Youth Court Support as Pro Bono Service

Working to support youth courts, from providing funding for such courts to training and supervising the students participating in the courts, fulfills an attorney’s obligations under Pennsylvania Rules of Professional Conduct Rule 6.1 as “service in activities for improving the law, the legal system or the legal profession”.

Rule 6.1 of the Pennsylvania Rules of Professional Conduct addresses the lawyer’s responsibility to participate in pro bono representation of those unable to pay for legal services. It states in full:

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.

The Pennsylvania Bar Association Board of Governors and House of Delegates approved in 2007 a resolution of the Legal Services to the Public Committee that each Pennsylvania attorney should provide significant pro bono legal service and that a substantial majority of the suggested goal of 50 hours found in the American Bar Association rule that Pennsylvania’s rule mirrors consist of direct representation of the needy. The PBA Pro Bono Office considers working as an attorney volunteer in juvenile justice based youth courts direct representation of the needy, as is working with school-based youth courts in school districts characterized by pockets of high poverty.

Rule 6.1 does not create mandatory duties, such that a lawyer will be subject to discipline for failing to comply with them. Its inclusion in the Rules of Professional Conduct does, however, attest to the importance the profession places on this service as a part of the lawyer’s ethical responsibilities. Comment 4 to the rule adds, “Law firms should act reasonably to enable and encourage all lawyers in the firm to provide the pro bono legal services called for by this Rule.”

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

Youth courts train teenagers to serve as jurors, judges and attorneys, handling real-life cases involving their peers. The goal of youth court is to use positive peer pressure to ensure that young people who have committed minor offenses pay back the school or larger community and receive the help they need to avoid further involvement in the school discipline or juvenile justice system. Youth courts hear a range of low-level offenses; many handle cases that would
otherwise wind up in Family Court or with school suspensions.

Youth courts do more than provide an alternative discipline procedure. Youth courts also provide an extension and application of learning for the students involved in the day to day operation of the courts. Youth courts appeal to students because they process real student disciplinary cases which allow them to participate and contribute to an improved climate. Youth courts not only can improve the performance of the juvenile justice system, they have enormous potential to educate youth court members about the justice system and develop academic, citizenship and socialization tools. Youth courts have been shown to be effective in reducing recidivism among respondents in both school and community justice settings and reducing delinquency among the youth court members operating the court. All young people involved, whether respondents or court members, learn citizenship, academic and socialization skills. Youth courts provide these benefits even for younger students.

A resolution of the Child Advocate Pro Bono Committee supporting youth courts was unanimously passed by PBA Board of Governors and House of Delegates in May 2011. The resolution called for the PBA to “build on the call to the PBA of the Interbranch Commission on Juvenile Justice Report to develop programs that bridged civic education and juvenile justice by promoting a system of both school based and community/juvenile justice based youth courts across the Commonwealth which would expand on the conflict resolution, anti-bullying and law-related education model of the PBA’s Project PEACE.”

For more information on youth courts and pro bono service, please contact David Trevaskis at david.trevaskis@pabar.org or 717-571-7441.