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Former Judge Is on Trial in ‘Cash for Kids’ Scheme

By JON HURDLE and SABRINA TAVERNISE

SCRANTON, Pa. — A former Pennsylvania judge went on trial in federal court on Tuesday, charged with racketeering, bribery and extortion in what prosecutors say was a \$2.8 million scheme to send juvenile delinquents to privately run prisons.

The case against the judge, [Mark A. Ciavarella Jr.](#), who presided in Luzerne County, drew national attention for what legal experts say is a dangerous gap in the juvenile justice systems of many states — children appearing in court without lawyers.

Mr. Ciavarella, now 60, sentenced thousands of young people, funneling them into two private detention centers prosecutors say were run by his friends who slipped him payments in a “cash for kids” scheme.

Few of the young people had lawyers, a chronic problem that legal scholars say makes guilty pleas more likely, saddling them with criminal records. The state has since expunged more than 6,000 records of youths Mr. Ciavarella sentenced, some for crimes as small as stealing a jar of nutmeg.

“It was a terrible lesson,” said [Laurence H. Tribe](#), a constitutional law professor at [Harvard](#) Law School who founded the Obama administration’s [Access to Justice Initiative](#).

He added: “It highlighted the dangers for juveniles who don’t know their rights, haven’t talked to a lawyer and are urged by overburdened courts to take a plea. Once that happens, future opportunities for the child are essentially gone.”

In court here on Tuesday, Gordon Zubrod, an assistant United States attorney, portrayed Mr. Ciavarella's actions over seven years as a plot to enrich himself. William Ruzzo, a lawyer for Mr. Ciavarella, denied the charges.

Michael T. Conahan, a former president judge with control over the courthouse budget, pleaded guilty in 2009 to racketeering conspiracy charges in the scheme and faces 20 years in prison.

"They turned the Court of Common Pleas into a criminal enterprise," Mr. Zubrod said.

In 2000, Mr. Ciavarella approached Robert J. Powell, a Luzerne County lawyer and property developer about building a private alternative to a county-run detention center because the judge "didn't like" the old center, Mr. Zubrod said.

Mr. Ciavarella is charged with extorting money from Mr. Powell, who initially was unable to get financing for the centers.

Mr. Powell has pleaded guilty to being an accessory to a conspiracy, and Robert Mericle — a builder who was Mr. Ciavarella's "close friend," according to Mr. Zubrod — pleaded guilty to failing to report a felony.

The payments to the judges included \$140,000 in cash stuffed into FedEx boxes, prosecutors said. The judges were charged with laundering some of the money, buying a luxury condominium in Florida in 2004. In 2006, Mr. Powell began instructing his employees to withdraw amounts of less than \$10,000, to avoid suspicion, prosecutors said.

Mr. Ruzzo said his client never tried to extort money from the developer. He argued that the judges socialized with Mr. Powell and paid more than \$100,000 at various times to rent his private plane and a fishing boat.

"If you are extorting somebody, do you go and pay over \$100,000 for use of their toys?" Mr. Ruzzo asked. "I think not."

Mr. Ruzzo said Mr. Ciavarella sought to build a private detention center because the county's facility was in poor condition — with rodents, leaky pipes, broken windows — not because he wanted to enrich himself.

Mr. Ciavarella faces a maximum of life in prison if convicted of all 39 counts against him. But the fact that he is on trial at all feels like a triumph to [Hillary Transue](#), whom he sentenced to three months for a spoof Web page mocking an assistant principal at her high school in 2007.

“People said it was impossible,” she said. “That you couldn’t mess with Ciavarella. Whatever comes out of this, I’m excited he’s gone to trial.”

Jon Hurdle reported from Scranton, and Sabrina Tavernise from Washington.