



LAW MATTERS

Educating the Public About the Law

Summer 2005

LAW MATTERS
Educating the Public About the Law

A publication of the
American Bar Association
Division for Public Education

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Public Education

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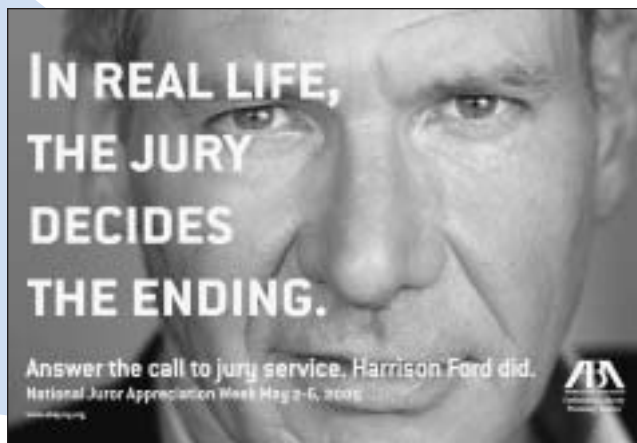
▼ AMERICAN JURY INITIATIVE

HARRISON FORD SUPPORTS ABA JURY INITIATIVE ▶▶▶

In the 1990 film *Presumed Innocent*, Harrison Ford's character is falsely accused of killing his mistress and is brought before a jury to stand trial for murder. This year, Ford teamed up with the American Bar Association Commission on the American Jury during its National Juror Appreciation Week, May 2–6, 2005, by lending his image to a national advertising campaign designed to encourage Americans to report for jury duty when called.

"I am delighted that Mr. Ford has lent his support to this important cause," said ABA President Robert Grey, Jr. "Together, I hope we can get the word out and help find a way to increase the percentage of people who view jury duty as a high calling of citizenship, and therefore increase the number of people who report when summoned."

The centerpiece of the public outreach campaign is an advertisement featuring Harrison Ford that reads, "In real life, the jury decides the ending.



Answer the call to jury service. Harrison Ford did." The ad appeared in airports in more than a dozen major metropolitan areas across the country during the first half of the month of May as part of a larger effort to educate the public about jury duty.

"National Juror Appreciation Week is an important celebration of the role of juries in our great democracy and an urgent call to action," said Grey. "If we are to encourage more Americans to answer the call to service, we must restore this great institution to its rightful place in our society. We must make it easier for them to report for jury duty, make it more comfortable when they are there. For those selected, we must do whatever is required to help them successfully deliberate and reach fair verdicts."

To get your poster featuring Harrison Ford for \$5 plus shipping, call (800) 285-2221 (reference PC #2350043) or visit www.abanet.org/jury/jurorkit.html to order online.

COMMISSION ON THE AMERICAN JURY: 2005 PUBLIC OUTREACH HIGHLIGHTS ▶ ▶ ▶

ABA Commission ★★★★★★
on the **American Jury**

A special thank you for the generosity of the many organizations that supported our efforts this year.



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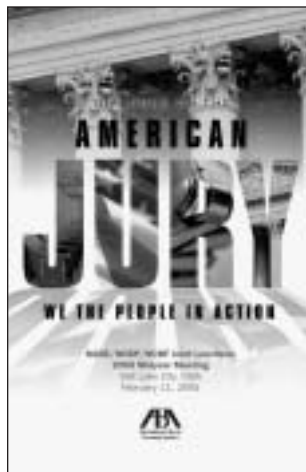
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Dedicated to educating the public about and reinvigorating the nation's commitment to jury service, the American Bar Association Commission on the American Jury developed an ambitious agenda this year to strengthen Americans' understanding and appreciation of our prized American jury system. The Commission developed a number of programs and resources to encourage participation by the public as well as to promote reform by the bar and the courts to improve the jury experience for all of us who are called to serve. The Commission's aim is to have a profound and positive impact on our judicial system and the civic life of our nation.

February 2005

The Dialogue on the American Jury was first presented by the Commission at the joint luncheon of the National Association of Bar Executives, National Conference of Bar Presidents, and National Conference of Bar Foundations at the ABA Midyear Meeting in Salt Lake City, Utah.

Christine M. Durham, chief justice of the Utah Supreme Court, and Manuel Sanchez, Chicago-based attorney and Jury Commission co-chair, led the dialogue with local high school students. Asked about the interest in and perceptions of the role that juries play in our society among our youth, Sanchez responded, "I think that the interest is most definitely there, and it is only limited by the lack of



substantial financial resources to make it pervasive in all public and private schools. As a dialogue facilitator, I saw a tremendous amount of curiosity and interest in the genesis of the right to serve on a jury and how the role of juries has evolved in the U.S. over time."



Dennis Drasco, Robert Grey, and New York's Chief Judge Judith Kaye discuss unanimous verdicts, fair trial/free press concerns, and punitive damages during a Dialogue on the American Jury with LaGuardia High School students.

April 2005

Jury Commission co-chair Judge Judith Kaye and ABA President Robert Grey, Jr., partnered with ABA Litigation Section chair Dennis J. Drasco to facilitate a dialogue with the students of LaGuardia High School of Music & Art and Performing Arts in New York in New York City. According to Drasco, "The time to learn about the jury system is long before the jury summons appears in the mail, and that is where members of the Section can make a difference. Voting and jury service are the bedrocks of that system—and they are the rights and responsibility of every citizen. That is why it is so important that we celebrate the jury system and stimulate discussion and participation in the process. The future is in the hands of these students, and we can inspire them to support this fundamental value of our democracy."

In an April 29 proclamation from the White House, President George W. Bush proclaimed May 1, 2005, as Law Day. "Each year on Law Day, we recognize our nation's commitment to a fair legal

continued on page 7

NOMINATIONS SOUGHT FOR THE ISIDORE STARR AWARD ▶ ▶ ▶

SAVE THE DATE!!!

**National Law-Related Education
Leadership Conference
Phoenix, Arizona
January 26 – 28, 2006**

Separation of Powers: Principles and Conflicts

The American Bar Association Division for Public Education will host the 24th National Law-Related Education Leadership Conference in Phoenix, Ariz., January 26–28, 2006. This event serves as the principal, professional-development conference for leaders in the law-related education field. Participants will include LRE project staff, educators, legal professionals, bar association staff, juvenile justice professionals, and others interested in teaching about the law and citizenship.

The Division will partner with the Arizona Foundation for Legal Services and Education, Youth for Justice, and the U.S. Department of Justice Office for Juvenile Justice and Crime Prevention. Information regarding registration and housing will be posted later this summer at www.abanet.org/publiced/conference.

The Isidore Starr Award for Excellence in Law-Related Education was established in 1983 by the American Bar Association to recognize outstanding achievement in the field of law-related education (LRE). Named in honor of Isidore Starr, the widely acknowledged “father of law-related education,” the



Isidore Starr, the “father of law-related education”

award is presented to an individual who has made significant contributions in promoting excellence in law-related education in elementary or secondary schools.

Dr. Isidore Starr taught social studies in the New York Public Schools before embarking on a second career

as a professor of education at Queens College. Dr. Starr has authored many articles and books about LRE. He holds an M.A. in American history from Columbia University, a Ph.D from the New School for Social Research, and a law degree from St. Johns University. He is the recipient of numerous awards and is listed in *Who’s Who in America* and *Who’s Who in the Law*.

Nominations for the award will be accepted on behalf of individuals who have:

- Been active in LRE for at least five (5) years;
- Participated in the development of LRE materials or programs, or made significant contributions to LRE at the local, state, or national levels;
- Generously contributed time and resources in support of LRE, such as serving on advisory committees, reviewing materials or programs, and responding to requests for assistance;
- Not previously received the award.

Each nomination should include eight (8) sets of:

- The nominee’s one-page resume;

- A one-page summary of the nominee’s LRE activities;
- A maximum of five (5) letters of recommendation from individuals who have knowledge of the nominee’s contributions to LRE;
- Other pertinent materials, such as a bibliography of LRE materials written by the nominees or citations demonstrating the nominee’s merit.

The deadline for nominations is November 1, 2005. Materials submitted should not exceed ten (10) one-sided 8 1/2 x 11 pages.

Self-nominations will not be considered. Submitted materials will not be returned.

Send nominations to:

American Bar Association
Division for Public Education
321 N. Clark, 20.2
Chicago, IL 60610
Attention: Isidore Starr LRE Award

For inquiries, call (312) 988-5729.

The award will be presented in January 2006 at the 24th LRE Leadership Conference in Phoenix, Ariz.



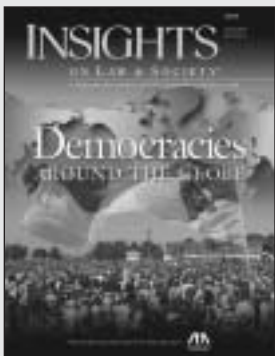
Margaret E. Fisher receives the 2004 Starr Award from Law Day Chair David Collins during the 23rd National LRE Leadership Conference in Philadelphia, Pa.

ABA PARTNERS WITH CLOSE UP FOUNDATION FOR LAW DAY ▶▶▶

INSIGHTS ON LAW & SOCIETY™

Insights on Democracies Around the Globe

The Spring 2005 issue of *Insights on Law & Society* explores the theme of “Democracies Around the Globe.” In an overview article, David Carroll, director of The Carter Center’s Democracy Program, traces the dramatic global rise of democratic governments since the 1970s. At a time when democracy is gaining a foothold in the Middle East, this issue of *Insights* addresses the role of the United States in promoting democracy and related legal reforms across the region.



For more information about *Insights*, or to subscribe, visit InsightsMagazine.org or call (800) 285-2221.

The American Bar Association partnered with the Close Up Foundation this spring to conduct two programs in Washington, D.C., to mark the national observance of Law Day 2005. The 8th annual Law Day edition of “Close Up on C-SPAN” was held on April 28 at the Newseum in Arlington, Va. It featured an hour-long panel discussion with high school students on the relationship between the media and the American jury. Moderated by Close Up TV’s John Milewski, panelists included Catherine Crier, host of “Catherine Crier Live” and executive editor of Legal News Specials for Court TV; Marjorie Fargo, president and senior trial consultant, Jury Services Inc.; and Valerie Hans, professor of criminal justice and psychology, University of Delaware. Milewski also interviewed ABA president-elect Michael Greco about his plans during his tenure as ABA president in 2005–06. Greco talked about his planned initiatives recognizing the public service roles of lawyers and regarding the importance of civic education, including learning about our system of separated and interdependent governmental powers. On May 2, ABA President Robert J. Grey, Jr., spoke to a group of 120 teachers from around the country participating in the Close Up Foundation’s Washington Week program about “The American Jury: We the People in Action,” the 2005 Law Day theme. This 8th annual breakfast seminar for Close Up teachers was conducted at the National Press Club. Grey discussed the ABA’s new comprehensive jury principles and answered numerous questions from teachers regarding juries and the American justice system.



(left to right) Marjorie Fargo, Michael S. Greco, Catherine Crier, John Milewski (moderator), Valerie Hans



Robert Grey’s passion about the significance of juries and jury service is infectious among an audience of 120 teachers gathered from around the country.



Grey learns about teachers’ experiences during their Close Up Week in Washington.

RECOGNIZING EXCELLENCE IN COMMUNICATIONS MEDIA ▶▶▶



HONORABLE MENTION

Books *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age* (Kevin Boyle/Henry Holt & Company).

Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism (Geoffrey R. Stone/W.W. Norton & Company).

Newspapers "Use of Force," *Austin American-Statesman*. Series examines use of force by Austin police officers.

Television News and Documentaries "Signpost to Freedom: The 1953 Baton Rouge Bus Boycott" (Louisiana Public Broadcasting) and "A Pattern of Suspicion" (NBC Dateline), which considers racial profiling, prompted by a 2001 police shooting incident in Cincinnati.

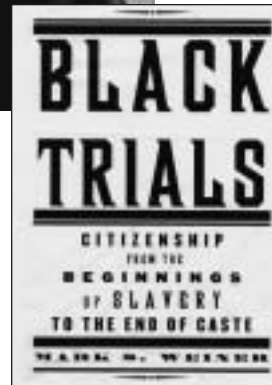
Theater "Thurgood Marshall's Coming!" (Periakto Productions).

For more information about the Silver Gavel Awards, go online to www.abanet.org/publiced/gavel.

The 48th annual Silver Gavel Awards will be presented at the ABA Annual Meeting in Chicago. The awards recognize excellence in communications media for fostering the American public's understanding of law and the legal system.

SILVER GAVELS

Books *Black Trials: Citizenship from the Beginning of Slavery to the End of Caste* (Alfred A. Knopf) presents 14 chapter-length accounts of trials from the colonial era to the present. Mark Weiner tells a larger story that ably links the legal history of black Americans to the development of American national identity as a whole. Weiner argues that the boundaries of citizenship in the United States revolve around a reflection on its very meaning and, in particular, around what it means to be a "people of law."



Magazines "Brown at 50" (*The Nation*). *The Nation* magazine marked the 50th anniversary of the 1954 U.S. Supreme Court decision in *Brown v. Board of Education* with a May 2004 issue devoted to the landmark case. Guest edited by historian Eric Foner and legal scholar Randall Kennedy, the special issue includes essays by leading commentators who present varying perspectives and reflections on *Brown*, companion cases, and the broader social and historical context. Contributors include Michael Klarman, Jack Bass, Robert Carter, and Alan Richard.

Newspapers "Forensics Under the Microscope" (*The Chicago Tribune*). *The Chicago Tribune* team of criminal justice reporters—Flynn McRoberts, Steve Mills, and Maurice Possley—carefully explore the limits and abuses of the "science" of forensics—from fingerprinting to analyses of bite marks and ear

prints. Far from being irrefutable, certain forensic methods admitted as courtroom evidence are, according to the *Tribune*, more art than science. Some may be nothing more than "junk science"—relying on unproven methods not generally accepted by the scientific community.

Radio "Thurgood Marshall Before the Court" (American RadioWorks/American Public Media) focuses on Marshall's legal career prior to joining the Supreme Court in 1967, arguing in front of courts as leader of the NAACP Legal Defense and Education Fund. Marshall argued *Brown v. Board of Education* in 1954.

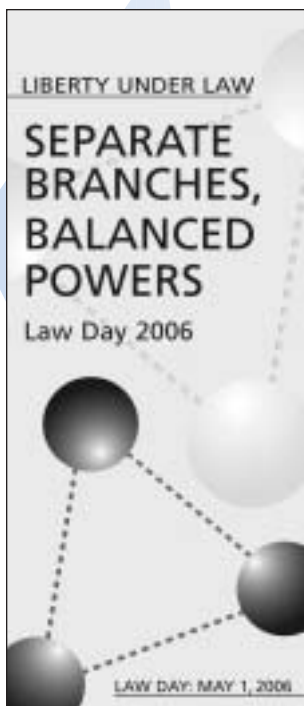
Less known, however, are the cases and events leading up to *Brown* and Marshall's role in the organized legal battle against Jim Crow. To tell this story, the documentary uses Marshall's own words, both recorded by him and dramatically re-enacted, along with evocative historical audio.

Television News and Documentaries

"Marvin Anderson's Nightmare: Stories of the Innocence Project" (Court TV). Marvin Anderson, convicted of robbery, abduction, and rape, spent 15 years in prison for a crime he did not commit. Court TV's gripping documentary, narrated by Richard Dreyfuss, recreates his "nightmare" through interviews with Anderson and his family, the original arresting officer, and Innocence Project founders Barry Scheck and Peter Neufeld. The documentary brings viewers inside the workings of the Innocence Project.

Television Drama "Chasing Freedom" (Court TV) tells the heart-wrenching story of Meena, a young Afghan woman who seeks political asylum in the United States. Viewers experience her story unfolding through the eyes of Libby Brock, an ambitious young Manhattan corporate lawyer asked to take on the case pro bono. Inspired by true events, Court TV produced "Chasing Freedom" in collaboration with the Lawyers Committee for Human Rights.

ABA ANNOUNCES LAW DAY 2006 THEME ▶ ▶ ▶



Separate Branches, Balanced Powers

The American Bar Association Division for Public Education is pleased to announce that the focus of Law Day 2006 will be on the separation of powers. It is important that all Americans understand what the Founders intended and accomplished in creating a government of separate powers. The Founders were very concerned that the government they established not have all its powers concentrated in the hands of a few officials. They agreed with Montesquieu that if “the right of making and of enforcing the laws is vested in one and the same man, or the same body of men ... there can be no liberty.” The Founders were also concerned that the powers granted to one branch would be balanced by powers granted to others. Congress’s power to legislate, for example, is balanced by the executive’s power to veto legislation and by the judiciary’s power to adjudicate disputes over the meaning of laws. This system of checks and balances ensures that each branch serves as a constraint on, and is constrained by, the powers of the other branches.

This theme will enable Law Day planners to show how the branches have their separate spheres and separate powers but work together for the common good. The theme also is central to building understanding of the rule of law, which has always been a primary purpose of Law Day. The Division will begin to post additional information about the theme and related resources this fall on the Law Day website at www.lawday.org.

CALENDAR

August 2005

Aug. 4–9 ABA Annual Meeting in Chicago, Ill.

Division for Public Education events

Aug 5 Book-signing reception featuring Mark Weiner and Linda Greenhouse

Aug. 6 American Jury on Trial panel discussion

Aug. 6 “On the Docket 2005: Death Penalty in the Supreme Court” panel discussion

Aug. 7 48th Silver Gavel Awards

For event specifics, visit www.abanet.org/publiced/conference/annual.html

September 2005

Sept. 17 Constitution Day

Sept. 24–26 Congressional Conference on Civic Education in Washington, D.C.

October 2005

Oct. 20–22 CEP’s 12th National Forum: Building Cultures of Character in Atlanta, Ga.

November 2005

Nov. 1 Isidore Starr Award nominations deadline

Nov. 17–20 85th NCSS Annual Conference in Kansas City, Mo.

January 2006

Jan. 26–28 24th National LRE Leadership Conference in Phoenix, Ariz.

FOCUS on Law Studies

Selecting Supreme Court Justices

The Spring 2005 issue of *Focus on Law Studies* examines the topic of “Selecting Supreme Court Justices.” Published shortly before Justice Sandra Day O’Connor announced her retirement, this issue of *Focus* explores the legal and political process of selecting Justices (and federal judges

generally), including the roles of the Senate, the president, and interest groups. The dialogue also offers historical perspectives on presidential appointments, lessons learned from recent lower federal court appointment controversies, and speculation about possible future nominees to the

Supreme Court. Nine legal and social science scholars of varying political perspectives contributed to the dialogue, which is available online at: www.abanet.org/publiced/focus/home.html



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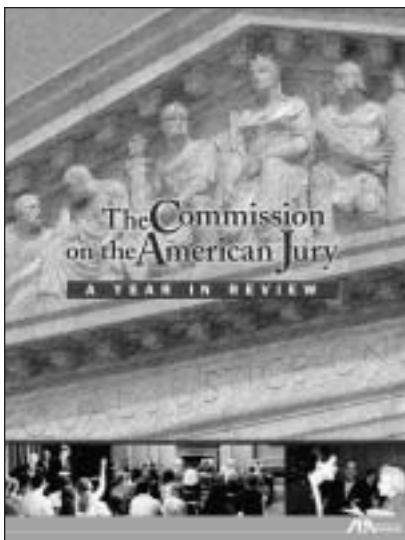
system and to protecting the rights and freedoms we cherish," he said. "The theme of this year's Law Day, 'The American Jury: We the People in Action,' recognizes the imperative of self-government and the necessity of individuals' participation in the judicial process. By taking time away from their day-to-day responsibilities to serve on juries, Americans demonstrate their commitment to good citizenship and their willingness to uphold the laws of our nation."

Bush also encouraged Americans to observe May 1 through May 7 as National Juror Appreciation Week. "I call upon the people of the United States to acknowledge the importance of our nation's legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States in support of this national observance," he said.

May 2005

The Commission introduced Juror Appreciation Week, May 1–7 nationally. In addition, a downloadable "Juror Appreciation Kit" was developed to include various appreciation activities to guide courts in devising programs to honor local citizens who served as jurors.

Speaking at a Law Day panel discussion at the Supreme Court, Justice Sandra Day O'Connor praised the American jury while suggesting that there is still considerable room for improvement. "Juries are here to stay," O'Connor said. "The question is, what can we do to make them work better?" The discussion entitled "The Jury and American Democracy," part of the Leon Jaworski Public Program series, was sponsored by the ABA Standing Committee on Public Education in cooperation with the Law Library of Congress. This year, the program was co-sponsored by the ABA Commission on the



Left to right: Jeffrey Toobin (moderator), Robert J. Grey, Jr., Hon. Sandra Day O'Connor, Jeffrey Abramson, Hon. Miriam Goldman Cedarbaum, and Kenneth C. Frazier gather at the Supreme Court for a Jaworski Law Day program.

American Jury, for which Justice O'Connor serves as honorary chair.

Joining Justice O'Connor on the panel was Jeffrey Abramson, the Louis Stulberg Professor of Law and Politics at Brandeis University; the Hon. Miriam Goldman Cedarbaum, U.S. district judge, Southern District of New York; and Kenneth C. Frazier, senior vice president and general counsel, Merck & Co., Inc. Jeffrey Toobin, a *New Yorker* staff writer and CNN legal analyst, served as moderator.

August 2005

On August 6, during the ABA Annual Meeting in Chicago, the Commission will present "The American Jury on Trial," featuring a roundtable discussion on issues facing the American jury today. John Milewski, vice president of Broadcasting and Communications for the Close-Up Foundation citizenship education organization, will moderate an expert panel of lawyers, law professors, jury consultants and media representatives that will raise such issues as suitability of cases for juries, if juries have latitude in determining their verdicts, and what the main obstacles are to jury service and how that affects efforts to draw representative juries. Panelists will include television personality Catherine Crier (Court TV), Professor Bernard Harcourt (University of Chicago Law School), and jury consultant Jo-Ellan Dimitrius. To learn more about this event, including the full list of confirmed participants, visit www.abanet.org/jury/annualevent.html.



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LAW MATTERS

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▼ CHAIR'S NOTE

Thanks to U.S. Senator Robert Byrd (West Virginia), students and federal employees across the country will be taking time this September 17 to learn more about the U.S. Constitution. **September 17 is Constitution Day**, and Senator Byrd is responsible for a new law that requires all educational institutions receiving federal funds and all federal agencies to offer Constitution Day programming.

The Division for Public Education is pleased to join with the National Constitution Center, the Bill of Rights Institute, and other partners in offering educational programming and materials for use on Constitution Day and throughout the year. The materials will be available on a new website, www.constitutionday.us, at little or no cost from the participating organizations.

The Division will be developing a "Conversations on the Constitution" program designed for use by middle school, high school, and adult audiences. Using a combination of "conversation starters"—provocative images, quotations, and excerpts—and focus questions, the program will encourage debate on the meaning of some of the Constitution's more controversial clauses. What do we understand to be "cruel and unusual punishments"? What is an "unreasonable search and seizure"? What government actions

constitute an impermissible "establishment of religion"?

Materials for the program will be designed to readily adapt to various settings: an informal conversation around a family's dinner table, a classroom discussion, or a lunchtime conversation among fellow employees. Program materials will be offered free of charge and will be accessible at the www.constitutionday.us website and on the Division's website at www.abanet.org/publiced. Also on the website will be an interactive feature that enables visitors to test their knowledge of the Constitution and comment on its meaning to our lives today.

Senator Byrd's legislation offers an opportunity for all of us to get better acquainted with the document that has shaped our nation and defined our freedoms for more than 200 years. We hope you will join us this September as we celebrate and debate our Constitution.

Alan S. Kopit
 Chair, Standing Committee on Public Education



Alan S. Kopit

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