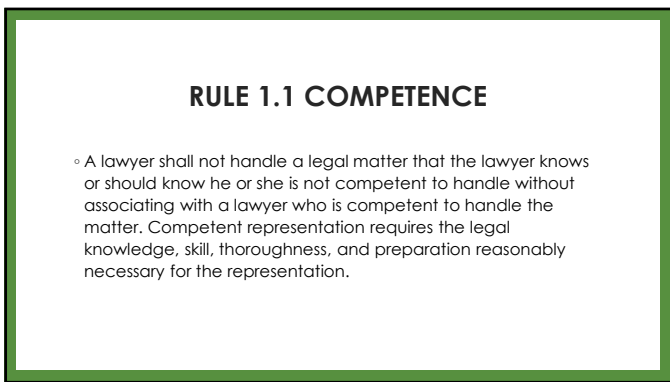
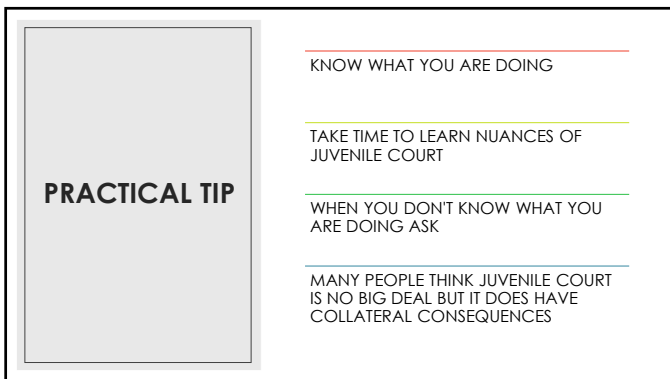


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NUANCES TO JUVENILE COURT

<p>ADULT</p> <ul style="list-style-type: none"> ◦ PLEA ◦ SENTENCING ◦ GUILTY ◦ NOT GUILTY ◦ CONVICTION ◦ PROBATION OFFICER ◦ ONLY FELONIES AND SUPERIOR COURT MISDEMEANORS ON TRANSCRIPTS 	<p>JUVENILE</p> <ul style="list-style-type: none"> ◦ ADJUDICATION ◦ DISPOSITION ◦ ADMITS RESPONSIBILITY ◦ DENIES RESPONSIBILITY ◦ ADJUDICATED DELINQUENT ◦ COURT COUNSELOR ◦ ALL ADJUDICATIONS ON A TRANSCRIPT
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**RULE 1.3
DILIGENCE**

- lawyer shall act with reasonable diligence and promptness in representing a client.

5

**PRACTICAL
TIP**

- JUVENILE COURT IS **NOT** A "BEST INTEREST" COURT
- YOU ZEALOUSLY REPRESENT THEM LIKE ANY OTHER CLIENT
- THERE WILL BE TIMES THIS WILL BE HARD
- CLIENT'S DECISION RULES

6

RULE 1.4 COMMUNICATION

- (a) A lawyer shall:
 - (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(f), is required by these Rules;
 - (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
 - (3) keep the client reasonably informed about the status of the matter;
 - (4) promptly comply with reasonable requests for information; and
 - (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

7

PRACTICAL TIP

- PLEASE COMMUNICATE WITH YOUR CLIENTS
- GIVE THEM UPDATES EVEN IF THERE IS NO UPDATE
- IT EASES THEIR MIND TO KNOW WHAT IS GOING ON

8

RULE 1.6 CONFIDENTIALITY OF INFORMATION

- (a) A lawyer shall not reveal information acquired during the professional relationship with a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).
- PARAGRAPH B: SEE NEXT SLIDE
- (c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.
- (d) The duty of confidentiality described in this Rule encompasses information received by a lawyer then acting as an agent of a lawyers' or judges' assistance program approved by the North Carolina State Bar or the North Carolina Supreme Court regarding another lawyer or judge seeking assistance or to whom assistance is being offered. For the purposes of this Rule, "client" refers to lawyers seeking assistance from lawyers' or judges' assistance programs approved by the North Carolina State Bar or the North Carolina Supreme Court.

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EXCEPTIONS TO CONFIDENTIALITY (PARAGRAPH B)

- (1) to comply with the Rules of Professional Conduct, the law or court order
- (2) to prevent the commission of a crime by the client
- (3) to prevent reasonably certain death or bodily harm
- (4) to prevent, mitigate, or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services were used
- (5) to secure legal advice about the lawyer's compliance with these Rules
- (6) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client; to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved; or to respond to allegations in any proceeding concerning the lawyer's representation of the client
- (7) to comply with the rules of a lawyer's or judge's assistance program approved by the North Carolina State Bar or the North Carolina Supreme Court; or
- (8) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client

10

PRACTICAL TIP

- CONFIDENTIALITY CAUSES MORE ISSUES WHEN DEALING WITH JUVENILE CLIENTS
- PARENTS DO NOT UNDERSTAND ATTORNEY-CLIENT PRIVILEGE
- MOST PARENTS DO NOT WANT YOU TALKING TO THEIR CHILD BY THEMSELVES
- YOU MUST BUILD TRUST WITH BOTH THE PARENTS AND THE JUVENILE TO ACCOMPLISH THIS
- THE JUVENILE IS YOUR CLIENT SO NO MATTER WHAT YOUR LOYALTY IS TO THEM FIRST
 - PERIODT (AS MY JUVENILE CLIENTS SAY)

11

RULE 1.7 CONFLICT OF INTEREST: CURRENT CLIENTS

a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) the representation of one or more clients may be materially limited by the lawyer's responsibilities to another client, a former client, or a third person, or by a personal interest of the lawyer.

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EXCEPTIONS TO CONFLICTS OF INTEREST

- (b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:
 - (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
 - (2) the representation is not prohibited by law;
 - (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
 - (4) each affected client gives informed consent, confirmed in writing.

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PRACTICAL TIP

- AVOID CONFLICTS WHENEVER POSSIBLE
- IT CAN TURN UGLY IF CLIENTS CHANGE THEIR MIND
- YOU OWE A DUTY TO BOTH CLIENTS

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RULE 1.9 DUTIES TO FORMER CLIENTS

- (a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.
- (b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client
 - (1) whose interests are materially adverse to that person; and
 - (2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter, unless the former client gives informed consent, confirmed in writing.
- (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
 - (1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
 - (2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

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PRACTICAL TIP

<p>01</p> <p>SURPRISE OUR JUVENILE CLIENTS KNOW EACH OTHER</p>	<p>02</p> <p>AND EVEN MAY COMMIT CRIMES TOGETHER (ALLEGEDLY)</p>	<p>03</p> <p>YOU CANNOT SELL OUT A FORMER CLIENT</p>	<p>04</p> <p>WHEN IN THIS SITUATION I TEND TO CONFLICT OUT OF BOTH CLIENTS</p>
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RULE 1.14 CLIENT WITH DIMINISHED CAPACITY

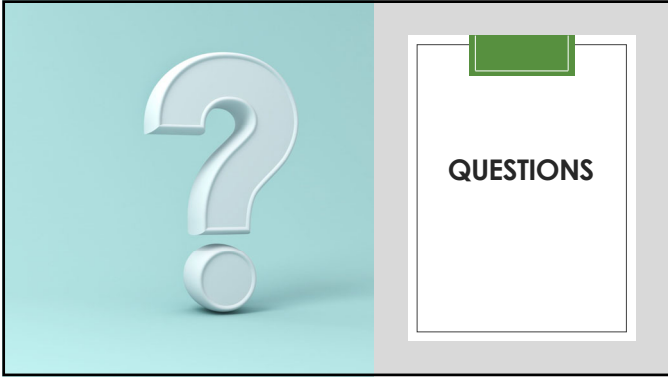
- (a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.
- (b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem or guardian.
- (c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

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PRACTICAL TIP

<p>1</p> <p>TREAT THEM WITH RESPECT</p>	<p>2</p> <p>DO MORE LISTENING LESS TALKING</p>	<p>3</p> <p>NEVER GET A STATE EVALUATION</p> <ul style="list-style-type: none"> • NO PRIVILEGE WITH STATE EVALUATORS
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