

# North Carolina Juvenile Defender Manual

2017

**David W. Andrews**  
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## Preface

We are pleased to release the 2017 edition of the North Carolina Juvenile Defender Manual. The first edition of the manual was written to provide a framework of juvenile delinquency law and proceedings in North Carolina to new juvenile defenders, as well as a review of statutes and case law for attorneys experienced in juvenile court. We hope this second edition of the manual achieves these same goals and that it provides new insights for those who represent juveniles in delinquency proceedings.

This edition of the manual would not have been possible without the support of several institutions and people. Thanks go to the Office of Indigent Defense Services and the UNC School of Government, which recognized the importance of updating and further developing the material in this manual. Thanks also go to Lou Newman, the lead author of the initial edition of this manual, who provided the foundation for our work on this edition. We are grateful to Staples Hughes, the North Carolina Appellate Defender until 2015, and Glenn Gerding, the current North Carolina Appellate Defender, who supported and encouraged our work on the manual. This edition of the manual also benefitted tremendously from the feedback and suggestions of Eric Zogry, the North Carolina Juvenile Defender; LaToya B. Powell, Assistant Professor of Public Law and Government at the UNC School of Government; Austine Long, Program Attorney at the UNC School of Government; and Kim Howes, Assistant Juvenile Defender. Thanks also to Caitlin Little for her careful editing of the citations and other information in this edition of the manual.

The preface to the first edition of this manual began with a quote from *In re Gault*, 387 U.S. 1 (1967), the Supreme Court decision that transformed the practice of law in juvenile delinquency cases. This year, stakeholders in juvenile courts around the country celebrated the 50th anniversary of the *Gault* opinion. Though a half century has passed since *Gault* was issued, the principles at stake—the right to counsel, the right to notice, the right to confrontation, the right against self-incrimination—are as relevant today as they were in 1967. Juveniles—*children*—deserve hearings that “measure up to the essentials of due process and fair treatment.” *Id.* at 30 (quoting *Kent v. United States*, 383 U.S. 541, 562 (1966)). With these principles as a guide, we hope this manual gives juvenile defenders the tools they need to defend children who enter the juvenile court system in this state.

Comments and suggestions are welcome. They may be sent to David Andrews at [david.w.andrews@nccourts.org](mailto:david.w.andrews@nccourts.org) or John Rubin at [rubin@sog.unc.edu](mailto:rubin@sog.unc.edu).

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## About the North Carolina Indigent Defense Manual Series

The North Carolina Indigent Defense Manual Series is a collection of reference manuals addressing law and practice in areas in which indigent defendants and respondents are entitled to the representation of counsel at state expense. The series was created to address the need for comprehensive reference materials for public defenders and appointed counsel, who devote their time, skill, and effort to representing poor people. In addition to assisting indigent defenders with their responsibilities, the manuals also may be useful to others who work in the court system and who need a reference source on the law. In keeping with the School of Government's commitment to practical scholarship, the manuals are written by authors with subject-matter expertise in their respective fields, experience in developing effective educational materials, and knowledge of how things work in practice. The editor of the series is John Rubin, a member of the School of Government faculty who specializes in indigent defense education. Other manuals in the series can be found on our [Indigent Defense Manual Series](#) website. Production of the series is made possible by funding from the North Carolina Office of Indigent Defense Services, which is responsible for overseeing and enhancing the provision of indigent defense representation in North Carolina.

## About the Authors of the North Carolina Juvenile Defender Manual (2017 Edition)

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**John Rubin** joined the School of Government faculty in 1991. He specializes in criminal law and procedure and indigent defense education. Before joining the School, he practiced law for nine years in Washington, D.C., and Los Angeles, California. He has written extensively on criminal law and procedure and teaches and consults with indigent defenders, judges, magistrates, prosecutors, and others who work in the court system. He earned a B.A. from the University of California at Berkeley and a J.D. from UNC-Chapel Hill. In 2008, he received the Albert and Gladys Coates Term Award for Faculty Excellence. In 2012, he was named Albert Coates Professor of Public Law and Government.