

Youth Court: A Coordinator's Manual



Based on Youth Court experiences in the
Chester Upland School District, PA

September 2011

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Section II: Acknowledgements

Financial and technical support from the Stoneleigh Foundation for the past three years has been key to the development of Chester youth courts, and the nurturing of a Pennsylvania youth court movement. This manual is a revision of an August, 2009 youth court manual largely structured by Shilpa Boppana, a Swarthmore College student funded by the Eugene Lang Center for Civic and Social Responsibility. The confidence that the Chester-Upland School District board members, administrators, teachers, climate control managers, security officers and school resource officers have in youth court has been vital to our success. The support of the Unity Center has been key to the ongoing maturation of the Chester youth courts. The support of the Foehl & Eyre law firm has helped us gather even more support from local law firms and attorneys.

Pennsylvania Bar Association staff members have been helpful as we develop our youth court model and lesson plans. We want to thank Kate Spaulding at the Pima, Arizona Teen Court for helping us understand how youth courts can be integrated into the classroom. Judy Wolfe, former President of the New York State Association of Youth Courts, has been generous helping us develop youth court procedures.

Curtis Wilson provided significant substantive help in developing these lesson plans while on a Shepherd internship from Washington and Lee University. Erik Heaney contributed to the lesson plans while paid as a Chester Fellow by the Eugene Lang Center of Social and Civic Responsibility Rachel Miller and Rekha Nair, two University of Pennsylvania Law School students helped review early drafts of the manual. Hannah Klein, an intern with the youth court from Villanova University also helped edit this document, as did Joan Tarka.

Sofia Saiyed, who first volunteered to support Chester youth courts while a student at Swarthmore College, has been the chief drafter of the manual, and also deserves credit for fitting the multiple components of the youth court operational manual together. Her belief in the strength of restorative justice and her dedication to listening to the voice of our students is manifested in the creative activities that accompany most of the lesson plans.

We want to acknowledge the contributions of countless Chester youth court members who have commented on the procedures we used in youth court over the past four years and who have suggested modifications which we incorporated in this document. It was Mr. Ray Thompson who advised us that the only way the Chester youth court would succeed is if the students controlled it. His suggestion is good advice for any school district or juvenile justice system that wants to achieve maximum effectiveness with a youth court.

This manual will be revised on an ongoing basis based on classroom experiences in the current academic year. Any errors or omissions should be brought to my attention.

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Section III: Goals of Youth Court

What is Youth Court?

Youth Court is an alternative to punitive and zero-tolerance school discipline policies. It seeks to interrupt the school to prison pipeline by preventing students who commit minor offenses from being suspended. By keeping offending students (respondents) in school, it allows them to continue their education while accepting responsibility for their misbehavior. Youth courts are not intended to be punitive, but rather, restorative including providing the offending student with the tools to avoid the misbehavior in the future.

Goals:

1. Students helping students make better decisions: youth court relies on the power of positive peer pressure to help individual student offenders interrupt destructive patterns of behavior. It gives them a “second chance” by providing space to reflect on their past decisions and the opportunity to repair the harm those decisions may have caused. It also provides student offenders academic support and personal development resources as needed.
2. Transforming school environment: youth court seeks to transform the entire school environment into one that supports learning and growth. It does this in two ways: by encouraging individual offending students to change harmful behavior, and by using restorative practices that provide a positive and supportive alternative to punitive school discipline policies that criminalize and alienate students.
3. Student Empowerment: youth court is a student run program that transforms student members into leaders within the school. They develop a sense of ownership over their school when they have the opportunity to participate in creating a positive school environment. Youth court also empowers student offenders, who are given the opportunity to take responsibility for their actions and decide what they should do to make up for their offenses.

Section IV: School Administrators and Officials

School Superintendents: The implementation and success of any school based youth court program is related to acceptance of restorative justice as a preferred option to punishment for school code violations. School superintendents need to approve and implement a comprehensive youth court plan and procedures. This may be done through submission of a district wide youth court coordinator's manual, with recommendations from school principals and faculty, or by request submitted to the superintendent by individual schools.

School Principals: When the decision is made to implement a youth court program within a school, the principal will be integral to its success. The principal will need to address specific issues that are necessary for the daily functioning of the program, such as:

1. Facilities and classroom space;
2. Designation of specific rooms and antechambers for youth court usage;
3. If not designated by the school district, whether the program would be a part of a social studies, civics or after- school program;
4. Selection and designation of adult faculty advisor(s);
5. Selection policies and procedures for student participation;
6. Determining types of offenses and students to be referred as well as types of dispositions;
7. Determining the need for paid staff and/or volunteers.

After initiation, the principal's role will primarily be administrative and he/she may be called on to address any issues related to the function and maintenance of the program.

Teachers/Resource Officers: Referrals for violations of the school code of conduct are generally drafted by teachers and other school personnel who observe student misbehavior. Teachers and resource officers must understand and be willing to utilize the youth court program to address specific violations that may be referred to youth court in order to create a climate of cooperation and understanding between the students and faculty within the schools. The major role of these faculty members is to familiarize themselves with and comply with requirements of the youth court process.

Faculty Advisors: Faculty advisors are responsible for making sure all student volunteers are trained for the youth court roles that they fill, and ensuring that daily operations and administrative needs of the court function smoothly. Faculty advisors also act as a liaison between student volunteers and school faculty. The faculty advisor may be any school faculty member who expresses an interest in the success of the school youth court program. If the program is run as part of a social studies or civics course, the ideal candidate for the role would normally be the teacher of the course.

Section V: How to Use This Manual

This manual was designed after four years of operational experience with high school and elementary school youth courts in the City of Chester. It is intended to be used by any lawyer, teacher, educator or professional who is training high school or elementary school students to operate a youth court. It was developed without a requirement that the trainer have actual experience with youth court operations. The appendices are included to add additional detail for trainers who want to go into greater depth than the lesson plan provides.

The Pennsylvania Bar Association is attempting to develop a cross-disciplinary youth court system in which students would first be trained in social studies classes to operate school-based youth courts for violations of the school code. The most capable of those students would then receive additional training from court and probation staff and learn to operate community-based/juvenile justice-based youth courts as alternatives to the more punitive juvenile justice system. The training lessons in this manual would be appropriate to train students operating both types of courts. Students learning to operate community-based courts should receive additional instruction as recommended by juvenile justice judges, probation departments, and the District Attorney's office.

If you are a classroom teacher, you know how to use lesson plans. You should familiarize yourself with the concept of restorative justice. We recommend that you utilize the Socratic Method, i.e. asking and answering questions to stimulate critical thinking whenever possible rather than lecturing to students. You should feel free to rearrange the order in which the lesson plans are delivered if you believe such a change would benefit the students in your class. Finally, you should attempt to have contact with any outside professional coming into your class before they present material. You are the responsible person to ensure the students learn the material in a rational and easily understandable process. You need to instruct the outside professional how his/her presentation fits in with your plan to teach your students to run a youth court.

If you are an attorney using this manual, we suggest you also use the Socratic Method as much as possible. If you are not familiar with restorative justice, a brief refresher on how it differs from punitive justice is important for your presentation to be consistent with the other lesson plans. Review the lesson plan which was presented to the students the day prior to your presentation to ensure a smooth transition to the topic you will introduce. Have contact with the classroom teacher prior to presenting your lesson plan to identify any issues he/she might want you to be aware of and to ensure that all school rules that apply to outside professionals are adhered to.

Section VI: Zero-Tolerance Policies & School-to-Prison Pipeline

Over the past few decades, public schools shifted to a “get tough” attitude towards students who violated school rules. Shifting to a one size fits all disciplinary policy, known as zero-tolerance, public schools saw increased numbers of students being suspended, expelled or arrested for non violent offenses and such policies merely fed what is now referred to as the school-to-prison pipeline.

In 2010 after investigating the infamous “kids for cash” scandal in Luzerne County, the Pennsylvania Interbranch Commission on Juvenile Justice stated that zero-tolerance policies had no place within the Pennsylvania juvenile justice system or in its public schools. No reasonable doubt exists that students who break school rules need to understand the reason for the rule, how their behavior violated it and be held accountable for their offense. However, when dealing with youth, our objective should not be punishment but restorative justice. By suspending students and pushing them out on the streets, we are creating larger problems. Although the purpose of zero- tolerance policies is to get disruptive youth out of class so other students can learn, there is no evidence that schools that have high rates of suspension have greater academic achievement or a safer environment. In fact, the opposite is the case - schools with high rate of suspensions have lower levels of academic achievement.

Suspensions and expulsions are linked to a higher likelihood that youth will drop out of school and enter the criminal justice system. Students who do not graduate from high school are 8 times more likely to end up in jail or prison. The cost to maintain a criminal in prison for one year is approximately \$35,000. Hence, zero-tolerance policies not only feed a life destroying school-to-prison pipeline, they place an enormous strain on government for huge incarceration costs. A former Chester-Upland School District Superintendent reported that in her district, 6% of students went to college and 5% went to prison.

Youth courts keep youth offenders in school, where they belong if they are to have any chance of acquiring the academic skills needed to negotiate the demands of an unforgiving labor market. Youth courts train youth to deliberate carefully and to treat each case separately, on its own merits, rather than following a punitive and unreflective zero-tolerance policy. Youth courts blunt the school-to prison pipeline and keep disciplinary and justice costs low. They allow youth to contribute to solutions to their community (improved school climate, lower tardiness levels, student empowerment) and for themselves (increased participation in other extra-curricular activities, increased literacy skills, higher graduation rates, enhanced career awareness).

Section VII: Importance of Judicial Support

The development and initiation of a youth court program is only the beginning step in ensuring its success. Providing information and/or training to student volunteers, school faculty and administrators, and even legislators is required to create a comprehensive and restorative judicial process that benefits juvenile offenders, school districts, and communities. A large and expansive role may be played by judges who have an extensive base of knowledge and expertise. There are many ways this knowledge may be utilized by school districts desiring to implement youth court programs.

1. Judges may make recommendations to school officials on the appropriate process by which youth court hearings should be conducted.
2. Judges may allow youth court volunteers to shadow them during their day to day operations, providing insight and guidance into the appropriate conduct of court officers for student volunteers.
3. Judges, with knowledge of youth court processes, may be a resource for municipal, county and state officials when contemplating legislation or policy reform;
4. Judges may choose to speak at schools, school board meetings and legislative hearings on the efficacy of youth court programs and may become a resource to be utilized by the state and federal government.

Judicial support and/or participation in youth court programs may benefit not only individual schools or school district, but also the community these schools serve. Furthermore, supporting youth courts, especially school-based programs, may ease the strain on juvenile courts, District Attorneys and local and state financial resources.

Judicial participation in youth court training programs gives credibility and stature to the youth court for students and professional educational staff. It also encourages more support from private attorneys.

Section VIII: Youth Court Sample Process

(Detailed description of Youth Court Forms and their usage may be found in Appendix A)

PRIOR TO HEARING

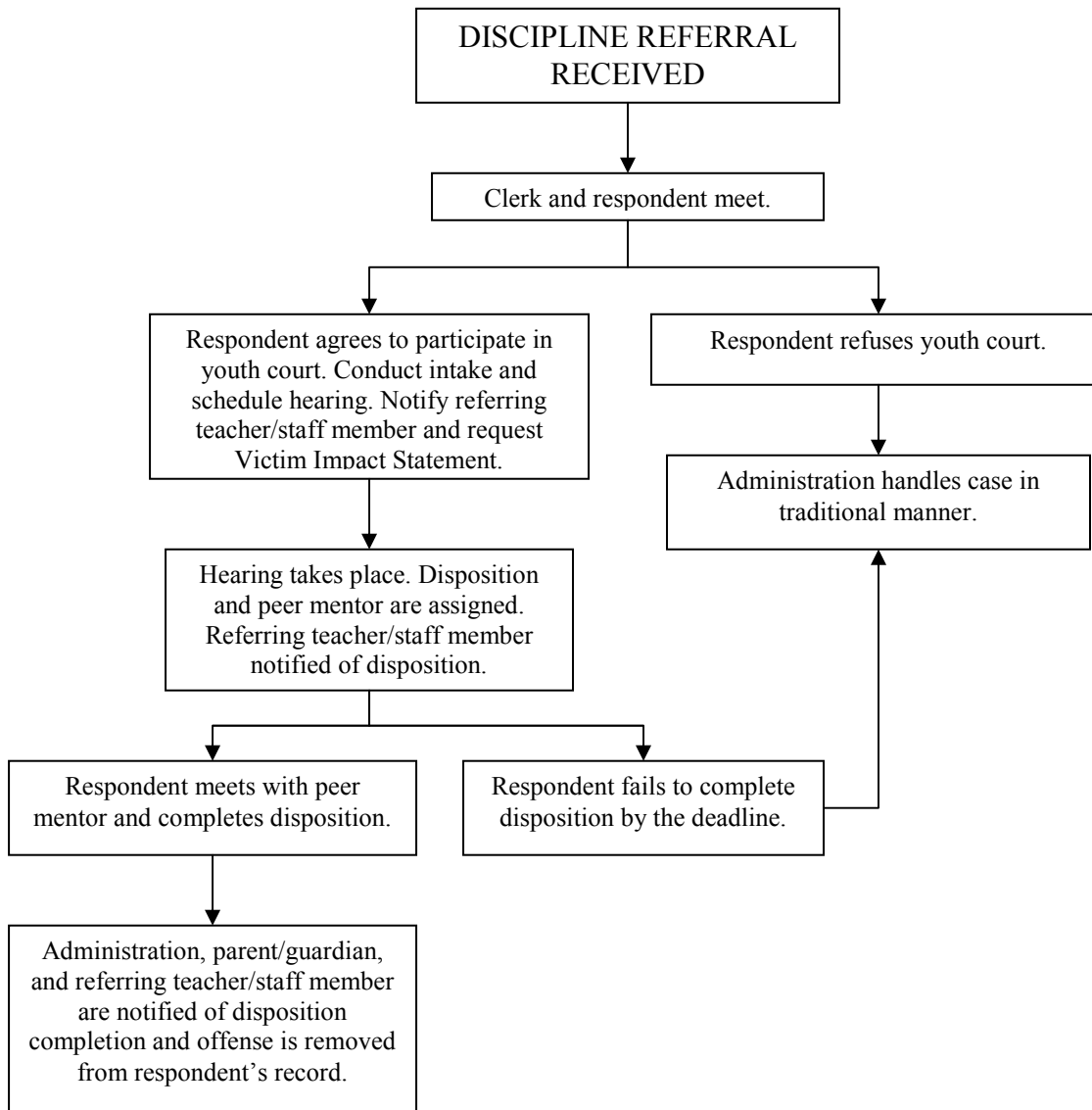
- 1) Youth court receives referral
- 2) Intake: Clerk and student offender meet
 - a. Clerk explains what youth court is and discusses with student offender if it is the best option for him/her
 - b. If student offender agrees to do youth court, he/she signs the **Diversion Agreement** and takes a copy home to get signed by parent/guardian.
 - c. Clerk reviews **Instructions for Respondent** with the respondent
 - d. Student offender writes his/her **Respondent Statement of Fact**
 - e. Hearing is scheduled
- 3) Clerk fills out the top portion of the **Case Information Form** and creates a case file to store the paperwork.
- 4) Youth court coordinator reaches out to referring teacher/staff member, informs them about the hearing, and asks whether they (or any other involved individual) would like to submit a **Victim Impact Statement**.
- 5) Prior to the day of the hearing, or on the day of the hearing, the youth advocate prepares respondent (see **Respondent Preparation Checklist** in lesson plan 13 on page 32)

DURING THE HEARING

- 1) Once court members are seated, bailiff calls court to order and announces the judge. The bailiff should have all of the case paperwork.
- 2) Bailiff calls the first case "Docket Number 00-000, Student Name".
- 3) Bailiff escorts youth advocate and respondent into court, directs them to appropriate seats, and tells them to remain standing.
- 4) Bailiff swears in entire courtroom, the jury, and the respondent.
- 5) Judge opens the hearing
- 6) Bailiff reads the facts of the case (**Referral and Respondent Statement of Fact and Victim Impact Statement, if any**)
- 7) Youth advocate gives opening statement. Judge asks respondent if there is anything he/she wants to say before the questioning begins.
- 8) Jury questions respondent.
- 9) Youth advocate makes closing statement.
- 10) Bailiff escorts youth advocate and respondent out of courtroom.
- 11) Jury deliberates and determines a disposition. Jury foreperson completes **Hearing Report Form- Page 1**. All jurors and the judge sign **Hearing Report Form- Page 2**.
- 12) Bailiff escorts youth advocate and respondent back into courtroom. They remain standing at their seats.
- 13) All jury members rise and the jury foreperson delivers disposition.
- 14) Judge verifies that respondent understands disposition and adjourns the hearing.

AFTER THE HEARING

- 1) Clerk completes the **Case Information Form** by filling in disposition information.
- 2) Respondent, assigned peer mentor, and youth court coordinator meet for exit interview immediately following the hearing to explain how to complete the disposition (i.e. Where to report for jury duty, to whom to submit a copy of the apology letter, etc.). Respondent, peer mentor, and parent/guardian, if present, sign the **Disposition Contract** and give a copy of the **Case Information Form** to the respondent.
- 3) Youth court coordinator sends copy of the **Case Information Form** to the referral source (teacher/school climate control manager/assistant principal, etc. who wrote the respondent's referral).
- 4) Peer mentor meets, as needed, with the respondent to support him/her in completing the disposition.
- 5) If disposition is completed by the deadline and documented by the youth court coordinator, the youth court coordinator completes the **Documentation of Disposition Completion** form, indicating that the respondent's record should be cleared, and submits it to school administration. A copy of this form is sent to referring teacher/climate control manager, assistant principal, etc.
- 6) If disposition is not completed by the deadline, youth court coordinator meets with respondent and peer mentor to determine if there is a legitimate excuse. If there is, respondent may be granted an extension. If not, the youth court coordinator submits the **Documentation of Disposition Completion**, indicating respondent failed to complete disposition and is being referred to the administration for traditional discipline. A copy of the form is sent to referring teacher/staff member.



Section IX: Brief Description of Court Roles

Bailiff: Assists the judge in conducting the hearing and maintaining appropriate order in the courtroom. Acts as a liaison between the judge and jurors. Administers oaths, and ensures paperwork is completed.

Clerk: Conducts respondent intake. Maintains case files. Ensures that all paperwork is passed out to appropriate people and collected at the end of the hearing.

Judge: Oversees the hearing. Opens and closes the proceedings. Assists the jury if it needs help (only if jury foreperson asks for assistance). Ensures the court process functions in an orderly and professional way. Ensures that the respondent fully understands what is happening during courtroom proceedings.

Jurors: Listen to the facts of the case and opening statements. Question respondent about the facts of the case and aggravating and mitigating circumstances. Questions should also encourage respondent to reflect about the harm that his/her actions caused, what he/she should do to fix it, and how he/she should change his/her behavior in the future to avoid getting in trouble again. Be impartial, fair, and patient and respect the directions of the jury foreperson. Listen carefully to the closing argument. Deliberate and determine a constructive disposition for the respondent which is restorative and not punitive.

Jury Foreperson: Oversees an orderly jury. Ensure that all jurors get a chance to ask questions. Facilitates deliberation process, making sure that jurors stay focused on a constructive, restorative disposition.

Youth Advocate: Acts as a liaison between the youth court and the respondent. Prepares the respondent for the hearing and ensure that he/she understands the goals of the hearing, the hearing process, and his/her rights. Writes a persuasive opening statement that explains the respondent's side of the story and mitigating circumstances and delivers it professionally before the court. Answers any questions the respondent may have before, during, or after the hearing. Makes a compelling closing argument to summarize findings of the questioning.

Peer Mentor: Chosen by the jury and assigned as part of the disposition. He/she will act as a liaison between the youth court and the respondent after the hearing and support him/her in completing the disposition which will usually entail having regular meetings with the respondent until the disposition is complete.

Section X: Lesson Plans

The lesson plans below are arranged in a sequential order based on experience gathered over four years training twelve groups of students. While recognizing that one size never fits all, we are confident that the order of these lesson plans is logical for a student population with little familiarity with the judicial system as well as a degree of skepticism towards the legal system. The lesson plans are designed to build student confidence that the legal/judicial systems are no more than rational processes to resolve disputes, and to gather evidence that is trustworthy and tends to prove a fact.

The slow introduction of legal concepts and court roles is intended to pique the interest of students and not overwhelm them. However, if the classroom teacher finds that certain lesson plans have not achieved the level of understanding needed then it is best to slow down. A review may reveal which concepts are hard for the students to grasp. Generally the questioning and deliberation phases of the hearing process should be the most difficult for the students to master. Hence, repetition of these lesson plans may be needed.

When at all possible we encourage both classroom teachers and guest lecturers to employ the Socratic Method, i.e., ask questions rather than lecture. Engaging the students is necessary before any learning will take place. Selected use of the video training tape accessible on the Stoneleigh Foundation website is encouraged to demonstrate to youth court students that mastering courtroom skills has been achieved by others.

As we continue to evolve youth courts in Chester and throughout Pennsylvania, we hope you will share with us what success you had with this manual and offer suggestions for needed modifications.

Lesson 1: Establishing Ground Rules and Desert Island Exercise

Inner/Outer circle activity (15 minutes): Have students stand in two concentric circles, facing each other. The teacher asks a question and both partners take turns answering it. Each partner writes down their partner's answer on a post it note. Then have either circle move a certain number of people to the left or right. A question is asked for every rotation. After the activity is done, have students return to their seats and share their partner's answers. Generate a discussion about what respect, responsibility, and leadership are, as well as how to create a positive learning environment. Some potential questions include:

- What is one thing you aspire to do in life?
- What does it mean to treat others with respect?/What does it take for you to feel respected?
- What does it mean to be responsible?
- What does it mean to be a leader?
- What kind of environment do you need in order to be able to learn?
- What do you hope to learn/gain from this class?

Creating a Community Agreement (10 minutes): Have the students come up with a list of expectations for behavior that will assist in creating a positive learning environment. Record their answers on flip chart paper. Students and teachers should come to consensus on the list. Discuss what should be done if someone breaks the agreement. Explain that since the students created this list, it is their responsibility (as well as the teachers') to hold themselves and each other accountable to the expectations. After agreeing, everyone signs the agreement which is posted in the room for the duration of the training.

Desert Island Exercise (25 minutes):

This lesson plan is designed to help student reflect on the role for individuals to cooperate. Present the following scenario to the class: You and your classmates have just crash landed on a desert island and everyone is safe. It is 3:00 PM in the afternoon. A quick scan of the island reveals that nobody inhabits it, but there is evidence that a neighboring island may be inhabited. They may not be friendly. What do you need to survive?

Now break the class into groups of 4-5 students each. Ask each group to pick a scribe to take notes. Give them 15 minutes to decide what they would do next. They should think about the following questions:

- What do you need to survive?
- How did you devise a plan to secure the items?
- How will those items (food, water, shelter, etc) be distributed?
- How will you make decisions?

Have each group report back to the entire class. A good answer will describe the need to make a plan to procure the items needed for survival and that everybody should participate in developing the plan. Follow-up questions: Did you have a leader? How do you decide who is the leader? Did you reach agreement on how the items (food, etc.) will be distributed? What would you do if two people started arguing over what to do?

Lesson 2: Introduction to Youth Court

Introduction: What is Youth Court? (20 minutes): Show Youth Court training video: <http://www.youtube.com/user/StoneleighFoundation#p/u/17/TQpgxMt350E>.

Ask students what they think a youth court does and what they would want it to do.

Introduce the goals of youth court and discuss with students:

- Youth court is a means through which students can transform their schools;
- Students help students make better decisions;
- Students learn about the role of the law in society;
- Students acquire improved literacy and thinking skills;
- Students improve conflict resolution skills.

Cooperative Discussion: Justice in schools (25-30 minutes): Put up signs around the room labeled: Agree, Both (Agree and Disagree), and Disagree. Explain that you will read out a statement about school discipline. After each statement, the students will have 1 minute to write their responses on a piece of scrap paper before physically moving to the sign they agree with. Each student explains their reasoning to the whole class, with the goal of trying to get others to join their “team”. Allow up to 5 minutes of discussion for each statement. Next to each statement in parenthesis is the youth court perspective on the issue. The teacher should reveal the youth court perspective after student discussion. The goal is to get students to start thinking about the complexity of the issues, realizing that they’re not black or white and personal experiences shape attitudes.

1. If someone breaks a rule but doesn’t cause harm to themselves or anyone else, they should be punished anyway. (Youth court: it depends on the situation; youth court defines an offense as something that causes harm to people and/or community. People should not be punished for breaking a rule if it didn’t cause harm. However, some actions such as truancy and cutting class hurt both the community and the student even if nobody recognizes it at the time. Why?)
2. If someone breaks a rule, they are a bad person. (Youth court: disagree; students make bad decisions for lots of reasons but they shouldn’t be branded as a criminal,)
3. Justice is punishing an offender for their actions. (Youth court: disagree; justice is when an offender “makes it up” to the victim by correcting the harm they caused.)
4. You should follow the rules no matter what. (Youth court: agree/disagree; it’s important to follow rules but before judging someone for breaking the rules you should understand the context of their actions.)
5. If someone keeps bothering you or starts arguing with you, you should go to an adult authority figure. (Youth court: agree/disagree; teenagers can and should build the skills necessary to resolve their conflicts without turning to authority figures, but going to an authority figure is better than escalation.)
6. Zero tolerance school discipline causes more harm to students than it prevents (explain zero-tolerance policies). (Youth court: agree)
7. Schools need strict discipline to control students. (Youth Court: disagree; students need to participate, not be controlled. Zero tolerance policies alienate and criminalize students, making the problem worse rather than better.)

Lesson 3: Law and Values

Objectives: Students will be able to

- Identify values held by different people;
- Examine differing values;
- Discuss controversial issues and identify how differing viewpoints are based on different values.

Introduction (15 minutes): Write the word “value” on the chalkboard. Ask students to define it and record their answers. Ask these questions (especially if students have trouble defining value):

- Is it what something costs?
- Can it be something that has no price?

Have students give the value of some things they own or have at their homes. (Examples: sports jacket, bike, I-pod, videogame, TV, etc.)

Tell students there is another meaning for “value.” A “value” is a standard or a strongly held belief upon which you base your actions or decisions. Your family, church, and other influences in your life set these standards. Ask students if they can identify actions that they take that are based on their values. (Examples: don’t lie, respect your grandmother, get a good education, etc.)

Ask students if people have different values. Have them give examples. (Examples: going or not going to church, stealing from the wealthy, helping others, etc.)

Activity (20-25 minutes): Distribute “Handout 1: Laws are Based on Values,”. Read it aloud. Give students a few minutes to think about their answers, then have them mark “yes” or “no” on the handout.

Invite students to pick one partner and sit next to them. (Encourage them to pick someone across the room so they can stretch their legs.) Students should take eight minutes to discuss their Handout 1 and answers with their partner. Write the ending time on the chalkboard or flipchart paper. You should circulate around the room to listen to their discussions. Give a one-minute warning when time is nearly up. Read each question and have the students take a position by a show of hands. Tell those who answer “yes” to raise their hands. Tell those who answer “no” to point their thumbs down. After each question, ask a few students to share the reasons for their answer with the class.

Ask students what they think this lesson plan was intended to get them to think about. If they recognize that values are very important to people, that values vary among different people, that shared values are the foundation of laws, and that breaking laws shows a disrespect for other individuals, then they have learned the lesson well.

This lesson was adopted with permission from materials prepared by Street Law, Inc. See www.streetlaw.org.

LAWS ARE BASED ON VALUES

1. Do you think that students should be at home early on school nights? Why or why not?
2. Do you think students should be able to wear anything they want to school? Why or why not?
3. Would you be a passenger in an airplane piloted by a woman? Why or why not?
4. Do you approve of a man having more than one wife? Why or why not?
5. Do you think anyone over the age of 21 should have the right to own a gun? Why or why not?
6. Would you allow people to say anything they want? Anywhere? Why or why not?
7. Do you think having an education is important? Why or why not?
8. Would you approve of the death penalty by electric chair for someone who killed your sister? Why or why not?
9. Would you approve of the death penalty if a 15-year old kills a friend during an argument? Why or why not?
10. Would you approve of the death penalty for a mentally retarded adult who committed a murder?
11. Should airport security do a more intensive screening for passengers who are of Middle-Eastern descent? Why or why not?

This lesson was adopted with permission from materials prepared by Street Law, Inc. See www.streetlaw.org.

Lesson 4: Restorative Justice v. Punitive Justice

Punitive justice in schools and the school to prison pipeline (25 minutes): Hassle line: students stand in two lines facing one another. Students in one line pretend to be a student “acting out”. Their partners mimic school police officer/administrator/teacher responses. Allow students 5 minutes to interact and ask follow-up questions and record answers on board under “Traditional School Discipline.”

- What did the adult authority figure do?
- How did the acting out student feel?
- What effect does this kind of discipline have on school environment?

Draw on the following resources to generate classroom discussion about punitive justice in schools and the school to prison pipeline:

- Watch “Book ‘Em: Undereducated, Overincarcerated” (Short film on the school-to-prison pipeline available to watch at: <http://www.mediathatmattersfest.org/films/book-em-undereducated-overincarcerated>).
- Read selections from “Pushed Out: Youth Voices on the Dropout Crisis in Philadelphia” (pp. 2-4 (intro), 14-16 (findings), 26 (discipline recommendations)).
- Read selections from Philadelphia Student Union’s Platform.

Ask students to identify some of the tools and strategies of punitive zero-tolerance school discipline and discuss how they harm students. Add to the “Traditional School Discipline” list. During discussion, push students to think about alternatives.

Restorative Justice (30 minutes): Explain that youth courts are based on restorative justice, an alternative to punitive justice. Pass out Restorative Justice handout. Students should read aloud the principles of restorative justice and discuss what they mean. Ask students to identify the differences between restorative and punitive justice.

Present the class with a mock scenario of a student getting in trouble at school. Break the class into two groups. Each group will create a skit in which they attempt to resolve the scenario, one using punitive justice and the other using restorative justice. They should use the comparison charts on the restorative justice handout as a guide. They have free reign on how they interpret this task (who the characters are, what the outcome is, etc). Follow up questions:

- How well did each group represent its assigned type of justice?
- What were the differences and similarities between what the two groups did?
- What effect did each group’s actions have on the student in trouble, the persons harmed, the school and the community?

Make a second list on the board titled “Restorative Justice in Schools”. Talk about what restorative justice might look like in a school, what schools would do differently if they were focused on repairing harm and supporting student offenders, and how restorative justice could solve the problem with traditional school discipline discussed earlier.

Handout: Principles of Restorative Justice

Crime causes harm. The reason that certain behaviors are against the rules is because they cause harm to the person breaking the rule, their peers, teachers, family, and the school community. Offenders break the rules, but the harm caused by rulebreaking is more important than the rule-breaking.

Justice should focus on repairing that harm. We are accustomed to thinking that those who harm others should be punished by the school. In restorative justice, the point is to repair harm and prevent the offense from happening again, not create more harm by punishing the offender.

The people affected by the harmful behavior should be involved in its resolution. This includes offenders, victims and other school community members.

It is the responsibility of the community to build peace. Peace means more than the absence of conflict. It is based on healthy, respectful relationships. Peace in a school lessens the need for institutionally-imposed order.

Punitive Justice	Restorative Justice
An offense is defined as a violation against the system, state or school.	An offense is defined as harm that has been done to people and the school community.
Justice requires the school administrators to determine blame (guilt) and impose pain (punishment).	Justice involves victims, offenders and school community members in an effort to put things right.
The offender passively accepts whatever punishment or consequence the school authorities think they deserve.	The offender is encouraged to take responsibility for the harm that has been done and to help figure out what he/she should do to rectify the harm.
The only thing preventing re-offense is punishment.	School helps offender take active steps to prevent getting in trouble again.
Offenders are pushed out of school.	Offender is supported as a student .
Accountability means accepting punishment or consequences.	Accountability means demonstrating empathy for the victim and helping to repair the harm done.
The stigma of the offense stays with the offender (“If a kid breaks a rule he’s a bad person.”)	The stigma of the offense is removable (“He’s not a bad person; he just made a bad decision.”)

Punitive Justice and Restorative Justice ask different questions:

Punitive Justice	Restorative Justice
What laws have been broken? Who did it? What punishment do they deserve?	Who has been hurt? What are there needs? Who should fix what went wrong? How can we prevent this from happening again?

Lesson 5: De-escalation

Knowing Your Triggers (20 minutes): Tell students to take 5 minutes and make a list of the 8-10 things that really annoy them and get them angry. Give a couple of examples (I hate it when people give me the silent treatment; I hate when people talk about me behind my back, I hate it when I feel like things are out of my control, etc.). When they are done making their lists, have students share their answers with the class and record answers on the board.

Ask students: How do you feel when people do the things on your list? (identify the feelings that students call out with the categories of “weak” and “self-absorbed” below. These lists can be copied onto the board.) How do you react? (Get angry, yell, curse, get into a fight, lose control, etc.) Explain that this state of being emotional and angry is called being “escalated”. When we are escalated, sometimes we make decisions that can be irrational and harmful; we do things that we wouldn’t do otherwise.

Weak	Self-Absorbed
Hurt	Taking things personally
Confused	Letting your pride get in the way
Fearful	Convinced you are right
Disorganized	Don’t want to back down
Angry	Making excuses why the other people are wrong, stupid, or invalid
Feel insulted, challenged, disrespected	Defensive
Wounded self-esteem	Suspicious
Unable to make decisions or think rationally	

Practicing De-escalation (20 minutes): We become escalated in response to triggers. Ask students: Why is it important to know your triggers? (So that you can control how you respond to them. This involves realizing when feelings of weakness and self-absorption are taking over and taking steps to prevent it.) Some examples of de-escalation strategies include: taking deep breaths, physically stepping back, counting to 10, talking it through with the other person, not taking things personally, staying calm, etc.

Break the class into groups of 4-5 and assign each group a scenario from among the triggering situations discussed earlier. Each group will brainstorm alternative ways to respond to the triggering situation that doesn’t involve “acting out” or getting escalated. They will then create a skit to demonstrate their de-escalation strategies to the rest of the class. Discuss how realistic these strategies are.

Connection to Youth Court (10 minutes): Ask students: Why do you think we’re talking about this in youth court? Often, students act out in school because they are escalated by triggers in their environment or they are in conflict. One of the goals of youth court is to help respondents identify what triggered their harmful behavior and think of better ways to respond to triggering situations so that they don’t get in trouble again.

Lesson 6: Judge and Bailiff Training

Introduction: Purpose of Judge and Bailiff During Youth Court Hearings (5 minutes):

Although the judge's and bailiff's role in a youth court hearing are mostly administrative in nature, their roles are central to the efficient management of the youth court process. The judge and bailiff work together to oversee the youth court hearing, manage and maintain control of the hearing and ensure there are no disruptions that may interfere with a fair and impartial hearing. The judge and bailiff's responsibilities include:

- Make sure all parties adhere to the process outlined in the training;
- Make sure all parties are respectful and adhere to the Code of Conduct;
- Keep order in the court during the process;
- Ensure all available information is provided to the jury for disposition.

Youth Court Code of Conduct (10 minutes): Pass out the Youth Court Code of Conduct. Have students read it over individually. Discuss with students what the consequence should be if a youth court member violates the Code of Conduct.

Activity 1: Judge and Bailiff Procedural Review (10 minutes): This portion of the training will educate students on the procedural process through role play. At this point the students should have watched the youth court training video but the instructor may refer to the video if the students would like a refresher. Give students the bailiff and judge scripts (in Appendix C). Break the students into pairs: one will play the role of the bailiff and the other student will play the role of the judge. Have the students read through the procedural guides for both judge and bailiff and role play with each other in order to prepare for the full group role play portion of the lesson. Each pair should run through this a few times until they can recite the needed oaths and statements competently.

Activity 2: Judge and Bailiff Procedural Role Play (25 minutes): Each student will choose a role to play, judge or bailiff. All groups of two will then perform their role as if they were conducting an actual hearing. While each pair is conducting the role play, the other students watch and provide assistance if the students acting out their roles ask for it. The instructor may want another student to "disrupt the courtroom" by doing something that violates the Code of Conduct to see how the judge and bailiff react.

Lesson 7: History of Juries and Aggravating and Mitigating Circumstances

Introduction: This lesson plan teaches students the origin of the jury concept, what “right to a jury trial by your peers” means. Students will learn appropriate juror conduct and why mitigating and aggravating circumstances are important to fashioning a constructive disposition.

Origins of peer jury: The origins of a jury trial come from the Magna Carta which King John signed in 1215. The Great Charter was the first written guarantee of a right to a trial by a person’s peers. The Constitution adopted the rights of Englishmen and now protects the rights of U.S. citizens. The 6th Amendment states: “In all criminal proceedings, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State or district wherein the crime shall have been committed . . .” Citizens have a responsibility to be jurors and by listening and viewing evidence help determine the truth.

Youth Court Jurors:

1. Only rely on factors presented at the hearing, not what you already think you know.
2. Conduct yourself in a fashion so no one questions your fairness and impartiality.
3. Don’t discuss the case with anyone until deliberations begin and then only with other jurors.
4. Follow any instructions given by the judge.
5. Be open, share your opinions, explain the basis for them; listen to comments of others.
6. Work to reach consensus in the final disposition.
7. Will a respondent respect a jury of fellow students more than a jury of adults? Why?
8. Will youth court have a more positive effect on respondent/victims than adult discipline?
9. What dispositions will have the most impact on respondents? Why?

Factors to Consider During Deliberations:

1. Personal characteristics: age, home life, past conduct, disrespect/bullying behavior towards peers , drug or alcohol use, activities outside of school, sincere remorse.
2. Intent: Was the behavior planned? What caused it? Was the respondent a leader or a follower?
3. Motive: Why did he do it? Was the action vicious or malicious?
4. What impact was there on victim? Was there any stolen or destroyed property, physical harm suffered, was victim caused to fear or suffer considerable embarrassment/harassment as a result?
5. Did respondent accept responsibly: acknowledge fault and appear believable? Did they demonstrate regret or remorse? Were they punished outside of school (home, police, retaliation)?

Aggravating and Mitigating Circumstances: These are factors that jurors must consider when imposing a disposition. The instructor will ask the students to consider the factors involved in a murder, what are factors that would make you judge more harshly (aggravating) or more leniently (mitigating)? Was it planned in advance or did it happen in

the heat of an argument? Was it a gruesome murder? Was the convicted person the one who actually did the killing or was he merely a participant in a robbery gone wrong? Did he carry a weapon? Did he know anyone else he was with that had a weapon? Did he cooperate in convicting anyone else? Did he show true remorse? Did he have a past criminal record? Did victim start a fight with the convicted person? Did the respondent have a tough home life? In a youth court proceeding, some mitigating factors might include home life, school accomplishments, no prior incidents, family stress situation that may have affected actions in school, etc.

CASE STUDIES

1. A small 19 year old female is accused of assaulting a female state trooper. State trooper has 3 years of experience, claims to have been arresting the defendant's boyfriend for drug possession when she was jumped from behind, knocked to the ground and sat upon and that her head was bashed into the pavement. State Trooper is 5'8",135, 28 years old; Defendant is 19, 5'2",105, a high school drop out and known drug user. Defendant says the trooper tripped and hit her head on the pavement, she did not offer any help. Boyfriend supports the Defendant's version.

Consider: Trooper has 3 yrs experience including self defense but claims to have been attacked from the rear. Defendant is a good bit smaller. Yet, Defendant is a known drug user -- does that make her less believable? Is boyfriend believable? Does the trooper's knowledge of self defense affect your thinking? Does the size and weight make a difference? Are there any mitigating factors? Are there any aggravating factors? What are they?

2. A clerk in small retail store is robbed. She is a small Asian woman a recent immigrant to the U.S. and speaks poor English. She saw a male of average height and weight, wearing a gray hoodie with sun glasses enter the store. He stated that he had a gun and demanded money. She gave it to him. He ran away. She could not give a better description. Two weeks later a white male in a gray hoodie with sun glasses entered a store one block away, stated he had a gun and demanded all the money in the register. He was caught immediately and arrested. He was charged with both robberies? No one actually saw a gun in either situation. Use of a gun carries a sentence with mandatory jail time. What are your thoughts on this? Is similarity of attire and actions sufficient to convict him of the first robbery?

3. 20 year old male , the middle child in the family, is arrested and charged with theft from his employer. His father walked out on the family when the male was 7 years old, his older brother is in jail for sale of drugs and younger sister is a junior in HS. He is a HS graduate, attended community college, worked weekends at a donut shop and gave his earnings to his mother as rent since he lived at home. His mother is disabled, cannot work and lives on a small disability check. The male has no record, the theft took place when no one else was around, he simply took money out of the register. He has paid back the amount taken. Theft can result in jail time or probation. What would be a fair sentence and why? Are there mitigating factors? What are they?

Lesson 8: Legal Evidence

Evidence in the Courtroom (10 minutes): Discuss with students the concept of legal evidence and why courts have rules about its use. Discuss with the students:

- a) What is a fact? What makes a fact probative?
- b) What is testimony from a witness? (what he saw/heard, felt, tasted, sensed)
- c) Evidentiary value of videos, pictures, models and audio recordings.
- d) Evidentiary value of documents (licenses, contracts, sales receipts, reports)
- e) Scientific and expert studies, doctor reports, psychologist report, test results.
- g) Laws and regulations.
- h) Circumstantial evidence.

What value to place on evidence (15 minutes): Is the evidence directly related to the issue at hand or merely supportive of other evidence?

- In a case of a stolen iPod, testimony from the owner of the iPod who actually saw the theft take place is direct; a sales receipt for the owner's purchase of the iPod is indirect as it merely supports that he was the true owner.

How do we decide the weight to be given to the evidence?

- Source of evidence: owner of iPod, eyewitness, etc.
- Demeanor of witness.
- Age of witness: too young to know difference between truth and lie? Aged person with limited eyesight, limited hearing? Paid expert?
- Is there any interest of the witness in the outcome of the case (e.g. a pregnant girlfriend of a man charged with a criminal offense doesn't want him to go to jail). Value of the testimony of the owner of an iPod vs. salesman who sold him the iPod.

Jack and the Bean Stalk Activity (15 minutes): Have the students apply the rules of evidence to the story Jack and the Bean Stalk. Define theft, manslaughter/self-defense, burglary, and trespassing. Review the facts: Jack buys some magic beans, which grow into a tall bean stalk overnight. Jack climbs the bean stalk and enters a giant's castle where he takes food, gold and a goose who lays golden eggs. The giant chases Jack down the beanstalk but Jack chops the stalk down and the giant is killed. Questions to consider:

- What is Jack guilty of and why?
- Does it matter that giant was rich while Jack and his mother are not?
- Is there evidence that the giant was going to eat Jack?
- Is the self-defense argument weakened because Jack went back to take the goose?
- Was it self-defense when he cut down the beanstalk after taking the goose?
- Was Jack in immediate danger at that time?
- What would a typical punitive justice penalty be for Jack?
- What would a restorative justice solution look like for Jack?

Conclusion (10 minutes): Ask students what legal evidence is and what different forms it can take. Ask what makes some evidence more important than other evidence. Discuss what kinds of evidence they will likely see in youth court proceedings and what its significance will be.

Lesson 9: Goals of Restorative Questioning

What are the goals of the jury questioning? (5 minutes): Put up the following list of the goals of jury questioning on the board and have students read it aloud. Ask students to think about what it would mean to use restorative justice during questioning.

1. What happened (who, what, where, when, why)?
2. Encourage respondent to realize who was affected by what he/she did and how.
3. Encourage respondent to figure out what he/she needs to do to repair the harm and make things right.
4. Help respondents identify what triggered their behavior and think of better ways to respond to triggering situations so that they don't harm others and/or get in trouble again. (Note that this will not necessarily apply to every youth court case.)
5. Identify what specific challenges or obstacles the respondent is facing that are preventing him/her from being successful.
6. Emphasize that determining guilt is *not* a goal.

Repairing harm (15 minutes): Refer to goals #2 and 3 above. Break students into groups of 4-5, with one student in each group acting as respondent. Give each group a mock scenario in which the respondent has harmed someone other than themselves. Have them role play part of a jury questioning in which they push the respondent to identify who was affected by their behavior, how they were affected, and what he/she needs to do to make things right again. Follow up by asking which questions worked to achieve these goals.

Responding to triggers (15 minutes): Refer to goal #4 above. Ask students to recall the de-escalation lesson. Have students stay in small groups. Give each group a mock scenario that involves a student who gets triggered and acts out by fighting, cursing out a teacher, disrupting class, etc. Have one person in each group act as respondent and the remaining students act as jury. The groups will role-play a portion of the jury questioning in which they ask questions to help the respondent process how they responded to a triggering situation and how they can change their behavior in the future. Follow-up by asking students to share which questions worked to achieve this goal.

Overcoming obstacles (15 minutes): Students (still in groups) answer the following:

- What challenges do students in your school face on a day-to-day basis?
- What obstacles prevent students in your school from being successful?

After 5-8 minutes, have groups share their answers. Some sample answers include: negative peer pressure, bullying, family issues, academic difficulty, conflict with teachers, etc. Discuss how youth court can help students who are getting in trouble as a result of these challenges and obstacles. Have the class brainstorm some questions that the jury can ask to figure out what challenges a respondent is facing. Record answers.

SAMPLE JUROR QUESTIONS

1. DETAILS OF THE OFFENSE

- Who was involved or was around when the incident occurred?
- What happened to cause you to get written up?
- What was happening just before this incident occurred?
- When did this incident take place?
- What were you thinking when you did it?
- What have you thought about since it happened?
- Who was affected or harmed because of this incident and how were they affected?
- How did the situation escalate to the point of your being written up?
- Do you agree that you should have been written up for this incident? Why/Why not?
- Why did you choose to come to youth court instead of accepting the suspension?
- How do you think we can assist you?

2. PAST BEHAVIORS

- Have you ever been written up before?
 - If “yes”, what was the outcome of that disciplinary action?
 - If “no”, do you feel you deserved this disciplinary action? Why or Why not?
- What should you have done differently so you would not have had to appear before us today?
- Would any changes within the high school have helped prevent the action that caused you to be here today?

3. CURRENT ACADEMIC PERFORMANCE

- What is your current grade point average?
- What is your strongest/favorite subject? What is your least favorite subject?
- Do you participate in any extracurricular activities? What are your hobbies?

4. FUTURE ASPIRATIONS & GOALS

- Do you have a job? (Where? What do you do?)
- What is your dream job?
- What do you plan to do after you graduate from high school?
- What are you doing right now, at this point in your life, to meet that goal?
- How do you think this incident would affect you if you were on your job?

5. FINAL PROBE

- What do you think would be the appropriate way to repair the harm caused by this incident—what should happen next?
- If you could relive that day, how would you have handled the situation? What would you have done differently or how could you have avoided this situation?
- Tell us why we should believe that you would not let this happen again?

Lesson 10: Questioning Techniques (Open, Closed, Follow-up)

Introduction: Students will learn the difference between open and closed questions and the effects of each type of questioning.

Introductory Activity (15 minutes): Divide the class up into small groups. Discuss questioning methods. Each group should have a scribe who is recording the group's answers.

- What kind of information is important in coming up with the disposition?
- How do you find out what is the root cause of the problem with the respondent?
- How do you get the person to tell you what you need to know?
- How do you get them to give answers that go beyond yes or no questions? (I.e.: Start questions with the key words "describe," "explain," "show," etc)
- What would make you give lenient dispositions vs. harsher dispositions?
- Have students share their answers.

Pass out the Open and Closed Questions handout. Explain the difference between open and closed questions, and the uses of each one. Closed questions receive yes/no answers, whereas open questions try to get more information. Open questions may eliminate any sense of hostility, are less like an interrogative exchange and will allow the respondent to have an open dialogue with the jury members. Discuss with the students how each of these techniques can be used for the purposes of providing information for an appropriate disposition and the positives and negatives of each. Also discuss follow-up questions. Rather than randomly jumping from topic to topic, jurors should follow-up closed questions with open ones on the same line of thought.

Practicing Open and Closed Questions (10 minutes): Present a sample referral to the class and give students 3-5 minutes to make a list of open and closed questions to ask the respondent. Go through their questions and provide feedback.

Round Robin Jury Questioning (25 minutes): Present a second hypothetical case in which the teacher will act as respondent. The students will act as jury members, going around the room taking turns asking open and closed questions to solicit more information about the case. They must think on their feet and ask follow-up questions. After the questioning, ask the students to summarize the information they have gathered about the case. Repeat if there is time.

Concluding Activity (5 minutes): Ask the students how successful they were at communicating among themselves and ensuring that all questions on one topic were asked before they moved on to another area of questioning? If your internal communication needs improvement how can you improve it? Ask students: how effective were open, closed, and follow-up questions in gaining the information you needed? What did you learn from the questioning that you weren't able to know just by reading the referral?

CLOSED QUESTIONS

Usage	Example
As opening questions in a conversation, making it easy for the other person to answer, without forcing them to reveal too much about themselves.	<i>It's great weather, isn't it? Where do you live? What time is it?</i>
For testing their understanding (asking yes/no questions). This is also a great way to break into a long ramble.	<i>So, you want to move into our apartment, with your own bedroom and bathroom -- true?</i>
For setting up a desired positive or negative frame of mind in them (asking successive questions with obvious answers either yes or no).	<i>Are you happy with your teachers? Do they give you all that you need? Would you like to find better teachers?</i>
For achieving closure of a persuasion (seeking yes to the big question).	<i>If I give you this tomorrow, will you pay for it now?</i>

OPEN QUESTIONS

Usage	Example
As a follow-up from closed questions to develop a conversation and open up someone who is rather quiet.	<i>What did you do on your summer vacation? How do you keep focused on your work?</i>
To find out more about a person, their wants, needs, problems, and so on.	<i>What's keeping you awake these days? Why is that so important to you?</i>
To get people to realize the extent of their problems (to which, of course, you have the solution).	<i>I wonder what would happen if everyone behaved the same way you did? Rob Jones used to go out late. What happened to him?</i>
To get them to feel good about you by asking after their health or otherwise demonstrating human concern about them.	<i>How have you been after this incident? You're looking down. What's up?</i>

Lesson 11: Introduction to Constructive Dispositions

Goals of Restorative Disposition (10 minutes): Review the goals of a restorative disposition. Write these on the board:

1. Does it repair any harm done to the respondent or others?
2. Does it take steps toward preventing the respondent from repeating the offense?
3. Does it help respondent address his/her specific challenges? (academic or personal)

Emphasize that no part of the disposition should seek to punish the respondent or “give them what they deserve”.

Ask students to brainstorm examples of what a restorative, constructive disposition might be. Explain that the jury will assign a peer mentor who will help the respondent complete the disposition. Some examples include:

- Serving on the youth court jury;
- Written apologies;
- Research and essays;
- Volunteering with service organizations (homeless shelter, police departments, etc.)

Practicing the disposition process (30 minutes):

Print out the following steps for the deliberation process and pass them out to the students, along with a disposition form (**Hearing Report Form-Page 1** in Appendix B)

1. Review the facts and circumstances of the case.
2. Think about the impressions that you had of the respondent during the hearing.
3. Identify who was affected by the respondent’s actions and how they were harmed.
4. Identify the needs of everyone who was harmed.
5. Identify the challenges and needs of the respondent.
6. Decide what the respondent and youth court should do to meet those needs.
7. Think about what activities and resources youth court can connect the respondent to that may keep him/her out of trouble.
8. Explain your decision.

Read out a mock case scenario to the whole class. Each student should individually follow the steps (above) and fill out the form to decide a disposition for the mock case. Then have them get into groups of 4-5. Each group must come to consensus on a disposition. After they are done, have each group present and defend their disposition to the class. Then the class must come to consensus on one unified disposition.

Concluding activity (10 minutes): Ask the students about the sources of disagreement regarding the disposition. Was reaching a consensus difficult or not and why? Was it more difficult to agree on one disposition as the size of the jury grew? Did the final disposition meet the goals of a restorative disposition on the board? What did the final disposition accomplish and how will it help the respondent and victims?

Lesson 12: Jury Foreperson

Warm-Up Activity: Comparing Leadership Styles (15 minutes): This activity will divide students into groups to do a teambuilding exercise. Each group will be instructed to use a different style of leadership (define autocratic, democratic, and participatory for students based on the examples at the end of the paragraph below). At the end of the exercise, students discuss the each leadership style and which is most effective.

The instructor will provide the students with the following items: 3 metal washers, string, 3 tennis balls, golf balls, or ping-pong balls (harder), and 3 plastic cups. The students will tie pieces of string to each washer. The strings should be 2-3 feet in length. There should be as many pieces of string as there are students in the class. Place the washers on the ground with the strings laying around them. Place them at some distance from one another so that students are not bumping in to each other. Break the students into groups of 5-7 and have them stand around the washer, so that each student has one string. Place balls on the washers. Tell the teams that they must work together to place the ball in a cup at the other end of the classroom. (Desks, chairs and obstacles will increase the exercise difficulty.) If the ball falls out of the washer, the team must start over from the beginning. In one team, only one person (the assigned leader) can talk and everyone else must remain silent (autocratic leadership). In the second team there is an assigned leader but everyone else can talk too (democratic). In the third team, everyone can talk and there is no assigned leader (participatory).

Role of the Jury Foreperson (10 minutes): The jury foreperson is the leader of the jury, which works as a team during hearings. As we just discussed, there are effective and ineffective ways of leading teams. In order for the jury foreperson to be effective, what do you think he/she should do? What do you think are the responsibilities of a jury foreperson? Use the jury foreperson role description in Appendix C as a guide. Write down their answers on a chalkboard or flip chart.

Mock Questioning (8-10 minutes): Divide the class into groups of 5-7. Select or have students volunteer to act as a respondents and jury fore-people for each group. Give each jury a sample referral and each respondent a sample identity located in Appendix D (all groups should be using the same scenario) and give them 8-10 minutes to question the respondent. At the end of the questioning follow-up with: What information did the juries obtain? Did everyone get to ask questions? How did it work out with the jury foreperson?

Mock Deliberation (8-10 minutes): Have the foreperson switch out so that someone else gets a turn, and have the students who were acting as respondents join the jury. Give each jury foreperson the **Hearing Report Forms- Pages 1 and 2**. Based on the questioning, the jury must decide on a disposition for the respondent. After all the groups have come to a decision, follow-up by asking: What did the jury foreperson do to facilitate the deliberation? Did it work? Were there any disagreements? How were they resolved? Was there anything you wished the jury foreperson had done to better facilitate the deliberations? Compare the dispositions that each group came up with.

Lesson Plan 13: Youth Advocate: Respondent Preparation

Intro activity: Guiding the Blind (20 minutes): Have the students get into pairs. One partner will be blindfolded and the other partner will guide them around the classroom in an “obstacle course” (over chairs, around desks, etc) to a designated place using their voice alone. The “guides” cannot touch their blindfolded partners. Then have the partners switch roles. After everyone has had a turn, follow up by asking students:

- What was it like to be “blind”?
- What was it like to be the guide?
- Have you ever walked into a situation where you had no idea what was going on and had to rely on others to guide you? How did it feel?

Liken the experience of being “blind” to that of a respondent coming to youth court. They probably won’t know anything about youth court, why they are there, what the goal is or how they are supposed to reach that goal. The youth advocate is like the guide: their role is to make sure the respondent knows what is going on, what the point of the youth court process is and help them through it.

Practicing Respondent Preparation (30 minutes): Explain the importance of preparing the respondent. Ask students: What does a respondent need to know before their hearing? Make a list on the board.

Hand out the “youth advocate checklist”. Explain that the youth advocate should use this as a guide when they are with a respondent. Obviously, they don't have a lot of time with the respondent (often less than 10 minutes), but they are to do the best they can with the time available.

Randomly pass out sample referrals and respondent identities. (See Appendix D for sample referrals and identities.) Those with referrals are youth advocates and those with respondent identities are respondents. Each referral and identity is numbered. Have students find a partner with the corresponding referral or respondent identity (1’s find 1’s, 2’s find 2’s, etc.). Each pair should have one youth advocate and one respondent. In their pairs, students should go through a mock intake process, using the intake checklist as a guide. Give them 10-15 minutes then have them switch identities with other groups and have the partners switch roles.

RESPONDENT PREPARATION CHECKLIST

1. Explain the purpose of youth court

- We're not here to punish you; we're here to help you
- The goals of youth court are
 - To help you figure out who was harmed and help you repair that harm;
 - To help you make better decisions in the future so that you can avoid getting in trouble again;
 - To support you as a student.

2. Get the respondent's side of the story and write opening statement

3. Make sure the respondent has filled out all the necessary paperwork

- Instructions for Respondent
- Diversion Agreement (student and parent signatures)
- Respondent Statement of Fact

3. Describe what the hearing will be like

- Administering Oaths and Confidentiality
- Reading of Charges and Opening Statements
- Jury Questioning
 - You have a right not to respond to questions that you do not feel comfortable answering.
 - However, the more information you give the jury, the better able they will be to help you and give you an appropriate disposition.
- Jury Deliberation
- Disposition/Sentencing

4. Explain the disposition process

- You will have an opportunity during questioning to say what you think your disposition should be.
- Describe possible dispositions and deadlines.
- If you complete the disposition, the referral will be wiped off your record.
- If you do not complete the disposition, you will be referred back to the school administration.

ASK IF THEY HAVE ANY QUESTIONS!

Lesson Plan 14: Youth Advocate: Opening Statement

What Makes A Good Opening Statement (10 minutes): Tell the class that the second important duty of the youth advocate is the youth advocate statement. Ask students to name the components of good public speaking. Record their answers on the board.

Show video of youth court opening statement

<http://www.youtube.com/watch?v=IgR67tisoyE> (from 1:55 – end). Have students discuss the strategies used by the youth advocate.

- What did the youth advocates say to persuade the jury?
- What information did they draw upon from their knowledge of the respondent?
- How long should the youth advocate statement be? Does it matter? (could be about a paragraph and should cover a checklist of components).

Give the following guidelines for an opening statement:

- 30-60 seconds long
- Present the respondent's side of the story after the school referral has been read to the jury
- Raise issues that you want the jury to bring up during questioning (mitigating circumstances, respondent's personal life, academic performance, previous clean discipline record at school, their remorse, etc)
- Always begin with "Your Honor, ladies and gentlemen of the jury, my name is ____ and I represent ____" and end with "thank you".

Writing an Opening Statement (35 minutes): Split the class into small groups of 3-4 students. Give each group a sample respondent identity. Each person in the group should write an opening statement. When everyone is done, students should share their statements with their groups and discuss the similarities and differences. Then, together, the group should write an opening statement that will be handed in to the teacher. Repeat with different respondent identities.

Conclusion/Ticket-Out (5 minutes): Invite students to share their group's statements. Ask the whole class: What should an opening statement include? What is the purpose of a youth advocate statement?

Opening Statement Worksheet

1. Begin with “Your Honor, ladies and gentlemen of the jury, my name is _____ and I represent _____, the respondent.”
2. Include information about the event: Who? What? When? Where? Why?
3. What caused the respondent’s actions? Is there something happening in the respondent’s life that may have influenced his/her actions?
4. Include the respondent’s feelings about the offense. Does she understand the seriousness of their offense? Does she regret her actions? Has she learned her lesson? Does she promise to never commit the offense again?
5. Has the respondent taken steps to apologize or make amends with the teacher/school/fellow student involved in the offense?
6. Does the respondent have a history of getting in trouble at school or is this their first offense?
7. Can the jury relate to the respondent?
 - For example, if the respondent lost his temper: “We all have experienced losing our temper in stressful situations. Brian made a mistake by losing his temper and shouting at Mrs. Wright ...”
 - Does the respondent have goals for his/her future and want to put this mistake behind him/her?
8. Close your statement by reviewing some of the main points of the case.
9. REMEMBER:
 - Practice! Rehearse at least a few times.
 - Speak slowly and clearly.
 - Have confidence in what you say.

Lesson 15: Before and After the Hearing: Referral and Follow-up Processes

Referral Process (25 minutes): Invite the school disciplinarian to visit the class to discuss how the youth court referral process will work. Questions to consider:

- What kinds of offenses will youth court accept?
- What kinds of offenders will youth court accept?
- What kinds of offenders and offenses should *not* be sent to youth court?
- Will the respondent meet with the school disciplinarian before being sent to youth court?
- Whose responsibility will it be to explain the youth court option to the respondent?
- How many referrals will be sent to youth court?
- What will be the process for notifying or involving the referring teacher/staff member?
- Who will be present during youth court hearings?
- What will the school do if respondents do not complete their dispositions?
- What will the school do if respondents do complete their dispositions?

Follow-up and Disposition Process (25 minutes): Discuss with the class what will happen after the hearing. A solid follow-up process is essential to making Youth Court effective. Questions to consider:

- What will happen during the Exit Interview?
- How will youth court follow-up with the referring teacher/staff member?
- How will youth court follow-up with respondents after the hearing?
- What are the duties of the peer mentor?
- What kinds of personal development goals can the peer mentor help the respondent with?
- What happens if a respondent refuses to meet with his/her Peer Mentor and complete the disposition?
- What if a respondent has a valid excuse as to why he/she could not complete the disposition by the deadline? Would you grant an extension? How?
- Are there any other resources in the school or community that Youth Court can connect Respondents to? (counseling, peer mediation, support groups, personal development classes, community service groups, extracurricular activities, etc.) How can youth court make those connections?

The result of these discussions should be recorded and formalized into an agreed upon referral and follow-up process.

Lesson 16: Paperwork and Partial Mock Trial Part 1

Paperwork and Process (15 minutes): Go through each of the forms in order, explaining the purpose of the form and whose responsibility it is to fill it out and at what point in the process (this information is found in Appendices A and B). Afterward, break the class into groups of 3-4 and give each group a complete set of forms (out of order). Tell each group to put the forms in the order in which they are processed.

Partial Mock Trial (35 minutes): Present the class with a mock scenario (referral and respondent identity). Assign (or have students volunteer for) the roles of respondent, youth advocate, clerk, bailiff, judge, jury foreperson, and jurors. Have students role play all parts of the youth court process step by step (use sample process in Section VIII above) until the end of the jury questioning. Have the class talk through the process together, reminding each other what comes next. The goal of this exercise is to give students confidence in how much they have learned.

Lesson 17: Partial Mock Trial Part 2

Continuing the mock trial from the previous lesson, have students complete the jury deliberation, sentencing, and exit interview. Then have students talk through the follow-up process step-by-step.

Lesson 18-21: Mock Trials

Hold mock trials using student created scenarios. The mock trials should include every part of the process, from intake to explaining the disposition to the respondent, and students should act as though these were real hearings. Rotate roles of judge, bailiff, youth advocate, and jury foreperson so that multiple students are trained for each role. After the mock hearings, have students reflect on how the hearing went:

- What went well?
- What should be improved?
- Did the jury have enough information during questioning?
- Was the disposition restorative?
- Did the respondent feel like everything was clearly explained to them?

Lesson 22: Developing a Mission Statement

What is a Mission Statement? (10 minutes): Break the students into groups of 4-5. In the small groups, discuss the questions below. Note: You may want to bring in a couple of examples of organizational mission statements to have as samples.

- What is a mission statement? (It describes the motivations behind the organization and describes its goal. It should answer the question: "Why does this organization exist? Why was it started?")
- Why are mission statements important? What does it do for those in the group? (Mission statements give the group members a sense or purpose, can help identify long-term goals, and can help group members keep those long term goals in mind)
- What does it do for those outside of the group? (It communicates the purpose of the group, helps get support for the program/organization)

What Should Your Mission Statement Be? (20 minutes): Each of the small groups should answer the following questions. Encourage them to think about restorative justice and student empowerment.

1. What are the goals of youth court?
2. Who does youth court serve?
3. What are the values of youth court?
4. What do you see the youth court accomplishing in its next year?

Based on their answers to these questions, each group will write a draft of the mission statement on a piece of butcher paper and post it on the wall.

Agreeing on a Mission Statement (20 minutes): Have each group present their mission statements to the class. Discuss how the mission statements are similar and different. Bring the class to consensus on one mission statement. This mission statement should be posted in the room for the duration of the school year.

Discuss how youth court should hold itself accountable to the mission statement. What if some members start to feel like youth court is not working toward the agreed upon mission anymore?

Lesson 23: First Hearing

Lesson 24: Guest Lecture: Judge

Appendix A: Description of Forms

1. **Case Information Form** – This form serves as a cover sheet to the Case File. The top portion of this form is filled out by the clerk after intake. After the hearing, the clerk completes the form by filling in the dispositions and deadline assigned. After the hearing, a copy is given both to the respondent and the referring teacher/staff member to notify them of the results of the hearing.
2. **Diversion Agreement Form** – This form is to document that the respondent has agreed to participate in youth court instead of traditional school discipline. During intake, the clerk fills out the top portion and gives it to the respondent to sign and date. The respondent then takes a copy home to have a parent/guardian sign. Parent/guardian signature is required before the hearing can take place.
3. **Instructions for Respondent**– Once the respondent has agreed to participate in youth court, the clerk should review these instructions with the respondent during intake. All court personnel and respondent must initial their designated blocks. The respondent should be given a copy to take with them.
4. **Respondent Statement of Fact** – The respondent is provided this form during intake if he/she desires to provide a written statement of the facts to the court. This form is not required if the respondent wishes to make an oral statement in open court or does not wish to provide a written statement.
5. **Hearing Report Form**– This form is provided to the jury foreperson and is used to guide the deliberation on the details of the disposition. Once the jury has arrived at consensus, the first page should be filled out to indicate the assigned disposition and the second page should be signed and dated by each jury member.
6. **Disposition Contract** – This form is provided to and signed by the respondent to ensure the respondent understands how to complete his/her disposition. It is then signed by the respondent, parent/guardian, and peer mentor and returned to the youth court coordinator.
7. **Documentation of Completion of Disposition** – This form is completed by the youth court coordinator to indicate whether the respondent has or has not completed the disposition. A copy is forwarded to the administration and to the referring teacher/staff member.

Appendix B: Form Set

YOUTH COURT CASE INFORMATION FORM

(Prepared by the clerk, and used as a cover page for the case docket)

CASE NUMBER: _____

STUDENT ID NUMBER: _____

DATE OF OFFENSE: _____

DATE OF HEARING: _____

RESPONDENT'S NAME: _____

OFFENSE COMMITTED:

PRESIDING JUDGE: _____

DISPOSITION(S) GIVEN TO THE RESPONDENT:

1. _____
2. _____
3. _____
4. _____

DATE THAT THE DISPOSITION(S) MUST BE COMPLETED BY: _____

INSTRUCTIONS FOR RESPONDENT

(Initialed by respondent during intake)

Appear for your youth court hearing at (time). (date).

- Please dress appropriately – neat and clean in school uniform.
- Parent/guardian and youth advocate will be seated with you during the hearing.
- You will be sworn in. Speak slowly in a strong voice when answering questions, Make sure you are heard and understood.
- Everything that happens during youth court will be kept confidential.
- Be honest and sincere. Tell the truth. Explain in detail what happened, who was with you, and the circumstances surrounding the breaking of a school rule.
- Attitude: Be yourself. Explain your intentions, what lesson you have learned from this experience, and any additional information that the court would need to know in order to provide you with a constructive sentence. Communicate with the court.
- You, your youth advocate, and your parent/guardian will return to the waiting room to await disposition OR the jury will be removed to another room to deliberate.
- The bailiff will summon you and your parent/guardian back to the courtroom when the jury returns with a disposition.
- When your name is called, you will stand and face the jury as the disposition is read. The judge will ask you if you understand the disposition and if you will complete it.
- You, your parent/guardian, and your youth advocate will be escorted to the exit interview room by the bailiff. A youth court clerk will complete forms showing where and when each item in the disposition will take place.

_____ Respondent initials _____ Youth advocate initials _____ Intake clerk initials

_____ Date reviewed with respondent

HEARING REPORT FORM- PAGE 1

(Completed by jury foreperson during deliberation)

Respondent Name: **A. Student** Respondent ID: **00000** Case #: **00-000**
Offense Date: **00/00/00** Hearing Date and Time: **00/00/00** at **0:00 PM**
Offense Category: _____

DISPOSITIONS ASSIGNED

Jury Duty Hours Assigned: _____
Deadline: _____ Justification: _____

Written Apologies To: _____
Deadline: _____ Reason: _____
To: _____
Reason: _____

Essay Career Research _____
Deadline: _____ Post-Secondary Education Research _____
 Other: _____

Personal Development: work with peer mentor on the following topics

- Goal Setting related to _____
(Sample topics: post-secondary education, homework completion, class attendance, report-card grades)
- Time Management (e.g. creating a schedule)
- Improving communicating with _____
- Tutoring in (subject) _____
- Other: _____

Custom Disposition: _____

Assigned peer mentor: _____

HEARING REPORT FORM-PAGE 2

Case #: **00-000**

(Completed and signed as designated during deliberation)

Presiding Judge (printed): _____

Judge's Signature: _____

Jury Foreperson Name (printed): _____

Jury Foreperson Signature: _____

Juror # 1 (printed): _____

Juror # 1 Signature: _____

Juror # 2 (printed): _____

Juror # 2 Signature: _____

Juror # 3 (printed): _____

Juror # 3 Signature: _____

Juror # 4 (printed): _____

Juror # 4 Signature: _____

Juror # 5 (printed): _____

Juror # 5 Signature: _____

Juror # 6 (printed): _____

Juror # 6 Signature: _____

Juror # 7 (printed): _____

Juror # 7 Signature: _____

Juror # 8 (printed): _____

Juror # 8 Signature: _____

Adult Monitor (printed): _____

Adult Signature: _____

DISPOSITION CONTRACT

(Completed and Signed by respondent, parent/guardian, and peer mentor during exit interview)

Respondent Name: **A. Student** Respondent ID: **00000** Case #: **00-000**
Offense Date: **00/00/00** Hearing Date and Time: **00/00/00** at **0:00 PM**
Offense Category: _____

I will complete all components of the disposition to the best of my ability by the established deadline. I will ask for help when needed, and I understand that failure to complete all components of my disposition may result in my being returned to the original school official for more traditional consequences. My parent/guardian and my peer mentor will support me in completing my disposition.

Respondent Name (printed): _____

Respondent Signature/Date: _____

Parent/Guardian Name (printed): _____

Parent/Guardian Signature/Date: _____

Peer Mentor Name (printed): _____

Peer Mentor Signature/Date: _____

DOCUMENTATION OF DISPOSITION COMPLETION

(Completed by youth court coordinator and delivered to originating school official)

Respondent Name: **A. Student** Respondent ID: **00000** Case #: **00-000**
Offense Date: **00/00/00** Hearing Date and Time: **00/00/00** at **0:00 PM**
Offense Category: _____

The above named student has voluntarily participated in the _____ High School youth court and has completed all consequences as assigned. Please ensure that any record of the offense is removed from the student’s discipline file.

The above named student is being referred to you for further disciplinary action due to a failure to complete the dispositions assigned by a jury of his/her peers. The original offense is to receive traditional school-based consequences at the earliest possible opportunity. Explanation: _____

Youth Court Coordinator Name (printed): _____

Coordinator Signature/Date: _____

Date Filed with School Administration: _____

Appendix C: Detailed Job Descriptions and Scripts

ROLE OF THE CLERK

Job Description: Maintain accurate records of hearings and process case paperwork.

Before hearing:

- Conduct intake: explain what youth court is, and ask respondent if he/she agrees to participate.
- Ensure that respondent completes all pre-hearing paperwork (**Diversion Agreement, Instructions for Respondent, Respondent Statement of Fact**).
- Fill out the top portion of the **Case Information Form** and create a case file.

After hearing:

- Collect all case forms and place in case folder.
- Complete the **Case Information Form** by filling in the disposition information.

ROLE OF THE JUROR

Job Description: Question the respondent. Collectively decide an appropriate restorative, constructive disposition based on the facts and respondent's answers during questioning. Dispositions should not punish the respondent; rather they should repair the harm done and help respondent change his or her harmful behavior. Jurors must be fair and impartial.

Before the Hearing:

- Take a seat in the jury box.

During the Hearing:

- Listen actively and take notes on the facts of the case and opening statement.
- Question the respondent when directed to do so by the judge.
- After the respondent and youth advocate have left the courtroom and when directed by the judge, deliberate with other jurors to arrive at consensus on a disposition and a deadline by which the disposition must be completed. The jury should also assign a peer mentor for the respondent.
- Once the jury has arrived at consensus on a disposition, all jurors must sign the **Hearing Report Form- Page 2**.

ROLE OF JURY FOREPERSON:

Job Description: In addition to performing the role of the juror, the jury foreperson will facilitate the questioning and deliberation of the jury.

During the Hearing:

- During questioning ensure that all jurors get an opportunity to ask their questions. The jury foreperson may also ask questions.
- During deliberation
 - o Act as a facilitator, encouraging respectful discussion and maintaining order;
 - o Solicit the opinions of all jurors.

- Remind jurors of the guidelines for creating a disposition (restorative, constructive, not punitive).
- Assist jurors in coming to a consensus about a disposition.
- Keep jurors on task.
- Mediate conflicts that arise between jurors.
- Fill out the **Hearing Report Form- Page 1** to reflect the disposition that the jury has decided.
- Ensure that all jurors sign the **Hearing Report Form- Page 2**.

ROLE OF YOUTH ADVOCATE:

Job Description: Make sure youth court reaches respondent on a personal level. Ensure that the respondent fully understands the goals and principles of youth court and explain hearing and disposition procedures. Make opening and closing statements to the jury.

Before the Hearing: Use the **Respondent Preparation Checklist** to prepare the respondent prior to the beginning of the hearing.

- Explain the purpose of youth court.
- Get the respondent's side of the story and write an opening statement.
- Make sure the respondent has filled out all necessary paperwork.
- Describe what the hearing will be like.
- Explain the disposition process.
- Answer any questions the respondent may have.

During the Hearing:

- Ensure that the respondent knows what is going on at all times.
- Make opening and closing statements.
- Intervene if you believe the jury is asking inappropriate questions.

After the Hearing:

- Follow up with the respondent after the hearing to make sure they understand what they have to do.

ROLE OF THE BAILIFF

Job Description: Give oaths to all youth court participants. Help make certain the court runs smoothly and remains orderly throughout the hearing.

Before the hearing:

- Collect all forms containing the facts of the case.
- Ensure that the judge, jurors, respondent, and youth advocate are ready to begin the hearing on time.

During the hearing:

- Escort the respondent and youth advocate into the courtroom.
- Once all participants have taken their seats, announce: "**All rise. youth court is now in session. The Honorable Judge _____ presiding. Case number _____, the case of (respondent name) May the whole entire courtroom please stand.**"

- Swear in the entire court room: **“Please raise your right hand and repeat after me. I swear or affirm/that everything I see or hear/in youth court today/shall be kept confidential./ Everyone please be seated with the exception of the jury.”**
- Swear in the jury: **“Please raise your right hand. Do you solemnly swear or affirm that you will objectively weigh the issues in this case and render a disposition according to the evidence and guidelines of youth court? Please be seated.”**
- Swear in the respondent and youth advocate: **“Please rise and raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth? Please be seated.”**
- Read the facts of the case when the judge directs you to do so.
- Help keep order in the courtroom using your own discretion and at the request of the judge.
- Distribute the facts of the case and forms to the judge and jury as necessary;
- After the jury has finished questioning, the judge will direct you to escort the respondent and youth advocate out of the courtroom.
- When the jury has finished deliberating, the judge will direct you to escort the respondent and youth advocate back into the courtroom. Tell the respond: **“Please remain standing at your seats.”**

After the hearing:

- Return all case forms to the clerk.

ROLE OF THE JUDGE:

Job Description: Preside over hearings. Maintain order in the court. Ensure that all youth court participants are performing their duties appropriately. Ensure proper courtroom decorum and directs the bailiff to escort anyone that does not adhere to the rules outside the courtroom.

During the Hearing:

- After all members of the court and observers are seated (except the respondent and youth advocate) the judge states, **“Bailiff, please escort the respondent and youth advocate into the court.”**
- After the bailiff has sworn in the court and sits, the judge then states, **“In youth court it is expected that the same level of decorum be maintained that would be expected in any judicial court in this county. There will be no gum-chewing, smoking, tobacco chewing, eating or drinking. No cameras or recording devices, audible beepers or cell phones are allowed. No laughing, talking or any other inappropriate behavior is permitted while court is in session. If there is any improper behavior, either the bailiff or I will stop the proceeding and ask that the behavior cease. If verbal warnings are not successful, bad behavior on the part of a spectator or juror will result in the removal of that person from the courtroom and the hearing will continue without them. If the respondent’s behavior disrupts the proceeding, the**

respondent will be escorted from the courtroom, a mistrial will be declared and the respondent will be referred back to the referring official. Does everyone understand?"

- Judge then directs the bailiff to read the charge by stating, **"Bailiff, please read the facts of the case."**
- After the bailiff reads the facts of the case, the judge states, **"Youth advocate please make your opening statement."**
- After the youth advocate makes his/her opening statement, the judge asks the respondent, **"Respondent, do you wish to make a statement before jury questioning?"**
- The judge then opens questioning to the jury by stating, **"At this time the jury may begin questioning the respondent."**
- The judge may ask questions as well if necessary.
- After the jury finishes questioning the respondent, the judge then states, **"At this time the youth advocate may make his/her closing statement."**
- The judge then directs the bailiff to escort the youth advocate and respondent out of the courtroom.
- When the respondent has left the room, the judge states, **"At this time the jury may begin its deliberations."**
- When the jury has finished deliberating, the judge then directs the bailiff to escort the youth advocate and respondent back into the courtroom.
- After the youth advocate and respondent are in place, the judge then states, **"Has the jury made a disposition in this case. If so, please stand and read the disposition."**
- After the jury reads the disposition, the judge then states, **"Respondent, do you understand the disposition that has been rendered?" "Do you plan to complete your disposition?"**
- The judge then closes the hearing by saying, **"Court is now adjourned,"** and tapping the gavel.
- The judge then directs the bailiff to escort the youth advocate and respondent to the youth court coordinator for an exit interview.

ROLE OF THE PEER MENTOR:

After the Hearing:

- Sit with the respondent during the exit interview and sign the **Disposition Contract.**
- Meet regularly with the respondent to support them as they work on the disposition. Establish a timeline to work on any personal development tasks assigned by the jury.

Appendix D: Mock Scenarios for Training Exercises

These are scenarios teachers can use as a guide during training exercises. Once teachers know the types of cases their youth court will receive they and the students should generate their own mock scenarios.

Referral #1: Student continuously disrupts class by picking on another student. Last week he made another student fall down, and the teacher had to waste a lot of class time to deal with him. (Note: the student is a youth court member).

Respondent Identity #1: You are a member of the youth court. You are often silly and annoy another member of the youth court, such as by passing notes making fun of her, pulling her hair, etc. It's usually playful, but recently you have been bugging her more and more. Last week you pulled the chair out from underneath her, and she yelled at you. You defended yourself and the teacher got upset. Since you are a member of youth court, you are embarrassed to be a respondent. Everyone knows what happened and you think many will carry a grudge. You are afraid they are going to give you a harsh disposition to make a point. You feel you were just being playful and didn't mean any harm.

Referral #2: Student often falls asleep in math class. When the teacher attempted to wake him up, he cussed her out with abusive language.

Respondent Identity #2: You sleep in math class often because it's first period. You don't get a lot of sleep at night because there's usually a fight in your house at night, but you don't want the jury to know that. You don't like the teacher because he makes fun of your ability which annoys you. When he woke you up last time, he said: "Maybe if you didn't sleep in class you wouldn't suck at math." You feel like you are innocent and the teacher had it coming. You want to get this over with and answer as few questions as possible.

Referral #3: Student assaulted another student during PE class.

Respondent Identity #3: You give other guys "dead legs" by kicking them in the back of the thigh in gym class. The PE teacher doesn't like it and tells you to stop but you're having fun. Last week you tried to do it and ended up kicking your friend in the groin very hard. The PE teacher was talking at the time, so he got upset and sent you out. You are sorry and did not intend this to happen. It was a mistake and you feel like it was a low blow. You had already apologized to your friend and you just want to the jury to know how sorry you feel.

Referral #4: Student started fight in hallway by scratching her and pulling her hair.

Respondent Identity #4: You have been fighting with your boyfriend because people have been spreading rumors that you are cheating on him. The rumors are false. You feel that your relationship is a private issue and you don't want everyone knowing your business or talking about it. Last week you overheard a girl talking about you in the hall. You confronted her and got into a fight. Although you are sure that everyone in the jury is at least vaguely aware of the gossip and what happened, you don't want to talk about it whatsoever. In fact, you don't want to be here at all. The quicker you get out, the better.

Appendix E: Sample Youth Court Code of Conduct
CHESTER HIGH SCHOOL YOUTH COURT MEMBERSHIP AND CODE OF CONDUCT

Membership

Membership is open to any enrolled Chester High School Student.

Youth court members are expected to attend all practices and hearings unless a written or verbal excuse is submitted to the President, Vice President, or Faculty Advisor. Those who do not attend without a legitimate excuse will be excluded from future youth court activities (trips, training, parties, etc.)

Any member who is absent (unexcused) more than four (4) times in twelve (12) consecutive sessions will be dismissed from the youth court.

General Expectations:

No electronic devices are allowed in the courtroom.

Students arriving after 3:00 PM will not be allowed to sign in or receive service credit for that day.

Changes to the Code of Conduct:

The Code of Conduct can be modified through the following steps:

- 1) A written request to modify a particular article must be submitted to the Executive Board by three members in good standing.
- 2) At the next available organizational meeting, the proposed change will be discussed and written in final form.
- 3) Once all active members are informed of the potential change to the Code of Conduct, a vote to approve will be announced and held at the next available meeting of the court.

Code of Conduct

- 1) All youth court members will respect other members, in terms of speech and personal boundaries.
- 2) All evidence learned at a youth court hearing will be kept confidential.
- 3) As officers of the court, youth court members will conduct themselves as role models of good behavior and citizenship.
- 4) Youth court members will wear their Chester High School uniforms when court is in session.

5) Youth court members will not engage in infighting and will respect the opinions and ideas of all other students.

6) There is no Grade Point Average requirement to become a youth court member.

7) If a youth court member violates the Code of Conduct, there will be a separate disciplinary hearing conducted by the executive board to decide what appropriate action should be taken. If an executive board member violates the Code of Conduct, there will be a separate disciplinary hearing conducted by the adult advisors to decide what appropriate action should be taken. The executive board shall consist of the President, Vice President and Secretary of the court.

8) In order to remove a member of the executive board from office, a member of the youth court must write a letter to Gene Foehl, Esq., asking him to initiate proceedings.

9) A youth court member who gets in trouble in school or out of school will be subject to disciplinary action, including probation. Two offenses, without justifiable excuse, will be grounds for permanent dismissal from the youth court. If a member of the executive board gets in trouble, he/she will automatically be demoted and lose his/her position on the board.

10) All youth court members are expected to promote the rule of law and the Chester Youth Court.

11) All youth court members must be present at school for the day in order to participate in youth court unless he/she has a valid excuse, such as a doctor's appointment.

12) All youth court members are expected to be on time and prepared to participate in youth court for that day unless he/she has other extracurricular activities in which he/she participates. If a youth court member is going to be late, he/she must inform an executive board member.

13) All youth court members will respect those students who are brought before the court.

14) All youth court members must be honest, objective and fair minded. If a youth court member is unable to do so, they must recuse themselves from the court.

15) No youth court member may use foul language while participating in youth court. If a member uses foul language, he/she will be given a warning. If the use of foul language continues he/she will be automatically dismissed.

As a member of the Chester High School Youth Court, I hereby certify that I have read the code of conduct and will abide by the rules therein.

Signed: _____

Date: _____

Appendix F: Supplementary Lesson Plans

These lessons can be used to supplement the main lesson plans above if the instructor deems it necessary and if there is sufficient time.

Lesson 1.1 Discussion of Law and Justice

Discussing the relationship between law and justice (20 minutes) Engage all the students by insisting that no student can answer twice until every student has answered once. Briefly remind the students of the story of Robin Hood. Discuss with the students:

- Was Robin Hood good or bad? Why do they have that opinion?
- Did Robin Hood, and his men, break the law? What law did they break?
- Is it fair to rob from the rich to give to the poor? When is it ok to break the law?
- Why do people help each other? Did Robin Hood try to help people? Was he a hero?
- Did Robin Hood fight injustice? What is injustice?
- Name one thing in your life that is not fair. Why?
- Was slavery fair? Was slavery lawful? Are there unjust laws? Name one.
- What famous Americans fought injustice? (Washington, Lincoln, Franklin Roosevelt, Cesar Chavez, Martin Luther King, Jr.) Were they successful?

Rules and Authority (20 minutes)

Discuss with your students:

- What are rules?
- Who makes rules? Authorities? Why do they get to make rules?
- What is authority? Do all powerful people have authority?
- How do you feel about authority? Respectful, angry, indifferent?
- What is the first rule you recall? Do you respect rules? Name some school rules.
- What is the purpose of rules? By following rules do we help each other?
- What happens if people don't follow rules?
- Should there be consequences? What happens if there are no consequences?
- If we ignore traffic rules and run a red light, fight at school, cut in line, are late to class--- do others get hurt? How?
- Are there times when it is ok not to follow a rule? How do we know?
- Are there any rules or laws that are not fair and harm people?
- How do we decide if a rule is not fair? What happens when people decide a rule is unfair?

Discipline in Schools (15 minutes)

- What happens to students who violate school rules? Do you know?
- Is school discipline fair in your school?
- What should happen to students who violate school rules?
- What impact does it have on a student to be suspended from school?
- Is there a better way to discipline students than suspension? What would you suggest?

Lesson 3.1 Truth telling and oaths

The Value of Truth (25 minutes)

Ask students to spend ten minutes writing why it is, or is not, important to tell the truth. Ask 3 students to read their essay. Did anyone mention that if people don't tell the truth we can't rely on their statements? If we can't rely on their statements we have no basis to believe anything they say is true.

Courts operate on the belief that certain facts are more important than others. A written document is worth more than an oral statement. A signed document tends to prove that the person whose signature appears was aware of the information in the document. Several witnesses testifying that something happened gives us more confidence that it happened than just one witness stating this.

Oaths and Affirmations (15 minutes)

An oath is a solemn declaration made before a court officer, authorized to administer oaths, to tell the truth. A solemn affirmation is made by individuals who conscientiously are offended by the use of a solemn oath. Court proceedings require witnesses to swear, or affirm, to tell the truth. The primary reason people swear, or affirm, to tell the truth in court is to impress on them the seriousness of the situation so they will tell the truth.

Perjury is willfully providing false testimony to a court after swearing to tell the truth—but only if the deception affects the outcome of the case. It would not be perjury to lie about one's country of birth unless that deception was a factor in deciding the case. For example lying about one's nationality to gain entry into the U.S. would be perjury in an immigration case but would not be perjury in a case about theft. Perjury is considered serious because it corrupts the court's mission in promoting justice.

Oaths in youth court (15 minutes)

In youth court all observers take an oath to keep information they learn confidential. Ask the students if they can keep youth court information confidential. Do they understand the need for youth court matters to be kept confidential? Some students have stated it is difficult not talking about matters that were raised in youth court, so it is important to have a full discussion on this issue.

The jury takes an oath to “objectively weigh the issues in the case and render a disposition according to the evidence and guidelines of youth court”. The respondent takes an oath to tell the truth. Do you believe a youth court respondent who takes an oath or affirmation is more likely to tell the truth than a respondent who does not take an oath? If so, why? If not, why not?

If time allows, have students practice administering the oaths which can be found under the bailiff's job description on page 49 of this manual.

Lesson 8.1 Fairy Tale Mock Cases

Goldilocks and the 3 Bears: (20 minutes)

Define theft, burglary, trespassing. Review facts of the fairy tale.

- Did Goldilocks commit any crimes when she entered the Bears' home? What crimes?
- Did she commit a crime when she sat on the chairs or slept in the bed?
- Would you feel differently if she broke the baby bear's chair when she sat on it?
- Should the bears have called the police or were they within their rights to search the house after learning that the porridge had been tasted?
- Should they have chased Goldilocks away or kept her there until police arrived? Why?
- What would a typical punitive justice penalty be for Goldilocks?
- What would you suggest as the best resolution for what Goldilocks did? How does she restore things and take responsibility for her actions?

Conclusion (5 minutes)

If time allows ask students if these exercises helped them 1) learn how to identify facts that are crucial to analyze situations and, 2) how to tell the difference between punitive and restorative justice. If so ask them to explain why?

Appendix G: Youth Court Jeopardy

Can be used as a fun review activity to test how well students have learned legal concepts and judicial processes necessary to operate a youth court.

Helping your community, voting, attending government meetings, etc. Answer: What is citizenship?

Standards of conduct imposed by an authority figure like a school, a sports organization, or government. Answer: What are rules?

Rules created by elected officials. Answer: What are laws?

Fairness or Moral Rightness. Answer: What is Justice?

English document written in 1215 that created jury system. Answer: What is the Magna Carta?

System to find lawbreakers and punish them. Answer: What is criminal justice?

Penalty imposed for bad behavior, not restorative justice. Answer: What is punishment?

Study of citizen participation. Answer: What is civics?

Information a court believes proves a fact. Answer: What is evidence?

Swearing or affirming to speak the truth. Answer: What is an oath?

Identifying harm caused by bad behavior, assigning accountability, and providing help so actions don't reoccur. Answer: What is restorative justice?

Actions imposed by a youth court that a respondent must perform to restore justice. Answer: What is a constructive disposition?

Results flowing from human actions. Answer: What are consequences?

Orderly process, overseen by a judge, used in youth court to determine the truth and make a disposition. Answer: What is a hearing?

Oral statement by youth advocate on respondent's behalf at the beginning of a hearing. Answer: What is an opening statement?

Term used for student who violated rules or school code of conduct. Answer: What is a respondent?

Assistant to the judge, administers oaths, maintains courtroom order. Answer: What is a bailiff?

Juror selected to manage the jury and announce decision. Answer: What is a jury foreman?

Member of a student panel who administer restorative justice. Answer: What is a juror?

Method used to learn facts in a dispute. Answer: What is questioning?

Chief court officer who oversees youth court hearings. Answer: What is a judge?

A branch of government that resolves disputes. Answer: What is the judicial system?

Youth court member who represents the respondent. Answer: What is a youth advocate?

Alternative disciplinary system for public schools. Answer: What is a youth court?

Youth court member who completes court paperwork. Answer: What is a clerk?

Trained to represent clients in legal disputes. Answer: What is a lawyer?

Process by which a jury reaches a decision. Answer: What is deliberation?

Document that protects rights of U.S. citizens. Answer: What is the U.S. Constitution?

Presentation of summary of the facts of a case made after a hearing. Answer: What is a closing argument?

Order and control in a classroom or school environment. Answer: What is discipline?

Accepting responsibility for one's action. Answer: What is accountability?

A person with rights and duties to help their community. Answer: What is a citizen?

Appendix H: Letter of Support from Pennsylvania Department of Education



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
333 MARKET STREET
HARRISBURG, PA 17126-0333

September 17, 2009

Gregory L. Volz, Esq., M.S.
Stoneleigh Center Fellow
Foehl & Eyre, P.C.
27 East Front Street
Media, PA 19063

Greeting:

My letter to you concerns the viability of the Youth Court training and operation as an integral part of a civics and government course or an even broader social studies course of study within a Commonwealth secondary school.

From a traditional scholastic perspective, the Youth Court schema addresses a wide range of Pennsylvania's Academic Standards for Civics and Government. By its very nature, the program forces a degree of immersion into the *Principles and Documents of Government* and *The Rights and Responsibilities of Citizenship*. To a lesser degree in terms of standards, it also addresses in part *How Government Works*. Quite frankly, there are few published materials available to schools that make these sorts of relevant, focused connections.

The true strength of the Youth Court program, though, is its experiential nature. An old sage once noted "that we only learn by doing," and while many components of the institution of education have forgotten that advice, research and anecdotal evidence bear out the correlation between learning knowledge and skills and really applying it to the world outside of the classroom. Youth Court demonstrates the fundamental nature of the rule of law and the participatory nature of society in maintaining the balance between the rights of individuals and the common good. Best of all, individual responsibility and civil discourse are continually underscored. Are there any issues more pertinent to the perpetuation of the American republic?

As a seasoned teacher and department chair, I recognize in most cases the efficacy of educational programs that help our students build the skills they need to have a chance in a global society featuring an unforgiving employment market. Youth Court is instrumental in helping students in that quest. Without hesitation, I would recommend that this program be given due consideration by every secondary school in Pennsylvania.

Respectfully,

A handwritten signature in cursive script that reads "Jeffrey A. Zeiders".

Jeffrey A. Zeiders
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