Youth growing up in today’s world face a range of complex issues and problems that were unimaginined only a few years ago. When youth, particularly those from disadvantaged or troubled homes, encounter interpersonal conflicts at home or at school, they often lack the communication skills to resolve them in a positive manner. Additionally, if such youth feel they have been victimized by society in general, they are usually more susceptible to the influence of negative peer pressures.

If youth do not have effective ways to resolve interpersonal conflicts, the pressures generated by the problem may continue to mount. Inevitably, such situations tend to build anger and frustration that can create a powder keg of violence. Unfortunately, even if the youth receives training in the areas of anger management and conflict resolution while in school, these new skills may not survive the youth’s return to the home environment. The successes of these new communication skills are often short-lived because cultural norms learned in the classroom differ from those the student experiences at home.

A Typical Case

The case of “Bo,” a 14-year-old boy, serves as an example. Bo’s parents are divorced and live 300 miles apart, in separate Texas cities.
As I write, it is approximately seven (7) weeks after the close of the joint American Bar Association (ABA) Section of Litigation and National Institute of Trial Advocacy (NITA) six-day intensive curriculum “Training the Lawyer To Represent the Whole Child” in my home town of Philadelphia. Approximately 45 children’s lawyers from across the country, including Alaska, attended and participated, along with a national faculty, with incomparable enthusiasm.

As I reflect on the training, I am continually brought back to the closing session entitled “Post Dispositional Advocacy in Children’s Cases.” After grueling days of exercises concentrating on direct and cross examination skills, opening statements, negotiation tactics, and closing arguments, Marsha Levick, Juvenile Law Center legal director, and faculty member for this program, did a remarkable job of re-focusing the participants on the theme of the entire curriculum, i.e., representing the whole child. Angela Coin, faculty member from Northwestern University School of Law, drew a diagram on the board (see center of this page), capturing the many legal areas that might affect one child’s life, and hence, how we as the child’s lawyer proceed with his/her representation.

Marsha and Angela have kept me thinking. But not only me. Robert “Bob” Listenbee, NITA faculty member and my Philadelphia colleague as Chief of the Juvenile Unit of the Defender Association, and I have begun a dialogue about where we go from here. The Children’s Rights Litigation Committee (“CRLC”) envisions taking the training on the road, perhaps to various cities that have a committed participant base, as well as a funding source. Bob has a vision that goes beyond making the training accessible across the country. Bob has a vision of a “new class” of children’s lawyers for this millenium. As he explains, In re Gault and a child’s right to counsel has only been around since 1967. During the following decades, we learned what it meant to be a child’s defense lawyer, and in some jurisdictions, what it meant to represent a child in abuse and neglect cases. Now it is time to forge a new children’s lawyer, a true expert, one who can work with children in any area. A daunting task!

When contemplating the future and the need to train lawyers to represent the whole child, it is imperative, however, to remember the need to first guarantee representation for the whole child. Some jurisdictions still have not recognized a child’s right to counsel in areas other than delinquency matters. Even in delinquency proceedings, many children go unrepresented in post-dispositional matters. Representation in areas such as school discipline, immigration and mental health proceedings is less frequent.

In those matters where children are represented, however, representing the whole child should, at a minimum, mean that lawyers have an understanding of critical issues, so as to know when further expertise is needed to be able to advocate effectively and navigate the various forums. For example, a lawyer representing a child in a delinquency hearing needs to have a basic understanding of how a client’s plea will affect her immigration status, as well as her educational placement, in order to assist the client in making an informed choice about accepting or rejecting the plea.

No matter which way you choose to go in your jurisdiction, the Section of Litigation and the CRLC are available to assist you. The CRLC is committed to increasing the quality of children’s representation in all ar-
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Bo’s father has remarried, and Bo resides with his mother who remains single. Both parents care about Bo but neither know how to effectively help him solve his problems.

Bo has had trouble ever since he entered middle school. After his first month at his new school, Bo started complaining to his mother about how he hated his new teachers and the other students, particularly the “jocks” who often made fun of him. As time passed, Bo became increasingly sullen, moody, and withdrawn. Then, he became involved with a new group of friends, who called themselves the “hoods.” He started staying out late, skipping school, and hanging out at the arcade. Bo’s mother suspected he was smoking marijuana, but he denied the allegation. At school, Bo was in continuous trouble for being tardy to class and for talking back to his teachers. Moreover, during the past semester, his grades continuously dropped.

About six months ago, Bo was arrested when he and several friends tried to sell stolen auto parts to a local junk dealer. Bo was placed on probation, and he continued to have trouble at school. After he became involved in a “pushing” incident with his shop teacher, he was placed in a disciplinary school. After completing one semester, he is being considered for return to his regular school. He shows some indication of having Attention Deficit Disorder (ADD), but he has been able to keep up with his schoolwork. Recently, Bo, along with five other students, participated in a special anger management and conflict resolution class. As a result of this training, Bo has a better understanding of conflict and has learned how to deal with his anger and frustrations in a more positive manner. He has also learned how to resolve conflicts by using a Responsible Dispute Resolution Protocol before the conflicts escalate into violence or other counterproductive behavior. In this Responsible Dispute Resolution Protocol, the youth and their families commit: (a) to treat one another with civility and respect; (b) to speak and write truthfully so as not to mislead or deceive; (c) to examine any dispute from the standpoint of the other party; and (d) to make a good faith effort to find a mutually acceptable solution to problems.

A School’s Dilemma

Bo’s teachers and school counselors feel positive about his improvement, but they are concerned about his future. Will Bo’s family be able to provide the reinforcement he needs to maintain his new communication skills? Will Bo be able to resist peer pressure after returning to his former way of life? What can the school do to help Bo and his family avoid the cycle of recidivism that frequently occurs in the juvenile justice system?

One obvious solution would be to train Bo’s entire family in the concepts and techniques of effective communication and conflict resolution. However, it is not realistic to assume that schools will have adequate resources to provide such training, even on a limited basis. Furthermore, while there are usually qualified individuals who are willing to volunteer their time and effort to serve as youth mentors and mediators, it is not often feasible for the volunteers to maintain ongoing, in-person contact with the youth and their families. This is particularly true in a case such as Bo’s, where the youth’s parents do not reside in the same locale and the youth’s home is situated some distance from the school facility. These logistical problems frequently prevent meaningful communication between the mentor and the youth and his family.

A Practical Solution

The Volunteer Mentor-Mediator (VMM) Program is designed to solve these problems through a combination of innovative conflict resolution training techniques and advanced communications technology. This program is the result of a collaborative planning effort involving the Harris County Department of Education (Dr. Noemi Lopez, Center for Professional Development and Instructional Support and Charlotte Miller, Peer Mediation Specialist); the Center for Legal Responsibility at South Texas College of Law (STCL) (Sean Palmer, Program Director, and Jessica Alexander, Project Coordinator); and a § 501(c)(3) dispute resolution organization, Resolution Forum, Inc. (Judge Bruce Wettman, President, Victoria Schear, Program Instructor, and Lewis Shadoff, Ph.D., Technical Consultant and Chief Coordinator).

In the one year VMM pilot program, Partners in Youth Re-
The Volunteer Mentor-Mediator Plan (continued from page 3)

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The VMM team helps the youth and his family deal with their everyday problems and also teaches them how to communicate more effectively with one another through the use of a Responsible Dispute Resolution Protocol. Should a conflict develop involving the youth or his family, the VMM team helps them resolve the dispute through mediation or some other ADR process. The VMM team members also serve as members of the program’s coordinating board to help collect and evaluate information about the program and to make revisions, as appropriate, in the program plan. Currently, the VMM team is comprised of South Texas faculty and staff members: Reginald Green, Maxine Goodman, Shelby Moore, Colleen Smith, and Jessica Alexander, and law students: Seema Puri, Jill Zito, Jessica Pena, Teresa Beltran, Mike Kennedy, Jenny Walberg, Jennifer Long and STCL graduate Mary Kucera.

Recruiting and Training Volunteers

In the Partners in Youth Responsibility VMM Program, the VMM teams are comprised of volunteer members of the faculty and law school student body at South Texas College of Law. At least one of the members of the VMM team will usually have had some ADR training, but that experience is not an essential qualification. For those who need such training, the Center for Legal Responsibility conducts special indoctrination training for no charge.

It is most important that every member of the VMM team understands the importance of the program and has a genuine commitment to participate in the team effort. At the beginning of the program, the VMM instructor, the VMM chief coordinator, and the VMM advisory members conduct a four-hour orientation program for the prospective team members. In this orientation session, the VMM instructors explain the “do’s and don’ts” of being an effective mentor-mediator team, instruct the VMM team in the use of the MSN TV equipment, and answer questions regarding to the team’s goals and objectives. This orientation program appears to have provided the VMM team members sufficient guidance to perform their volunteer assignments.

Program Funding

The initial funding for the VMM pilot program has been obtained from a variety of sources. The Harris County Department of Education receives some funding for its participation from the Harris County Alternative Dispute Resolution System Fund, which is generated by a statutory tax imposed on civil case filings. However, the Department of Education also has committed its own revenues and personnel to the administrative support of the program. The Center for Legal Responsibility at South Texas College of Law has been able to assist in the training and coordination effort through the ongoing help of the law school and the volunteer effort of the South Texas faculty and law students. Resolution Forum, Inc., which has assumed the direct responsibility for training, coordination, and development of the communications system, has received funding from individual supporters and from Houston Endowment, Inc, a private foundation that has supported innovative conflict resolution programs for troubled youth.

The overall cost of a VMM program will depend upon its scope and design. Generally, the cost of the MSN TV equipment, including the TV monitors, ranges from $150 to $200 per unit, and there is an ongoing charge of about $25 per unit per month. Personnel costs will depend upon the program’s scope and design. In this pilot VMM program, the training and coordination of VMM team members are largely a volunteer effort, which can easily be done by a local bar association, law school, or dispute resolution center. Currently, we are experimenting with a revised program plan that would result in all communications being conducted online, so that there is no need to schedule personal meetings between the youth and the team mentors. If this experiment proves successful, it should lead to a revised VMM program plan that can be administered more efficiently and at less cost.

The Center for Legal Responsibility at South Texas College of Law, in conjunction with the VMM coordi-
Providing Legal Services (continued from page 1)

these problems can mean the difference between an early resolution of the family’s problems and a child needlessly entering the child welfare system. There is no dispute that the child welfare system protects and provides stability for numerous children, and that the problems of some families are so overwhelming that child protective interventions are crucial. But other children and families simply need assistance resolving discrete problems before they mushroom into the kinds of crises that demand interventions.

The notion of providing preventive services—legal and otherwise—to at-risk children and families is central to community child protection, a movement that seeks to redirect the focus of child protection from intervening when a child has already been abused or neglected to preventing that harm from occurring. Throughout the country, families, service providers, community organizations and child protective services agencies are rethinking their relationships, placing services in community settings, developing interventions based on family strengths and needs rather than available services, and engaging families and communities in planning for and meeting the needs of at-risk children.

Where do lawyers fit in to these efforts? Lawyers routinely tackle the kinds of issues that could lead to child protective interventions. Here are a few examples from the work that civil legal services lawyers are doing on behalf of at-risk children and families:

- Relatives frequently take custody of children when their parents disappear, are using drugs, or cannot provide the children with a stable home. But without legal status, these kinship caregivers may be unable to secure the benefits and services that the children need—which could lead to child protective interventions.

  In Chicago, volunteers with the Chicago Bar Foundation’s Guardianship of Minors Project help kinship caregivers understand and start the process of obtaining legal guardianship of children in their care. Volunteer attorneys explain court procedures and legal concepts (including service of process) and give advice on legal issues (for example, who must receive notice of the petition for guardianship). The pro se kinship caregivers then appear in court to obtain their guardianships.

- Children with undiagnosed, untreated learning disabilities are often frustrated by their inability to keep up with classmates, leading them to act out at school and at home. Their behavior, in turn, creates stress within the household, increasing the potential for child abuse and/or neglect and possibly endangering siblings. This climate is ripe for child protective intervention.

  If children receive appropriate educational services, however, the risk of abuse and neglect in the home can be reduced or eliminated. The University of the District of Columbia’s Juvenile Law Clinic provides a range of legal services to the parents and caregivers of children with disabilities to ensure that children receive needed services. The clinic also actively advocates with child protective caseworkers to prevent interventions in clients’ families.

- The growing body of research about the impact of domestic violence on children has prompted child protective services agencies to intervene more aggressively in these cases, removing children from battered mothers because of their “failure to protect” their children from being exposed to violence.

  Recently, legal services lawyers in the District of Columbia met with a representative of the child protective services agency to discuss how they could collaborate to prevent the need for interventions in these cases. The legal services providers outlined the services they could make available to clients, and offered to give priority to cases referred by the agency. Providing the battered mothers with assistance in restraining order, custody, child support, and other kinds of cases can mean the difference between keeping the mother and children together and safe, and having the children enter the system.

These are just a few examples of the numerous programs throughout the country that are using legal services to alleviate family problems that create a risk of child abuse and neglect and to forestall unnecessary child protective interventions. Lawyers can provide services that protect at-risk children, but only if lawyers become aware of the problems early...
Providing Legal Services (continued from page 5)

enough to take preventive action.

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How can you become involved in these efforts? If you are currently representing children, consider expanding your services to some of the areas discussed herein. (For more ideas, see Keeping Kids Out of the System: Creative Legal Practice as a Community Child Protection Strategy, available through the ABA Center on Children and the Law, www.abanet.org/child, #5490310.) If you are curious about children’s law or interested in doing pro bono work in this area, talk to legal services providers about the work that they do to determine whether they are partnering with other providers serving at-risk families. Host a meeting with child protective services to discuss how you can work together to serve at-risk children. Look for volunteer opportunities to work with children and families in ways that can enhance family stability. If you are already working with a family and know that child protective services is considering becoming involved, contact the caseworker to discuss whether your work can prevent the need for the intervention.

In some situations, intervention by the child protective system is absolutely crucial to ensure the children’s safety. But for many at-risk children and families, the provision of timely legal services can mean the difference between maintaining the family intact and entering the unknown territory of the child welfare system. The lawyers who pro-

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nating board, is currently engaged in developing a Guide for Volunteer Mentor-Mediator Programs, which is

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designed to help schools, bar associations, and other non-profit associations develop similar programs without having to “reinvent the wheel.”

Benefits to the Youth

The VMM Program offers a special opportunity for youth to improve both verbal and written communication skills, and also to obtain the rewards of self-improvement and anger management. Through the VMM Program, the youth gains life-enhancing knowledge and skills that will help him or her deal with future problems. The youth also gains valuable knowledge and experience in advanced computer and communications technology, which will enhance career and job opportunities. Finally, the youth’s interaction with the volunteer members of the VMM team will help him or her understand and appreciate the personal satisfaction of being involved in important community work.

Benefits to the Legal Profession

In recent years there has been an increasing focus on promoting pro bono work within the legal profession. Various efforts are now underway in the nation’s law schools to instill a pro bono culture in future lawyers. The use of mentor teams composed of lawyer/law students provides benefits not just for the youth, but also for the mentors and the legal profession in general. The VMM program serves as an outstanding example of one effective way for volunteer lawyers and law students to work together as a team in a pro bono program that benefits the entire community.

The law students are able to implement mediation skills that they have learned in the classroom and to witness first-hand the effectiveness of the conflict resolution process. The lawyers are able to enhance their mediation skills and to increase their knowledge of new technological advances. For both law students and lawyers, there is heightened awareness of current societal problems and a greater sense of individual responsibility regarding the welfare of the community. By engaging in such a volunteer community effort, the VMM team members enhance their professional standing and improve the public image of the legal profession and the participating law school.

Summary

Many schools and juvenile institutions across the nation have adopted effective programs that provide youth with knowledge and skills in conflict resolution and peer mediation. However, there is a need for affordable programs that can extend such training to the youth’s family and which continue to reinforce the youth’s learned knowledge and skills.

In today’s transient society, we face many difficult logistical problems in finding, training, and coordinating qualified volunteers who are willing and able to serve as youth mediators and mentors on an ongoing, in-person basis. Thus, there is a need to examine new processes and communication technologies that can readily be accessed by the mentors, the youths, and their families. The VMM Program demonstrates how innovative processes and advanced technologies can be com-

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