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X EVALUATION OF THE DETROIT-WAYNE COUNTY
JUVENILE DEFENDER OFFICE

March, 1978

Consultant Team

John M. Darrah
Leonard Perry Edwards, III
Roger Lowenstein
William OBrien
Sheldon Portman
Dorothy A. Richardson
A. Kirkland Taylor

NCDM Staff

Bonnie E. Mc Fadden
Acting Director

NATIONAL CENTER FOR DEFENSE MANAGEMENT
National Legal Aid and Defender Association
2100 M Street, N.W., Suite 601
Washington, D.C. 20037
(202) 452-0620

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FOREWORD

The National Center for Defense Management was established in 1974 by a grant from the Law Enforcement Assistance Administration (LEAA) to the National Legal Aid and Defender Association (NLADA). The primary objective of the Center is to improve the efficiency and professional quality of defense delivery systems through the provision of technical assistance to organizations, communities, states or other agencies responsible for providing criminal defense services to the indigent accused.

The activities of the Center include the planning, development and organization of new criminal defense delivery systems; at both the state and local levels; the evaluation of existing defender and assigned counsel systems; the provision of management assistance to defender offices; the development of management training programs; and the publication of monographs and other materials useful to counsel for indigent defendants

This report is in furtherance of these objectives and activities.

Preface

The National Center for Defense Management and the National Legal Aid and Defender Association were commissioned in May, 1977 to jointly undertake an evaluation of the legal services provided to the citizens of Wayne County, Michigan by the Legal Aid and Defender Association of Detroit. The Center studied three of the divisions of the Association which provide criminal defense services: the Trial Defender Office, The Federal Defender Office and the Juvenile Defender Office. NLADA undertook the evaluation of the Civil side of the Association.

This report deals only with the evaluation of the Juvenile Defender Office. The reader is advised that this report and its recommendations cannot be fully understood and interpreted without reference to the reports concerning the other divisions of the association.

In addition, the operations of the Juvenile Defender Office cannot be understood or appreciated outside the context of the entire juvenile justice system as it now operates in Wayne County. The current reality of that system was eloquently described by James H. Lincoln, Executive Judge of Wayne County's Juvenile Courts. In his introduction to the Court's Annual Report for 1976, Judge Lincoln stated:

"The Wayne County Juvenile Court is a Court of many sorrows. Thousands of delinquent and neglected children pass through the doors of this Court each year. The parents who come to this Court are troubled parents who come here carrying the burden of their belief that they, as well as their children, have somehow failed. The victims who come to this Court as witnesses are also deeply troubled by the assaults that they have suffered by delinquent youth.

"The Wayne County Juvenile Court is a very small agency that is serving a county that has a population greater than 24 individual states. The Court and Youth Homes together have less than 500 employees. Compare this figure with upward of 26,000 school personnel and 8,000 police who serve in Wayne County.

"The volume of cases that flow into this Court is like the Detroit River."

Flowing through the in-take offices and courtrooms of the juvenile system are the personal tragedies of individual children and their families, reflections of our nation's social tragedies: urban ghettos, frightening unemployment rates, and an often ineffective educational system.

The juvenile justice system was created by statute to treat the victims of these tragedies: the serious young anti-social offender as well as the neglected, the dependant and the abused. There are too few resources to accomplish this formidable task. Moreover, just as a multitude of social and personal problems collide at the doors of juvenile court, so too do a multitude of conflicting legal principles and social philosophies: procedural due process vs. the best interest of the child; rehabilitation vs. punishment; the rights of the child vs. those of the parent; the rights of the child vs. the perceived needs of the community. These present difficult ethical and moral problems, and the juvenile justice system is the crucible in which society tries to resolve them; it is a crucible in which society's commitment to the preservation of itself - its human dignity and its human justice - are tested.

The juvenile system needs massive assistance. The caseload is simply too overwhelming for even the most dedicated of juvenile court workers. It is too much for the police, the judges and referees, the social workers, the prosecutors, the defense counsel, the detention facilities, and all those who work within the system. Most of all, it is overwhelming for the children and their families (and the victims and their families) who pass through the system. Unless serious changes are made in funding to provide adequate staff and facilities, and especially social service programs, and unless programs in diversion, remedial schooling and other new approaches are tried, today's juveniles will become alienated and impoverished adults who will flood our jails and infect our entire social existence.

Dean John F.X. Irving
NCDM Consultant-Director
April, 1978

INTRODUCTION

A. NATURE OF THIS TECHNICAL ASSISTANCE REQUEST

In May of 1977, John C. Emery, Jr., President of the Board of Directors of the Legal Aid and Defender Association of Detroit formally requested assistance from the National Center for Defense Management. On behalf of the board, Mr. Emery requested evaluations of three of the Association's component defense offices in Wayne County, Michigan:

1. The Defender Office, which provides representation in state criminal cases in Wayne County including the City of Detroit;
2. The Federal Defender Office, which provides representation in federal criminal cases for the U.S. District Court, Southern District of Michigan, Eastern Division.
3. The Juvenile Defender Office, which provides representation to juveniles in the Wayne County Probate Court's Juvenile Division.

The Board sought evaluation of each of the three offices with emphasis on the following areas:

- a. Internal operational practices, including office administration, record-keeping, docket control and billing procedures.
- b. Adequacy of staff size and resources to meet existing caseload requirements.
- c. Adequacy of personnel training programs;

- d. Effectiveness of relations with the private bar, including participation in law reform activities;
- e. Effectiveness of relations with the community, especially in the area of crime control and civil liberties;
- f. The impact of the current Court Delay Reduction Program (Crash Program) in the criminal courts upon the functioning and staffing requirements of the Trial Defender Office.
- g. Extent of the operational coordination and cooperation among the three offices.
- h. The adequacy of funding for the office, especially as it affects salary levels and the ability to attract and retain competent personnel;
- i. An assessment of the overall quality and cost effectiveness of the legal representation being provided by each of the offices, including comparisons to national standards and to services provided by the private bar in Wayne County.

On August 22, 1977, the technical assistance request was approved by the LEAA Regional Administrator. On August 31, 1977, approval was confirmed on the projects by Gregory C. Brady, LEAA Courts Specialist and project monitor for the Center. (See Appendix A, Technical Assistance Request).

Preliminary information gathering and project planning took place in September of 1977. In October, the Center Consultant team completed the three on-site evaluations. These visits were timed to coordinate with

the evaluation being conducted of the civil components of the Association which was also in progress under the direction of the National Legal Aid and Defender Association.

B. METHODOLOGY

Upon receipt of formal LEAA approval of the three evaluations, the Center engaged experts in the field of juvenile, federal, and state criminal defense to compose the evaluation teams. A consultant from the National Clients Counsel was also retained to obtain information from recipients of legal services and to evaluate the quality of representation provided by the three offices from a consumer's perspective. Finally, the team included a non-attorney specialist in the area of defender office management and statistics.

Members of the evaluation team were:

John Darrah, former Chief Public Defender for Seattle-King County Public Defender Association, now in private practice.

Leonard Perry Edwards, III, former Deputy Public Defender, Santa Clara County, California.

Roger Lowenstein, former Chief Federal Defender in Newark, New Jersey, now in private practice.

William OBrien, Administrative Director, Criminal Defense Consortium of Cook County, Inc., Chicago, Illinois.

Sheldon Portman, Public Defender for Santa Clara County, San Jose, California.

Dorothy Richardson, State Chairperson, Clients Council of Pennsylvania, and Alternate Director, National Clients Council.

W. Kirkland Taylor, Executive Director, Seattle-King County Public Defender Association; former General Counsel and Executive Director Harlem Assertion of Rights, Inc.

Detailed resumes of team members appear as Appendix B of this report.

During the month of September, the Center's staff compiled extensive background material on the Wayne County Criminal Justice System. These data, including a lengthy self-profile completed by each of the offices, were summarized for inclusion in the team's consultant handbooks. The handbooks and evaluation formats followed the Evaluation Design for Public Defender Offices, developed and tested by the National Legal Aid and Defender Association's "Defender Evaluation Project," Roberta Rovner-Pieczenik, Director.

A preliminary visit was made by John Darrah and Bonnie McFadden on October 5, 1978. At that time, key figures in both the Association and the criminal justice system at large were contacted to pinpoint problem areas and to obtain assistance with the logistical planning for the team site visit. Statistical data concerning caseloads and budgets were obtained from the various defender offices. Court caseload statistics and information retrieval formats were also obtained from court administrators and court clerks.

For approximately three weeks prior to the team site visit, NCDM staff members contacted over 200 potential interviewees in the Wayne County community to set up appointments for team interviews. Of this number, approximately 50 persons were available for interviews during the visit. This was in addition to the interviews conducted with the chief defender and staff members of each of the defender offices, and with criminal defendant clients of the three offices.

Persons interviewed included:

Approximately 25 judges from the following courts:

Michigan Supreme Court;
Wayne County Circuit Court;
Recorder's Court for the City of Detroit;
Wayne County Probate Court, Juvenile Division;

U.S. Federal District Court, Eastern District
of Michigan, Southern Division.

Court clerks and court administrators serving the
above-named Wayne County Courts.

Wayne County Jail Personnel, including the jail admin-
istrator, jail social service staff and deputies.

U.S. Attorney General and Assistant U.S. Attorneys.

Wayne County Prosecutor's Office staff attorneys, in-
cluding supervisory personnel.

City of Detroit Common Counsel members.

Former staff members from Trial, Federal and Juvenile
Defender Offices.

Members and former members of the Legal Aid and Defen-
der Association's Board of Directors.

Attorneys in private practice.

Members of the following professional and community
service organizations were also interviewed, including:

Alexandrine House, a drug abuse program;
Project Start
Project Transition
The Equal Justice Task Force of the Grosse Pointe
InterFaith Center for Racial Justice
Team for Justice
Arab Lawyers Committee
National Bar Association
Wolverine Bar Association
State Bar of Michigan
National Lawyers Guild
Women Lawyers Association of Michigan
Detroit Bar Association
Recorder's Court Bar Association

Representatives of the following governmental units
were also contacted:

Detroit-Wayne County Criminal Justice System
Coordinating Council

State of Michigan Appellate Defender Office

City of Detroit Legal Department

City of Detroit Common Council

Criminal Justice Act Division, Administrative
Office of the U.S. Courts, Washington, D.C.

In addition, a number of clients of both the Trial Defender and Juvenile Defender Offices were interviewed, as were several defendants who were represented by private assigned counsel. Each team member spent several hours observing defenders at work in the various courts.

Upon arriving for the evaluation visit, each team member was provided with an interview schedule, interview summary sheets, and additional background materials. The consultant team was on-site from October 9, 1977 to October 15, 1977. One consultant, Roger Lowenstein, conducted his interviews during the period of October 24 to October 28, 1977, due to scheduling conflicts.

Leonard Perry Edwards took primary responsibility for conducting the Juvenile Defender Evaluation. Dorothy A. Richardson appraised client satisfaction and community relations. NCDM's Associate Director, Bonnie E. McFadden was responsible for coordination of the project and preparation of the final report. John F.X. Irving, a former law school dean and chief of the consultant team which conducted the evaluation of this office in 1974,* commented upon the final draft.

The Center would like to thank all the persons who assisted in this study: defender office and court personnel who supplied needed data, and

* In addition to Dean Irving, the 1974 Evaluation team included Ted Rubin, Louis Wenzell and John Darrah. It was conducted under the auspices of American University's Criminal Courts Technical Assistance Project. A copy of that report appears as Appendix C. Its recommendations are discussed below at page 58.

all the judges, referees, attorneys and other court workers who took valuable time to be interviewed. We would especially like to thank James Zeman, who recently stepped down as Chief Defender, and his staff, for their cooperation and assistance in this project.

II

BACKGROUND

A. DESCRIPTION OF THE JURISDICTION: WAYNE COUNTY (DETROIT) MICHIGAN

1. The Michigan Court System

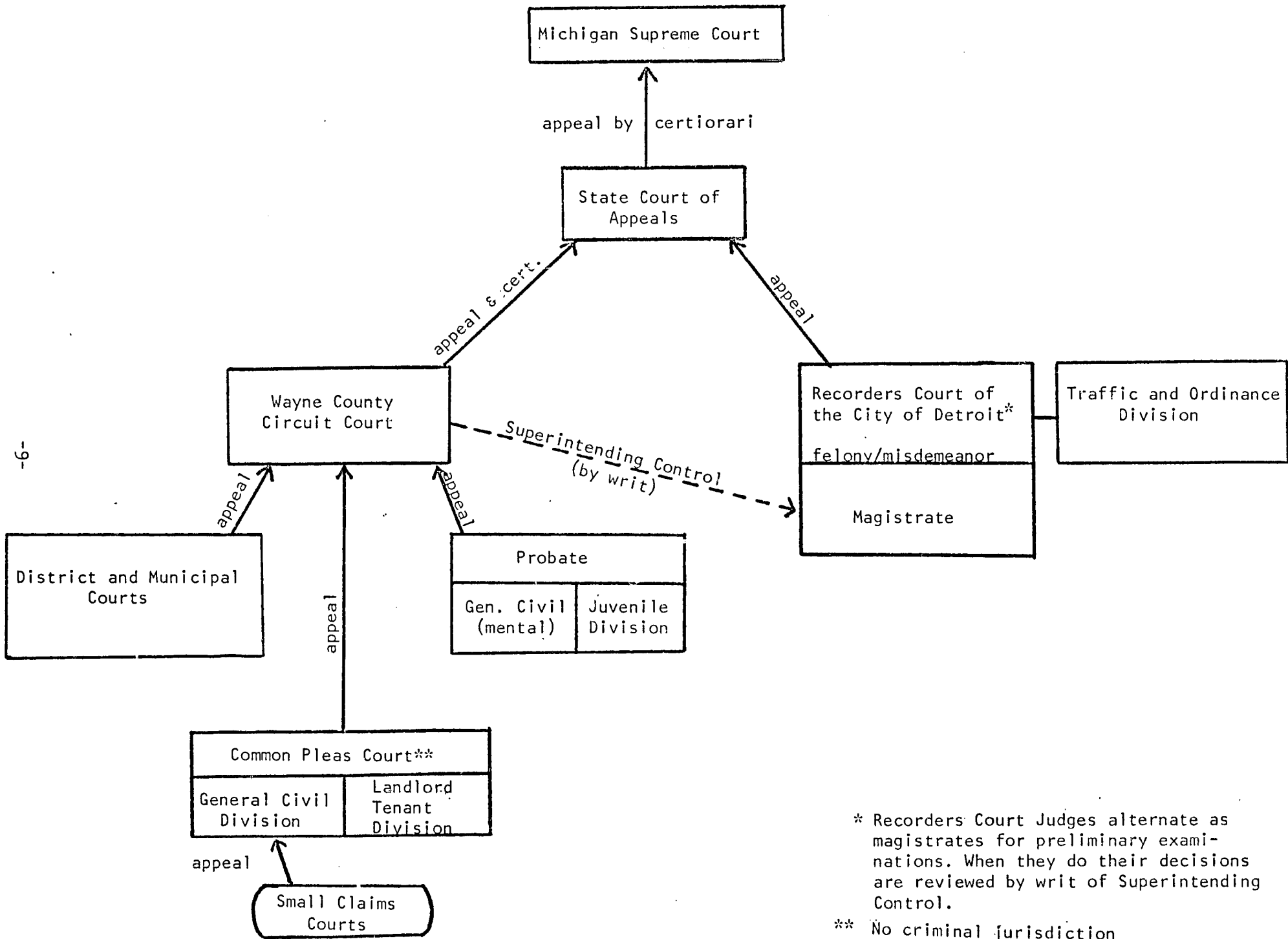
The organizational chart which follows describes the structure of the Michigan Court System. Juvenile Court is a division of the Probate Court. Its proceedings are wholly governed by statute and court rule. Appeals from Juvenile Court decisions are taken, as of right, to Circuit Court. Circuit Court also has superintending control over proceedings in Recorder's Court for the City of Detroit. Where Juvenile Court waives jurisdiction over a juvenile, permitting him or her to be tried in Recorder's Court or Circuit Court as an adult, that decision may be appealed by means of Petition for Writ of Superintending Control in Circuit Court.

2. Wayne County

The Legal Aid and Defender Association's Juvenile Defender Office serves the geographic area of Wayne County, Michigan; representing more than half of all juveniles charged with anti-social behavior, "status offenses," and 20 per cent of those who are the subjects of dependence and neglect proceedings.

Wayne County is the third largest county in the nation. Its 622.62 square miles are inhabited by 2,666,751 people. There are 33 incorporated cities, 11 townships, one unincorporated village, and 36 school districts within the county.

There are 721,072 Blacks in Wayne County and a total of 27.7 per cent of the county residents are non-white. The work force in the county is divided into 37.3 per cent white collar jobs and 61.7 per cent blue



* Records Court Judges alternate as magistrates for preliminary examinations. When they do their decisions are reviewed by writ of Superintending Control.

** No criminal jurisdiction

collar jobs. Over 15 per cent of the total work force is directly employed in the automotive industry, while another 21 per cent are engaged in the manufacture of other products. Trade and commerce employs 42 per cent, the professions 17 per cent, and public administration 5 per cent.

The Michigan Department of Labor reported an unemployment rate of 9.1 per cent for all persons in the Detroit metropolitan area for 1976. For this same period, the reported unemployment rate for non-white youths was 47.6 per cent.

There is a serious absence of available data in Wayne County concerning the juvenile crime rate, the number of cases of various types filed, and their dispositions. Efforts to create a uniform data reporting system were originally undertaken by the Detroit-Wayne County Criminal Justice System Coordinating Council with an LEAA grant. The grant went to the Juvenile Facility Network program, the planning agent for Juvenile Justice in Wayne County.* Unfortunately, this project has died for lack of continued funding.

* The 1977 report indicated that the precise number of status offenders per year in Wayne County is unknown, as are accurate statistics on the number of children actually apprehended for having committed crimes. (Detroit-Wayne County Criminal Justice System, 1977 Improvement Plan, Pages 1 IV-9, 2 IV-10.) National figures indicate that, for 1976, 26.2 per cent of all the 6,211,315 persons arrested were under the age of 18. (Crime in the United States, 1976, Uniform Crime Reports, Clarence M. Kelley, Director, FBI, September 28, 1977.)

In the proposed plan for 1977, the Detroit-Wayne County Criminal Justice System Planning Council stated that services for juveniles are inadequate in the following areas:

- Family Treatment/Counseling - Lack of access;
- Residential treatment for Emotionally Disturbed and Acting Out Youth;
- Support Programs for Status Offenders;*
- Recreation;
- Employment;
- Education.

That report indicated that, for the 1973-74 school year, the public school drop-out rate for Wayne County as a whole was 9.7 per cent. The drop-out rate for one Detroit Public School region was 22.0 per cent. Detroit accounts for 65 per cent of the total drop-outs in the country.

Data compiled by the Detroit-Wayne County Criminal Justice System Coordinating Council (DWCCJSC) indicated that the police "arrested" (or seriously detained) 21,802 juveniles in 1976. (Data for 1977 are not yet available.) This figure represents 17 per cent of all arrests made by police in Wayne County for that year. The "high risk" juvenile population, those between the ages of 10 and 17 years old, for the survey years 1975 and 1977, was approximately 300,000. It would thus appear that one-third of all juveniles ages 10 to 17 have some contact with law enforcement agencies. This number is somewhat deceiving, however, as certain juveniles may have had a number of police contacts in the survey years. Figures on "habitual" juvenile offenders are not yet available.

*In 1974, 25 per cent of the 27,471 juveniles arrested were stopped for curfew, loitering and truancy violations; this 25 per cent figure was comparable to national statistics.

Youth crime is becoming increasingly violent. According to statistics compiled by DWCCJSC, there were 38 juvenile homicides in 1977, as compared to 4 homicides for the preceding four years. The Council has also noted a significant increase in the rate of violent crimes among young females.*

3. City of Detroit

The offices of the Juvenile Defender are located in the City of Detroit, in a short driving distance from the Juvenile Court and the main juvenile detention facility.

The City of Detroit is located in Southeastern Michigan and contains approximately 140 square miles. Detroit is the largest city in Michigan and the fifth largest city in the nation. In 1970, the population was 1.5 million. In Detroit there were approximately 44 per cent non-white residents in 1970. The 1976 unemployment rate for all youths ages 16 to 19 was 35.9 per cent; for non-white youths it was 46.7 per cent. The rate for non-white youths is as high as 80 per cent in some areas of Detroit.

B. INDIGENT DEFENSE SERVICES IN WAYNE COUNTY

1. Ad Hoc Appointed Counsel System

There is no governmentally organized public defender office in Wayne County. Indigent criminal and juvenile representation is provided by means of an ad hoc assigned counsel system** in which appointments are

* Personal Communication from Alfred Montgomery, Director, DWCCJSC.

** The term "'ad hoc' assigned counsel system" refers to programs having no centralized organization or administrator, no uniform method for assignment, and no written standards for eligibility for assignment. This is in contrast to Coordinated Assigned Panel Systems having formal organization, administration and standards for attorney participation. A Coordinated Assigned Counsel Panel System was recently established in the U.S. District Court sitting in Detroit.

made on a case by case basis to private practitioners and to the Juvenile Defender Office of the private non-profit Legal Aid and Defender Association of Detroit. That office is paid on a contractual basis by Wayne County.

The Federal Defender Office is supported by federal funds through the administrative division of the U.S. Court. Seventy-five per cent of all indigent federal cases are handled by the Federal Defender, while 25 per cent are assigned to private attorneys selected for participation in the coordinated assigned counsel panel. Payment schedules for assigned counsel are set by the Criminal Justice Act. Appointed counsel fees in State Courts are set by local court rule.

Available data indicates that the appropriation of funds for indigent defense in the city and county courts in 1976 was as follows:*

Wayne County Circuit Court	\$ 721,000
Detroit Recorders Court	2,392,500
Wayne County Probate Court (Mental Incompetency)	240,000
Wayne County Probate Court (Juvenile Cases)	<u>900,000</u>
TOTAL	4,253,500

The federal budget for fiscal year 1976 allocated \$20,846,000 for the payment of assigned counsel and public defenders nationally. Of that amount, the Detroit Federal Defender Office received \$462,500.**

* Op. Cit, Page 2-11-1

** 1976 Annual Report of the Director, Administrative Office of the United States Courts, table 15.

2. The Legal Aid and Defender Association of Detroit: Its History and Organization

In the wake of the Detroit civil disturbance of July, 1967, the Detroit Bar Association undertook a comparative study to address the need to improve the quality of representation being afforded to indigent defendants accused of crimes in Detroit. A committee of the Detroit Bar Association surveyed different methods for the delivery of legal services to indigents. Pursuant to the committee's recommendation, the Detroit Bar Association assisted in establishing a "private" criminal defender office as part of the then-existing private, non-profit Legal Aid Society, which became the Legal Aid and Defender Association of Detroit (LADA).

Aided by grant funds from the National Legal Aid and Defender Association* and from other foundations, LADA's Defender office became operational on January 1, 1968, and was approved as a non-profit corporation to practice in the Recorder's Court for the City of Detroit, Wayne County Circuit Court and the Federal District Court for the Eastern District of Michigan.

Later, in 1971, with the approval of the United States District Court for the Eastern District of Michigan, LADA applied to the Administrative Office of the United States Courts for a "seed" grant to implement a community federal defender program for the Southeastern District of Michigan. In January, 1972, the Federal Defender Office of LADA began its operations.

* These funds were made available through NLADA's National Defender Project which was funded by the Ford Foundation.

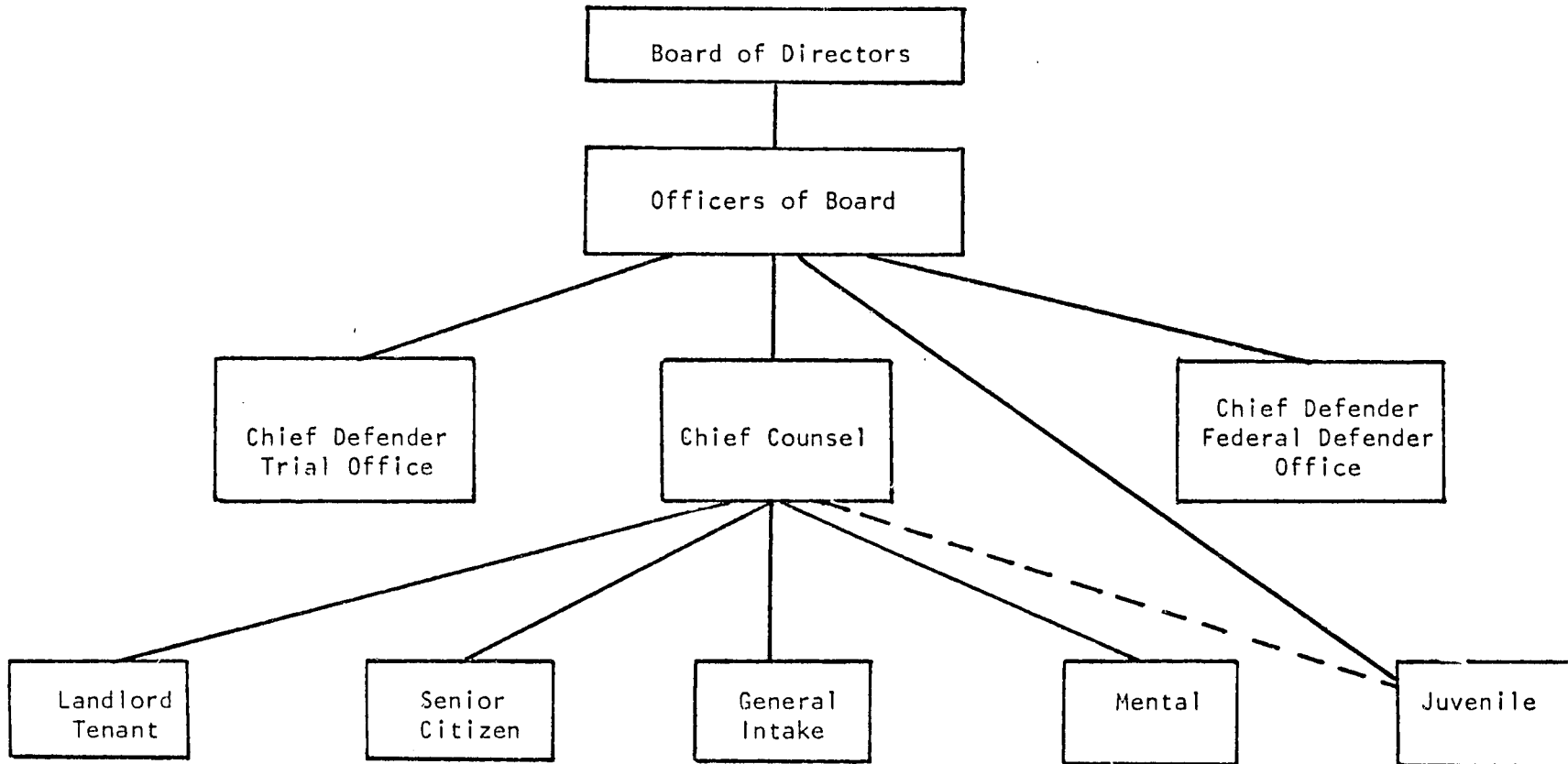
Under the sponsorship of the Association, the Juvenile Defender Office was created in 1973 by means of an LEAA-funded seed grant to the Wayne County Board of Commissioners by the Office of Criminal Justice Programs, Lansing, Michigan. The grant was in the amount of \$183,710. Physical equipment for the office was purchased by means of a Kresge Foundation Grant of \$20,400.

The original grant application for the Juvenile Defender Office envisioned the creation of eight neighborhood centers. These were to be connected to Youth Centers planned by Wayne County. With a proposed staff of eight full-time lawyers, it was anticipated that each attorney would be responsible for a neighborhood center, where he or she would interview clients and dispense general legal advice to, and counsel area children. Secretarial and administrative services would be available at the central office, located near the court. The county neighborhood youth center plan was not implemented, however, and representation is provided from one central office.

For fiscal year 1977, funding for the Juvenile Defender Office came almost exclusively from the Wayne County Treasury, pursuant to a yearly contract for representation of 1,500 juvenile cases and court proceedings. The budget will be discussed below.

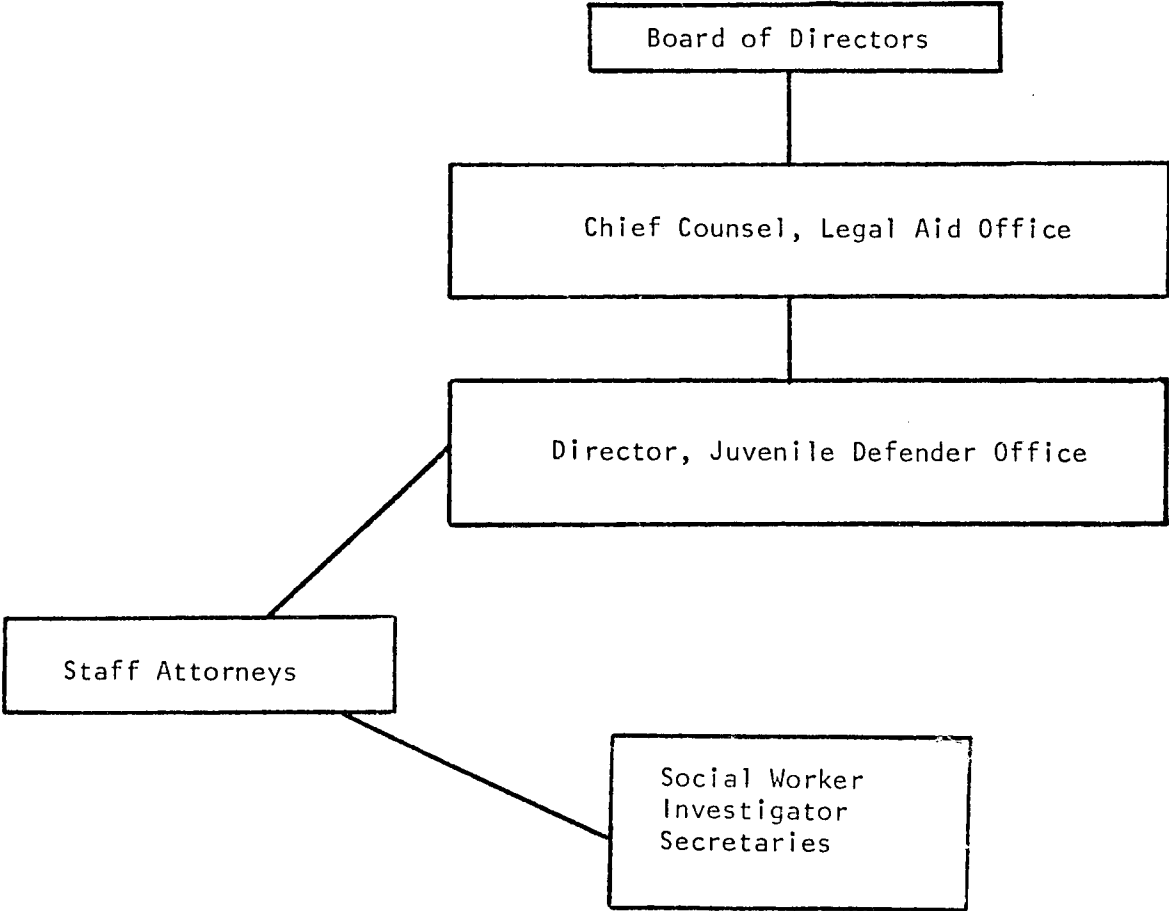
Since its creation, the Juvenile Defender Office has functioned as a component office of the Legal Aid and Defender Association's civil division, operating under the supervision of the Association's Chief Counsel. Organizational charts for the Association and the Juvenile Defender Office follow on the next page.

LEGAL AID AND DEFENDER
ASSOCIATION OF DETROIT



Since the date of the consultant team site visit in October, The Association has altered the relationship between the Juvenile Defender and the Civil Division of the Association. Where formerly (represented by dots) the Juvenile Defender Office reported to the Civil Division, it now reports directly to the Officers of the Board.

JUVENILE DEFENDER OFFICE
ORGANIZATIONAL CHART



C. THE JUVENILE JUSTICE SYSTEM IN WAYNE COUNTY

1. An Overview

Youth crime has reached epidemic proportions in American society, especially in the urban areas. Fueled by cut-backs in educational services and by a shockingly high unemployment rate, youth crime in Wayne County, and especially Detroit, continues to escalate far beyond the present capacity of the juvenile justice system to react.

Judges, court personnel, probation officers, local private attorneys and citizen observers all concurred that the juvenile court had inadequate resources to fulfill its statutory responsibilities to meet the needs of youthful offenders, consistent with constitutional safeguards, and to protect the public from juvenile crime.

The flow of cases has in fact so overwhelmed the personnel resources at the Juvenile Court that judges admitted that they were forced to set pre-trial calendars with a view to disposing of cases as rapidly as possible, and not with the view to the best interest of the child. Because of the sheer volume of cases, six months or more may elapse from the time of the pre-trial conference to the day of trial. Cases scheduled for a particular day are frequently adjourned due to the crowded dockets.*

The evaluators found that the Wayne County Court system is in need of crisis intervention at almost every level: from judicial personnel, to facilities, to prosecutors, to social services and legal representation

* Many cases were adjourned without adjudication for as much as six or seven months. (See Appendix D for a Report of Backlogs (of juvenile cases) for August, 1977).

for minors and their families. It is in the context of this dismal reality that the team evaluated the operation of the Juvenile Defender Office.

2. Location and Jurisdiction of Juvenile Court

The majority of cases affecting juveniles in Wayne County are processed at the Wayne County Probate Court's Juvenile Center at 1025 East Forest, Detroit. This is an old, drab building located many blocks from other court buildings. A branch office of the Court operates at Westland, Michigan, a suburb of Detroit.

Original jurisdiction in delinquency and neglect proceedings extends to all minors under the age of 17 years of age. Juvenile Court retains jurisdiction until the age of 19 years, if the juvenile was brought under its jurisdiction at the age of 17 years or before.

The Court may waive its statutory jurisdiction in certain serious cases involving juveniles over the age of 15 years who are accused of committing an act which, if committed by an adult, would be considered a felony. Where Juvenile Court waives jurisdiction after a hearing on the merits, the case may be filed as an adult felony in Circuit Court or Recorder's Court.

There are three probate judges sitting in the juvenile court, with two additional judges assigned on a part-time basis to assist them. In addition, eight referees hear assigned cases. The referee's decision may be appealed to a judge by a request for a de novo hearing. Referees do not preside over jury trials or waiver hearings. Michigan law appears to confer, as of right, re-hearing on any final adjudication. In practice, however, it has been considered discretionary, according to several

attorneys interviewed.*

Juvenile Court has jurisdiction over violations of municipal ordinances, laws of the State of Michigan and of the United States. It also has jurisdiction over so-called status offenses - truancy, curfew violations and similar acts which, if committed by an adult, would not be considered crimes. Abuse and neglect proceedings are also handled by Juvenile Court, as are adoption petitions, petitions for termination of putative father's rights, and guardianship petitions.

3. The Juvenile Court Caseload

The volume of court business in 1976 amounted to 50,185 complaints, petitions and violations. Of that number, 18,964 involved delinquency complaints, and 31,221 involved motor vehicle violations, neglect and abuse complaints and adoption petitions. The following table illustrates comparative caseload statistics for the period 1972 to 1976. The annual statistics for 1977, which have not yet been published, appear as Table II in Appendix E.

The evaluators were dismayed at the cumbersome record-keeping system in Juvenile Court. It is archaic and haphazard. Several attorneys

* Michigan Juvenile Code, C.L. 712A.21 provides: Any interested person, at any time while the child is under the jurisdiction of the court, may file a petition, in writing and under oath, for a rehearing upon all matters coming within the provisions of this chapter, and upon the rehearing the court may affirm, modify or set aside any order so reviewed . . . At any time the court may enter an order for supplemental disposition as long as the child remains under the jurisdiction of the court.

commented that the system resulted in much wasted time. Court management experts should be retained to assist in the establishment of a more workable system for information retrieval and case flow control.

4. Juvenile Court Proceedings

Michigan statutes regulating the conduct of juvenile courts in delinquency and dependency matters are supplemented by Rules adopted by the Michigan Supreme Court. Both are undergoing significant examination and may be modified in the next year. There is legislation pending which would virtually abolish Juvenile Court jurisdiction over status offenders, for example. This is expected to have a significant impact on Juvenile Court caseloads, as approximately 15 per cent of petitions filed involved status offenses.*

At present, a Wayne County delinquency/dependency case may include a number of hearings during the flow of proceedings:

a. Filing of Application for Petition

Proceedings in juvenile court are initiated by the filing of an application for a petition. The petition may be filed by police, school officials, parents or social agencies. They are reviewed by the court's intake unit to determine whether court jurisdiction should be invoked.

b. Preliminary Hearings: Detention

When a child is removed from the home in connection with the filing of a petition, a hearing to inquire into the necessity for detention must be held within 48 hours of arrest. Preliminary inquiry is made into whether a formal petition should be issued; detention status is reviewed, and bond is set in delinquency cases where continued detention is ordered.

* Source, 1976 Annual Report, Wayne County Probate Court, Juvenile Division (15.7 per cent. D. W. C. C. J. S estimates that 25 per cent of all police "contacts" involve status offenses. (Personal Communication).

c. Pre-Trial Hearing: Probable Cause

In all delinquency proceedings, the minor is entitled to a probable cause hearing, comparable to an adult preliminary examination proceeding. The hearing may be before a judge or referee. Prosecution must prove that a crime was committed and that there is probable cause to believe that the accused juvenile committed it. Pre-trial motions (to suppress statements or evidence, for discovery, to quash, etc.) may be heard at this time. The referee or judge may dismiss the petition on the merits or on motion, or with consent of the parties, may refer the case to the consent docket for informal disposition, or may continue the case for trial.

d. Waiver Hearing

Where a child over 15 years of age is charged with an act which, if committed by an adult, would be a felony, the prosecution may file a petition for waiver of juvenile jurisdiction. The Court, upon hearing the evidence, must determine whether there is probable cause to believe that the child committed the offense, then the court must make a determination as to whether or not it is in the best interest of the child and society that the defendant be tried as an adult. Upon a decision to waive jurisdiction, a felony information will be filed in Recorder's or Circuit Court, and the case will proceed there as in an adult case. Neither the Juvenile Court adjudication nor the record of those hearings is admissible against the child in the adult proceeding.

e. Consent Docket

Where it appears to the court that it would benefit the child and the community, and where the minor and other interested parties consent, a petition may be filed and the case heard informally by the court. A sen-

tence of three months probation without detention is the common disposition. The record may be expunged after successful completion of the probationary period. The Consent Docket is used primarily for first offenders.

f. Adjudication Hearing

This is a trial on the merits before a judge or referee. A jury may be demanded, witnesses may be called and cross-examined as in adult proceedings, and only legally admissible evidence may be presented in the proofs. If a guilty verdict results, the court proceeds to consider proper disposition of the juvenile, based on prior juvenile contacts, the nature of the offense, and availability of social services or detention facilities.

g. Supplemental Proceedings

Petitions may be brought to modify the terms of disposition or to request re-hearing of the original charges. There are provisions for automatic review of disposition where the child has been removed from the parental home.

h. Appeals

Appeals may be taken as of right to Circuit Court. Appeals of adverse decisions in waiver proceedings must be taken by means of the discretionary Writ of Superintending Control, filed in Circuit Court.*

* When an indigent juvenile is waived over to adult felony court, his or her juvenile court attorney will be replaced by counsel appointed by Recorder's or Circuit Court. There is no provision in Recorder's Court rules for payment for representing the juvenile in a superintending control proceeding in Circuit Court. This practice may result in the juvenile being without counsel at a critical stage in the case.

5. The Prosecution of Juvenile Cases

To assist in the prosecution of delinquency cases, the prosecutor's office has a permanent staff in the Juvenile Center. The staff includes a supervisor and four other attorneys, as well as six full-time salaried law students. The salary range is from \$11,000 to \$16,000 for the students and attorneys, higher for the supervisors. See Table of salary scales, page 46.

These attorneys and law students appear only at a portion of those cases in which a defense attorney appears. They estimate they appear in 80 per cent of the delinquency hearings to prosecute the minor. The prosecutor's office also assists the intake division of the court in screening police reports for evidentiary sufficiency prior to the filing of a petition. They review some cases prior to trial to insure that the proper witnesses are subpoenaed. Persons interviewed stated that such preparation is haphazard. Several persons commented that the office is terribly disorganized. There are several hearings including the preliminary hearing at which the prosecutor does not regularly appear.

The evaluators noted that the prosecutor at juvenile court is understaffed, the quality of legal services is irregular and poor, supervision over cases within the system is inconsistent, prosecutorial policies are non-existent and prosecutorial resources are generally lacking. When compared to other prosecutor's offices known to the evaluators, this office appears to be noticeably deficient. (See Three Juvenile Courts, A Comparative Study, The Institute for Court Management (Denver, Colorado, 1972).

6. Other Participants in the Juvenile System

The probation department investigates and supervises minors who have been put on a program of local supervision by the court. The State of Michigan also provides services to minors who are committed to the state for incarceration or local supervision. These are generally only the most serious cases. After the Juvenile Court commits a minor to the custody of the state, the state decides whether the minor should be incarcerated in a state institution or put on a program of probation. One defender attorney noted an increasing tendency on the part of the Court to leave the dispositional decision up to the state social service placement worker. He noted that this obstructed defense counsel's ability to influence disposition. Where previously it was possible for the defense to propose dispositional alternatives to the Court, presently the decision is in effect administrative, not judicial, and it is difficult for counsel to effectively represent their clients. This raises serious questions about whether disposition is not constitutionally a judicial function.

Both the county and the state operate institutions for the placement of minors (pre- and post-adjudication). The most important facility is the Wayne County Youth Home at 1333 East Forest Avenue, attached to the Juvenile Court Building. The Youth Home houses detained delinquents and minors who are awaiting placement. The D. J. Healy Home at 9200 West Vernor Highway, some miles away, houses abused and neglected minors who have no appropriate home or who are awaiting placement.

Although the consultants found the Youth Home to be a well-run institution, the flow of cases through the system clearly was greater than the facility could handle. Staff members and judges both commented that the

Home is always over-populated and that each week the judges are forced to release minors from the Home simply because of the high rate of new admittees. (See Appendix F for facility admission figures).

7. Legal Representation in Juvenile Cases

Minors who appear in juvenile court have the constitutional right to appointed counsel at county expense. Michigan Juvenile Court Rule #6 provides that the child be informed of the right to counsel at the first court hearing. A parent or guardian must concur in any waiver of counsel. At the present time defense representation comes from two sources: private counsel and the Juvenile Defender Office. The Defender Office handles over half the delinquency cases and approximately 20 per cent of the dependency cases (see discussion below). The private bar (through individual ad hoc court appointment) handles the remainder. Few attorneys are retained by families for their children in juvenile court.

III

THE JUVENILE DEFENDER OFFICE

A. LOCATION

The office is situated at 51 West Warren in Detroit and thus is separate from the juvenile court facilities as well as from other offices serving indigent defendants in the Legal Aid and Defender Association. The lack of contact is not only physical but also professional. Juvenile defenders do not have the opportunity to mix with defenders in Recorders Court, Circuit Court or in the appellate courts. The feeling of a self-contained legal operation is evident as one enters the third-floor suite of offices at 51 West Warren. The attorney offices circle the investigative and secretarial desks. There is an atmosphere of professionals working together for a common goal.

B. STAFF

The staff at the Juvenile Defender Office includes 11 attorneys, one of whom is designated as a supervisor and two of whom informally perform as assistant supervisors. All attorneys handle caseloads estimated at from 130 to 150 cases a year. There are two secretaries, two investigators, and a social worker. From time to time, law students work in the office as a part of a Law School clinical program or as volunteers. There is no polygraph expert in the office; the lack of this expertise was keenly felt by several attorneys.

C. CASELOADS

Cases handled include both delinquency and abuse/neglect; 1,050 of the former and 450 of the latter each year, an average of 136 cases per

attorney. In addition, the office provides defense services for all minors at the preliminary hearings four days a week and all minors who are asked to participate in a show-up. The actual caseload, therefore, is well in excess of the 136 case average.

According to the terms of the contract, the Juvenile Defender Office should be accepting 125 cases per month, and filing completion sheets on 125 cases per month. Caseload statistics compiled by the Defender Office for August of 1977 indicated that the office had a pending caseload of 728 cases. Several attorneys had over 90 open cases. One attorney had 114. It appears that the congested court docket has a negative impact on the office's caseload. Each attorney should be opening and closing approximately 11 cases per month to fulfill the 125 case completion per month condition; 11 new cases should be opened. Even the most diligent attorney cannot give adequate representation to over 90 clients at one time.

The flow of a case within the office is as follows:

1. The Defender Office will appear at an arraignment hearing for all minors four days a week. Those minors who are detained will remain as clients of the office, while those who are released may be appointed private counsel or the defender office may later be appointed to represent them. The office is appointed by the court to handle 450 abuse and neglect cases.
2. When the appointment arrives in the office, the chief secretary will open a file and assign the case to one of the deputy defenders. This decision will be based upon attorney workload and whether or not the juvenile is a repeat

offender. Repeaters are assigned to the same attorney they had previously, if possible. No determination of complexity of the case is made at the time of assignment.

3. After the attorney receives the case, he/she will interview the client and represent the client in all subsequent hearings. The attorney will also keep in contact with the probation or parole officer involved, the parents of the minor, and any and all other parties who may be important to the resolution of the minor's case. The attorney will also determine whether investigation or counselling assistance are needed, and make the proper requests if they are so indicated.

4. After the case has been closed, the attorney will so inform the secretary. She/he will note the case in the log book and file the folder in a closed file. She will also complete a voucher which is then returned to the court to indicate fulfillment of the case as required by contract. At the time of the site visit, in 1977, The office was not under contract to do appellate work, work in the school setting (suspension hearings, etc.), parole revocation hearings, pre-charge advice or law reform. Nevertheless, many of the attorneys tried to use their own time to work on such matters. Their required caseloads, however, mitigated against systematic and thorough representation in these areas; only the more egregious problems could be pursued. At present, they are under contract to perform these services (See discussion below).

D. CLIENT REPRESENTATION

Juvenile defenders enter a case at the time of the first court hearing. If a child had been held in custody, this occurs within 48 hours of the arrest. Entry would be possible at or quite near the time of arrest. Early entry at that time would facilitate speedy disposition of the

case. The defender, in some cases, might be able to informally "settle" a case without need for any formal proceedings. Entry at the time of arrest would also provide the opportunity for pre-adjudication social service assistance, such as locating a suitable alternative placement for the child, thus making it unnecessary to detain the child in an overcrowded, sometime dangerous and certainly frightening juvenile facility.

The most recent contract in force as of December 1, 1977 (see Appendix G), does mandate the office to provide appellate representation of juveniles in collateral matters, such as school disciplinary hearings and the like. Such a service is needed.

The contract between the office and Wayne County should recognize that defense counsel must represent a whole child, not merely a case, or part of a child. Representation should continue throughout waiver proceedings and, where necessary, adult felony proceedings. A juvenile appellate section should be speedily funded to handle appeals, Writs and other post-disposition proceedings, including "right to treatment" issues.

In all respects, the Juvenile Defender office staff was found to be zealous, skilled and sincerely concerned with the rights and well-being of their clients. Motion practice is pursued vigorously, and pleadings appear to be well-considered and well drafted.

E. TRAINING AND SUPERVISION

An attorney entering the Juvenile Defender Office may or may not have previous legal experience. Few of the attorneys have had any prior juvenile law experience. The new attorney will be given a short orientation session with a supervising attorney (a few meetings over a couple of days) and then the director will begin assigning cases to the new defen-

der, starting with the least complicated and less demanding cases. Some new attorneys have taken over an on-going caseload immediately but this is the exception and has only happened when the office was seriously short-handed.

There is some in-court supervision of new attorneys, but this appears to be sporadic. Each new attorney is given some written materials. There is no formal training. Expertise in any area must come from questioning other attorneys or using the law library in the suite of offices. The office has not started a briefbank nor a catalogue of recent or important juvenile cases.

F. OFFICE ADMINISTRATION AND PROCEDURES

The team observed the operation of the office over several days, and interviewed clerical and support staff in-depth. The office appeared to operate smoothly, information was readily available, statistics on caseloads and case dispositions were adequately recorded and up to date. The case docketing system was adequate to the needs of the office to monitor case status and attorney schedules. Some discussion was had with the Chief Defender concerning the use of forms in the office. In particular, an alternative client interview form was suggested. No written policies and procedures were available to staff.

G. INVESTIGATION

The Defender Office presently has two full-time investigators for 11 attorneys; a ratio of 1 to 5.5. A nationwide defender survey* found that

* The Other Face of Justice, National Legal Aid and Defender Association, (1973).

the effective ratio is 1 investigator for every 3 attorneys. When an attorney requires investigative work in the preparation of a particular case, he/she fills out an investigative request form for the investigative staff and then discusses the case with them.

A review of several open and closed files in the office revealed that the investigation reports were typed and were complete statements of the particular matter requested. All of the attorneys interviewed agreed that the investigative work was satisfactory.

Most attorneys indicated, however, that they received no introduction to the investigative staff or orientation concerning the work the investigators could perform for them. Instead, each attorney decided themselves when investigation should be used. The investigators could be more fully utilized.

H. SOCIAL WORK ASSISTANCE

The Defender Office also has a full-time social or community worker on the staff. This person is able to work with the attorney in dispositional planning (sentencing). The evaluators were unable to determine whether this worker was being fully utilized. The attorneys commented that they were not given much guidance on how to use the community worker's skills.

One defender commented that the social worker was more active in the dispositional phase of abuse cases than in delinquency matters. There was not a great deal of pre-adjudication social work assistance undertaken, perhaps because of the limited time only one social worker can provide.

I. CLIENT SATISFACTION WITH SERVICES

Several clients of the Juvenile Defender Office were interviewed. Each expressed satisfaction with the legal representation received and with the personal attitudes of the staff attorneys. The discussions did reveal, however, that there is a serious need for social service assistance which cannot now be met by the Defender Office's single social work staffperson. The need is not being filled by the Juvenile Court or by other social service agencies.

J. COMMUNITY RELATIONS

Defender Office staff participates in professional associations, and legal education committees in the areas of juvenile and criminal law. The Director of the office was instrumental in the founding of the Defender's Association of Michigan, a group which is devoted to defender training and the exchange of ideas and legal information throughout the state. In addition, he and his staff have participated in numerous local and national conferences, seminars and task forces on juvenile law. Office staff actively seek out opportunities to address the community.

Heavy schedules preclude the intensive type of local community involvement envisioned for the office when its first grant application, calling for 8 neighborhood offices, was developed in 1972. The Defender Office appeared to be responsive to community needs, speaking at local functions as time permitted. There is a serious need, however, for closer community contact such as neighborhood offices would provide.

The office has little direct contact with community members on the Association's Board of Directors. This or similar advisory assistance is lacking and should be implemented.*

* See the summary and review of the Recommendations of the 1974 Evaluation for a discussion of this area, Appendix C

K. THE RELATIONSHIP BETWEEN THE JUVENILE DEFENDER OFFICE AND THE LEGAL AID AND DEFENDER ASSOCIATION.

The Juvenile Defender Office operates de facto, as an independent entity. Since its creation, however, it has been subsumed under the administrative direction of the Civil Division of the Legal Aid and Defender Association, reporting to the Association's Chief Counsel, rather than directly to the Board. The Trial Defender and Federal Defender Offices report directly to the Board. We understand this has now been changed and the Juvenile Defender Office also reports directly to the Board, as indeed it should.

In 1977, approximately \$13,000 from the Juvenile Defender's contractual budget was allocated to the Civil Division for administrative services. The Chief Defender and his staff all expressed the view that they were not getting their money's worth of services in return. The Association's accounting and bookkeeping procedures were said to be inefficient, and to interfere with the office's ability to get things done. In addition, attorney's salaries are tied to the salary structure in existence in the various civil components of the Association, making it extremely difficult for the Juvenile Defender Office to attract and retain competent attorneys and support staff.

Juvenile defense tends, too frequently, to be accorded "step-child" status as compared to adult criminal defense. The establishment of the Juvenile Defender Office as an autonomous unit, reporting directly to the Board of Directors, would help to insure that this stigma does not attach itself to the Juvenile Defender Office.

L. THE BUDGET AND STAFF SALARIES

The Juvenile Defender Office is presently funded almost exclusively

by means of a contract with the Wayne County Treasurer and Board of Commissioners. For both fiscal years 1976-1977 and 1977-1978, the contracts call for acceptance of 1,500 juvenile cases, defender presence at preliminary hearings 4 days per week, and at all show-ups.

The 1977-1978 contract includes the responsibility to take appeals in all cases to which the defender was assigned for original disposition. (A copy of the proposed 1977-1978 contract appears as Appendix G). Of the 1,500 cases to be accepted, it was agreed that 30 per cent, or 450 cases, would involve abuse and neglect matters. The Defender Office agreed to file completion slips in 125 cases per month. Under the terms of the contract, the Defender Office is also charged with the duty of providing general legal information regarding the rights of children to children, parents and social agencies.

The Juvenile Defender Office budget for 1976-1977 was \$338,280, of which \$295,200 was allocated for staff salaries and fringe benefits (representing 11 per cent of salaries), less than that of either the trial defender or Federal Defender Offices. The budget for 1977-1978 was \$349,000, of which \$312,649 was for salaries and fringe benefits (at 12.6 per cent).

Staff salaries are far lower than either of the other defender offices. (See Tables for Salaries of Juvenile Defender Office, page 42, Trial Defender Office, page 43, and Federal Defender Office, page 45). In addition, Wayne County Prosecutors are paid on a different scale, as are Wayne County Probate Court staff (See table, page 44).

The 1977-1978 budget provides for an increase in salaries of \$7,200 over fiscal year 1976-1977. An increase of approximately \$468.00 per person (See salary scale at page 40). Another source of funds was ap-

parently realized in the 1977-1978 budget by the elimination of a book-keeper position for which \$11,500 had been allocated in 1977. This enabled the office to increase salaries for the Director, attorneys and investigators, as well as provide more funds for law students and work-study students.

While the salaries budgeted for 1977-1978 represents a significant improvement over the salary scale for 1976-1977, it is still significantly lower than the Trial and Federal Defenders scale, and it is much lower than the salaries paid to the Prosecutor's staff and Probate Court personnel of equal professional status. Thus, the administrative assistant position in Probate Court is budgeted at \$18,194 to \$20,675, higher than any of the staff attorneys in the Juvenile Defender Office. The same is true for probation officers, psychiatric social workers and psychologists. Minimally, attorney's salaries should be equal to, if not greater than, social workers (\$19,728) and court reporters (\$19,466).

The same disparity in salaries as compared to Probate Court personnel applies to Defender Office support staff. The secretary-steno position at Probate Court pays from \$14,305 to \$14,715, as compared to the secretary-receptionist at the Juvenile Office who earns \$9,500 for the year 1977-1978. The Probate Court Administrative Assistant position pays \$16,717 to \$18,027. The Juvenile Defender office manager is paid \$11,000.

The Juvenile Defender Office salaries are not adequate to attract and retain competent staff persons in all personnel categories. It is a tribute to the dedication of the present, very competent staff that they have not left to seek more remunerative positions. Indeed, conversations with some defenders indicate that, unless striking improvements were

forthcoming, they would be forced to leave the office for other positions.* Juvenile Defenders should be paid on a parity with other criminal defense attorneys in the Association, and on a parity with the Prosecution's staff.

The 1976-1977 budget allowed a total of \$600.00 per year for staff training. This amounts to approximately \$37.50 per person for the 16 person staff. Commendably, the 1977-1978 budget has increased the training budget by twice that amount, to \$1,200.00. This amounts to approximately \$76.00 per staff person. While the increase in training budget is indicative of the office's awareness of its importance, the funds available are still insufficient to effect a systematic and thorough training program. It must be remembered that the average registration fee for one Continuing Legal Education Seminar is \$60.00 to \$100.00 for a one-day session. A five-day program may cost \$200 to \$250 per person, in addition to transportation and lodging costs. National training programs, such as the National College of Criminal Defense Lawyers and Public Defenders in Houston, Texas, cost far, far more (although limited scholarships are available).

The present budget effectively limits formal training to a one-day program, per person, per year. It should be stressed here that support staff, as well as attorney staff, should have the benefit of regular in-service training programs to up-grade their skills.

* Unfortunately, since the time of the evaluation, the Chief Defender, James Zeman, has left the office. His replacement is a zealous and most competent defender, but Mr. Zeman's enthusiasm and dedication will surely be a great loss to both the Detroit Juvenile Defender Office and juvenile defense as a whole.

For a comparative standard, one might look to the Trial Defender Office, where a budget of \$10,800 per year is set aside for conferences and meetings. The Federal Defender Office budgeted \$14,424 for Defender Conferences and Educational Seminars for fiscal year 1977. Despite the recent increase, the Juvenile Defender budget is still wholly inadequate for the training needs of the office.

An additional budgetary deficiency is found in the allocation for expert witnesses and special investigatory needs, such as polygraphers* and ballistics testing. The budget does not provide for the proper staffing ratio of investigators and clerical personnel to attorneys. National Standards recommend one investigator for every three attorneys. The same ratio should be applied for clerical support staff. Additional social worker assistance is necessary to meet the special needs of juvenile representation. In this case, the team would recommend that an additional two social workers be added to the staff.

* There is no in-house polygraph expertise. The sum of \$50.00 per month is allocated in both the 1976-1977 and 1977-1978 budgets for this service. Polygraphers generally charge \$75.00 to \$100.00 in Detroit, as reported by a well-known, free-lance polygrapher there.

JUVENILE DEFENDER OFFICE
FINAL BUDGET FISCAL 1977-1978

	<u>MONTHLY</u>	<u>ANNUAL</u>
SALARIES	<u>\$22,750.00</u>	<u>\$273,000.00</u>
TOTAL SALARIES	\$22,750.00	\$273,000.00
FRINGE BENEFITS:		
FICA	\$1,333.33	\$16,000.00
Health Insurance	833.00	10,000.00
Life & Disability Ins.	250.00	3,000.00
Workmens Compensation	100.00	1,200.00
Unemployment	<u>350.00</u>	<u>4,200.00</u>
TOTAL FRINGE BENEFITS	\$2,866.67	\$34,400.00
OPERATING EXPENSES:		
Office Supplies	\$300.00	\$3,600.00
Services (Bookkeeping)	500.00	6,000.00
Printing	150.00	1,800.00
Telephone	650.00	7,800.00
Postage	100.00	1,200.00
Rent	800.00	9,600.00
Dues	41.66	500.00
Miscellaneous	50.00	600.00
Travel	300.00	3,600.00
Library	150.00	1,800.00
Equipment	50.00	600.00
Audit	100.00	1,300.00
Polygraphs	50.00	600.00
Training	100.00	1,200.00
Malpractice Insurance	<u>125.00</u>	<u>1,500.00</u>
TOTAL OPERATING EXPENSES	<u>\$3,466.66</u>	<u>\$41,600.00</u>
 <u>TOTAL EXPENSES</u>	 <u>\$29,083.33</u>	 <u>\$349,000.00</u>

JUVENILE DEFENDER OFFICE

PRELIMINARY BUDGET

FISCAL 1976-77

PROJECTED EXPENSES

<u>PERSONNEL EXPENSES</u>	<u>MONTHLY</u>	<u>ANNUAL</u>	<u>TOTAL</u>
SALARIES	\$ 22,150.00	\$265,800.00	
FRINGE BENEFITS:			
FICA	1,200.00	14,400.00	
Health Insurance	650.00	7,800.00	
Life Insurance	200.00	2,400.00	
Workmens Comp.	75.00	900.00	
Unemployment	325.00	3,900.00	
TOTAL PERSONNEL EXPENSE			\$ 295,200.00
<u>OPERATING EXPENSES</u>			
Office Supplies	300.00	3,600.00	
Administrative Services	1,100.00	13,200.00	
Printing	150.00	1,800.00	
Telephone	650.00	7,800.00	
Postage	100.00	1,200.00	
Rent	565.00	6,780.00	
Miscellaneous	50.00	600.00	
Travel	300.00	3,600.00	
Library	100.00	1,200.00	
Equipment	50.00	600.00	
Audit	75.00	900.00	
Polygraphs	50.00	600.00	
Training	50.00	600.00	
Malpractice Insurance	50.00	600.00	
TOTAL OPERATING EXPENSES			<u>43,080.00</u>
<u>TOTAL EXPENSES</u>	<u>\$28,190.00</u>		<u>\$ 338,280.00</u>

JUVENILE DEFENDER OFFICE

SALARIES AND WAGES

FISCAL 1976-77

Director	\$26,000.00
Attorney IV	17,500.00
Attorney IV	17,000.00
Attorney III	16,500.00
Attorney III	16,500.00
Attorney III	16,500.00
Attorney II	15,500.00
Attorney II	15,500.00
Attorney II	15,500.00
Attorney I	14,500.00
Attorney I	14,500.00
Social Worker	12,300.00
Social Worker/Investigator	12,300.00
Investigator	11,000.00
Docket Manager	11,500.00
Secretary/Receptionist	9,700.00
Bookkeeper	11,500.00
Law Students	<u>12,000.00</u>
<u>TOTAL SALARIES</u>	<u>\$265,800.00</u>

TRIAL DEFENDER OFFICE SALARY SCALE
October, 1977

Staff Attorneys:

(n=16)	Low	\$14,520.00	(2 attorneys)
	High	27,504.00	(1 attorney)
	Mean	20,756.00	
	Median	20,520.00	
	Mode	17,520.00	(3 of 16)

Supervisory Attorneys

Chief Trial Attorney	25,008.00
Chief Defender	41,112.00

Clerical and Support Staff

Receptionist	7,800.00
Clerk Typist	6,500.00
Secretary (3) Low	7,800.00
High	9,100.00
Administrative Secretary (1)	11,700.00
Office Manager	16,640.00

Investigative Staff

Investigator-Trainee	7,800.00
Investigators (4) Low	9,504.00
High	14,520.00
Chief Investigator	14,520.00

Law Clerks

5 @ \$3.00 per hour; 1 @ \$3.50 per hour

SALARY SCALES FOR WAYNE COUNTY PROBATE COURT
JUVENILE DIVISION PERSONNEL

1976 - 1977 Figures

	<u>MINIMUM</u>	<u>MAXIMUM</u>
Judge 1		\$43,392.00
Probation Officer IV	25,340.00	24,297.00
Probation Officer	14,154.00	22,587.00
Attorney III	25,682.00	29,267.00
Referee	30,453.00	34,005.00
Court Officer I	13,205.00	17,203.00
Court Reporter	19,446.00*	19,446.00
Psychologist I	15,939.00	19,728.00
Psychologist II	20,266.00	20,838.00
Psychologist III	22,599.00	24,140.00
Administrative Assistant	18,194.00	20,675.00
Secretarial Stenographer I	14,305.00	14,715.00
Secretarial Stenographer II	14,687.00	15,236.00
Stenographer II	13,464.00	14,003.00
Typist I	12,199.00	12,558.00
Typist II	13,323.00	13,856.00
Typist III	14,169.00	14,715.00

For full details, see Appendix H

FEDERAL DEFENDER SALARIES

(Rounded to nearest dollar)

DETAIL OF PERSONNEL SERVICES		Actual Salary Rates		Projected Annual	
TITLE	INCUMBENT	6/30/76	9/30/76	9/30/77	9/30/78
Chief Defender	Roberts	\$ 33,000	\$ 36,000	\$ 36,000	\$ 36,000
Deputy Defender		23,500	23,500	26,000	28,000
Deputy Defender		18,500	20,500	22,500	25,000
Deputy Defender		18,500	20,500	22,500	24,500
Deputy Defender		16,500	16,500	18,500	20,500
Deputy Defender		16,500	16,500	18,500	20,500
Deputy Defender		14,500	16,500	18,500	20,500
Deputy Defender		16,500	16,500	18,500	20,500
Deputy Defender		14,500	14,500	16,500	18,500
Deputy Defender		14,500	14,500	16,500	18,500
Deputy Defender		18,500	18,500	14,500**	16,500
Deputy Director		18,500	18,500	14,500**	16,500
Researchers			8,320		12,500
Researchers		11,500	11,500	12,500	
Researchers			10,400	12,500**	12,500
Docket Records Clerk			HOURLY	3,000**	3,000**
Investigator			12,500	14,500**	16,000
Investigator			12,500	14,500	16,000
Admin. Asst.		13,500	13,500	15,000	16,000
Secretary		9,881	9,881	10,500	11,500
Secretary		11,300	11,300	12,400	13,500
Secretary		10,000	10,000	10,500	11,500
Secretary				10,400**	11,500
Student Law Clerks			HOURLY	17,500**	17,500**
TOTAL SALARIES				392,800	425,500
COST OF LIVING				15,295	40,500
TOTALS				408,095	466,000
DEDUCT: Lapses (vacancies, etc.)					
TOTAL (Net) Personnel					
Compensation		\$274,762	\$363,102	\$408,095	\$466,000

*Actual gross pay for the period

**Not included in Cost of Living Computation

WAYNE COUNTY PROSECUTOR'S OFFICE SALARY SCALES

Juvenile Court Prosecutors are paid at the same rate as prosecutors in Recorder's Court and Circuit Court. The salary scale for Wayne County Prosecutors is as follows:

Professional Staff

Assistant Prosecuting Attorney I	Start	18,922 + 522 on-call pay
	Maximum	20,254 + 552 on call pay
Assistant Prosecuting Attorney II	Start	21,335 + 662 on-call pay
	Maximum	24,920 + 662 on-call pay
Assistant Prosecuting Attorney III	Start	26,098 + 772 on-call pay
	Maximum	29,683 + 772 on-call pay
Assistant Prosecuting Attorney IV*	Start	30,768 + 882 on-call pay
	Maximum	34,320 + 882 on-call pay
Principal Attorney (first level supervisory)	Start	35,861 + 1,000 on-call pay
	Maximum	37,378 + 1,000 on-call pay
Deputy Chief Attorney		38,610 + 1,000 on-call pay
Chief of Operations		42,008 + 1,000 on-call pay
Chief Assistant (appointed)		38,765
Wayne County Prosecutor (elected)		43,990

Full-time law student attorneys receive \$11,495 as a starting salary. Part-time law students receive \$4.00 per hour.

Clerical and Support Staff

Secretary	Start	12,199
	Maximum	16,660
Administrative Assistant	Start	16,700
	Maximum	23,600
Investigator	Start	19,238
	Maximum	21,896

*The writer was advised that it takes approximately two years to move up one step. The Prosecutor's office of operations estimated that prosecutors remain an average of 7 to 10 years with the department; many retire on pension as well.

IV

STRENGTHS OF THE JUVENILE DEFENDER OFFICE: AN OVERVIEW

Within the Wayne County Juvenile Court System, the Juvenile Defender Officer appears to be the most smoothly run and effective provider of services to the clients it serves. The evaluators were impressed with the quality of attorneys working in the office and significantly, with the quality of the chief and his informally designated assistants. The measure of an attorney is to a major degree his/her performance in court, and in this regard, the Defender Office shines. Virtually all persons interviewed remarked on this and on the zeal and professionalism of the staff. They have built an excellent reputation for effective trial advocacy. All members of the juvenile court system commented on the quality of the attorneys, although some complained that the defender attorneys cared too much for legal rights and not for the best interests of the juvenile. The evaluators strongly support the Defender Office's commitment to zealous protection of their client's legal rights.

Supportive services for the attorneys are good, but utilization of these services should be increased. The investigative and social work staffs are competent. The law library is adequate and law student presence is sufficient to permit some research projects.

Of key importance is the high quality of performance, leadership and administrative ability exhibited by the senior attorneys. All of the attorneys in the office commented on the inspiration and help that the chief and his assistants have given them. This leadership is certainly enhanced by the team spirit that pervades. Everyone is working for a common goal - high quality defense for juveniles. The evaluators found

no dead spots, no dissention, no quarrelling, and no laissez-faire attitudes among the attorneys at the Juvenile Defender's Office.

The Juvenile Defender Office was found to be an excellent office operating in the context of a dismal juvenile justice system. Its independence and separation from other defender services, have led to concentration on juvenile law and the problems facing minors not often found in juvenile defender offices. The team spirit of a small office working within the larger juvenile justice system seems to add to the effectiveness and work habits of the entire staff.

Nevertheless, the evaluators did conclude that there are certain changes that are important to the continuation of the Juvenile Defender Office and which will upgrade the efficiency and the quality of the services rendered.

These recommendations appear in the following section.

V.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. STAFF SALARIES AND CAREER DEVELOPMENT - RETENTION OF COMPETENT STAFF:

Findings:

Salaries for Juvenile Defender Office Attorneys and support staff are inadequate. They are far below salaries paid to the Wayne County Prosecutor's staff doing comparable work, and even below salaries paid to their counterparts in the Trial and Federal Defender Offices. In fact, local Probation staff enjoy a better salary structure. There is a clear danger of losing the present competent staff if conditions are not improved immediately.

Recommendations:

Salaries of Juvenile Defender Office personnel should be comparable to those paid by the Trial Defender or Federal Defender, whichever is highest, within the next year. Over a three year period, salaries of the Juvenile Defender Office, as well as the Trial and Federal Defender Office, should be made comparable to those applicable to Wayne County Prosecutor's Office, including fringe benefits and pension plan.

The Juvenile Defender and the Legal Aid and Defender Association Board of Directors should actively lobby for funding to insure that a reasonable salary scale is instituted as soon as possible.

To insure continuity of office staff (both professional and support) applicants for defender office positions should be required to make a substantial time commitment to the office (3 years for attorneys, 1 year for support staff). Procedures should be established to encourage fulfillment of that commitment. Regular upgrading of staff salaries and

positions should be conducted and provisions made for professional advancement within the office.

2. SUPERVISORY POSITIONS

Findings:

At the time of the team's visit there was no formal identification of the two de facto Assistant Director positions, and there no was designated back-up supervisor to take charge of the office in the event the Chief Defender is absent or leaves the office. With the elevation of Thomas Harp to the position of Chief Defender, the two positions were recognized. This is an important step for the office.

Recommendation:

The Office should maintain the two new assistant director positions, and fix the compensation for those positions at a rate which reflects the additional supervisory duties.

One assistant director should be assigned responsibility for office administration, supervision and training of support staff, and appellate law reform.

The second assistant director position should be assigned responsibility for training and supervision of the professional staff and for maintaining office relations with the Court and the community.

Both assistants should be familiar with all assistant director duties, as well as those of the Chief Defender in the event that emergency substitution is required.

3. STAFF TRAINING

Findings:

Orientation for new professional staff is informal. Because the

office is small and well administered, more formal procedures have not been necessary. Systematic in-service training for experienced defenders is lacking, and there is no formal provision for training investigators, social work staff, or other support personnel. There is a severe lack of funds for all staff training.

Recommendations:

The Chief Defender and the two Deputy Defenders should formulate an orientation procedure for new personnel, both attorneys and support staff, and a systematic in-service training program, including participation in national and local programs should be designed.

A budget should be prepared to reflect these costs, and to provide for acquisition of videotapes and other training materials for the office. Equipment can be rented, or the purchase price shared with the other Association offices. The office might explore the loan of equipment and tapes from universities or court systems in the city.

Special efforts should be made to educate attorneys, investigators and social work staff to work together more closely. Attorneys should be instructed in the many areas in which investigatory and social work staff can assist in the creative development of cases. The office should conduct formal training sessions concerning the utilization of support services, bringing in experts from other defender and juvenile offices to assist in defining and explaining the many functions which both investigators can perform. So too, attorneys should be encouraged to consciously review each case in light of possible investigatory and social work needs.

Special attention should be given to the need for expert witnesses, and to techniques for identifying, locating and preparing such witnesses for adjudication or dispositional hearings.

4. OFFICE POLICY AND PROCEDURES MANUAL

Findings:

Although the office provides the newly-hired attorney with a list of expectations for the handling of individual cases, there is no formal policy and procedures manual.

Recommendation:

The office should develop a manual on office policies and procedures which should include: accurate and up-to-date job descriptions; standards for job performance; a grievance procedure; office policy on hiring, firing, demotion and terminations; procedures for evaluations, salary review and promotions; disciplinary procedure; benefits, vacation time, overtime and sick leave. A copy of the Staff Benefits Handbook in use by the office of the Public Defender for Seattle-King County, Washington is appended for reference on staff benefits as Appendix I. The manual should likewise include brief statements concerning office representation policies in such areas as conflicts, confidentiality of client communications and a statement concerning general office philosophy on the duties of the juvenile defender to the clients.

5. ASSIGNMENT OF CASES

Findings:

At the present time, case assignments are made by the chief secretary, based on the existence of prior relationships with the client and each attorney's caseload. Cases are not assigned on the basis of special expertise or experience and the case assignments are not normally reviewed by a supervising attorney, except in the case of a newly-hired staff attorney.

Recommendations:

Case assignments should be made by a supervisory attorney and should be based on experience, special areas of expertise, caseload and prior client contact. Volume should be regulated to insure that each juvenile receives adequate representation.

6. EARLY ENTRY

Findings:

The Juvenile Defender enters the case at the time of the first formal court proceeding. In cases of detention, this occurs within 48 hours; in cases not involving detention, the first hearing may take place several weeks or more after the application for petition was filed.

Recommendation:

The Juvenile Defender should meet with Wayne County Juvenile Court Judges and law enforcement personnel and request to be notified by the law enforcement agencies whenever a child is made subject to an intake process. Minimally, the Juvenile Defender Office should be immediately contacted whenever a child is detained by a law enforcement or social work agency.

7. CONTINUITY OF REPRESENTATION AFTER WAIVER PROCEEDINGS

Findings: Where Juvenile Court waives jurisdiction of the child to Recorder's Court or Wayne County Circuit Court for adult criminal proceedings, the child may be deprived of counsel for some period of time due to delays in appointment of counsel in the adult courts. Attorneys appointed in Recorder's Court or Circuit Court are not compensated for any proceedings brought on behalf of the juvenile in Circuit Court to contest

the adverse waiver decision. This function has not been routinely performed by the Juvenile Defender Office. As a result, juveniles may be deprived of counsel at a critical stage of their case.

Recommendation:

The Juvenile Defender should continue representation of the client through all subsequent proceedings, in adult felony court, including the filing of the appropriate writ to Circuit Court where the waiver decision can be contested.

In the event that the adult felony judges are not willing to permit the juvenile defender to continue representation of the juvenile client, the case should be immediately transferred to the Trial Defender Office to insure that there is no point in the proceeding where the child is unrepresented. The Trial Defender Office should then request the appointment be made to their office. In any event, Juvenile Defender Office representation should continue until another office or attorney has filed an appearance in the case.

8. CONTINUITY OF REPRESENTATION AFTER DISPOSITION

Findings:

At present, the Juvenile Defender Office "closes a case" after final disposition has been ordered by the Court. The office will normally have no further contact with the client unless he or she is re-arrested or a motion is brought to review conditions of detention. This has been the normal procedure in most juvenile court systems. More modern thinkers, however, are suggesting that the attorney should maintain a continuing relation with the client throughout the dispositional period, be that in detention or on probation.

The child's welfare can best be insured by periodic monitoring by the defender advocate, who would be available to assist the child in emergencies, and motion the court for changes in dispositional status as appears appropriate. The American Bar Association Juvenile Justice Standards (Draft) suggests that this monitoring function is needed. This position has also been advocated by the President-elect of the National Council of Juvenile and Family Court Judges, the Honorable William Sylvester White, Chief Judge of the Cook County (Illinois) Juvenile Court.*

Recommendations:

The Juvenile Defender Office should actively seek funding to permit the staff attorneys to continue to represent their clients throughout the dispositional phase of their cases and until the juvenile is no longer under jurisdiction of the Juvenile Court.

9. AVAILABILITY AND USE OF SUPPORT SERVICES

Findings:

The office has one social worker to provide assistance to 11 attorneys. Each attorney has an average caseload of considerably more than 136 cases per year. Thus, the social worker is responsible for over 1,496 cases per year. Adequate social service assistance is therefore unlikely, given the number of cases involved. The social worker is not involved sufficiently in delinquency cases and follow-up, because of the lack of formal orientation for attorneys on the use of the social worker, and because of current court practices.

* Personal communication, March, 1978.

The investigative staff is likewise faced with a large caseload, based on the ratio of 1 investigator to every 5.5 attorneys. In addition, the investigators are not being utilized to the fullest extent possible, perhaps because of the attorneys' lack of training concerning the use of investigative staff.

Recommendations:

The social work staff should be increased to a ratio of 1 social worker to every 4 attorneys and the investigative staff should be increased to a ratio of 1 investigator to every 3 attorneys. One of the additional investigators should be skilled in the administration of polygraph tests.

10. APPELLATE AND LAW REFORM ACTIVITIES

Findings:

At the time of the team site visit, the office was not funded to undertake appellate or law reform cases; the staff were attempting to fill this need by doing such cases on their own time. Clearly inadequate, this lack of systematic appellate representation was not the fault of the Defender Office, but of its funding source.

In the 1977-1978 contract, the duties of appellate representation have been added, but there is no separate budget allocation. No attorney in the office is exclusively assigned to appellate and law reform work.

Recommendation:

Separate and additional funding should be obtained for appellate representation and law reform; funding should be similar to that found in the State Appellate Defender Office. Until a Juvenile Appellate Division can feasibly be established, a specific attorney should be assigned to

appellate and law reform work. This attorney should be in addition to the present staff of 11 attorneys.

11. CREATION OF A BRIEFBANK

Findings

The office has no formal briefbank. Effective representation requires that the attorney have access to up-to-date research on a variety of legal issues. Duplication in research and loss of time can be avoided by the establishment of a briefbank, containing motions and briefs already researched and filed by the office. The briefbank should likewise include briefs and opinions filed in other significant juvenile cases throughout Michigan and other appropriate jurisdictions.

Recommendation:

The office should establish such a formal briefbank.

12. COMMUNITY RELATIONS

Findings:

The Juvenile Defender has been active in publicizing its existence within the community, and in educating juveniles concerning their legal rights. Lack of funds and lack of implementation of neighborhood offices, as envisioned by the original grant, preclude the fullest possible activity in this area, however.

Recommendations:

Funds should be specifically allocated for community outreach activities, including the development of juvenile rights handbooks for distribution in local schools.

Consideration should be given to obtaining funds to establish neigh-

borhood law centers where continuing relations with the community can be more easily formed.

13. ADVISORY BOARD FOR JUVENILE DEFENDER OFFICE

Findings:

The Juvenile Defender Office has recently been made independent of the Civil Division of the Legal Aid and Defender Association and is now reporting directly to the Board of the Association. This was a necessary reorganization. In the past, the Office has not had a close relationship to the Board, or to any Advisory Committee of the Board, and this has been a deficiency.

Recommendation:

The Board of the Association should create an Advisory Committee to the Juvenile Defender Office for the purpose of assisting the Office in obtaining appropriate funding and to insure close communication between the Juvenile Defender Office, the Board, and the community. The Committee should be an interpreter of the needs of the Office, giving advice but not setting policy.

The Advisory Committee should be composed of not more than 7 persons who have demonstrated a commitment to the problems of juveniles in the community and who are representative of both the community and the bar. Juvenile client representation is especially important. The Committee should assist the Chief Defender in efforts to coordinate with other components of the juvenile justice system.

12. SUMMARY RECOMMENDATION

NCDM notes the similarity of many of the above Recommendations with

those made in the 1974 Study of the same office by a team headed by Dean John F.X. Irving. Those Recommendations remain valid and raise a question concerning the failure of implementation. A copy of that Study can be found in Appendix C.

NCDM also recommends the Report of the National Study Commission on Defense Services published by the National Legal Aid and Defender Association in 1976. The reader will find in that source the Guidelines on which the major Recommendations of this Study are based.

APPENDIX A

TECHNICAL ASSISTANCE
REQUEST CORRESPONDENCE

OJJDP/LEAA TECHNICAL ASSISTANCE REQUEST FORM

Actual Office

Copies to

1. ORIGIN OF REQUEST

Requested by: John C. Emery, Jr.
Title: President, Board of Directors
Agency: Legal Aid and Defender Association of Detroit
Signature: See Attached Letter Date: 5/23/77

2. PROPOSED TA RECIPIENT

Agency: Legal Aid and Defender Association of Detroit
Project Name: Same as Above
Project ID #: Same as Above
Contact Person: Dennis James
Title: Acting Chief Counsel
Address: 600 Woodward Avenue
Detroit, Michigan 48226
Telephone #: 1-313-964-5310
Name of SPA: Michigan Office of Regional Office
Criminal Justice Programs

3. NEED TO BE ADDRESSED (see instructions)

See Attached Letter



4. TYPE OF ASSISTANCE NEEDED (see instructions)

See Attached Letter

5. CONSULTANTS RECOMMENDED (see instructions)

Name: <u>Gustav Goldberger</u>	Name: _____
Address: <u>2100 M Street, N. W.</u>	Address: _____
<u>Suite 601, Washington, D.C. 20037</u>	_____
Telephone #: <u>1-202-452-0620</u>	Telephone #: _____
Consultant's Fee: \$ _____	Consultant's Fee: \$ _____
Recommended by: _____	Recommended by: _____
Title/Agency: <u>National Center for</u>	Title/Agency: _____
<u>Defense Management - National Legal</u>	_____
<u>Aid and Defender Association</u>	_____

6. SPA REVIEW AND ACTION

Date Request Received: May / 26 / 1977

X Recommendation for Approval
Recommendation Against Approval

Recommended by: William J. Walter

Title: Director of Program Development

Signature: *William J. Walter* Date: 6/8/77

Explanations: This evaluation needs to be conducted so as to assist the agency to be an effective force in the Detroit Recorders Court "Crash" Program and the Court Reduction Delay Program. It will also assist the agency in the Wayne County Circuit Court where it also handles a substantial number of cases. This agency is without the expertise and manpower to establish a team to accomplish this task.

7. REGIONAL OFFICE REVIEW AND ACTION

Date Request Received: / /

Recommendation for Approval
Recommendation Against Approval

Recommended by

Title:

Signature: Date: / /

Explanations:

8. OJJDP/TA REVIEW AND ACTION

Date Request Received: / /

Approved
Disapproved

Decision by:

Title:

Signature: Date: / /

Explanations:

Documentation of payments goes to:

ADMINISTRATION AND RESEARCH
LEGAL AID AND DEFENDER ASSOCIATION OF DETROIT

May 23 1977

GEORGE C. NEWMAN
DIRECTOR
HARRY STEIN
AGENCY COUNCIL
DENNIS JAMES
ASSISTANT CHIEF COUNSEL
LAURENCE GIBBENT
SUPERVISING ATTORNEY

600 WOODWARD AVENUE
DETROIT, MICHIGAN 48226
(313) 964-5310

May 23, 1977

LANDLORD-TENANT CL
LAFAYETTE BUILDING
DETROIT, MICHIGAN
(313) 963-1377

GENERAL OFFICE
51 WEST WARREN
DETROIT, MICHIGAN
(313) 833-2900

JUVENILE DEFENDER
51 WEST WARREN - 60
DETROIT, MICHIGAN
(313) 832-2600

SENIOR CITIZEN
LEGAL AID PROJ
600 WOODWARD AV
DETROIT, MICHIGAN
(313) 964-5310

MENTAL HEALTH DEF
OFFICE
600 WOODWARD AV
DETROIT, MICHIGAN
(313) 964-5310

Mr. John A. Shrank
Office of Criminal Justice Programs
Department of Management and Budget
Lewis Cass Building
Lansing, Michigan 48913

Re: Legal Aid and Defender Association of Detroit -
Request for Technical Assistance

Dear Mr. Shrank:

The Board of Directors of the Legal Aid and Defender Association of Detroit seeks technical assistance in evaluating the Defender component of its offices in Detroit and Wayne County. In particular we are seeking an evaluation of the operations of the following:

- 1) The Defender Office, 462 Gratiot, Detroit, Michigan - this office provides criminal defense services to indigent defendants in Detroit Recorder's Court and Wayne County Circuit Court on an appointment basis;
- 2) The Federal Defender Office, 600 Woodward, Detroit - this office provides criminal defense services to indigent defendants in the Federal District Court in Detroit on an appointment basis;
- 3) The Juvenile Defender Office, 51 W. Warren, Detroit - this office provides representation to juveniles being processed in the Wayne County Probate Court, Juvenile Division.

A number of factors have prompted the request for this evaluation. Firstly, there has never been an integrated evaluation of all of the aforementioned defense components. Accordingly, although much thought and planning has been given to the development of each office there has not been a review of their activities with an eye to interoffice comparison regarding the provision of services to similar clientele. Additionally, aside from an evaluation of the merits of

BOARD OF DIRECTORS

JOHN A. SHRANK CHAIRMAN	DAVID I. KAUFMAN	JOHN A. FILLION	GEORGE C. NEWMAN	WILLIAM B. DANIEL	WARD F. McDONOUGH
MICHAEL H. FALBLEN	JAMES F. ROBINSON	WILLIAM H. GOODMAN	A. D. RUEGEBEGGER	GEORGE C. EDWARDS III	FRANK EANDY
	HURWITZ SHEFFIELD	EDITH WOODS-BERRY	MARTHA WYLLIE	NEIL H. FINA	

our defender offices vis-a-vis offices in other cities, we are interested in a study of the ways in which the delivery of defender services in Detroit might be improved through our own interoffice cooperation and consolidation of such common concerns as

- 1) personnel training - in particular in the areas of trial technique and investigation
- 2) relationships with the private bar- in terms of providing leadership on issues of common concern with private defense counsel
- 3) relationships with the community - in terms of providing leadership on issues of concern to the community such as recent jury acquittals in highly publicized cases; utilization of "technicalities" in criminal defense work; explanation and defense of the jury trial system in American criminal jurisprudence; etc.

Secondly, there is the question of the recently instituted "crash program" system of clearing the docket backlog in Recorders Court and the impact of this system on the quality of services provided by both the Defender Office and by private counsel.

Thirdly, there is the question of the quality of services provided by all of the defender offices compared to their counterparts in the private bar.

Fourthly, there is a need for an up to date evaluation of a number of internal operational practices in all of the defender offices, among them the following:

- 1) the adequacy of the ratio of attorneys to investigators, secretaries, social workers and legal researchers
- 2) administrative procedures such as the adequacy of recordkeeping, case transactions, docket control procedures, statistics, and billing procedures.
- 3) personnel training programs.

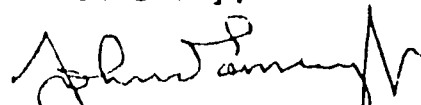
Lastly, there is a need to evaluate, comparatively, the salary levels of defender office personnel, particularly attorneys, with respect to equivalent positions held in public and private law firms regarding the issue of attracting and retaining quality personnel.

We have been in contact with Gustav Goldberger of the National Center for Defense Management and he has indicated that the type of defender operations evaluation desired could be accomplished for a total cost of about \$20,000. He estimates that such an evaluation would take approximately 40 person-days over a period of two weeks on site. It is our desire that this evaluation take place, if possible, sometime in July of 1977 and Mr. Goldberger indicated that his organization was willing and able to do it at that time. A July evaluation is desirable since the month of August is popular among the judiciary in scheduling vacations and, accordingly, it is a popular vacation month for attorneys as well. The most important people to contact in connection with the conduct of such an evaluation are the following:

- 1) John C. Emery, Jr.
President, Board of Directors, L.A.D.A. of Detroit
2 Rathbone Place
Grosse Pointe, Michigan 48230
Phone (313) 645-0160
- 2) James Roberts
Chief Federal Defender, Federal Defender Office
600 Woodward Avenue, 11th floor
Detroit, Michigan 48226
Phone (313) 961-4150
- 3) Myzell Sowell
Chief Defender, Defenders Office
462 Gratiot
Detroit, Michigan
Phone (313) 965-4384
- 4) James Zeman
Supervising Attorney, Juvenile Defender Office of Legal Aid
51 West Warren, 3rd floor
Phone (313) 832-2600

For the reasons indicated, we would greatly appreciate the quickest possible action on this request for technical assistance. Further inquiries regarding this request should be directed either to John C. Emery, Jr. at the above number or to Dennis James, Acting Chief Counsel, Legal Aid Office, 600 Woodward, 7th floor, Detroit, Michigan 48226, (313) 964-5310.

Yours Truly,


John C. Emery, Jr.

App. A -6-

JCE/gjjw

cc: James Roberts
✓ Myzell Sowell
Dennis James

Peter Bellanca
William B. Daniel
Martha Wvlie

RECEIVED FROM
LARRY 9/6

ROUTING AND TRANSMITTAL SLIP

Date 8/31/77

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Larry Brady		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Larry: Attached is the Detroit TA request which I discussed briefly with Pres. This assignment provides the unique opportunity for a "coordinated TA effort" since Joe Trotter at A.U. and Jim Halon at NIDAA have already received requests for TA from Detroit. Please coordinate the N-DM effort with the A.U. + NIDAA activities. Thanks, Greg

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
Greg Brady	Phone No.

5041-102

GPO : 1976 O 241-550 (3103)

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

memorandum

DATE August 22, 1977

REPLY TO
ATTN OF Region V - Chicago

SUBJECT: Request for technical assistance related to the Legal Aid and Defender Association of Detroit, Michigan.

TO Assistant Administrator, ORO
ATTN Greg Brady, Adjudication Division

Enclosed is an extensive request for technical assistance from Mr. John C. Emery, Jr., President, Board of Directors, Legal Aid and Defender Association of Detroit. Mr. Emery is seeking technical assistance in evaluating the defender component of his offices in Detroit and Wayne County. The SPA concurs in this request.

Background:

The Legal Aid and Defender Association of Detroit services the entire jurisdiction of Wayne County and employees approximately 75 people.

In particular they are seeking an evaluation of the operations of the following:

1. The Defender Office, 462 Gratiot, Detroit, Michigan. This Office provides criminal defense services to indigent defendants in Detroit Recorder's Court and Wayne County Circuit Court on an appointment basis;
2. The Juvenile Defender Office, 51 West Warren, Detroit. This Office provides representation to juveniles being processed in the Wayne County Probate Court, Juvenile Division;
3. The Federal Defender Office, 600 Woodward, Detroit. This Office provides criminal defense services to indigent defendants in the Federal District Court in Detroit on an appointment basis.

Scope of Request:

A number of factors have prompted the request for the evaluation.

8/31/77 Approved at the \$10,000 - \$12,000 level
Effort as suggested by Mr. Adams,
Regional Administrator.

Gregory C. Brady

App. A -7-

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



ASSISTANT ADMINISTRATOR, ORO
TA Request
August 22, 1977
Page 2 of 4

- NOT
1. There has never been an integrated evaluation of all of the aforementioned defense components. Although much thought and planning has been given to the development of each office, there has been a review of their activities with an eye to interoffice comparison regarding the provision of services to similar clientele. Additionally, aside from an evaluation of the merits of their defender offices vis-a-vis offices in other cities, they are interested in a study of the ways in which the delivery of defender services in Detroit might be improved through their own interoffice cooperation. Also, possible consolidation of such common services as:
 - a. Personnel Training - In particular, the areas of trial technique and investigation;
 - b. Relationships with the Private Bar - In terms of providing leadership on issues of common concern with private defense counsel;
 - c. Relationships with the Community - In terms of providing leadership on issues of concern to the community.
 2. There is the question of the recently instituted "Crash Program", clearing the backlog in Recorder's Court, and the impact of this on the quality of services provided by both the defender office and by private counsel.
 3. There is the question of the quality of services provided by all of the defender offices compared to their counterparts in the private bar.
 4. There is a need for an up-to-date evaluation of a number of internal operational practices in all of the defender offices, among them the following:
 - a. The adequacy of the ratio of attorneys to investigators, secretaries, social workers, and legal researchers.

ASSISTANT ADMINISTRATOR, ORO
TA Request
August 22, 1977
Page 3 of 4

- b. Administrative procedures such as the adequacy of record keeping, case transactions, docket control procedures, statistics, and billing procedures.
- c. Personnel Training Programs.

5. There is a need to evaluate, comparatively, the salary levels of defender personnel, particularly attorneys, with respect to equivalent positions held in public and private law firms regarding the issue of attracting and retaining quality personnel.

we're proposing only one week on-site.
It is estimated that such an evaluation would take approximately 40 person-days over a period of two weeks on-site technical assistance that is required in October, 1977.

Local Ability to Utilize TA:

A similar study is being proposed for the prosecution side in Wayne County under a recently funded Discretionary Grant. Michigan does not have a viable defender association or TA project that can assist large defender offices. Cooperation can be expected from appropriate County and Court officials. No in-state agency could address the large scope of this request.

Local or In-State TA Capabilities:

The Legal Aid and Defender Association of Detroit has been in contact with the National Center for Defense Management, which has indicated that the type of defender operations evaluation desired could be accomplished for a total cost of approximately \$20,000. Mr. Goldberger, formerly of NCDM indicated that his organization was willing and able to complete this request.

The \$20,000 figure appears excessive to us, and we recommend a cost of approximately \$10-12,000 based on a phased evaluation plan to be developed with the Detroit Defenders.

ASSISTANT ADMINISTRATOR, ORO
TA Request
August 22, 1977
Page 4 of 4

40 person days for \$10,000 - \$12,000!

Regional Office Recommendation:

It is recommended that this TA request be approved for approximately 40 person days in October under the current LEAA grant to NCDM.

Contacts:

1. John A. Shrank
Office of Criminal Justice Programs
Lewis Cass Building - 2nd Floor
Lansing, Michigan 48913
517/253-3992
2. John C. Emery, Jr.
President, Board of Directors, LADA of Detroit
Two Rathbond Place
Grosse Pointe, Michigan
313/645-0160
3. James Roberts
Chief Federal Defender
Federal Defender Office
600 Woodward Avenue, 11th Floor
Detroit, Michigan
313/961-4150
4. Myzell Sowell
Chief Director
Defender Office
462 Gratiot
Detroit, Michigan
313/965-4384

We apologize for the delay of this request in the Regional Office.

Sincerely,

V. Allen Adams
V. Allen Adams
Regional Administrator

Enclosures

APPENDIX B
CONSULTANT TEAM RESUMES

CURRICULUM VITE

BONNIE E. McFADDEN
2137 N Street, N.W.
Washington, D.C. 20037
(202) 296-6986

Personal Data: Born, January 25, 1946, Hackensack, New Jersey

Legal Experience: Associate Director for Defense Services, National Center for Defense Management, September, 1977 to present. The Center is an LEAA-funded technical assistance project of the National Legal Aid and Defender Association, which was established to assist public defenders, as well as state, local and private agencies in upgrading their indigent criminal defense system to conform to national Standards.

Attorney-Partner, Halpern, Mogill, Bush, Posner & Weiss & McFadden, October, 1975 to August, 1977. Since admission to the Bar, I have practiced trial and appellate work, both civil and criminal. The majority of my practice was devoted to criminal cases, representing both juveniles and adults in numerous cases involving rape, robbery armed, homicide and other serious felonies. I have done trial work in federal, state and juvenile court in Michigan. My practice also included law reform cases and the representation of numerous indigent persons.

Law Clerk and Trial Assistant, to Sheldon Halpern, Kenneth M. Mogill, and Neal Bush, Detroit, Michigan. While attending law school I worked full-time as a law clerk doing legal research, drafting motions, memoranda and preparing appellate briefs, including a successful appeal to the U.S. Supreme Court.

In conjunction with the Wayne State University Law School's clinical program, I represented numerous persons in misdemeanor, felony, and commitment proceedings under the supervision of the above attorneys. As a student attorney, I was co-counsel in the celebrated John B. McGee murder trials.

Law Clerk to the Honorable James Montante, Wayne County Circuit Judge, Detroit, Michigan, June of 1972 to January of 1973. While attending law school, I worked full-time for Judge Montante, drafting case summaries and opinions and assisting the judge with his duties as President of the Michigan Judges Association.

Legal Investigator and Law Clerk, Koenig, LeBost & Jobes, Detroit, Michigan, 1972. While beginning the study of law at Wayne State University Law School, I participated as investigator and law clerk in the creation of Detroit's first all-woman law firm.

Legal Investigator, Philo, Maki, Ravitz, Jobes, Cockrel & Robb, Detroit, Michigan, 1970 - 1972. Chief investigator in the areas of products liability, personal injury, FELA and police brutality cases.

Academic History: River Dell Senior High School, Oradell, New Jersey, 1961-1963. Admitted to Antioch College after junior year of high school.

Antioch College, Yellow Springs, Ohio, 1963-1965. While attending Antioch, I was employed as a proofreader for the Yellow Springs News, and was on the staff of the Dayton Journal Herald as an intern reporter.

Columbia University, New York, New York, 1967-1968. While a student, majoring in psychological psychology, I was an Associate Editor of "The Quest," a New York literary magazine.

Wayne State University, Detroit, Michigan, 1968-1970. While pursuing a degree in psychology, I received a National Science Foundation Grant for research in that field. A member of the Psychology Honors Program, and Honor Society, I received a B.A. with Honors.

Wayne State University Law School, 1972-1975. The degree of Doctor of Jurisprudence was received. I completed my senior year thesis in the field of labor law under the direction of Professor Florian Bartosic.

Admitted to Practice in:

State of Michigan, 1975
District of Columbia (pending)

Professional Affiliations:

State Bar of Michigan
Detroit Bar Association
Women Lawyers Association of Michigan
Michigan Trial Lawyers Association

Professional Affiliations, con't.

National Association of Women Lawyers
National Lawyers Guild
American Trial Lawyers Association
National Legal Aid and Defender Association
American Bar Association:
 Labor Section
 Criminal Justice Section
 Appointed to Criminal Justice and
 Women Committee, 1977

Michigan State Bar Committee Appointments:

Civil Liberties Committee, 1976-1977
Committee on Mentally Disabled, 1977

Related Activities:

National Association for the Advancement of Colored People
Congress of Racial Equality
American Civil Liberties Union
National Organization for Women

Speaker: "Mentally Ill Defendant in the Criminal Justice System,"
Third Annual Women and the Law Conference, Detroit, Mich-
igan, October, 1976.

Diplomate: American Trial Lawyers Association's National College of
Trial Advocacy, Boston, Massachusetts, August, 1976.

RESUME

JOHN M. DARRAH
360 Maynard Building
Seattle, Washington, 98104
(206) 622-1471

Personal Born, 25 April, 1933
Married, three children
Excellent health

Education East Orange, New Jersey Public Schools, 1938-1950
Yale College, BA 1955
Yale Law School, LLB 1960
Many continuing legal and other education courses and seminars.

Employment Private Law Practice, June 1974 to present. Close to one-half devoted to criminal and related matters.

Public Defender, October, 1969 to January, 1974. Responsible for executing SMCP program plan from 0 to 18 employees the first year and additional county program areas thereafter to a staff of 60 in 1974. Budget during the first year was \$235,000; during 1973, \$890,752. Primary work was administration and budget planning although personnel took a significant amount of time. Perhaps 15 per cent of the time was spent on individual clients' cases. The program was the only criminal justice agency in Washington and the only defender office in the country where the racial makeup of the staff reflected that of the clientele.

Assistant United States Attorney, September, 1967 to October, 1969. Trial attorney, 95 per cent criminal cases. Supervisor: Honorable Eugene Cushing.

Associate, Vance, Davies, Roberts and Bettis, October, 1964 to August, 1967. Local address: 1411 Fourth Avenue Building, Seattle, Washington. Private practice, including substantial work in labor law and personal injury. Supervising partner: J. Duane Vance.

Job-related
Activities

1976 - Law and Justice Committee of King County Drug Commission
1974 - Corrections Development Task Force (Joint Legislative/Executive effort)
1973-74 - Task Force on Guidelines and Standards for Implementation of Adult Probation Subsidy Act (DSHS)
1973 - Task Force on Revision of Parole Legislation (WCCD)
1972-73 District Court Task Force (Judicial Council)
1969-72 - Criminal Rules Task Force (Judicial Council)
and numerous speaking engagements thereon.

Job-related Activities, Cont.

1970-71 - Advisory Council, Revised Criminal Code (Legislative Council)

Local Bar Association Activities

Member, Board of Trustees, June 1972 to June 1975 (Three year elected term)

Committee Memberships Civil Rights
 Law Day
 Root Causes of Crime
 Legal Paraprofessionals
 Criminal Law Section

State Bar Association Activities

Bench Bar Press Committee, 1974-75
Criminal Code Task Force (Guterson Committee), 1974-76
Criminal Law Committee and Section, 1973-present
Executive Committee, 1975-present
Bar Examiner, 1975-present
Participate in numerous continuing education programs as speaker on criminal practice

NLADA Activities

National Legal Aid and Defender Association, 1970-present, member
1976 - Team leader, Las Vegas evaluation, Evaluation Design Project
1975-76 - Member, National Study Commission on Defense Services, Reporter, Task Force on Diversion and Plea Bargaining
1975-76 - Team Leader, Portland Model Project
1974-75 - Project Director, Wisconsin Evaluation Project
Evaluation or survey team member: Ohio, 1974; Vermont, 1974; Detroit, 1974; Miami, 1972

Resume

LEONARD PERRY EDWARDS
11434 Alford Avenue
Los Altos, California 94022

PERSONAL DATA: Born May 4, 1941, Grand Rapids, Michigan
Married to Inger J. Sagatun, University teacher
One child, Erik S. Edwards

BUSINESS ADDRESS: Office of the Public Defender
111 N. Market Street, Fifth Floor
San Jose, California 95113

POSITION: Deputy Public Defender III

SUMMARY OF DUTIES: Have held every assignment in the office during
employment (1969-1972 and 1974-1975). Supervised
in Juvenile Court in 1971-1972 and 1974-1975.
The Juvenile staff included 2 to 3 attorneys, law
students and student volunteers. Was the deputy
of record in the case of People v. Superior
Court, 15 C.3d 271; 124 Cal., Rptr. 47 (1975)
which upheld the use of an advisory jury in spe-
cial juvenile cases in California.

EDUCATION: J.D. The Law School, University of Chicago, 1966.
B.A. Wesleyan University, (Middletown, Ct.) 1963.

SCHOLARSHIPS: Full tuition scholarship at The Law School, Uni-
versity of Chicago (1963-1966).

EMPLOYMENT HISTORY:

1974-75	Deputy Public Defender
1972-75	Guest Lecturer, Sociology Department, University of Bergen, Bergen, Norway. Taught Criminology and Sociology of Law.
1969-72	Deputy Public Defender
1966-68	United States Peace Corps Volunteer serving as a secondary school teacher in Lawas, Sarawak, Malaysia.
Summer, 1965	Research Assistant to Professor Herbert L. Packer (Dcsd.) at Stanford University School of Law, Stanford, California.
Summer, 1964	Volunteer Law Student with the Law Students Civil Rights Research Council working in Mississippi on Voter's Rights and Education Projects.
Summers of 1963 60, 59 and 58	Laborer working for Eichler Homes, Inc., Palo Alto, California.

PUBLICATIONS: "The Rights of Children" Federal Probation, Volume XXXVII, June 1973, Number 2, pp. 34-41.

A History of the Lawas District, Borneo Literature Bureau, 1969, Kuching, Sarawak, Malaysia. Also in The Sarawak Gazette, (Nos. 1333, 1334, 1335) March, April and May of 1969, Kuching, Sarawak, Malaysia.

Also several book reviews in Federal Probation and ACTA Sociologica and one legislative proposal relating to the sealing of juvenile records.

REFERENCES: Sheldon Portman, Public Defender, 111 N. Market Street, Fifth Floor, San Jose, California 95113.

Professor Phil C. Neal, The Law School, University of Chicago, E. 60th Street, Chicago, Illinois.

Judge George Barnett, Superior Court Judge, 10 North Market, San Jose, California 95113.

Professor Michael Wald, School of Law, Stanford University, Stanford, California 94305.

Professor Gudmund Hernes, Sociology Institute, University of Bergen, Bergen, Norway.

COMMITTEES AND ORGANIZATIONS:

Member of Juvenile Justice Committee, State Bar of California, 1975.

Member of Santa Clara County Bar Association on Correctional Reform and Criminal Justice (1974-1975).
Chairman subcommittee on Juvenile Justice.

Chairman, Mid-Peninsula Chapter of the American Civil Liberties Union, 1975.

Chairman, State Bar of California Conference Committee on Resolutions Nos. 2-6 relating to detention of minors.

RESUME

SHELDON PORTMAN

Office of the Public Defender
70 W. Hedding - West, 1st Floor
San Jose, California 95110
(408) 998-5121

EXPERIENCE: 1952 - A.B., Kent State University
1954 - LL.B., Western Reserve University
1955-1957 - U.S. Army
1957-1959 - Private Practice of Law, Cleveland, Ohio
1961-1965 - Deputy District attorney, Santa Clara
County, California
1965-1968 - Acting Assistant Public Defender, Santa
Clara County, California
1968 - Present - Public Defender of Santa Clara Coun-
ty, California

PROFESSIONAL

AFFILIATIONS:

Member, U.S. Supreme Court Bar
Member, California Bar
Member, Ohio Bar
Past President, California Public Defenders Association
Member, Board of Directors and Executive Committee of
the National Legal Aid and Defender Association
Member, Board of Directors of Western Regional Defen-
ders Association
Member, Board of Trustees of Santa Clara County Bar
Association
Member, ABA Standing Committee on Legal Aid and Indi-
gent Defendants

PUBLICATIONS:

"The Expanded Role of Defense Counsel in the Sentenc-
ing Process." Legal Aid Briefcase, April, 1969

"The Public Defender - A Valuable Service," Legal Aid
Briefcase, January, 1970

"'To Detain or Not to Detain?' - A Review of the Back-
ground, Current Proposals, and Debate on Preventative
Detention," 10 Santa Clara Lawyer 224 (1970)

"The Defense Lawyer's New Role in the Sentencing Pro-
cess," Federal Probation, March, 1970

"A State Public Defender's Office: Boon or Boon-
dogle?" California State Bar Journal, March/ April,
1972

"Gideon's Trumpet Blows for Misdemeanants - Arger-
singer v. Hamilt, The Decision and Its Impact," Santa
Clara Lawyer, Vol. 14, Fall 1973, No.1

PUBLICATIONS,

Continued:

"Grand Jury Indictment Versus Prosecution by Information - An Equal Protection-Due Process Issue," 25 Hastings Law Journal, 997 (1974) - co-authored by Richard Alexander

Numerous other articles authored, and lectures delivered, on criminal law topics.

RESUME

DOROTHY A. RICHARDSON
2304 Charles Street
Pittsburgh, Pennsylvania 15214
(412) 321-8169

EDUCATION: Manessen High School
 Allegheny Community College
 Courses: Sociology
 Psychology of Human Behavior
 Criminology
 (Corrections Administration)
 English

EXPERIENCE: 1967 - Community Development Worker

 1969 - Assistant Administrator of N.S. Community Act-
 ion Program

 1971 - Executive Director of Community Release Agency.

 1975 - (Nominal Bonds)

 1976 - Present - Assistant Administrator of N.S.C.A.P.
 Community Involvement

MISCELLANEOUS: Director of Neighborhood Legal Services Association

 Director of Pennsylvania Legal Service Center

 Advisory Board of Child Welfare

 Advisory Board of Juvenile Court

 Alternate Director of N.C.C.

 State Chairperson of the Client's Council of Pennsyl-
 vania

 Member, National Defender Committee, NLADA

 In 1966, organized a march on the County Commission-
 er's Office for additional Appellate Defenders in the
 Public Defender's Office in Allegheny County.

RESUME

W. KIRKLAND TAYLOR

Office:
623 Second Avenue
Seattle, Washington, 98104
(206) 447-3923

Residence:
3303 Hunter Blvd. So.
Seattle, Washington 98144
(206) 725-8943

EXPERIENCE:

February, 1976 to Present: Seattle-King County PUBLIC DEFENDER ASSOCIATION, Executive Director. Chief Administrator for a program to provide legal representation and other supportive services for indigents facing loss of liberty in the Seattle-King County area. The Association provides representation to over 10,000 clients, including misdemeanor, felony, juvenile, mental commitment, parole, probation and appellate proceedings.

June, 1975 to February, 1976: HARLEM ASSERTION OF RIGHTS, INC. (HAR). General Counsel and Executive Director. A federally-funded program to provide free legal counsel and representation to low income residents of Central Harlem and the Upper West Side communities who cannot afford to pay for private lawyers.

Report to a Board of Directors which included representatives from Harlem Lawyers Association, Legal Aid Society, New York County Lawyers Association and five non-lawyers, each representing Neighborhood Community Corporations.

The office was staffed by attorneys, including Reginald Heber Smith Fellows and Vista Volunteers, investigators, paraprofessionals plus administrative and supportive clerical assistance.

HAR handled all types of civil cases except fee generating ones, and had recently developed areas of specialization in class and test litigation, Community Development, and a Health Law Advocacy Unit.

April 1973 - May 1975: GENERAL LAW PRACTICE. Partner, Joseph R. Mack, Esq., 2580 Adam Clayton Powell, Jr. Blvd. Civil and Criminal practice both State and Federal procedure and substantive law.

May, 1969 - March 1973: NEW YORK LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW. Executive Director. Members of the Committee were volunteers representing a cross section of the legal community. In general, the Committee utilized law firms and legal resources to improve urban conditions. Responsible for appellate test litigation and two major projects.

EXPERIENCE, Cont.

Supervised Release Program. LEAA-funded through the Criminal Justice Coordinating Council. Project secured the release of indigent defendants into the Committee's custody followed by eventual dismissal of criminal charges. Supportive services provided by the New York Urban Coalition.

Community School System Program. Funded principally by foundation support, the school project legally assisted community participation in the decentralization and creation of community school boards in the public school system in New York City.

September 1972 to June 1973: FORD FOUNDATION. Consultant to Government and Law Department. Conducted feasibility study and development of national program under the auspices of American Association of Community and Junior Colleges. Chaired by the Executive Director of the College and University Personnel Association and eventually funded by HEW as a pilot project in six cities throughout the country.

January 1968 - May 1969: COMMUNITY ACTION FOR LEGAL SERVICES, INC. (CALS). Deputy Counsel. One of the initial staff personnel. Implemented creation and sponsorship of legal services program in New York City. Developed twenty-two neighborhood law offices.

August 1965 - December 1967: IBM. Attorney and technical advisor to the head of the Patent Department. Responsible for maintaining a strong patent portfolio and avoiding anti-trust involvements. Analyzed legal, scientific and business ramifications of the Components Divisions's patent position.

September, 1962 - June 1965: GENERAL LAW PRACTICE. Washington, D.C. Associate, Walter Washington, Esq.

EDUCATION;

High School:	Williston Academy Easthampton, Massachusetts
College:	University of Pennsylvania Philadelphia, Pennsylvania B.S.E.E., June 1957

EDUCATION, Cont.:

Graduate School: Washington College of Law
The American University
Washington, D.C.
L.L.B., June 1961

MISCELLANEOUS:

Married, three children

Admitted to practice:

District of Columbia	1961
New York	1966

Cornell University 1970-1971 - faculty member and consultant

Volunteer, Mississippi Freedom Party, Charles Evers Campaign

1972 - 1974: Co-chairman, New York Metropolitan Chapter, National Conference of Black Lawyers

1971: consultant, National evaluation of OEO Legal Services

Member: Association of the Bar, Harlem Lawyers Association, National Bar Association

Member: Criminal Justice Act Federal Defenders Panel

CONTINUED

1 OF 2

APPENDIX C

1974 EVALUATION

AMERICAN UNIVERSITY CRIMINAL COURTS
TECHNICAL ASSISTANCE PROJECT

REVIEW OF FIRST YEAR OPERATIONS

of the

JUVENILE DEFENDER SERVICE

WAYNE COUNTY, MICHIGAN

August, 1974

Consultant(s):

National Legal Aid and Defender Association:

John F.X. Irving

Ted Rubin

Lewis Wenzell

John Darrah

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT

2139 Wisconsin Avenue, N.W.

Washington, D.C. 20007

(202) 686-3800

Law Enforcement Assistance Administration Contract Number: J-LEAA-043-72

This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U. S. Department of Justice.

Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. The American University is solely responsible for the factual accuracy of all material presented in this publication.

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FOREWORD

In April 1973, a juvenile defender program was established in Wayne County, Michigan, to operate for a one year pilot period. The program was designed to provide legal representation for indigent juveniles whose offenses allowed them to be sentenced as adults. The program staff has consisted of eight attorneys and a social worker who have worked in eight neighborhood centers in Detroit.

To determine whether the project was meeting objectives stated in the original grant application for funding and to weigh the impact of the project on the diversion of juveniles from the criminal justice system, the Michigan Office of Criminal Justice Programs requested the Criminal Courts Technical Assistance Project at the American University to provide assistance in evaluating the program's first year operations. It was specifically requested that the evaluation team be composed of persons with expertise in the area of juvenile law and represent both membership in the National Legal Aid and Defender Association as well as activities outside the current scope of NLADA. Accordingly, a team was selected composed of both current practitioners of public defender services as well as specialists in juvenile law who were active in other aspects of juvenile defender work. These team members were Dean John F.X. Irving of Seton Hall Law School; Lewis A Wenzell, of the Federal Defenders of San Diego, Inc.; H. Ted Rubin of the institute for Court Management; and John Darrah of the Seattle Public Defender Service. The particular expertise and background of each of these team members is described at length in Section V of this report

A field visit to Detroit was made during the week of April 8 through 12, 1974, during which time the program operations were observed and discussions were held with most of the staff and others involved in its services. The results of this study and the recommendations of the consultants are discussed in the report which follows.

I. Introduction

This is an evaluation of a federally funded Defender service in the Juvenile Court of Wayne County, Michigan. The year old program, experimental for this court, is energetically striving to achieve several goals at a time of significant potential change in the juvenile justice systems of this country and within a setting beset with considerable problems. Though many of these problems are beyond the control of the Defender service, and pre-date it, they are not beyond its influence.

The Defender Service is therefore seen operating at two levels: as a change agent within Wayne County Juvenile Court and as the source of specialist attorneys for certain juveniles who come within its jurisdiction. Both are vital functions but, as might be expected, the achievements at this early date are limited. Further, the sense of direction is uncertain and the organizational structure needs rethinking. If the recommendations contained in this evaluation are adopted, however, the evaluation team believes the Program can achieve its considerable potential. It could then make a major contribution to Michigan's war on juvenile delinquency and youth crime.

II. THE NATURE OF THE PROJECT

The creation of a separate juvenile justice system in the United States began in Illinois in 1899. It was initiated to a large extent as a reaction against the cruelty and ineffectiveness of processing minors through the adult criminal justice system. Hope ran high that the court would be a helping court; it would dispense "individualized justice"; and would save juveniles from a life of crime. There was also the recognition that juveniles could not have the mens rea usually required for criminal guilt and that they were salvageable precisely because they were still in their formative years.

For the first half of this century, therefore, lawyers rarely appeared in delinquency hearings representing a juvenile. They were likely to be told that there was no role for them if, in fact, they did appear, that this tribunal was not a court of law. With the advent of the federal war on poverty, legal service lawyers began to make appearances; and as delinquency spread more and more to white youths and into the bedroom communities

surrounding urban centers, new interest developed in the juvenile court process. In the fifties and into the sixties, the role of counsel in delinquency hearings was widely debated. In the past few years or so, the role has been clarified and the arrival of the Defenders in the Wayne County Juvenile Court suggests the nature of the role: vigorous representation along traditional advocacy lines during the adjudicatory hearing (trial) on a juvenile delinquency petition.

The Defender Program began more than a year ago under the sponsorship of the long established Legal Aid and Defender Association of Detroit. It was funded under the federal legislation now known as the Crime Control Act with funding authorization proceeding through the Michigan State Planning Agency. That agency is called the Office of Criminal Justice Programs and it approved an initial grant of \$152,112 for the year 1973-74.

The project is under the general supervision of George Matish, General Counsel, for the sponsoring association. Eight attorneys including, Mr. James Zoman, the supervisor, provide representation at preliminary hearings in delinquency matters and throughout the adjudicatory and dispositional phases of these cases.

The office, housed in suitable quarters but inconveniently located for clients who depend on public transportation, accepts 100 such cases each month. The supervisor believes the office can handle 150 cases and this is a matter of obvious importance for the attention of the advisory committee proposed among the subsequent recommendations in this report.

The program has several goals which appear in the Grant Application:

- 1 - Verification of the validity of the vigorous representation role of a defender in juvenile delinquency hearings vis-à-vis the oft-times rehabilitative role of the private attorneys who are assigned in approximately half the delinquency cases;
- 2 - Affording greater access for children to attorneys than previously was possible;
- 3 - Assignment of each of the eight project attorneys to one of the neighborhood juvenile facilities being planned by another organization for Wayne County; and
- 4 - Training for project attorneys and seminars for interested clients.

Of these general goals only the first is being approached in any substantial way. The neighborhood offices have never opened and the office contact and seminars for children have been basically deferred. Project attorneys have lectured in some fifteen high schools but with that exception there appears to be little contact with juveniles beyond what is necessary for case preparation. Training does not exist for project attorneys; each person "does his own thing". Regularly scheduled staff conferences do not exist nor does the supervising attorney critique staff work. Training; policy setting; administration; public education concerning the project; development of priorities and uniformity are all lacking at this stage of the project's evolution. Serious shortcomings, they can be corrected if the recommendations in this evaluation are pursued.

The project has a small support staff consisting of two clericals and an investigator; a social worker is also employed. Law students are not involved as extensively as planned and other resources are not utilized though available and needed. The Graduate School of Social Work at Wayne State University, e.g., can help in the development of dispositional alternatives for the juvenile clients and there is the possibility that a field placement service would be opened by that school within the project's offices. These and other resources should be developed.

III. THE WAYNE COUNTY JUVENILE COURT

A. GENERAL DESCRIPTION

The project can only be critiqued fairly if one understands the dynamics of the court in which the juvenile defenders are functioning. Set in a community in which the government, reportedly, is generally cumbersome and immobile, the juvenile court is a busy metropolitan court (with one branch office) with so many facets that it is difficult to understand and even more difficult for a new project to achieve integration. In fact, the supervising attorney for the juvenile defender project indicated that his main problem is "plugging into the system".

The court has been run for many years by Judge James Lincoln who is deemed to be fair and who enjoys a good reputation in the community. He has the ultimate responsibility for administering the court, its related services, the detention home which adjoins it, and a shelter care facility which is at the other end of the city. The court building is old and inconveniently located outside the active downtown court and commercial areas. This renders the court quite invisible to most attorneys and to the public. The newspapers have no sustained interest in interpreting the court's many needs to a disinterested public. One group interested in the court that should be noted is the court watchers organization. This is an organization of women who work to observe and help the court.

The judge has eight referees to assist in handling the wide range of cases that come into the court. By appearing at preliminary hearings, the project has been able to reduce the court caseload by getting an increasing number of juveniles discharged. The burden remains substantial however, and the evaluating team was distressed at the poor record keeping system, the inadequate statistics, and the arbitrary method by which the court administrator assigns cases to counsel. Resources are limited and alternatives for disposition are weak. In such a context, the careful administration of the juvenile defender project becomes acute. (There are some statistics indicating that a small number of private attorneys in 1973 monopolized the assignments in juvenile court earning some \$200,000 in fees).

Judge Lincoln is supporting a legislative proposal that would replace the referees with juvenile court judges. The primary use of referees as hearing officers is controversial; further, they have been prone to look at social histories of juveniles prior to their adjudication. This is comprehensible only if one recognizes that the prosecuting attorney makes no appearances before the referees and they must themselves assume a prosecutorial role and establish the prima facie case against each juvenile.

The absence of a prosecutor at adjudicatory hearings is a major, inexcusable shortcoming and the Defender Project is absolutely correct in insisting that prosecutors be present.

Fortunately, the project has stopped the abuse of the prejudicial pre-adjudication reading of the social history and this achievement pinpoints the value of the project attorneys as "watch dogs" for due process. But it is at best a holding operation.

Pending is a court management study and any court observer can see much need for it. The project attorneys should enthusiastically support such a study.

A profile of this court will show a severely taxed administration in which communication and policy setting are in short supply. In such a fluid setting, the chance of impairment to the rights of juveniles is very real. Hence, the juvenile defender project becomes even more important.

B. THE PROBATION STAFF

The project attorneys are perceived by many of the court probation staff as being "insensitive". In interviews, the complaints from probation officers centered around the alleged myopia of the project attorneys who try to get the youngsters off at all costs. There is a deep philosophical difference, at least between the older probation workers and the more vigorous project attorneys, and it is a difference that has long troubled lawyers and social workers. The project attorneys argue that they do what the client wants;

the probation personnel argue, with some vehemence, that this is a disservice, and that the lawyers should pursue whatever remedies are "in the best interests of the child".

The evaluation team urges that counsel at the adjudicatory stage must take the role of the vigorous advocate for the child, i.e., doing what the child wants and then, if adjudicated, acting in the best interests of the child during the dispositional phase of the hearing.

The project attorneys should reach a clear decision among themselves about this dilemma, and they should sit down with probation staff and try to explain their roles as counsel for the child. Frequent meetings to create mutual understanding of each discipline's role are recommended.

The probation officers tended to blame the inexperience of the project attorneys in ignoring, what one probation office administrator called, the overriding social values affecting each juvenile. If the charge of inexperience has any validity, then the lack of an advisory committee to the project becomes doubly significant.

C. COURT AND COMMUNITY PERCEPTIONS

The general counsel of the sponsoring association, George Matish, and the supervising attorney, James Zeman, are respected and accepted by court personnel and by the community representatives with whom the evaluators had the opportunity to

communicate. Overall, however, there is little community or bar recognition that the project is underway, and some people close to the project fail to share the enthusiasm of the project attorneys for their accomplishments.

It should also be said the evaluators were quite impressed with the quality of the work of some of the assigned counsel. A comparison with the work of the project attorneys does not persuade the observer that the project specialists are so superior to the assigned counsel that there is no competition. The program is therefore still in a demonstration phase. An intensive measurement of performance; a public information effort; and an appraisal of the work of each project attorney are now in order.

IV. CURRENT DIRECTIONS FOR THE COURT AND COUNSEL

Changes underway in several areas affecting the Wayne County Juvenile Court have a strong bearing on the operation and development of the Defender Project. Many of these are beyond the control of the project personnel but not beyond its influence and the influence of its supervisory board. The project should therefore support those movements referred to in the following paragraphs which will enhance the possibility of goal achievement.

First, however, one might comment on the repeated references made to the team by Detroit citizens about the heavy role that "politics" plays in governmental services at all levels. Though not unique to Michigan or to Detroit, the team was surprised both by the frequency of the references and by the demoralization that political overtones have on many public employees and on other citizens. In such a climate, whether real or imagined, this experimental, reform project is trying to function.

Secondly, as already mentioned, there is a movement in the state legislature in Lansing to add

additional judges to the Wayne County Juvenile Court. The present judge supports this proposal and it deserves the support of the Detroit Legal Aid and Defender Association. Additional judges would upgrade and help improve the court, providing more consistent juvenile justice.

A third movement in Michigan is a legislative bill to create a statewide trial level defender service. Moreover, an appellate defender system now exists and its extension to the original proceedings could ensure continuation of the subject defender service when the federal funding terminates. State financing of the defender movement at the trial level should be encouraged but the team has some concern that any legislative bill not require that the defender be a public employee.

The evaluation team did not share the project personnel's confidence that the Board of County Commissioners would underwrite the project costs at an early date especially if the project engages in the controversial work of appeals and other law reform efforts that are recommended in this report. It is for this reason that we recommend the project support enactment of a statewide trial level defender bill in whatever manner is legally proper.

A final consideration that deserves attention is a proposal for a management study of the Wayne County Juvenile Court. There is a strong possibility however that the federal funds tentatively allocated will be diverted to another use unless the court quickly takes steps to initiate the study. The casual method of record keeping; the apparent underutilization of the time of the referees; and what one local educator calls "the history of defeat" in the juvenile court, are reasons enough for the project to work for the early undertaking of a management study. The implications for the project and for the project clientele are considerable.

V. THE EVALUATION

Scope and Methodology

The initial funding application identifies two levels of evaluation. The first is internal and on-going and is handled by project personnel. It requires the compilation of statistics on the number of cases handled by the project attorneys; the number of referrals made; the types of dispositions utilized and similar quantitative data. These statistics will demonstrate the volume and quality of the work undertaken by the project and ultimately, its impact on the juvenile justice system.

The second level of evaluation resulted in this written report. It is external and intermittent in that an outside team was formed for an appraisal of the project's first year of operation. Under the leadership of the National Legal Aid and Defender Association the four member team assembled in Detroit for the week beginning on Monday, April 8, 1974. The team spent a total of fourteen days collectively on site. It is hoped that its recommendations, coming so early in the life of the project, can easily be adopted.

The team consisted of Dean John F.X. Irving, Seton Hall University School of Law, as Captain; former Denver Juvenile Court Judge, Ted Rubin; Lewis Wenzell, Senior Trial Attorney of the Federal Defenders of San Diego, Inc; and John Darrah,

founder of the Seattle-King County Public Defender. All members of the team brought considerable expertise to the task. The team captain first worked in the defender field in 1962 when he was field director for the National Legal Aid and Defender Association. He later became Executive Director of the National Council of Juvenile Court Judges. Ted Rubin is nationally recognized as one of the few authentic experts in juvenile court process and has performed numerous studies and evaluations of juvenile courts throughout the country. Mr. Wenzel brought the perspective of a defender who functioned in the federal courts, who previously was a prosecutor in the Cook County (Illinois) Juvenile Court and who also worked with the Juvenile Litigation Office of the Chicago Legal Aid Society. Mr. Darrah was director of the Public Defender program in Seattle - King County which has a well regarded juvenile defender section similar in size to the office being evaluated herein.

The team participated in an orientation session the first evening with George Matish, Counsel for the Project, and with James Zeman, the project's chief staff attorney. The on-site visit concluded with an exit conference on the afternoon of April 12, 1974. That conference afforded an opportunity for the evaluation team to report its initial impressions and recommendations to the project representatives and to answer their questions.

The evaluation employed several methodologies. The project attorneys were observed during preliminary (detention) hearings and at adjudication hearings. The team captain observed the appearance of a project attorney before the sole juvenile court judge in Wayne County; the other team members sat in on hearings before the eight referees. Assigned counsel were also observed.

Extensive interviews provided a chief source of information. Every staff attorney was interviewed at length, except one man who was on vacation. Judge Lincoln met with the team, and most of the referees were interviewed in depth. Court personnel, including the administrators of probation services, were given an opportunity to discuss the defender project with a team member. Community representatives and faculty members at Wayne State University were also contacted, as were members of the board of the sponsoring organization, The Detroit Legal Aid and Defender Association. The limited available statistics were studied and the original application for funding was examined, since it spelled out the project's goals.

Finally, the team utilized the Evaluation Design for Defender Systems, and made use of its Rating Schedule.

That Design was prepared by NLADA for such use, and it embodies the national experience to date in the appraisal of defender services.

Each day, the team divided its responsibilities, but convened daily to assess its progress. Prior to the exit conference, the team reached a unanimous decision on the major findings and recommendations. Each member took one facet the joint findings and made appropriate on-site observations. Thereafter, each agreed to write up his observations and to send them to the team captain, who was charged with responsibility for drafting the official report.

The findings and recommendations follow.

VI. FINDINGS AND RECOMMENDATIONS

A. The Program Should Be Continued and Refunded

Comment: The Defender Program is achieving many successes and deserves to be cultivated and refunded. The team was impressed with the energy and motivation of the top staff personnel and, certainly, these positive characteristics must have an impact on the clients. There is no doubt that the quality of the representation is better than ever previously provided in the Wayne County Juvenile Court and even the assigned counsel are reputed to be more diligent because of the competition induced by this new program.

The various successes include not only the vigorous representation of individual juveniles but also the effectiveness of the watch dog function; the diversion of many juveniles out of the system by obtaining their dismissal at the preliminary hearings; and the beneficial impact on the juvenile court process of the sustained presence of full-time defense counsel.

On the converse side, there are detectable weaknesses in the program. Some are borne of the nature of the task which is experimental for this court; the growing pains which may have precluded the reaching of clear policy on such matters as whether all adjudicated clients ought be advised of the right to appeal; and the disinterest of the bar

in juvenile court generally. It is even alleged that this program is under the supervision of the civil branch of the Detroit Legal Aid and Defender Association because the criminal branch had no interest in a juvenile court project.

In an effort to deal with these weaknesses and in order to aid in the evolution of the Program, further recommendations are made below.

B. The Goals of the Project Should Be Redefined and Promulgated.

Comment: As mentioned earlier in this report, many of the goals originally identified have not been pursued. This is certainly understandable in view of the rapid evolution of the Program and the heavy demands made on it. It is also the result of the failure of the eight neighborhood juvenile centers in Wayne County to open, this failure being beyond the control of project personnel. The absorption of the project staff into the litigation process may be accountable for the short shrift given to the training and public information components of the project.

Whatever the reasons, the existing project is quite different from the blueprint. It is important

that current goals be identified in order that the project be clearly perceived both by the staff and observers.

C. The Detroit Legal Aid and Defender Association Should Appoint an Advisory Committee to the Project. The Chairman of the Committee Should Be a Member of the Association's Board.

Comment: The project has all the advantages that young leadership can give but lacks the perspective that experienced attorneys can offer. Further, the project needs the aid of well-respected citizens who will give advice on policy, interpret the program to the bar and to the community, and if necessary, run interference for it. Such services can best be furnished by an Advisory Committee. If that committee is inter-connected with the Association Board, the Board will remain advised of the progress and the needs of the project.

The evaluators observed that the Board is not so informed. One key member said frankly, "I don't know anything about it". This has retarded the maturation of the project. Project staff have no group they can consult with on policy matters and on new directions.

D. An Inter-juvenile Justice System Coordinating Mechanism Is Also Needed.

Comment: In concept, the judge; administrators of his legal, probation and detention services; key law enforcement personnel; at least one administrator from the Department of Social Services; the chief juvenile defender and juvenile prosecutor; and perhaps several others, would convene monthly to systematically assess what is happening in Wayne County juvenile justice, what are its goals, its needs, its priorities, its directions, its inter-agency problems. The chairmanship of such a group might be rotated monthly so that the court does not overly dominate such a structure. If achieved and well developed, this vehicle could be useful to defender goals prior to, through, and beyond the juvenile court. The defender personnel should propose such an entity.

E. The Chief Staff Attorney Should Devote At Least Half His Time to the General Administration of the Project.

Comment: In order to inspire the staff, Mr. Zeman, the chief attorney, has been carrying a full case load. This appears to be unwise. There is a resulting lack of administration and direction which he alone can give.

Cases are being assigned to the staff attorneys by the secretary; no record is kept of attorney case-loads or dispositions; few conferences are held; no supervision is given each attorney assessing his performance; meetings with the Bar Association's Juvenile Court committee have not been attended for three months although Mr. Zeman is a committee member; and there are no reports (except for limited statistics) presented to the sponsoring board. Nor is there any attempt to fit data gathering to standards or goals. These are perceived as real deficiencies.

Meetings with project attorneys, with the proposed advisory committee, and with interested resource persons at Wayne State University, will enable the project to develop its policies and philosophies on such matters as: the role of counsel; the policy concerning appeals; and policy concerning outside practice, if any; public speaking, etc.

The chief staff attorney also needs to give time to the development of supportive resources that are eager to be involved. These exist in the Law School and in the School of Social Work at Wayne State University; they exist in the Criminal Justice Institute,

a Regional Training Academy; and they potentially exist within the organized bar. In addition, time should be devoted to conveying information on the project to the legal profession and to the public. Reform of the existing sub-standard Juvenile Code and appellate advocacy would have far-reaching significance for the entire juvenile justice system in Michigan. Such roles for the project also ought to be considered as time permits.

F. The Project Should Become Involved at the Intake Stage of Juvenile Proceedings and Participate at All Stages of a Delinquency Hearing.

Comment: Defenders have focused on decision-making by judicial/referee personnel. Largely unattended has been decision-making at intake, as well as decision-making by probation personnel upon reoffense. How decisions are made at these points is a largely invisible process. The same would apply to police exercise of discretionary decision-making and detention screening practices. The objective should be to make these processes far more visible, to achieve greater uniformity, to maximize diversion, to obtain more thorough preliminary investigations before petitions are formally filed, to obtain more specific guideline

criteria, to secure screening for legal sufficiency by independent prosecution staff, and yet to enhance speedier processing for formal cases.

G. Policy on Practice and Procedure Should Be Established and Promulgated Among the Staff and the Supervisory Board.

Comment: One reason for the earlier recommendation that the chief attorney allot half his time to administration is the strong need perceived to establish clear policy concerning both practice and procedure for the project. Uncertainties now exist in this area; some tensions were reported; and a feeling develops that the project attorneys share office space but have little more cohesiveness than that. Until policy and procedure are established in the delinquency field, no new kind of cases should be accepted; there having been some consideration given to providing representation in non-delinquency petitions.

H. Existing and Potential Community Resources Should Be Utilized.

Comment: While the project grant wisely provided for the employment of a social worker, the evaluators considered the appointed social worker lacking in certain skills, and largely unsupervised and undirected. A

masters-trained social worker is not required for this position, but the present social worker appeared unable to provide defenders with comprehensive assessments of juveniles, family strengths, and alternative resources, particularly useful at waiver, dispositional, and detention hearings. Her skills are good in relationships with juveniles and parents, and she has knowledge, though not enough knowledge, of community resources. She could function better under the supervision of a more highly trained social worker in the same office, or less desirably, if she received stronger direction from the project coordinator. If neither of these alternatives is feasible, then this employee should be replaced by a person whose skills are more useful in complimenting the defenders.

The School of Social Work at Wayne State University might consider opening a field placement office within the project. Such a development would help the staff social worker broaden her capabilities and would give a new dimension to the project. This is especially important because the juvenile court in Detroit is plagued with a shortage of alternatives to incarceration.

There is also the Law School at Wayne State which has a reservoir of talented students who can help. One student is working at the project this summer but the possibility of a credit granting clinic should be explored. Such a clinic under law school faculty supervision might prove mutually beneficial. Also at the Law School is the potential for preparing and trying appeals and an offer has been made to undertake such action on behalf of clients at the Defender Project. The proposed Advisory Committee should explore the several ramifications of such a relationship.

As the Defender project becomes sensitive to the need for more intense community relationships, other resources will become known. These resources are valuable in themselves and in addition, they help publicize the Defender Project within the community. The project can only ignore the value of such public information and resources development efforts at its peril.

Finally, the proposed advisory committee, together with the general counsel and the chief attorney should explore the development of community outreach capability as has been done in the Defender

program in Seattle. The outreach effort aims to find within the client's community resources that can be helpful to him in coping with his problems. The identity of these resources helps convince the court that the client does not need to be incarcerated. Material on this concept is available and is being sent separately to Mr. Zeman for his information.

APPENDIX D

WAYNE COUNTY PROBATE COURT, JUVENILE DIVISION
BACKLOG OF CASES AS OF AUGUST, 1977

WAYNE COUNTY JUVENILE COURT
MONTHLY STATISTICAL REPORT - AUGUST, 1977

REPORT OF BACKLOGS AS OF AUGUST 31, 1977

Number of Continued Cases:	(Total 1,057)	
Boy's Delinquency Cases		714
Date Cases Continued to:	2/24/78	
Girl's Delinquency Cases:		89
Date Cases Continued to:	2/1/78	
Neglect/Abuse Cases		254
Date Cases Continued to:	2/23/78	
Number of Adjudication Cases SET for Hearing	(Total 473)	
Boy's Delinquency Cases		301
Date of Oldest Case:	Current	
Girl's Delinquency Cases		26
Date of Oldest Case:	Current	
Neglect/Abuse Cases		146
Date of Oldest Case:	Current	
Number of Adjudication Cases NOT YET SET for Hearing	(Total 545)	
Boy's Delinquency Cases		295
Date of Oldest Case:	Current	
Girl's Delinquency Cases		54
Date of Oldest Case	Current	
Neglect/Abuse Cases		196
Date of Oldest Case:	Current on regular Neglect Cases, Up to one year old on stepfather adoption cases.	

Dockets are set to September 30, 1977

Wayne County Juvenile Court Monthly Statistical Report
 August, 1977
 Page 2

TOTAL ACTIVE COURT CASES (CCPIS Count)
 AS OF AUGUST 31, 1977

		<u>TOTALS</u>
Delinquent Boys (Main Office)	822	
Delinquent Girls (Main Office)	<u>119</u>	941
Delinquent Boys (Branch Office)	446	
Delinquent Girls (Branch Office)	<u>88</u>	534
Neglect - Boys	112	
Neglect - Girls	<u>88</u>	200
Adoptions - Boys	245	
Adoptions - Girls	<u>279</u>	524
Adoption Promotion - Boys	47	
Adoption Promotion - Girls	<u>33</u>	80
Foster Homes - Boys	22	
Foster Homes - Girls	<u>18</u>	40
Study Unit - Girl's Main Office*	111	
Study Unit - Boy's Main Office	862	
Study Unit - Girl's Branch Office	27	
Study Unit - Boy's Branch Office	<u>192</u>	
		<u>1,192</u>
TOTAL ACTIVE CASES		<u><u>3,511</u></u>

* NOTE: At the Main Office these cases include continued cases, temporary wards, unassigned and preadjudicated cases. At the Branch Office, temporary wards are not included in the Intake count.

Total number of cases opened in August, 1977:	395
Total number of cases closed in August, 1977: (Includes petitions dismissed)	570
Total number of CCPIS cards sent through for changes during the month of August, 1977	400

APPENDIX E

WAYNE COUNTY JUVENILE COURT
CASELOAD STATISTICS, 1973-1977

WAYNE COUNTY JUVENILE COURT

100 E. FIRST AVENUE
DETROIT, MICHIGAN 48202
TELEPHONE 833-4400

JAMES H. LITTLE
Y. GLADYS HARRIS AMAN
THOMAS A. WALKER
JUDGES OF PROBATE
DETROIT DIVISION

EDWARD J. B. SIMS
IRVING FAULKNER
FRANK S. SZYBANEK
JOSEPH J. BURRICK
WILLIAM WARD
JUDGES OF PROBATE

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX



TO: ALL MEMBERS OF THE STAFF
RE: JUVENILE COURT STATISTICS

FROM: STATISTICAL DEPARTMENT
COMPARISON OF 1975, 1974, AND 1973

CATEGORY	1973	1974	1975	1975 over 1974 % Change
PETITIONS FILED, TOTAL.....	8084	8496	8834	+ 3.97%
Delinquent Boys, New Petitions.....	2677	3401	3918	+ 15.20%
Delinquent Girls, New Petitions.....	743	726	730	+ 0.55%
Dep. & Neg. Children, New Petitions.....	1059	961	1273	+ 32.46%
Dep. & Neg. Children.....	1909*	1836*	2237*	+ 21.84%
Delinquent Boys, Sup. Pet.....	1110	946	802	- 15.22%
Delinquent Girls, Sup. Pet.....	340	225	166	- 26.22%
Dep. & Neg. Sup. Pet.....	544	512	729	+ 42.38%
Foster Homes, Sup. Pet.....	45	80	64	- 20.0%
Petitions Filed for Adoptions.....	1566	1645	1152	- 29.96%
CHILDREN UNDER SUPERVISION, END OF YEAR, TOTAL.....	9665	10119	10861	+ 7.33%
Delinquent Boys.....	2193	2236	2548	+ 13.95%
Delinquent Girls.....	894	799	807	+ 0.10%
Dep. & Neg. Children.....	6578	7084	(7506)	+ 5.95%
CASES HANDLED WITHOUT PETITIONS, TOTAL...	2215	2464	2352	- 4.54%
Delinquent Boys.....	2001	2187	2042	- 6.63%
Delinquent Girls.....	214	277	310	+ 11.91%
TRAFFIC AND ORDINANCE VIOLATIONS HANDLED, TOTAL...	26440	30358	30928	+ 1.87%
Traffic Violations.....	11926	12967	15949	+ 22.99%
Pedestrian Violations.....	6309	7978	6012	- 24.64%
Other Ordinance Violations.....	8205	9413	8967	- 4.73%
ADMISSIONS TO DETENTION FACILITIES, TOTAL.....	7482	6927	7138	+ 3.04%
Delinquent Boys.....	4465	4230	4511	+ 6.64%
Delinquent Girls.....	1595	1373	1319	- 3.93%
Dep. & Neg. Children.....	1158	1142	1230	+ 7.70%
Protective Custody.....	52	22	0	-100.00%
Non-Wayne County Children.....	212	160	78	- 51.25%
AVERAGE DAILY POPULATIONS IN DETROIT, TOTAL.....	215.5	225.4	195.4	- 13.30%
Average Number of Boys, Youth Home.....	115.4	122.6	115.2	- 6.03%
Average Number of Girls, Youth Home.....	58.8	50.4	37.6	- 25.39%
Average Number of Boys, D.J. Healy.....	24.0	29.6	25.3	- 14.52%
Average Number of Girls, D.J. Healy.....	17.3	22.8	17.3	- 24.12%

*Number of Children Excluded from Total of Petitions.

Ruth H. Carter
April 21, 1976

Wayne County Juvenile Court

1025 E. FOREST AVENUE
DETROIT, MICHIGAN 48207

TELEPHONE: 833-4400

JAMES H. LINCOLN
Y. GLADYS DAFISAMIAN
THOMAS A. MAHER
JUDGES OF PROBATE
JUVENILE DIVISION

ERNEST C. BOEHM
IRA G. KAUFMAN
FRANK S. SZYMANSKI
JOSEPH J. PERNICK
WILLIS F. WARD
JUDGES OF PROBATE

PRENTIS EDWARDS
REGISTER



TO: ALL MEMBERS OF THE STAFF
RE: JUVENILE COURT STATISTICS

FROM: STATISTICAL DEPARTMENT
COMPARISON OF 1976, 1975, and 1974

CATEGORY	1974	1975	1976	1976 over 1975 % of Change
PETITIONS FILED, TOTAL	2106	2834	2371	+ 6.08%
Delinquent Boys, New Petitions	3401	3543	5011	+ 27.90%
Delinquent Girls, New Petitions	726	730	731	+ .13%
Dep. & Neg. Children, New Petitions	961	1273	1318	+ 3.53%
Delinquent Boys, Supplemental Petitions	946	802	351	- 63.71%
Delinquent Girls, Supplemental Petitions	225	146	123	- 22.90%
Dep. & Neg. Supplemental Petitions	512	729	519	- 28.81%
Foster Homes, Supplemental Petitions	80	64	217	+ 339.0%
Petitions Filed for Adoptions	1645	1152	1196	+ 3.81%
CHILDREN UNDER SUPERVISION, END OF YEAR, TOTAL..	10119	10761	10406	- 4.19%
Delinquent Boys	2236	2548	2411	- 5.30%
Delinquent Girls	799	807	599	- 25.78%
Dep. & Neg. Children	7084	7506	7396	- 1.47%
CASES HANDLED WITHOUT PETITIONS, TOTAL	2464	2352	2716	+ 15.48%
Delinquent Boys	2187	2042	2052	+ .49%
Delinquent Girls	277	310	664	+ 214.0%
TRAFFIC AND ORDINANCE VIOLATIONS HANDLED, TOTAL	22380	24916	18133	- 27.03%
Traffic Violations	12967	15949	8907	- 44.15%
Ordinance Violations	9413	8967	9276	+ 3.45%
ADMISSIONS TO DETENTION FACILITIES, TOTAL	6927	7138	7028	+ 9.67%
Delinquent Boys	4230	4511	5371	+ 19.06%
Delinquent Girls	1373	1319	1207	- 8.50%
Dep. & Neg. Children	1142	1230	1196	- 3.77%
Protective Custody	22	0	2	+ 200.0%
Non-Wayne County Children	160	78	52	- 33.34%
AVERAGE DAILY POPULATIONS IN DETROIT, TOTAL	225.4	195.4	214.33	+ 9.04%
Average Number of Boys, Youth Home	122.6	115.2	147.05	+ 27.65%
Average Number of Girls, Youth Home	50.4	37.6	32.89	- 12.53%
Average Number of Boys, D.J. Healy	29.6	25.3	19.82	- 21.66%
Average Number of Girls, D.J. Healy	22.8	17.3	15.07	- 12.89%

SCHEDULE OF PRELIMINARY HEARINGS FOR DETAINED JUVENILES

	1976			1977		
	Girls	Boys	Totals	Girls	Boys	Totals
January	259	635	894	425	606	1,031
February	323	728	1,051	370	587	957
March	351	906	1,257	357	672	1,029
April	346	706	1,052	354	590	944
May	366	859	1,225	471	542	1,013
June	402	854	1,256	313	560	873
July	330	811	1,141	304	484	788
August	280	1,022	1,302	394	608	1,002
September	276	963	1,239	520	622	1,141
October	283	810	1,093	390	600	990
November	372	861	1,233	415	644	1,059
December	143	560	703	367	448	815
TOTALS	<u>3,731</u>	<u>9,715</u>	<u>13,446</u>	<u>4,680</u>	<u>6,963</u>	<u>11,643</u>

*Copy from 1976 Annual Report

HEARINGS REQUIRED TO DISPOSE OF COMPLAINTS
FOR ORDINANCE VIOLATIONS AND TRAFFIC VIOLATIONS FILED

	<u>1976</u>		<u>1977</u>	
	<u>Ordinance</u>	<u>Traffic</u>	<u>Ordinance</u>	<u>Traffic</u>
January	458	829	869	866
February	680	738	894	695
March	829	889	929	767
April	602	717	981	891
May	671	739	892	864
June	708	821	916	858
July	508	575	519	796
August	920	754	708	974
September	1,032	610	661	922
October	1,032	823	1,108	1,127
November	1,036	850	840	973
December	<u>800</u>	<u>562</u>	<u>450</u>	<u>813</u>
TOTALS	<u>9,276</u>	<u>8,907</u>	<u>9,767</u>	<u>10,546</u>

DELINQUENCY PETITIONS FILED CHARGING VIOLATIONS
OF STATE OR FEDERAL LAWS AND WAIVER PETITIONS

	1976			1977		
	Girls Delinquency	Boys	Waivers	Girls Delinquency	Boys	Waivers
January	66	368	5	47	326	11
February	60	349	6	32	254	15
March	87	483	4	74	476	8
April	80	443	8	58	362	5
May	76	363	6	73	474	7
June	85	386	8	66	491	16
July	69	373	15	41	428	8
August	52	406	18	53	519	4
September	74	448	18	49	497	1
October	79	612	24	55	404	13
November	91	559	14	53	564	16
December	40	316	29	38	429	5
TOTALS	<u>859</u>	<u>5,106</u>	<u>155</u>	<u>639</u>	<u>5,224</u>	<u>109</u>

NEW NEGLECT/ABUSE PETITIONS
FILED DURING 1976 AND 1977

	1976	1977
January	175	140
February	137	161
March	170	211
April	221	203
May	145	168
June	207	207
July	162	132
August	204	261
September	236	166
October	157	178
November	196	213
December	144	156
TOTALS	<u>2,154</u>	<u>2,196</u>

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Table I
 Caseload Statistics - Wayne County Juvenile Court
 1972 to 1976

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>%Increase 1972-1976</u>
Petitions Filed	8,801	8,084	8,496	8,834	9,371	+06.5%
Children Under Supervision	10,240	9,665	10,119	10,861	10,406	+01.62%
Cases Handled Without Petitions	1,907	2,215	2,464	2,352	2,716	+42.42%
Traffic & Ordinance Cases	29,503	26,440	30,358	24,916	18,183	-38.36%
Admission to Deten- tion Facilities	7,480	7,482	6,927	7,138	7,828	+04.65%
Average Daily Population Detention (Detroit)	215.6	215.5	225.4	195.4	214.83	--

Source: Wayne County Juvenile Court Statistical Department

Table II
 Unpublished statistics compiled by Wayne County
 Juvenile Court for 1977

	<u>1976</u>	<u>1977</u>
Delinquency Petitions Filed Charging Violations of State & Federal Laws	5,965	5,863
Waiver Petitions Filed	155	109
Neglect/Abuse Petitions Filed	2,154	2,196
Preliminary Hearings Scheduled for Detention of Juveniles	13,446	11,643
Youth Home Admissions	6,632	6,447
D.J. Healy Shelter Admissions	1,196	1,010
Hearings for Traffic Violations	9,807	10,546
Hearings for Ordinance Cases	9,276	9,767

Source: Wayne County Juvenile Court Statistical Department

APPENDIX F
YOUTH HOME ADMISSIONS
1973-1977

YOUTH HOME ADMISSIONS

	1976			1977		
	Girls	Boys	Totals	Girls	Boys	Totals
January	115	350	465	86	386	472
February	115	421	536	77	391	468
March	107	469	576	109	469	578
April	116	373	489	103	457	560
May	117	442	559	99	534	633
June	101	378	479	81	430	511
July	105	388	493	73	398	471
August	78	602	680	100	442	542
September	103	611	714	96	430	526
October	107	554	661	131	551	682
November	107	452	559	73	481	554
December	71	350	421	76	374	450
TOTAL	1,242	5,390	6,632	1,104	5,343	6,447

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D. J. HEALEY SHELTER ADMISSIONS

	1976			1977		
	Girls	Boys	Totals	Girls	Boys	Totals
January	34	31	65	35	60	95
February	54	69	123	41	45	86
March	49	65	114	53	46	99
April	42	55	97	49	62	111
May	77	69	146	43	41	84
June	60	34	94	52	53	105
July	44	65	109	33	50	83
August	42	55	97	39	42	81
September	36	40	76	38	38	76
October	38	51	89	29	36	65
November	54	42	96	36	31	67
December	40	50	90	24	34	58
TOTALS	570	626	1,196	472	538	1,010

APPENDIX G

CONTRACTS

11000 - juv - Legal Defender Contract
Board of Wayne County Auditors

NOV 22 1977

C. STATHOS
DIRECTOR OF BUDGET AND FINANCE

1236 City-County Building
Two Woodward Avenue
Detroit, Michigan 48226

November 21, 1977

LEONARD D. PROCTOR
CHAIRMAN
RICHARD T. KELLY
VICE CHAIRMAN
TED MROZOWSKI
SECRETARY



APPROVED AT AUDITORS'
BOARD MEETING HELD

NOV 22 1977

Leonard D. Proctor
WAYNE COUNTY AUDITOR

To the Honorable
Board of Wayne County Auditors

Gentlemen:

The attached agreement between the Juvenile Defender Office of the Legal Aid and Defender Association of Detroit, and the County of Wayne has been submitted for your approval.

This agreement, which covers the period December 1, 1977 through November 30, 1978 provides for legal representation for up to 1,050 indigent juveniles who are (or may be) charged with delinquent acts in the Juvenile Division of Wayne County Probate Court. In addition to providing legal representation for those juveniles requesting same at preliminary hearings and show-ups, the Juvenile Defender's Office agrees to allocate 30% of its resources to the area of neglect and abuse matters, and will accept up to 450 abuse and neglect cases.

The total cost of this one-year program is \$349,000, and will be funded from the Juvenile Court's Fees and Professional account. Payment is to be made in 12 equal installments of \$29,083.33 each. The agreement form was approved by the Corporation Counsel on October 31, 1977.

It is recommended that your Board execute the attached agreement and forward the copies to Judge Maher of Juvenile Court. All vouchers submitted for payment should be charged to account E1980-2145, Legal Services - Contractual.

COPY OF CONTRACT & APPROVAL TO:
Judge Maher, Mr. Stathos, Mr. Flynn,
Corp Counsel, Civil Service Comm.

Very truly yours,

C. Stathos

C. Stathos, Director
Budget and Finance Division

JMS
JMS:GM
Encl.

CONTRACT BETWEEN THE JUVENILE DEFENDER OFFICE OF THE LEGAL AID AND DEFENDER ASSOCIATION OF DETROIT AND THE WAYNE COUNTY BOARD OF COMMISSIONERS, THE WAYNE COUNTY BOARD OF AUDITORS, AND THE WAYNE COUNTY PROBATE COURT, JUVENILE DIVISION: THE JUVENILE DEFENDER OFFICE TO PROVIDE LEGAL REPRESENTATION FOR INDIGENT JUVENILES WHO ARE OR MAY BE CHARGED WITH DELINQUENT ACTS IN THE JUVENILE DIVISION WAYNE COUNTY PROBATE COURT AND ALSO TO PROVIDE LEGAL REPRESENTATION FOR CHILDREN IN ABUSE AND NEGLECT CASES IN THE JUVENILE DIVISION WAYNE COUNTY PROBATE COURT.

THIS AGREEMENT was entered into this _____ day of _____, 1977, by and between the Juvenile Defender Office of the Legal Aid and Defender Association of Detroit hereinafter referred to as "the Association", a non-profit corporation formed under the laws of the State of Michigan, and the County of Wayne, a body corporate and politic of the State of Michigan, acting by and through the Board of Auditors of the County of Wayne, Michigan, also hereinafter referred to as "the County".

THIS AGREEMENT BEARS WITNESS THAT:

WHEREAS, the Wayne County Board of Commissioners have agreed by resolution dated _____, a copy of which is attached hereto, to earmark _____ from the Wayne County Juvenile Court Personal Services-Fees and Professional Account for the purpose of funding the Wayne County Juvenile Defender Office to provide representation for children in the Wayne County Juvenile Court,

WHEREAS, the Association represents that it is willing and capable of providing those services,

NOW THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The Association, through the Juvenile Defender Office agrees to do the following:

1. The Association must accept from the Wayne County Juvenile Court assignments on 1,050 indigent juveniles brought before the Wayne County Juvenile Court charged with delinquent acts during the twelve month period beginning on December 1, 1977 and ending November 30, 1978.
2. For the period between December 1, 1977, and November 30, 1978, to have attorneys present at Preliminary Hearings on four days per week at the Wayne County Youth Home on weekday afternoons at 1:30 P.M. and on holidays and Saturdays at 10:00 A.M. for the purpose of providing legal representation to any child requesting counsel at that hearing.
3. For the period between December 1, 1977, and November 30, 1978, upon request by the Wayne County Juvenile Court to represent juveniles at show-ups held at the Wayne County Youth Home.

4. For the period between December 1, 1977, and November 30, 1978, to represent all juveniles who are already clients of the office and who choose to exercise their right to appeal an order of the Wayne County Juvenile Court. There shall be no additional financial responsibility other than herein enumerated, and otherwise ordinarily called for, to Wayne County for the processing of those appeals.
5. For the period between December 1, 1977, and November 30, 1978, to provide representation for children involved in abuse and neglect matters before the Wayne County Juvenile Court. The Association agrees to allocate 30% of its resources to this area of representation and agrees to accept 450 abuse and neglect cases on assignment from the Wayne County Juvenile Court.
6. For the period between December 1, 1977, and November 30, 1978, to complete and file completion slips on 125 cases per month, for each month of the contract or a total of 1500 for the year. It is understood that matters within the attorney-client privilege will not be disclosed.
7. For the period between December 1, 1977, and November 30, 1978, to provide a community resource for Wayne County children, parents, and agencies seeking legal information regarding the rights of children.

II. COMPENSATION AND METHOD OF PAYMENT

8. The County agrees and promises to pay to the Association, for the delivery of services enumerated in paragraphs 1, 2, 3, 4, and 5, the amount of THREE HUNDRED FORTY-NINE THOUSAND DOLLARS (\$349,000), paid in equal monthly amounts of TWENTY-NINE THOUSAND, EIGHTY-THREE DOLLARS and THIRTY-THREE CENTS (\$29,083.33), the first payment to be made no later than December 1, 1977, and other payments to be made at one month intervals thereafter.
9. The Juvenile Defender Office of the Association, in furtherance of this Contract, will prepare all required County service vouchers and will either by mail or personally present them to person or persons so designated and authorized by the County to receive them.
10. The County Board of Auditors will act promptly upon the service vouchers and will make direct payment to the Association from the appropriate Juvenile Court fund.

III. EQUAL EMPLOYMENT OPPORTUNITY

During the performance of the Contract, the Association agrees as follows:

- a. The Association will not discriminate against any employee or applicant for employment because of age, race, color, religion, sex, or national origin. The Association will take affirmative action to ensure that applicants are employed, that employees are treated during employment, without regard to their age, except when based on a bona fide occupational qualification and without regard to race, color, religion, sex, or national origin (Michigan #251 P.A. 1955, as amended). Such action shall include but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; raise of pay or other forms of compensation; and selection for training, including apprenticeship. The Association agrees to post in conspicuous places, available to employees and applicants for employment notice to be provided by the OCJP setting forth the provisions of this non-discrimination clause.
- b. Affirmative action shall mean 1) The issuance of a statement of policy regarding equal employment opportunity and its communication to all personnel involved in recruitment, hiring, training, assignment, and promotion, 2) Notification of all employment sources of company policy and active efforts to review the qualifications of all applicants regardless of age, race, color, religion, sex, or national origin, 3) Recruiting in the minority group community for employees and, equal employment, recruiting, hiring, training, upgrading and the like.
- c. The Association will, in all solicitations or advertisement for employees placed by or on behalf of the Association, state that all qualified applicants will receive consideration for employment without regard to age, color, religion, sex, or national origin.
- d. In the event of the Association's noncompliance with the non-discrimination clauses of this contract or with any rules, regulations, or orders adopted pursuant to Act 251 of Michigan Public Acts 1955, as amended, such breach of the covenant may be regarded as a material breach of this Contract. Such breach of the covenant may cause this Contract to be cancelled, terminated, or suspended in whole or in part.
- e. The Association will include the provisions of paragraphs (a) through (3) in every subcontract or purchase order so that such provisions will be binding upon each subcontractor or vendor. The Association will take such action with respect to any subcontract as a means of enforcing such provisions including sanctions for non-compliance.

IV. TIME OF PERFORMANCE

Performance shall commence as of December 1, 1977, and continue until November 30, 1978.

V. TERMINATION OF CONTRACT FOR CAUSE.

If through any cause, the Association shall fail to fulfill in timely and proper manner its obligations under this contract, or if the Association shall violate any of the covenants, agreements, or stipulations of this Contract, the County of Wayne shall thereupon have the right to terminate this Contract by giving written notice to the Association of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents, data studies, and reports prepared by the Association under this Contract shall, at the option of the County of Wayne, become its property and the Association shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents

VI. CHANGES

The County of Wayne may, from time to time, request changes in the scope of the services of the Association to be performed hereunder. Such changes, including any increase or decrease in the amount of the Association's compensation, which are mutually agreed upon by incorporated in written amendments to this Contract.

VII. PERSONNEL

The Association represents that it has, or will secure at its own expense, all personnel required in performing the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the County of Wayne.

All of the services required hereunder will be performed by the Association or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and local law to perform such services.

VIII. ADDITIONAL CONDITION

The County assumes full responsibility to assign to the Association's Juvenile Defender Office sufficient number

of Juvenile Court cases to justify the County outlay of funds called for herein.

BY _____ ATTEST _____
TED MROZOWSKI, Chairman
Board of Auditors, County of Wayne

BY _____ ATTEST _____
JAMES C. ZEMAN, Director
Juvenile Defender Office, Legal
Aid and Defender Association of
Detroit

BY _____ ATTEST _____
JOHN BARR, Chairman
Wayne County Board of Commissioners

BY _____ ATTEST _____
HON. JAMES H. LINCOLN
Wayne County Probate Court

APPENDIX H

1978 PROBATE COURT, (JUVENILE DIVISION)
SALARIES, AS OF NOVEMBER 30, 1978

DETAIL OF PERSONAL SERVICES - REGULAR
RECOMMENDED BY BOARD OF AUDITORS

FOR THE YEAR ENDING NOVEMBER 30, 1978

SECTION: JUDICIAL AND LEGAL		DEPARTMENT OR AGENCY: PROBATE COURT		DIVISION: JUVENILE COURT			FUND: GENERAL		CODE: 1980-1	
ITEM NO. OR APPROP. CODE	TITLE OF POSITION	ANNUAL SALARY		NUMBER OF POSITIONS						
		MINIMUM	MAXIMUM	AUTHORIZED	AUTHORIZED	AUTHORIZED	REQUESTED BY DEPARTMENT	1977-78		
				1974-75	1975-76	1976-77		RECOMMENDED BY BOARD OF AUDITORS	APPROVED BY BOARD OF COMMISSIONERS	
198	PROBATE COURT - JUVENILE COURT									
	REGULAR SALARIES AND WAGES									
1	JUDGE OF PROBATE	-	41,392	3	3	3	3	(a)	3	
2	PROBATE REGISTER	37,585	40,262	-	-	-	-	(b)	1	
3	COURT EXECUTIVE III	-	-	1	1	1	1	(c)	-	
4	COURT EXECUTIVE II	30,259	32,575	1	1	1	1		1	
5	COURT EXECUTIVE I	25,684	28,218	1	7	8	7	(d)	7	
6	ATTORNEY III	25,682	29,267	-	-	-	1	(e)	1	
7	ADMINISTRATIVE ASSISTANT - PROBATE	18,194	20,675	3	3	3	3		3	
8	JUVENILE COURT REFEREE	30,453	34,005	8	8	8	9	(f)	8	
9	BUSINESS MANAGER	-	-	-	1	-	-		-	
10	CHILD CASEWORK SERVICES DIRECTOR	32,419	35,095	1	1	1	1	(g)	1	
11	JUVENILE COURT DOCKET ANALYST	20,485	21,032	1	1	1	1		1	
12	JUVENILE COURT OUT-COUNTY OFFICE SUPERVISOR	27,467	29,598	1	1	1	1		1	
13	JUVENILE COURT CASEWORKER IV	-	-	5	-	-	-		-	
14	PROBATION OFFICER IV	24,297	25,340	-	15	15	15		15	
15	PROBATION OFFICER	14,154	22,587	127	111	111	111	(h)	111	

- (a) Under provisions of Act 370, Public Acts of 1976, the County will receive a grant of \$20,190 per annum for each Judge of Probate (totaling \$60,570) from the State of Michigan, which represents the State's share of the annual salary of \$26,190 established by the State for Probate Judges and is equal to ninety percent (90%) of the State mandated salary for Circuit Court Judges.
- (b) One new position recommended in lieu of one Court Executive III on line 3.
- (c) Elimination of this position recommended. See note (b) on line 2.

- (d) Elimination of one position recommended. See note (e) on line 6. Two of these positions allowed for the Child Study Clinic.
- (e) One new position recommended in lieu of one position of Court Executive I. See note (d) on line 5.
- (f) One additional position not recommended.
- (g) This position allowed for the Child Study Clinic.
- (h) Two of these positions allowed for the Child Study Clinic.

RECOMMENDED BY BOARD OF AUDITORS
FOR THE YEAR ENDING NOVEMBER 30, 1978

JUDICIAL AND LEGAL		DEPARTMENT OR AGENCY: PROBATE COURT		DIVISION: JUVENILE COURT			FUND: GENERAL		CODE: 1981-1	
ITEM OR PROP. CODE	TITLE OF POSITION	ANNUAL SALARY		NUMBER OF POSITIONS						
		MINIMUM	MAXIMUM	AUTHORIZED	AUTHORIZED	AUTHORIZED	REQUESTED BY DEPARTMENT	1977-78		
				1974-75	1975-76	1976-77		RECOMMENDED BY BOARD OF AUDITORS	APPROVED BY BOARD OF COMMISSIONERS	
16	PSYCHIATRIC SOCIAL SERVICES DIRECTOR	-	-	1	-	-	-	-	-	
17	PSYCHIATRIC SOCIAL WORK SERVICES SUPERVISOR	-	-	2	1	1	1	(i) -		
18	PSYCHIATRIC SOCIAL WORKER III	21,847	22,395	3	3	3	3	(j) 3		
19	PSYCHIATRIC SOCIAL WORKER II	20,266	20,838	1	1	1	1	(k) 2		
20	PSYCHIATRIC SOCIAL WORKER I	15,939	19,728	5	5	6	6	(m) 3		
21	DIRECTOR OF PSYCHOLOGICAL SERVICES	28,800	31,043	1	1	1	1	(n) 1		
22	PSYCHOLOGIST III	22,599	24,140	1	1	1	1	(p) 2		
23	PSYCHOLOGIST II	20,266	20,838	4	4	4	4	(q) 2		
24	PSYCHOLOGIST I	15,939	19,728	1	1	1	1	(n) 1		
25	PSYCHOLOGY AID	14,905	18,693	1	1	1	1	(r) 2		
26	SOCIAL INVESTIGATOR II	-	-	1	1	-	-	-		
27	JUVENILE COURT OFFICER CLERK - SUPERVISOR	-	23,032	1	1	1	1	1		
28	JUVENILE COURT OFFICER CLERK	-	20,504	11	11	12	13	(s) 12		✓
29	COURT OFFICER I	13,205	17,203	3	5	5	8	(t) 5		
30	CHILD CARE WORKER I	13,390	14,062	1	1	1	1	1		
31	ACCOUNTANT II	16,597	17,694	-	2	2	2	2		
32	ACCOUNT CLERK III	15,035	15,652	-	-	-	1	(u) 1		
33	ACCOUNT CLERK II	-	-	1	1	1	1	(v) -		
34	ACCOUNT CLERK I	13,433	13,972	2	1	1	1	1		

- (i) Elimination of this position recommended. See note (p) on line 22.
- (j) These three positions allowed for the Child Study Clinic.
- (k) One additional position recommended in lieu of one position of Psychologist II on line 23. These two positions allowed for Child Study Clinic.
- (m) Elimination of three positions recommended. These three positions allowed for the Child Study Clinic.
- (n) This position allowed for the Child Study Clinic.
- (p) One additional position recommended in lieu of one position of Psychiatric Social Work Services Supervisor on line 17. These two positions allowed for the Child Study Clinic.

- (q) Elimination of two positions recommended. See note (k) on line 19, and note (r) on line 25. These two positions allowed for Child Study Clinic.
- (r) One additional position recommended in lieu of one position of Psychologist II on line 23. These two positions allowed for Child Study Clinic.
- (s) One additional position not recommended.
- (t) Three additional positions not recommended.
- (u) One new position recommended in lieu of one position of Clerk III on line 37.
- (v) Elimination of this position recommended. See note (y) on line 38.

RECOMMENDED BY BOARD OF AUDITORS
FOR THE YEAR ENDING NOVEMBER 30, 1978

JUDICIAL AND LEGAL	DEPARTMENT OR AGENCY:	PROBATE COURT	DIVISION:	JUVENILE COURT	FUND:	GENERAL	CODE:	1980-1
JUDICIAL								

ITEM NO. OR APPROP. CODE	TITLE OF POSITION	ANNUAL SALARY		NUMBER OF POSITIONS					
		MINIMUM	MAXIMUM	AUTHORIZED 1974-75	AUTHORIZED 1975-76	AUTHORIZED 1976-77	1977-78		
							REQUESTED BY DEPARTMENT	RECOMMENDED BY BOARD OF AUDITORS	APPROVED BY BOARD OF COMMISSIONERS
35	CLERK V	16,056	16,604	1	1	1	1	1	
36	CLERK IV	15,035	15,652	1	1	1	1	(w) 2	
37	CLERK III	14,169	14,715	4	3	3	3	(x) 2	
38	CLERK II	13,323	13,856	1	1	1	1	(y) 2	
39	CLERK I	12,199	12,558	3	2	2	2	(z) 3	
40	ADMINISTRATIVE ASSISTANT I	16,717	18,027	1	1	1	1	1	
41	COURT REPORTER - PROBATE COURT	-	19,446	3	3	3	3	3	
42	HEARINGS STENOGRAPHER	-	-	2	2	2	2	(a) -	
43	SECRETARIAL STENOGRAPHER II	14,687	15,236	-	-	-	1	(b) 1	
44	SECRETARIAL STENOGRAPHER I	14,305	14,715	-	-	-	2	(c) 2	
45	STENOGRAPHER III	-	-	1	1	1	1	(d) -	
46	STENOGRAPHER II	13,464	14,003	2	2	2	2	(e) 3	
47	STENOGRAPHER I	-	-	3	2	2	2	(f) -	
48	TYPIST III	14,169	14,715	7	7	7	7	(g) 6	
49	TYPIST II	13,323	13,856	13	13	13	13	13	
50	TYPIST I	12,199	12,558	12	11	11	11	(h) 11	
51	PHONOTYPIST II	13,323	13,856	10	9	9	11	(i) 14	12/1/78
52	PHONOTYPIST I	12,314	12,674	35	34	34	38	(j) 29	5/1

- (w) One additional position recommended.
- (x) Elimination of one of these positions recommended. See note (u) on line 32.
- (y) One additional position recommended in lieu of one position of Account Clerk II on line 33. One of these positions allowed for the Child Study Clinic.
- (z) One additional position recommended.
- (a) Elimination of these two positions recommended. See note (c) on line 44.
- (b) One new position recommended in lieu of one position of Stenographer III on line 45. This position allowed for Child Study Clinic.
- (c) Two new positions recommended in lieu of two positions of Hearings Stenographer on line 42.

- (d) Elimination of this position recommended. See note (b) on line 43.
- (e) One additional position recommended in lieu of one position of Typist III on line 48.
- (f) Elimination of these two positions recommended.
- (g) Elimination of one position recommended. See note (e) on line 46.
- (h) One of these positions allowed for the Child Study Clinic.
- (i) Five additional positions recommended in lieu of five positions of Phonotypist I on line 52. One of these positions allowed for the Child Study Clinic.
- (j) Elimination of five positions recommended. See note (i) on line 51. Four of these positions allowed for the Child Study Clinic.

App. H -3-

COUNTY OF WAHNE
 DETAIL OF PERSONAL SERVICES - REGULAR
 RECOMMENDED BY BOARD OF AUDITORS

FOR THE YEAR ENDING NOVEMBER 30, 1978

JUDICIAL AND LEGAL	DEPARTMENT OR AGENCY:	PROBATE COURT	DIVISION:	JUVENILE COURT			FUND:	GENERAL	CODE:
									1980-1
ITEM NO. OR PPROP. CODE	TITLE OF POSITION	ANNUAL SALARY		NUMBER OF POSITIONS					
		MINIMUM	MAXIMUM	AUTHORIZED 1974-75	AUTHORIZED 1975-76	AUTHORIZED 1976-77	REQUESTED BY DEPARTMENT	RECOMMENDED BY BOARD OF AUDITORS	APPROVED BY BOARD OF COMMISSIONERS
53	BOOKKEEPING MACHINE OPERATOR I	12,314	12,674	1	1	1	1	1	
54	STOREKEEPER II	13,568	13,976	1	1	1	1	1	
	TOTAL NUMBER OF POSITIONS			293	289	290	305	(k)287	

(k) Of this total number of positions, 28 full time and one part-time allowed for the Child Study Clinic.

END