



PA BAR ASSOCIATION RESOLUTION ON YOUTH COURTS

Whereas the Pennsylvania Bar Association is committed to ensuring justice for all citizens;

Whereas the Pennsylvania Bar Association supports efforts to educate our youth about the legal system and citizen rights and responsibilities;

Whereas the Pennsylvania Bar Association is mindful of the changing needs of our society and its responsibility to craft legal reform responsive to said needs;

Whereas the Interbranch Commission on Juvenile Justice Report called for better coordination of the education and juvenile justice systems;

Whereas hearings held by the Pennsylvania House and Pennsylvania Senate in 2010 provided testimony that school based youth courts develop a student culture utilizing positive peer pressure to hold youth accountable, teach them that acts have consequences, and benefiting both the educational and justice systems;

Whereas youth courts have been in existence since the 1930's around the country and for more than 30 years in Pennsylvania, becoming during the past decade the country's most replicated alternative discipline and juvenile justice program through both school based and community/juvenile justice based youth courts because they are an early prevention and intervention program, offer opportunities for youth to connect positively with adults and youth in their community, and encourage youth contributions to community problem solving;

Whereas school based youth courts benefit the educational system by enhancing citizenship, socialization and academic skills and providing youth with experiential learning to complement classroom government lessons;

Whereas school based youth courts benefit the education system by training students to step into the roles of prosecutors, defenders, jurors and judges and experience first-hand how our legal system functions;

Whereas community/juvenile justice based youth courts are a preferred alternative to more punitive juvenile justice discipline by 1) requiring youth to accept responsibility and pay back the community; 2) employing restorative justice mandating that respondents make amends through writing letters of apology,

performing community service, and mandatory jury duty on the youth court; 3) linking troubled teens to needed services including tutoring, mentoring, and anger-management classes; 4) utilizing students as the primary resource needed for operations thereby reducing personnel costs;

Whereas youth courts of all types benefit society by stemming the tide of students into the school to prison pipeline and improving school and community climate by keeping non-violent students in school rather than putting them on the streets with zero tolerance disciplinary policies;

Whereas youth courts of all types provide needed academic enhancement by providing a venue for youth to learn to think on their feet, ask probing questions, build self-confidence, increase public speaking and teamwork competencies, develop consensus building skills – all skills they will utilize the rest of their lives;

Whereas youth courts of all types benefit the entire community by reconnecting youth to the rule of law, law enforcement, and the justice system;

Whereas youth courts of all types provide a unique civic education platform for youth to engage in hands on application of democratic principles which evidence-based research has shown is the most effective tool to teach citizenship skills;

Whereas youth courts of all types train youth to employ restorative justice principles, respect the rights of others, demonstrate that every youth can contribute and feel valued, and show that bad behavior creates risks and can destroy their future;

Whereas constructive dispositions are based on the restorative justice model and are designed to educate offenders, discourage future crime, and encourage pro-social behavior;

Whereas youth courts of all types facilitate youth development and leadership while rewarding students who help other students with recognition and incentives;

Whereas youth courts can be a cornerstone of a new partnership between the legal system and the community, including schools, reduce crime and violence, create safe homes, schools and neighborhoods, and restore faith in the justice system;

Whereas youth courts can utilize volunteer, law school and parental support to achieve positive outcomes in resource poor communities and school districts;

Whereas youth courts can be structured to ensure needed uniform standards while preserving the flexibility to satisfy the diverse needs of 500 school districts and 60 justice systems in Pennsylvania:

Whereas Pennsylvania Bar Association committees have analyzed best youth court practices and materials from Pennsylvania youth courts and other states;

NOW IT IS HEREBY RESOLVED that the Pennsylvania Bar Association shall endorse the ABA's efforts to promote Youth Courts as demonstrated in the ABA's FEBRUARY 14, 2011 Resolution which was unanimously approved by the ABA House of Delegates.

It is further resolved that the PBA recognize the unique aspects of youth courts in Pennsylvania as reflected in the recent Pennsylvania Lawyer Magazine article which shows that there are already existing, and in many cases long established, school and community/juvenile justice based youth courts in Pennsylvania that need support and that need to be consulted as youth court efforts in Pennsylvania move forward. As a sign of that support, the PBA shall 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.

Recognizing that the Interbranch Commission on Juvenile Justice Report specifically called on the PBA to develop programs that bridged civic education and juvenile justice, it is further resolved that the PBA promote a system of both school based and community/juvenile justice based Youth Courts across the Commonwealth. Building on the conflict resolution, anti-bullying and law-related education model of the PBA's Project PEACE, Youth Courts shall be encouraged to be introduced as school based programs in the junior and senior high schools of the Commonwealth, as well as in various other settings for juvenile offenders for community/juvenile justice youth courts. The PBA further resolves that where school based youth courts exist, community/juvenile justice youth courts need to be developed; where community/juvenile justice based youth courts exist, school based ones need encouragement. Where none exist, either type should be started with the goal of adding the missing type as soon as possible.

Since legislation supporting Youth Courts is currently being discussed among members of the General Assembly and Youth Court supporters around the state, it is further resolved that the PBA encourage such efforts, as well as support the public/private partnership to expand and improve the sustainability of Youth Courts across Pennsylvania.

Respectfully submitted,

Mary Pugh, Chair
April 15, 2011

Passed by PBA Board of Governors on May 4, 2011 and by PBA House of Delegates May 6, 2011 (both passed it unanimously)