

# ARBITRATION NEWS

12<sup>TH</sup> JUDICIAL CIRCUIT ♦ FLORENCE AND MARION COUNTIES

E. L. Clements, III  
12<sup>th</sup> Judicial Circuit Solicitor



JANUARY – APRIL 2011



April B. Watson  
Program Director

Dear Arbitrators,

Happy Pollen to you (which translates to Happy Spring in the Pee Dee)! Spring Break for the kids will mean Spring Break cases for us. Currently, we're at a resting point so to speak, and now that I've typed that I expect to get cases. If you have any questions or would like to take on more cases, please let us know. Liz says please check your email! If we don't have your email address, make sure to get that information to us, ASAP. Drop in and touch base with us, we'd love to see you!

Our Volunteer Arbitrators Conference preparation has been ongoing. The rescheduled date for the conference is now **Friday, June 3<sup>rd</sup>**; please save this date! Due to a delay in the funding from the Department of Education, we had to put the conference venue out for bid a second time and, as a result, we have a new venue location. The conference will now be held at the Medallion Center/Troncos Special Events which is located at 7309 Garners Ferry Road, Columbia, SC 29209 (just off of I-77 on Garners Ferry Road). You can go to [www.troncos.com/themedallioncenter/](http://www.troncos.com/themedallioncenter/) to learn all about the venue. Training is provided through grant funds which means all you have to do is provide your own transportation. We'll train you AND feed you! What a wonderful opportunity to incorporate networking while you learn. And it counts toward your required yearly 9 hours of continued education. Our local Arbitration office will receive applications for the conference by April 20<sup>th</sup>. We will mail brochures which include the application to you as soon as we get them. All registrations must be received at our state office by May 11, 2011. There is a limited number of slots for registration, so please when you receive the application for registration, fill it out and get it back to us as soon as possible in order that we ensure your attendance at this great event!

Upon reviewing recent evaluations, I wanted to provide you with some key reminders to make your hearings more successful and meaningful for families:

- Please **explain** the expungement process when you provide them with the expungement information; upon completion of the program, juvenile records are not "cleared". Remember, in order for a juvenile's record to be "wiped clean from the system" it **MUST** be expunged.
- Please make sure that the child and parent understand that the Arbitration Program and their participation in Arbitration begins when they sign the Dispositional Agreement and Waiver forms. Some parents believe that they have not "started" Arbitration until the first sanction due date.
- Please iterate to the family the "why" of it all. They truly need to understand why and how they are involved in the judicial diversion system. Make sure you **read the incident report in its entirety** to the family, and also, **read the Waiver form to them completely** so that they understand. If you feel that the participants still do not "get the drift" of what is taking place, please notify Liz or myself in order that we assist as needed. Remember we are here to help you!

Just like you are here to help provide this chance to our kids and community, please don't forget that Liz and I are your go-to-gals. We are your support just as you support Arbitration and the families this program serves. Without you and Solicitor Clements' support, this program would not exist, and we can never really thank you enough for your dedication to helping others. You are not just making a difference: **YOU ARE THE DIFFERENCE!**

In closing, it is with a saddened heart that I inform you that in February the Solicitor's Arbitration Program lost not only an Arbitrator, but a wonderful man and a dear friend. Our heartfelt condolences are with the family of Chief Tony Singletary who we knew as one of the frontiersmen of Arbitration for the 12<sup>th</sup> Circuit. We miss you Chief.

#### MAILING ADDRESS:

City-County Complex, Room 1101  
180 North Irby Street, MSC-Q

## Making A Difference!



Director April Watson, representing the Solicitor's Arbitration Program at the Celebrity BBQ fundraiser for Florence County Disabilities and Special Needs!



Insiders talking to juveniles at the March Insider's Program.

## ODDS AND ENDS:

Please remember the **Florence County Detention Center tour**. Once we get at least 20 kids for the tour, we will send out letters to the juveniles.

REMINDER!!! When sanctioning General Sessions (GS), make sure parent or guardian understands they have to stay with juvenile in courtroom! When sanctioning GS, the Insiders Program or Florence County Detention Tour, please put TBA in the due date column.

Remember to be VERY specific on your sanction form as to what exactly you expect the child to do. Telling them is simply not enough; write out what is expected. Many parents forget because of other things going on in their lives or get confused and don't ask the proper questions to help clarify. If it's not clearly written on the sanction form [such as the topic of an essay], we must accept whatever the parent or juvenile turns in.

Community service sites can also be churches. We will need basic information (name of church and supervisor, address and phone number). Please don't forget this information as it is very important.

If you know anyone who is interested in volunteering or becoming an Arbitrator, please let us know!

#### PHYSICAL ADDRESS:

147 North Irby Street  
Florence, South Carolina 29501

## California Gang Moms And Dads Sent To Parenting Classes

12/12/2010 LOS ANGELES — It's a Saturday morning and a half-dozen adults are sitting in a high school classroom, staring at grim photos of sickly drug addicts and hearing about the deadly consequences of gang crime. They'd rather not be here, but a judge made them come.

The moms and dads were ordered to attend the class under a new California law giving judges the option of sending parents for training when their kids are convicted of gang crimes for the first time. Assemblyman Tony Mendoza, the lawmaker behind the Parent Accountability Act, said it is the first state law to give judges the power to order parents of gang members to school, though other court-mandated classes exist at the local level. "A lot of parents do not know how to handle teenagers," Mendoza said. "Now more than ever, parents need a guide."

The new law went into effect in January and eventually will be in place across California. Budget cuts in Sacramento meant implementation of the classes was delayed and only in the past month or so have they been rolled out on a limited basis in the Los Angeles Unified School District. Several of those first classes were canceled due to low attendance, something organizers blamed on judges' ignorance of the new law. But the sputtering start also speaks to the difficulties of trying to engage parents who may be too busy or apathetic to take a more active role in their kids' lives.

Authorities say Los Angeles County has about 80,000 gang members, though those estimates vary. Parents in gang neighborhoods often struggle to make ends meet and find themselves working more than one job. The long hours mean they can't spend much time with their kids and some youngsters say they are tempted into gang life by a sense of companionship missing from their own family.

At the class last month with six parents, an instructor speaking in Spanish flashed images of drug paraphernalia and showed pictures of addicts before and after they acquired their habit. At a later session, another instructor outlined classic warning signs of gang involvement — tattoos, secretive behavior, sudden changes in musical tastes and the use of gang hand signals.

Eventually, the classes will include the family members of victims of gang crime speaking to parents about their ordeals. The classes are supposed to be self funding and parents will eventually pay \$20 or so a class, but the fee is being waived for now to draw more participants. If parents fail to attend, they could be held in contempt of court. Judges are likely to be lenient initially because only four high schools are offering the classes, making it impractical for parents without cars to attend.

The law was inspired by Mendoza's own brush with gang life. Growing up in the gritty Florence neighborhood south of downtown Los Angeles, Mendoza saw the importance of parental involvement. The second youngest of nine kids, he was drifting toward gang life and sported the shaved head and baggy Dickies shorts favored by many Latino street gang members. His cousin was headed the same way. But when Mendoza's mother started to clamp down on which friends he could hang out with, his aunt was less strict. The cousin eventually became a full-blown member of the Florencia-13 street gang and was killed in a drive-by shooting in the early 1990s.

- In part from [http://www.msnbc.msn.com/id/40631006/ns/health-kids\\_and\\_parenting/from/toolbar](http://www.msnbc.msn.com/id/40631006/ns/health-kids_and_parenting/from/toolbar)

## CLIENT AND FAMILY CONTACT: IS IT OK OR NOT?

THE ANSWER IS SIMPLE – YES, IT IS OK, AND IT IS *YOUR CHOICE*!

- Calling the family prior to their hearing is a good way to introduce yourself and help them understand the process. It also aides as a friendly reminder of their upcoming hearing. This contact should hopefully decrease the amount of no-shows that occur. So consider it the next time you hold hearings! Office staff does not always have time to do this the morning or afternoon of your hearings. If you choose to contact the family prior to the hearing, you are making sure that your family shows up, and no one's time is wasted. It's a win – win situation!
- **ALTHOUGH THERE IS NOTHING WRONG WITH CONTACT PRIOR TO OR FOLLOW-UP WITH YOUR CLIENT AFTER THE INITIAL ARBITRATION HEARING, PLEASE LET US KNOW OF YOUR CONTACT WITH THE FAMILY IN ORDER THAT WE DOCUMENT YOUR CONTACT FOR AUDITING PURPOSES. THIS INDIVIDUAL CONTACT GIVES THE JUVENILE ENCOURAGEMENT AND SHOWS HIM OR HER THAT SOMEONE CARES AND IS WILLING TO TAKE THE TIME TO REMIND THEM OF THEIR HEARING AND TO CHECK UP ON THEIR PROGRESS.**
- **THANKS FOR ALL THAT YOU DO...THE DIFFERENCE YOU MAKE IS REMARKABLE AND FELT ALL AROUND OUR COMMUNITY. JUST REMEMBER THAT TOUCHING THE LIFE OF A CHILD AND THEIR FAMILY IS A RIPPLE EFFECT THAT REACHES MANY MORE THAN YOU WILL EVER KNOW!**

## SC BILL WOULD YANK DRIVING PRIVILEGES OF DROPOUTS

COLUMBIA, S.C. (AP) - South Carolina students who drop out of school or skip too many classes would lose their driving privileges until they're 18 under a bill back up for debate. A House subcommittee is set to consider the bill Wednesday. It would suspend the driver's license of teens who drop out, are expelled or accumulate more than seven unexcused absences. Schools would be required to report the absences of 15- to 17-year-olds to the Department of Motor Vehicles. The idea died in the Legislature last year. Republican Rep. Tom Young of Aiken calls the bill he authored a short-term solution to the state's long-term problem of not enough students graduating. In South Carolina, teens can begin driving at 15 with a permit. They can get a regular license at 17.

- <http://www2.scnw.com/member-center/share-this/print/?content=ar1648460>

THE HIGHEST REWARD FOR A MAN'S TOIL IS NOT WHAT HE GETS FOR IT, BUT WHAT HE BECOMES BY IT.

-ANONYMOUS



## S.C. BILL SETS FINES FOR TEXTING WHILE DRIVING

February 22, 2011 AP - A bill to ban texting and driving in South Carolina would cost violators \$45 in penalties and get them one point on their driver's licenses. The bill was scheduled to come up for a vote in the Senate Judiciary Committee on Tuesday but the committee didn't have time to get to it.

Sponsor Sen. Jake Knotts said he thinks the bill will get to the full Senate floor, though, because it did last year; supporters just ran out of time to get it passed into law. "This is definitely going to help the safety on our highways because it's going to make people aware of something that they normally wouldn't be aware of," he said.

His bill would make it illegal to read, write or send a text message, instant message or e-mail while driving. It would still be legal to do so while lawfully stopped or parked, however. The bill said law enforcement officers cannot stop a driver unless they have a clear and unobstructed view that the person is using a wireless device to compose, send or read text-based communication while driving. Knotts, a former police officer, said that won't make the law hard to enforce. "If it's in their lap and they're constantly keeping their eyes down in their lap, it's obvious that they are texting. That's probable cause that they are texting. You would pull them over and if they've got the phone in their lap texting then you would make a case," he said.

While the police officer could look at the phone to see if the driver had been reading or writing something, the officer would not be allowed to confiscate the phone. He also could not use the stop to search the car.

Driver Emily Jackson said she doesn't think the penalties in the bill are enough of a deterrent. "I'm really not sure whether it would stop, especially teen, drivers; \$45 doesn't seem like quite enough," she said. Marty Dreesen agreed. "I think people are so addicted to their cell phones and texting that they're going to do that anyway," he said.

But Alex Smith, who was texting while stopped at a traffic light Tuesday, said he thinks the bill's one-point violation would be enough to stop a lot of drivers. "Yeah! I mean, you can't keep losing points on your license," he said. Knotts said state Department of Public Safety director Mark Keels supports the bill and said state troopers would be able to enforce it. So far, 28 states plus the District of Columbia and Guam ban texting while driving for all drivers.

- <http://www2.scnw.com/member-center/share-this/print/?content=ar1494217>

## ISAAC BAILEY: PUNISHING FOR OUR FAILURES

*Myrtle Beach Sun News (editorial page), 3/18/11* - The strongest argument Alicia Richardson, senior solicitor for juvenile prosecution in Horry County, made this week to claim that Christian Helms should be tried as an adult is precisely the reason he shouldn't be. Helms should be punished for his actions, not our failure to act. Helms was a 14-year-old freshman when he tried to unleash a Columbine-level attack on Socastee High School. That serious crime warranted the intense scrutiny Richardson has given it. And she was right to emphasize a concern most people who've followed this case have, that Helms would be released at the age of 21 from the juvenile system and the court wouldn't have the right to order specialized supervision, mandate further treatment or prevent him from legally obtaining firearms. She made that argument to Judge Georgia Anderson. It's a compelling one - though it should be made to the S.C. General Assembly. Richardson essentially told the judge that Helms should pay the price because we have not designed a better juvenile system. That's the crux of this case.

Helms, whose outward appearance could allow him to pass as a 21st century version of Opie Taylor, is a danger. The only real questions are why, and how best to balance the public's safety with his quest to become a productive citizen. Bullying is a problem. Administrators need to better mitigate it. Helms endured bullying. And his parents had reason to be frustrated that their attempts to help him did not bear fruit. But bullying did not turn Helms into a school shooter. If any bullying triggered his actions that day, it was that done by his father when he unleashed a cursing tirade on his son in response to a mix-up over a tile floor. I don't believe that, though, because in Helms' "goodbye video" he taunted his father, not about the tile, but by saying he had produced a school shooter rather than the athletic son he longed for. His parents - like all parents - made mistakes. They will likely forever blame themselves, even though they shouldn't.

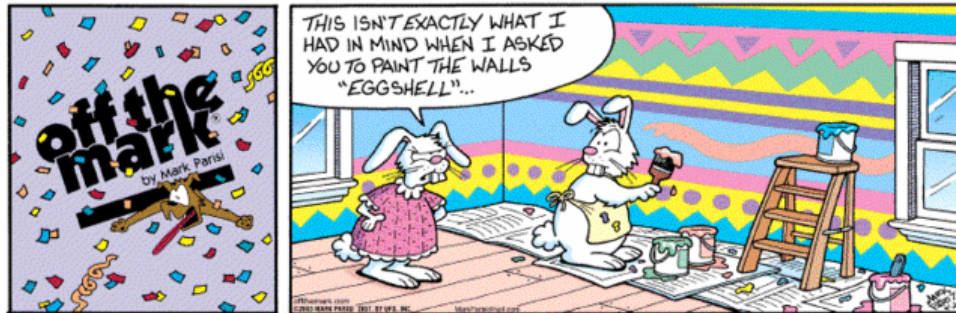
After listening to his words in his own voice, I have no problem imagining Helms planning the attack absent any bullying or under the care of perfect parents. Helms's actions weren't about a lack of school safety. The district's safety measures worked. This isn't about a kid led to a dark place by drugs or violent video games or easy access to firearms. We are a product of our genetics and environment, so it is reasonable to assume all those factors helped shape his behavior. I have no problem believing, though, that either Helms is mentally ill - an expert defense witness said he couldn't control his impulses - or that he is among the 4 percent of humans Harvard psychologist Martha Stout estimates are born without a conscience. The maternal side of his family has battled mental illness for at least three generations, according to testimony. I want to believe he's mentally disturbed, because darker possibilities are too awful to accept. He needs help, a ton of it, and even if he gets it, there's no guarantee he won't be a threat in a decade. But that is true in every case.

We know, as Richardson clearly spelled out, that our juvenile system needs major reform to better handle egregious cases such as these. Maybe that would include probation after the age of 21, or release only after multiple court-appointed psychiatrists have determined Helms is no longer a threat. But every time we take the easy way out and shuffle off scary kids to adult court, we rob ourselves of the urgency needed to make reform a reality. It's a quick escape hatch away from our collective responsibility. The prosecution needs more tools to properly handle the Helms' of the world; the public and legislature have failed to provide them. Helms should be held accountable for his crimes - not for that very adult failure.

## END OF THE YEAR STATS (JANUARY 1, 2010 TO DECEMBER 31, 2010)

356	-----	Cases referred to Arbitration
9,904	-----	Hours of Community Service ordered
452	-----	Arbitration Hearings scheduled
\$10,681.01	-----	Charitable Donations ordered
\$3,361.50	-----	Victim Compensation ordered

### Off the Mark



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### Juvenile Court Schedule

April 14, 2011	May 26, 2011
April 28, 2011	June 16, 2011
May 12, 2011	June 30, 2011

Viewing Court will help you **1)** in Arbitration hearings [when you have to talk about what happens in Court], **2)** better understand the differences and similarities of Court and Arbitration, and **3)** most importantly, you earn credit toward your nine training hours for the year! Please call Liz to attend!

An elderly Chinese woman had two large pots, each hung on the ends of a pole which she carried across her neck. One of the pots had a crack in it while the other pot was perfect and always delivered a full portion of water. At the end of the long walks from the stream to the house, the cracked pot arrived only half full. For a full two years this went on daily, with the woman bringing home only one and a half pots of water. Of course, the perfect pot was proud of its accomplishments. But the poor cracked pot was ashamed of its own imperfection, and miserable that it could only do half of what it had been made to do.

After two years of what it perceived to be bitter failure, it spoke to the woman one day by the stream. "I am ashamed of myself, because this crack in my side causes water to leak out all the way back to your house."

The old woman smiled, "Did you notice that there are flowers on your side of the path, but not on the other pot's side? That's because I have always known about your flaw, so I planted flower seeds on your side of the path, and every day while we walk back, you water them. For two years I have been able to pick these beautiful flowers to decorate the table. Without you being just the way you are, there would not be this beauty to grace the house."

Each of us has our own unique flaw. But it's the cracks and flaws we each have that make our lives together so very interesting and rewarding... You've just got to take each person for what they are and look for the good in them. SO, to all of my cracked pot friends, have a great day and remember to smell the flowers on your side of the path!



Not meeting your **required 9** hours of follow-up training? Join us for a Detention Center Tour! This counts towards your hours of follow-up training, **AND** allows you to be more informed about this sanction.

### Happy Birthday wishes to:

John Scaturro.....1/9/27  
 Larue Coetrain .....1/14/51  
 Genevive Robinson.....1/29/69  
 Patrick Bucher.....2/22/38  
 Robert Ridgeway .....2/27/31  
 Emma Sellers.....3/13/42  
 Gilleon Frieson.....3/23/77  
 Charles Howle.....3/23/31

