
Ethical and Practical Considerations in Complex Cases

Where representation of juvenile clients in North Carolina delinquency court actually breaks down — and the practical steps that keep you out of a grievance.

How This Session Works

01 Ten pitfalls, plus two bonuses

Each framed by the NC Rule it implicates, closing with bonus tips on capacity and former clients.

02 A fact pattern for each

A short scenario drawn from the kind of juvenile case already on your calendar.

03 Three concrete steps

What to do this week — documented, defensible, and repeatable across your office.

Citations are to the North Carolina Rules of Professional Conduct and the Juvenile Code. Confirm the current rule text, State Bar opinions, and local practice before you rely on any of this.



01

PITFALL

NC RULES 1.7 & 1.16

Representing Co-Respondents

Group offenses fill the juvenile docket, and joint representation rarely survives the first cooperation.

WHERE IT GOES WRONG

Clearing conflicts only at appointment, never again as petitions and offers change

Treating a young client's quick agreement as informed consent to a conflict

Waiting to raise it until withdrawal would leave one youth unprepared for adjudication

Representing Co-Respondents

THE FACT PATTERN

You are appointed for two of five youths on a multi-count armed robbery series. Six weeks in, the State offers a cooperation deal that requires one of your clients to testify against the other four.

NC RULES 1.7 & 1.16

DO THIS

- 1** Re-run the conflict at every new petition, new respondent, and every offer
- 2** Assume a conflict between co-respondent youth is rarely consentable, given their age
- 3** Move to withdraw early enough that new counsel can prepare before adjudication

02

PITFALL

NC RULES 1.2, 1.4 & 1.8(f)

The Child Is the Client

The juvenile is your client — not the parent in the hallway, the school, or the court counselor.

WHERE IT GOES WRONG

Taking direction from a parent who retained you or who wants the child to 'take responsibility'

Discussing strategy in front of a parent whose interests may diverge from the youth's

Never telling the parent plainly that you represent the child, and only the child

The Child Is the Client

THE FACT PATTERN

In a transfer-eligible felony case, the parents retain a well-known trial lawyer to 'consult,' pay all the experts, and instruct you to abandon the suppression motion your client wants filed.

NC RULES 1.2, 1.4 & 1.8(f)

DO THIS

- 1** Explain your role to the youth and the parent, separately, at the first meeting
- 2** Confirm in writing that the payor gets no say in strategy and no confidential information
- 3** Interview and counsel the client outside the parent's presence whenever possible

03

PITFALL

NC RULES 1.14 & 1.2(a)

Expressed Interest Advocacy

Delinquency defense means advocating what the child wants, not what the adults think is best.

WHERE IT GOES WRONG

Substituting your own view of the youth's best interest for their stated objective

Treating immaturity alone as grounds to override the client's decisions

Conceding to a disposition the client opposes because everyone in the room agrees

Expressed Interest Advocacy

THE FACT PATTERN

Your sixteen-year-old client wants to contest a first-degree burglary petition. The court counselor, the mitigation specialist, and both parents want him to admit and enter a long-term residential program.

NC RULES 1.14 & 1.2(a)

DO THIS

- 1** Counsel the client in language he understands, then advocate the position he chooses
- 2** Maintain a normal attorney-client relationship so far as reasonably possible
- 3** Document the counseling and the client's decision in the file

04

PITFALL

NC RULES 1.4, 1.2(a) & 1.14

Communication

The single most important duty in juvenile defense. Nothing else you do works without it.

WHERE IT GOES WRONG

Explaining a complex case in adult language the client nods at but cannot use

Going weeks without contacting a detained client, or updating the parent instead of the child

Failing to convey every offer, ruling, and hearing date promptly enough for a real decision

Communication

THE FACT PATTERN

Your thirteen-year-old client, facing a transfer hearing on a homicide petition, cannot explain the difference between the judge and the prosecutor — and has heard about his own case mainly from his mother and other youth in the facility.

NC RULES 1.4, 1.2(a) & 1.14

DO THIS

- 1** Explain the charge, the options, and the stakes in developmentally appropriate terms
- 2** Convey every offer and ruling promptly, and check that the client actually understood
- 3** See the client on a set schedule and document each conversation in the file

05

PITFALL

NC RULES 1.6 & 1.1

Confidentiality and Records

Juvenile records are confidential, and everyone around the case still expects you to share.

WHERE IT GOES WRONG

Giving parents, schools, or providers information the client has not authorized

Speaking freely to the court counselor as if the case plan team were the client

Storing evaluations, videos, and school files on unsecured devices or accounts

Confidentiality and Records

THE FACT PATTERN

The State produces 900 gigabytes of phone extractions, jail calls, and school camera footage, and the principal calls asking what your client told you so she can decide on expulsion.

NC RULES 1.6 & 1.1, cmt. 8

DO THIS

- 1** Disclose nothing without the client's informed consent or clear legal authority
- 2** Know the Juvenile Code limits on who may see the record before you release anything
- 3** Secure files, evaluations, and video, and document the safeguards you use

06

PITFALL

NC RULES 1.1, 1.2(a) & 1.4

Admissions and Consequences

An admission in delinquency court can follow a child into school, housing, immigration, and adulthood.

WHERE IT GOES WRONG

Advising an admission without checking transfer exposure and registration consequences

Overlooking school discipline, immigration, and placement effects of the disposition

Explaining the offer in adult language the client nods at but does not understand

Admissions and Consequences

THE FACT PATTERN

With a transfer hearing set for next week, the State offers an admission in juvenile court that carries registration exposure and a commitment through age twenty-one.

NC RULES 1.1, 1.2(a) & 1.4

DO THIS

- 1** Convey every offer promptly and explain it in developmentally appropriate terms
- 2** Research collateral consequences, including registration and transfer, before advising
- 3** Confirm the client's decision in their own words and record it in the file

07

PITFALL

NC RULES 4.2, 4.3 & 8.4(a)

Contact With Youth Witnesses

Investigating a juvenile case means talking to other children, their parents, and school staff.

WHERE IT GOES WRONG

Interviewing a represented co-respondent without going through their counsel

Questioning a child witness at school without notice to a parent or guardian

Letting a young witness assume you are there to help them, or leaning on them not to appear

Contact With Youth Witnesses

THE FACT PATTERN

A classmate who is a State's witness messages your client offering to 'say it wasn't him,' and two co-respondents' lawyers want a joint interview of her before the hearing.

NC RULES 4.2, 4.3 & 8.4(a)

DO THIS

- 1** Confirm whether the child is represented before any substantive contact
- 2** Identify yourself and your role clearly, and never advise an unrepresented youth
- 3** Use a trained investigator, with a witness present, and document the contact

08

PITFALL

NC RULES 5.1, 5.3 & 3.3

Candor and Your Team

The informal tone of juvenile court does not lower the duty of candor or your duty to supervise.

WHERE IT GOES WRONG

Letting a misstatement about placement, school status, or prior history stand uncorrected

Sending an investigator or social worker out with no written limits on contact

Assuming covering counsel knows the client's position before a hearing

Candor and Your Team

THE FACT PATTERN

Your contract investigator and mitigation specialist interview twelve witnesses in a week. At the transfer hearing you learn the placement history one of them gave the court was wrong.

NC RULES 5.1, 5.3 & 3.3

DO THIS

- 1** Correct any material misstatement to the court promptly, on the record
- 2** Give written protocols on contact, confidentiality, and reporting before work begins
- 3** Brief covering counsel on the client's stated position before any hearing

09

PITFALL

NC RULES 1.3, 1.1 & 1.4

Diligence Under Caseload

A complex juvenile case moves fast, and a child in custody feels every week of delay.

WHERE IT GOES WRONG

Carrying more serious cases than you can investigate, litigate, and try competently

Letting discovery, expert, and transfer-hearing deadlines slip while easier files get worked

Going months without seeing a detained client or returning the family's calls

Diligence Under Caseload

THE FACT PATTERN

A multi-respondent felony with two experts and a transfer hearing sits untouched for two months while you try three other cases. Your detained client has not seen you since the first appearance.

NC RULES 1.3, 1.1 & 1.4

DO THIS

- 1** Decline or seek relief from new appointments before diligence is already compromised
- 2** Calendar every statutory, discovery, and hearing deadline the day the case opens
- 3** Visit the detained client on a set schedule and document each contact

10

PITFALL

NC RULES 1.3, 1.4 & 1.16(c)

After Disposition

For a juvenile client, the case is not over at disposition — review hearings and records relief follow.

WHERE IT GOES WRONG

Treating disposition as the end and losing contact with the client and family

Missing review hearings, appeal deadlines, or violation allegations

Never advising the client about expunction and record relief when eligible

After Disposition

THE FACT PATTERN

A year after commitment, your former client faces a violation and a new adult charge, and no one told him whether you still represent him or who holds his file.

NC RULES 1.3, 1.4 & 1.16(c)

DO THIS

- 1** Tell the client and family, in writing, what your representation covers after disposition
- 2** Calendar review hearings, appeal deadlines, and record-relief eligibility dates
- 3** Withdraw only with the court's permission, and hand off the file and deadlines

Capacity to Proceed

THE FACT PATTERN

Your thirteen-year-old client, facing a transfer hearing on a homicide petition, answers every question with whatever the last adult said and cannot describe what the judge does. No one else in the courtroom raises it.

NC RULES 1.1 & 1.14

DO THIS

- 1** Screen every young client for capacity and competency at the first meeting
- 2** Gather school, IEP, medical, and trauma records before the hearing
- 3** Raise capacity with the court and seek evaluation when there is any real question

Former Clients as Witnesses

THE FACT PATTERN

In a small county, the State's key witness against your client is a youth you represented last year on an unrelated petition — and what he told you in confidence is exactly what would impeach him.

NC RULES 1.9, 1.10 & 1.6

DO THIS

- 1** Run former-client checks against every name on the State's witness list, early
- 2** Treat the matters as substantially related whenever the old file gives you leverage
- 3** Seek informed consent or move to withdraw before adjudication, and screen imputed conflicts

Confirm the current NC Rule, State Bar guidance, and any local standing order before you rely on this.

The Five-Minute Check

Conflicts

Re-run at every new petition or offer

Client identity

The child, never the parent

Confidentiality

Records closed, disclosures authorized

Communication

Explained, understood, documented

Voice

The client's stated position, advocated

Diligence

Deadlines calendared, client seen

When two of these are unclear at once, stop, document, and call the State Bar ethics line.

Thank You Aleta R. Ballard

Questions after today are welcome.
Ballard Law Firm, PLLC
arb@aballardlawfirm.com
919-209-0669