



Illinois State Bar Association  
Standing Committee on Law-Related Education Newsletter

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ILLINOIS STATE  
BAR ASSOCIATION

# LAW-RELATED EDUCATION

*The Newsletter of the ISBA's Committee on Law-Related Education*

*Statements, expressions of opinion or comments appearing herein are those of the editors or contributors, and not necessarily those of the Association or the Committee.*

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## **ILLINOIS LRE NEWS!!**

**DONNA SCHECHTER RETIRES!** It is with great regret that we announce that long time LRE and Mock Trial Coordinator for the Illinois State Bar Association, Donna Schechter, retired this past July.



Donna began working with the ISBA in 1982 and assumed responsibility for the high school mock trial program in 1984. Though her experience and dedication to the ISBA will be greatly missed, it will always be cherished and never forgotten. The ISBA owes her a debt of gratitude for a job well done. We hear that Donna is happily spending time with her husband, Gary, and reading her way through the public library.

**MARY KINSLEY** - We are also very pleased to announce that Mary Kinsley has been selected to fill Donna's position as the Administrative Assistant to the Legal Department. Mary's duties will include working with the ISBA's Standing Committee on Law-Related Education for the Public along with Melinda Bentley, ISBA's First Assistant Counsel. They will work with the Committee to coordinate and host the mock trials on an annual basis.

**HINSDALE CENTRAL HIGH SCHOOL - Congratulations** to Hinsdale Central High School; they placed 2<sup>nd</sup> at the National High School Mock Trial Championships in Philadelphia, PA in May 2010. Wow!!!

**2011 ISBA HIGH SCHOOL MOCK TRIAL EVENT SCHEDULED** - The 2011 Illinois State Bar Association High School Mock Trial Invitational will be held on Friday and Saturday, March 4 and 5, 2011 at the University of Illinois at Springfield Public Affairs Center. Once again this year, the ISBA welcomes co-sponsors for this event. The Constitutional Rights Foundation will be assisting with the case materials and, as always, the University of Illinois at Springfield is providing their excellent facilities.

A mock trial is a simulation of a judicial proceeding, that is, the actual enactment of a trial of either a civil or criminal case. Participation in mock trials provides students with an insider's perspective of courtroom procedures. Mock trials also serve to help students gain a basic understanding of the legal mechanism through which our society resolves many disputes; help students develop critical thinking skills, oral advocacy skills and understanding of a substantive area of law; help students better understand the roles of persons in the justice system--leading to a greater understanding and respect; provide a vehicle for the study of fundamental law-related concepts such as authority and fairness.

Mock trials can provide students with invaluable, practical experience with courts and trials, which enhances their knowledge and appreciation of our system of justice, while encouraging teamwork, following rules, and developing a range of communication skills and personal confidence.

For a full set of registration materials and additional information on the program, including the rules that must be followed (NOTE: these have been *revised and updated*), please visit

<http://www.isba.org/teachers/mocktrial>

Space may be limited. Please register early. To reserve a space, you should complete the registration form and submit the \$100 registration fee.

Also available at that website are cases we've used in the past. If you aren't interested in participating in the High School Mock Trial Invitational, these materials may still be of interest for classroom use.



**Please Note: There have been changes to the program:**

- No official regional program this year; however, teams are encouraged to participate in invitational trials and are still required to participate in at least one practice trial prior to attending the event in Springfield
- We are no longer able to block hotel rooms. If you intend to come, please make your reservations early if you require overnight lodging. For a list of local hotels visit [http://www.dexknows.com/local/travel\\_and\\_tourism/hotels\\_and\\_lodging/geo/c-springfield-il/](http://www.dexknows.com/local/travel_and_tourism/hotels_and_lodging/geo/c-springfield-il/) or Google Springfield Illinois Hotels
- The law test is back. Students should be prepared to take the written test as a component in the mock trials in Springfield.
- The 2011 National High School Mock Trial Championship event will be held on Mother's Day Weekend in Phoenix, Arizona.

We anticipate that the mock trial materials will be finalized and ready for release in late October, 2011.

*Teams wishing to register should visit the ISBA's LRE website for registration forms and information.*

<http://www.isba.org/teachers/mocktrial>

<b>ENVIRONMENTAL LESSON PLAN</b>
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As this newsletter is being drafted in June, while the oil is still leaking into the Gulf of Mexico...we thought students might enjoy environmental lesson plans. There are two provided here.

The lesson below, titled "Valley Valuation" was written by JoAna Vance-Pineda, Dexter Elementary, Dexter, New Mexico.

**LESSON OVERVIEW:** This lesson is designed to help students develop decision-making skills based on the needs of the environment as well as those of the community. It is based on a role-play activity in which students, representing special interest groups, will present their opinion of what should be done with a valley that is near their town. Students will use actual environmental laws to support their cases. Through participating in this lesson, students will learn about environmental laws and how they can impact the economic development of a community. This lesson presents a great opportunity to utilize resource persons from many fields.

**OBJECTIVES:** As a result of having participated in this lesson, the learner will:

- become aware of the major environmental laws through discussion and small group interaction;
- develop participatory citizenship skills by taking part in a simulated meeting of the decision-making body for their town, city, village, etc.; and



- understand the function of the decision-making body for the community in which they live by participating in the decision-making presented in this lesson.

**SUBJECT/GRADE LEVEL:** This lesson will work well in any middle through high school class dealing with government, science, geography, social issues or communication.

**TIME:** Depending on the thoroughness with which the teacher would like the students to present their cases, up to ten class periods may be used. If resource persons are utilized, the lesson may require more time. Actually, this lesson could be used for an entire nine-week period.

**MATERIALS:**

Newspaper articles about conflict over land use

Topography map that includes a valley or canyon, if possible, surrounding area

Appendix One: Major Environmental Acts and Laws

Appendix Two: City Council Meeting Appendix

Three: Special Interest Group Descriptions

**PROCEDURE:**

1. Introduce this lesson by distributing several recent newspaper articles about conflict over land use. Allow time for students to read their articles and summarize them for the class. Encourage them to identify the groups in conflict. Ask the students to think about what goals motivate the group members.
2. After summaries are given, if time allows, students may express their opinions.
3. Tell the class they will be given a situation in which a decision must be made, a decision that will affect the future of the community.
4. Introduce the term "sustained multiple use." This is a phrase used by the agency that wrote the Range Reform Act of 1994. Ask the students what they think the term might mean.
5. Distribute copies of Appendix One: Major Environmental Acts and Laws. Count the class off by ten. Ask each group to read about the corresponding number of act or law, and explain it to the class on the following day. Allow class time for this.
6. Tell the class they will be representing groups that have special interests in a big decision involving a valley near their town. Some of them will want to build a dam and have the valley become a lake, while some will want to leave the valley as it is.
7. If topography maps are available, this would be a good time to introduce the use of such maps. "Locating" the valley in question will make the lesson more meaningful to the students as well as adding to their geographic knowledge.
8. The teacher may divide the class into groups in the manner he/she thinks is most conducive to accomplishing the objectives of the lesson. Instruct the class that they will be divided into 6 groups. Each group will represent an organization that has a strong interest in the future of the



valley. They will meet and decide, based on the goals of the organization, what they would like to see done with the valley. They will present their opinion at a meeting of their city council. The proposition for the building of the dam will be voted on at this meeting.

9. Tell the class that they will have a certain amount of time to collect information to support their cases. The amount of creativity accepted in "collecting" information is up to the teacher.

10. Divide the class into 6 groups. Distribute the section of Appendix Three: Special Interest Groups (SIG) that applies to their organization.

11. Circulate from group to group, encouraging their discussion of the organization's goals and opinion about the future of the valley. Help them state their case in a persuasive manner. Instruct students to write at least five quotes that would be appropriate for a member of their special interest group to use in various situations. (Success of this lesson depends on the students' commitment to the goals of their SIG.) If the schedule allows, the students may contact professionals in appropriate fields to help prepare their case.

12. Allow preparation time. Another class, the school board or parents may be invited to be the city council. Prior arrangements will need to be made, especially with the "president."

13. Distribute copies of Appendix Two: City Council Meeting. Read and discuss the procedure with the class.

14. Proceed with the city council meeting.

EVALUATION - As evaluation, the teacher may:

- give a test over the major environmental acts and laws related to the valley issue and/or the function of a community's decision-making body;
- ask the students to write a summary of how decisions were made in this case involving special interest groups; or
- ask the students to report on an actual issue that involves conflict between economic and environmental goals or issues.

CLOSURE - Divide the class into new groups of five and ask them to discuss the following questions:

If you would like the groups to thoroughly answer these questions, research time will be required.

1. What environmental acts and laws have impacted our area?
2. Is sustainable multiple use realistic?
3. Is sustainable multiple use a desirable goal for our area?
4. If so, how can it be accomplished?
5. How can community members have their opinion heard?
6. Identify and describe the special interest groups in our area.



After discussion is over, ask each student to respond individually to this question:

How do you feel about the process of discussing such issues in a group?

The following may be used to help clarify or expand this question.

- \* Did you feel comfortable expressing your opinion?
- \* If your opinion was different from the one stated first in discussion, did you feel hesitant to state your position?
- \* Was there any non-verbal communication in the group that might have caused members to feel reluctant to express an opinion other than what seemed to be the majority?
- \* Did the first-stated opinion become the consensus of the group?
- \* If not, what in the argument of the differing view cause the shift?
- \* Was the first-stated opinion always made by the same person?
- \* If so, did the group accept that person as "the leader"?
- \* Was it easier forming an opinion when you were a member of a SIG and had your goals clearly stated for you or when you were answering the closure questions using your personal goals?

\* \* \* \* \*

CRADLE LESSON PLAN No. 41595B

Distributed by the Center for Research and Development in Law-Related Education, Wake Forest University School of Law, 2714 Henning DR, Winston-Salem NC 27106; 1-800-437-1054.

## **Appendix One - MAJOR ENVIRONMENTAL ACTS AND LAWS**

### **NATIONAL ENVIRONMENTAL POLICY ACT OF 1969**

This Act mandates that every federal action affecting the environment, such as the granting by a federal agency of a federal permit to construct and operate a facility that impacts the environment, be accompanied by an "Environmental impact Statement" (often called an EIS) that assesses the project's impact on the surrounding environment. The purpose of the EIS is to ensure that environmental considerations are taken into account by federal officials when they approve or disapprove a permit or make another similar decision. The EIS and its appendixes often total several thousand pages. Note, however, that decisions to issue permit under the Clean Air Act, see below, do not require a Federal EIS; Environmental protection Agency (EPA) air permits are exempt. Such air permits trigger the need for EIS if the action involves the federal government. Remember, too, that this Act deals only with federal action; that is, a federal agency -- other than the EPA -- making a decision usually involving federal land. When a state or local agency, and not the federal government, has the authority to issue permits or make decisions



about development of a project, a Federal EIS often is not required. The fact a project need not apply for a federal permit may not exempt it from developing an impact statement, however; most states have their own EIS requirements for projects or decision by state agencies.

#### CLEAN AIR ACT

The Act was substantially amended and revised in 1990 to set tough standards for air quality. A large variety of permits that regulate air emissions from industry and commerce are mandated by the Act depending on the type of project to be built or in operation, as well as emission standards for just about everything that might or does emit a pollutant. For example, emission standards for lawn mowers are contemplated. Sources of pollution can be present in ambient air, or the air that surrounds us. In some areas, no development is allowed because any emission would violate ambient air standards. Standards also are set for the amount of specific pollutants that a specific source -- such as a car or a smoke stack -- may emit into the air. This second type of standard is referred to as a point source standard because it regulates a specific source of pollution. Standards are phased in over the next twenty years.

#### CLEAN WATER and SAFE DRINKING WATER ACT

The Federal Water Pollution Control Act (often called the Clean Water Act) is concerned with both the pollution of surface water (such as lakes, rivers, and streams) as well as ground water pollution (the water found underground that often is a source of supply for homes, towns and cities). The standards set by this Act basically call for fishable and swimmable water everywhere. Permits are required for projects that discharge, or release pollutants into the waters. The law provides standards to pretreat "dirty" water (called effluent) before it is released into surface or ground water. Regulations governing by agencies to protect areas where the ground remains wet a certain percentage of the year and/or areas that harbor certain species of flora, fauna and wildlife. The Army Corp of Engineers has primary responsibility to issue or deny permits for filling in wetland areas. The Environmental Protection Agency oversees the Corps and has authority to veto decisions. A variety of provisions in the Safe Drinking Water Act are designed to protect underground drinking water supplies and set drinking water quality standards.

#### NOISE CONTROL ACT and ABATEMENT OF AVIATION NOISE ACT

The Noise Control Act authorizes federal noise control programs, studies, and grants, as well as requiring noise standards for aircraft, motor carriers, railroads and other products "distributed in commerce." The Act calls for the development and certification of low noise emission products. Public airports are subject to comprehensive systems that measure noise and our exposure to it as part of the regulations in the Abatement of Aviation Noise Act. Maps of affected areas may be submitted and noise compatibility programs are developed for official approval.

#### TOXIC SUBSTANCES CONTROL ACT

The Administrator of the Environmental Protection Agency (EPA) is authorized to gather information and regulate chemicals imminently hazardous or presenting an unreasonable risk of injury to public health or the environment. Certain substances are exempted, notably food and tobacco. Toxic substances are subject





to testing, listing in federal regulations and rule making. The owners and handlers of such chemicals are subject to quality controls, investigations, inspections, state programs, searches and seizures, reports and civil and criminal sanctions when rules are not followed.

#### **SOLID WASTE DISPOSAL ACT (RESOURCE CONSERVATION AND RECOVERY ACT)**

This Act regulates the transportation, handling, storage and disposal of all solid waste including municipal and commercial garbage and hazardous waste. The national standards set by this act must be followed by state and local agencies that primarily are responsible for disposing of waste. Landfills, resource recovery facilities, recycling programs and treatment processes are just some of the technologies covered by the Act. Hazardous wastes are defined and management programs are strictly regulated. Grants are contemplated for research, development and demonstration of technologies that handle more effectively all manner of waste such as glass, plastic, mining waste, sludge, tires and wastes from industry.

#### **COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT**

The Administrator of the Environmental Protection Agency (EPA) is empowered to designate areas where release of hazardous substances presents a danger to public health and develop clean-up procedures for each site. EPA shall determine the persons -- including individuals and companies -- responsible for release of the hazardous substances and such persons must pay for clean-up of the site. In most cases, a large number of people are liable for clean-up costs and each is held liable for the entire cost of the clean-up. Negotiations ensue at which time the responsible persons determine who pays how much and when.

#### **FEDERAL INSECTICIDE AND RODENTICIDE ACT**

The increasingly serious threat of pollution of the food chain, water, and air by pesticides is addressed by this Act by a variety of methods. Producers of pesticides and the products themselves must be registered, permits and restrictions are required, and applicators of pesticides must be certified. The Act also provides for inspections, searches and seizures, research and monitoring, and state cooperation and enforcement.

#### **OCEAN DUMPING ACT**

This Act provides for research and regulation of protected ocean and shore zones for the disposal of industrial wastes, sludge from municipal treatment plants, and dredged spoils from harbor improvement projects.

#### **ENDANGERED SPECIES ACT**

This Act provides for the conservation of endangered species of fish and wildlife. States are encouraged to develop protection programs. Land may be acquired under the Act if such acquisition further protects an endangered species. Civil and criminal penalties also are provided against persons who violate provisions of this Act.

Source: Federal Environmental Laws, West Publishing Co., St. Paul Minnesota, 1993





## **Appendix Two - CITY COUNCIL MEETING \***

City Council meetings are held by elected counselors of the local government and are legislative bodies that introduce and pass a large variety of bills. Councils also pass budgets prepared by the Mayor of a city. Simulating a city council meeting provides students with an opportunity to gain understanding of legislative bodies and of the roles and responsibilities of their members.

How to proceed: The president of the city council calls the meeting to order, explains the purpose of the meeting, and describes the rules to be followed. Some city councils follow Roberts Rules of Order, some have their own rules. To simplify this exercise, the following rules can be followed:

1. A person may not speak until he or she is recognized.
  2. No one may interrupt when a person is speaking.
  3. All remarks must relate to the concern being addressed.
  4. If the speaker wanders from the point, abuses other people, or in any way defeats the purpose of the meeting, the president of council declares him or her out of order. If the speaker does not correct his or her behavior, he or she may be told to stop speaking, or, as a last resort, be removed from the meeting.
  5. A representative of the group in favor of the proposition may stand and describe the group's position. After the representative has finished speaking, he or she may ask people brought as witnesses to stand and speak. The same procedure is followed for those people opposed to the proposition.
  6. The president of the council announces that any person in favor of the proposition may stand and speak. They will be recognized in the order in which they stand and speak. The same procedure will be followed for those people opposed to the proposition.
- \* This process may be applied to any decision-making body that represents a community.
7. After all the people on both sides of the proposition have had the opportunity to speak; the president of the council opens the questions for additional discussion or debate. During this time any person may stand, be recognized, and present his or her point of view or argue against the point of view of someone else. President of the council may limit debate based on his/her judgment.
  8. At the end of this discussion or debate, the president of council calls for a vote on the proposition. The vote is decided by a majority of the city council members.

## **Appendix Three - SPECIAL INTEREST GROUPS**



Bone Diggers: Members - Professionals in the areas of archaeology, paleontology and anthropology, and other people interested in these sciences. Goals - To preserve the artifacts of indigenous peoples, as well as to increase the public's awareness of and the need for preserving cultural history.

Boat Floaters and Water Dogs: Members - Proprietors of businesses related to water sports and people who enjoy water sports, including fishing. Goals - To increase participation in and access to water sports as well as to educate the public about water safety.

Save our Native Species: Members - Zoologists, botanists and all others who are concerned about the decline in population of native plant and animal species and the impact of this decline on the ecosystem. Goals - To stop, or at least slow down the reduction of native habitat as well as to educate the public about the ecosystem and the role of the native species therein.

Green Achers: Members - Farmers and proprietors of related businesses. Goals - To further the development of farming in the area and to educate the public about the importance of agriculture in the local and national economy.

PFDR (People From Down The River): Members - Citizens of the communities located down-river from the proposed dam site and others who are concerned about the impact of the dam on their economy and agriculture. Goals - To thoroughly explore the potential impact of the dam on their communities and ecosystems of surrounding areas, as well as to educate the public about this impact.

Duck Lovers: Members - People who are interested in water fowl for hunting or watching. Goals - To protect existing and develop more habitats for water fowl as well as to educate the public about the importance of riparian areas.

### **ENVIRONMENTAL LESSON PLAN - OIL SPILL!**

This lesson plan, for a range of ages, is *State vs. Captain Queg & Dyno Oil Company*. The lesson plan was created by Aaron P. Banks, Charles E. Gorton High School, Yonkers, New York.

**ABSTRACT/INTRODUCTION:** This is a mock trial that was designed to have high school students work with elementary students in a "legal atmosphere" resulting in educational benefits for all. Most people (adults and children) have ideas about our legal system and, in this instance, views about our environment.

**GOALS/OBJECTIVES:** There are several goals to this activity. First and foremost is the goal of having different ages work together on a task. The next goal is a better understanding of our legal system, through role-playing a trial and demonstrating correct court room procedures. Another result of this activity will have students demonstrate reasoning and critical thinking skills associated with "thinking and responding on the spot". Students will also gain a better understanding of the conflict between the protection of the environment and our "way of life".



**SUBJECT/GRADE LEVEL/AUDIENCE:** This was designed to be a "joint-cross-grade level" activity. I have primarily used this activity utilizing four on my high school Law Magnet students and a class from a fifth grade elementary school. The elementary students have taken on the roles of witnesses and jurors. This "trial" can be used by any grade level, fifth graders and up, to reach any and all of the goals.

**TIME REQUIRED:** This activity lasts one hour or two consecutive class periods (in one day). It could be expanded. The preparation is minimum. Law-Related Education students should already have a handle on trial procedures. They now need to learn how to "talk" to this audience in bring out information and having the "jury" understand the information. If the teacher desires, research can be done before and after on the environmental issues raised by this case.

**MATERIALS NEEDED:** None. If one wants, it would be nice to utilize a real courtroom.

**PROCEDURE:** Pre-trial preparation of students taking roles of attorneys takes the longest. Coordination between schools is necessary and any following discussions and research calls for the teacher to know where he/she wants to go with this activity. This activity usually already fits into an already "environmental" lesson on the elementary school.

**EVALUATION:** There are immediate evaluations that result from students and observer reactions at the end of the trial. Follow-up discussions are a must. Written evaluations can be developed and given to the students, but I have found debriefing just as successful as an evaluation tool.

**DEBRIEFING/SUMMARIZATION/CLOSURE:** A debriefing discussion lets one see what the children have pick up. Many times the jury is a "hung jury". This leads to further discussions about what could have been done. It also leads to further discussions about our legal system, jury duty, and a host of other LRE topics.

**TIPS FOR TEACHERS:** Have fun. Sometimes the seemingly best kids will be attorneys and witnesses. Warning: when it comes time for the actual trial, many kids freeze up. "Leading Questions" should be allowed all the time. Remember this is not a play. Whatever the question and/or answer is the right one. This is an exercise in quick thinking.

**A NOTE FOR ALL INVOLVED:** This is not a play nor is this case limited to the following information. Students doing this case can expand upon the information, do research into actual similar cases, create diagrams, provide additional evidence, in other words: do not limit yourself! To make each side "even", I have listed three witnesses per side. This is so that the trial can actually be done in one hour, or two class periods. The trials I have done consist of four attorneys (from my Law Magnet high school students) and students from an elementary school, making up the witnesses and jurors. Though I have students from third through twelve grades, as witnesses/jurors, the fifth graders seem to be the best. Witnesses receive this "case" beforehand but there is only a five minute discussion between lawyers' witnesses immediately before the case starts. The jurors do not get the "case". This allows for spontaneity, quick thinking, and "playing to an audience", which are my major goals. Understanding court procedure and the study of the environment are also important goals, which can be follow-up activities. Thus, with possible prior research, the trial, the post lessons, this activity can last several weeks.



Aaron Banks, Law & Public Service Magnet Program, Charles E. Gorton High School, Shonnard Place, Yonkers, New York 10703

The State v. Captain H.B. Queg/Dyno Oil Company

CRIMINAL CHARGES:

1. Destruction/pollution of Environment
2. Reckless Endangerment
3. Operating a vessel while impaired

WITNESSES:

for the Prosecution:

1. Coast Guard Captain H. Nelson
2. Environmental Expert Dr. F. Green
3. Ned Flipper, local fish person

for the Defense:

1. Captain H.B. Queg
2. Seafaring Weaverly, Ship's Pilot
3. Earl Gray, Vice President of Dyno Oil

BACKGROUND INFORMATION: on March 7, 2010, an oil tanker, carrying 200 billion gallons of crude oil, hit a submerged reef. The Oilon Maur, flying the Panamanian flag, with a mixed nationality crew, piloted by American Captain Humphrey B. Queg was moving oil from Alaska to the "lower 48". As the ship left the Alaskan port of Valdez, Alaska, the ship suddenly veered towards shore, and hit a submerged reef, splitting its' bottom. 100 millions spilled out into the harbor and floated into the bay and out of the channel towards neighboring shoreline and small fishing villages. The "Searich Bay," as this area as this area is called, is very rich in various natural fishing. Upon extensive investigation, by Coast Guard Captain H. Nelson, the Captain (Queg) and the Oil Company (today represented by Mr. E. Gray) were charged with three criminal counts (see above).

PROSECUTION WITNESS NO. 1.

Coast Guard Captain H. Nelson: What a mess! The ship was observed by me leaving the harbor in a careless manner. Quickly we noticed it was "out of control". The Captain should have known not to move the ship in the direction of the reef. The reef is clearly marked on all charts. The Pilot had to know, it was the Pilot's job and his/her major responsibility to guide the ship out of the harbor. I know the Pilot. She/he has done this many times before. The mess left by this accident will take millions of dollars and months to clean up. I do not know about the long range effects on the wild life will be, but it can not be good.

PROSECUTION WITNESS NO. 2.



Environmental Expert Dr. Forest Green: What a mess! I warned and warned them not to let those big oil tanker ships in our beautiful harbor. I told them the whole thing (the pipe line, oil loading docks, etc.) were ticking time bombs. I am sorry to say my predictions have come true. Now we have a huge mess to clean up! The poor fish. The poor animals feeding on the fish. And the plant life will all be effected! What a huge disaster! It will take years and years, if ever, before this area will come back to being useful, let alone near what it use to be. I think they should throw the book at the Captain and Pilot of the ship. The Dyno Oil Company should really have to pay. Instead of a fine, which they will just pass along to the consumer, the Dyno Oil Company should be punished! First the atmosphere, now the water and life (sea, animal, and human) in this area is destroyed.

PROSECUTION WITNESS NO. 3.

Ned Flipper, local fisherman: What a mess! I warned them, I tried to fight them before they started, and now look. Not only have they ruined our beautiful harbor, but our jobs are all but gone. We will have to declare bankruptcy before I loose my boat, home, and everything I own. I can not fish and I can not pay any of my bills. These slick oil people, the Captain and Pilot especially, should be hung up to rot. You lower 48ers think this is funny!?! Well just think of the price of fish going up. And who do you think is going to pay for the oil clean up? You think the oil company? Well, think again! They are just going to pass the costs along to you suckers am going to sue the oil company and everyone connected with this so called "accident"!

DEFENSE WITNESS NO. 1.

Captain Humphrey Bogart Queg: I do not really know what went wrong. The Pilot and I were just standing in the Bridge, talking, when all of a sudden we came to a sudden halt. There was a great noise and everyone took emergency stations. I took immediate action, followed all procedures, did not waste a moment, and even went beyond what was required by the regulations. The accident, and that is what it was, an accident, was quickly under control. Too bad the Coast Guard did not come sooner. Our ship crew members and later our company took swift action. Everything should be back the way it was before the accident in a short time. No real long range damage was done. If Americans want electricity, gasoline for their cars, oil to heat their homes, and everything else that our modern world uses, then people must get use to a little accident now and again. Things like this are bound to happen. It is lucky we live in a modern technological nation like the United States that we have the ability to quickly take action and clean up these sorts of accidents.

DEFENSE WITNESS NO. 2.

Pilot Seafaring Weaverly, Pilot at time of incident: I do not know what went wrong. I have done this thing dozens of times without a single problem. I hate to say it, but accidents do happen. I hate this mess like the next person, but the plain truth of the matter is that this was an accident. The Captain and I were just doing our job when all of sudden, bang! I thought the automatic pilot had been set. In this part of the outer channel to the harbor, the automatic pilot is used. How was I to know that the crew member steering the ship could not read English and had decided to turn off the switch If anyone is to blame, he is. I wish he was here today. Without the oil, the oil company sends to the lower 48 states, the entire United States would be in deep trouble! Without us, many people would lose their jobs, people could not drive around in cars, homes could not be heated. Everything would have to change. Our entire way of life. Do you know how many things are made with oil? How depended we are on oil? Accidents are bound to happen. I hate making mistakes, I hate what



happened. But hey, what do you want to do? Ride bikes to work? Use stove to cook? We took quick action and we cleaned it all up.

DEFENSE WITNESS NO. 3.

Mr. Earl Gray, Vice President of Dyno Oil Company: What can I say that Captain Queg and Pilot Weaverly have not already said? Too much about this mess has been already been said. We promised to spend whatever it took to clean this mess accident up. And we have! We do not believe that we are criminally at fault. We took all necessary precautions, we showed good faith, and we were following the rules. We are still investigating everyone on the ship. The seaman, steering the ship took off and can not be found. We will spend any additional money to clean up the incident back to the point of where everything was before it took place. It is not our fault. The ship was in great shape and everything was done well beyond what the law says it has to be. "Oil is our business, providing the modern technology that America expects" is our motto. By punishing us, you would be punishing America.

\* \* \* \* \*

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### JUDICIAL TEMPERAMENT - SELECTING A SUPREME COURT JUSTICE

Nominee to the United States Supreme Court Elena Kagan was **confirmed/denied** a position on the Court after a demanding schedule of interviews, talks and meetings to introduce herself and her qualifications to those responsible for ensuring she is an appropriate candidate. After a series of Senate hearings, President Barack Obama's nomination proved that she did/did not have the qualifications the majority felt necessary for this life-time appointment.

What makes a good Judge or Justice? Obviously, a good judge or justice is going to need to know a fair amount about the law and be fair so that both sides have a fair opportunity to present the facts of the case. What else would be important in a judge?

To serve as President one must be at least 35 years of age. Does it matter how old a Supreme Court Justice is? Kagan was born in 1960 which just makes just about 40 years old. What else should be considered, or should have been considered during Ms. Kagan's interviewed and hearings? How would it be possible to know if Kagan had a serious bias? Should justices lives be scrutinized to ensure that they have any of the following qualities? Which are appropriate to consider, which are inappropriate?

- Compassionate
- Conservative or Liberal
- Easily influenced by others if they have a good argument
- Experience as a trial lawyer
- Experience as a judge
- Appellate judicial experience
- Fair and knows how to follows rules





- Good education. Does it matter where he/she went to college, graduate school, law school?
- Impartial. If a person doesn't have judicial experience, how would you determine if a person could be impartial?
- Narrow minded
- Asks intelligent questions and listens well
- Patient
- Practiced law for a number of years in any capacity
- Reasonable
- Able to speak or understand different languages
- Tolerant
- Understanding
- Years of legal experience as a trial lawyer
- Writing experience or expertise
- Good sense of humor

### USING NATIONAL HOLIDAYS TO BRING LAW-RELATED EDUCATION INTO THE CLASSROOM

Every school year there are ample opportunities to bring law-related education into your classroom. National Holidays can open discussions in so many ways. Here are some examples:

**August/September** - Labor Day - Here's an opportunity to teach students of all ages about contracts, employment issues, fair labor practices, child labor laws and more. Younger children can read the fairy tale Rumpelstiltskin by the Brothers Grimm. This is the story of the poor man's daughter who was said to have the ability to spin straw into gold and the evil king who says she'll be penalized if she doesn't accomplish the deed. Rumpelstiltskin mysteriously appears in the young woman's cell and makes deal after deal with the young woman as he agrees to produce the gold for her. Is there an employment contract between Rumpelstiltskin and the young lady? Is there one between the young lady and the king?

Constitution Day is celebrated every September 17. Visit <http://www.constitutionday.cc/> for lessons, activities and free pocket size Constitution books!

Patriot Day is also in September and offers an opportunity to remember September 11 and discuss the importance of Constitutional protections and when and if it might be appropriate to waive a Constitutional protection to ensure national security.

**October** - Columbus Day opens the door to discussions about explorations and who owns what? Talk about the treaties with the Native American population who lived in North America well before Columbus reached shore. The Southern Poverty Law Center has a lesson about the Trail of Tears at <http://www.tolerance.org/activity/indian-removal-does-history-always-reflect-progress?newsletter=TT052510>

**November** - Veterans' Day, like Memorial Day, provides an opportunity to honor those who have served in the United States armed services. Talk about the armed services and their individual duties. Army, Navy, Marines, Air Force, Coast Guard, National Guard...each have their own criteria for entry and their own traditions. What they have in common is they all





provide an opportunity to serve. What are some non-military ways of serving one's country? AmeriCorps, Peace Corp, the diplomatic corp. or others.

**December** - Pearl Harbor Remembrance Day. What are the country's responsibilities when we are attacked? This is an opportunity to talk about World War II and the interment camps that Japanese American citizens were taken to during the War with Japan. This is another chance to talk about Constitutional Rights.

**January** - Dr. Martin Luther King's Birthday provides an occasion to talk about civil rights and the struggles for some citizens to gain full access to housing, jobs and more. What groups are still experiencing prejudice? Why?

**February** - This month brings with it ample opportunities to teach about the law! There's Presidents' Day, Lincoln's Birthday and Washington's Birthday. Teach about the presidency, elections, speech & debate,

**March** - Illinois State Bar Association High School Mock Trials! The ISBA's Webpage is a comprehensive resource for introducing and using mock trials as a way to teach about the importance of rules and authority. If you aren't familiar with mock trials, there's background information and a teacher training manual. Visit <http://www.isba.org/teachers/mocktrial>

**April** - Holocaust Remembrance Day. This is a chance to teach about First Amendment rights. The first amendment states, "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*" Why was this so important to the Founding Fathers? Visit the United States Holocaust Museum website for lesson plans and activities!  
<http://www.ushmm.org/education/foreducators/>

**May** - Memorial Day offers the opportunity to teach about the importance of remembering our history and the people who contributed to our way of life through their service in the military, especially during times of conflict. Initiated after the Civil War, "Remembrance Day" became "Memorial Day." Read more about U.S. Memorial Day history at [www.usmemorialday.org/backgrnd.html](http://www.usmemorialday.org/backgrnd.html)

**June** - Flag Day - Teach your students about the "rules" that are in place regarding the flag of the United States of America. Younger students might be interested in Betsy Ross and her involvement in creating the first flag. Visit <http://www.ushistory.org/betsy/flagcode.htm>

**July** - Independence Day - The 4<sup>th</sup> of July is a tremendous opportunity to discuss the constitution and the bill of rights, separation of powers and states' rights.

## TEACHING DIVERSITY WITH FILM





The Illinois and United States Constitutions guarantee that all people are to be treated as equals under the law. A wide range of anti-discrimination laws protect people including specific provisions against discrimination based on race, color, religion, national origin, ancestry, age, sex, marital status, disability, sexual orientation, military service or unfavorable discharge from military service. These laws extend protections to everyone in our increasingly diverse nation. We can be proud that our equal rights laws and acceptance of diversity stands as an example to other governments and societies.

To enhance diversity discussions in classrooms and communities, here is a partial list of films that can be used as tools to generate discussions. **Please note: Some have adult content. Teachers should review a selected movie before using in class.**

A Day Without A Mexican	Gandhi	Roots
A Patch of Blue	Ghosts of Mississippi	Save the Last Dance
A Time to Kill	Glory	Schildler's List
Akeelah and the Bee	Hiroshima Maiden	Shrek
Amistad	In the Heat of the Night	Snow White
Babe	Malcolm X	Sophie's Choice
Beauty and the Beast	Mississippi Burning	Spanglish
Bend it like Beckham	Monsoon Wedding	The Color Purple
Billy Elliot	Munich	The Gods Must Be Crazy
Birth of a Nation	My Left Foot	The Hiding Place
Boys Don't Cry	Osama	The Joy Luck Club
Boyz 'N the Hood	Patch Adams	Thumbelina
Brokeback Mountain	Philadelphia	To Kill a Mockingbird
Crash	Pokahontas	Transamerica
Dances With Wolves	Radio	West Side Story
David and Lisa	Rain Man	Wizard of Oz
Do the Right Thing	Real Women have Curves	Young Frankenstein
Fried Green Tomatoes	Remember the Titans	

Visit the ABA for more diversity film titles

[http://www.abanet.org/publiced/resources/diversity\\_ae.html](http://www.abanet.org/publiced/resources/diversity_ae.html)

**DIVERSITY MOVIE REVIEW ACTIVITY** - View one of the movies on the list provided and write a brief review. Here are the steps to the assignment.

- Rent and watch the movie. You may do this as a solo assignment or assign groups of students to watch the movie. While watching the film, tell students to watch for themes that reflect diversity.
- Write a two or three page, double spaced paper that reviews the movie, including the diversity themes that were noted. Papers must be done individually and not as a group



effort. Include the title of the film, the year it was produced, what areas of diversity are addressed. List the main characters and provide a brief plot outline. Then address the theme or themes that you noted while watching.

- Did the film address
  - cultural differences
  - issues of race
  - gender issues
  - religious issues
  - age discrimination
  - physical or mental ability
  - other differences (name them)

Include a few paragraphs on how the movie made you feel. Were you angry, sad, sympathetic or amused? Do you think the movie meant to make you feel these feelings? Synopsise the message you believe the movie was supposed to make. Was there an obvious conflict addressed by the film? What was the resolution? Was a problem solved in a way that satisfied all parties? Was there violence depicted? If so, were there better ways of resolving the conflict? Could you imagine yourself in a situation like the one depicted in the film? How would you have reacted?

Conclude your paper by rating the film on a scale of 1 (awful, disappointing, failed to address issues) to 5 (fantastic, would highly recommend, learned from the film, provided great insights).

Students should be prepared to defend the ratings rating during class discussions. Ask students to expand the list we've provided with suggestions of their own.

<b>SCHOOL LAW UPDATE</b>
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Here are some recently enacted laws of interest to schools and teachers!

HB 72—Cell Phones in School Zones - Summary: The Act prohibits any driver from using a cell phone while operating a motor vehicle on a roadway in a school speed zone or construction zone, with exceptions. Public Act: 96-0131 Effective Date: January 1, 2010

HB 867—Aggravated Battery with a Firearm on School Grounds - Summary: It is currently aggravated battery if a person discharges a firearm on school grounds and injures a teacher. This Act adds injuring a student to that offense. Public Act: 96-0041 Effective Date: January 1, 2010

HB 1105—Threats at Schools - Summary: The Act increases penalties for when a person knowingly transmits a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session. Public Act: 96-0772 Effective Date: January 1, 2010

SB 1718—Expulsion — Firearms in Schools - Summary: The Act clarifies expulsion and suspension requirements for weapons violations in schools, requiring compliance with the federal Gun Free Schools Act. It requires expulsion for having a firearm in school, but allows the superintendent to modify the expulsion period on a case-by-case basis. Further, the Act will



require expulsion for other weapons (i.e. knives, billy clubs) but allows the superintendent to modify the expulsion requirement on a case-by-case basis for these violations. Public Act: 96-0633 Effective Date: August 24, 2009

HB 272—Drug Testing of Athletes - Summary: The Act prohibits the Illinois High School Association (IHSA) to allow athletes to participate in an athletic competition unless the student agrees not to use performance-enhancing drugs and submits to random drug testing. Further the Act requires the IHSA to ensure that each athletic coach complete an educational program on the prevention of abuse of performance-enhancing substances and complete an exam on the subject. At least 1,000 athletes must be tested for performance-enhancing drugs each year from at least 25% of the schools participating in IHSA events. Public Act: 96-0132 Effective Date: August 7, 2009

HB 281-Food Allergies Requirements - Summary: The Act requires that the Illinois State Board of Education (ISBE), in conjunction with the Department of Public Health (DPH), develop and make available to each school board guidelines for the management of students with life-threatening food allergies and requires school boards to implement a policy based on these guidelines no later than January 1, 2011. School districts that already have such a policy in place may continue to use that policy if it is consistent with the guidelines established. The ISBE and DPH must convene an ad hoc committee (which shall include school administrators, principals, and board members) to develop the guidelines. At least every two years, an in-service training program for school personnel who work with pupils must be conducted by persons with expertise in anaphylactic reactions and management. Public Act: 96-0349 Effective Date: August 13, 2009.

HB 725-Sign Language Courses - Summary: The Act encourages school boards to implement American Sign Language (ASL) courses into school foreign language curriculum. Public Act: 96-0841 Effective Date: June 1, 2010.

HB 921-AEDs on School Grounds - Summary: The Act deletes the requirement that a physical fitness facility have a trained Automated External Defibrillator (AED) staffer present during all physical fitness activities and states that such a trained person need only be available during "staffed business hours." Public Act: 96-0748 Effective Date: January 1, 2010.

HB 973-Teen Dating Violence - Summary: The Act provides that the Comprehensive Health Education Program may include instruction in grades 8 through 12 on teen dating violence. Public Act: 96-0383 Effective Date: January 1, 2010.

HB 1035-Disability History and Awareness - Summary: The Act requires school districts to provide instruction on disability history, people with disabilities, and the disability rights movement. Public Act: 96-0191 Effective Date: January 1, 2010.

HB 1332-Flags Made in America - Summary: The Act requires that each agency of State government and each unit of local government ensure that the U.S. flag flown at the building is manufactured in the United States. Public Act: 96-0513 Effective Date: January 1, 2010.



HB 3731-Diplomas for Veterans - Summary: The Act allows school boards to award high school diplomas to honorably discharged veterans who served in the U.S. armed forces during the Vietnam Conflict. Public Act: 96-0088 Effective Date: July 27, 2009.

SB 932-School Buses - Two-Way Radios - Summary: The Act provides that the Secretary of State shall suspend a school bus driver permit for 3 years if the permit holder fails to perform a post-trip inspection in accordance with the school district or private school bus company inspection policy. It requires a school bus to have an operating digital two-way radio while the school bus driver is in possession of a school bus, and the device must be turned on and adjusted in a manner that would alert the school bus driver of an incoming communication request. Public Act: 96-0818 Effective Date: November 17, 2009.

SB 1557-Mexican-American History - Summary: The Act in a Section requiring the history of the United States to be taught, requires that to reinforce the study of the role and contributions of Hispanics, such curriculum shall include the study of the events related to the forceful removal and illegal deportation of Mexican American U.S. citizens during the Great Depression. Public Act: 96-0629 Effective Date: January 1, 2010.

SB 1665-Cancer Instruction in Schools - Summary: The Act requires the Comprehensive Health Education Program to include information about cancer and requires IHSA to include a question asking whether a student has a family history of cancer on any pre-participation examination form given to students participating or seeking to participate in interscholastic athletics. Public Act: 96-0128 Effective Date: January 1, 2010.

The above were excerpted from the Illinois State Bar Association's *Education Law Newsletter*, April and May 2010 editions.

### **TALK WITH KIDS ABOUT TOUGH ISSUES**

Talking with children about difficult issues can be challenging; so much so that parents and teachers may avoid opening some topics for discussion that are important to the wellbeing of the children with whom they have direct contact. The Henry J. Kaiser Family Foundation and Children Now continue their initiative to foster discussion between parents and children about critical life issues. Their website, [www.talkingwithkids.org](http://www.talkingwithkids.org) is dedicated to helping parents reach out and have effective discussions with their children on a range of issues including: Sex and relationships; alcohol and drugs; violence; race; HIV/AIDS; what they see on television news programs; accidents and disasters; sickness and death; divorce; and terrorism. There are also helpful hints for talking about difficult issues with children that include starting early, creating an open environment for talking, listening, honesty, patience and more.

### **HOT TOPICS**

The June, 2010 edition of the *ABA Journal* included an article in the "Hot Topics" section by James Podgers, titled *Senior Lawyers Try To Get Kids To Care About Government Programs*.



Podgers wrote that “Social security, medicare and medicaid hardly register on the radar of U.S. high school students. But maybe they ought to. After all, there is a strong likelihood that, without strong action by the federal government to reform those programs, they will have largely run out of money to pay full benefits to recipients while children now attending elementary and high school are in the workforce.”

Rather than just writing about it, the ABA Senior Lawyers Division is doing something about it. They are currently working with other groups to create classroom materials that translate the complicated to the palatable. Toward this end, the ABA’s Senior Lawyers Division recently hosted a debate between two generations of lawyers on the future of Social Security, Medicare and Medicaid.

The Senior Lawyers Division, in cooperation with the Youth Leadership Initiative at the University of Virginia’s Center for Politics in Charlottesville, recorded the debate and has produced segments in four 10-minute podcasts. Those podcasts will be packaged with lesson plans and other materials that will help teacher present topics like Social Security and health care reform in a debate format. The materials will be posted online at the Youth Leadership Initiative by late summer 2010. <http://www.youthleadership.net/index.jsp>

Materials from the ABA’s debate are also being adapted by Public Agenda, an organization in Washington, D.C., that works to increase citizen engagement on policy issues. <http://www.publicagenda.org/>

To view the sample podcasts visit [http://www.abajournal.com/magazine/article/hot\\_topics/](http://www.abajournal.com/magazine/article/hot_topics/)

### **CRFC Founder and Executive Director Carolyn Pereira Honored**

Each year, the CRFC Board of Directors gives the *Bill of Rights in Action Award* to individuals and organizations who, because of their professional commitment and community involvement, provide exemplary models of citizenship for our nation's young people. This year, Carolyn Pereira has been selected as recipient of this award.

Carolyn has served as the Executive Director of the Constitutional Rights Foundation Chicago since it began 1974. A leader in law-related/civic education, she has worked throughout the United States and recently in former Soviet bloc countries. Her achievements include professional development initiatives in civic deliberations and curriculum/ program design to support the discussion of controversial issues and civic engagement, including Deliberating in a Democracy (DID), the Illinois Youth Summit, Equal Justice Under Law, and the Edward J. Lewis II Lawyers in the Classroom Program. An author of numerous texts and articles, Carolyn was the 1992 recipient of the American Bar Association's Isidore Starr Award for Excellence in Law-Related Education.

***Congratulations, Carolyn***





**REGISTER FOR CRFC'S ILLINOIS LRE CONFERENCE**  
**2010 ILLINOIS LAW-RELATED EDUCATION CONFERENCE**  
**FRIDAY, OCTOBER 29, 7:30 AM–3:30 PM**  
**HAMBURGER UNIVERSITY, OAK BROOK**

The Constitutional Rights Foundation Chicago's [2010 Illinois Law-Related Education Conference](#) will take place October 29, 2010 at Hamburger University in Oak Brook, Illinois. This annual conference features dynamic workshops on legal and political issues, the Supreme Court, and innovative programs led by nationally recognized presenters. Classroom-ready lessons and other resources are provided. Highlights include:

- Keynote presentation by former Assistant U.S. Attorney **Patrick Collins**, who spearheaded the eight-year Operation Safe Road investigation and led the prosecution team in the trial and conviction of former Illinois Governor George Ryan. He later chaired the Illinois Reform Commission about challenging the culture of corruption in Illinois.
- Screening of the critically acclaimed film [The Response](#), a courtroom drama based on the actual transcripts of the Guantanamo Bay military tribunals that was shortlisted for the 2010 Academy Awards® and the winner of the 2009 ABA Silver Gavel Award. Writer and Producer Sig Libowitz will screen the film and discuss it afterward.

[REGISTER](#) by September 1 and pay only \$75—a 25% discount off the regular \$100 registration fee. Learn more about nominating a [LRE Teacher of the Year](#), and [hear excerpts from the 2009](#) program. Register Today!

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are available on-line at <http://www.isba.org/Sections/lrenewshome.html>





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