

**ETHICS IN JUVENILE
CASES**

By Brian Fischer

Ethical Problems - Defense

Your client tells you that he committed the aggravated robbery with his “home boy”. He tells you that he was the gunman and his “home boy” was the lookout. Your client does not want to plead his case because the state has offered TYC as an agreed disposition and will argue for TYC at trial if your client is found delinquent. You go to trial and your client tells you he wants to testify that he was not there and had nothing to do with the aggravated robbery.

➤ What do you do?

Ethical Problems - Defense

You are contacted by the parents of two juveniles who are charged with assault. You set up an appointment and the parents come in to your office with both juveniles. You speak with both juveniles and determine that only one may have culpability for the offense. The parents want to retain you to represent both of the juveniles.

➤ What do you do?

Ethical Problems - Defense

Your client is charged with assault on a family member. The family member who was assaulted was his mother. You visit with your client in your office with his mother. Your client admits to you that he hit his mother with his closed fist and his mother acknowledges that he hit her with a closed fist. You advise them that you have spoken with the district attorney and he has told you that because your client has 3 prior referrals he is going to recommend that your client be placed outside of the home as his recommendation for disposition. The mother then tells you that she does not want him to go to placement, wants a trial and will testify that your client never hit her.

➤ **What do you do?**

Ethical Problems - Defense

You represent a juvenile who is charged with aggravated assault on a family member, his mother, who he was visiting on a visitation as ordered by the family court (not the juvenile court) mother is represented in juvenile court by an attorney. In your investigation of the facts you discover that the precipitating event that gave rise to the confrontation between the juvenile and the mother was a telephone conversation between the mother and her attorney in which the mother was 'bad mouthing' the juvenile's father. The fact that telephone conversation took place with mother and her attorney is a fact issue that you need to prove up at trial by calling the mother and her attorney.

➤ **What do you do?**

Ethical Problems - Defense

Your client comes into your office charged with assault at school. In your conversation with your client he tells you that he is going to shoot the complainant for filing the assault charge on him.

➤ **What do you do?**

Ethical Problems - Prosecution

You are working the intake desk and an assault case comes across your desk. You discover that the complainant has died (unrelated to the assault case).

➤ **What do you do?**

Ethical Problems - Prosecution

You are in court at the first setting on a juvenile UUMV and you can't prove that the juvenile was operating the vehicle.

➤ **What do you do?**

Ethical Problems - Prosecution

You are speaking with your complaining witness and he tells you that the defense attorney has been calling him.

➤ **What do you advise the witness to do?**

Ethical Problems - Prosecution

You are dealing with a weak case although complete dismissal is not warranted. You know that if the defense attorney asks you for a reduction in the charge and/or deferred prosecution you would agree to it. The defense attorney never looks at the file and never asks you for a reduction of the charge and/or deferred prosecution.

➤ **What do you do?**

Ethical Problems - Prosecution

The case is set for a plea and you know that between the time that the case was reset for the plea and the plea date the complaining witness has died.

➤ **What do you do?**

Ethical Problems - Prosecution

The case is set for trial and you discover that the police officer who is the key witness has been fired for misconduct unrelated to this case.

➤ **What do you do?**

Ethical Problems - Judge

You are a substitute juvenile court judge who sits part time on the bench and while you were sitting you heard a juvenile case. Now you are appointed for the juvenile on a Petition to Modify Disposition. Can you represent the juvenile?

➤ **What do you do?**

Ethical Problems - Judge

You were the DA on a juvenile case six months ago and you have been elected the juvenile court judge. Now a Petition to Modify Disposition has been filed on the same juvenile you prosecuted as DA.

Can you hear the case?

What do you do?

Ethical Problems - Judge

You were the juvenile court judge who heard a juvenile case. You have since retired and are now handling juvenile cases. While you were a judge you heard a juvenile case. Now you are appointed to represent the same juvenile on a subsequent referral. Can you handle the case?

Ethical Problems-Probation

Your chief juvenile probation officer instructs you that any juveniles who are Hispanic are not to be released at intake regardless of the level of the charge, be it misdemeanor or felony, and regardless of the level of supervision at home.

What do you do?

Ethical Problems - Probation

You are the probation officer for a juvenile in detention. You are aware that an attorney has been appointed to represent the juvenile and has appeared at the first detention hearing. You are contacted by law enforcement about speaking with the juvenile about another case. The law enforcement officer tells you that he wants to speak with the juvenile without his lawyer being present.

➤ **What do you do?**

Ethical Problems - Probation

You are working intake and a child whose father is the pastor at the same church where you are an elder. He is charged with 5 aggravated robberies and murder and all of the offenses occurred after 2:00 a.m. The father is pressuring you to release his son but you are extremely concerned about the supervision at home. He tells you that if you do not release his son he will terminate you as a church elder.

What do you do?