

Memo to IPDC Board of Directors

From: Joel C. Wieneke

Re: Recommended Change to PD Commission Juvenile Defender Standard to add 6 hour education component.

The Indiana Public Defender Commission standard for counsel representing clients in juvenile delinquency proceedings is based largely on criminal defense experience. A primary mission of the Juvenile Defense Project, supported and overseen by IPDC, was to advance the reality that representing youth in delinquency proceedings is a specialized area of law, integrating substantive criminal law with the juvenile code and the special needs and characteristics of youthful clients.

In recognition of this reality, I ask the Board to recommend an amendment to the Commission standard for the representation of youth in juvenile delinquency proceedings to incorporate an educational component of 6 hours of specialized juvenile defense training in addition to the current standard. In furtherance of this goal, IPDC has developed and recorded training on juvenile defense based largely on the Indiana juvenile code: the "Juvenile Defense Series." It is available on demand, and the pathway to that training is being developed directly through our new website.

Moreover, the requirement of an educational based standard would not be unique. To represent clients in CHINS/TPR proceedings and on any appeal, the Commission requires 6 hours of education in a course approved by the Commission. Considering the unique aspect of juvenile defense, I ask that the Board recommend a similar requirement for representing children in those cases.

Current Juvenile Delinquency Representation Standard:

Juvenile Delinquency. To be eligible to serve as lead counsel in a case where a juvenile is alleged to be delinquent, counsel shall possess the following qualifications:

- a. Where a child is charged with what would be murder if committed by an adult or in any situation where waiver to adult court is sought, an attorney shall be an experienced and active criminal or juvenile law practitioner with at least three (3) years of criminal or juvenile delinquency experience; and have prior experience as lead or co-counsel in no fewer than three (3) felony jury trials that were Class

C or Level 5 felonies or higher which were tried to completion, or prior experience as lead or co-counsel in no fewer than three (3) juvenile trials, that would have been Class C or Level 5 felonies or higher if committed by an adult, which were tried to completion.

- b. Where a child is charged with what would be a Level 1, 2, 3, or 4 felony if committed by an adult, an attorney shall be an experienced and active criminal or juvenile law practitioner with at least two (2) years of criminal or juvenile delinquency experience; and have prior experience as lead or co-counsel in no fewer than two (2) felony jury trials which were tried to completion, or two (2) juvenile trials, that would have been felonies if committed by an adult, which were tried to completion; or at least one (1) felony jury trial which was tried to completion and have attended a trial practice course that has been approved by the Public Defender Commission for purposes of this Standard.

- c. To be eligible to serve as lead counsel in other juvenile delinquency cases (Level 5 felonies and below, all misdemeanors, infractions and status cases), an attorney shall have prior experience as lead or co-counsel in at least one (1) case of the same class or higher which was tried to completion in either adult or juvenile court; or, one (1) year of experience in juvenile delinquency proceedings; or experience in two comparable cases tried to completion in juvenile court under the supervision of an attorney qualified to litigate such cases.