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May 22, 2022

Hon. Lisa Baker
Senate Box 203020
Harrisburg, Pa. 17120-3020

Re: Senate Bill 1229

Dear Lisa,

I am writing regarding Senate Bill 1229 which is scheduled for public hearing on May 23.

As you are aware, I was the Chief Public Defender for Luzerne County and had the responsibility for creating, in 2010, a juvenile defender unit for that office in the wake of what has become known as the “Kids for Cash” scandal. Until the creation of the juvenile unit, the office had one lawyer trained in juvenile law who was facing the impossible task of representing approximately 800 juveniles that year.

Though a new juvenile unit was created in 2010 which became a state model for juvenile defense, funding for the creation of the unit was very problematic. At one point, the then county commissioners were notified that if appropriate funding was not allocated for juvenile defense representation, the Public Defender Office would decline to represent juveniles. A Public Defender office should never be at odds with the funding body over the need to provide competent representation of juveniles in delinquency proceedings.

While I applaud Senate Bill 1229’s initiative to provide state funding for juvenile defense, there are serious problems with this initiative. My concern is that the local counties will either reduce their budgetary allocation to public defender

offices by the amount of the state funding or allocate the funding to other county offices.

The Bill also does not address how the funding will ensure that counties provide a minimum level of competent representation for juveniles. When I created the juvenile defender unit for Luzerne County, performance guidelines as drafted by the Juvenile Defenders Association of Pennsylvania and maximum caseload standards approved by the American Bar Association were implemented.¹ This approach insured that taxpayer funds were not wasted on mediocre services and that juveniles received competent representation. Counties, as a condition of state funding, must have their public defender and conflict counsel offices adhere to established performance guidelines and caseload standards.

I recognize that the state funding of juvenile defense is long overdue considering the state mandate requiring representation for all juveniles charged with a delinquent act. Nevertheless, controls over state funding must be implemented for this bill to achieve its implied objective of providing competent representation of all juveniles as mandated by state law.

Thank you for your consideration in this matter and for the help that you have provided in the past to secure grant funding for the creation of Luzerne County's Model Juvenile Defender Unit.

Respectfully,
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Al Flora, Jr., Esq.

¹ Caseload standards insure that lawyers do not handle an excessive number of cases which can affect the quality of representation.