

Committee Newsletter | Fall 2016, Vol. 2 No. 1

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A NOTE FROM THE EDITOR >>

“The Importance of Civics Education” is the theme for the fall issue of the YLD Public Education Committee Newsletter. We have three articles that I hope will inspire committee members to work with the ABA as well as their local bar associations and communities to implement law-related education programs. Harry S. Johnson, Chair of the ABA Standing Committee on Public Education has written about how citizens need civic education and shares some interesting statistics regarding people’s knowledge of the government. Tom Jacobs, a retired juvenile court judge, and his daughter, Natalie Jacobs, an attorney, have written about the importance of a single vote and how civics education is every lawyer’s responsibility. Finally, I have written about best practices to keep in mind when implementing law-related education programs. The YLD Public Education Committee is privileged to have the insights and perspectives of these authors who have worked in the field of law-related education. -Tia

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ARTICLES >>

On The Importance of Civic Education

By: Harry S. Johnson

Civic education is especially important in the Information Age.

An informed and engaged citizenry is the lifeblood of a constitutional democracy. Without knowledge of, and appreciation for, our rights, we cannot meaningfully exercise them. Lack of awareness of our civic responsibilities precludes us from fully participating in our government. As Thomas Jefferson astutely declared, “A nation that expects to be ignorant and free, in a state of civilization, expects what never was and never will be.”

Today we live in what has been dubbed the “Information Age.” Never before has access to information been so widely available on a 24/7 basis. But the widespread availability of information should not be confused with increased understanding. In a world awash in data from a multitude of sources, an educational framework is more necessary than ever to help provide context and the tools to distinguish between the reliable and the unreliable.

Countless studies and surveys show that there is substantial room for improvement in civic education. For example, according to a 2016 survey by the Annenberg Public Policy Center (APPC) of the University of Pennsylvania, only a quarter of Americans can name all three branches of government, and a third of Americans cannot even name a single branch of

government.¹ In a 2016 survey by the American Council of Trustees and Alumni, nearly 10% of respondents answered that Judith Sheindlin—more popularly known as TV’s “Judge Judy”—is a member of the United States Supreme Court.²

In a country that, in the words of Abraham Lincoln, is dedicated to the principle of “government of the people, by the people, for the people,” survey results such as these are highly disturbing and completely unacceptable. How can voters with no conception of how government works elect the leaders who are best equipped to run it? How do citizens without knowledge of their constitutional rights prevent those rights from being stripped away? How do aggrieved parties with no knowledge of the court system settle their disputes without taking the law into their own hands? How do jurors without appreciation of the law render fair and just results? Critically, civic education gives us an appreciation for how the diversity of viewpoints represented in our nation makes it stronger. We are living in a highly divisive time. Politics have become polarizing; partisanship has led to gridlock; and discourse has grown increasingly uncivil. It is our dedication to core principles of democracy such as free speech, due process, and equal protection of the law that unites us and prevents us from becoming what President Lincoln referred to as a “house divided.”

We can and must do better to ensure that the promises contained on our nation’s most cherished documents are more than mere words on a piece of parchment. In order to live up to the vision of the Framers and to effectuate the promise of liberty, the democratic ideals of our nation must be enshrined in the hearts of each succeeding generation. To reach the heart, we most first engage the brain. This is the important role that civic education plays, and the reason that we must all do everything we can to support it. Lawyers, as guardians of justice and defenders of liberty, have a special role to play in ensuring that people know their rights and responsibilities.

The ABA Standing Committee on Public Education, which I am honored to chair, is dedicated to the important work of promoting public understanding of the law and legal system. Working with the staff of the Division for Public Education, we fulfill this important mission through a wide variety of public programs, publications and resources. Among the audiences we reach are students, teachers, lawyers, judges, journalists, community groups, and the general public. We partner on projects with numerous other ABA entities, and particularly enjoy working with young lawyers and the YLD. If you are interested in learning more about what the ABA does to promote civic education and find out how you can get involved, visit www.americanbar.org/publiced.

Harry S. Johnson is a *Litigation Partner at Whiteford, Taylor and Preston, LLP and Chair of the ABA’s Standing Committee on Public Education.*

¹ Annenberg Public Policy Center, *Americans’ Knowledge of the Branches of Government Is Declining*, ANNENBERG CLASSROOM (Sept. 13, 2016), <http://www.annenbergpublicpolicycenter.org/americans-knowledge-of-the-branches-of-government-is-declining/>.

² American Council of Trustees and Alumni, *A Crisis in Civic Education*, (Jan. 2016), https://www.goacta.org/images/download/A_Crisis_in_Civic_Education.pdf.

Civics Education: Every Lawyer's Responsibility

By: Tom Jacobs and Natalie Jacobs

Every lawyer has the responsibility of educating the public, especially youth, regarding civics and the importance of our democracy.

Introduction

This year's heated presidential election highlights the importance of being tuned in to our history, the principles spelled out in the Constitution and Bill of Rights, and the basic concepts underlying the rule of law. From the campaign for the White House to the current vacancy on the Supreme Court, Americans have a say in who succeeds to these positions. The following scenario, based on real Supreme Court cases that were decided by one vote, illustrates constitutional law matters affecting youth. It can help students become interested in our legal rights, democracy, and the power of a single vote.

Scenario – Juvenile Rights and One Vote

Thirteen-year-old, Felix Olson, was in seventh grade at a middle school in California. The school required the students to wear uniforms, but the rule was relaxed on Fridays. Felix usually settled for a T-shirt, shorts, and sandals on Fridays. He had a collection of message shirts he collected over the years while attending events with his parents. One Friday he wore an anti-war shirt displaying the American flag upside down. He was told to turn the shirt inside out or be sent home. He refused and was taken to the principal's office.

The school resource officer was called and began to interrogate Felix. His parents weren't notified until three hours later when he was allowed to call his mother to come pick him up. The following Friday, Felix wore a similar shirt and again was taken to the office. He received five swats with a wooden paddle from the assistant principal. Felix was suspended for thirty days and ordered to submit to weekly drug testing. His parents were told there was nothing they could do short of transferring Felix to another school.

Felix's experience would still be a regular occurrence in schools today were it not for a single vote by one Supreme Court justice. There are five aspects of Felix's experience relevant to students that have been considered and debated by the Supreme Court: freedom of expression³, criminal Miranda rights⁴, corporal punishment⁵, due process at school⁶, and random drug testing at school⁷. In each of these cases, the vote of the nine justices was five to four.

³ Morse v. Frederick, 551 U.S. 393 (2007).

⁴ Miranda v. Arizona, 384 U.S. 436 (1966).

⁵ Ingraham v. Wright, 430 U.S. 651 (1977).

⁶ Goss v. Lopez, 419 U.S. 565 (1975).

⁷ Board of Education v. Earls, 536 U.S. 822 (2002).

Life would be quite different had these decisions gone the opposite way by just one vote. However, because of these decisions, Felix had a right to wear his shirt displaying an upside down flag, his parents should have been notified before he was questioned for hours at school and paddled by the school official, he should have been given an opportunity to defend himself before the suspension was imposed, and a chance to oppose the random drug testing.

Current Issues – Voting and Our Democracy

In casting a vote in a presidential election, every U.S. citizen has a say in who gets appointed to the U.S. Supreme Court. This is because the nine justices on the Court are nominated by the president and upon confirmation by the U.S. Senate, the appointment is for life. When a vacancy on the Court occurs, as happened when Justice Antonin Scalia died in February, 2016, the president nominates a replacement and the Senate affirms or rejects the nominee. The present inaction by the Senate to conduct a hearing on the president's nominee is for political gain and has a ripple effect on the lives of all Americans. A split decision, by the current eight members of the Court, leaves the lower court decision in place which, depending on what side you support, does little to settle important constitutional issues.

The significance of these cases cannot be overstated. Since the Supreme Court declared in 1969 that teenagers and children have constitutional rights⁸, many Supreme Court decisions like these regarding youth in America have been decided by a vote of five to four. They cover important aspects of a student's life including freedom of association, nonviolent demonstrations, gun control, profanity, and rights at school regarding religious practices.

The point here is simple: every vote counts not just in deciding who sits in the Oval Office every four years, but also who sits in the highest court of the land. An unusual, but fascinating case that demonstrates how our vote for the president of the U.S. is pertinent to any future Supreme Court justice appointments is the case of *Bush v. Gore*. In 2000, the Supreme Court got involved with the presidential election. They voted five to four to end a recount of ballots in Florida. Had they voted five to four to allow the recount to continue, our world might be a different place today had Al Gore been elected president rather than George W. Bush.

Although young people can't vote until they turn eighteen, they can make their voices heard on matters important to them. Teachers and civics educators can introduce their students to a variety of resources that enable them to join and actively engage in the conversation. There is no minimum age or grade level when it comes to participating in our democracy.

A new resource available to all professionals who work with our youth is *Every Vote Matters: The Power of Your Voice, from Student Elections to the Supreme Court* (Free Spirit Publishing, 2016) by Judge Tom Jacobs and Natalie Jacobs, Esq. The book examines key Supreme Court rulings and explores how these cases have affected the lives and rights of U.S. citizens,

⁸ *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).

especially teens. Emphasis is on involvement in local and national elections as well as other ways to be an engaged citizen.

All attorneys, including ABA members, can contribute to grass roots efforts to educate the public about their civic responsibilities. If your community sponsors moot court competitions, teen courts, or mock trials, these are valuable opportunities to address our youth. Together, we can respond to the question posed by the framers of the Constitution "What kind of country shall we be?"

Bottom line—every vote counts at election time. There are many pressing issues before us that cannot be ignored or resolved without every citizen's input. The fate of our nation depends on all of us participating in our democracy.

Tom Jacobs, the father of Attorney **Natalie Jacobs**, is a retired juvenile court judge from Arizona. Tom and Natalie maintain *AsktheJudge.info*, a website dedicated to civics education for youth.

Key Points for Developing an Informative “Know Your Rights” Seminar

By: Latia Ward

Organizers will plan and implement effective “Know Your Rights” seminars by keeping best practices in mind.

“Know Your Rights” seminars are being held all across the nation. They make take the form of a panel discussion in which judges, lawyers, police officers, and other members of law enforcement and the legal system participate in a panel which tells the audience about their basic constitutional rights and then answers questions of them. Or, the programs may be held on a smaller scale with one attorney or educator making a presentation about basic constitutional rights and then taking questions from the audience at the end. These “Know Your Rights” seminars may take place at schools, places of worship, or community centers. While the organizers of these “Know Your Rights” seminars do not provide legal advice, they do provide information that attendees may use to understand the U.S. legal system better.

“Know Your Rights” seminars are an example of what is known as law-related education. According to the Law-Related Education Act of 1978, law-related education is “[e]ducation to equip nonlawyers with knowledge and skills pertaining to the law, the legal process and the legal system, and the fundamental principles and values on which these are based.”⁹ Essentially, law-related education consists of programs and information that help people understand civics.

“Know Your Rights” seminars are known by many names and last year, I created and implemented one of these seminars which I called “Practical Life Lessons.”¹⁰ I implemented the

⁹ Law-Related Education Act of 1978, Pub. L. No. 95-561, 92 Stat. 2216 (repealed 1982).

¹⁰ Latia Ward, *Practical Life Lessons*, (2015), <http://www.slideshare.net/practicallifelessons>.

seminar at a high school in Durham, North Carolina. For my program, I covered five topics dealing with civics and digital citizenship. Based on my experience, I would like to highlight five points that I believe are key in implementing a “Know Your Rights” seminar.

1. Know Your Audience

Will you be presenting to teenagers or adults? What topics are especially relevant to your audience? When developing Practical Life Lessons, I considered that issues of digital citizenship and best practices for using social media were especially relevant to my audience of ninth and twelfth graders, therefore I included these topics in my program.

Sometimes organizers are so enthusiastic about their message and the information they have to share that they include more information and greater depth of subject matter than what the time and format of the program allow. Please remember that we live in a world of information overload and explaining three to five key points about your subject matter and saving time for questions and answers at the end will benefit the audience more than a long lecture.

2. Conduct Research

Although “Know Your Rights” seminars usually cover a broad range of topics and do not delve into obscure points of law, it’s important to research the topics on which you plan to present. Think about the authority, accuracy, and recency of the sources which you consult. Remember that research does not have to be time-consuming and that there are many authoritative resources that are readily accessible free of charge. When speaking to teenagers about their rights and responsibilities upon turning 18, you may want to consider consulting publications of bar associations regarding the topic. Many bar associations and other organizations across the United States have prepared digital booklets about rights and responsibilities for youth. I have compiled a list¹¹ of digital booklets and information about turning 18 and legal information resources for youth. In preparation for Practical Life Lessons, I used many resources and one I found especially helpful was *Life & Laws 101: Citizenship Rights and Responsibilities Over 18*,¹² a resource of the North Carolina Bar Association.

3. Keep Up With Current Events

A current event may be just the thing you need to illustrate salient points or to draw your audience in. Following sources of news on Twitter, subscribing to email alerts and visiting the websites of news outlets are ways to stay up-to-date on relevant happenings. For Practical Life Lessons, I was able to find relevant news articles to discuss during the activity on social media safety.

¹¹ Latia Ward, *Legal Information Resources for Youth*, CIVICS GUIDE (2015), <https://civicsguide.com/legalinformationresources/>.

¹² North Carolina Bar Association Young Lawyers Division, *Life & Laws 101: Citizenship Rights and Responsibilities Over 18*, (June 2013), <http://www.ncbar.org/media/95451/Life-and-Laws-101.pdf>.

4. Get Feedback From Attendees

Listening to the questions and comments of attendees is indispensable in tailoring information to meet their information needs and planning for future programs. Be sure to save time during the presentation for attendees to share their questions and comments. When I implemented Practical Life Lessons, I allowed time to field questions and comments from the audience during the presentation and requested that the audience complete exit tickets which I collected at the end of the presentation. The exit tickets directed attendees to provide information for three prompts:

- something you learned
- something you will change
- something you want to know more about

Often, I would answer questions posed in the exit tickets at the beginning of the next session.

5. Give Attendees a Resource

Providing attendees with a resource that they may use to review the information covered during the seminar or as a starting point for further research is important. Providing a resource does not have to cost a lot of money (as in printing many handouts) or take up a lot of space (as in a large three-ring notebook of information). Organizers may create a web-based resource which attendees may download or print. There is web-based software which may be used to upload and download presentation slides for free such as Google Slides (<https://www.google.com/slides/about/>) and SlideShare (<http://www.slideshare.net/>). For Practical Life Lessons, I uploaded the presentation slides to SlideShare.

Keeping these five points in mind, organizers should be able to craft a “Know Your Rights” program that is rewarding for both the participants and the organizers.

Latia Ward is Chair and Content Editor of the ABA YLD Public Education Committee for the 2016-2017 bar year. She is a Reference Librarian and Assistant Professor at Indiana Tech Law School in Fort Wayne, Indiana and a member of the North Carolina State Bar.

NEWS AND ANNOUNCEMENTS >>

Save the Date!

2017 ABA Midyear Meeting
Miami, Florida – February 1-7, 2017

2017 ABA YLD Spring Conference
Montréal, Québec, Canada – May 4-6, 2017

2017 ABA Annual Meeting
New York, New York – August 10-15, 2017

For additional information on events, see the YLD's *Events & CLE* website at http://www.americanbar.org/groups/young_lawyers/events_cle.html.

CALL FOR ARTICLE SUBMISSIONS >>

We want to hear from you!

Currently, we are seeking articles regarding civics and law-related education. If you would like your article to be considered for publication in the ABA YLD Public Education Committee's quarterly newsletter, please submit inquiries to the Committee Chair and Content Editor, Latia "Tia" Ward via email at latialward@gmail.com.