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[Dyller eyes potential lawsuits](#)

W-B attorney says he believes juveniles incarcerated by Ciavarella have strong basis.

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WILKES-BARRE – A local attorney who specializes in civil rights cases said he believes some of the juveniles who were incarcerated under juvenile Judge Mark Ciavarella's tenure have a strong basis to file a lawsuit seeking compensation for emotional and financial harm.



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"I'm looking at this and see so many civil claims based on so many potential civil rights violations, it's shocking," said Barry Dyller of Wilkes-Barre.

Dyller said the key issue is the propriety of Ciavarella's decision to detain children at the PA Child Care juvenile detention center in Pittston Township that was formerly owned by Butler Township attorney Robert Powell.

The judge's placement of juveniles there has come under question following the filing of federal charges Monday that allege Ciavarella and Senior Judge Michael Conahan accepted more than \$2.6 million in kickbacks in exchange for issuing rulings that benefited the center.

During his tenure as juvenile judge, Ciavarella would place some children at the center pending a second hearing at which their permanent placement was decided. Others were sent there for treatment.

The federal complaint alleges that in some cases, Ciavarella ordered children be detained, even when a probation officer did not recommend detention.

"Certainly juveniles who were placed without being told, 'By the way, I have a conflict of interest in the place I'm placing you,' they have a pretty good claim," Dyller said.

Dyller said his phone was "ringing off the hook" Tuesday after he appeared on a local radio station to discuss the possible suit. He said he does not know whether Luzerne County would be named as a defendant, but expects all persons and entities named in the federal charges would be.

Several parents who spoke with The Times Leader on Tuesday said they would seek to join

the suit should it be filed.

Glenmore Henry of Wright Township said Ciavarella had his 16-year-old son, now 17, detained at PA Child Care centers in Pittston Township and Butler County for an unnecessarily long time – about 2 1/2 months – after his arrest on terroristic threats and disorderly conduct charges in January 2008.

Henry said his son was supposed to be evaluated at the Pittston Township center, but was sent to the western Pennsylvania center without an evaluation.

When he was sent back to Pittston Township about a month later, he was diagnosed with Asperger's Syndrome – a milder variant of autism, and released on probation. Henry got stuck with a \$625 bill for his son's time at the detention centers.

"I just hope they throw that bugger in the county prison and not federal. Let him serve time with some of the people he sent there," Henry said of Ciavarella.

Cheryl Magoski of Larksville said she's still angry over the treatment her teenage son received when he was charged with a minor offense about six years ago.

Magoski said her son spent about a month at PA Child Care while he awaited an adjudication hearing before Ciavarella on charges the boy violated probation.

"Why would you hold a child in there without even having a date set for a hearing?" she said. "It was like living in limbo."

Even though "the county ate a lot of the cost," the probation department still garnished her wages to pay costs related to her son's detention and fines, she said.

As far as a lawsuit, Magoski said she'd join in out of principle.

"I don't really care about getting money. But I would like to be involved if other parents are involved because we're trying to fight back for what's happened. They were unjustly treated," she said.

Dyller said he has just begun to investigate the case and is still contemplating what would be the best way to proceed.

"We may be looking at a class action or a multiparty suit. It's simply too early to tell," he said. "Right now we're just fielding calls and brainstorming."

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