



## 2018 Juvenile Defense Training Academy

### Sessions 2 & 3

Friday, June 15<sup>th</sup> and Saturday, June 16<sup>th</sup>

Seattle University School of Law

Seattle, WA

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### Friday, June 15<sup>th</sup>, 2018

11:30 – 12:00      Introductions and Academy Preview

**12:00 – 1:30**      **Trauma and its Effects on Juvenile Behavior** by Scott Hanauer, Community Youth Services (CYS), and George Yeannakis, Washington State Office of Public Defense (OPD) (1.5 Law and Legal)

Many adolescents in the juvenile justice system have fallen victim to complex traumatic experiences, which significantly impact their decision-making capacity and responses to systemic approaches for rehabilitation. This session will help juvenile justice professionals understand simple versus complex trauma, reactions to trauma, and neurological impacts, as well as develop the skills to constructively work with traumatized youth.

1:30 – 1:45      Break

**1:45 – 2:45**      **Trauma and its Effects on Juvenile Behavior continued (*Forensic Exercises*)**  
(1.0 Law and Legal)

2:45 – 3:00      Break

**3:00 – 4:00**      **Motion Practice** by George Yeannakis, OPD, and Nicole McGrath, Attorney, Law Office of Nicole K. McGrath, PLLC (1.0 Law and Legal)

Juvenile defenders attending this session will be instructed on the ethical obligation to file motions to protect the youth's legal rights and preserve the appellate record, and will be able to identify a full range of motions that may be filed at all stages of the offender process to advance the strategic goals of the case.

Small groups will be utilized to help defenders understand the role of motions in protecting youth's constitutional rights, obtaining information about the case and preserving the youth's appellate

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record. Defenders will learn how to identify motions that may be filed at all stages of the juvenile justice process and to evaluate strategic considerations in deciding whether to raise an issue in a pre-trial motion or a contemporaneous objection.

- 4:00 – 4:15            Break
- 4:15 – 5:00            Motion Practice continued (*Forensic Exercises*) (0.75 Law and Legal)**
- 5:00                    Adjourn

### **Saturday, June 16th, 2018**

- 8:15 – 8:30            Continental Breakfast
- 8:45 – 10:15            Negotiations: Winning Your Case Out of Court and Forensic Exercises** by Katy Wallace, King County Department of Public Defense The Defender Association (TDA), and George Yeannakis, OPD (1.5 Law and Legal)

Juvenile defenders who attend this session will learn how to apply the most relevant case law, statutes and practice techniques as they interact effectively with all of the key players in an offender proceeding to further their client’s stated interests and strategic goals in a case. The session will utilize both an instruction session and interactive facilitated small group discussions that allow the juvenile defenders to immediately use and apply the legal and professional skills they have learned.

Juvenile defenders will utilize two different forensic exercises common in offender proceedings to explore how to improve their representation of and outcomes for juvenile clients and to ensure the client understands the defender’s relationship with other parties and the purpose of negotiation.

- 10:15 – 10:30        Break
- 10:30 – 11:30        Decline** by Nicole McGrath, Attorney, and George Yeannakis, OPD (1.0 Law and Legal)

Participants will learn to effectively challenge decline or automatic transfers to adult court through the use of an interactive learning program consisting of both lecture and small breakout sessions. They will practice the techniques and strategies presented in the lecture and reading materials and discuss strategies for preparing for a decline hearing including how to identify experts to assist in challenging decline. Defenders will be instructed on the relevant procedures, law and recent amendments to the law in 2018 for transferring youth to adult court jurisdiction.

In the breakout groups defenders will learn how to present affirmative evidence at a transfer hearing and to challenge and cross-examine state witnesses at a decline hearing. They will practice incorporating adolescent development research racial justice issues into negotiations with prosecutors and probation staff to avoid decline.

11:30 – 11:45 Break

**11:45 – 12:30 Decline continued (*Forensic Exercises*)** (0.75 Law and Legal)

12:30 – 1:15 Lunch on your own

**1:15 – 2:15 Racial Issues in Juvenile Defense** by Kimberly Ambrose, Professor, University of Washington School of Law (UW) (1.0 Law and Legal)

From filing of a case through detention to disposition racial issues affect all aspects of the defense case. In this lesson Defenders will learn how to:

- Identify areas where race may play a role in the treatment or processing of a case;
- Obtain supporting data to establish racial claims, and
- Raise issues of racial inequities in the defense of a client;
- Preserve these issues for appeal.

2:15 – 2:30 Break

**2:30 – 3:30 Initial Appearances** by Simmie Baer, Cowlitz County Office of Public Defense, and Katherine Hurley, TDA (1.0 Law and Legal)

Participants will develop skills and strategies to challenge probable cause and advocate for alternatives to detention at every stage of the delinquency process and to zealously advocate for legal alternatives to detention.

Objectives of the training will include:

- Learning about the psychological impact of detention on youth and understanding the importance of release of youth pending trial for investigation, case preparation and case outcomes;
- Understanding how to educate parents/guardians on harms of detention, and how to talk to them about how to address their concerns about the release of their child.
- Learning how to obtain and interpret local risk assessment tools used at detention hearings and to practice the use of the information to advocate with probation staff and judge at the detention hearing.

In addition participants will be become familiar with the law supporting the right to counsel at the detention hearing. They will understand the constitutional and statutory basis for requiring a probable cause determination before detention, including key Supreme Court cases such as *Gerstein v. Pugh*, *Riverside v. McLaughlin* and *Schall v. Martin*. They also will be made aware of the necessity of identifying and learning to address other issues that may arise at the detention hearing, such as shackling and pretrial psychological evaluations.

3:30 – 3:45 Break

**3:45 – 4:45 Initial Appearances continued (*Forensic Exercises*)** (1.0 Law and Legal)

4:45 Adjourn

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## Faculty Bios

**Scott Hanauer** is the Chief Executive Officer of Community Youth Services (CYS) in Olympia. CYS is a non-profit organization actively working in Western Washington through an array of programs to help youth, ages 12-24, find their way toward safety, stability and success. CYS programs cover juvenile justice, early intervention, out-of-home care, employment and education, behavioral health and wellness, and shelter and housing. Scott wrote a parent education curriculum for the Federal Bureau of Prisons, which he taught at the Federal Detention Center in Seattle from 2001-09. Scott is certified to provide a number of evidence based practices including: Trauma Focused Cognitive Behavioral Therapy, Comprehensive Assessment, Motivational Interviewing, and Multi-Systemic Therapy. Scott also wrote an article for the University of Oklahoma's National Center for Youth Services (2015) related to trauma informed foster care. Prior to coming to CYS, Scott was the statewide out-of-home care director for Children's Home Society of Washington.

**George Yeannakis** holds the position of Public Defense Services Manager for the Washington State Office of Public Defense. The Office strives to improve the delivery of indigent defense services throughout the State. Yeannakis was a public defender in Seattle for over 20 years with The Defender Association and Society of Counsel Representing the Accused where he supervised the juvenile offender unit. He was lured from public defense to establish the Youth Advocacy Clinic at Seattle University School of Law. He continues to advocate for improvements in the representation of youthful offenders through his association with TeamChild, a civil legal services firm in Seattle. At TeamChild he works to enhance the quality of indigent juvenile defense through training, leadership development and technical assistance.

**Nicole McGrath** is a private practice attorney whose firm, Law Office of Nicole K. McGrath, PLLC, specializes in criminal defense for adults and juveniles, and education law, including school discipline, in Washington State. Her previous legal experience includes working as a staff attorney for TeamChild and the King County Department of Public Defense - The Defender Association Division (including the misdemeanor, juvenile, felony, and dependency units).

Her community service work includes serving on the King County Bar Association Board of Trustees, including as co-chair of the KCBA Juvenile Justice Reform Task Force. McGrath has also previously served on the Washington State Bar Association Rules Committee. She is also a Past-President for the Latina/o Bar Association of Washington (LBAW). In 2013, she was certified as a trainer of the Juvenile Training Immersion Program by the National Juvenile Defender Center. McGrath graduated from Saint Mary's College, Notre Dame, IN with a degree in Mass Communications, earned her juris doctorate from Gonzaga University School of Law, and is a fierce Notre Dame and Gonzaga fan (and sometimes suffers conflicted loyalty during March Madness).

**Katherine Hurley** is a supervisor in the juvenile unit of the King County Department of Defense- The Defender Association Division. Katie graduated from NYU law school in 2006 and has spent the majority of her time since then representing youth charged with crimes in King County Juvenile Court.

**Kimberly Ambrose** is a senior lecturer and directs the Tools for Social Change: Race and Justice Clinic, a clinic she founded in 2011 focusing on racial disparities in the juvenile justice system. She joined the clinic faculty part time in 2001 and full time in 2005, as supervising attorney for the Children and Youth Advocacy Clinic. Professor Ambrose also created and taught the Legislative Advocacy Clinic.

Before joining the faculty, she was a public defender representing indigent adults and juveniles in both child welfare and criminal proceedings and worked as a resource attorney for the Washington Defender Association, providing training, technical assistance, and resources to public defense attorneys around Washington State. After she graduated from law school, Professor Ambrose clerked for U.S. District Judge David Ezra in the District of Hawaii.

In 2012, Professor Ambrose received the Shanara Gilbert Emerging Clinician Award from the Association of American Law Schools Section on Clinical Legal Education. She serves on King County Public Defense Advisory Board and the Juvenile Justice Subcommittee of the Washington State Minority and Justice Commission.

**Simmie Baer** is a felony attorney with the Cowlitz County Office of Public Defense. She was a Supervising Attorney and Clinical Professor in the Children and Family Justice Center, Bluhm Legal Clinic at Northwestern University School of Law. Prior to this appointment, she was the Supervising Attorney for the Juvenile Division of The Defender Association in Seattle for over 16 years and practiced with the office for 20 years. She came to Washington State in 1983 on a Reginald Heber Smith Poverty Law Fellowship and worked in Legal Services until 1985. Ms. Baer is the co-creator of the TeamChild project which successfully blends criminal and civil legal services in the representation of juvenile offenders. In 1995 Ms. Baer received the ABA Livingston Hall Juvenile Justice Award. In 2000 she was presented with the Paul Robeson Peace and Justice Award from the Mothers for Police Accountability. In 2002 she was awarded the William O. Douglas Freedom and Justice Award from the Washington Association of Criminal Defense Lawyers, an award that had never been given to someone who only represents children in juvenile and criminal court.

**Katy Wallace** has over twenty years of public defense experience. After a brief stint at the Snohomish County Public Defender, she joined The Defender Association, now the King County Department of Public Defense. Over the years she has represented adults charged with misdemeanors and felonies in the criminal courts and clients involved in sex offender and involuntary mental health civil commitment proceedings. Since 2012, she has worked almost continuously with juveniles facing criminal charges. Katy is currently a Visiting Professor at Seattle University School of Law's Youth Advocacy Clinic until the end of the semester and then it is back to a fulltime caseload in Juvenile court. Katy is a certified JTIP trainer.