

1. The improvement of attorney practice in dependency proceedings requires a mix of legal and ethical requirements, training programs, public reporting and formal oversight. Both the requirements of accountability and the mechanisms of their enforcement will be achieved through an interconnected quilt of work that courts and the legal profession can create together create and share responsibility for its advancement.
2. A reasonable set of training requirements should include the following:
 - a. Initial Training: An attorney seeking to receive appointments in dependency proceedings should complete one introductory training of not less than six hours in the field of dependency law and practice, and one Courtroom Observation Program of not less than three (3) hours. Initial training should be completed prior to or within three (3) months of commencing representation.
 - b. Continuing Education: Each year, attorneys should complete not less than three hours of Continuing Legal Education in the field of dependency law and practice, or related topics as described below to maintain eligibility to receive appointments.
3. Curricular offerings of various types in dependency practice and related topics continue to emerge across the Commonwealth, through the Administrative Office of Pennsylvania Courts (AOPC), Pennsylvania Bar Association and other entities.
4. Beyond attending trainings, practitioners should have opportunity to observe attorneys and judges in actual cases as a form of experiential learning. Organized and well-planned Courtroom Observation Programs are invaluable vehicles for practitioners who may not have experience in this unique forum. Bar groups, legal aid offices and law schools might assist in creating and conducting these programs. To complement training programs, jurisdictions and local bar associations should consider developing mentor programs for court-appointed attorneys who are new to dependency practice. For example, a local court could designate that the new attorney work with a court-appointed mentor for one year. The relationship could include additional court observations and regular discussions about case-specific practice. Small counties can offer cross-county, collaborative programs.
5. To augment training, all of the institutional law offices include supervision and consultation in their practice models.⁹ Typically, senior attorneys meet with their junior colleagues in regular scheduled sessions to review case strategy, goals and tactics. Like other law offices, these environments also facilitate dialogue and collaborative problem-solving. Few of the private court-appointed lawyers have this type of resource available to them. Discussion groups, list serves, local training programs and roundtables, and consultative “buddy” linkages all could have salutary effects without additional financial costs.

⁹ These include, for example, KidsVoice, Allegheny County Bar Foundation Lawyer Project, Support Center for Child Advocates, Defender Association of Philadelphia Child Advocacy Unit, and the Pennsylvania Legal Aid Network (PLAN) agencies such as Community Legal Services, North Penn Legal Services, Southwestern PA Legal Aid.

6. The county/court should design a process of periodically evaluating attorneys to determine which attorneys should continue to receive appointments or have their contracts renewed. This process could include the following:
 - a. Ongoing CLE requirements and a determination about whether the attorney has met the minimum requirements of related CLE;
 - b. Input from judges who have cases with the attorney;
 - c. Input from other professionals who interact on cases with the attorney;
 - d. Surveys of clients about their satisfaction with the attorney;
 - e. Review of any complaints the court/county received about the attorney;
 - f. Resubmission of an application;
 - g. Interview with the attorney about the strengths and areas needing improvement of the attorney's representation.

The independence and integrity of court-appointed practice must be protected in any evaluation process. See Appendix 10 on Contracting Considerations.

7. Because the marketplace does not govern the hiring and firing of counsel for indigent parents and children, it is incumbent on the court to identify strategies to receive both positive and negative feedback from both child and adult consumers regarding their receipt of services. Each court must provide an accessible single-point-of-contact for consumers and other court participants to report their problems and concerns. The Administrative Office of Pennsylvania Courts should consider developing a template for consumer feedback. While in theory, an intermediary entity such as a bar association could administer an evaluation and complaint program, we note that because bar associations are member organizations, these may not be readily able to receive and resolve complaints about matters that require quick resolution, nor disposed to mete out discipline to their members.
8. In particular, it is critical that courts have a mechanism for taking in and following up on complaints by parents and children (whether or not they are also formally requesting new counsel be appointed to represent them). In many jurisdictions there is simply no place to call. Ideally there would be a person designated at the court to receive such complaints and to follow-up with the attorney outside of court hearings to try to resolve any minor issues (for example failure to return phone calls can be resolved by the court person simply contacting the attorney to alert them that the client wants to be reached. More serious issues may require that the judge be notified that the client wants a new counsel or other true relationship breakdown. Having a designated person also permits the court to monitor and discern any trends (for example if there are certain specific attorneys were routinely getting complaints that the mailbox is full, not returning calls, attending meetings). This person could be a judge, clerk of court or other government employee. This person could collect and aggregate multiple reports on the same

attorney. Having this designated court person also allows the judge to avoid involvement in minor complaints that do not require judicial involvement and in *ex parte* communication problems inadvertently created by frustrated litigants, and will also reduce the likelihood of counsel making a request to withdraw to avoid later conflict, as some complaints are likely to be resolved.

9. Some elements of an attorney’s performance of contracted duties can be objectively evaluated, based on clear and measureable benchmarks (i.e., appearance at hearings, filing pre-trial memoranda, caliber of feedback from consumers, etc.). Others can be more subjective or qualitative in nature. Asking judges for feedback on the lawyers practicing before them can provide valuable information that helps determine whether that attorney should continue receiving appointments, while also recognizing that the need for independence must be protected in a way that encourages aggressive advocacy rather than discouraging it. Judicial expectations should be communicated clearly if this approach is employed.
10. Accountability Checklist: Counties should consider how to create accountability to ensure that attorneys representing children and parents in dependency cases comply with the Standards. Accountability mechanisms could include most or all of the following:
 - a. Training (initial and ongoing)
 - b. Mentoring of New Attorneys
 - c. Observation/Shadowing of Experienced Practitioners
 - d. Evaluation of Attorneys, Including Client Feedback and Surveys of Judges and Other Attorneys
 - e. Complaint Mechanism/Investigation
 - f. Application to Renew Contract