

Civics and Service to Others

by Hon. Michael Newman



Hon. Michael Newman is FBA president and the first U.S. Magistrate Judge to hold this role. Judge Newman can be reached at Michael_Newman@ohsd.uscourts.gov.

It is with great excitement, and a humble heart, that I accept the significant responsibility to serve as national president of the FBA for 2016 to 2017. I thank all of the 18,000-plus members of the FBA—and all of our chapters, sections, and divisions throughout the country—for this incredible honor.

I care deeply about the FBA—an association with which I have been involved, on the local and national level, for more than 20 years—and I am quite proud of the significant contributions the FBA has made to the federal judiciary, and to the cause of justice, in our nearly 100-year history.

While there are many individuals to thank and congratulate for our recent successes, I take this opportunity to commend Karen Silberman, the executive director of both the FBA and our nonprofit Foundation—along with Stacy King, Jane Zaretskie, Sarah Perlman, and many others on the FBA staff—who have worked tirelessly to increase our national stature. Jonathan Hafen, our national membership committee chair, has done a remarkable job of increasing membership among attorneys while, at the same time, starting law student chapters in a majority of law schools throughout the United States. Bruce Moyer, counsel to the FBA's Government Relations Committee (GRC) and a friend to all on Capitol Hill—along with West Allen, head of the GRC—deserve significant praise for their joint efforts to let those in Congress know that the FBA is, and will always remain, devoted exclusively and faithfully to the federal judiciary and all who practice in federal court.

Finally, I thank Mark Vincent, the FBA's outgoing national president, and Rob Clark, the FBA's outgoing general counsel, for their respective efforts and continuing dedication to the FBA. If you know Mark and Rob, you will undoubtedly agree that these are two of the nicest and most decent people you will ever interact with. Mark serves as an assistant United States attorney in Salt Lake City, and Rob is a partner at Parr Brown in Salt Lake City. Mark and Rob gave tirelessly and selflessly to the FBA not only this past year, but for much of the past decade. Rob is the architect of the FBA's governance structure, and was the author of the FBA's constitution and bylaws—a Herculean drafting effort. Mark gave of himself in

rather incredible ways, over many years, both before and during his presidency. First, by serving with distinction on the board of directors, as treasurer, and as president-elect. Second, while president, by visiting chapters far and wide, large and small, in an effort to build relationships and broadcast the great work the FBA is doing to assist federal judges and all those in the public and private sectors who litigate daily in our federal trial and appellate courts. Mark and Rob have devoted countless volunteer hours to the benefit of the FBA, and we owe them both our thanks and sincere gratitude.

I am proud and excited to announce that this year, and in the years going forward, the FBA—while maintaining its long-standing dedication to the federal judiciary—will also be focusing on civics and service to others. To that end, the FBA will be engaged in three distinct, but related initiatives: Civics, SOLACE, and Community Service.

Civics

The FBA plans to launch a national civics education initiative whereby we will:

- Encourage federal judges to go into middle and high schools to meet with students, teach them about the Third Branch of government and what it means to be a judge, and perform naturalization ceremonies in those schools (so the students have an opportunity to see a federal court proceeding and witness the Constitution in action);
- Encourage young people, along with their teachers, to come into federal courthouses to meet—in a “court camp” setting—with federal judges, law clerks, assistant U.S. attorneys, assistant federal public defenders, representatives from probation and pretrial, and members of law enforcement (such as the FBI, U.S. Marshals, and other agencies) to better understand how the federal court system operates; to participate in mock sentencing scenarios and other scenarios related to federal court practice; and to have an opportunity to meet and ask questions of those who work in the federal courts—in order to learn, for example, how a judge decides a case; what a probation officer does

on a daily basis; and the importance of a college education and educational opportunities thereafter;

- Help to celebrate “Constitution Day and Citizenship Day” on or close to Sept. 17 each year (it was observed on Friday, Sept. 16 this year) by encouraging federal judges to then hold naturalization ceremonies; and
- Conduct two national civics essay contests—one for middle school students, and another for high school students.

I am proud to report that these civics efforts are the result, in large part, of several brainstorming sessions FBA leadership held with officials at the Administrative Office of the United States Courts (AO). An article by James C. Duff, the AO director, follows in these pages and explains this effort in much greater detail. Suffice to say, the FBA is honored and privileged to be working together with the AO in this important, national civics effort.

To initiate the commencement of this civics effort on a nationwide basis, the FBA will be reaching out to individual judges across the country, as well as to chapter presidents and circuit vice presidents, and sharing civics materials with them. The AO has kindly granted the FBA access to the AO’s website materials on civics, and the FBA will be organizing those materials on its own website to make it easier for judges to interact with students. Accordingly, if a judge only has a half hour to meet with students, there will be materials that contain civics exercises that can be completed in a half hour. If, on the other hand, a judge has one or two hours to meet with students, there will be civics materials that can be conducted within that longer time frame. These materials will include the popular “Tell it to the Judge” sentencing scenarios written by the AO and tested by federal judges and high school students at the District of Columbia Federal Courthouse.

I asked the FBA treasurer, Maria Vathis, to assist me in leading this civics effort on a nationwide basis. Maria is a dedicated FBA member and volunteer, a natural leader, and has already spent many months working with me to get these civics programs up and running. I know she will do a wonderful job, and I thank her in advance for her commitment to the FBA. Questions concerning this civics effort can be directed to Maria at vathism@bryancave.com or to me at michael_newman@ohsd.uscourts.gov. An article by Maria, explaining the need for civics education in our country and giving the background of the FBA’s two essay contests for middle and high school students, follows in these pages.

This issue also contains an article by Kate Strickland, executive director of the Ohio Center for Law-Related Education (OCLRE). OCLRE runs the middle and high school mock trial programs in Ohio—an important civics effort—in which many FBA members participate.

Given that I care strongly about civics, and I am honored that the FBA and AO are working together on this important program, I will make every effort when I visit chapters around the country this year to not only meet with local federal judges, but also to schedule a local school visit so that I can meet with middle and high school students myself, explain what it means to be a judge, and talk one-on-one with students about civics and the federal courts.

SOLACE

SOLACE is an acronym for “Support of Lawyers/Legal Personnel—All Concern Encouraged.” The SOLACE program, started in New

Orleans by United States District Judge Jay Zainey, has proven incredibly successful as an effort to help those in the legal community with dire medical and other needs.

Some FBA chapters, and other bar associations, have successfully replicated the SOLACE effort in various parts of the United States.

Judge Zainey approached the FBA to ask if we would consider working with him to take the SOLACE program national. The FBA agreed, and I appointed Steve Justice—incoming chapter president of the Dayton, Ohio, chapter—to lead this effort. Steve is bright, capable, and a true leader. Like Maria Vathis, Steve has spent the last six months getting ready, figuring out the mechanics of how SOLACE will work nationally, and forming a task force of circuit vice presidents and others to assist him. If you have an interest in working with Steve or have questions regarding SOLACE, I encourage you to contact him at justice@dunganattorney.com. I likewise take this opportunity to thank Steve, in advance, for all of his hard work on the FBA’s behalf. Under Steve’s leadership, SOLACE will be successful nationally.

Community Service

Seventh Circuit Vice President Sheri Mecklenburg formed a committee last year, the Community Service Committee of the Circuit Vice Presidents, to review and summarize all of the community service and civics efforts currently being undertaken by FBA chapters, sections, and divisions. Sheri’s committee then produced a report—entitled, “Community Outreach Report”—which can be found on the FBA’s website.¹ I encourage you to take a moment to review this detailed and very thorough report, and I thank Sheri and her committee for their great work in undertaking this effort.

As a result of Sheri’s report, this past April the FBA undertook what it is calling a “National Community Outreach Project,” whereby chapters, sections, and divisions are encouraged to perform specific acts of community service or civics engagement. To encourage them to do so without incurring a financial burden, the FBA Foundation agreed to finance the first 16 of these efforts around the country. All 16 were quite successful.

I’m very proud of these 16 initial efforts, and I hope that during my presidential term we double this number and have 32 or more similar efforts in April 2017. To encourage the growth of this effort, and to make this effort more widely known, I have chosen this year to make the focus of my remaining President’s Message columns a discussion of these community service projects. Accordingly, in the President’s Message columns going forward, I’ll highlight one or more chapters that successfully undertook a civics or community service project this past April or in the months thereafter.

One significant aspect of community service is serving in a pro bono capacity. I frequently undertook pro bono representation when I was a partner at my former firm, Dinsmore & Shohl. I encourage all those in the FBA, who have the capacity to do so, to consider taking on such a role. I assure you—it is rewarding. Likewise, I encourage all FBA members to assist courts with access-to-justice efforts.

Community service also encompasses mentoring, and I would be remiss if I did not mention those who mentored me in the FBA—particularly in my early years of involvement in the association. I started my involvement in the Cincinnati/Northern Kentucky chapter (back when it was only the “Cincinnati” chapter), and I remain grateful to former national president Tom Schuck, Judges Jack Sherman Jr.

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- “It’s been really beneficial to obtain skills, such as speaking in front of a crowd, which will be applicable my entire life.”
- “I got to hone my speaking ability and it helped me think more analytically with case law, as well as become more open to both sides of an issue.”
- “Commitment, learning about court etiquette, and respect.”
- “During trial, whether attorney or witness, oftentimes what I prepared for the trial did not end up being what actually happened. Instead I would have to think quickly to reevaluate the line of questioning. In addition, it greatly broadened the scope of the perspective that I look at issues with.”

Middle School Mock Trial

OCLRE’s Middle School Mock Trial program gives younger students the opportunity to learn about the law while honing their speaking and writing skills. Cases are based on literature commonly read in the middle grades, including *Roll of Thunder*, *Hear My Cry* by Mildred Taylor and *The Outsiders* by S.E. Hinton. Not only does this allow for collaboration among social studies and language arts teachers, but students make connections between fiction and what might happen in reality, as characters are put on trial for their actions.

Moot Court

Moot Court is OCLRE’s newest program, with 2016 marking the third year Ohio has hosted a state competition. Like Ohio Mock Trial, Moot Court cases are crafted and edited by volunteer attorneys. In celebration of the 50th anniversary of the *Miranda v. Arizona* decision, the 2016 Ohio Moot Court case focused on a juvenile appellant’s right to the presence of an attorney during an interrogation. In addition to preparing for the oral argument portion of the competition, students must also submit a written brief, providing many with their first experience in legal writing.

We the People

We the People² engages students in an in-depth study of the U.S. Constitution and Bill of Rights. Students learn about the philosophical and historic foundations of these documents, and they contemplate and discuss current-day application.

Take, for example, the following high school We the People questions, students’ answers to which are presented as “testimony” in the format of simulated congressional hearing:

- The jury has been defined as “the democratic branch of the judiciary power—more necessary than representatives in the leg-

islature.”³ Do you agree or disagree with the opinion expressed here? Why?

- In what ways do the jury clauses of the Fifth, Sixth, and Seventh Amendments serve to ensure citizen participation in the judicial process?
- In what ways, if any, are both the grand (large) jury and the petit (trial) jury related to the principle of limited government?

There is little doubt that students who study, analyze, and debate such questions will know that James Madison is the father of the Constitution, and that, in fact, “Judge Judy” is *not* a member of the Supreme Court.

Youth for Justice

Oftentimes, the spark of civic engagement happens at the grass-roots level. OCLRE’s Youth for Justice program centers on student empowerment and activism. Students work together to identify an issue or injustice that impacts the local community and then gather information about the problem, talk with local resource people, and propose solutions. By engaging youth directly in addressing problems that affect them, there is buy-in. Although not every Youth for Justice team project results in a policy change or the eradication of systemic problems such as bullying or intolerance, students learn the democratic process. Equally important, they learn that with rights comes responsibility.

In the words of Justice Sandra Day O’Connor, “We pay a price when we deprive children of the exposure to the values, principles, and education they need to make them good citizens.” Students who participate in OCLRE programs are beacons of hope. With continued support from educators, legal professionals, and community members, Ohio’s students will have access to programs, resources, and opportunities that engage them in the practice of active citizenship. ☺

Endnotes

¹*A Crisis in Civic Education*, AM. COUNSEL OF TRS. & ALUMNI (January 2016), available at http://www.goacta.org/images/download/A_Crisis_in_Civic_Education.pdf.

²We the People is a national program of the Center for Civic Education and is administered in Ohio by the OCLRE.

³Maryland Farmer, as quoted in AKHIL REED AMAR & LES ADAMS, *THE BILL OF RIGHTS PRIMER: A CITIZEN’S GUIDEBOOK TO THE AMERICAN BILL OF RIGHTS 138* (Skyhorse Publishing) (2013).

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and Nathaniel R. Jones (for whom I clerked), and Sixth Circuit Court of Appeals Circuit Executive Jim Higgins, all of whom were kind to me and took me under their wing after I expressed an interest in the FBA. My personal hope is that all who read this will take a moment to think about a younger attorney they know—who may or may not be involved in the FBA—and consider mentoring him or her with the knowledge that the future of our legal profession depends on this level of dedication to those who will follow us. I now live in Dayton, Ohio, and the district judges who serve on the bench with me—Judges Thomas Rose and Walter Rice—both mentor frequently and have both joined the board of the Dayton chapter. I encourage my fellow judges,

and all attorneys in the FBA, to follow these examples.

This will be an exciting year, and I thank you for the opportunity to serve. ☺



Endnotes

¹*National Community Outreach Project*, FED. BAR ASS’N, <http://www.fedbar.org/Public-Messaging/NCOP.aspx> (last visited Sept. 7, 2016).