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Juvenile Cases May Get New Look Following Kickback Charges Against Former Judges

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The Pennsylvania Supreme Court appears ready to reconsider a request to review hundreds of Luzerne County juvenile court cases in the wake of charges that two former judges accepted kickbacks from the owners of a private juvenile detention center.

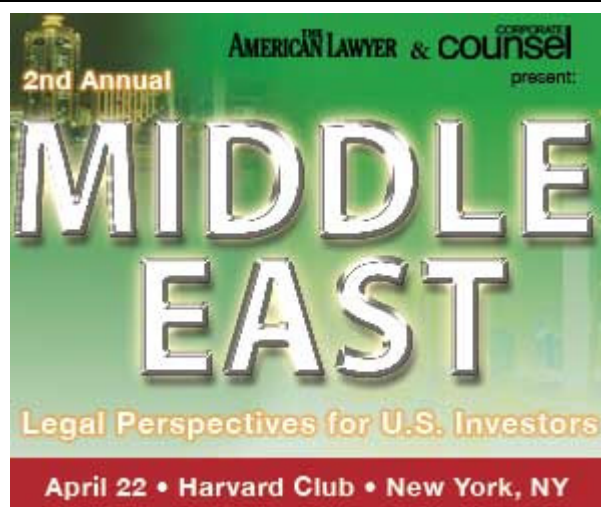
The court, on Jan. 8, denied a petition by the Philadelphia-based Juvenile Law Center to look at more than 250 cases in which juvenile offenders were allegedly adjudicated and sent to detention centers without lawyers.

On Monday, the justices issued a one-line order vacating their previous denial of that petition, pending further action by the court.

"We see this as a very positive sign that the court is going to take a fresh look at our application for relief," said Bob Schwartz, JLC's executive director. "Beyond that, it's hard to read into this. It's pretty clear that they want to go deeper. There's no reason to do this if they're not going to grant relief down the line or at least figure out a way to provide relief to the kids of Luzerne County."

The U.S. Attorney's Office for the Middle District of Pennsylvania announced Jan. 22 that former President Judge Mark A. Ciavarella and Senior Judge Michael T. Conahan had conditionally agreed to plead guilty to honest service wire fraud charges.

The U.S. Attorney's Office has said the judges will serve 87 months in prison, resign their judicial offices and consent to disbarment. An attorney for Conahan has declined to comment. Ciavarella's lawyer, Al Flora, stressed that the plea agreement is conditional on the defendants accepting the facts to be presented by the prosecutors.



The judges are scheduled to formally enter their pleas to the charges Feb. 12 in federal court in Scranton.

In a criminal information, the government alleges that the judges accepted \$2.6 million from a former co-owner of PA Child Care, which operates a private juvenile detention center under contract to Luzerne County, and a construction contractor involved in building the facility.

The information says that Ciavarella and Conahan made official decisions that benefited the center's owner and the builder including the removal of funding from the county budget for the county-owned detention center and sentencing children to the center even when juvenile probation officers did not recommend detention.

The JLC filed petitions in April 2008 asking the court to grant extraordinary jurisdiction or King's Bench power to review the cases of Jessica Van Reeth and a juvenile identified only as H.T.

Both children were committed to detention facilities by Ciavarella under circumstances where they were not represented by counsel.

The petition asserted that, since Oct. 1, 2005, when the state adopted new Juvenile Procedural Court Rules, hundreds of juvenile offenders have been forced to appear in court without lawyers, resulting in unconstitutional admissions of guilt, delinquency adjudications and out-of-home placements.

The group's petition says data from Luzerne County in 2005 and 2006 show half of all juveniles who appear in county court do so without a lawyer. That number is about 10 times the statewide average of 5.9 percent.

Of those who appeared in court without an attorney and were adjudicated delinquent, about 60 percent were removed from their homes.

"These children were very quickly adjudicated and quickly put into placement," said Marsha Levick, the law center's legal director.

While the law center's petition covers only those cases from October 2005 and onward, the charges against Ciavarella indicate there may be many hundreds more juveniles who were deprived of their constitutional rights, Levick said.

Affidavits from Van Reeth and her father detailing her experience after being arrested for possession of a pipe and lighter while at school were included in the center's filing. The affidavits indicate that Van Reeth was discouraged from contacting the public defender's office on financial grounds and that she appeared before Ciavarella without an attorney. Van Reeth said she was not asked whether she waived counsel.

After a brief hearing, she was adjudicated delinquent and committed to a wilderness camp for three months.

The Juvenile Law Center was joined in its petition by the Pennsylvania Department of Public Welfare and the attorney general's office. Attorneys for those agencies declined to comment on the case.