*. Modeled after the ABA adult principles, these *Principles* provide criteria to help public defense systems fully implement their constitutional obligations consistent with *In re Gault* and the other seminal juvenile USSC cases. The *Principles* are utilized and cited often by the Department of Justice and courts across the country, and offer guidance that may be useful to the Task Force as you examine juvenile issues. The *Principles* can be accessed in full by clicking this link, <http://njdc.info/wp-content/uploads/2013/11/10-Core-Principles.pdf> but in essence they state that:

The Public Defense Delivery System:

1. Upholds Juveniles' Constitutional Rights throughout the Delinquency Process and Recognizes the Need for Competent and Diligent Representation.
2. Recognizes that Legal Representation of Children is a Specialized Area of the Law.
3. Supports Quality Juvenile Delinquency Representation through Personnel and Resource Parity.
4. Uses Expert and Ancillary Services to Provide Quality Juvenile Defense Services.
5. Supervises Attorneys and Staff and Monitors Work and Caseloads.
6. Supervises and Systematically Reviews Juvenile Staff According to National, State and/or Local Performance Guidelines or Standards.
7. Provides and Requires Comprehensive, Ongoing Training and Education for All Attorneys and Support Staff Involved in the Representation of Children.
8. Has an Obligation to Present Independent Treatment and Disposition Alternatives to the Court.
9. Advocates for the Educational Needs of Clients, and
10. Promotes Fairness and Equity for Children.

The role of counsel in juvenile court is often misunderstood and co-mingled with that of a GAL or parents representation attorney. The distinctive role of the attorney in juvenile court is comprehensively addressed in the *Role of Juvenile Defense Counsel in Delinquency Court* <http://njdc.info/wp-content/uploads/2013/11/NJDC-Role-of-Counsel.pdf> and fully supported by the highly regarded *National Juvenile Defense Standards* that can be accessed here. <http://njdc.info/wp-content/uploads/2013/09/NationalJuvenileDefenseStandards2013.pdf>. I hope this information will be of use to you as you consider these issues.

Juvenile courts are complex structures. We are learning more about the impact of early childhood trauma and exposure to violence on the behavior of children. This knowledge is having a significant effect on juvenile courts across the country. In addition, juvenile court judges and lawyers are struggling to keep up with the emerging scientific research on adolescent development and our increasing understanding of the adolescent brain. As our understanding increases, so does our responsibility to ensure that justice systems devise developmentally appropriate strategies that integrate the scientific evidence into our every day practices in juvenile court, and that most notably includes the juvenile defense function. This imperative comes directly from a series of reports issued by the National Research Council of the National Academies on Juvenile Justice Reform, commissioned by the federal Office of Juvenile Justice and Delinquency Prevention, and supported by a number of USSC decisions and Statements of Interest issued by the United States Department of Justice.

I welcome the opportunity to present additional information to the Task Force, either in person or through written or video testimony. In fact, I sincerely hope you will dedicate an entire meeting to the compelling and complex topic of juvenile defense. There is much to learn from the due process and other constitutional deficiencies that have been well documented in Shelby County and across the country, and the solutions and innovations that are underway as jurisdictions grapple with court integrity and juvenile defense reform.

Please let me know if I can provide any additional information to the Task Force or answer any questions.

Thank you very much.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'PP' or 'Puritz'.

Patricia Puritz  
President and CEO