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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,
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Mock Trial Update & Registration Extension

2014 Mock Trial Update/Volunteers Needed

Due to the recent severe winter weather, the LRE Committee has decided to **extend the registration date from January 14, 2014 to January 31, 2014.**

The State Mock Trial Program is proceeding as planned. The Mock Trials will be held at the University of Illinois Law School in Champaign, Illinois on Saturday March 8 and Sunday March 9, 2014. Regional practice rounds have been scheduled at several locations in the state. A listing of the locations and dates can be found on the Illinois State Bar Association website <http://www.isba.org/teachers/mocktrial>.

Volunteers are needed to act as judges and evaluators. Judges, attorneys and paralegals interested in volunteering should contact Marley Nelson, Coordinator, at email: il.hs.mocktrial@gmail.com. She can provide additional information and schedule a time when one can volunteer.

The mock trial problem is based on a law suit arising out of the 1938 Orson Welles “War of the Worlds” radio broadcast. The Public Broadcasting System recently aired a documentary on the War of the Worlds. Persons who plan to attend the mock trials may find that viewing this documentary will enhance their experience. The documentary is available to be viewed on the Public Broadcasting American Experience website. (<http://video/pbs.org/program/american-experience>)

The National Mock Trials will be held in Madison, Wisconsin May 8-10, 2014.

Classroom Mock Trials Promote Common Core Goals

Whether you participate in the ISBA Mock Trial Invitational or use a mock trial as a classroom simulation, your students will have the chance to achieve some of the Common Core results.

Students will gain a base of knowledge in the judicial system by participating in a mock trial. They will evaluate complex material by reading primary source documents – a statute, jury instruction based on the law, or case law. They will learn to value evidence, use relevant evidence, and evaluate others’ use of evidence when they study the affidavits and other bits of evidence provided to them. They will learn to construct effective arguments as they decide what evidence will prove the requirements of the law and determine whether the evidence is sufficient to sustain a verdict. They will learn to present a cogent argument and speak with a purpose adapted to the audience – the judge or jury.

Through mock trials, students can appreciate the importance of applying the law fairly to all citizens in determining criminal or civil liability. The simulated experience will help them



appreciate the rule of law in the U.S, in comparison to the threat or reality of violence or military might in dictatorships. When working on a criminal case, they will also appreciate the protections our system affords those accused and those victimized.

The ISBA invites schools to participate in the ISBA Mock Trial Invitational, held each spring. The materials are released in late fall to give students ample time to prepare for a trial. The materials provide students with guidance in learning about trial procedure as well as the law applicable to the problem.

For those unable to participate in the annual Invitational, the ISBA also posts many trial problems on the website, www.isba.org, and teachers can select one that will be useful for the classroom. These problems also provide teachable moments for basic principles of American democracy and rights.

For example, the *Dunn v. U.S. Transportation Safety Bureau* trial involved persons prohibited from flying due to suspected terrorist activities and raised issues involving the Fourth Amendment and Fifth Amendments. *People v. Schmitz* involved threats to a judge and issues of judicial independence.

Many trial problems also raise social problems worth classroom discussion. For example, *People v. Williams* dealt with the issue of cyber bullying and *Lovell v. Sainsbury* with teen drinking and driving.

Chair's Report

Happy 2014! As before, this publication comes to you through the work of the *Standing Committee on Law Related Education for the Public* of the *Illinois State Bar Association*. The Standing Committee continues in its endeavors, with special focus on civics education and the 2014 ISBA High School Mock Trial Competition.

Guided by *Suzanne Schmitz* of Carbondale, our *Civics Education Subcommittee* has continued to focus efforts on educating the public. Through these efforts, the Standing Committee is working to heed the 2013 calls of *Chief Justice Rita Garman* of the Supreme Court of Illinois, and *President Paula Holderman* of the Illinois State Bar Association, to educate the public about our legal system. To such ends, educators are well-advised to explore and utilize various *free* resources available through the websites of the Illinois State Bar Association (www.isba.org), the Supreme Court of Illinois (www.state.il.us/court), and the Illinois Judges Association (www.ija.org). In particular, please note that *volunteer* attorneys and judges located across the State stand ready, willing, and able to make presentations to schools and other groups; their contact information is available through the ISBA website.

Guided by *Sarah Taylor* of Carbondale, our *Mock Trial Subcommittee* has completed its drafting, and is now in the process of administering the upcoming mock trial competition. Huge thanks continue for *Pablo Eves* of Bloomington, *Jennifer Franklin* of Carbondale, *Stephen Iden* of Springfield, *Rocky Martinez* of Culver, *Marley Nelson* of Champaign/Decatur, *Stan Wasser* of Springfield, and of course, Sarah. This year's competition commemorates the 75th



Anniversary of the “War or the Worlds” broadcast of Orson Welles, and is scheduled for March 8 and 9 in Champaign at the University of Illinois College of Law. *All Roads Lead to Champaign!*

The Standing Committee will continue to work on its ambitious agenda with volunteers *and* meager funding. “We are working to make our State a better place through education.” As time allows, we welcome questions, comments, suggestions, *and most importantly*, invitations to make presentations. Otherwise, best wishes for a great new year!

Law Day, May 1 – Start Planning Now

Law Day is May 1. President Eisenhower designated May 1 as Law Day in the USA as a response to the then-Soviet May Day activities that featured military might. We wanted to show case that in the US, we are governed by the rule of law, not by power and military might. The American Bar Association suggests a theme each year and this year, it is ‘American Democracy and the Rule of Law: Why Every Vote Matters.’

According to the ABA, “the right to vote is the very foundation of government by the people. For this reason, striving to establish and protect every citizen’s right to vote has been a central theme of American legal and civic history. Much of the struggle on voting rights began decades ago, but the work is far from complete, and a citizen’s right to cast a ballot remains at risk today.”

Not sure how to celebrate or what to do. See the ABA website, http://www.americanbar.org/groups/public_education/initiatives_awards/law_day_2014.html. The Illinois State Bar Association has a number of suggestions useful in any year: go to <http://www.isba.org/teachers/lawday>.

If you would like to have a judge to speak to your class or participate in some way in Law Day activities, call the courthouse and reach the Chief Judge or the Court Administrator or the Judge’s secretary. Or contact the Illinois Judges Association <http://www.ija.org>. If you are unsure what to do, the IJA has an excellent Courtroom in the Classroom program for high school students.

The Courtroom in the Classroom program involves students in reading primary materials, evaluating evidence, engaged in listening, and appreciating various perspectives through reading and listening, all results expected under the Common Core standards.

If you would like to have a lawyer participate in Law Day activities, contact the local Bar Association in your county or city. If unsure how to reach the bar association, the Judges’ Secretary or the Court Administrator at the courthouse should be able to assist you. The ISBA has numerous resources for lawyers in the classroom from grades 1-12. Refer them to the Lawyer in the Classroom or Law Day resources at <http://www.isba.org/teachers/lawday>. The ISBA also has a useful power point show for high school students, entitled [BECOMING AN ADULT: YOUR LEGAL RIGHTS AND RESPONSIBILITIES AT AGE 18](#).



The Lawyer in the Classroom and other ISBA-recommended activities also promote the same Common Core results listed above. These activities will help students achieve a base of knowledge about government and the judicial system.

Justice Promotes Civics Education

Illinois Chief Justice Rita Garman and retired U.S. Supreme Court Justice Sandra Day O'Connor have both stressed the importance of civics education and the public's need to understand law and the role of the courts. Chief Justice Garman became Illinois' Chief Justice in October 2013. She became the second woman to lead the judicial branch. In a recent speech she stressed that lawyers have a responsibility to play an instrumental role in improving the public understanding of the judicial process.

Since retiring from the Supreme Court, Justice O'Connor has initiated iCivics, an interactive civics website that makes civics come alive for students. She recently announced an expansion of the iCivics program. iCivics has entered into a new partnership with EverFi, an education technology company with amazing, online learning content for students and teachers. EverFi is focused on helping students learn critical life skills, such as financial literacy, digital citizenship, and health and wellness.

The following is an announcement from iCivics, the interactive civics website initiated by Justice Sandra O'Connor to make civics come alive for students:

“[W]e are excited to tell you about our new partnership with EverFi, an education technology company with amazing, online learning content for students and teachers. EverFi is focused on helping students learn critical life skills, such as financial literacy, digital citizenship, and health and wellness.

EverFi [has announced] [*Commons: Digital Town Square*](#), a new civic engagement course for middle and high school students that utilizes games, interactive content, and real-world engagement to encourage civic participation among young people. The course integrates some of iCivics' most popular games, including *Executive Command* and *Represent Me*. In addition to the iCivics games, you'll get access to new content built by EverFi's team, and assessments that gauge students' retention of key concepts.

EverFi will deliver *Commons: Digital Town Square* to schools **free of charge** and will partner with civically minded corporations and foundations to underwrite the cost of the course.

For more information about *Commons: Digital Town Square* and to sign up as an early user, click <http://info.everfi.com/commons112013.html>.”

Laws in the News



There have been several new laws and policies enacted recently which should have a special interest to students. It is important to make students aware of new laws for several reasons. First it is important to know what the law is so that students can follow the law. Additionally the introduction of these laws into the class room may stimulate interesting discussion. Students can discuss the pros and cons of these laws. They can develop an understanding of the values that are being promoted and may even consider ways to change, improve or repeal the laws. Five new statutes and a policy initiative of the Obama Administration are discussed in the next four articles.

New Election Laws Affect Teens

Under the old law in Illinois, voters had to be 18. Under a new law just in effect, teens who are not yet 18 may vote in the primary (March 18, 2014) if they will be 18 by the time of the general election (November 4, 2014) and if they are otherwise qualified. Further, they may act as deputy voter registrars.

“My own birthday was two days after a primary, and I was disappointed I could not vote for the candidate I supported,” said State Senator Link, one of the co-sponsors of the bill. “I believe this gives 17-year-olds the opportunity to vote in the primary and possibly result in more voter participation.”

Schools who register eighteen year olds to vote should expand their registration efforts to those who are 17 by the time of the March 2014 primary but will be 18 by the November election. They may contact their local election authority, typically the county clerk, or the League of Women Voters or any other authorized deputy registrar to conduct the registration, if school officials are not deputized to register voters.

Teachers may use this legislation to open a discussion on the importance of voting, the history of expanding the right to vote in the U.S., the electoral process, or the legislative process. Students may want to interview their local election authority, typically the county clerk, about implementation of this law.

Useful websites include that of the Illinois Board of Elections -- <http://www.elections.il.gov/>. Note that the Registering to Vote pamphlet published by IBOE does not reflect the change to permit those 17 to vote in the primary, but is otherwise helpful. The League of Women Voters of Illinois has a website with information on voting -- www.lwvil.org .

This expansion of voting rights for teens is an opportunity to explore this year’s Law Day theme a bit early. Celebrated on May 1, Law Day 2014 will feature “American Democracy and the Rule of Law: Why Every Vote Matters.” Numerous resources about the right to vote are available at http://www.americanbar.org/groups/public_education/initiatives_awards/law_day_2014.html. But there is no need to wait for Law Day. Teachers may want to explore this theme in connection with the Primary Election, March 18, 2014.



Personal Freedom v. the Greater Good

Two laws taking effect in 2014 raise issues of personal freedom for teens and provide the opportunity for interesting classroom discussion.

No longer may those under age 18 use tanning facilities, according to HB 188, which took effect Jan. 1, 2014. And those entering 7th and 12th grades in Illinois schools (public or private) must have the immunization containing meningococcal conjugate vaccine, a requirement of HB 3190. Parents may object in accord with Illinois standards.

In one case, teens must do something and in the other, they may not do something. These two laws raise issues of personal autonomy vs. other values. The ban on tanning may protect teens from skin cancer, a harm they may not appreciate until later. The vaccination requirement protects youth from a serious, even fatal disease, and prevents the spread of that disease to others. Even those willing to risk the disease must consider the risk of communicating the disease to others.

Teachers may ask students to debate the pros and cons of these limits on personal freedom. Teachers may challenge students to determine when personal freedom can be limited for the good of others. They may ask students to consider what other ways laws protect people from harm to themselves -- wearing seat belts, no texting while driving, security checks at schools and airports. Teachers may encourage the class to identify other ways we limit individual freedom for some greater good.

This sort of classroom discussion promotes the Common Core goals of students who can comprehend as well as critique, value evidence and evaluate it, listen with an open-mind, and appreciate others' views.

The comments from the sponsors may help the classroom discussion. State Rep. Gabel said "[a] World Health Organization review found a link between early use of tanning beds and melanoma, the most deadly form of skin cancer. I introduced HB 188 because I have spent most of my career advocating for public health and have witnessed the consequences of prolonged exposure to artificial ultraviolet light. According to the World Health Organization, UV light is a level 1 carcinogen and the American Cancer Society states that those who tan prior to age 35 are 75% more likely to develop melanoma in their lives. This piece of legislation will help youth and their families avoid the consequences of a health risk that is very preventable. This bill still allows teens under 18 to get a spray or mist tan at tanning salons."

State Rep. Jacobs said "I passed this legislation because I think students who can be immunized against this communicable disease should be. Meningococcal disease can be deadly to those infected in a very short amount of time, even with treatment, so I think that if we can prevent it, we should." He said he realized the need for this when a student, Savon Smith, passed away from the infection in May of this year. Savon was a 16 year-old student at the Lindblom Math & Science Academy High School in Chicago.



.... According to Rep. Jacobs' website, there are approximately 2,000–3,000 cases of meningococcal disease each year in the United States. An estimated 110 deaths from meningococcal disease occurred in the United States in 2009. The proportion of cases in adolescents and young adults has increased in recent years; the rate of infectious disease among people age 17–20 is about twice that of the general U.S. population.

Driving with Cell Phones

Starting January 1 driving while talking on hand held cell phones became illegal for everyone in Illinois. However for teenagers driving while using a cell phone even a hands free device was already illegal under the state's Graduated Driver's License Program. This prohibition on the use of hands free cell phones continues for anyone under 19 years of age.

The general cell phone ban and the more restrictive ban on teen age drivers raises similar issues of individual liberty as opposed to public safety as was discussed in the previous article. It also raises issues of treating different groups differently under the law. Public safety statistics show that there is a greater risk of accidents when the car is operated by a young inexperienced driver. Does this justify differing treatment? This topic should be of interest to most students.

The Illinois Secretary of State website contains the complete listing of the requirements of the Graduated Driver's License Program as well as safety tips for drivers and parents.(www.cyberdriveillinois.com) The insurance industry has also produced a website with safety information for parents and teens. <http://www.insurancequotes.org/car-insurance/safety-center/teen-driver/>.

Juvenile Court Age

On January 1, 2014 the age of juvenile court jurisdiction in Illinois was raised to the 18th birthday. This means that any youth who commits a crime in Illinois 17 and younger will have their case brought under juvenile court process rather than adult criminal court. There is a greater emphasis on rehabilitation rather than punishment in juvenile court and there is less likelihood that the youth will have a criminal record. Prior to this change in the law, youth who were 17 charged with felonies were treated as an adult. It is still possible that a youth who commits a very serious crime such as murder will have his or her case transferred to adult court. This change in the law is prospective which means crimes that that took place prior to January 1 will be charged under the old law.

Like the cell phone driving law in the previous article youth are being treated differently. It is argued that this difference in treatment is appropriate because youth are more likely to be rehabilitated and that a degree of misbehavior should be tolerated because they lack maturity. Others argue that law like this will weaken public safety and will provide less of deterrence to criminal behavior. Since this law directly affects youth, it may be a good one to discuss in the classroom.

The Illinois Juvenile Justice Initiative has a website that contains many topics on Illinois juvenile law and has many links to other sources including information on brain development. It can be found at www.jjustice.org.



School Zero Tolerance Policy

Another topic that directly affects students is the issue of school discipline. Many schools have developed zero tolerance policies. The U.S. Dept of Education & the U.S. Dept of Justice have recently released an entire guidance package regarding disparate school disciplinary practices & policies yesterday: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf> Comments from Attorney General Holder about zero tolerance are included in the article, "Gov't: End Overly Zealous Discipline in Schools." viewed at <http://abcnews.go.com/Health/wireStory/govt-offers-approach-classroom-discipline-21456860>. There is also a widely distributed New York Times article about revisiting zero tolerance policies viewed at <http://www.nytimes.com/2014/01/06/opinion/zero-tolerance-reconsidered.html>)

LRE Events

There are several conferences of interest that may be of interest to readers of this newsletter. If anyone knows of conferences training sessions or other events that should be announced in this newsletter please send them to Kim Furr, Staff Liaison. LRE Committee at kfurr@isba.org.

ISBA High School Mock Trials, Registration deadline extended to January 31, 2014; Trials are March 8 & 9, 2014 in Champaign, IL. National High School Trials are May 8 – 10, 2014 in Madison, WI.

Constitutional Rights Foundation, Youth Summit, May 2, 2014 at the Dirksen Federal Building, Chicago. Training dates are March 14, 2014 in Chicago.

American Bar Association and Federal Judiciary Center cosponsor an Summer Institute for Teachers. The Institute entitled "Federal Trials and Great Debates in United States History" will be conducted June 22-27, 2014 in Washington D.C. Participation will be limited to 20 teachers. Travel, lodging, and meal expenses will be reimbursed to Institute participants according to U.S. government per diem rates. Applications must be postmarked by March 1, 2014. http://www.americanbar.org/groups/public_education/initiatives.

The Illinois State Bar Association's Law-Related Education Newsletter is provided free of charge on a quarterly basis during the school year. We are dedicated to promoting law-related education resources and discussion topics appropriate for use in classroom or community settings. If you do NOT wish to receive this complimentary newsletter, please reply and indicate in the message line that you wish to be removed from our mailing list.



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