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To: Jim Greiner
From: Jessenia Class
RE: William Vaughn Stapleton & Lee E. Teitelbaum, *In Defense of Youth: A Study of the Role of Counsel in American Juvenile Courts* (1972).
Date: September 30, 2018

Title: In Defense of Youth: A Study of the Role of Counsel in American Juvenile Courts
Authors: William Vaughn Stapleton and Lee E. Teitelbaum
Location: Two anonymous juvenile courts
Sample: N = 1,131
Timeline: N/A
Target group: Delinquent Minors
Intervention type: Project-lawyer representation
Research papers: <https://muse-jhu-edu.ezp-prod1.hul.harvard.edu/book/38662>
Partners: Lawyer in Juvenile Court Project, The Research Guild Inc., National Council of Juvenile Court Judges, Russell Sage Foundation, The Honorable Marcia O’Kelley, Judge for Grand Forks

Abstract

At the time of the study, juvenile courts increasingly permitted characteristics of due process such as legal representation, but little was known about counsel’s effect on judicial proceedings. This study sought to determine what affect the project-lawyer representation had on judicial outcomes in two different juvenile court systems. The results indicated that project-lawyer intervention significantly increased favorable sentencings, case dismissals, and continuances in one juvenile court, but not the other.

I. Policy Issue

At the time of the study, juvenile courts increasingly permitted characteristics of due process such as legal representation, but little was known about counsel’s effect on judicial proceedings. Traditionally, juvenile courts operated on *parens patriae* — obligating the state to act as a parental authority when presiding over delinquency cases. This philosophy often led to swift, decisive sentencing that deprived youth of their rights to legal representation, notice of charges, and proving guilt beyond a reasonable doubt.

However, *In re Gault*'s reversal of an Arizona Supreme Court decision in 1967 challenged the lack of due process in delinquency cases. Legal representation became more commonplace, but researchers still needed to study the adversarial position of counsel in juvenile courtroom or its effect on judicial proceedings for delinquent parties. Did legal intervention affect outcomes in juvenile court proceedings?

II. Context of Evaluation

There were two juvenile courts researched for this study. Both were large, northern, urban project cities (unspecified and referred to as the Zenith Juvenile Court and Gotham Juvenile Court). The populations researched were primarily of African-American descent and from low-income backgrounds. Project-lawyers assigned as counsel were recent law graduates interested in issues related to juvenile courts, received special intensive training, and had lighter caseloads than the average attorney.

The juvenile courts represented two distinct styles of adjudication. Gotham courts had fewer judges and offered a traditionalist judicial process that prioritized a holistic view of youth over legal procedures. The Zenith court had more judges, focused primarily on legal procedures, and offered youths appointed legal representation.

The researchers did not force legal representation onto the test population by the researchers, and they did not impede any youth in retaining private or appointed counsel.

III. Details

Only indigent youth whose families could not afford legal representation were eligible to participate. Other eligibility restrictions included being a male between the ages of 8 and 18 (17 in Zenith) charged with delinquency (referred to in Zenith as "minors in need of supervision", excluding homicide) by non-parental complainants whose official filing and first scheduled court date were at least 5 days apart (6 in Zenith). If a joint charge included multiple youths, one youth was randomly selected to participate. Researchers excluded youth who had sought out counsel.

The study randomized these youths into two conditions: treatment, offering project-lawyer representation, or control, not offering project-lawyer representation. In the Zenith treatment group, project lawyers represented 66.3 percent of youths, other lawyers — counsel not appointed or retained by the researchers — represented 16.1 percent, and 17.6 percent unrepresented. The control group witnessed 38.7 percent of youths represented by other lawyers and 61.3 percent unrepresented. In the Gotham treatment group, 76.5 percent received project-lawyer representation, 6.2 percent other lawyer, and 17.3 percent unrepresented. The control group experienced 9.4 percent represented by other lawyers, 88.6 percent unrepresented. Due to a miscommunication, project-lawyers represented 2 percent of the control group.

Researchers measured the effectiveness of counsel through case reports written by project-lawyers. These case reports summarized daily case preparation, client interactions, operations of the defense, and general observations of court proceedings.

IV. Results and Policy Lessons

Youth offered project-lawyer representation showed significantly favorable intervention through increased case dismissals compared to youths not offered legal representation in Zenith juvenile courts (49.8 percent vs. 40 percent, $p < 0.01$). The treatment group in Zenith also showed significant differences in continuances, almost tripling the control group (9.9 vs. 3.9, $p < 0.01$). There were no significant differences in Gotham juvenile courts between youth offered and not offered project-lawyer representation. There were also no significant differences when comparing cases actually receiving project-lawyer representation to all other cases in both Zenith and Gotham respectively.

V. Quality of the Study

Due to many eligibility restrictions, the study focused narrowly on a certain type of youth offender; the test population was not racially or sexually representative of the total population. Moreover, the researchers do not analyze how attrition of these youths within both the treatment and control groups impacted their ability determine causality in results. Finally, while the researchers analyze the treatment and control groups for similarity in order to ensure that randomization was successful, they do not explain how participants were randomized.

The absence of background information on other lawyers retained during attrition complicates the generalizability of all legal representation in this study, since it is unclear how representative project-lawyers were of lawyers that juveniles' families would actually retain. The project-lawyers themselves received intensive training that courts would not actually offer in other contexts.

Additionally, the different judicial approaches in each project city also limited the amount of effect attributed to the intervention of project-lawyers. The researchers noted that differences in each court's social systems, clerical proceedings, varying lengths and experiences of judgeship, and temperaments of each judge are mitigating factors.