



TESTIMONY BEFORE PHILADELPHIA CITY COUNCIL CONCERNING YOUTH COURTS

Thank you for the opportunity to speak with you today about youth courts. I am Thomas G. Wilkinson Jr. , president of the Pennsylvania Bar Association, the state's largest bar association representing 28,000 lawyers.

Youth court, teen court, and peer court are interchangeable terms for an alternative disciplinary system for youth who have committed an act that violates the norms of a school or the community. Youth courts have been a focus of the Pennsylvania Bar Association since our 2007 Children's Summit at which an overview of Pennsylvania's efforts to build and sustain this model alternative justice approach was presented.

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. In this model, the school provides the training and early experience using school discipline referrals and veterans of these school-based youth court programs then move on to work in the juvenile justice system youth courts on

referrals from the juvenile justice system. 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 and guidance 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 would result in school suspensions.

Youth courts can be effective in reducing recidivism among respondents in both school and community justice settings and in 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.

The PBA Board of Governors unanimously passed a resolution of the former PBA Child Advocate Pro Bono Committee supporting youth courts on May 4, 2011, and that resolution was approved by the PBA House of Delegates on May 6, 2011. The resolution called for the Pennsylvania Bar Association to:

- 1) Support the American Bar Association's efforts promoting youth courts;
- 2) Organize and convene before the end of the 2011 calendar year a statewide Youth Court Advisory Board made up of the various youth court stakeholders, including but not limited to judges, lawyers, elected representatives, police and probation officers, educators, students, faith based and philanthropic leaders and others from the law, justice and education communities, including parents;
- 3) 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 that would expand on the conflict resolution, anti-bullying and law-related education model of the PBA's Project PEACE; and
- 4) Support legislative efforts advancing youth courts as well as the public/private partnership to expand and improve the sustainability of youth courts across Pennsylvania.

The PBA has worked in partnership with the PennCORD civic outreach efforts of Third Circuit Court of Appeals Judge and former Pennsylvania First Lady Midge Rendell to promote civics education and youth courts. That joint history with youth courts includes a 2008 Law Day presentation made by Judge Rendell and

past PBA President Andrew Susko to the National Council of Juvenile and Family Court Judges highlighting youth court programs in Chester city.

PBA leadership has highlighted this youth court initiative at statewide programs and is committed to supporting efforts to fulfill the mandate of the youth court resolution. Youth court was featured in the 2011 and 2012 annual spring statewide pro bono conference, in a series of ten Interest on Lawyers Trust Account (IOLTA) Board supported programs across the state featuring the Montgomery Child Advocate Program last year, at an October 2011 program in Lehigh County and in last November's PBA Children's Rights Committee seminar.

Youth court was again featured at the March 2012 Sparer Symposium at the University of Pennsylvania Law School. Youth court has been the focus of the Allegheny County Bar Association's most recent bar leadership class, which is working with the Allegheny Court of Common Pleas to implement a juvenile justice based youth court program in Pittsburgh.

There was considerable youth court activity in Philadelphia during the 2011-12 academic year with new courts being established under the auspices of Physicians for Social Responsibility, Communities in School and the Philadelphia Bar

Association's Accelerating Civic Education (ACE) outreach effort. The Pennsylvania Bar Association has discussed with current Philadelphia Bar Chancellor John Savoth an expansion of youth court efforts through the local bar association.

The Pennsylvania Bar Foundation provided seed money in 2011 through its Birdsall Grant Program for youth court programs in Delaware and York counties. The Delaware County effort has been particularly robust, in large measure due to Stoneleigh support over the past three and a half years of attorney Gregg Volz who has developed and implemented a series of youth courts in the Chester city public schools after first connecting with the PBA Pro Bono Office prior to the 2007 Children's Summit.

A team of Delaware County lawyers, supported by Delco Bar Executive Director Bill Baldwin and the PBA Pro Bono Office, worked with Volz to develop and present a two-part, five-hour Youth Court CLE program. The first program, held last October, was a general outreach to the entire Bar about youth courts and that was followed by a November advanced training for lawyer volunteers who then worked in the Chester schools with the youth courts during the remainder of the 2011-12 academic year.

Funding for youth court remains a significant issue. Despite significant two- year youth court grants received in 2011 by agencies in York and Chester counties through the Pennsylvania Commission on Crime and Delinquency, cutbacks in funding for schools and alternative justice programs have combined with the tough economic climate to make youth court funding problematic despite significant suggested savings from costs associated with the youth disengagement that youth court combats.

The Stoneleigh Foundation stands out as a major player in the field and its continued support of youth courts is evident in its funding of a research study to collect the data needed to show the efficacy of youth courts. This research should help in efforts to secure further funding from other sources.

A youth court association needs to be created to ensure youth court expertise is available to local juvenile authorities and school administrators who wish to develop youth courts as an alternative disciplinary program. Public schools need training assistance and support for the courts to be sustainable. The example of what happened in Philadelphia twelve years ago when a series of teen courts established under the auspices of Temple University School of Law and various

partners withered away after dedicated funding was exhausted is evidence that a supporting structure is needed to sustain youth courts. Such an organization should reflect the public/private partnership called for by our PBA Resolution.

The Pennsylvania Bar Association's Legislative Department has worked with various players in the youth court field to draft legislation for consideration by the Pennsylvania General Assembly. The youth court bill was drafted based upon a review of every youth court statute in America.

The proposed bill called for a public-private partnership to support youth courts and for the establishment of quality standards for all Pennsylvania youth courts. The legislative language we have developed could be useful in drafting an ordinance for the City of Philadelphia establishing standards for school-based and juvenile justice based youth courts in Philadelphia, and we would be happy to share it with you. The Pennsylvania Bar Association also maintains a youth court information site at: <http://www.pabar.org/youthcourts.asp>

In conclusion, we want to stress that youth courts do more than provide an alternative discipline procedure. They also provide an extension and application of learning about constructive dispute resolution 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 that allow the students to participate and contribute to an improved climate. Youth courts not only can enhance the performance of the juvenile justice system, they also have enormous potential to educate youth about the justice system and develop academic, citizenship and socialization tools.

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