

# YOUTH LEGAL EDUCATION AND ITS GROWTH IN HAWAII: Its Future

Darwin Ching

## The Need for Youth Legal Education

Inherent in the preceding discussions was the assumption that there exists a need for Youth Legal Education. Let us now re-examine that assumption before discussing the possible futures for Youth Legal Education in Hawaii.

Some authorities see Youth Legal Education as enabling young people to understand and deal with the establishment lawfully which will lead to a decline in apathy, anger, and anti-social conduct (i.e. crime).<sup>1</sup> Other authorities see Youth Legal Education as a means to restore confidence and encourage responsible political participation which is akin to the enlightened democratic citizenry ideal.<sup>2</sup> Many authorities emphasize Youth Legal Education as a tool to be used in the development of analytical abilities.<sup>3</sup> Still others, see Youth Legal Education fulfilling all of these needs.<sup>4</sup> Thus, no matter how divergent these perspectives apparently seem to be, a common thread running through all of them is the assumption that there is a need for Youth Legal Education.

Moreover, whether or not one can fully agree that there is such a need, a movement<sup>5</sup> in response to this need, which must be reckoned with if one is to have a choice of futures, has arisen and has developed an inertia of its own, which beckons in many directions at once.<sup>6</sup> Additionally, just as the United States Supreme Court decisions of *Gault* and *Tinker*<sup>7</sup> had far-reaching collateral effects on the educational system and curriculum, so will the recent decisions of *Goss* and *Wood*<sup>8</sup> have similar impacts,<sup>9</sup> all of which will eventually point to the need for Youth Legal Education and give further impetus to the Youth Legal Education movement.

## Hawaii's Response to the Need

Many interested citizens and groups<sup>10</sup> have responded to this need; however, much remains to be done here in Hawaii especially when we note the progress of other states.<sup>11</sup> For example, a review of the Social Studies Program Guide<sup>12</sup> for the State of Hawaii public schools reveals that a comprehensive and systematic study of our legal

system is needed.<sup>13</sup> Thus, while the ninth-grade curriculum focuses upon the concept of comparative political systems, the student may often emerge without an understanding that ours is a legalistic-political system in the fullest sense of those words. Similarly, while the eighth-grade curriculum introduces notions about our legal system, this is not done systematically or comprehensively.<sup>14</sup> Thereafter the social studies curriculum in the public schools does not have a required course which would fully deal with understanding the pervasiveness of the legal system's effect on one's daily life.

## Where Do We Go From Here?

One possible future for Youth Legal Education in Hawaii foresees a systematic and comprehensive Youth Legal Education curriculum developed and integrated into the existing social studies curriculum. The main focus of such a curriculum would be a one-semester required core course at the high school level which would inquire into the following issues (and herein operationally define Youth Legal Education), as suggested by William Gibson:<sup>15</sup>

1. What is law?
2. Why is law necessary?
3. How does the law change and evolve?
4. How does the legal system function and dysfunction?
5. What and whose laws govern?
6. How the law is and may be made accessible to all citizens?
7. What are the laws today?<sup>16</sup>

After the completion of this introductory course about our legal system, the student could then take, and more fully benefit from, other existing courses in the curriculum such as consumer education, or other courses developed to focus upon the particular needs of Hawaii.<sup>17</sup>

This future is not a utopian dream since curriculum materials<sup>18</sup> exist and are structured along the approach advocated above,<sup>19</sup> so that teacher in-service training can very shortly begin to prepare teachers for such instruction.

Another future, already in the making, is California's Law in Free Society Project which is tentatively scheduled to be piloted this fall (1976) in some of Hawaii's schools.<sup>20</sup>

However, as more futures become apparent or are advocated, the need to decide which of the many futures should be Hawaii's will demand some kind of master plan which will fully investigate and evaluate all of the possible futures for Youth Legal Education. Toward this endeavor, our energies in Hawaii should now be focused.

### Footnotes

<sup>1</sup>American Bar Association. *Report of the American Bar Association's Special Committee on Youth Education for Citizenship, Law-Related Education in American—Guidelines For The Future*, p. 3, appendix 5.

<sup>2</sup>*Ibid.*, p. 4.

<sup>3</sup>*Ibid.*, p. 5.

<sup>4</sup>Goldberg, Arthur J. "The Realities of Justice for Today's Education." *Law in American Society*, 4:17-21, May 1975.

<sup>5</sup>A movement manifested in the rise of over 225 law-related projects nationwide, as described in the American Bar Association Special Committee on Youth Education for Citizenship's *Directory of Law-Related Educational Activities*. (available, on request, from that committee: 1155 E. 60th Street, Chicago, Illinois 60637).

<sup>6</sup>Obviously as a result of the different perspectives discussed, Youth Legal Education projects have emphasized different approaches. Although these approaches do not necessarily conflict, the adoption of one particular approach over another may result in unfulfilled needs in the total perspective. See footnote 13.

<sup>7</sup>In *Re Gault*, 387 U.S. 1, 87 S.Ct. 1428, 18 L.Ed.2d 527 (1967), and *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731, (1969).

<sup>8</sup>*Goss v. Lopez*, 419 U.S. 565, 95 S.Ct. 729 (1975), and *Wood v. Strickland*, 420 U.S. 308, 95 S.Ct. 992 (1975).

<sup>9</sup>For some thoughts on the implications of these cases for education, see, *Journal of Law and Education*, Vol. 4, No. 4, October 1975.

<sup>10</sup>In addition to the groups discussed in Conrad's article, other groups such as the YWCA held conferences on student rights, etc., and the Honolulu Police Department has had, for many years, an outstanding program in selected schools.

<sup>11</sup>See footnotes one and five.

<sup>12</sup>Office of Instructional Services, Social Studies Section, Department of Education, State of Hawaii, Secondary Social Studies Program Guide, 1971.

<sup>13</sup>One Youth Legal Education project has classified approaches

to teaching law at the secondary level into five different categories: 1) The Bill of Rights approach focuses on the First Amendment freedoms, the equal protection clause, the rights of the criminally accused, and fair administrative procedures outside the criminal law; 2) The Consumer Law, or legal first-aid, approach represents a refinement of the traditional business-law course. It focuses on simplified presentations of substantive rules of law; 3) The Law and Order approach focuses on the criminal law, its purposes, and the consequences of breaking it; 4) The Public Issues approach concentrates on legal aspects of contemporary social issues of interest to students. This project notes that while each of these approaches has merit, their narrow focus neglects to provide systematic and comprehensive analysis of the role of law as a social institution in American society. Finally, the project advocates what is called the Jurisprudential approach, which focuses on the law's pervasive role in the social order: what law is, what are its social functions, how it works, and what its limitations are. See Robert Summers, A. Bruce Campbell and Gail F. Hubbard, *The American Legal System, A Teacher's Guide*, Ginn and Company, 1974, pp. 1-2.

<sup>14</sup>See Office of Instructional Services, Social Studies Section, Department of Education, State of Hawaii, *Basic Issues and Problems in the United States*, August 1972. Note: This publication is an unofficial resource guide for the eighth-grade curriculum. It is divided into the following units—human dignity, processes of conflict resolution, constitutional rights and liberties, alienation, ecology, and consumer education. However, materials appropriate for the eighth-grade are available but have not been systematically used. See Richard S. Miller, *Courts and the Law: An Introduction To Our Legal System*, American Education Publications (xerox), 1971.

<sup>15</sup>Gibson, William. "Legal Education in Secondary Schools." *Journal of Legal Education*, 2: 280-303, April 1973.

<sup>16</sup>This issue would be more fully inquired into in courses taken subsequent to the core course. Gibson suggests in his article such topics as: law of contracts, juvenile court, property, family welfare, business, taxation, evidence, equity, probate, judicial procedure, law reform, and criminal law. The problem with Gibson's suggestions is that such a curriculum may focus too much on developing lawyers rather than enlightened democratic citizens.

<sup>17</sup>E. G., since Hawaii has inflated land values, it has been suggested that a study of the real property law might be appropriate.

<sup>18</sup>See preceding article.

<sup>19</sup>See footnote 13.

<sup>20</sup>The University of Hawaii Laboratory School has been tentatively scheduled to pilot the elementary section of the project.

*Darwin Ching is a former Teacher of Social Studies in the Hawaii schools, and is a member of the first graduating class (1976) of the University of Hawaii School of Law.*