

**ROLE OF COUNSEL IN
STATE PUBLIC DEFENDER APPOINTED JUVENILE CASES**

- I. All State Public Defender appointments in juvenile cases are as adversary counsel.

- II. § 938.23(6) defines counsel as “an attorney acting as an adversary counsel who shall advance and protect the legal rights of the party represented and who may not act as guardian ad litem for any party in the same proceeding.”

- III. The attorney cannot advance arguments or positions contrary to their client’s wishes. This is true even if the attorney feels the juvenile’s best interests are not furthered by the juvenile’s position.

- IV. Counsel must observe the ethical requirements of the Professional Responsibility Code. The preamble summarizes:
 1. As advocate, a lawyer zealously asserts the client’s position under the rules of the adversary system.
 2. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others.
 3. As advisor, a lawyer provides a client with an informed understanding of the client’s legal rights and obligations and explains their practical implications.