EXAM NO.	

JUVENILE LAW Professor Duncan Fall, 2007

FINAL EXAMINATION Closed-book, Three Hour Exam

INSTRUCTIONS:

- 1. This exam is 12 pages long. There are 7 questions. Some of the questions have subparts. Please make sure to answer all of them.
- 2. Please write on one side of the page only and write legibly in black or blue ink. Remember: I can only grade what I can read!
- 3. Write only on the lines provided.
- 4. If you are using a computer, use the default settings on Securexam. You may type only as many lines for each question as there are lines provided in the exam itself.
- 5. Put your exam number on the top of each page of the exam.
- 6. For the purposes of allocating your time, you can assume that the weight of each question is reflected in the number of lines provided for the answer.

Please take the following Honor Code Pledge:

I acknowledge that in this, as in all other law school activities, I am bound by the Honor Code.

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7. All exam questions and scratch paper must be turned in before leaving the room.

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1.	Our birth is but a sleep and a forgetting:
	The Soul that rises with us, our life's Star,
	Hath had elsewhere its setting,
	And cometh from afar:
	Not in entire forgetfulness,
	And not in utter nakedness,
	But trailing clouds of glory do we come
	From God, who is our home:
	Heaven lies about us in our infancy!
	Shades of the prison-house begin to close
	Upon the growing Boy,
	But He beholds the light, and whence it flows,
	He sees it in his joy;
	The Youth, who daily farther from the east
	Must travel, still is Nature's Priest,
	And by the vision splendid
	Is on his way attended;
	At length the Man perceives it die away,
	And fade into the light of common day.
"Ode" exemplifie	odel or models you have named and explain why the poem illustrates
	out of motors yet and a manual trial map and poolin musicusts
them. (25 lines)	
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2. Like Rosaldo, I too, resisted for a very long time ac	cepting at face value what
impoverished northeast Brazilian women told me about the	
importorished normoust brazinan women told me about me	il lack of gifet, regict, of
remorse accompanying the frequent deaths of their your	ng infants – deaths they
sometimes aided and abetted by reducing or withdrawing food	
as 'doomed' in any case. 'Infants are like birds', women of A	lto do Cruzeiro said. 'Here
to day, gone tomorrow. It is all the same to them.' 'They die	
day, gone contonow. It is all the same to ment. They the	, outer mouners explained,
'because they themselves wanted to die, because they had no "	taste", no "knack" for life'.
'We feel no remorse, only pity for the little creatures who die	
" a real no remoise, only pity for the fittle creatures will the	so young, before mey have

even let us know what kind of person they are.' In Death without Weeping (Scheper-Hughes 1992) I interpret the lack of grief and of maternal remorse for the over-

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3. Yoder and Prince are classic cases in which the free exercise claims of a religious se
are pitted against state legislation. How might Yoder and Prince be distinguished on leg
grounds? Reminder: In Yoder the free exercise claim of the Amish prevailed ov
grammer, and a series of the same provided of
Wisconsin's laws, whereas in Prince the state prevailed over the claims of Jehoval
Witnesses. (20 lines)
With Cases. (20 lines)
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4. In May 2001, N.B.C. re-aired an episode of *Law and Order* entitled "School Daze." The story concerned a school shooting committed by a sixteen-year-old boy. In a scene that takes place after the boy is in custody, the prosecutors are discussing what an appropriate disposition would be. One says: "He killed four people. He has to be held accountable."

Assistant District Attorney Abbie Carmichael says, in the same tone, as if presenting a compelling objective fact: "I watched this kid in court. He showed absolutely no sign of remorse."

At the end of the program, after the boy has been sentenced to life in prison, the prosecutors are again pictured together in an office, and the District Attorney says with some compassion: "He might be better off dead."

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A.D.A. Abbie	Carmichael replies:	: "I could care l	less."
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Please provide an exegesis (a critical interpretation or analysis) of Abbie
Carmichael's lines in both scenes. Include any questionable assumptions she makes, and
explain why they are questionable based on material you read for our class. What strikes
you as interesting about the last line? (20 lines)
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5. In an episode of the television show The Practice, a Juvenile Court judge ruled that a
thirteen-year-old who killed his mother should be tried as an adult. The defense attorney
Bobby Donnell, asked the judge why she had decided to waive juvenile court jurisdiction
in the case of such a young child. "You could have opted for hope," Bobby said to the
judge.
"What makes you think I didn't?" the judge replied. "I have to believe a child
couldn't do that [murder his mother] If a child could, then that surely is the death of
hope."
The judge's answer reflects a paradox. Explain the paradox, using models we
studied in class. (25 lines)

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6. In class we studied a number of ideas that required over and over again in the eninion
6. In class we studied a number of ideas that recurred over and over again in the opinion
that expressed belief in the traditional juvenile court. Identify five of these important
themes in the following passages from Justice Stewart's Dissent in In re Gault:
Juvenile proceedings are not criminal trials. They are not civil trials. They are simply not adversary proceedings. Whether treating with a delinquent child, a neglected child, a defective child, or a dependent child, a juvenile proceeding's whole purpose and mission is the very opposite of the mission and purpose of a prosecution in a criminal court. The object of the one is correction of a condition. The object of the other is conviction and punishment for a criminal act.

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In the last 70 years many dedicated men and women have devoted their professional lives to the enlightened tasks of bringing us out of the dark world of Charles Dickens in meeting our responsibilities to the child in our society. The result has been the creation in this century of a system of juvenile and family courts in each of the 50 States. There can be no denying that in many areas the performance of these agencies has fallen disappointingly short of the hopes and dreams of the courageous pioneers who first conceived them. For a variety of reasons, the reality has sometimes not even approached the ideal, and much remains to be accomplished in the administration of public juvenile and family agencies in personnel, in planning, in financing, perhaps in the formulation of wholly new approaches.

I possess neither the specialized experience nor the expert knowledge to predict with any certainty where may lie the brightest hope for progress in dealing with the serious problems of juvenile delinquency. But I am certain that the answer does not lie in the Court's opinion in this case, which serves to convert a juvenile proceeding into a criminal prosecution.

The inflexible restrictions that the Constitution so wisely made applicable to adversary criminal trials have no inevitable place in the proceedings of those public social agencies known as juvenile or family courts. And to impose the Court's long catalog of requirements upon juvenile proceedings in every area of the country is to invite a long step backwards into the nineteenth century. In that era there were no juvenile proceedings, and a child was tried in a conventional criminal court with all the trappings of a conventional criminal trial. So it was that a 12-year-old boy named James Guild was tried in New Jersey for killing Catharine Beakes. A Jury found him guilty of murder, and he was sentenced to death by hanging. The sentence was executed. It was all very constitutional. (25 lines)

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7. Some critics believe that the McKeiver opinion (on the right to trial by jury) is
inconsistent with the reasoning and holding of In re Gault. Please write a brief defense
of the holding in McKeiver in light of this criticism. (15 lines)

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PLEASE DO NOT WRITE BELOW THIS LINE.