

# Professionalism, Pro Bono Publico, Human Trafficking and the Courts

The Journey of Female Judges:  
Changing the Profession from Within



*Honorable Candice Bates Anderson, Chief Judge,  
Orleans Parish Juvenile Court, New Orleans, LA*

# Professionalism





# Meaning

From the Latin *professus*,  
meaning to have affirmed  
publicly.

"The term evolved to describe occupations that required new entrants to take an oath professing their dedication to the ideals and practices associated with a learned calling."

*Deborah L. Rhode, Professional Responsibility: Ethics by the Pervasive Method 39 (1994)*

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# Commonly Cited Definitions of Professionalism

The term refers to a group . . . pursuing a learned art as a common calling in the spirit of public service – no less a public service because it may incidentally be a means of livelihood. Pursuit of the learned art *in the spirit of a public service is the primary purpose.*

*Roscoe Pound, The Lawyer from Antiquity to Modern Times 5 (1953)*

A professional lawyer is an expert in law pursuing a learned art in service to clients and *in the spirit of public service*, and engaging in these pursuits as part of a *common calling to promote justice and public good.*

*ABA Section Of Legal Education And Admissions To The Bar, Teaching and Learning Professionalism, Report of the Professionalism Committee 6 (1996)*

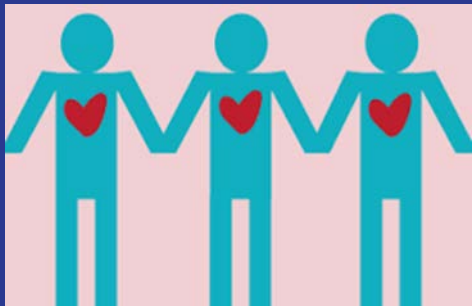
# Professionalism & Ethics

A difference



Ethics rules tell us what we cannot do and professionalism deals with what we should do. *LSBA*

“Ethics is that which is required and professionalism is that which is expected.” Evanoff v. Evanoff, 262 Ga. 303, 418 S.E.2d 62 (Ga. 1992)



# Pro Bono Publico

**“We educated, privileged lawyers have a professional and moral duty to represent the underrepresented in our society, to ensure that justice exists for all, both legal and economic justice.”**

**- *Justice Sonia Sotomayor***



# Meaning

Latin, meaning *for the public good; for the welfare of the whole*

Generally...

“Professional work undertaken voluntarily and without payment”

[P]rovide legal services without fee to persons of limited means and to organizations addressing the needs of indigent Louisiana residents

LSBA, Louisiana Pro Bono Toolkit

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# The Lawyer's Viewpoint of Pro Bono Publico

## Obligation

- Moral: Lawyers are the guardians of the rule of law
- Due to monopoly granted to lawyers to practice



## Aspect of Market Promotion

- Type of loss leader
- Beneficial economic consequences to the lawyer (possible referrals, other cases, enhancement of reputation, etc)





# The Client's Viewpoint of Pro Bono Publico

## Access to Justice

Improving the administration of justice

Benefits to the community include:

- Help prevent homelessness
- Help women and children escape violent relationships
- Help foster parents adopt children
- Bring hope of a better future and

financial stability to poor and low-income people

## Social Justice

Ensures:

- Fair and proper administration of laws
- Access to justice irrespective of ethnic origin, gender, possessions, race, religion, etc.
- All people treated equally and without prejudice

# Pro Bono Publico in Louisiana

Rule 6.1 of the Louisiana Rules  
of Professional Conduct

Louisiana State  
Bar Association



- Suggests every attorney in Louisiana should aspire to provide legal services to those unable to pay.
- Should render at least (50) hours per year
- To persons of limited means and to organizations addressing the needs of indigent Louisiana residents

# A Judge's Role in Pro Bono Publico

## In the Courtroom

Refer litigants needing pro bono assistance

Support unbundling

Expedite pro bono lawyer calendaring

Educate Clients and Attorneys

## In Public

Encourage pro bono work publicly

Assist with Training

Publicly thank volunteer lawyers

Support Pro Bono Fundraising

## Court Administration

Designate a "Pro Bono Liaison Judge"

Communicate and Collaborate with Pro bono Providers

# Human Trafficking

# Categories of Human trafficking

1. **Under 18 and involved in commercial sex act**
2. Over 18 involved in commercial sex act through force, fraud, or coercion
3. **Anyone forced to perform labor and/or services in conditions of involuntary servitude through force, fraud, or coercion**

22 U.S.C. §7102 Trafficking Victims Protection Act (TVPA)



# Commercial sex act

- Federal Law:

- The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person. 22 USC 7102

- State Law:

- "Commercial sexual activity" means any sexual act performed or conducted when anything of value has been given, promised, or received by any person. La RS 14:46.2



# Minors as victims

- A minor is considered a victim of trafficking regardless of whether:

- the commercial sex act is believed to be forced or voluntary

- the minor represents himself/herself as an adult

- he or she is removed from his or her community



- The law provides that in prosecutions involving a minor victim, the government is not required to prove that the defendant knew that the victim was under the age of 18.

(18 U.S.C. §1591)

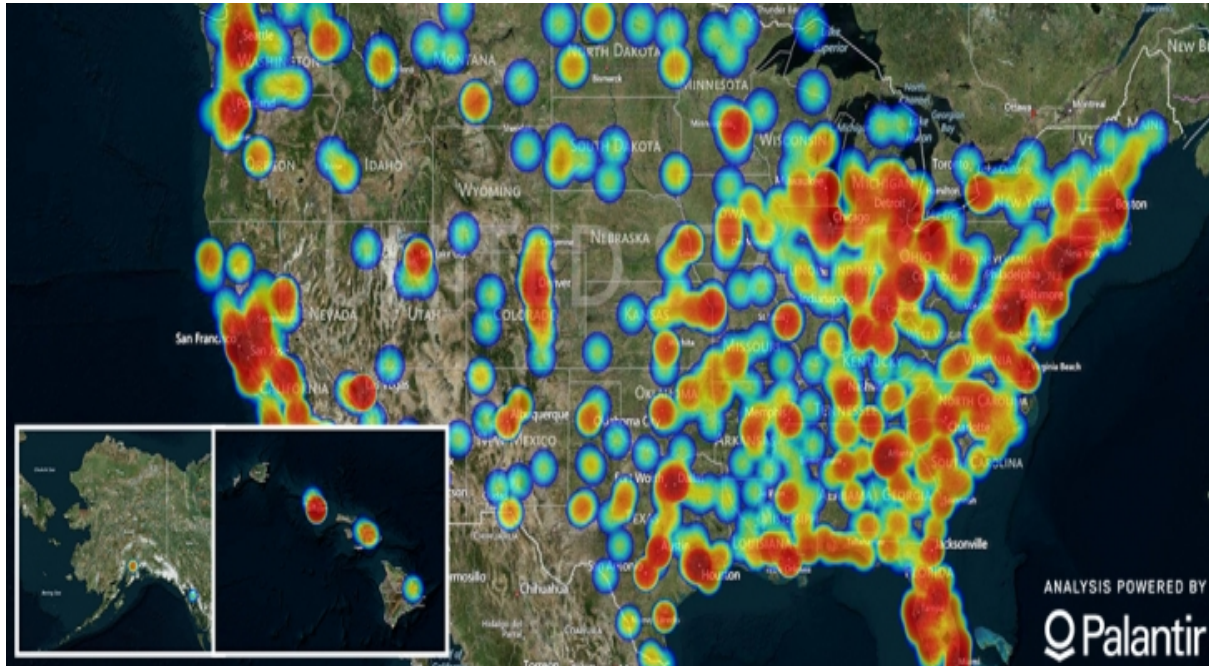
# Reasons why juvenile trafficking is a problem in New Orleans

- Juvenile Trafficking happens everywhere.
  - New Orleans just has factors that are particularly attractive for this crime.
- Tourist and Event Destination
  - Reputation and History as Adult Party & Entertainment Destination
  - Known internationally to host big events
  - Hotels and events in close proximity to entertainment district
  - On the I-10 corridor
  - International Airport
  - Poverty and vulnerabilities of the population





# LOCATION OF POTENTIAL HUMAN TRAFFICKING CASES



## Health Disparities

Access to Health Care  
Access to Mental Health  
Chronic Illness  
STI's  
Sexual Violence  
Communicable Diseases  
Physical Injuries

## Poverty

Employment/Unemployment  
Food Deserts  
Access to Transportation  
Access to Education  
Access to Stable Housing

## Education

Access to quality education  
Read/Write/Comprehension  
Digital Divide  
Vision/Hearing  
Intellectual Disabilities  
Developmental Disabilities  
Societal Norms

## Social Justice

Personal/Property  
Crimes  
Incarceration  
Drugs/Alcohol  
Prostitution  
Loitering  
Debtors Court  
Socioeconomics

# HUMAN TRAFFICKING INTERSECTIONALITY

Race, Ethnicity, Culture,  
Language, Faith, Family,  
Gender, Sexual Identity

## Environmental

Natural Disasters  
Community segregation  
Physical/Social barriers  
Exposure to toxins/hazards

## Mental Health

Diagnosed/Undiagnosed  
Bipolar/PTSD  
Addictions (Drugs/Alcohol)  
Family History  
Trauma Bonding  
Suicide (attempted)

# OPJC Efforts

Working closely with the following stakeholders to improve court infrastructure:

Louisiana Supreme Court

Greater New Orleans Human Trafficking Task Force

Community Agencies:

- Children's Advocacy Center
- Family Justice Center
- Covenant House

Law Enforcement:

- Homeland
- Security State
- Police
- FBI
- JPSO
- NOPD

Department of Children and Family Services

Families in Need of Services

Other area courts

Treatment centers, hospitals, and residential homes



# OPJC identifying victims

- Juvenile Intake Center
  - Delinquency arrests and Runaways
- Child in Need of Care
  - Family or Neighborhood perpetrators
  - Foster Care vulnerabilities
- Families in Need of Services
  - Runaways
  - Truancy
  - Ungovernable
- Delinquency
  - *Charges may mask a trafficking case*
  - Circumstances of the arrest can tell a lot about whether someone is behind the youth's actions
  - Sex trafficking victims may be forced to commit crimes
  - Property crimes or drug charges may mask labor trafficking

# Challenges

- **Trafficking cases are:**

- **Complicated**

- Often involving many systems – DCFS, Law Enforcement, Court, District Attorneys, Defense Attorneys, Social Service Providers
- Involve long time lines and broken time lines because of time spent away (on “runaway”)
- Involve memory lapses in time lines due to trauma of the victim

- **High need**

- Victims need services on ALL levels – shelter, food, physical and mental health, education, family, legal, etc.

- **High risk**

- Due to the coordinated efforts of organized crime these cases can become dangerous very quickly
- Safety planning is #1 priority

# Challenges

- Victim Identification:

- Consistent **screening for risk factors** at the time of arrest, detention, FINS intake, DCFS investigation, or court hearing

- Data Tracking:

- Consistent and daily tracking of youth coming through court with known risk factors

- Coordination of Services

- Court needs to be aware of services available and services provided for these youth as part of case data tracking

- Staffing of Cases:

- Trauma-focused coordination with court staff, DA, defense attorneys, stakeholders, partners, and service providers on cases

- Consultation:

- Consistent and *immediate* consultation for Judges and court staff on cases

# Opportunities:

- What we have:

- Louisiana = best laws on trafficking in the country
- OPJC is approaching juvenile trafficking at ALL LEVELS – not just delinquency like other jurisdictions around the country

- How we can showcase it:

- Shared Hope is hosting the Juvenile Sex Trafficking (JuST) Conference in New Orleans in October
  - Nationally attended conference
  - **OPJC will be presenting on court infrastructure and efforts to combat juvenile sex trafficking!**

We can become a nationally recognized city for our progressive efforts

## OPJC needs: Mental Health Court Coordinator

- Master's Level or higher Mental Health Professional
- Expertise in juvenile trafficking and trauma
- Coordinating mental health services for court youth and families
- Assisting Judges and staff with cases
- Data tracking of trafficking cases
- Consultation and supervision of trafficking cases
- Program development
- Screening and referrals
- Mental health evaluations
- Safety Planning
- Staffings and coordination with court partners
- Trauma-informed care
- Strengths-based approach
- Culturally competent



# New Orleans Needs:

## Secure Shelter Care for youth

- Home-like environment
- Trauma-informed care
- Strengths-based approach
- Culturally competent
- Service provision

## Who would benefit?

- Runaways
- Foster youth
- Trafficking victims and potentially trafficked youth
- Families
- The legal system
- New Orleans as a whole



# Orleans Parish Juvenile Court



# Orleans Parish Juvenile Court

## Professionalism in Practice



OPJC handles two types of cases

Child protection cases in the  
Dependency Division

Criminal matters in the Delinquency  
Division

Our approach to professionalism

decency, integrity and respect

Our approach to pro bono publico

Fulfilling our duties as judges

Providing opportunities for others

# Mellow



Men Engaged in Leadership

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## Family in Need of Services (FINS)



Reduce formal juvenile court involvement while generating appropriate community services to benefit the child and improve family relations

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# Assessment during intake

## Use of Risk Assessment Instrument (RAI)

- ensure fairness in the process
- reduce disparities in the system

Ensure youth who pose a risk to public safety are removed from the community

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# Victim identification at juvenile Intake

- Asking questions such as: *have you ever been forced to do anything against your will?*
- Finding out the *circumstances of the arrest*
- **Flagging *Runaways***
- Alerting Court to youth with *Risk Factors*
- Court staff coordinate for follow-up services
  - Forensic Interview with the Children's Advocacy Center
  - Therapeutic Services such as a trauma screening
  - Families in Need of Services or DCFS involvement

# Orleans Detention Alternative Program (ODAP)

A pre-adjudication alternative to detention program that seeks to ensure youth will return for court appearances and do not re-offend while under supervision.



## Girls Reaching Out Works Wonders (GROWWW)



Provides educational and inspirational environment for low to medium at-risk female youth

Alternative to detention

Incorporates the most effective methods of monitoring female youth while holding them accountable

Allows continued engagement with school and relationships with their families and communities

# Presenter:

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