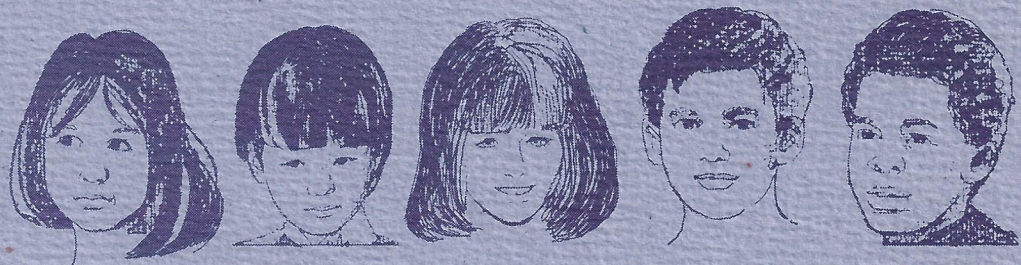



Justice for All



Resources for Peace and
Law-Related Education

Choices & Consequences

by Judge Leslie A. Hayashi

*address delivered at Law-
Related Conference on
October 21, 1993*

Imagine...

You are a juror. From the witnesses testifying you hear this story:

A 16-year-old high school student by the name of Danielle Haia is going with a young man. His name is Famous Kamakani and he is 20 years old.

One day as he sits beneath her window he overhears Danielle on the telephone. He suspects that she is "fooling around."

He gets angry. He yells to her to come out of her house. But Danielle doesn't want to. Instead she packs up some of his belongings and puts them outside the front door.

Mr. Kamakani calls out to her again asking her to come out. This time he wants other things back—the necklace and the earrings that he gave her for her birthday. Danielle complies.

Now, Mr. Kamakani is not employed and he has no home that he can call his own except the Haia's. And now he's not wanted there either.

Hurting and angry, Mr. Kamakani waits for Danielle to walk to school the morning of June 1, 1992. Before 8:00 a.m. she leaves her house. She is wearing a fanny pack and carrying her school books.

When she is a few blocks from her home, Mr. Kamakani stops her. He accuses her of being unfaithful. Danielle simply says she wants to go to school.

Mr. Kamakani grabs Danielle's fanny pack, takes out a \$20 bill and puts it in his right pants pocket. Danielle tries to grab her money back. Mr. Kamakani grabs her right hand and bites it. Danielle lets go.

Mr. Kamakani is subsequently arrested for the offense of Robbery in the Second Degree. Now this charge is a class B felony, punishable by a fine up to \$25,000, ten years in prison or both.

You have heard the evidence. What would your verdict be?

As you might have imagined, this is a true story. The jury found Mr. Kamakani guilty of Robbery in the Second Degree.

Moreover, at the time of the sentencing, Mr. Kamakani had previously committed a crime and thus was subject to repeat offender senten-

cing, meaning that I, as the judge, must order him to serve a minimum of three years and four months unless there is some justification to deviate from that requirement.

When I spoke with the jury members after their verdict, I was met with 12 very upset taxpayers. Jurors are not told what the maximum penalties are until after their verdicts have been received. In their opinion, they felt that was a relatively minor offense — \$ 20 and a bite on the hand.

Then they asked a question which really should be posed to you: how could this case have been prevented?

My answer is the reason why I am here today. Mr. Kamakani, as we all do, needed to learn how to deal with his feelings and how to resolve his conflicts. He needed to make choices

based on knowing the consequences. And he needed to learn that both at home and in school. He needed law-related education.

What do I mean by law-related education? To answer that question, I have to briefly explain its evolution as I see it. Law-related education began as a simple program with a simple message which really paralleled the main message of our society at that time. Obey your parents, obey your teachers, and obey the law. For students, law-related education programs usually meant a field trip to the courthouse or inviting a lawyer or judge to speak to the class. It was a positive way for judges and lawyers to engage in community relations.

But society changed and so did law-related education. Questions were asked about the importance of obeying

parents, teachers, and the law. The answers weren't satisfactory and neither were the law-related education programs.

So began another phase of law-related education — the information explosion. Now a meeting with a judge or a lawyer for just a day wasn't enough. Instead, textbooks, materials, and complete year-long curriculums were developed, such as the Street Law program. Lawyers and law students taught throughout the year. Mock trial programs which lasted many months were introduced.

And what of our society today? It's the age of interaction and hyperaction. Students aren't passive anymore. They are passive-aggressive. Students have attention deficit learning syndromes. They don't want to read books — they'd rather be watching

videos or television. Studies also tell us that the students are experimenting with alcohol and drugs at an earlier and earlier age. They are impatient — they want quick results — they seem to give up on themselves easily. And they hurt others without showing much remorse.

And what about today's law-related education programs? They, too, have become interactive. The ABA is designing an interactive software module entitled "You Be the Judge." This program is designed to foster an understanding of the trial process while promoting basic skill development in reading, writing, and comprehension. The Hawaii State Bar Association's Standing Committee on law-related education has just completed six videos entitled *Final Verdict* in which the viewer hears the testimony as would a juror and ren-

ders the verdict. These cases address such issues as driving under the influence, sexual harassment, murder, domestic violence, automobile accidents, and a probate/family dispute.

There are schools on the mainland called magnet schools. One school has chosen law-related education as its theme. Every single class in that school learns about the law in some way. Even students attending shorthand classes learn legal terms and courtroom procedures.

In Alaska there is another type of interactive program: The Anchorage Youth Court. The student violators are represented by their peers and they are judged by their peers. In essence it is a student run system of justice. They are adjudicating such cases as truancy, theft, property damage, and assaults. And as you might as well imagine, the stu-

dents are stricter than the adults when it comes to sanctions.

In short, then, law-related education has evolved from public relations to public information and finally to public participation. It is no longer sufficient to just provide information about one's rights or the structure of our courts. Instead law-related education is now a curriculum geared toward helping students understand right from wrong and encouraging them to recognize consequences and to make the right choices.

And successful law-related education programs rely on community partnerships.

That is not to say that law-related education must be a fancy stand alone curriculum. Instead it would be better if law-related education is integrated with your existing classes using community resources. Our lives are full of opportuni-

ties to discuss law-related matters. Here are a few examples: A recent study discussed the large numbers of incidents of sexual harassment in our schools. How do the students feel about it? Do they feel that it is acceptable? Will they feel the same way when they enter into the work force?

And I guarantee you discussion on same sex marriages will also be lively. How do students view the importance of relationships? What does it mean to have a privacy interest? Are females more accepting of a same sex relationship than males?

And how do students want to resolve their conflicts? Do they want to go in front of their peers? How can they learn mediation skills?

And what if Mr. Kamakani had been taught those mediation skills?

There may well have been a different ending to his story.

What if Mr. Kamakani had been able to say to Danielle: "I'm hurting inside. I'm afraid of being alone. I want to stay with you." Or what if he had enough self esteem to say, "Danielle, I'm very sad that our relationship is over." and to walk away.

One less crime. A world of healthy and peaceful adults.

You, as teachers and partners, hold that promise.

Imagine that.....

Judge Leslie A. Hayashi graduated from Leilehua High School, Stanford University and the Georgetown University Law Center. She is a District Court Judge of the First Circuit Court, appointed in November, 1990. She is the Chair of the Hawaii State Bar Association Standing Committee on Law-Related

Education. She is the editor of Our Rights, Our Lives: A Guide to Women's Legal Rights in Hawaii, (First and Second Edition)