

**TEEN COURT PROGRAM WITH AGE-APPROPRIATE INSTRUCTION VIDEO**  
**MISSISSIPPI YLD & THE JACKSON YOUNG LAWYERS ASSOCIATION**

---

**I. Project Description**

Teen Court is in the truest sense a peer court, a system through which first-time juvenile offenders are given a second chance by subjecting thousands to sentences by their age group peers. The process is straightforward. The Youth Court judge offers a first time youth offender an opportunity to avoid formal adjudication of delinquent status by agreeing to Teen Court, which in Youth Court terminology is a diversionary program. The youth offender agrees to the program, does not contest the charges and, in return, the youth consents to a sentencing hearing/trial in which teens (peers by age group) both prosecute and defend him on the charge before a jury composed of teens who sentences him. The result? The offender's record is clear with no adjudication, a fresh start.

Although there are now over 800 teen courts nationwide, in 1997, the Jackson Young Lawyers Association (JYL), the local Jackson, Mississippi ABA/YLD affiliate, created the first Hinds County Teen Court. JYL worked closely with the local youth court judges and juvenile justice advocates to secure qualified youth offenders to participate in the program. JYL also volunteered in local high schools to train teachers, teens who would prosecute and defend these cases, as well as teens who would serve as jurors.

In implementing our program we discovered two things: (1) The program was a success, but depended heavily on young lawyer volunteers; and (2) High school officials were enthusiastic and had sufficient teen volunteers. This was especially true in rural counties in which there were only a handful of young lawyers. Our solution? We developed complete written materials and, most importantly, an age-appropriate, stand-alone *Training Video* that teachers could use on their own with participating classes or teens, when convenient with their schedules thus reducing the dependency on volunteer lawyers.

The result of several years of grant-requests and other funding, video script writing, and an intense one week of filming, is a 70 minute video with written materials that can easily be implemented by any YLD affiliate nationwide. Although Teen Courts have seen positive results nationwide, what sets this program apart is an ease of implementation.

**II. Project Development**

**A. Identification of Need**

Youth crime is a problem. While we see it in the news in general terms, it may be startling to some and a sad confirmation to others to know that, according to a very recent FBI *Crime in the United States Uniform Crime Report*, 19 percent

of all crimes are committed by offenders under the age of 18. By category, 45 percent of all arsons, 21 percent of all property crimes and 12 percent of all violent crimes are committed by offenders under age 18. The most startling statistic is that of all chronic adult offenders, 52 percent of males and 53 percent of females had their first reported offense before their fourteenth birthday.

“Juveniles have become the driving force behind the nation’s alarming increase in violent crime, with juvenile arrests for murder, rape, robbery, and aggravated assault growing sharply in the past decade as pistols and drugs became more available, and expected to continue at the same alarming rate during the next decade.” See Justice Dept. Issues Scary Report on Juvenile Crime, *San Francisco Chronicle* 9/8/95.

Peer influence is a powerful force. “Gangs take root in schools for many reasons, but the primary attraction of gangs is their ability to respond to student needs that are not otherwise being met; they often provide youth with a sense of family and acceptance ...” See Gary Burnett, *Gangs in Schools*, Eric Clearinghouse on Urban Education. Youth experience a sense of alienation because of lack of traditional support structures such as family. Gang membership fills this void by providing a sense of belonging and becoming a major source of identity.

Even without formal gangs, peer pressure and peer groups define and shape negative behavior. What is needed “is strategy that mobilizes school and community resources to offer viable alternative to youth gang membership. To be successful, however, a school’s strategy must be built upon ... the reasons for why gangs develop and attract youths; in particular, schools must find ways to address students’ feelings of powerlessness and low self-esteem.” See *supra* Burnett.

Traditional Youth Courts established years ago are often ill-equipped to handle teen cases, not only from a sentencing dilemma (adult crime vs. juvenile penalty) but also from a more systemic perspective. There is a chasm between today’s troubled youth and the traditional court system. Teen courts fill this void.

Teen courts provide an innovative positive force in slowing the increasing juvenile crime rate by using peer pressure to discourage bad behavior and reinforce positive behavior through participation in the system.

The objectives of Teen Court are not only to provide an alternate sentencing program for qualified first-time offenders, but also to educate juveniles within a community about crime, crime prevention and the judicial process. Achieving these objectives will inevitably lead to reduce the juvenile offender rate.

## **B. Determination of Project Goals and Design**

### **1. Decisions to be Made**

#### **a. Options – Project Goals**

Teen Court is a mechanism to involve today's young people; *rehabilitative* – for qualified offenders; *preventative* and *educational* – for participants. But overarching this structure is a system to cultivate and encourage positive peer influence in the entire community.

Appeal to issues that concern today's young people: (1) Sense of disconnect, (2) Need for acceptance, (3) Need for belonging. Teen court uses peers to judge the conduct of juvenile offenders, imposing a sense of social judgment.

The primary goal of an Affiliate implementing this program is statewide implementation, providing access to all counties and school districts. A secondary goal is delivery and use of materials, including written manual and forms, video (educational and training), to all communities.

#### **b. Options – Project Design**

Project Set Up – As previously described in this pamphlet, Teen Court is a diversionary program that required the Youth Court to “divert” youth/juvenile offenders to this program. It is not a mandatory program. Therefore, it is imperative for your affiliate to work closely with youth court judges and juvenile justice advocates to promote the program and send qualified youth offenders to the Teen Court program. In urban, and certainly in larger towns, your affiliate may have the option of working with a number of local high schools, but in more rural areas there may be only one high school for the area.

The Teen Court design is the same whether you choose to directly train student volunteers or use the Teen Court video. The written materials are also the same. The following addresses issues regarding implementation of the project.

Youth Offender Cases - When a youth offender's case is submitted to Teen Court, your Teen Court committee chairperson should work closely with the referring youth court official. The youth offender's file will contain the incident/police report, any witness statements, and a consent form signed by the youth offender and his parent or guardian authorizing his participation

and giving his consent to participate in the Teen Court program. (The consent forms are provided with the written materials.)

Student Attorneys - The case should then be assigned to a group of high school volunteers. Typically, the group should be sufficiently large (25 – 30 students) within the school and directed by a single volunteer teacher (a history class or a mock trial team, for example). The case should then be assigned two (2) teen prosecuting attorneys and two (2) teen defense attorneys.

Case Development - Neither the “prosecutors” nor the “defense attorneys” are permitted to contact any of the witnesses or conduct any investigation on their own. Their cases must be developed and built solely on the information provided in the materials contained in the offender’s file obtained from the Youth Court. Depending on the size of the class or high school group or club each student should be given an opportunity to serve as a defense or prosecuting attorney as well as a juror on cases they are not handling.

Teen Court Judge - Although the Teen Court rules contemplate a volunteer attorney presiding as judge over Teen Court proceedings, this should be done only with the approval of your presiding Youth Court judge. The JYL found that students participating as Teen Court volunteers (jurors, attorneys, etc.) as well as the youth offenders both benefit more from the Youth Court judge presiding herself. This requires coordinating with the judge’s schedule and the availability of courtrooms (unless the Youth Court judge agrees to allow the Teen Court proceedings to be held in the local high school).

Teen Court Proceedings - On a typical Teen Court proceeding each case should be started and finished within thirty minutes – this includes opening statements for both the prosecution and defense attorneys, case in chief and closing arguments. As described in the available materials, the prosecuting attorney calls one witness during his case in chief – the offender himself. The defense attorney may call one witness during her case in chief – the youth offender’s parent or guardian. The proceedings are conducted pursuant to abbreviated rules of evidence and procedure (also included with the written materials). At the beginning of each Teen Court proceeding, all Teen Court volunteers (prosecuting attorneys, defense attorneys, jurors, etc.) are questioned during a limited voir dire to assure that none is related to or otherwise personally knows any of the offenders. Although the students are allowed to participate, and as such the Teen Court proceeding is not conducted under seal, these proceedings are not

open to the public and the Youth Court judge or Teen Court judge or volunteer attorney should admonish participants of the importance to protect the confidentiality of these proceedings.

Teen Court Jury - At the beginning of each case, a jury is empanelled from among the Teen Court volunteers (prosecuting attorneys, defense attorneys) who are not prosecuting the case at bar. Depending on the size of the volunteer group, a jury of no fewer than four and no more than twelve should be empanelled for each Teen Court case. It is anticipated that a Teen Court session last at least two but not more than three hours and complete no fewer than four cases from opening statement to jury verdict. This time constraint assures that the judge's and court's time is not unnecessarily taxed and that the school schedule is not disrupted.

Based on the volume of cases assigned by your local Youth Court judge, each high school should anticipate at least two Teen Court proceedings per school semester.

The Teen Court Video makes the foregoing program available to every interested region, county and municipality—without the need of a large staff of volunteer attorneys to personally train the student and teacher volunteers.

## **2. Decision-making Process**

- a. First: Review material prepared by the JYL to confirm they conform to your local needs and that your state's law permits this form of Youth Court diversionary program, and make any necessary adjustments.
- b. Second: Secure commitment from local affiliate leadership for a multi-year project (e.g., you, your president, president-elect, and committee chairs). A one-time one-year effort will not provide the greatest impact.
- c. Third: Secure local young lawyer volunteers who are willing to assist in the facilitation of this project.
- d. Fourth: Approach local Youth Court officials (Youth Court Judge, Juvenile Detention Officials, Intake/Diversionary Program Officials) about implementing Teen Court. Assure them of your commitment to see it through and reassure them that this project will not result in additional cost or effort on their part. Request that they divert/send qualified juvenile offenders to your Teen Court program (first time, non-violent offenders).

- e. Fifth: With commitment of your Affiliate leadership and support of local youth court officials, approach local high schools to identify teachers committed to the program as an educational component for their students to learn about and participate in a real jury system as Prosecutors, Defense Attorneys and Jurors.
- f. Sixth: Secure financial commitment from local affiliate, “big bar,” local businesses and/or ABA Grants.

### 3. Considerations in Project Planning

#### a. Community Resources

- a. The primary resource for Teen Court to succeed is the commitment of the local *youth court judiciary* to offer and encourage qualified youth offenders to participate. Although some local high school use the Teen Court for internal disciplinary infractions, the greatest impact on youth crime and the greatest learning experience comes from handling real youth criminal cases.
- b. The next most significant and essential resource is securing the commitment of local *high schools* whose students would serve as jurors, prosecutors and defense attorneys.

#### b. Personnel

- a. *Teachers/Educators* willing to open their classrooms to volunteer young lawyers (who introduce the Video and provide initial training) and to involve their students in the program (to serve as jurors, prosecutors and defense attorneys).
- b. *Training Volunteers* will typically be young lawyers from within or nearby the target community. The benefit of the Teen Court Video is that only minimal on-site attorney volunteer instruction is required. The project is designed for several initial onsite visits and training sessions, but it is expected that, through the video, the school will implement and administer Teen Court.
- c. *Volunteer Coordinator(s)* will be required. Often the youth court staff in your jurisdiction will be able to assist in identifying and tracking juvenile offenders who have gone through the Teen Court system, ensure

compliance with sentence, and provide verification for events of recidivism. This is frequently the most challenging aspect of the program.

c. Revenue Availability/Fund-Raising

- a. Depending on how the Teen Court program is established, costs can vary. If Teen Court is held (as we did in Jackson, Miss.) in the local courthouse, the cost of transporting students via school bus or any official school sanctioned event to the courthouse must be addressed. This is ideal since the experience of a real courtroom often makes a greater impression on the students as well as the offenders.
- b. If bus transportation to the courthouse is not an option, Teen Court can be held at the local high school. Concerns for confidentiality and security become paramount in this situation. In small communities with only one high school, these considerations should be addressed on a case by case basis.
- c. Hard costs of copying the manuals and additional DVD's of the Teen Court Video is an initial investment. But local law firms and/or copy businesses can absorb the cost of duplicating and binding Teen Court Manuals. The costs of burning additional DVD's is also becoming manageable and can be done in house by many law firms (or pro bono by local videography companies).

d. Equipment

- a. No significant equipment is required. The material and video are available by contacting the Mississippi Bar YLD at 601-948-4471. The video and materials are available for the minimal cost of duplication and postage.
- b. Most schools will have the AV (DVD or VHS) equipment necessary to view the video.

### **III. Implementation – How to Replicate the Project**

#### **A. Timetable**

1. Immediately confirm that Teen Court is or could be an approved Youth Court diversionary programs under your state's law.

2. Contact the local youth court officials and judges.
3. To begin a program in a particular high school, begin discussions with school leadership 6 months ahead. For example, to start a Fall 2006 program, discussion with and commitment from the school should be targeted for February – March. This will enable the teachers to prepare their lesson plans and assess whether any money in the education budget is available to transport students to the local courthouse at least once per month for hearings/trials. Waiting any later in the Spring semester virtually guarantees the teachers will be involved in exams, out for Spring break, finalizing year-end grades, or summer vacation.

**B. Recruitment and Training**

1. Train your own YLD volunteers: This can be accomplished with the standalone Teen Court Video with the assistance of a young lawyer volunteer to answer questions.
2. Train High School Teachers: This can be accomplished with the standalone Teen Court Video.
3. Train Teen Court Student Volunteers: This can be accomplished with the standalone Teen Court Video by the High School Teacher and as in person by a young lawyer volunteer for at least the first hour long visit. The primary purpose of the Teen Court Video is to allow teachers, students, and the local youth court to run efficiently and without the daily supervision of local young lawyer volunteers.

**C. Publicity**

1. Publicity should be targeted at getting young lawyer volunteers, and teachers willing to incorporate the program into their curriculums. Before publicizing this program, ensure that the local youth court judges and officials have endorsed the program.

**D. Day-to-Day Operations**

1. Begin the program small with one high school and only enough juvenile offenders to hold trial once per month. As your program grows and volunteer commitment is secured, training and trial can increase in monthly frequency.
2. Your affiliate must choose how it will implement and staff its Teen Court program. You may staff your program with a large committee of volunteer young lawyers who will implement and administer the entire program (working full time with local

teachers and Youth Court officials), *or* if your affiliate is in a smaller rural area, you may have a much smaller young lawyer committee with less involvement in each High School Teen Court program

The initial start-up is time consuming. However, there is limited day-to-day operations once the program(s) has commenced and a Youth Court judge or official starts referring cases to your Teen Court program and you have secured a group of high school teens (25 – 30) as well as a teacher willing to coordinate the effort in her class/school group.

Your affiliate should appoint a committee chair to contact the teachers, coordinate the Youth Court officials, and implement the training (how to prosecute and defend a teen court case, use the rules of evidence, etc.) at the high school. The training can be implemented either directly through volunteer young lawyers or through the Teen Court video that is simply introduced by a local young lawyer.

Following the training, the students/teen volunteers must prepare their assigned individual cases and appear in court on a date selected by your Teen Court judge (this should be determined based on courtroom availability, availability of transportation from the school to the courthouse, and the judges and teachers/academic schedules).

Since the Youth Court retains jurisdiction of these cases, summons or a formal notice should be sent *from the Youth Court* to each youth offender whose case will be heard advising him or her of the specific date, time, and location of his hearing. An offender's failure to appear at his hearing may constitute a waiver of his right to proceed through Teen Court (absent an acceptable excused absence).

Once the trial has concluded and the jury has recommended a sentence that has been approved by the Teen Court judge, your Teen Court committee should coordinate with the offender and any community service entity with whom the offender must work to, for example, fulfill his sentence.

Additionally, each sentence should be reduced to writing, signed by the Teen Court Judge and put in the offender's file (form provided in written materials). Thereafter, your committee should work with your Youth Court officials to determine who will track the completion of the Teen Court sentence. As the

official Youth Court always retains jurisdiction over these cases, an offender's failure to comply with his sentence also operates as a waiver and his case is remanded to Youth Court for further disposition and formal adjudication.

*IV. Evaluation and Impact*

- A. Offender Impact: Work with local youth court to track youth offenders for compliance with sentence as well as any incidents of recidivism.
- B. Educational Impact: Interview teachers and youth court judges to assess how student volunteers react to and benefit from the Teen Court program.

*Affiliate Contact:*

**DAVID F. MARON**  
**Mississippi District (13) Representative**  
**Past President, Jackson Young Lawyers Association (2000-2001)**  
**Baker Donelson Bearman Caldwell & Berkowitz**  
**P. O. Box 14167**  
**Jackson, Mississippi 39236**  
**601-351-2477**