

You Need to Know More Than Just the Law

“We are not criminal defense lawyers. We are civil rights lawyers because being a criminal defense lawyer is kind of limiting”. (Alex Charns, Attorney, Annual Contractor and Assigned Counsel Training, UNC School of Government June 2016).

Considering all the many issues clients present with, referring to ourselves as only a specific type of attorney, such as a juvenile or family law attorney, does seem limiting. Representing people in any area of law requires more of attorneys, especially as they begin to address the multitude of social, health, and economic challenges their clients face.

Regardless of an attorney’s area of practice, it has become increasingly important for attorneys to be knowledgeable about non-legal issues that impact the lives of their clients. Issues like homelessness, mental health challenges, trauma, and substance abuse and addiction often affect the outcome of cases, and if left unaddressed these challenges will likely result in repeated contact with the court system. It is beneficial for criminal defendants when their attorneys can help them address such issues. In contrast, the very nature of juvenile delinquency, abuse, neglect, and dependency, civil commitment, and guardianship proceedings require attorneys to have some knowledge and understanding about a myriad of underlying issues that affect the resolution of these cases.

For example, according to Fred Meservey and Kathleen R. Skowyra in the [May 2015 National Center for Mental Health and Juvenile Justice and Mental Health and Juvenile Collaborative for Change Research and Program Brief](#), approximately two-thirds of youth in the care of the juvenile justice system have a diagnosable mental health or substance use disorder. [The Children’s Bureau, AFCARS Reports, 2011–2014](#) reports parental substance use was a factor for 35.1% of the children placed out-of-home in 2014. The North Carolina Department of Health and Human Services, however, reports in FY2015/2016 that 41.5% percent of children entered foster care with parental substance use as a factor. (Jessica Guice-Albritton, Policy Consultant, NC Department of Health and Human Services, Annual Parent Attorney Conference, UNC School of Government, August 2016).

Training opportunities. More attorneys are seeking training and resources in non-legal substantive topics that will help them address all their clients’ challenges, thus enhancing their ability to advocate for their clients. For example, attorneys representing clients in civil commitment and guardianship proceedings requested training on specific mental illnesses and effective treatments. In January 2015, the School of Government held its bi-annual civil commitment and guardianship conferences. The conferences included presentations on traumatic brain injury, dementia and Alzheimer’s, medical assessments for incompetency, and major mental illnesses and treatment.

More recently, the theme of the annual Parent Attorney Conference, held in August 2016, was addressing issues of substance abuse and addiction. Four of the seven sessions were specifically focused on non-legal topics. The attorneys learned about assessing and evaluating substance use and addiction, drug addiction treatment, drug and alcohol testing, and the pertinent policies of the North Carolina Department of Health and Human Services. Although attorneys likely will not become experts in these subjects, this type of training provides them with tools and information to better advocate for resources and dispositions that will meet their clients' individual needs. Please visit the [Indigent Defense Education](#) site for more information about courses offered for defenders.

The judiciary has also recognized the need to educate judges on the social issues that affect the lives of the children and families subject to the jurisdiction of the courts. Prior to serving on the bench, many judges may have practiced in specific areas such as criminal law or personal injury. However, they will likely preside in family or juvenile courtrooms, where substance abuse, mental illness, homelessness unemployment, or education are the crux of the challenges they must address every day. The Judicial College at the School of Government offers trainings on special topics such as Child Development for Judges, Basic Substance Abuse for Judges, and The Court's Response to Children with Mental Health Issues. For more information about courses and resources for judges, please visit the [North Carolina Judicial College](#).

Resource needs. In my ideal world every attorney has access to professionals to help clients navigate the challenges that often results in their involvement with the civil or criminal court system. The reality is that most attorneys are in solo practice or practice in small law firms. They usually do not have the resources to employ in-house mental health, education, or substance addiction experts. In North Carolina, court appointed attorneys and public defenders may apply to the court for funds to retain expert assistance. See, e.g., [IDS Rules, Part One, Section 1.10 Supporting Services](#). Integrating experts into the daily law practice enhances the representation and empowers clients. Although a lack of resources may prevent the attorney from working with non-legal experts, clients will benefit if attorneys are knowledgeable about the resources and support available in their communities.

Some private law firms and public defender offices have realized a need for non-attorney professionals on staff that can assist with addressing many of the clients' challenges. In North Carolina, five of the public defender offices have social workers who work with attorneys to address clients' needs and assist with preparing mitigation plans.

In Mecklenburg County, North Carolina, the Council for Children's Rights represents children in juvenile delinquency and highly contested custody cases. They also provide representation and advocacy for children in other areas such as mental health, education, and health care. To assist them with providing holistic representation for children, they have social workers, child advocates and investigators on staff.

The Bronx Defenders in New York is another example of a holistic defense team approach. In

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In addition to providing representation for criminal, family, and civil matters, they have a staff of social workers, investigators, benefits specialists, civil legal advocates, and parent advocates. Social workers at the Bronx Defenders work closely with attorneys and advocates to determine the best defense strategy for clients based on their needs and strengths. You can read more about the Bronx Defenders [here](#).

Please share your thoughts about how attorneys are addressing the non-legal issues for their clients.