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ILLINOIS STATE  
BAR ASSOCIATION

# LAW-RELATED EDUCATION

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

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## 2014 Illinois High School Mock Trial Invitational Save the Dates!

We are pleased to announce that the 2014 Illinois High School Mock Trial Invitational will take place at the University of Illinois at Champaign-Urbana on Saturday, March 8 and Sunday, March 9, 2014.

The Illinois State Bar Association and its Standing Committee on Law-Related Education for the Public and the Illinois Trial Team will be co-sponsoring the competition. Marley Nelson, Head Coach of the Illinois Trial Team, will once again be administering the program. The Mock Trial Handbooks and Registration Packets will be made available on Friday, November 1, 2013.

More details will be posted on the ISBA website <http://www.isba.org/teachers/mocktrial> and the website of the Illinois Trial Team [http://illinoistrialteam.com/?page\\_id=376](http://illinoistrialteam.com/?page_id=376) as soon as they become available.

## Chairs Report

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*. Earlier this year, I was appointed by **Paula Holderman**, in her role as President of the ISBA, to serve as Chair of the Standing Committee for 2013-14. To such end, I will endeavor to do my best to help guide a group of hard-working and dedicated attorneys who volunteer their time to advance the Mission of the Standing Committee.

The Standing Committee's *Mission* is simply stated:

The mission of the Standing Committee on Law Related Education for the Public is to develop, implement, and administer law-related education programs that will enhance the understanding of the legal system and the role of lawyers in our society, including programs which educate the public and students of all ages about the important role of lawyers and judges, the importance of an independent judiciary for the proper administration of justice, and which foster an interest in students to respect our justice system and consider pursuing careers in the law.

To these ends, the Standing Committee will work through four sub-committees.

Our *Publications Committee* is chaired by **Frank Kopecky** of Springfield, who for years, served at the University of Illinois at Springfield. Thanks to Frank and the hard work of his sub-committee in producing this newsletter, managing the Standing Committee's portion of *isba.org*, and working on other publications. Letters to the editor, along with questions, comments and suggestions about our publications, should be directed to and through Frank.

Our *Civics Education Committee* is chaired by **Suzanne Schmitz** of Carbondale, who for years, served at the Southern Illinois University School of Law. Suzanne is working to advance the charge of President Holderman to enhance civics education throughout the State. Through her sub-committee's work, the ISBA is looking to collaborate with the Illinois Judges Association and others to provide increasing opportunities for education.



Our *Mock Trial Committee* is chaired by **Sarah Taylor** of Carbondale, who is engaged in the private practice of law. As the *Ex-Officio* – the Immediate Past Chair – of the Standing Committee, Sarah spent countless hours over the past fiscal year of the ISBA (and into this current year) working to keep the ISBA involved with high school mock trials, and make the next rounds better than ever.

Our *Long-Range Planning Committee* is chaired by **Jennifer Franklin** of Carbondale, who works with law students at the Southern Illinois University School of Law. Jennifer also serves as Vice Chair of the Standing Committee. Thanks to Jennifer for her work in helping to guide the Standing Committee into the future, and her personal efforts over the past year to keep the ISBA involved with high school mock trials.

The Standing Committee started its current year of work on June 21, 2013, and is in full throttle in its attempt to achieve an ambitious agenda with, again, *volunteer* attorneys, *and* meager funding. In simple parlance, we are working to make our State a better place through education. As such, members of the Standing Committee and other volunteer attorneys stand ready, willing and able to visit school and other places to talk civics. Please let us know if we can help, and stay tuned for new and exciting opportunities.

P.S. Special thanks also go to **Marley Nelson** of Champaign who coordinates the efforts of the Illinois Mock Trial Team and will continue to facilitate the mock trials for the ISBA, **Bruce Smith** of Champaign who serves as Dean of the University of Illinois College of Law which will host the 2014 mock trials (on March 8 and 9) for the ISBA, and **Mary Kinsley** who recently left the ISBA after working with the Standing Committee and the mock trials.

### Illinois Judges Association Free Classroom Resources

**Court Room to the Classroom:** A judge or lawyer will present the program in your high school, focusing on a United States Supreme Court case, *New Jersey v. T.L.O.*, which decided a Fourth Amendment issue that ought to generate strong student opinions: Is it constitutional to search a student's possessions without a warrant while he or she attends school? After students read the case in advance, a volunteer judge or lawyer will spend a class period giving an overview of three branches of government and the Illinois court system followed by a wide-ranging discussion of the case and the real-world ramifications of the holding. The program aims to challenge students to engage in critical thinking about the legal issues involved in the case, and to connect those issues to back to everyday life.



## 7 Reasons to Leave the Party

“7 Reasons to Leave the Party” is a 50-minute, award-winning program directed to teenagers with the goal to alter their perception about what’s “cool” and ultimately save young lives. The presentation shakes teenagers to their very core. The Illinois Judges Association (IJA) has judges trained to present the program statewide, informing students about the legal and personal consequences of drinking and driving, taking drugs and having sex. Contact Executive Director, Illinois Judges Association, (312) 431-1283 or (888) 431-1283 or [www.ija.org](http://www.ija.org).

## Constitution Day

Schools are required to celebrate Constitution day which falls on Sept. 17. The Illinois State Bar Association has many resources available. Go to [www.isba.org](http://www.isba.org) and click on Public, then click on For Teachers. Under Lesson Plans, you will find these lessons ready to go.

- [Anyone can be President...Almost anyone!](#)
- [Being a Fair and Impartial Judge](#)
- [Civic Duty](#)
- [Going to Court - For Kids](#)
- [Is Justice Blind?](#)
- [A Lesson on the Branches of Government and Checks and Balances](#)

IWe strongly recommend visiting retired Justice O’Connor’s website, **iCivics** for interactive games and lessons. Especially suitable for Constitution Day is “Do I have a Right?” Check out [www.icivics.org](http://www.icivics.org) for this and more activities on each of the three branches of government.

A few other resources include:

First Amendment Center, [www.voicesforthefirst.com](http://www.voicesforthefirst.com). This Illinois-based entity offers free resources on the First Amendment. Includes coloring books for younger students.

Constitutional Rights Foundation and Constitutional Rights Foundation – Chicago, [www.crfc.org](http://www.crfc.org). This website is full of lesson plans and trials and other activities focusing on constitutional rights.

Library of Congress [www.loc.gov](http://www.loc.gov) The Library of Congress offers classroom materials and professional development to help teachers effectively use primary sources from the Library's vast digital collections in their teaching.

National Constitution Center - Teacher Resources, <http://constitutioncenter.org>.

Through an interactive, interpretive facility within Independence National Historical Park and a program of national outreach, this website has educational resources for teachers, students and younger children.



## Civic Education in the Air

**Lawyers on Civic Education:** The Illinois General Assembly has directed the Illinois State Board of Education to establish a Task Force on Civic Education to analyze the current state of civic education, analyze laws in other states, identify best practices in civic education in other states, and recommend ways to substantially increase civic literacy in youth. The Task Force is to report back to the General Assembly by May 31, 2014. The Task Force will include members of the General Assembly, representatives of teacher association and civic education groups, schools boards and administrators. Read the legislation at [ilga.gov](http://ilga.gov) – look for HB 2428.

**Civics Education Task Force:** Some of the very skills and dispositions desired in 21<sup>st</sup> century workers are also those that prepare competent citizens. Civics education is career preparation. Skills identified by employers as critical to the success of 21<sup>st</sup> century employees include: knowledge of economic and political processes, skills in understanding presentations in a range of media, ability to work cooperatively with others, especially those from diverse backgrounds, positive work ethic and attitude toward obeying the law, and engaging in discussions leading to effective civic action in the community. Gould, Jonathan, editor. *GUARDIAN OF DEMOCRACY: THE CIVIC MISSION OF SCHOOLS*. The Lenore Annenberg Institute for Civics of the Annenberg Public Policy Center at the University of Pennsylvania and the Campaign for the Civic Mission of Schools.

If you or your school administrators have a chance to speak to business groups, share this study with them.

**Report on Social Science and Humanities Value:** This past summer, the American Academy of Arts and Sciences issues urging emphasis on the humanities and social sciences in the K-12 classroom and at the university level. *THE HEART OF THE MATTER* asks who will lead America in the future and answers: Citizens who are educated in the broadest possible sense, so that they can participate in their own governance and engage with the world. An adaptable and creative workforce. Experts in national security, equipped with the cultural understanding, knowledge of social dynamics, and language proficiency to lead our foreign service and military through complex global conflicts. Elected officials and a broader public who exercise civil political discourse, founded on an appreciation of the ways our differences and commonalities have shaped our rich history. We must prepare ourselves and invest in the next generation to be these enlightened leaders.

The Report makes four recommendations:

*Support literacy as the foundation for all learning.*

The nation depends on a fully literate populace—on citizens whose reading, writing, speaking, and analytical skills improve over a lifetime. The humanities and social sciences must be nurtured at every level of education.

*Invest in the preparation of citizens.*



A thorough grounding in history, civics, and social studies allows citizens to participate meaningfully in the democratic process—as voters, informed consumers, and productive workers.

*Increase access to online resources, including teaching materials.*

Expand collaborative partnerships and use new technologies to ensure that quality education materials reach all students, especially among the disadvantaged.

*Engage the public.*

Through public-private partnerships, support a strong network of schools, museums, cultural institutions, and libraries that engage the public in humanities and social science activities

Read the entire report at <http://www.amacad.org/>, click on THE HEART OF THE MATTER.

### LRE People

Marley Nelson may have more experience in participating and conducting mock trials than any person in Illinois. She has been involved in mock trial activities since high school and is now coaching the mock trial teams at the University of Illinois. This year she administered the state high school mock trial competition in cooperation with the ISBA, Law Related Education Committee. She is looking forward to administering the program again in 2014.

Marley Nelson is currently a practicing attorney with the firm of Heavner, Scott, Beyers and Mihlar in Decatur Illinois. The firm specializes in property foreclosure cases. She is also employed as an adjunct faculty member at the University of Illinois, College of Law where she coaches the trial team. In addition for the last 6 years she has served as a coach for the University of Illinois Undergraduate Mock Trial Team which participates in the American Mock Trial Association's program each year.

Her mock trial experience began with participation in the ISBA Mock Trial Competition. For four years, she was a member of the York High School Law Team in Elmhurst. Her undergraduate degree is from Beloit College where she also was part of its collegiate mock trial team, affectionately known as the Justice Turtles. She continued her involvement in mock trials in law school, where she competed in moot court and trial team competitions at the University of Illinois, College of Law. She graduated with honors in May of 2010 and was admitted to the Illinois bar that same year.

Marley is a true believer in the value of mock trial. She has said, "If we want to develop students who are able to think on their feet, who have analytical skills, and who have a sense of confidence, mock trials are the single greatest activity to achieve these goals."



## Book Review – The Oath

The Oath by Jeffery Toobin provides an excellent review of the recent history of the Supreme Court. The book starts by relating the story of the misreading of the oath of office for the president at the 2008 Inauguration of President Obama. Toobin uses this incident to compare the backgrounds and legal and political philosophies of Chief Justice Roberts and President Obama. This comparison is carried forward throughout the book and is broadened to include a more general discussion of the attitude of both Democratic and Republican Parties toward the Constitution and the courts.

The book includes brief biographies of all the current justices as well as those that recently retired. The major cases decided by the Supreme Court are also discussed. These cases include the case in which the Court ruled that the Second Amendment provides an individual with the right to possess a firearm, the ruling that sustained the Affordable Care Act or “Obama Care”, and the *Citizens United* case which declared unconstitutional contributions by corporations as well as other provisions of the campaign finance laws.

The book is written in for the general public and does not focus on legal details. Jeffery Toobin is a journalist who appears frequently on television analyzing legal issues. The Oath would be a good book for adult learners and students in the later years of high school. The book could be used as a supplement reading in course on government or law. It would also be a good book to place on an extra credit reading list or a list for book reports.

The Oath: The Obama White House and the Supreme Court, by a Jeffery Toobin,(Anchor Press: New York) 2013(paperback,\$16.00)

## Supreme Court Lesson Plan- Voting Rights Decision

This year as is the case in most years the Supreme Court decided several important and controversial decisions. In the case of *Shelby County Alabama v. Holder*, the Supreme Court ruled that the preclearance section of the 1965 Voting Rights Act was unconstitutional. This case has attracted a great deal of attention because of the recent 50<sup>th</sup> Anniversary of the March on Washington and the Dr. Martin Luther King , “I have a Dream Speech”. The Voting Rights Act of 1965 was one of the major results that followed the March.

The preclearance provision is an important aspect of the Voting Rights law. In the 1965 Act several states that had discriminatory test for voter registration and a low percentage of the minority population registered to vote were required to seek approval of the United States Justice Department or a three judge federal court prior to enacting and changes in their voting laws. The Voting Rights Act was extended with the preclearance provision several times. The most recent extension by a large majority in the House of Representative and without a negative vote in the Senates was in 2006 for 25 years. It was this extension that the Supreme Court ruled unconstitutional.

One way to encourage discussion of a Supreme Court case is to allow the students to decide the case on their own after reading summaries of the majority and dissenting opinions without letting the status of each opinion.

Opinion A. The Voting Rights Act has provided a valuable service to our nation. Many more minorities are registered as a result of this Act. In fact there are higher percentages of Blacks registered than Whites in several of the states that were originally identified for pre-clearance.



There is no doubt that Congress has the authority under the 15<sup>th</sup> Amendment to the Constitution and we do not question other sections of the Act. Congress can still authorize the Justice Department to enforce the law and prevent discrimination, but the preclearance provision raises important constitutional issues. Congress by requiring preclearance is placing a burden upon states which are considered sovereign under our system of federalism. More over the Congress

is treating some states differently than others. This raises equal protection concerns. If the Congress is going treat some states differently than other it must show a rational basis for this differential treatment.

The states identified were identified for preclearance by an examination of whether they used tests as part of the registration process and the percentage of the eligible minority population that were registered to vote. The same states are still covered under the act using the original criteria. Times have changed. Minorities are now registered, yet the criteria for identify the states has not changed. Congress is acting in an irrational manner and the preclearance requirement can no longer be sustained.

Opinion B.

The Voting Rights Act of 1965 has proven to be an essential legislative accomplishment. More Minorities are registered and voting that at any time in our history. Shortly after its enactment it was challenged and this Court ruled that Congress had the authority to enact the law including the preclearance provision under the 15<sup>th</sup> Amendment to the Constitution.

Since 1965 the law has been reenacted several times. The most recent extension was in 2006. The vote to extend was be a very large majority in the House or Representatives and without a negative vote in the Senate. Congress held extensive hearings on the need to extend the law. While registration of voters has increased, there still exists other means of discouraging and suppressing voting. For example, reducing the number of voting days or places to vote can lead to the suppression of the vote. Congress as a result of these hearing concluded that the Voting Rights Act including the preclearance provision should be extended.

This Court should not strike down an Act of Congress particularly one that protects the right to vote without a solid constitutional reason. The Congress studied the need to extend the Voting Right Act. It concluded it was still needed. This Court should not substitute its judgment for Congress when Congress clearly has the authority to Act to protect the voting rights of minority citizens of the United States. The Voting Rights Act in its entirety is constitutional and should be sustained.

Which opinion emphasizes the importance of States and our federal system?

Which opinion stress the need for judicial restrain?

Which do you agree with?

Which is the majority decision?

The case was decided by a 5-4 vote. Chief Justice Roberts wrote the majority opinion summarized as Opinion A joined by Justices Scalia, Thomas, Kennedy and Alito. The dissent was written by Justice Ginsburg summarized as Opinion B joined by Justices Breyer, Sotomayor, and Kagan The full citation is *Shelby County v. Holder*, \_\_ U.S. \_\_, 133 S.Ct. 2612, 186 L.Ed 2d 651, decided June 25, 2013.



## LRE and Civics Education 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](mailto:kfurr@isba.org).

Illinois Council of Social Studies Teacher Conference, Friday October 11, 2013 at Harper College Palatine Illinois

Paul Simon Public Policy Institute, Civics Education for Teachers, Friday, November 8, 2013, Southern Illinois University, Carbondale

Constitutional Rights Foundation, Annual Professional Development Conference for Teachers in Civics Law and Government Friday November 1, 2013 Hamburger University Oak Brook

Constitutional Rights Foundation, Equal Justice under Law Conference. December 6, 2013, Chicago. This is a training program for teachers and students focusing on learning about Supreme Court cases. There is a training event in November 15 for students.

American Bar Association, 28<sup>th</sup> National Law Related Education Conference, Citizenship in the Global Era, Oct 3-5 Atlanta, Ga.

Chicago Schools Foundation, Teachers as Leaders and Learners Conference, Saturday. October 19, 2013, Whitney Young High School, Chicago/

*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.*

*Current subscribers: If your e-mail changes, please let us know. And, please feel free to forward this publication to others who may be interested.*

*Note: The Illinois State Bar Association's Standing Committee on Law-Related Education for the Public does not share or sell its mailing list.*

This and other editions of the ISBA's LRE Newsletter are available on-line at <http://www.isba.org/Sections/lrenewshome.html>



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**Illinois State Bar Association  
Standing Committee on Law-Related Education for the Public**

424 South Second Street, Springfield, Illinois 62701  
•217.525.1760 •800.252.8908 •Fax: 217.525.9063  
[www.isba.org](http://www.isba.org)

