

# Youth Courts

## An Idea Whose Time Has Come?

By Greg Volz

**T**he first day I taught a social studies class at Chester High School I asked the class what I had thought was a simple question: “What is the law?” No hands went up. A 17-year-old student slowly raised his hand and stated, “The law is ... when they indict you for something you did not do.” I knew then that the students would teach me far more about their culture, values and opinions than I would teach them about the law.

Since 2007 I have been training Chester students to operate youth courts. Youth courts are an alternative disciplinary system. They are operated by trained youths, either in school or as part of the juvenile justice system.

One year, during the time my social studies class was discussing the term “American Dream,” a student was shot a block from the high school. Later on the same day as the shooting a student in my class raised his hand and said, “I’ll tell you what the American dream is — it’s leaving your house in the morning and not

thinking you’re going to get shot.” In response to my inquiry about the gang situation in Chester, another stated, “If I were not in youth court, I would be in a gang.” My education continues.

In June 2010 two Chester High School youth court members testified at state Senate hearings on alternatives to juvenile justice programs. One testified that although he had been a straight-A student in elementary school, he had trouble adjusting to the climate in high school and his grades had slipped to a 1.4 grade point average during his freshman year.

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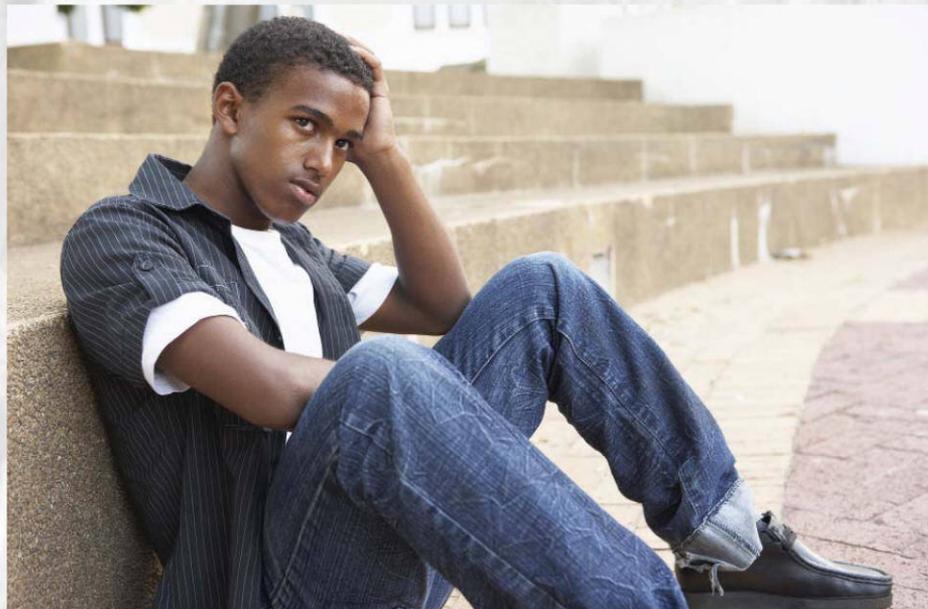
However, he told the committee members that his most recent GPA was 3.9. He credited youth court participation for his turnaround. His testimony included the following quote: “Youth court taught me the importance of education, helped me develop good social skills, helped me develop better leadership skills and helped me develop my interest in law. Youth court became something that I could own because I had put so much of my time and effort into making it work. Without youth court I would probably be roaming the street, still in the ninth grade, hanging out with the same bad crowd and not thinking about my future. Now I want to go to college to focus on science, maybe forensic science.”

#### Youth Courts Link Justice and Education Systems

Today we face a crisis in both juvenile justice and public education.

The juvenile justice system is confronted with a large number of juvenile offenders and has insufficient resources to meet their needs. The tidal wave of those entering our penal system is financially unsustainable. In 1980 there were 8,000 inmates in Pennsylvania prisons. Today the total is an eye-popping 51,000 inmates. Building a new prison costs more than \$200 million. It costs \$33,000 to incarcerate one prison inmate annually. Nationally, more than 2.3 million Americans are in prison. Less than 5 percent of the world’s population lives in America, but we account for 25 percent of the world’s incarcerated. This can’t continue.

Meanwhile, many public schools have disciplinary problems so severe that the term “climate control” is now used to refer to the process of maintaining order and discipline in the building. Students can’t learn in a chaotic environment. School suspension removes the offending students from the educational process, which handicaps their ability to learn. Our goal must be to keep youths in



school so they can acquire the competencies to become productive members of society instead of becoming dependent on public entitlements or private charity. Youths who today are suspended from school and end up in our juvenile justice facilities are frequently tomorrow’s prison inmates. A better way has to be found.

One youth court member told me that the after-school youth court program was the most challenging thing he experienced in school all day. Youth courts appeal to students because the courts process real student disciplinary cases, which allows students to participate and contribute to an improved school climate. Youth courts not only can improve the performance of the juvenile justice system, they also have enormous potential to train youth court members and develop academic, citizenship and socialization tools.

Many youths state that school suspension is a joke, a vacation. For a student who does not want to be in school anyway, how could school suspension be an effective deterrent to future bad behavior? Many school administrators acknowledge this reality but feel they have no effective tools to use. Youth court is a positive dis-

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disciplinary system and alternative to suspension. It has great potential to block the disastrous school-to-prison pipeline and replace punitive zero-tolerance policies that were so severely criticized by the May 2010 report of the Interbranch Commission on Juvenile Justice. Why are there so few youth courts in Pennsylvania?

#### Youth Courts Explained

Youth court, teen court and peer court are interchangeable terms for an alternative disciplinary system for youths, either in school settings or beyond, who have committed an act that violates the norms of a school or community. Some youth courts process school offenses; others process

juvenile offenses in the justice system. The most appealing model combines school and community justice youth courts, with the school providing the training and early experience before veterans of these school-based youth courts move on to work in the juvenile justice system youth courts.

We are currently developing a youth court in an elementary school in Chester, but Arizona has been doing this for 15 years. Youth courts have been shown to be effective in reducing recidivism among respondents in both school and community justice settings and in reducing delinquency among the youth court members operat-

## Youth Court Interns Get Firsthand Experience in Delaware County Court

By Barry C. Dozor  
and George A. Pagano



**D**uring the summer of 2010 the Delaware County Court of Common Pleas bench inaugurated the first Chester City Youth Court Intern Summer Program, with plans to continue and expand the program this summer.

The interns, six Chester High School students, shadowed assigned Delaware County common pleas judges Monday through Thursday, from 9 a.m. to noon, for six weeks.

President Judge Joseph P. Cronin Jr. hosted the summer program and Common Pleas Judges Linda A. Cartisano, Barry C. Dozor, Frank T. Hazel, Gregory M. Mallon, James J. Nilon Jr. and George A. Pagano participated.

In court the students observed criminal and civil jury and bench trials, pretrial and sup-

ing the court. All young people involved, whether respondents or court members, learn citizenship, academic and socialization skills.

Student-run youth courts are the most replicated juvenile justice program nationally, with more than 1,150 youth courts operating in the United States. Teenagers receive legal training and hold hearings to determine the appropriate disposition (sentence). Youth courts use the power of positive peer pressure to shape respondent behavior. They give students a voice to express their own ideas about justice and provide them with a platform on which to build their public-speaking skills, cre-

ative problem-solving skills and deliberation skills. They train students to ask probing questions, form consensus and reach a fair decision. They are a platform for youth development as well as an effective justice strategy. Students perform the roles of judge, juror, bailiff, jury foreman and clerk. Youth courts are flexible, with no two alike. Each can be molded to the culture, economic situation and resources available in each community.

The Pennsylvania Interbranch Commission on Juvenile Justice report singled out zero-tolerance school policies and the school-to-prison pipeline as barriers to a just disciplinary system for youths.

It encouraged the Pennsylvania Bar Association to develop new programs to improve communication and coordination between the public education and justice systems. In the time since the report was issued several PBA committees have been working to nurture a youth court movement in Pennsylvania and to draft a PBA resolution endorsing youth courts.

The cost of youth court depends on numerous factors, including number and severity of cases, programmatic costs for dispositions, use of law students and lay volunteers, and data collection and research costs. In Florida, which annually

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pression hearings and family law proceedings. The students demonstrated a great deal of enthusiasm for these experiences.

On a daily basis the students attended pretrial conferences and other meetings in judicial chambers, and they experienced the drama of criminal sentencing hearings, the intensity of cross-examination and the emotion of family law proceedings.

The Delaware County judges also scheduled the students for orientation sessions with adult and juvenile probation officers, the sheriff's office and the district attorney's office and for drug court hearings and a tour of the Delaware County Prison.

The students were also assigned a day to accompany an assistant district attorney — who is only approximately 10 years older than the students — to observe prosecutors preparing their cases, meeting with victims of serious crimes, negotiating guilty pleas and arguing pretrial motions.

From our observation, the students were fascinated by the unanticipated close-up and open access they experienced with the judges, court personnel and attorneys. The students appeared to be surprised by the free access they experienced in both the criminal and civil proceedings and also with the informality and personal relationships they experienced with their assigned judges.

On occasion some of the students unexpectedly met relatives, neighbors and acquaintances in various courtrooms. These

encounters reinforced the significance of the proceedings and the impact our judicial system has on people they know. This experience brought home both the impact and the significance of what they were witnessing.

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The City of Chester has a proud history, as the early economic, business and law center of Delaware County. However, in recent years the city has experienced serious unemployment, a high crime rate and a struggling public school system. Although there are signs of economic recovery, improved educational and employment opportunities, a resurgence of city pride and positive city government achievements, drugs and street violence continue to plague the city.

The first Chester City Youth Court Intern Summer Program helped the participating students to discover their full potential, develop social and emotional skills, gain self-confidence and improve their self-esteem. ♦



Barry C. Dozor



George A. Pagano

Barry C. Dozor and George A. Pagano, both common pleas judges in Delaware County, were two of the participating judges in the 2010 Chester City Youth Court Intern Summer Program.

# Youth Courts: The Statewide Perspective

By David Trevaskis

**S**toneleigh Foundation Fellow Greg Volz, with the support of the PBA Pro Bono Office and various committees of the PBA, has spent the last four years developing and implementing a youth court at Chester High School. That court is now well planted at the high school and the concept is starting to spread over the district, across Delaware County and throughout the state.

Youth courts are not new to Pennsylvania. There has been a peer jury program run by the Erie County juvenile court since 1982, a community-based program that handles about 30 cases in two five-week sessions held during the school year. Although the Erie program is the oldest and longest-running youth court in Pennsylvania, there are at least a dozen other active programs across the state right now beyond Chester.

The Clearfield County Teen Court Program brings 400 student volunteers in from 10 participating county schools. The Youth Court of Warren County is organized through the Warren County Probation Office in conjunction with the Warren County School District. The magisterial district court in Pottstown continues to hold youth court sessions for a court started by former police officer and now senior Magisterial District Judge John Durkin. South Philadelphia High School's Youth Court handles 250 discipline referrals each year as part of a program sponsored by Communities In Schools of Philadelphia Inc. Clinton County recently brought youth court back after a prior program had stopped operating for nearly a decade.



Youth courts aren't even a new idea in Chester. The Temple University School of Law's Law, Education and Participation Project explored youth court anti-truancy models with Chester school officials back in 1991 as part of its law-related and civic outreach efforts.

What is new are the systematic efforts to create a statewide push for an expansion of youth courts and for support of existing youth courts. Such support is needed. The early efforts in Chester evaporated. Specially built courtrooms for teen courts in numerous Philadelphia schools are being used to store school supplies, reflecting the closure of half a dozen formerly active school-based courts in the Philadelphia School District and standing in stark contrast to what is taking place in the courtroom at South Philadelphia High School. A longstanding and much-

appreciated program in the Northampton County Probation Office is on hiatus, waiting for funds. Former youth courts in Chester County no longer run. A quick survey of the Pennsylvania programs listed last spring on the National Association of Youth Courts website ([www.youthcourt.net](http://www.youthcourt.net)) showed that more than half of the courts listed are no longer in operation.

Volz is working to change things statewide. Supported by his Stoneleigh Foundation fellowship, he is partnering with the Pennsylvania Coalition for Representative Democracy (PennCORD), the civics education outreach of 3rd U.S. Circuit Court Judge and former Pennsylvania first lady Marjorie O. Rendell that was founded by the Pennsylvania Department of Education, the National Constitution Center and the PBA.

Volz is bringing together a diverse group to promote youth courts. University of Pittsburgh education professor emeritus Kay Atman is one such partner. She became involved in the youth court effort after seeing Volz honored by the Pennsylvania Council for the Social Studies at Valley Forge in 2007. Swarthmore College student Shilpa Boppana is another partner; Boppana recently formed a resource group of students at the college who are committed to helping the Chester High School youth court succeed. And the PBA Pro Bono Office and PBA Law-Related Education and Special Projects Coordinator Susan Etter are supporting Volz's outreach work.

There was a big push for youth courts following the 1995 changes in the Pennsylvania Juvenile Act under the administration of then-Gov. Tom Ridge. Changes in the system following the Luzerne County juvenile court scandal and the advent of the administration of Gov. Tom Corbett provide another opportunity for youth court growth. Youth courts will be featured this spring at the PBA's Statewide Pro Bono Conference and as part of a Pennsylvania IOLTA-sponsored series of half-day programs jointly conducted by the PBA Pro Bono Office and the Montgomery County Child Advocacy Project.

Volz has asked PBA members to join in the youth court effort by exploring whether any courts exist in their home areas and, if so, finding out how to help the local effort while connecting those efforts with the growing statewide movement. ♦

David Trevaskis is PBA's pro bono coordinator. If you would like information on how to establish a youth court, please contact him at david.trevaskis@pabar.org or 1-800-932-0311, Ext. 2236, or cell (717) 571-7414.

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provides between \$7 million and \$9 million for its youth courts, the courts save an estimated \$50 million a year. Several other states employ dedicated public funding streams for youth court operations. School-based youth courts, if run as part of the social studies curriculum, cost almost nothing to operate and save school districts considerable disciplinary costs by processing student offenses that would otherwise be handled by adult school disciplinarians. The South Philadelphia High School youth court processes 250 cases a year! In an era of reduced resources, youth courts deserve serious consideration as an efficient and effective youth development system.

#### A Youth Court System Evolves

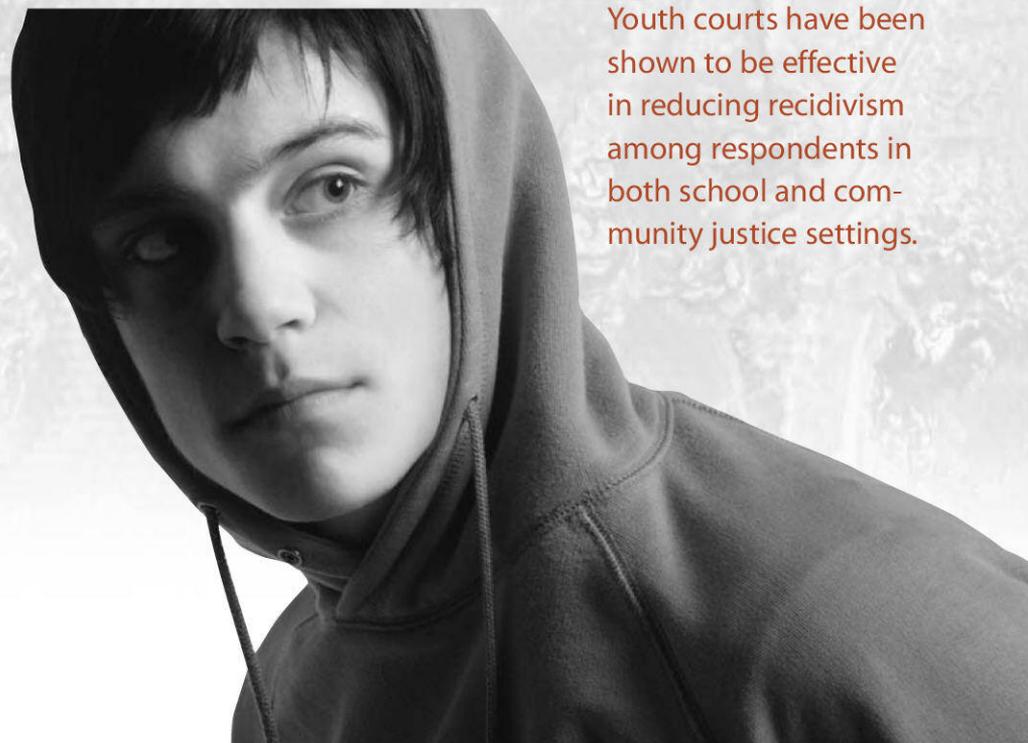
Five years ago the E. Wallace Chadwick Memorial Fund Committee provided funding to assess the feasibility of using student-run youth courts to reduce the number of Chester youths entering the juvenile justice system. Chester has a large poverty population and one of the highest

crime rates in Pennsylvania. It also has a school district that historically ranks last or near last on a wide range of state indices of student performance. Truancy is a persistent and deep problem facing the school district.

In March 2007 I was asked to help Chester High School implement a truancy reduction grant. Chester students decided the funding should be used to create a youth court to give them some control over their lives. The students identified three causes of truancy: family problems, student disinterest in school and inconsistent school discipline. Concluding that they could not have any impact on the first two, students felt a youth court might be responsive to the third cause: inconsistent school discipline.

A planning committee was formed consisting of two high school teachers, a Widener University criminal justice professor, a Swarthmore College student and a community organizer. We secured

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training assistance from faculty and students at Widener and Villanova law schools. We visited a youth court in Washington, D.C., and by November 2007 had trained a small group of 12 to 15 students to operate a student-run youth court. From its inception our court followed restorative justice: to identify and correct harm and to use constructive dispositions to develop competencies but not to punish errant behavior.

In March 2008 our youth court members performed a mock presentation at a national Youth, Families and the Courts Conference in Philadelphia before 300 lawyers and judges. The students performed admirably. That summer the Foehl & Eyre law firm in Media provided financing for the first youth court summer camp, which encouraged students to identify challenges facing the youth court and to develop solutions to implement the next fall. The law firm continues to provide human capital and significant funding to support the Chester High School youth court. The law firm funding is a model for replication statewide.

The Stoneleigh Foundation of Philadelphia provides fellowships to individuals developing cross-system solutions to improve outcomes for vulnerable youths. In September 2008 the foundation announced it would support youth court

expansion in Chester and statewide through a three-year fellowship. Stoneleigh is interested in youth courts in particular because the courts benefit both the juvenile justice and education systems and actively engage students in solving the problem of errant youth behavior.

In the fall of 2009 we successfully integrated youth court within the curriculum of two social studies classes at Chester High School and used the helpful *Street Law* textbooks as ancillary resources. The social studies advisor to the state secretary of education has confirmed that youth courts comply with state standards for social studies curriculum. He recommended that all secondary schools in Pennsylvania consider developing youth courts due to their focus on the hands-on application of civics.

In the fall of 2010 we began training students in three additional schools to operate youth courts, one being in an elementary school. By the time this article appears there will be five youth courts operating in the Chester-Upland School District. We are currently researching youth court legislation in other states, as state officials have expressed interest in introducing a youth court statute for Pennsylvania, which would establish minimum youth court standards.

Support for youth courts is growing within the legal community, the education community and the philanthropic community. We are building a public/private partnership to create a statewide association of youth courts, which is needed to support youth court expansion and sustainability. Having recently presented youth court information to the Commission for Justice Initiatives in Pennsylvania, the Pennsylvania Department of Education and the Pennsylvania Juvenile Court Judges' Commission, we continue to press the case that Pennsylvania youths deserve the best educational and juvenile justice system we can create. A public/private partnership is best suited to developing this system, which harnesses the energy and intelligence of our own youths as its primary resources. ♦



Greg Volz

Greg Volz, former executive director of the Delaware County Legal Assistance Association, is of counsel to the firm of Foehl & Eyre P.C. in Media and works with the Stoneleigh

Foundation in Philadelphia. The foundation supports development of innovative ideas for helping at-risk children and youths.

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