Brandeis University
Brandeis Seminars in Humanities and the Professions

Juvenile Justice at the Crossroads:
Literature-Based Seminars for Judges, Court Personnel and Community Leaders

A Project Summary and Curriculum For Judges and Other Key Court Personnel
under the State Justice Institute Grant # 99-N-150

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October 2000

This program is funded by a grant from the State Justice Institute.
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Personnel and Community Leaders

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This curriculum was developed under grant number SJI-99-N-150 from the State Justice Institute. The Points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.
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1. INTRODUCTION

A. Description of grant

"Juvenile Justice at the Crossroads: Literature-Based Seminars for Judges, Court Personnel and Community Leaders," a grant funded by the State Justice Institute (SJI) under Special Interest Category II. B. 2. h. — children and families in court — was implemented between June 1, 1999 and October 31, 2000, a period of 17 months. During that time the Academic Director of the Brandeis Seminars in the Humanities and the Professions (H & P) under the aegis of the International Center for Ethics, Justice and Public Life at Brandeis University and the Judicial Educator at the Judicial Institute of the Massachusetts Trial Court (MJI) worked together to create six day-long seminars using selected literary texts to prompt discussion of contemporary issues crucial to juvenile justice. The seventh meeting in September provided a helpful conclusion to the six seminars with former facilitators and selected participants engaged in assessment and evaluation of the entire process.

The first three months of the grant period, June through August 1999, were devoted to planning for the seminars and selection of both faculty and texts. Intensive day-long faculty development seminars occurred in July and August to acquaint judicial and academic facilitators with each other and with the dialogical teaching mode of the Brandeis Seminars, as well as with pertinent data regarding juvenile justice. These training sessions (described further under II in Faculty Training) were also implemented by the practice teaching of new texts.

The six SJI-funded seminars all were held on the campus of Brandeis University between October 1999 and May 2000, a period of eight months. Each enrolled between 20 and 30 participants, utilized four literary texts and was conducted by a combination of judicial and academic facilitators working in teams. As noted above, the culminating seventh meeting to which all facilitators, both judicial and academic, as well as participants selected from each of the six seminars were invited, was then held on September 13, 2000, to review the model curriculum and grant summary and to evaluate the entire process in order to supplement the on-site evaluations administered at the end of each seminar.

B. Overview of objectives

This project has addressed several pressing needs of judges and court personnel in the juvenile justice system including four courts in the Massachusetts Trial Court System: the Juvenile, Probate and Family, District and Superior Courts. Those who work in juvenile justice anywhere in this country are under intense pressure to respond creatively and constructively to a seeming epidemic of serious crimes committed by seemingly ever-younger offenders. "The growing number of horrific and premeditated acts of murder and gun violence by juveniles, despite an ever sinking crime rate, has serious implications for the juvenile justice system" (Juvenile Justice Magazine, July-August 1998, 3). In 1999, we celebrated the first hundred years of the founding of Juvenile Courts in this country with their committed belief that "young offenders are believed to be . . . susceptible to social and moral rehabilitation" (Janiculum Project, 1998, i, ii). Those
working in juvenile justice, however, have found their authority and autonomy questioned by an amalgam of outbreaks of adolescent violence, public concern which is sometimes hysteria, overwhelming media exposure and often-impetuous legislative responses. Hence, this project addresses at least three pressing needs in the field of juvenile justice:

1) The need to respond to community concerns by creating wider community involvement in the juvenile justice system. These concerns include addressing the needs of minority and female children, two groups specifically mentioned in the grant;

2) The need for professional development for overworked juvenile justice personnel ranging from probation officers to court clinicians and from social service agency workers to judges. These practitioners need time to detach from daily demands to find a neutral space to rethink their mandates, to compare notes and to contemplate the larger implications of issues they must confront every day;

3) The need to involve directly government and community leaders in dialogue with juvenile justice professionals. These leaders include teachers, guidance counselors and school principals, community police personnel and state legislators as well as representatives from a variety of social service agencies, both private and state-supported. It takes community cooperation at every level to aid in prevention of crime as well as early intervention in the treatment of troubled children.

The time-tested and productive format of the Brandeis Seminars was first implemented in 1981 with its facilitation of literary texts and its emphasis on developing through dialogue the dual texts of life, especially work life, and literature. These seminars enhance communications and encourage collaborative reflection and problem solving on key issues of juvenile justice. The texts (discussed at length in II and III) were explicitly chosen to illuminate several of the five crucial aspects of juvenile justice outlined in the original grant proposal:

1) children at risk - abuse and neglect, guardianship and custody
2) adolescent rebellion against parental authority including violence
3) treatment of racial and ethnic minorities in the social service and court systems
4) the status and treatment of young women offenders
5) issues surrounding possibilities for community intervention

These five areas both pinpoint and supplement the SJI's Special Interest Program Category II.B.21. which targets "[c]hildren and families in court, especially concerning "detention, adjudication and disposition" of young juvenile offenders as well as meeting "the needs of girls and children of color."

There are three significant innovations in the implementation of this grant. All are built on ideas not previously utilized in the Brandeis Seminars. All have proved to be highly successful. They are:

1) Using judges and administrative trial court personnel as facilitators in teams with academic faculty who have traditionally provided the mainstay of our seminar teaching staff. Over the
course of the six seminars a total of nine different facilitators from the Massachusetts Trial Court worked in teams with academic facilitators from Brandeis University and other area institutions. These included seven judges from three different courts. There were two Juvenile Court judges as well as the Chief Justice of the Juvenile Court, who lent her expertise and prestige to the seminars and also participated in the planning sessions. There were also two Probate and Family Court judges who proved very helpful in guiding the discussion of care and protection as well as custody issues. In addition, two District Court judges, both of whom had created and worked in literature-based programs with incarcerated offenders, added greatly to the program as did the Deputy Commissioner of Probation. Finally, the Judicial Educator of the Massachusetts Judicial Institute taught the introductory text at four of the six seminars and effectively opened up the dialogue. Of the academic faculty, the Academic Director of the Brandeis Seminars taught in each of the six seminars while other academic faculty were especially selected for their involvement with juveniles. For-example, the chairman of the Psychology Department at Brandeis, who teaches adolescent psychology and maintains a clinical practice for children, was a key facilitator.

While engaging new facilitators and training those who did not generally teach in an academic context required considerable orientation and liaison, the rewards were obvious, even in the training sessions before the six seminars. From the first there was intensive learning and teaching on both sides. The judges gave the academic facilitators a "hands-on" awareness that enhanced and transcended any scholarly readings while the academic faculty shared teaching techniques and past experiences in the Brandeis Seminars.

2) Opening up the three central seminars, all in April 2000, to participants from the larger community of those concerned with juvenile justice. This was done in an effort to address prong five of the grant; i.e., including the larger community for the purposes of sharing expertise and providing possibilities for prevention of and early intervention into juvenile crime. These participants included local chiefs of police; high school principals, teachers and guidance counselors; agency members from the Massachusetts Department of Youth Services, Department of Social Services and Department of Mental Health, as well as representatives from several private, non-profit agencies which support and represent children while working closely with the courts. Judges and court personnel including probation officers and court clinicians were limited to no more than 50% of the total enrollment in any April seminar. The only group which did not respond to our invitations was that of Massachusetts state legislators who head house and senate committees on juveniles.

These three April sessions proved to be especially enlightening and inspiring. People spoke directly to each other, often for the first time, on shared issues of real importance. They also argued and defended their own views but often achieved remarkable dialogue and sometimes consensus. Many groups requested a full participant first for future networking.

3) Concluding with an extra, seventh session for summary and further evaluation. This kind of expansion of the seminar has been effected for several reasons. First, there was widespread enthusiasm for reconnecting and concluding among both facilitators and participants; second, our formal evaluator from the Heller School at Brandeis urged a modified focus-group follow-up as more productive than phone interviews to supplement the on-site evaluations at the end of each
seminar; third, SJI was kind enough to reallocate some funding for this extra program since we had not spent all our funding for facilitators. Funds were available largely because state court judges could not be compensated beyond token gifts. Now that this seventh program has been completed in September, we view it as a fitting culmination to the grant.

C. Guide to curriculum

The various curricula described in the following pages (see III) delineate day-long programs based upon four literary texts. The first short text "Justice" is used introductorily in each seminar to inculcate participants in the dialogical method and to present some overarching themes of the three succeeding texts. Of the other three, one is a major or anchor text, usually 100 pages or more, a novella or a short novel, invariably presented during the morning session. The other two are generally shorter texts, often short stories. There is a separate session devoted to each text with its own facilitator. As documented in Appendix A containing the seminar agendas, three or four facilitators work as a team during the day to provide comments on and transitions between all the texts.

After each participant's introduction of him or herself according to both job description and job-related concerns, introductions to the program include a brief rationale regarding the informal practice of using first names instead of titles and utilizing large tent cards at each place in the table. This table is an open square so that all speakers can see each other. Reliance upon the dual texts of life and literature is especially emphasized. These basic precepts serve as a spur to the group dialogue. Following the short discussion of the introductory text, the two morning sessions focus on the anchor text and another of the selected texts. These morning sessions are broken by an informal coffee break while the third session begins after lunch. There is one hour for a casual group luncheon where the conversation of the morning invariably carries over. The third session concludes with an open-ended summary of important themes and issues generated by the participants themselves. This summary is later sent to all in the group along with a full participant list for networking. Each seminar ends with a brief, forthright written evaluation by the individual participants including ranking of statements about the day as well as answering three open-ended questions in the participant's own words. See Appendix C for evaluation form. Because these six seminars drew participants from Cape Cod to the Berkshires, the sessions began at 10 a.m. and ran later in order to accommodate those commuting from great distances.

As mentioned previously, the combination of academic and judicial facilitators had a very salutary effect on the seminars. In part symbolic, in that it acknowledged the primacy of those who work with juveniles in court and agency systems, this joint facilitation created the best possible working example of the team work which characterizes successful dialogue in the mode of the Brandeis Seminars. Because all facilitators had been trained together in this particular program, they understood that their pedagogic goal was not to lecture. Hence they successfully sought to elicit and guide discussion of the ideas in the texts by involving directly individual participants to create a collective experience. This experience of the day-long seminar was one of recognition and often of partial resolution of the difficult issues facing professionals in the field of juvenile justice.
While it might be easy to conclude that anyone can assemble a satisfactory seminar of this nature on juvenile justice simply by selecting texts and facilitators then inviting participants, it is clear that there is much more to the process. The planning and preparation; indeed, the teaching of teaching before the fact, as well as the constant liaison and follow-up between group directors and facilitators, among facilitators, between facilitators and participants, and finally with the participants, are all crucial. The implemented follow-up of a seventh group meeting to bring together many people from the first six seminars has provided further insight into the project. And yet for all its careful preparation and planning, the other caveat for the success of the seminars remains shared commitment to the open-ended, free atmosphere of the collective experience in which everyone may contribute to the dialogue and in which all key players -- directors, facilitators and participants alike — may address crucial, often controversial issues in a creative, non-threatening manner. Planning, not orchestration, is important.
II. PROJECT SUMMARY

A. General purposes

1) to convene critical combinations of judges, court personnel such as probation officers and court clinicians in the four following courts which deal with juveniles: District Court, Juvenile Court, Probate and Family Court and Superior Court in order to address issues of juvenile justice in intensive, day-long seminars;

2) to set aside three of the six seminars, namely those of April 6, 26 and 27, 2000, for participants from the larger social service community who work with juveniles. These include professionals from the state Department of Youth Services, Department of Social Services, Department of Mental Health as well as representatives from private, non-profit groups; middle and high school teachers, guidance counselors and principals; area police especially those working in community policing and state legislators involved in juvenile issues;

3) to utilize not only academic facilitators in each seminar but also trial court judges, judicial educators and probation officials in order to ensure hands-on discussion of critical issues and to provide a model for discussion merging literature and life/work experience;

4) to assign four shared texts to be read by all participants before each seminar and to be used as foundation for and impetus to discussion of the five important issues outlined in the grant: a) children at risk - abuse and neglect, guardianship and custody, b) adolescent rebellion against parental authority including violence, c) treatment of racial and ethnic minorities in the courts, d) status and treatment of young women offenders, e) issues of community involvement for prevention of juvenile crime and intervention with offenders in its aftermath;

5) to summarize group insights and to posit tentative conclusions and solutions both in oral discussion and written evaluations at the end of each seminar, then to circulate these shared conclusions to all seminar participants of that day;

6) to follow up more exhaustively three months after the completion of the six seminars with a seventh day-long meeting for all facilitators and selected participants from the seminars. These focus groups have provided not only a more definitive evaluation of the project but also inspired more detailed possibilities for future implementation through review of the proposed curriculum summary.

B. Specific objectives and subsequent outcomes

1) Seminars: Each of the six seminars held between October 1999 and May 2000 enrolled between 20 and 30 participants from a wide spectrum of the Massachusetts courts and from widely varied positions within those courts. As previously noted, there were judges as well as probation officers, court clinicians and other court personnel at every session. The three April sessions, however, intentionally drew no more than 50% of their participants from the Massachusetts trial courts while the other participants came from the larger community working
for juvenile justice. The success of these three April seminars prompted some registrations from this larger community also for the May 31 seminar. In retrospect, it might have been helpful to open up at least four seminars to this community, which is effectively what occurred in the last seminar.

The original plan conceived by those planning the seminars both at H & P and at MRI, working with our program manager at SJI, was to hold the first two seminars in the fall following a summer devoted to text selection and faculty development. The first seminar was fully enrolled with 26 participants on Thursday, October 21, 1999, but our experiment in scheduling a second seminar for a Saturday when the courts would be closed was not successful. This October 23 seminar was then postponed because of limited registration. Two other ideas built on the long experience of MRI in scheduling seminars and training sessions. First, we determined not to schedule seminars during the winter holidays or in January or February given the uncertain, sometimes dangerous New England winter and the fact that participants were coming from throughout the state of Massachusetts. Hence, our next scheduled seminar was in late March — March 22, 2000. As noted above, three successful seminars involving the wider juvenile justice community occurred in April from April 7 to April 26 and 27, allowing a hiatus for observance of Passover and Easter. As New England weather would have it, we awoke on the morning of April 26 to a major snowstorm which forced some participants from Springfield and the Berkshires to be four hours or more on the road. Amazingly, everyone was convened before 11 a.m. with full attendance. This was one of our most energized, fully involved groups; perhaps overcoming the weather created another bond beyond the shared concerns about juvenile justice. Second, it was also helpful to open all seminars at 9:30 a.m. with bagels and coffee, then begin the actual program at 10 a.m., instead of the earlier times of 8:30 or 9:00 a.m. usually observed by the Brandeis Seminars. This gave participants time to travel from the four corners of the state and generally to avoid the terrible rush-hour traffic of the greater Boston area.

We were well pleased with the diversity of participants in terms of geography, positions within the juvenile justice system, hierarchy and seniority. It was remarkable and quite helpful to engage in direct conversation young probation officers who work on the streets of Lowell and Lawrence with judges of 20 years experience on the bench. In two different comments from the April 6 evaluations, this point was emphasized by participants: "It was essential to the Program's effectiveness that various viewpoints were represented (judiciary, law enforcement, social services, court personnel). It's extremely useful to see both our similarities and our differences." Also, "The mix of participants greatly broadened it [the dialogue]. The police chief DSS and probation people see offenders at earlier stages and in greater depth and involvement than do judges." Never were there only judges talking to judges. And just one judge in the final May seminar insisted that our "first-name" policy for all participants was inappropriate because it bespoke a false informality and because people who had earned their titles deserved to use them. While this precipitated a revealing discussion of some 20 minutes, most other participants respectfully dissented. Then the Judicial Educator tactfully suggested everyone follow what was comfortable for him or her; hence, that judge remained "Judge" and the rest of us foreswore titles. However, when the Chief Justice of the Juvenile Court, who arrived after the debate, was conducting a session, people found it hard to call her by her first name (although this was not true in addressing the other facilitators). Interestingly, this concern surfaced only at the last of our six seminars.
While invitations and reservation forms were widely distributed both in and out of the trial court system (see III, Participant selection), there was still a distinct minority of minority participants in attendance. Because of the diversity of job description, there were more African American and Hispanic probation officers, for example, than judges. However, our judge facilitator from the first session, from the Juvenile Court in Boston, is an African-American. Moreover, at the April 26 seminar, which included the larger juvenile justice community, there were five minority participants, four women of color and one man. These included a female judge, a social worker for the DYS, a high school guidance counselor, a probation officer and a court clinician.

2) Texts: Each of the six seminars utilized a combination of four literary texts in a pattern of intense focus on a single text, informal break and conscious transition to the next text. This is a working model which has been used and refined in the Brandeis Seminars for nearly 20 years. In each seminar the first text was a two-page Ethiopian folk tale, "Justice," which provided an apt introduction to the day's program and was usually facilitated by the Judicial Educator of the Massachusetts Trial Court, a skilled teacher and attorney familiar with most of the participants. The other three texts, primarily novels, novellas and short stories but also an occasional play, are selected to create a unified, not always seamless dialogue while accentuating different issues of juvenile justice. For example, Toni Morrison's *The Bluest Eve* may highlight issues of race and gender among juveniles as well as family crises like incest while Jane Smiley's *Good Will* may question issues of care and protection for a young white boy in an idealistic nuclear family in which the boy rebels through acts of vandalism and arson. The fluidity of the seminar discussion, guided but not managed by the facilitators who do not overtly "teach," allows considerable leeway in the group's choice of issues to focus upon and linger on. Seminar participants shape the discussion through their vicarious connections with the texts translated through and expressed in their real workday concerns in the juvenile justice system. The sheer diversity of texts, some removed in time and place from the present day, some set in contemporary America, provides an intriguing synthesis. On the one hand, participants can experience a kind of indirection which enables them up to speak easily through and about the text. On the other hand, such freeing up allows them to address more candidly and directly their own workplace concerns through the medium of art.

Of the 32 texts initially selected for the seminars (see Appendix B for annotated list), 14 texts were ultimately utilized. Three of these were brand-new texts which had never before been used in the Brandeis Seminars. One, the folk tale "Justice," was used as preface to all six seminars. Five were used in two seminars each, including the aforementioned Morrison and Smiley texts. Two of these five, "American Horse" by Louise Erdrich and "Capital Punishment" by Joyce Carol Oates, did double service. They were also utilized in the Faculty Development Seminars in summer 1999 as "show and tell" devices for demonstrating the presentation of a text; i.e., a form of practice teaching. Two judges from the Probate and Family Court each taught "American Horse" at later seminars. The fifth text to be used twice was William Faulkner's "Barn Burning," long a mainstay of Brandeis Seminar programs in race and gender bias as well as in juvenile justice.

3) Faculty Training: Trying out new texts provides an ideal mode in which to train or reorient new and experienced facilitators for the Brandeis Seminars. In this unique series of programs on
juvenile justice, one of our most exciting innovations was the full use of judicial and administrative facilitators in conjunction with the experienced academic facilitators in every one of the six seminars. In fact, at two of the seminars in April there were two judge-facilitators at each in addition to the Judicial Educator from MRI who opened the dialogue by presenting the first short text. While it may seem obvious that judges must always be teachers as well as exemplars of the legal system, it was a departure for many to step down from the bench and team teach in such a seminar setting. On the other hand, several judges are former educators, and a number have conducted various seminars of their own.

For all facilitators, whether academic, judicial or administrative personnel, the challenge of working together in this seminars is both daunting and rewarding. This unique teaching shares certain components of classroom teaching while disregarding the lecture format and generally avoiding literary history, biography and such related explication. In any program, but especially in a new project like this one involving the complex issue of juvenile justice, it is necessary to conduct intensive orientation. In this case, day-long faculty development sessions held in both July and August 1999 with full packets of materials mailed out in advance allowed new and old faculty to meet, to talk, to educate each other, to explore together new texts and new modes of creating dialogue. Such extended orientation also created renewed focus and purpose for the seminar programs themselves.

Perhaps the most pragmatic way to delineate faculty training is to include substantial excerpts from the summary of these sessions which was distributed to all facilitators. The first list relates directly to responses to the weighty packet of readings on everything from juvenile crime statistics and substance abuse problems to proposals to remake the juvenile courts. The second list extrapolates guidelines generated by the groups for facilitation of the seminars.

a. Issues from readings on juvenile justice:

1) Juvenile issues beyond court control — media, guns, nature of culture surrounding children, e.g., music, pornography, and violence

2) Changing beliefs in both culture and legal system, e.g., questions of rehabilitation vs. punishment

3) Decreasing resources vs. increasing expectations placed upon both courts and schools

4) Emotional over-exposure and burnout for the individual adolescent, the fractured family, even for judges

5) Tensions between juvenile and adult courts regarding sentencing, incarceration, confidentiality

6) Tensions between legislative mandates (often inflamed by media) and judicial discretion
7) Societal views of the community and our children — from cynicism and indifference to anger and backlash. Are children seen as dangerous to the community even in minor property crimes like graffiti?

8) Questions of relative status of Probate/Family and Juvenile Court judges both inside the system and in the eyes of the public

9) Issues relating to "middle children," ages 10-14: appropriate schooling, early puberty, lack of finding for age-relevant programs, earlier crime rates, more violent crimes

10) Issues connected with the often disparate treatment of minorities a every stage of juvenile justice from arrest through sentencing and incarceration

11) Issues connected with a growing fraction of female offenders

12) Need for communication with other professionals in the fields of education, policing, social welfare agencies. Possible conflicts of interest?

b) Guidelines for facilitating Brandeis Seminars in juvenile justice:

1) Meet before each session to identify common issues and issues particular to participants.

2) Remember always the dual texts — the literary text and the work / personal life of the participant.

3) Stimulate discussion. Eschew didacticism, use patience - - ask questions, wait for answers (team efforts help here when other facilitators can join in).

4) Use text for discussion of characters, dramatic plot, issues, themes but NOT primarily as a literary work — no lectures. Also include only minimal self-presentation.

5) Create the context of the story where helpful but do not insist participants rely on your insights.

6) Be gentle but persistent in probing issues. Don't be afraid to be a bit confrontational or even to encourage debate among participants. There are no easy answers.

7) Acknowledge tough work (and often disillusionment) which people in the field face. Deal with both professional and personal difficulties when grappling with tough issues within a text. Supportiveness of participants and their work is well-deserved and puts everyone at ease.

8) Balance good listening with your own presentation of thought-provoking or even provocative positions and insights. Candor and passion can enliven the discussion.
9) Do NOT let any one person dominate — especially yourself!

10) Use explication only as a way of probing and provoking ideas, not as an end.

11) Try to remember who said what, then interweave earlier points back into the dialogue.

12) Consider use of a flip chart or a blackboard to catalogue insights and conclusions at the end of a day. Assign one facilitator to be recording secretary during the concluding session.

In addition to these intensive training sessions and the distribution of the above summaries based on the sessions, it is vital for there to be contact between the director of the seminars and the various facilitators before the actual seminar. In every case the Academic Director of the Brandeis Seminars (H & P) not only met with the MJI educator but sat down personally with each of the judge-facilitators to pinpoint major themes and ideas as well as to create questions for the upcoming seminar. A summary of these discussions was then sent to the judge-facilitators as well as to the academic facilitators. Moreover, it is from these jointly promulgated questions that many of the model curricula questions have evolved in III of this grant summary.

It is also important for the facilitators to speak together at the end of the day's session to debrief and evaluate for themselves the day's discussion. They will also receive a summary of the day's discussion, conclusions in which they have participated, as well as a copy of the on-site evaluations. The seventh session in September has enabled our team to bring together for the first time since the summer of 1999 all the facilitators from all six seminars as well as selected participants from each seminar for a more comprehensive debriefing and detailed evaluation (see IV, Evaluation).

4) Pedagogy: Many issues, both large and small, encountered in the actual teaching during the seminars on juvenile justice, have already been addressed extensively in the previous section on faculty development, especially in the synopses of the faculty development sessions. Here is a concise overview of pedagogical goals and accomplishments. Beginning with the short introductory text, each session of the seminar presents a text followed informally by a series of questions. These questions may be both broad and specific but should not limit the participant to "yes-no" answers and should not be presented in staccato fashion. Broad questions will elicit a whole spectrum of initial responses, including feelings and attitudes, both individual and collective, which often need to be aired by the group. Rather informal and open-ended questions also lead to an easy expansion of the dialogue. Specific questions relating to the text may help to clarify larger themes and issues, but they should never imply right or wrong answers. At its best, the text becomes a springboard to examine further the second vital text — the work life and to some extent the private life of each individual present. Carefully selected texts, intentionally placed in conjunction with one another and connected by cross-reference through the day-long seminar, presented in the creative pedagogy of the seminar format, can and will elicit sharing of meaningful life experiences. This process of coming to a greater understanding of other people — juvenile offenders, colleagues, even relative strangers -is a common aspect of learning through reading.
While there is no need for a pattern of formal closure at the end of the day, it is not only helpful but sometimes cathartic for participants to formulate in their own words what the discussion has been about and what it has meant to them. Here the facilitators need to be present to guide and especially to record but not to dominate. Inevitably, we as readers, whether facilitators or participants, whether academically trained or legally trained, whether new or experienced in the field of juvenile justice, whether long-time or only occasional readers of literature, learn from both characters and situations in these chosen texts and then apply our insights, both individual and collective, to our own lives and work.
III. CURRICULUM

A. Background

This grant proposal arose out of close collaboration between the Academic Director of the Brandeis Seminars (H & P), Dr. Mary E. Davis, and the Judicial Educator of the Massachusetts Trial Court (MJI), Marilyn J. Wellington, Esq. We sought to address and even to redress the disturbing and largely negative media coverage about juvenile crime; the legislative solutions, some of which appeared to provide "quick fixes"; and the sober second thoughts articulated by juvenile justice professionals at the time of the centennial celebration of the founding of the Juvenile Court in 1899. Hence, we chose to scrutinize these complex and difficult issues through a wide-ranging series of seminars for professionals at every level in the field of juvenile justice. Relying upon a host of scholarly research from the Department of Justice, The Janiculum Project and uncounted other sources, we crafted a grant proposal to reach those issues and the workers who most needed to resolve current problems. The quality of collaboration and participation, as well as the strikingly laudatory evaluations, document clearly the relevance of this program.

B. Faculty selection

As previously discussed, our recruitment and training of judge-facilitators as well as academic facilitators truly enhanced the concept of team teaching and opened up the six seminars to a real "hands-on" awareness about juveniles. In the preliminary planning stages in the late spring and early summer of 1999, the Judicial Educator of MJI, the Academic Director of H & P, the Chief Justice of the Massachusetts Juvenile Court and, on one occasion, the program manager of the SJI grant, met in Boston to select tentatively judges and court personnel who might be able and willing to work as facilitators in this project. Of the judges who were selected and trained, all but one finally participated in seminar facilitation. In addition, one judge, who was not available for summer training but who had taught in law and literature programs for offenders and who met with us for individual orientation, was later added to the roster. All in all, there were nine court-related facilitators: seven judges from three different courts, one deputy commissioner of probation and one judicial educator. They are as follows:

Juvenile Court: Chief Justice Martha Grace, Judge Leslie Harris and Judge Paul Perachi
Probate and Family Court: Judge Susan Ricci and Judge Eileen Shaevel
District Court: Judge Joseph Dever and Judge Robert Kane
Deputy Commissioner of Probation: Dr. Ronald Corbett
Judicial Educator, Massachusetts Judicial Institute: Marilyn Wellington, Esq.

Among the academic faculty who taught with the judicial facilitators are:

Dr. Joseph Cunningham, Chair of the Psychology Department, Brandeis University
C. Participant selection

Much has already been written about aspirations articulated in the SJI grant proposal to open up three of the six seminars to the larger community concerned with justice for juveniles. While the first two seminars in October and March resulted from invitations extended exclusively to judges and court personnel, these participants included a range of court clinicians, social workers and probation officers in the mix. It was only in the invitations extended for the three April seminars, however, that a number of different constituent lists were merged. Many names came from representatives to the Juvenile Justice Council in Massachusetts of which the Judicial Educator of MJI is a member. Others came through contacts with area educators and police with whom we have conducted Brandeis Seminars in the past. As previously stated, the only group which failed to respond to our invitations was that of state legislators on key committees involving juveniles. There was also concern that relatively few minority participants would respond, but the numbers were strikingly better in the three April seminars which included a spectrum of professionals in a wide variety of job descriptions.

One commentator in the April 26 on-site evaluations applauded such diversity: "The very diverse personalities and subsequent unique experiences that each member contributed to the discussion was extremely enriching and thought-provoking." Another respondent, clearly not a member of the judiciary, commented, "I was pleased to view and hear judges as human beings with real life failings and problems speaking openly about it." A respondent on April 27 highlighted the very issue that was to surface in the last seminar of May 31 regarding status, hierarchy and use of titles among the participants. This person answered the question about diversity, dialogue and communication with this positive view: "Good mixture. Moderator's activity was very helpful in producing air of collegiality. No use of titles; everyone was called on to contribute. Use of literature helped us get away from focus on’ fix it' to a more reflective stance."

D. Agendas and sample programs

Three separate agendas of the seminar programs for April 26, April 27 and May 31, 2000 are included as Appendix A in order to document the list of texts used, the faculty and the time expended for each session throughout the day. The rationale supporting selection and programming of texts has been discussed extensively in II, especially under Specific objectives.
and outcomes. It will be addressed in the following section III, E regarding textual choice and order.

E. Texts

The following is the list of 14 texts utilized in the six seminars on juvenile justice. As previously stated, these were chosen from the initial selection of 32 which are delineated in an annotated bibliography in Appendix B. Appearing beside each title of the 14 utilized are dates which indicate when and how many times each text was used. In addition, numerals from 1 to 5 appear beside each title to indicate which of the five prongs of the initial SJI grant proposal were addressed by use of this text. These topics are as follows:

1 = children at risk, abuse and neglect, guardianship and custody
2 = adolescent rebellion against parental authority including violence
3 = treatment of racial and ethnic minorities in social service and court systems
4 = status and treatment of female offenders
5 = issues surrounding possibilities for community intervention

The following texts were utilized between October 1999 and May 2000:

- Ethan Canin, "The Palace Thief" March 22 1,2,5
- Louise Erdrich, "American Horse" March 22, April 6 1,2,4,5
- William Faulkner, "Barn Burning" Oct. 21, April 26 1,2,5
- Ernest Gaines, "The Sky Is Gray" April 27 1,3,5
- Rebecca Goldstein, "Legacy of Raizel Kaidish" May 31 1,2,4,5
- Margaret Laurence, "The Loons" April 27 1,3,4,5
- Wolf Leslau, "Justice" all sessions 1,3,5
- Toni Morrison, *The Bluest Eve* April 26, May 31 1,3,4,5
- Alice Munro, "Royal Beatings" April 6 1,2,4,5
- Joyce Carol Oates, "Capital Punishment" Oct. 21, April 26 1,2,4,5
- Philip Roth, "Conversion of the Jews" April 27 2,3,5
- Lynne S. Schwartz, "Age of Analysis" May 31 1,2,5
- Jane Smiley, *Good Will* Oct. 21, April 6 1,2,5
- Richard Wright, "Man Who Was Almos' A Man" March 22 1,2,3,5

For six of the above 14 titles, a syllabus of questions, themes and issues as well as a synopsis will follow. Many of the questions were promulgated in individual orientation sessions with facilitators, especially the new judicial facilitators. In addition to appendix B of full titles, there will be a separate appendix D to include the full texts of the very short story "Justice" and of "American Horse" to demonstrate the principles of both length and thematic focus in text selection.
1. "American Horse" by Louise Erdrich

**Synopsis:**

Buddy, a young Native American boy who lives with his mother and elderly uncle in poverty in rural North Dakota, has recurrent nightmares about the "system"; i.e., various institutions of police and assault personnel swooping down out of the sky like a giant metal mechanism to seize him and carry him away. Indeed, his fears materialize when two policemen, one a Native American ironically named Harmony, and an intrusive court-appointed social worker appear at dawn to take him away from his mother, who has often been arrested for public drunkenness. When Harmony tries to negotiate with Buddy's mother to remove the boy, she resists and is rendered unconscious. The boy is forcibly removed from his home and the "system" rolls on, seemingly indifferent to the child's loyalties and to ethnic or cultural concerns.

**Syllabus:**

1) Can courts serve as social service agencies? Should they? Do different state agencies come in conflict over such issues?

2) What constitutional rights are at stake here? Have the rights of the mother been protected? How about her minor child?

3) What might be Buddy's future? Where will he go? With whom?

4) How much patience should the courts possess for parents with drug and/or alcohol problems? In other words, how long should Buddy have to wait for his mother? How long should they be separated?

5) What is the true meaning of "at risk" in Care and Protection orders? Is Buddy more at risk with or without his mother, whom he loves?

6) How fair and equitable are ex parte orders which are issued unilaterally by the courts?

7) Is it ever feasible to continue services for a dysfunctional family, even from generation to generation? Even without any discernible progress?

2. "The Sky Is Gray" by Ernest Gaines

**Synopsis:**

This bitter story by the author of *The Autobiography of Miss Jane Pittman* is filled with crisis and confrontation in the life of a young, eldest child in a destitute, proud, Black, single-parent family in Mississippi. An exemplar of defiant, almost brutal "tough love," his mother forces the eight-year old to kill birds for food. Still, she finds the money and sheer determination to take
him to the dentist in town to treat a terrible toothache during a fierce sleet storm. In addition to rigid segregation, discrimination and poverty, Gaines reveals sometimes violent clashes within the Black community. Despite its bleakness, the story ends on a note of affirmation when the mother insists to her son, "You not a bum You a man."

**Syllabus:**

1) What is the meaning of the stories within the story — the confrontation between two Black men in the dentist's office and the struggle of the mother to support and defend her children?

2) While most people in the story are Black, we see also clashes within the Black community. What complex social service issues are ignited here — abuse? neglect? abandonment? what?

3) What specific issues of Care and Protection are involved in the mother-son relationship? Why is the mother violent? Do you consider her a fit parent?

4) Is the child a delinquent? Will he be (he is only 8)? Would his truancy from school be sufficient grounds for the state to intervene? What agencies might make a difference — DSS? Welfare Department?

5) What about the last lines of the story? Is it healthy for the mother to call her young child a man? Has he ever had a childhood? Is he already an adult caretaker?

6) Even if this story is set in an earlier time, is there any rationale for the mother's beating the child? For her forcing him to stab birds with a fork?

7) What kinds of polarities do you see in parenting today? Have these changed over time? Is there more need for agency or judicial intervention today in cases involving young children?

8) Are there any other resources for the child here within the extended family? the community?

9) What role does the old white couple play in these very poor people's lives? Can we depend on such informal private caretaking? What role if any do community standards play in the protection of young children?

10) What do you predict for this child as an adolescent?
3. "The Loons" by Margaret Laurence

Synopsis:

Piquette, a Native American/French Canadian child living in poverty in a motherless family in rural Canada, is diagnosed with tuberculosis of the bone by a local Dr. MacLeod. He determines to give her a summer at the MacLeod's family cottage as part of her cure. Unable to bond with the doctor's daughter, who is the narrator of this story, Piquette returns to her family, leaves school and marries young. Beset by the poverty and alcoholism which plague her family, she and her small children die in a house fire in her father's shanty. This is a poignant story of life and death, afflicted by vast socio-economic, cultural and ethnic differences, all scarcely tempered by attempted intervention.

Syllabus:

1) At what point should the state or the courts intervene in a family situation like Piquette's? If she had been taken to live permanently with the MacLeods, would it have changed her life? Are there any stable family structures in her own life?

2) When Piquette goes to the lake, why is she incapable of playing? Has she ever had a childhood?

3) When a child is of Native American parentage, are there special strictures or concerns in Care and Protection issues? Should ethnic distinctions be made?

4) While children are often abused and discriminated against, do we always follow "the best interests of the child" in the courts? Do we always know what they are?

5) How does Piquette's life as a teenager deviate from her family's life? How does it also replicate problems inherent in her family structure — violence? alcohol? poverty?

6) What does the narrator of the story learn about life from Piquette? Why is this knowledge only retrospective?

7) What is the symbolism of the loons and the long-lost Indian tribe? Are some children today virtual endangered species?

8) Why does the loss of a parent, her mother, affect Piquette even more drastically than it does the narrator, whose doctor-father dies suddenly of pneumonia?

9) Is there any real sense of community in the little town where both these girls grow up? Is there any societal intervention beyond the kindly doctor's personal concerns?

4. *The Bluest Eye* by Toni Morrison

**Synopsis:**

Two young African-American sisters growing up poor in Ohio in the 1940's learn from their schoolmate Pecola the worst of degradation which comes from racism and sexism. Pecola Breedlove, an 11 year-old child who views herself as dark and ugly, unloved and unlovable, is the product of a violent marriage ending in incest, as well as victim of an oppressive white culture. Upon reaching puberty Pecola is raped and becomes pregnant by her angry father Cholly, himself abused and abandoned as a child. Toni Morrison's first novel (1970) portrays the hopelessness of American Blacks in terms of jobs, housing, education and family relations; but even more especially, regarding the plight of children. This novel exposes a spectrum of terrible hierarchies — men vs. women, adults vs. children, White vs. Black and even Black vs. Black. Frieda and her sister Claudia, who befriend Pecola, admit near the end when Pecola has fled into madness, "We were so beautiful when we stood astride her ugliness . . . . Even her waking dreams we used - to silence our own nightmares" (p. 205).

**Syllabus:**

1) What is the larger meaning of the "Dick and Jane" world with which Morrison begins the novel? Can anything clean and nice endure in the world inhabited by the Breedlove children?

2) This novel appeared just two years after the death of Martin Luther King, Jr. Is it objective? Should fiction also be propaganda? What does it demand? Is there any hope in these pages?

3) What kinds of families do we encounter in the novel? What does Claudia's family have that the Breedloves do not? Both are poor and Black and struggling, but . . . ?

4) If Pecola represents the very bottom of the "pecking order," what are the sub-strata between her and the top? Where are the prostitutes? What do they give to Pecola?

5) In this segregated society before *Brown v. Board of Education*, the Ohio school in the novel is integrated. What other contact do the characters have with Whites? Are there any besides service roles? Is there any reciprocity?

6) Why does Cholly rape his own daughter? How would you treat him — within the criminal justice system? within the mental health system? what else?

7) What kind of Care and Protection orders would you create for Pecola? Should she have been removed from the home? Why does her brother become a runaway?

8) In Claudia's family what does the mother do to or with the children? Is she abusive? Is the father unduly passive?

9) How is domestic violence almost inevitable among and between the Breedloves?
10) Would there be a sequel to this story if you could write one? Is there any light at the end of Pecola’s dark tunnel?

11) How do generational problems haunt the young characters of this novel? Can you ever hope to reverse the history of your clients, both individual and collective?

5. "Capital Punishment" by Joyce Carol Oates

Synopsis:
A bright and intellectually assertive 15 year-old girl aptly named Hope lives with her father as custodial parent after her mother leaves to begin a new life and family in California. Hope and her father, Mr. Brunty, disagree on many issues, including capital punishment, a debate into which Hope is drawn by the person of a Black prisoner on death row. Impelled to protest, Hope is taken into custody for civil disobedience, only to be rescued by her concerned father. Their subsequent confrontation ignites long-smoldering resentment and failure to communicate on both sides. Their retrospective story is told after Hope, an adult living alone and elsewhere, and her father, now old, still persist in their remaining "amicably estranged."

Syllabus:

1) Would you have granted custody to Mr. Brunty? Is he an adequate parent? Is there an alternative?

2) What issues of abuse/neglect exist here? Or is Hope's response to her father largely one of adolescent rebellion against his parental authority?

3) In the context of juvenile crime, where would you place Hope's civil disobedience? Should she be charged? detained? counseled?

4) What are salient race and gender issues here? Is Hope victimized by being motherless? By having a rather sexist father?

5) How does the story end? Why do we see beyond the immediate events of the story into the future? Is there any "hope" for change?

6) Is there a role for the courts to intervene here? For social service agencies to follow-up on this single parent and his daughter?

7) What does this story say about the treatment of female offenders? Are the father's fears about Hope's treatment by the police and the detention center at all well-founded?

8) What does this story say about parents as role models or even reverse role models? Is Hope's rebellion essentially negative — or somewhat positive?
9) How should one factor in Hope's family situation? Is it too easy to see her as a victim?

10) What is the role of the detention center and how is Hope's treatment while briefly there? Is there room for compassion in the staff?

6. Good Will by Jane Smiley

Synopsis:

In a seemingly idyllic, almost utopian setting out of Henry David Thoreau, a close-knit family of three which includes a young boy Tommy, have become virtually self-sustaining, close to the soil and to each other. Initially this novella seems to portray the ultimate American Dream of independence and self-reliance, even to the hint of home schooling for this only child, now beginning elementary school. Both parents resist societal intrusion and conformity, but they are overtaken by an escalating series of events. Tommy's small acts of violence against the only Black child in his grade school class turn into full-fledged, if not intentional arson. They force his parents to rethink both life goals and parenting roles. This catastrophe brings intervention from police, therapists, courts and social workers, as well as a move to town. The future is unclear.

Syllabus:

1) Does this novella reveal issues of abuse or neglect? Or are there simply societal pressures on the child which he cannot confront? Or is parental pressure a form of abuse?

2) What kinds of overlap do you perceive in the story between juvenile courts, probate/family courts and even criminal courts?

3) Are there race and gender issues here? (Tommy is a White boy who terrorizes a Black girl.)

4) What are the complex problems of peer acceptance and conformity in Tommy's life? Does he pick on someone he sees as more of an outsider even than he?

5) How does the story end? How should it end regarding adjudication and disposition of such a case? Is it fair that Tommy's parents, once free, are now held captive by the state — social workers, therapists, DSS and DMH types? Is it necessary?

6) How would you describe the ideal role of the courts in such intervention and follow-up?

7) Is Tommy perhaps a victim of his family structure, of the "system," i.e., the institutions like school to which he is forced to conform? Or victim of himself? Is he another "Bad Seed" child?
8) What more can we learn about the treatment of children in the juvenile and family courts? Is there a real caveat or warning here?

9) How is a property crime like vandalism by children generally addressed in our legal system? How about something as serious as arson committed by an eight year-old?
IV. EVALUATION

A. Results of the questionnaire

The evaluation instrument designed by the program coordinators consisted of ten positive statements on specific aspects of the seminar (see Appendix C). Participants were asked at the end of each seminar to respond by choosing a number on a scale of 1-5 with 5 representing "strongly agree" and 1 representing "strongly disagree." The numerical responses of all statements were then tallied and the average (mean score) was calculated. For example, statement #5, "The faculty encouraged open and free discussion while guiding the group to consider issues of problem-solving," received a 4.8 score in Seminar 1 and an average score for all six seminars of 4.7. Statement #3, "The discussion method in the seminars allowed for both individual participation and group communication," had identical scores, giving these two statements the highest scores overall. Statements regarding the faculty and the level of discussion had high scores — above 4.5 — indicating a particularly high level of satisfaction among participants for these aspects of the seminar. There was some variation in mean scores of the seminars; e.g., the lowest score was 3.9 and the highest was 4.7, indicating high overall satisfaction with all aspects of the seminars.

B. Written responses to the questionnaire

Satisfaction with the mix of participants, seminar format and the topics discussed was reiterated in responses to the three open-ended questions concluding the questionnaire. An indication of the high level of interest in the seminars was revealed in the detailed, thoughtful responses made by participants. Below are examples of participants' responses:

1. How did the mixture of court personnel affect the dialogue?

"A very good mix . . . gave judges an opportunity to hear support staffs views" (Seminar #1)

"[It] provided a common denominator to look at issues without titles interfering" (Seminar #2)

"I was struck with people's open and candid insights" (Seminar #2)

"Excellent opportunity to see a 'case' from the point of view of all participants" (Seminar #3)

"Our shared perceptions enabled us to communicate easily and encouraged dialogue. Lots of energy, even after lunch!" (Seminar #3)

"Moderators were very helpful in producing an air of collegiality . . . no use of titles . . . helped us get away from focus on' fix-it'" (Seminar #4)

"[The] interdisciplinary mix illuminates others’ perspectives. In the hurly-burly of the court world, we need more time to reflect" (Seminar #4)
"It was very difficult getting a word in edgewise, but it was worth it" (Seminar # 5)

"[Planners should] consider having some Juveniles participate . . . men tended to dominate the discussion" (Seminar # 5)

"There were many probation officers. I enjoyed the academics. [It] would have helped to have academics from various fields" (Seminar # 6)

2. What is your reaction to the focus on . . . issues of care and protection?

"Great food for thought - to explore issues that affect children and the roles played by parents, probation and providers" (Seminar # 1)

"Thought provoking. . . making things more complex [which is] not a bad thing" (Seminar # 1)

"C & P is a huge issue. We needed more time and discussion" (Seminar # 2)

"Issues of children are by nature wide-ranging and messy . . . makes sense to have a format that encourages general discussion" (Seminar # 3)

"Isn't that what the seminar was about, a chance to think 'outside the box'?'" (Seminar # 3)

"Family is a topic we are preoccupied with on a superficial basis. This allowed us to probe what 'family means and what new definitions we ought to consider" (Seminar # 4)

"[It was] very helpful and thought-provoking. Although some texts were set in prior time periods, they were applicable and appropriate to current C & P cases" (Seminar # 4)

"Stimulating to discuss issues that promote both an intellectual and an emotional response" (Seminar # 5)

"Strongly appropriate for all of us to look at families within their own cultural circumstances and how our courts force standards that may not be appropriate" (Seminar # 6)

3. What would you tell a colleague about today's program?

"It is different. We're used to being presented with information to the point of overload. In this context we both present and receive information" (Seminar # 1)

"Do it. Take a day to reflect what we're all about" (Seminar # 2)

"Interesting, but only if you're willing to open up, and it depends greatly on the precise mix of roles and personalities" (Seminar # 3)
"Well conducted and informative. Some pie-in-the-sky discussion but overall a well-led group discussion" (Seminar # 4)

"Makes me wonder about running a similar group or having an outside person do it with court personnel in my own region" (Seminar # 5)

"[This is] an interesting way to teach about diversity, culture [and] sensitivity training. Good for those who like to ponder the larger issues. More could be done to bring it home to everyday tasks and decisions" (Seminar # 6)

C. Results of the focus groups

Two focus groups were convened in mid-September by Dr. Erika Kates, the outside evaluator for the grant from the Heller School at Brandeis University. The groups were designed to elicit participants’ opinions about their roles as facilitators or discussants, the range of issues covered, the influence the seminars had on their work and their recommendations for future seminars. Facilitators were invited to attend the morning focus groups and those who had been participants were invited to the afternoon group. Both groups were invited to lunch together to provide opportunities for informal discussion. All the facilitators were invited; a mix of participants included people of each of the six seminars, from different parts of the state, from different professional and cultural backgrounds as well as to represent ethnicities and gender.

At the beginning of each focus group those involved completed a short version (five questions) of the original questionnaire. This served to refocus attention on the seminars, which had occurred between four and ten months previously. It also served as an indicator of how typical or atypical their responses were of the group they represented. Analysis showed their scores to be very similar to those of their original groups.

Focus Group One: The Facilitators

1. The role of the facilitator may be very different from your usual professional role. Did you feel comfortable in that role?

Except for one judge who said his first reaction was panic, all facilitators said they had felt comfortable, and attributed that to the "outstanding" training they received in how to set ground rules, not dominate discussion and steer conversation away from "war stories." One lamented the time lag between the summer training and the April seminar while another expressed disappointment, given the training they had received, at having only one chance at being a facilitator. Invariably they enjoyed and appreciated the extensive planning and training sessions. Generally, while people found it useful to know the kinds of positions others held, they found that not using formal titles helped to open up discussion.

2. The seminars covered a wide variety of issues relevant to juvenile justice today. What in your opinion were the most important issues discussed?
Discussion covered a wide range of topics including the boundaries of parental responsibility, the influence of race and class in treatment by the courts, the limitations of the courts to respond to complex child and family concerns, the feasibility of rehabilitation at different ages, the meaning of justice, the community services that are available and the ethical dilemmas in clashes between family and court "cultures." There was some agreement that issues of race and class could have been discussed more. There was also a strongly expressed concern about the need for courts to focus more on violent offenders, especially females, because the methods of dealing with them currently are not working and there are generally fewer resources. People thought the texts might address this topic more directly in the future.

The seminars' ability to address the five principal topics was generally rated:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse and neglect</td>
<td>YES</td>
</tr>
<tr>
<td>Adolescent rebellion</td>
<td>YES</td>
</tr>
<tr>
<td>Ethnic and racial minorities</td>
<td>YES</td>
</tr>
<tr>
<td>Young female offenders</td>
<td>INSUFFICIENT</td>
</tr>
<tr>
<td>Community intervention</td>
<td>YES / INSUFFICIENT</td>
</tr>
</tbody>
</table>

3. Has your participation in these seminars affected your work in any way?

One academic facilitator said the seminar approach has helped him in teaching MBA students; another said the approach of using literature to discuss wide-ranging and important issues had both validated her teaching style and the relevance of her work. One court employee found her awareness of other court personnel enhanced by her participation. Various adaptations involving the use of literature in a seminar mode are currently being tried for juveniles on probation and for young female offenders in a series of new and ongoing programs.

4. Do you have any recommendations to offer for future seminars?

The importance of a focus on female offenders and the possibility of broadening the mix of participants were both discussed. Some suggested using parents of children who had been involved with the courts or even family members who had been through the adoption process. Other suggestions included additional ways to insure 100% participation, such as keeping group small — no more than 15 people — and using non-literary means such as videotapes for stimulating discussion. Many affirmed the importance of holding the seminars away from the courts and especially using Brandeis University as the site of the seminars to add credibility and status.
5. Did the seminar hold any surprises for you?

Here people agreed on the positive surprises — lack of contentiousness, excellent organization, how respectful of participants and time constraints the planners were, how pleasant the interaction was and how committed to the process so many people were. The one negative comment was a facilitator's amazement that one person showed up without having read the texts.

Focus Group Two: The Participants

1. Your role at these sessions is very different from your usual professional role. Did you feel comfortable in the role?

There was general agreement that "It was wonderful to drop the role . . . to get out of the office and to speak to people you don't normally speak to." One participant was impressed that a judge had stepped away from his role to talk about his family. Another said it was great not to think about hierarchy. "People were emboldened . . . [it was] a forum of ideas, not position." Another liked the geographical diversity since no one present was accountable to anyone there. Most agreed that both the mix of people and the use of relevant texts helped to "level the playing field." "Books really helped to free us from roles . . . nobody could be wrong." This also helped people see the larger picture when normally "you can't see the forest for the trees."

2. The seminars covered a wide variety of issues relevant to juvenile justice today. What in your opinion were the most important issues covered?

A number of participants mentioned that cultural and economic issues were discussed but more coverage of racial issues would have been helpful, especially issues of racism and sentencing practices. This topic of racial disparity in outcome led to further discussion of the need to be informed. Also, the topic of female offenders, although present in the texts, seemed to be glossed over in some discussions. "Why do we not talk about them?" "The research says the number of girls in DYS is up 300% . . . women never get the time." There was agreement that information on girls, CHINS and runaway children was in the texts but could have been stressed more in-group discussions. Many praised the different ways and levels on which complex issues were discussed however. One said, "We are dealing with values, not so much [with] technical concerns." Many expressed the tensions they feel between legality and morality. One stated, "It's a bit like going to church . . . and the next day you've got to go to work." Most mentioned the importance of listening to people and having empathy for the kids they see. The importance of all perceptions was widely discussed. Often "we are informed by our own backgrounds" and "there are not enough services for children because they are seen but not heard." Participants agreed that the seminars allowed them to "look at what we do wrong and what we do right." Moreover, many found it encouraging to know so many other people, even those outside the system, including people at Brandeis University, are concerned.

3. One of the goals of the seminars was to address specific issues. Did the seminar you attended address the following topics?
Here the responses of the participants were almost identical to those of the morning group of facilitators.

- Abuse and neglect: YES
- Adolescent rebellion: YES
- Ethnic and racial minorities: YES
- Young female offenders: INSUFFICIENT
- Community intervention: YES / INSUFFICIENT

4. Has your participation in these seminars affected your work in any way?

Participants consistently described one effect as thinking more broadly about their own work because normally "you get so far from the big picture . . .." Another person stated, "Now I step back [and ask] . . . how can I do my job better?" In addition to energizing their work, many found it validated their work and reaffirmed the necessity of maintaining the concept of this work as a calling and not just a job. All in all, the seminars seemed to provide much more than R and R for participants, but also a time and place to reflect, to compare concerns and remedies and to renew themselves.

While most felt positive about the changes wrought by the seminars, including a chance to "rethink the American Dream," many were brought back to earth by the difficult realities: "'I'm dealing with the reality . . . and wish we could change things at work"; "Can we figure out a way? I see it every day . . . children are suffering."

5. Do you have recommendations for future seminars?

Issues of how and whether to seek change arose again in recommendations for future seminars; in fact, there was a general question about whether change was truly a or the seminar goal. Some saw "tension in the purpose of these seminars . . . whether one of the goals should be to produce change." Another asked, "How do we get from rededication and reaffirmation to change?" There was, however, consensus about the value of emphasizing communication among key players in juvenile justice with the suggestion of adding to the mix by encouraging state legislators or their aides, perhaps juveniles who had been through the system and parents of children who had been caught up in the juvenile courts as well as more street workers who know such children. For those who sought to translate dialogue into action, there were suggestions of working with young people in peer groups or even in gangs, with school mediation programs and other forms of peer support. In conclusion, some suggested that each seminar include not only a summation but also a "what's next," future-looking discussion. Then those interested in moving to the next level could volunteer and brainstorm together.
D. Summary and recommendations

1. Highly rated aspects of the seminars included:
   - Facilitators
   - Planners
   - Facilitators' training sessions'
   - The discussion format
   - The participant mix
   - A comfortable, non-hierarchical atmosphere
   - Open and candid discussion
   - Seeing old problems in new light
   - Assigned and relevant texts
   - Venue at Brandeis University
   - Respectful use of participants' time

2. The most productive results of the discussions included:
   - Developing a larger perspective on the problems of offenders and their families
   - Becoming more informed about various roles court and agency personnel play in the juvenile justice system
   - Understanding how people's views are influenced by their backgrounds
   - Developing a greater understanding of the work of involved personnel outside the courts
   - Better communication between personnel at all levels
   - Seeing the advantages of involving children in creative activities

3. Recommendations for improvement included:
• Broader mix of participants including youth, parents, and "street-level" workers
• More focused discussion of female juvenile offenders, especially the violent
• More consideration of cultural differences and discrimination
• More factual information on juvenile offenses and offenders
• More public education in local communities about the workings of juvenile court
• More opportunities for those who want to follow-up and improve conditions for juveniles
APPENDIX A: SEMINAR AGENDAS
JUVENILE JUSTICE AT THE CROSSROADS:
A SEMINAR FOR JUDGES, COURT PERSONNEL
AND THE COMMUNITY

Sponsored by the Brandeis Seminars
and the Massachusetts Judicial Institute
under a grant from the State Justice Institute

Seminar IV: Wednesday, April 26, 2000

AGENDA

9:30 a.m. Coffee and bagels

10:00 a.m. Introduction and welcome Dr. Mary E. Davis
Academic Director
Brandeis Seminars

Discussion of Wolf Leslau's Marilyn J. Wellington, Esq.
"Justice"
Director of Judicial Education
Massachusetts Judicial Institute

10:30-11:30 Discussion of Toni Morrison's
Judge Joseph Dever
The Bluest Eye
Associate Justice
Lynn District Court

11:45-12:45 Discussion of William Faulkner's
Judge Robert Kane
"Barn Burning"
Associate Justice
Fall River and Attleboro
District Courts

12:45-1:45 Lunch

1:45-2:45 Discussion of Joyce Carol
Dr. Mary E. Davis
Oates' "Capital Punishment"
Professor of Legal Studies
Brandeis University

2:45-3:30 Summary and evaluations
**JUVENILE JUSTICE AT THE CROSSROADS:**
A SEMINAR FOR JUDGES, COURT PERSONNEL AND THE COMMUNITY

Sponsored by the Brandeis Seminars and the Massachusetts Judicial Institute under a grant from the State Justice Institute

Seminar V: Thursday, April 27, 2000

**AGENDA**

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<th>Time</th>
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<td>9:30 a.m.</td>
<td>Coffee and bagels</td>
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| 10:00 a.m. | Introduction and welcome | Dr. Mary E. Davis  
Academic Director  
Brandeis Seminars |
| | Discussion of Wolf Leslau's "Justice" | Marilyn J. Wellington, Esq.  
Director of Judicial Education  
Massachusetts Judicial Institute |
| 10:30-11:30 | Discussion of Ermest Gaines’ “They Sky Is Gray” | Dr. Ronald Corbett  
Deputy Commissioner  
Office of Probation  
State of Massachusetts |
| 11:45-12:45 | Discussion of Margaret Laurence’s "The Loons" | Judge Paul Perachi  
First Justice  
Berkshire Juvenile Court |
| 12:45-1:45 | Lunch | |
| 1:45-2:45 | Discussion of Philip Roth’s “The Conversion of the Jews" | Dr. Mary E. Davis  
Professor of Legal Studies  
Brandeis University |
| 2:45-3:30 | Summary and evaluations | |
JUVENILE JUSTICE AT THE CROSSROADS:
A SEMINAR FOR JUDGES, COURT PERSONNEL
AND THE COMMUNITY

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Seminar VI: Wednesday, May 29, 2000

AGENDA

9:30 a.m. Coffee and bagels

10:00 a.m. Introduction and welcome
Dr. Mary E. Davis
Academic Director
Brandeis Seminars

Discussion of Wolf Leslau’s
"Justice"
Marilyn J. Wellington, Esq.
Director of Judicial Education
Massachusetts Judicial Institute

10:30-11:30 Discussion of Lynne Sharon
Schwartz’s “Age of Analysis”
Dr. Milton Kornfeld
Associate Dean of Graduate
Education
Brandeis University

11:45-12:45 Discussion of Rebecca Goldstein’s
“The Legacy of Raizel Kadish”
Dr. Mary E. Davis
Academic Director
Brandeis Seminars

12:45-1:45 Lunch

1:45-2:45 Discussion of Toni Morrison’s
The Bluest Eye
Chief Justice Martha grace
Juvenile Court
State of Massachusetts

2:45-3:30 Summary and evaluations
APPENDIX B: ANNOTATED BIBLIOGRAPHY
MASTER LIST - JUVENILE JUSTICE

Baldwin, James. "Going to Meet the Man"
A White deputy sheriff in the Deep South angrily confronts Black civil rights protesters while recalling a lynching he was forced to witness as a child. Issues of childhood, race, politics, gender and policing.

_____."Sonny's Blues"
Young Black math teacher discovers the heroin addiction and arrest of his younger brother. Issues of hopelessness, family solidarity and empathy for lost youth, as well as use of jazz as form of connection and understanding despite malaise and loss.

Burke, James-Lee. "The Convict"
Young White boy, now the adult narrator, assesses father's kind treatment of a Black escaped convict in which the White family and the fugitive are arraigned against the southern community.

Canin, Ethan. "The Palace Thief"
A senator's son cheats his way through an exclusive prep school only to reinvolve his old teacher in scholarly con games as an adult. Issues of ethical choices, role-models, parental pressure for success and popularity.

Cather, Willa. "Paul's Case"
Sensitive and isolated but gifted young student runs away from an unhappy school situation and ultimately commits suicide. This old story illustrates modern issues of adolescent angst, loneliness and pressures toward conformity.

Dick, Philip. "The Pre-Persons"
Provocative, controversial "end-of-the world" story indicting everything from abortion to euthanasia in a world where anyone under twelve can be aborted. In this science fiction story, there is no place to hide from the terrible, heartless use of 21st century technology.

Erdrich, Louise. "American Horse"
Several police, including a Native American, and a social worker take a frightened child from his alcoholic Native American mother. Questions of racial, ethnic and class barriers as well as governmental accountability.

Faulkner, William. "Barn Burning"
Seen through the eyes of a young, abused and frightened boy, this story details the destructive quest of a poor White sharecropper and his family. The barnburner/father forces the boy to defy all authority, including judges and landowners, until he finally rebels.

Gaines, Ernest. "The Sky is Gray"
A young Black boy and his "mama" make an arduous trip to town and the dentist. Racial and class intolerance are mitigated by one White woman's kindness and his mother's enobling assertion that "You not a bum You a man."
Goldstein, Rebecca. "The Legacy of Raizel Kaidish"
In this story from Buchenwald, there are three young women, one an informer, two put to death. Narrator's mother tries to convey moral lessons learned at death camp only to reveal at her death that she was informer. Issues of truth, heroism, ethical choices and forgiveness.

Gordon, Mary. "Violation"
A married woman at mid-life ponders two youthful sexual violations — one a rape while she was a student traveling in Ireland, the other an attempted assault by a drunken uncle. Issues of power and gender, maturity and aftermath of such trauma.

James, Henry. "The Pupil"
A private tutor schools a boy in an American expatriate family with a veneer of wealth whose facade hides exploitation both moral and material. Issues of role models, youthful choices and dilemmas of powerlessness.

Joyce, James. "Araby"
Young Irish boy, beset with adolescent lust and longing, tries to find his way to a bazaar in the streets of Dublin. Questions of identity, moral choices, social mores, future aspects.

Lacy, Robert. "The Natural Father"
Teenaged Marine meets a young girl and gets her pregnant. Since it's 1958, she goes off to hide and have her baby. He acknowledges paternity but escapes. Issues of indifference, immaturity, gender and even military hierarchy.

Laurence, Margaret. "The Loons"
Canadian story follows two girls, one daughter of White doctor, one poor Indian child with TB, to tragic ends. Issues of ethnic and racial bias, forced acculturation, paternalism through medical, social and governmental intervention, as well as adolescent alienation.

Lessing, Doris. "Little Tembi"
White African woman befriends a native child with complex and tragic results. Issues of "family values," paternalism and forced acculturation, childhood choices and power as well as racial and ethnic bias.

Melville, Herman. Billy Budd
Classic tale of power and moral choices. Billy is a young, common sailor hanged to forestall a supposed mutiny after he has accidentally killed an officer. Issues of good v. evil, powerlessness of individual sacrificed for the system, i.e., the military hierarchy.

Miller, Arthur. The Crucible
Puritan history of the Salem witchcraft trials in which adolescent girls are the primary accusers. There are modern and universal insights about prejudice, paranoia, generational and gender hierarchies, public opinion and powerlessness.
Morrison, Toni. *The Bluest Eye*
Three young Black girls, one Pecola at the very bottom of the "pecking order," suffer the stigma of segregation and racism even in the Black community. Pecola, pregnant at 11, is further victimized by domestic violence and incest. Desperate American scene with few survivors.

Mukherjee, Bharati. "Jasmine"
A young woman, an illegal alien by way of Trinidad, confronts racial, cultural, economic and generational differences to embark upon a quixotic affair with married employer.

Munro, Alice. "Royal Beatings"
An adult woman looks back on a troubled family in which her step-mother urged father to punish the girl physically and often irrationally. Issues of abuse of power, role models, hierarchy of family and familial connection with larger community.

Oates, Joyce Carol. "Capital Punishment"
Angry, idealistic young girl espouses death penalty issues in part to articulate estrangement from her father, her sole parent. Issues of adolescent angst and rebellion, parenting, policing, truth and justice.

_____. "In the Region of Ice"
Academic nun in a Catholic university must confront the anger and emotional illness of a Jewish student, testing her own humanity and compassion. Issues of role models, adolescent quest for meaning and success.

O'Connor, Flannery. "The Partridge Festival"
Two college students empathize with a local man who killed six at a community festival. Only when they confront the mentally ill killer do they confront their own fears, elite idealism and inexperience, as well as illusions, of youth.

Porter, Katherine Anne. "The Downward Path to Wisdom"
A four year-old boy is torn between family members, including his unhappily married parents. He is branded a thief and expresses hatred for entire family. Issues of hierarchy, adult repression and neglect of children, abuse of power, rebellion and disillusionment.

Roth, Philip. "The Conversion of the Jews"
Young boy about to be bar-mitzvahed, questions the rabbi's teachings about Christianity, especially virgin birth. He finds himself in dual crises of faith and survival. After his extreme rebellion against all authority, he is a survivor in every sense.

Schwartz, Lynne Sharon. "Age of Analysis"
This satirical, troubling story dissects a dysfunctional family and examines adolescent rebellion and violence, mid-life crisis and divorce, as well as parental pressures on a child. The understandable violence of the adolescent boy is still irrational and frightening.
______. Leaving Brooklyn

An initiation novel narrated by an adult woman looking back on life as a fifteen year-old child of immigrants. She learns to "see," to weigh security and risk, to discard convention. Issues of adolescence, maturation, conformity, identity and subversion.

Smiley, Jane. Good Will

Initially this novella seems utopian in depicting a self-reliant family (a la Thoreau) in rural Pennsylvania. The farm thrives but the child suffers, harassing a privileged Black child and finally setting fire to her house. Issues of childhood violence and control, community intrusion.

Sophocles. Antigone

An early classic statement of opposing forces in the context of law and order. The duel between the young woman Antigone and her uncle, the tyrant Creon, portrays moral and civil conflicts touching on adolescent rebellion, justice, authority, age and powerlessness.

Walker, Alice. "Advancing Luna - and Ida B. Wells"

Two young women, one Black, one White, become friends while united in the civil rights movement in the Deep South. Issues of race and gender predominate after the White woman is raped by a Black acquaintance.

Wright, Richard. "The Man Who Was Almos' a Man"

A terrifying modern story, now fifty years old, of an adolescent Black male who craves, then buys a gun with unspeakable consequences for himself and others. Despite family and community ties, he jumps a freight train with only his gun and a questionable future as a runaway.
APPENDIX C: EVALUATION FORM
BRANDEIS SEMINARS
International Center for Ethics, Justice and Public Life
Massachusetts Judicial Institute
Juvenile Justice at the Crossroads: SJI Seminar

EVALUATION

Please respond to the ten following statements by circling the appropriate number beside each statement.

For example: 1 = strongly disagree 2 = disagree 3 = somewhat agree 4 = agree 5 = strongly agree

1. The use of literary texts in this program highlighted issues of juvenile justice. 1 2 3 4 5

2. These texts generally held my interest. 1 2 3 4 5

3. The discussion method in the seminars allowed for both individual participation and group communication. 1 2 3 4 5

4. The length of the day-long seminar was sufficient to explore each text and to raise important issues. 1 2 3 4 5

5. The faculty encouraged open, free discussion while guiding the group to consider issues of problem-solving. 1 2 3 4 5

6. The faculty urged the group to recall life and work experiences and to examine them in the texts. 1 2 3 4 5

7. The level and complexity of presentation and discussion was appropriate to the group. 1 2 3 4 5

8. The seminar discussion introduced questions of tradition and change in juvenile justice. 1 2 3 4 5

9. The day-long discussion helped me to better understand my own position as well as those whom I meet in the juvenile and probate/family courts. 1 2 3 4 5

10. These three texts gave me new insight and empathy into other people's lives and problems. 1 2 3 4 5
Please answer these three questions briefly in your own words.

I. How did the mixture of various kinds of judges and court personnel affect the dialogue or highlight issues of communication in today's seminar?

II. What is your reaction to the intentional focus on wide-ranging issues of care and protection of children in today's texts and seminar?

III. What would you tell a colleague about today's program?