

# **The impact of defense counsel on the juvenile court workgroup**

Ph.D Dissertation

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## Abstract

Most people assume that an accused person would fare better with an attorney than without one. In juvenile courts, however, research has shown that represented juveniles are more likely to be placed in an institution, controlling for other factors such as offense severity and past record. This finding of an adverse effect of counsel is robust in the literature, but quantitative studies to date have not controlled for other variables or used the appropriate statistical model. Also, research in this area lacks theory. In this study, the author integrated the literature on felony court workgroups with control theory. This integrated model was applied to the juvenile court to explain variation in case outcomes across venues and the adverse effect of counsel. Three Missouri juvenile courts were selected by geographic location: urban, suburban, and rural. Variables suggested by past research, both legal and extralegal, were examined by logistic regression to identify factors that predict out-of-home placement in each court. In addition, the author observed hearings and interviewed key court members to place the statistical results in context.

The logistic regression models show variation in factors that predict an out-of-home placement across the three courts. Legal factors were predictive to varying degrees while extralegal factors had no effect. Further, the adverse effect of counsel was only detected in the suburban court, but attorneys did not reduce the risk of placement in the other two.

The juvenile court's emphasis on treatment creates goal conflict when due-process oriented attorneys defend juveniles. Attorneys integrated into the juvenile court workgroup avoid this conflict by negotiating on the charges rather than the disposition recommendation, which often includes a treatment plan. The implications for future research and policy are discussed.