A Law School Professor’s Perspective on Youth Court

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It is the third Thursday in January when I first accompany three Widener Law students to Chester High School for Youth Court. The biting cold wind causes the litter strewn all over the front of the school to swirl around as we make our way to the front entrance. It is locked. A uniformed security guard lets us in, reminds us to go through the metal detector and sends us to the principal’s office to sign in. We start down the steps. Suddenly, it is the end of a period. Kids appear in the stairwell from every direction—walking, running, pushing, walking backwards, talking and yelling. Then, the uniformed guards enter the stair well and yell for the kids to “move it, get to class, stop talking”. Everyone disappears and we travel the hallway to the classroom where Youth Court meets.

I look at the walls. I am surprised to see graffiti. The classroom doors have bars on the window that looks out into the hallway. Every classroom is locked until the teacher gets there. Even though the bell for class to begin has rung, there are still a lot of students at lockers.

My law students have come two times before. They have started to practice with the kids—ninth graders in Mr. Haltie’s class—and have already identified a few kids in the class who seem interested. Problems become apparent quickly. Some students who had attended the first two sessions would not be here this week: one had been suspended, two had “kind of just stopped coming to class”, another may have been sick for a few days. The 12 or so students who did show up are hardly impressive. Some are late. They sit with their legs sprawled out in front while they text on their phones. A few place their heads down on the desk and seem ready for an afternoon nap. The law students prod them to take their places in the jury box. They ask for volunteers to play the role of the judge, the respondent, the bailiff and the student advocate. These kids are not enthusiastic. The “judge” is giggling and at least two jurors have found new seats on which to take their naps.

I am horrified. What have I gotten my students into? This is a mess. These kids do not care about Youth Court. I listen as one of the Widener students goes over the rules of “professional conduct” and even writes reminders on the blackboard about no cell phone use, no gum chewing, no laughing. The “judge” reads from the script and stumbles over words. The student advocate looks at his shoes when he talks and really says not much more than “respondent is a good person”. The “jurors” ask questions from the jury prompts and are satisfied with “yes” or “no” answers. There is no attempt at follow up questions. Sometimes the same question is asked three times, so obviously the kids are not paying attention. And despite the verbal warning and written reminder, several of the participants are texting and/or chewing gum.

Gregg Volz is crazy I think to myself. Ninth graders are too young for Youth Court.

On the drive home, I am amazed to hear the law students talk about how much improvement they had seen in “just” three weeks. My students know the names of these ninth graders and are commenting on
how X is taking the job of jury foreperson seriously and how Y, this week’s student advocate, practiced his opening address to the jury with one of the law students before the exercise began. I was ready to pack it in but my law students were not. They see something that I am missing. I make up my mind to come back every other week to see if something can be salvaged from the investment of time and effort that had begun last September.

Two weeks later, I am back with two of the law students. One is home sick. Same dismal greeting—litter, graffiti, metal detectors, bored uniformed guards—until we get to the classroom. The ninth graders remember me “Professor T” and a few of the girls shyly say hello. But what really amazes me is that the Chester students immediately notice the absence of the sick law student. They ask about her, by name. There seems to be concern at first, like “Did she quit the Youth Court?” There is relief in the ninth graders’ expressions when they are told “no” and that she will be back the following week.

Time to practice. This time, there are multiple volunteers for each role and a couple of students have to be satisfied with being told that they will have a role “next week.” The volunteer who is picked as the student advocate immediately goes out with a law student and works on his opening address. This judge is good. When the respondent in this week’s “practice” Youth Court exercise gets hostile and begins to act out, the judge threatens to shut down Youth Court and send the student back to the principal. There is no laughing from the jury. The jurors are much better at asking questions. When we debrief the students, there is a lot to compliment. The law students and this class of high school students have developed a bond.

Another two weeks pass and I return. This will be our last “practice” before these kids conduct a real “Youth Court.” Unfortunately, some of the kids who have been “regulars” in this class are not here. The students tell us that truant officers came and removed one young man from the class. Another has been suspended. Two new students have been put in this class and they know nothing about Youth Court so one law student has to take them aside to explain. You can see from their sullen expressions that this was NOT where they wanted to be. And most disruptive of all—the teacher, Mr. Haltie, who had been such a supporter of Youth Court in his class, is injured and will not return for the rest of the year. Despite all of this, it is a good practice. Ms. Graham, the substitute teacher, is interested in the program. Even the “new” students express some interest by the time the session is complete. The real test, however, will be in two weeks when the first “real” case is presented to this class.

Two weeks later, I get a text from my law students that they were going to Chester at least an hour earlier than usual. Why? The kids would be in other classes so it is not like we could practice with them. The reason was because the ninth graders—excited about the first “real” Youth Court hearing—had tried to clean up their classroom but could not finish it in time. My law students were going to “finish” the cleaning. With buckets, mops, paper towels and cleaning supplies, the law students cleaned the blackboards, the judge’s desk, the floor and some of the desks. And I am astonished—both the law students and the ninth graders are so proud of what they are doing that they want the physical premises to reflect that pride! In this building where water fountains are clogged by chewing gum, lockers are scratched with four letter words and books are missing front covers and interior pages, the ninth grade Youth Court classroom is clean.
The first “real” hearing begins. A student had sassed her teacher after being warned. The student advocate and the respondent meet outside in the hall. He warns the respondent sternly that she “had better tell the truth” and that he is “not going to represent her “ if she tells lies in the court room”. The bailiff ushers them into the room. The judge reads the rules of conduct out loud but no participant checks his/her phone or laughs or whispers to anyone else. The jurors are sitting upright. The student advocate gives a good opening address, remembering to say “thank you” before he sits down. The jurors no longer read the questions from the script and they ask probing questions that demand more than a yes or no response. When first asked “who was harmed by this conduct in class”, the respondent says “nobody”. It takes a few more questions but the respondent suddenly realizes that she was harmed because she missed the rest of the class. After another round of questions, the respondent concedes that her classmates also had been harmed because of the disruption in class. When a juror asks her: “How could you avoid this from happening in the future?” the respondent takes time to think before she answers. And several jurors, not satisfied with her response, offer her suggestions- good suggestions- on how to avoid the problem from reoccurring. Finally, the respondent leaves and the jurors decide on a punishment. They are taking this so seriously. They listen to each other and perhaps sometimes they talk over each other, but it is only because they are enthusiastic about their charge: how to make sure this girl realizes why what she did was wrong and what alternatives are open to her should she be faced with a similar scenario. Finally, the respondent returns. The punishment is read and agreed to. Youth Court is dismissed.

I am in shock. I cannot believe how well the process worked. The law students had made a difference. They had taught these ninth graders a civics lesson, of course. But they also had instilled a sense of pride and decorum in them. The ninth graders had proven mature in conduct and discerning in thought. Already the students were asking about the next hearing. Everyone was feeling good.

I walk outside the main steps with my law students to go to the car. Suddenly people start running in a panic. Police cars with sirens on are pulling up in front of the school. The school guards are chasing students. We learn that a fight has broken out and that the police have been called. I watch from the safety of our car as two high school students are put in the back of a police vehicle and driven away. And I think to myself: “Youth Court would be the better way to resolve this matter.”