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Department of Justice National Symposium
February 18, 2009

Hard to believe that we are still having conversations about indigent defense 47 years after *Gideon v. Wainwright*, and about juvenile due process 43 years after *In re Gault*. The principle of the right to legal representation is long-settled; yet the practice remains frustratingly uneven in application and quality. So this symposium is timely and necessary, and I appreciate the chance to participate.

Most people are familiar with a book titled “Why Bad Things Happen To Good People.” The story written in Pennsylvania could be titled “Why Terrible Things Happened In A Very Good System.”

To our immense horror and embarrassment, Luzerne County has been revealed as a pit of pervasive corruption. Where the juvenile justice system turned into the place where ethics perished. Where thousands of kids, often without counsel, were railroaded into detention for cash.

Early in 2009, our local nightmare became a national disgrace. 20/20 aired a special report that was chilling on several counts: kids still in shock over how their lives were disrupted; parents still anguishing over their inability to protect their kids; and a judge still contemptibly arrogant over his violations of the Constitution, the oath of office, and every precept of justice.

This story has numerous villains, most prominently two corrupt judges. Players in the process aided and abetted wrongdoing. Some in positions of responsibility were too confident in the fail-safe system to check out concerns. Others were too indifferent to care.

Thankfully, there are heroes too. The Juvenile Law Center spoke out when no one else would, and persisted when they were disbelieved by even the state Supreme Court. The Juvenile Court Judges Commission remains a consistently good resource and advocate.

Countless stories and statistics can depict what took place, but a few well-chosen words capture the situation. Senior Judge Arthur Grim, charged by the state Supreme Court with reviewing the thousands of tainted cases, said “what happened in Luzerne County was pure evil.”

How can a juvenile justice system, with such a sterling reputation, filled with top-notch talent and good-hearted people, suffer such a sickening breakdown?

A couple of domineering judges were granted too much deference by too many people. Intimidation works all too well if no one sees anyone else with the courage to speak out.

The oversight and complaint systems malfunctioned. Individuals who saw out-of-whack stats showing something was seriously amiss either said nothing or were too easily discouraged from pursuing complaints. The bodies fielding complaints were not at all diligent in acting as they should. When a sporting event gets out of control, the officials are said to have swallowed their whistles. Lots of whistles were swallowed in regard to Luzerne County.

Nominal representation is no improvement over no representation. While in many cases representation was discouraged, there were also instances where counsel did nothing more than show up for a quick proceeding. Who would have imagined that “see no evil, hear no evil, and speak no evil” would become standard operating procedure in a Pennsylvania courtroom? For more than six years? Adhered to by lawyers more concerned about their next hearing before the local zoning board, as one appalling explanation put it?

Here is where this moves from the discouraging descent to the encouraging comeback.

In times of catastrophe, a quickly concocted governmental response often looks haphazard and insufficient. Not this time. All three branches of state government collaborated to create an interbranch commission, given absolute license to delve into what happened, and to divine what is needed to protect against a recurrence.

This commission has proved to represent the very best of public service. Extensive preparation, lengthy hearings, tough questions, small tolerance for self-serving justifications, they have demonstrated an exceptional commitment to go everywhere the evidence leads. No sugarcoating. No whitewashing. No circling the wagons around the legal establishment. The work of the commission will give us the indictment of the status quo, the impetus for fast action, and the blueprint for effective reform.

Fortunately, having proved serious intent, we are awash in ideas. People within the system and advocacy groups on the perimeter have contributed dozens of constructive recommendations. Common themes include opening up processes, making it harder to waive counsel, and emphasizing family involvement. Again, we have a strong system in many places to build on, and leaders determined to restore the integrity and trust a quality justice system must have. Now we have to summon the political will and the financial wherewithal to achieve these worthy goals.

The Commission recommendations are likely to include laws, rules changes, and dedicated funding. The hard work of legislating will then begin. As we know, even the strongest case for reform is not always a clear winner in the court of politics.

The roadblocks to reform are known. The barnacled traditions that shape the judicial system and practices in Pennsylvania. What is termed a “culture of indifference” in Luzerne County. A dreadful state budget situation that shows no sign of impending upturn. Competing priorities, such as education, health care, job creation, which are absorbing political attention and political capital. Counties increasingly militant over mandates without guaranteed funding or new tax options. The prevailing popularity of zero tolerance policies, with entire communities seduced by statistical justice as a substitute for common sense and reasoned discretion. Those who contend that this was just an aberration, never to be repeated because “it cannot happen in our county.”

If we want people to care about quality juvenile justice as much as we do, we have to change the perception that the juvenile justice system is the low minor leagues of criminal justice. And erase the notion that change will mean coddling hardcore delinquents.

Clearly, even in good economic times, when state revenue was rolling in, Pennsylvania shortchanged funding for juvenile justice and for indigent defense. So now, in the worst economy in generations, with the state having eliminated programs and sliced funding all over the budget, we have to find funding for manpower, training, reporting, and other improvements.

The depth, breadth, and length of corruption combine to make an overwhelming case for reform. When this mess exploded into public view, I believed we needed remedies to compensate those who were wronged, and reforms to protect against repetition in our county or any other. Those instinctive responses have held valid, but investigation, inquiry, and revelation have shown much more is needed.

So far, we have a case study on a perfect storm of system failure. Now, we will attempt to run a clinic on achieving substantial reform, over top of the doubters and deniers, under some of the worst political and financial conditions imaginable. It will be, shall we say, an interesting ride. But the public interest and the reputation of justice are riding on our success.