

Blackboard Justice

How law and order, teen-style, came to the classrooms of Bridgeport.



Lawyer Josh Michtom told me this brief story when I asked how he had come up with the idea of recruiting Bridgeport students to sit in judgment of their peers:

"I was in a hallway at Warren Harding [High School] and watched as an administrator barked orders through a walkie-talkie. He seemed overwhelmed by the discipline problems, and quickly dictated out-of-school suspensions—three days here, five days there and so on."

It seemed to Michtom that, for whatever the offenses committed, the punishments were certainly not the result of due process. Moreover, the suspensions returned many kids to the streets. Michtom took it upon himself to try to change that routine and un-savory routing.

At 31 years old, he could almost put himself in the shoes of the students. As a child, he had been shuttled between his divorced parents—his middle-class father and his unemployed and impoverished mother. In his mother's neighborhood, he had hung around with kids who, simply through accident of birth, had few prospects for success.

Such memories propelled him to the legal profession and eventually to the staff of the Center for Children's Advocacy, a Hartford-

based nonprofit that represents young people throughout the state. Because Warren Harding is notorious for its troubles—its dropout rate among the highest in Connecticut and its students from among the poorest families—he is assigned to it two or three days a week, and operates a legal clinic for kids, teaching them their rights.

It was in this role that he approached social studies teacher Katie Boland, who shared his concerns about the discipline program. The two of them explored ways to improve it, and to keep kids on campus, perhaps assigned to special study halls. The idea that rose to the top was to make it possible for students themselves to become arbiters of justice as part of a judiciary panel—teaching them not only principles of law but responsibility.

Michtom and Boland could find no evidence this had been tried at any Connecticut public high school, and only a few precedents

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elsewhere. Even so, they were convinced that such a plan would make discipline more meaningful and effective.

They took their idea to Carol Birks, the new principal, who was enthusiastic. They all agreed that the panel should include teachers or staff to give it the authority and oversight it would need.

But of course, no good idea goes unchallenged. There were those who voiced concern about the welfare of those students who

would be chosen. They could easily become targets for abuse. On the other hand, the timing seemed right; a new state law limiting out-of-school suspensions required Harding to address its policies.

And so last school year, the decision was made to implement the new plan. The word went out to students in the school's Law and Government Academy (one of several divisions students are assigned to), and there were many volunteers. One was 18-year-old senior Leon Jefferson. He had been impressed with Boland as a teacher, and was quickly drawn to the idea of a student judiciary panel.

The interest was not merely theoretical. Leon is the sixth of eleven children, and three of his older brothers have been incarcerated. Sensing that he had an academic bent, his parents pushed him to succeed.

He has done so—and has a 3.6 grade-point average. Yet he has seen a number of classmates go down the wrong path, and the school itself, in his view, has had a hand in that. "Warren Harding," he told me, "was not one of our greatest presidents, and the school named after him isn't one of the greatest schools. When teachers see the students don't want to learn, they get fed up and don't want to teach them. Out-of-school suspensions become the norm. But what are they going to learn at home? The best thing to do is give them detention, and make them work."

During the last school year, Leon and fellow classmates took training for the justice panel. As it will not begin in earnest until this fall, his role was limited to helping to create the program. By September, he'll be a freshman at Seton Hall (largely through grants and scholarships), the first step on his way, he hopes, to law school and, ultimately, representing rape victims.

As it turned out, Leon got to a law school years before he'd actually planned to—at least for a morning. Josh Michtom and a few students at Yale Law, doing their community outreach, arranged for the group of would-be judges to take a field trip. So on a spring morning, they arrived by school bus to a feast

of donuts, lunch and legal theory.

Yes, Leon was aware of the prestigious law school, but he had never imagined entering through the front door. Or getting a tour of the library, where Hillary Rodham and Bill Clinton met. In one of the lecture rooms, Leon and his fellow students—about 20 in all—sat in stadium-style rows, and watched as Professor Drew S. Days III entered from the faculty passageway.

As Days saw his task that day, it was to give the students a sense of what it means to be a judge and to carry out the law. He had impressive credentials to deliver such points. He has not only been on the faculty since 1981, but prior to that was the first African-American assistant attorney general for the Civil Rights Division under President Carter. Plus, he knows the challenges students face—having grown up in Tampa, where he had to sit in the back of the bus and was allowed to drink only from "Colored Only" fountains.

He acknowledges that much has changed since then, and is delighted that the country has elected an African-American president, though he adds, "As a famous justice once said, 'One swallow does not make a spring.'"

Days offered the would-be judges in his classroom advice through three hypothetical situations. This method was intended to show them the responsibilities inherent in passing judgment on others.

The first situation, based on a real Supreme Court case, involved a traffic-court judge whose pay was based on the fines he levied. "Do you see anything wrong with that?" Days asked the class.

The second case involved a defendant accused of severely injuring someone. "The judge is the only one in the courtroom," Days explained, "who knew the following fact: that recently his own daughter had been severely beaten in an attack. What should he do?"

The third case focused on appearances. "If a defendant is well-dressed, and has a lawyer who knows the judge well," Days asked, "should that person expect better treatment from the judge than the next defendant—a homeless person?"

After each case, Leon's hand went up. And he knew just what to say. That justice has to be handed out evenly. That a judge with a vested interest should "remove himself from the case." That "a judge shouldn't let his personal life affect in any way what he does on the bench." That appearances shouldn't matter. Days responded, "I think we have an appellate-court judge in the making."

When the program was over, Leon Jefferson and Josh Michtom finished their pizza slices while I recorded Leon's thoughts on street life, school life and the possibilities for the future. An hour later, the Warren Harding kids got back on the bus to a place where hypothetical problems are all too real. ■