

What is an attorney?

An attorney is someone who has graduated from law school and passed a special licensing exam, called a Bar Exam. You need an attorney licensed in Texas to represent you in Texas.

There are many different kinds of attorneys and you should look for one that knows juvenile law. An attorney who is “board certified” by the Texas Board of Legal Specialization has experience and training in a particular area of law. There is a special board certification for juvenile law so finding an attorney with this credential is ideal.

Note: the Texas Fair Defense Act requires that every county in Texas set specific requirements an attorney must meet to practice juvenile law in that county.

If you feel that your attorney (or your child’s attorney) is not qualified to handle your child’s case, you can contact the Texas Task Force on Indigent Defense:

**FairDefense@courts.state.tx.us
(512)936-6994**

For more information about the Fair Defense Act, visit:

www.appleseeds.net/tx

Why You NEED an Attorney

DO I NEED AN ATTORNEY?

In a word, **yes**. Even if you are guilty and want to plead guilty, an attorney will help you get the best deal possible.

An attorney can tell you what should happen next in your case and what your choices are. Even if you think you know that the situation is, an attorney may know parts of the law that can help you more or prevent further problems later.

WHAT IS MY ATTORNEY’S JOB?

Your attorney does not do the same job as your probation officer, caseworker, doctor, police officer, school official, or prosecutor. Your attorney works for YOU.

Both you and your attorney are responsible for making decisions about your case. Some decisions are yours alone (like whether to plead or to testify). But those decisions should be made with the advice of your attorney. Here are some expectations you should have:

- Your attorney must strongly represent **your interests**. This means the interest of the child, even if the parents are paying.
- Your attorney must defend you to the best of their ability.
- Your attorney must treat you with **respect**, no matter who you are or what you have been accused of.
- After an arrest, your attorney should try to have you released so you can go home until the day of your hearing or adjudication.
- Your attorney should try and get you the **best outcome possible** on the day of your adjudication or hearing.

- Your attorney should stay in touch with you, and give **loyal and individual attention** to your case.
- Your attorney must keep you **informed** about your case all the way through and explain all of the options.

WHAT IF MY FAMILY CANNOT AFFORD AN ATTORNEY?

If your family cannot afford an attorney, the court is required by law to provide you with one. In Texas, over half of those who appear in court need a court-appointed attorney. You should not assume that a court-appointed attorney will not be as an attorney whom you hire—all attorneys must follow the same obligations of representation.

WHAT IF I DO NOT LIKE OR TRUST MY ATTORNEY?

If your family hired the attorney, speak to your family about retaining a new one. If the attorney was appointed by the court, there isn’t much you can do.

CAN I CHOOSE MY LAWYER?

You and your family can choose your attorney if you are paying for the attorney. If the court is appointing the attorney, you cannot choose your attorney.

DOES AN ATTORNEY REPRESENT ME OR MY PARENTS?

Your attorney represents YOU, *even if your parents are paying*. That means that YOU are responsible for your decisions. Even if you and your parents don’t agree, your attorney will follow your decision.

WHAT DO I DO IF MY ATTORNEY HAS NOT COME TO SEE ME AND MY COURT DATE IS COMING UP?

If you are in detention, you should expect to see your attorney within a few days. If you are sent home while waiting for your hearing or adjudication, your attorney should have a face-to-face meeting with you well before your court date.

If this does not happen, you should call your attorney.

If the attorney was appointed by the court, call the court coordinator to let them know and see about getting the attorney's phone number if you do not have it.

For more concern, see the Sidebar.

MY ATTORNEY WANTS A DOCTOR TO SEE ME IN JAIL AND I DON'T WANT TO.

Your attorney or the judge might ask you to be examined by a doctor to see if you are able to participate in your trial. It is generally in your benefit to have this done.

However, do not agree to talk to any doctor or have any examination before you have an attorney appointed to represent you.

Do not discuss the details of your case with the doctor. The doctor works for the court and might have to report what you said them.

What Should I Tell My Attorney?

Your attorney is there to help you, not judge you. You should be as honest as possible when answering questions about your life and the events surrounding being taken into custody. The better your attorney understands you and your case, the better your attorney can help you. Speak with your attorney about:

- Problems at home
- Problems at school
- Problems with law enforcement
- Drug and alcohol use

Always tell your attorney if you do not understand what they are telling you, or if you don't understand something going on in your case. **Don't be afraid to ask questions.** There are no stupid questions—it is, in fact, very smart to ask questions when you don't understand something.

ATTORNEY CLIENT PRIVILEGE

The attorney-client privilege is a rule that preserves the confidentiality of communications between lawyers and clients. **Your attorney may not share what you share with them without your permission**—even with your parents. Privilege only exists between the youth offender and the attorney.

There are some exceptions to attorney-client privilege (if your attorney suspects you are being abused or in danger) so make sure you ask your attorney ahead of time what they can or cannot disclose.

Your attorney is the only person you can speak freely to without worrying about what you say being used against you in court.

Finding an Attorney

Choosing an attorney is a big decision. You can ask attorney you may know, friends, or relatives for recommendations. Some communities have attorney referral services, or you can call your local Bar Association. Attorneys are usually recommended based on their experience with the type and seriousness of the charge.

You should always speak with an attorney before you hire one. In fact, you may want to speak to more than one attorney to compare. You want to make sure you hire someone with whom you feel comfortable and who will communicate well with you and your child. Many of these initial meetings can be done at no charge—be sure you ask when you call for an appointment.

Attorneys should always be up front with their fees. Most will ask for a significant amount up front, called a "retainer". Others will work out a payment schedule with you. Either way, all fees should be explained in a **written agreement**.

No attorney can guarantee a positive outcome for your child's case. What they should be able to do is explain all possible outcomes and give a best guess about what may happen.