

# EDITORIAL: Indefensible Pay for Juveniles' Defense

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**The Virginian-Pilot**

May 16--Forty years ago this month, the U.S. Supreme Court declared that -- when it comes to a day in court -- juveniles are citizens, too.

"Neither the Fourteenth Amendment nor the Bill of Rights is for adults alone," the court held.

The word hasn't quite yet filtered down to Richmond. Maybe it will soon.

Last winter, the General Assembly put \$8.2 million extra in pay for lawyers who represent indigent clients. That investment -- long-overdue and still far from adequate -- prompted celebration from Virginia Beach to Cumberland Gap.

Finally, authorities had admitted the obvious: Virginia's lowest-in-the-nation caps on payments to indigent-defense lawyers were an embarrassment.

While investing in a fix, however, lawmakers ignored a glaring deficiency. Attorneys for adult defendants can be compensated on a sliding scale, with fees ranging from \$120 to \$2,085, depending on the difficulty of the defense and whether the crime is a misdemeanor, a minor felony or a major felony.

Obviously, it takes more time and effort to defend against a murder charge than a simple break-in.

Yet, all juvenile crimes are treated the same way, as if they were adult misdemeanors.

Even if a youth is charged with murder or rape, so long as the trial takes place in juvenile court, the maximum attorney's fee is \$240. The new law does allow judges, under rare circumstances, to waive the maximums in either adult or juvenile court.

Two-hundred-and-forty dollars? Are you kidding?

Nope. The real stunner is that before this year's "reform," the maximum pay in juvenile cases was \$120. The Virginia Fair Trial Project is highlighting the gap between adult and juvenile payments, as well it ought.

The 1967 landmark decision establishing a juvenile's right to a fair trial and a proper defense surely didn't envision a standard by which a lawyer for an adult could be paid almost nine times more than a lawyer representing a juvenile, even for similar crimes.

True, those tried in juvenile court typically won't spend as much time behind bars. But a felony conviction can derail a young life as surely as it can an older one.

Gov. Tim Kaine, among others, pushed to close the gap last session. The legislature turned him down, in part due to a shaky cost analysis. Data now being collected should provide a sounder footing before lawmakers adopt the next state budget.

Hopefully, that will be the last delay before Virginia juveniles receive the protections the Supreme Court decreed they deserve. Four decades is a long time to wait.