

SYLLABUS
Youth Court – Spring 2015

Course overview: This course will teach students a broad array of advocacy skills and the fundamentals of restorative justice and youth court practice. Students are expected to use their legal skills and knowledge to help high school students participating in the Nassau County Youth Court excel and support their community's effort to divert young people from the juvenile justice system.

Learning Objectives: By the end of this course, students should:

- Develop effective skills for interviewing both court-involved youth and their parents;
- Learn the necessary skills to work collaboratively with colleagues, clients and court staff;
- Understand the juvenile justice reform efforts in that area;
- Have a strong working knowledge of the Family Court diversion process and Adolescent Diversion process
- Understand the principles of restorative justice and how it plays a role in Youth Court, schools and the justice system.

Coursework & Requirements: Each weekly seminar will consist of case review and in-depth discussion of the issues presented as well as a discussion of the topics outlined below. Students are expected to keep weekly journals detailing the issues presented at the Youth Court session, any notes or comments on the hearing, and a brief discussion of the role restorative justice principles can and should play. Journals may also address issues covered in assigned readings regarding juvenile justice and criminal responsibility. **The journals must be submitted to both ADA Reyer and ADA Kaplan via e-mail by 5:00 PM on the Monday prior to the weekly seminar.**

Additionally, a 15 page paper will be due at the last class of the semester. There is no final exam and the class is graded Pass/Fail

The class size has been limited to allow each student the opportunity to fully participate. You will be expected to contribute to class discussions and analysis.

YOUTH COURT HEARINGS ARE HELD AT THE HEMPSTEAD VILLAGE COURT, 99 NICHOLS CT., EVERY THURSDAY AT 3:30 PM

Attendance: Attendance at the seminar, and more importantly at the case preparation meetings and hearings, is *crucial*. The Youth Court volunteers will be relying on the law students enrolled in this course for guidance and support. Unexcused absences will have a significant effect on the final grade.

You will also be required to attend court session in the Nassau County District Court on alternate Wednesdays from either 9 am – 12pm or 2 -4 pm. You will not have to attend every

week, but the more time you have to observe and participate in court sessions, the more you will get out of it.

Reading Material: Selected readings and articles will be distributed in class or made available on TWEN.

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Assignments for weekly Tuesday Seminars:

January 13, 2015: Week 1: Youth Court Model & Introduction to the Program

Readings: Article: *Youth Courts, Young People Delivering Justice*;

<https://www.ncjrs.gov/pdffiles1/ojjdp/196944.pdf>

Students will be expected to discuss the prior week's hearings and the issues presented,

January 27, 2015: Week 2: Case Selection and Intake

We will discuss the eligibility requirements for participation in the Youth Court program and the parameters for case selection and screening. Students will be introduced to the Nassau County Adolescent Diversion Program pilot project.

February 3, 2015: Week 3: The Juvenile Justice System & the Adjustment Process

Readings: *Juvenile Justice*, chapter 10, "The Juvenile Court"; available on TWEN

We will discuss the process of case adjustment by the Family Court Probation Department.

- Students who attended ADP should write their journal entry due on February 2, 2015 on their observations.

February 10, 2015: Week 4: Restorative Justice

Readings: Articles: *Can Forgiveness Play a Role in Criminal Justice*;

http://www.nytimes.com/2013/01/06/magazine/can-forgiveness-play-a-role-in-criminal-justice.html?pagewanted=all&_r=0;

The Role of Restorative Justice in Teen Courts: A Preliminary Look (available on TWEN)

We will discuss the fundamental principles of restorative justice and the important role they play in diversionary programs.

- Students should write their journal entry due February 16, 2015 on their reactions to the article *Can Forgiveness Play a Role in Criminal Justice*

February 17, 2015: Week 5: Ethical Considerations

Readings: Article: "I Will Not Divulge..." Protecting Privacy and Confidentiality in Youth Courts (available on TWEN).

We will discuss the Youth Court's privacy policy and related issues involving confidentiality.

February 24, 2015 Week 6: Due Process

Reading: *In re Gault*, 387 U.S. 1, 87 S.Ct. 1428 (1967); We will discuss the evolution of juvenile justice and the elements of Due Process as established in this landmark case.

March 3, 2015 Week 7: Youth Court Jurisdiction and the Juvenile Offender

Readings: *Line Drawing, Raising the Minimum Age of Criminal Court Jurisdiction in New York*, <http://johnjayresearch.org/rec/files/2014/02/linedrawing.pdf>

We will discuss the age of criminal responsibility in New York State and the statutory distinctions between juvenile delinquents and juvenile offenders. We will also discuss the current movement to raise the age of criminal responsibility and its implications.

March 10, 2015 Week 8: Juvenile Detention

Reading: *No Place For Kids, The Case for Reducing Juvenile Incarceration*, The Annie E. Casey Foundation, <http://www.aecf.org/m/resourcedoc/aecf-NoPlaceForKidsFullReport-2011.pdf>

We will discuss the use of juvenile detention facilities and their impact on recidivism.

- Students should write their journal entry due March 9, 2015 on their reactions to this article.

March 17, 2015: Week 9: Death Penalty for Juveniles

Reading: Articles: *Miller v. Alabama, 1 Year Later*; <http://jjiie.org/miller-v-alabama-one-year-later/>

Supreme Court, 5-4, Forbids Execution in Juvenile Crime,

<http://www.nytimes.com/2005/03/02/politics/02scotus.html>

We will discuss the dispositional alternatives for juveniles charged with the most serious offenses.

- Students should write their journal entry due March 16, 2015 on one of the two above-listed articles.

March 24, 2015: Week 10: Policing Our Youth

Reading: *Rethinking How We Police Youth: Incorporating Knowledge of Adolescence into Policing Teens*

http://www.americanbar.org/content/dam/aba/events/criminal_justice/Fall2012/Session1D_Rethinking_Policing_Youth_LT.authcheckdam.pdf

We will discuss the role of the police in the juvenile justice system and the dynamics of police interaction with youth.

- Students should write their journal entry due March 23, 2015 on their reaction to this article.

March 31: Week 11: Restorative Justice at Work in Schools

Reading: Articles: *Los Angeles schools make discipline less harsh; Stemming the Tide; promising Legislation to Reduce School Referrals to the Courts;*

For More Teens, Arrest by Police Replace School Discipline. <http://www.wsj.com/articles/more-teens-arrests-by-police-replace-school-discipline-1413858602>

We will discuss the implementation of restorative justice in school disciplinary procedure, and the direct correlation between the high rate of school suspensions and the penetration into the criminal justice system.

- Students should write their journal entry due March 16, 2015 on their reaction to these articles.

April 14, 2015: Week 12: Addressing Violent Crime Committed by Juvenile

Readings: Articles Available on TWEN – Juvenile Justice Articles.

We will discuss recent cases from across the country involving young people who have committed violent crimes. We will have an in-depth discussion regarding juvenile offenders and the balance between the need to protect the community and the “best interest of the child”

- Students should write their journal entry due April 13, 2015 on their reaction to these articles.

April 21, 2015: Week 13: Public Policy Supporting Youth Court

Reading: Article: *Policymakers Support Youth Court Growth* (available on TWEN).

We will discuss Youth Courts emerging across the country as a promising option for youth and communities.

April 28, 2015: Week 14: Wrap-Up

All papers due.