Evolving Standards in Juvenile Justice: From Gault to Graham and Beyond (draft 2/17/12)

8:00-8:30 Registration and Breakfast

8:30-8:40 Welcome and Introductory Remarks
Kent Syverud, Dean, Washington University School of Law

8:40-9:00 Setting the Stage – Juvenile Justice, Past to Present - National to Local (gen)
Doug Abrams, University of Missouri School of Law
Author, A VERY SPECIAL PLACE IN LIFE: THE HISTORY OF JUVENILE JUSTICE IN MISSOURI
Introduction: Jake Peterson, Washington University Journal of Law and Policy

Professor Abrams will set the stage for the program, recounting the development of the United States juvenile justice system, with particular emphasis on Missouri. He will outline doctrinal developments from the nation’s first juvenile court, to the Supreme Court’s decision in Gault providing due process protections for youth, to the Court’s recent sentencing decisions in Roper v. Simmons and Graham v. Florida defining youth as categorically less culpable than adults. This session will also provide an update on two cases currently before the Supreme Court, which seek to further prohibit life without parole sentences for youth.

9:00-10:10 Plenary One – Arrested Development: Juvenile Rights and Realities (gen/eth)
Tamar Birckhead, University of North Carolina Law
Kristin Henning, Georgetown Law Center
Patricia Harrison, St. Louis University Law
Commentator: J. Benjamin Rosebrough, Washington University Law Student
Moderator: Ellen Blau, Missouri State Public Defender, Division Director

During this plenary session panelists will discuss the realities of modern juvenile court practice, exploring some of the unfulfilled promises and pitfalls of Gault, Graham and juvenile jurisprudence more generally. Professor Tamar Birckhead will present her article “Delinquent by Reason of Poverty,” which examines the disproportionate representation of low-income children in the juvenile justice system, offering strategies for addressing this problem and urging courts and policy-makers to rethink whether court intervention is essential to assisting impoverished youth.

Professor Kristin Henning points up some of the tensions inherent in Graham’s message in her article “Juvenile Justice after Graham v. Florida: Keeping Due Process, Autonomy, and Paternalism in Balance.” She will consider some possible unintended consequences of the juvenile “win” in the Court’s determination that youth are a special class. Bringing these issues back to the local, Professor Patricia Harrison will talk about her work on behalf of one of Missouri’s numerous inmates sentenced to die behind bars for a crime of their youth. The panelists will offer theoretical, doctrinal and ethical insights from their vantage points as academics and practitioners.
10:10-10:20  Break

10:20-11:30  **Plenary Two– Ongoing Challenges for Missouri's Juvenile Courts**  (gen/eth)
*Cat Kelly*, Director, Office of the Missouri State Public Defender
*Gary Waint*, Deputy, Missouri Office of State Courts Administrator
*Judge Darrell Missey*, Jefferson County Juvenile Court
*Commentator: Molly Carney*, Washington University Law Student
*Moderator: Mae Quinn*, Washington University School of Law

*This panel will focus on challenges facing Missouri juvenile courts today. A conversation among various system stakeholders and experts, this session will explore legal issues presented by Missouri’s Juvenile Code, its Rules of Practice and Procedure, and the very structure of our juvenile court system. Logistical concerns such as funding, caseloads, and staffing will be addressed. Panelists will be asked to consider ethical issues such as the appropriate role for Missouri’s system actors including Deputy Juvenile Officers, their attorneys, juvenile judges, and appointed counsel for indigent youth.*

11:30-12:00  **Spotlight on St. Louis Youth: Empowering Partnerships**
*Jesus Figueroa*, Program Director, Angel Baked Cookie Company
*Youth Speaker: Kailey Burger*, Marshall-Brennan Constitutional Literacy Project
*Youth Speaker
*Moderator: Anna Gennari*, Student, Brown School of Social Work

12:00-12:10  Pick-up lunch and head to afternoon working groups

12:10-1:20  **Improving Local Youth Justice Outcomes: Working Group Conversations**

(1) **Pushing Back Against Push-Outs: Keeping Kids in Missouri Schools**  (gen)
*Amanda Schneider*, Legal Services of Eastern Missouri
*Joseph Dandurand*, Missouri Attorney General’s Office
*Moderator: Lorena Estrada-Martinez*, Washington University Brown School/SW

*This working group will explore the problem of “push-outs” in Missouri, where young people are removed from traditional school settings by way of disciplinary or other action. Panelists will be asked to consider alternatives to suspension, the practice of unilateral transfer, and denial of educational services for youth awaiting trial in our adult court system. The goal of the conversation is to rethink punitive approaches and share ideas that ensure Missouri’s at-risk youth are educationally engaged.*
(2) Certified Youth and DMC: What Can We Do to Stem the Tide? (gen)
Sarah Jane Forman, Detroit School of Law
Mary Marquez, Chief Juvenile Officer, Jackson County Juvenile Court
Dr. Anne Janku, Research Manager, Office of State Courts Administrator
Moderator: Cortney Lollar, Washington University School of Law

This working group will examine the over-representation of minority youth within Missouri's certification population. Panelists will discuss the extent of the problem, how it presents itself in the juvenile court setting, and how system actors are responding. The goal of this session is to help generate new approaches to attempt to stem the tide of young minority males being channeled into our adult court system for alleged wrongdoings of their youth.

(3) Prosecutors & Probation: Ethical Responsibilities & Possibilities (gen/eth)
Kelley Dunn, New York City Law Department
Vivian Murphy, Missouri Juvenile Justice Association
Cynthia Harcourt, Legal Counsel, St. Louis County Family Court
Moderator: Josh Gupta-Kagan, Washington University School of Law

This working group will examine the role of the prosecution and probation officer, or DJO, in Missouri's juvenile courts. The conversation will explore key issues such as "papering" decisions, detention hearings, discovery practices, plea bargaining, dispositional hearings, and probation supervision. The goal of this session is to generate and share ideas about ethical and legal best practices.

1:20-1:30 Break

1:30-2:45 Concurrent Interdisciplinary, Bridge-Building & Continuing Ed Sessions

(1) Categorically Less Culpable: Thinking About the Adolescent Mind (gen)
Dr. Ron Roesch, Forensic Psychology Program, Simon Fraser University
Dr. Steven Petersen, Chief of Neuropsychology, Washington University
Dr. Rachael Springman, University of Missouri- St. Louis
Moderator: Jaime Michel, National Juvenile Defender Center

This concurrent session will be led by experts in adolescent development, sharing insights about youthful abilities within the cognitive, moral, social and other domains. Panelists will also speak to such issues as juvenile competence to stand trial and the problem of criminalization of ordinary youthful indiscretions. This session will also provide some insights into the limits of our scientific knowledge, for instance in the area of adolescent brain mapping, and discussion of evaluation resources and practices in St. Louis.
During this concurrent session panelists will explore the possibilities for youth advocacy partnerships outside of the traditional attorney-client relationship. Panelists will describe the important role that parents, teachers, social workers and community members can play in standing with and for court-involved youth.

This concurrent session seeks to break the law-focused paradigm, by sharing ideas for engagement with youth outside of the juvenile justice setting. Spanning from the local to the international, panelists will discuss their varied important work on behalf of young people – from fighting against food deserts in Missouri to ensuring children have sufficient nourishment to survive and thrive across the globe.

This plenary panel will look at the issue of youth interrogations. In his talk Randy Hertz will discuss the implications of the Supreme Court’s most recent decision relating to police interrogation of child suspects, J.D.B. v. North Carolina, based on his forthcoming article, “J.D.B. and the Meaning of Juvenile Confession Suppression Law” (co-authored with Martin Guggenheim). Lourdes Rosado examines the ways in which the juvenile justice system, with its focus on rehabilitation, may work to interrogate and incriminate youth outside of the setting of formal police encounters. Her remarks will be based upon her forthcoming article, “Outside the Police Station: Dealing with the Potential for Self-Incrimination in Juvenile Court.” Panelists will also discuss how cognitive and other limitations may impact youth questioning and how we might re-conceive legal practices in light of these realities.
4:10-5:25  **Closing Conversation: Successes & Lessons from Youth Advocacy** (gen/eth)
Sandra Simkins, Rutgers Law School
Kim McLaurin, Suffolk Law School
Steve Drizin, Northwestern Law
Kathryn Pierce, Washington University School of Law
*Moderator: TBA*

In this closing conversation panelists will share both successes and lessons learned from their own efforts in youth advocacy in various law school clinical settings. Sandra Simkins will discuss her post-dispositional and re-entry work in New Jersey; Kim McLaurin shares her experiences in challenging shackling practices in Massachusetts; Steven Drizin describes his clinic’s wrongful conviction work for youthful clients in Illinois; and Kathryn Pierce provides an overview of the work undertaken by Washington University’s Juvenile Rights and Re-Entry Project.

5:25  **Concluding Remarks and Thanks** (n/a)
Robert Kuehn, Associate Dean for Clinical Education, Washington University School of Law

5:30-7:00  **Inaugural Missouri Juvenile Defense Leadership Convening** (n/a)
Informal Reception Hosted by Washington University School of Law Clinical Programs, National Juvenile Defender Center, and the Office of the Missouri State Public Defender (Invitation Only)