

The Federal Bar Association and the Federal Courts as Force Multipliers in Civics Education Efforts

by James C. Duff



James C. Duff is the director of the Administrative Office of the U.S. Courts by appointment of Chief Justice John C. Roberts Jr. His career interest in civics education deepened when he served as president and chief executive officer of the Freedom Forum and the Newseum and assisted in the nationally coordinated Civics Renewal Network funded by the Annenberg Public Policy Center of the University of Pennsylvania. © 2016 James C. Duff. All rights reserved.

“Force multiplier” is a term long used in the military for a factor—a person, team, strategy, or resources—that dramatically increases the effectiveness of a group and its endeavors. The business community also has adopted this method of deploying people and assets. Today, the Federal Bar Association and the federal courts through the Administrative Office of the U.S. Courts (AO) are applying the same strategy to support a robust, national civics education initiative.

The decline in civics education in our country began several years ago. When some schools dropped civics courses from their curriculum, alarm bells went off in the federal judiciary. The independence of the federal judiciary, one of the most distinctive and crucial pillars in our constitutional structure of government, is significantly dependent on public understanding of our separate branches of government. Taking to heart Thomas Jefferson’s observation that the best way to preserve our liberties is through an educated public, the AO began an initiative in 1998 led by National Education Outreach Manager Rebecca Fanning to produce educational materials for use by judges and teachers.

Indeed, federal judges have a long-standing history of involvement in raising the level of court literacy in their communities. A survey conducted by the Federal Judicial Center in 2014 found that 90 percent of the responding federal judges do some kind of educational outreach ranging from courthouse tours and programs to speaking engagements. Among the initiatives of the federal judiciary in a growing nationwide effort to elevate civics education is to bring judges, volunteer lawyers, and students together in courtrooms throughout the country. Together they stage realistic court proceedings and jury deliberations on issues relevant to teens. The goal is to expose students to the importance of an independent judiciary in our constitutional democracy.

In more recent years, that outreach has expanded in other ways. Justice Sandra Day O’Connor has

devoted her active retirement years to the task and introduced iCivics, a web-based education project that teaches civics, to broaden the appeal and reach of civics education to our youth. And upon his retirement from the Supreme Court, Justice David Souter launched an initiative to engage New Hampshire citizens in public discourse about constitutional issues and civics education. Additionally, Justice Anthony Kennedy started a program to utilize the federal court library space in Sacramento, Calif., as a learning center for the public. The Judicial Branch Committee of the Judicial Conference has included civics education in its mission, even as more courts around the country add to the list of established courthouse learning centers, including ones in St. Louis, Oklahoma City, and one that is well into the planning stages in New York City.

Similarly, FBA lawyers have been equally dedicated to civics education. The FBA’s 2015 Community Outreach Report is an impressive catalog of FBA chapter efforts. Examples include the Chicago Chapter’s annual Schoolhouse to Courthouse event named after a federal judge. The day at the courthouse includes court observations, inspirational and informational small-group conversations with lawyers and judges, and lunch at a law firm. The Eastern District of Michigan Chapter co-sponsors with the Just the Beginning Foundation a week-long, court program for Detroit high school students geared to teaching them about the courts, financial literacy, and the college admissions process. And the Oklahoma City Chapter helps conduct a week-long mock trial program at the courthouse for elementary students. Law students prepare the children for a courtroom trial based on a nursery rhyme scenario. The Inland Empire Chapter, in Riverside and San Bernardino counties, Calif., is committed to a year-long, high school mentoring program that brings FBA mentors and students together for lunch four times a year and includes a morning of job shadowing.

There is, in short, an obvious opportunity to join the energies of federal judges and FBA members to become a force multiplier that can have a far greater impact on the state of civics education and court literacy combined than each could have individually. Thus, an official, collaborative commitment to civics education among federal judges and the lawyers who practice in federal courts has been developed.

Thanks to the leadership of Judge Michael Newman, the FBA is increasing its reach and that of the judiciary's initiatives manifold by enlisting its nationwide network of members. Members are dedicating the month of April every year to civics education about the federal judiciary. Most of the April programs bring middle and high school students into federal courts to participate in programs, observe court proceedings, speak with lawyers, meet judges, and gain exposure to careers in the justice system. A package of AO programs and resources,¹ specifically for FBA members, is posted on the FBA website to assist in those efforts. These courtroom and classroom programs require preparation of 30 minutes or less on the part of the judge and the participating lawyers. No further reading or research is needed. Formats include the You Be the Judge² sentencing activity that requires only a one-page guide sheet³ for the judge and the volunteer lawyers to use in the courtroom with the students.

Another example is recruiting and supporting schools in hosting naturalizations as part of the federal courts' fourth annual, national initiative celebrating Constitution Day and Citizenship Day with naturalization ceremonies in 2017. Two longer-term efforts Judge Newman envisions for the FBA are: (1) helping federal courts with their initiatives to establish courthouse judicial learning centers like those in St. Louis, Oklahoma City, and Sacramento; and (2) creating a recognition program for innovative, civics teachers of court literacy.

It is a worthy cause; one I believe is crucial to our future. A 2014 Annenberg survey found that 35 percent of Americans surveyed could not name one branch of government.⁴ Our efforts to raise the level of court literacy can make a difference. A Princeton study in 2009 showed that the more people know about government, the more confidence they have in the courts.⁵ Together the bench and bar have the talent, the resources, and the commitment to preserve and defend the Constitution.

On behalf of the Administrative Office of the U.S. Courts, I extend sincere thanks to Bruce Moyer, Judge Newman, and the leadership and the membership of the Federal Bar Association for your willingness to commit your insights, skills, and time to this vitally important endeavor. ☺

Endnotes

¹*Civics Education Resources*, FED. BAR ASS'N, www.fedbar.org/Civics (last visited Sept. 20, 2016).

²*Id.*

³*Id.*

⁴*Americans Know Surprisingly Little About Their Government, Survey Finds*, ANNENBERG PUB. POLICY CTR. (Sept. 17, 2014), available at <http://www.annenbergpublicpolicycenter.org/americans-know-surprisingly-little-about-their-government-survey-finds>.

⁵*Separate Branches, Shared Responsibilities: A National Survey of Public Expectations on Solving Justice Issues*, PRINCETON SURVEY RESEARCH ASSOCS. INT'L (April 2009), available at <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctcomm/id/118> (last visited Sept. 20, 2016).

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The Federal Lawyer is edited by members of its Editorial Board, who are all members of the Federal Bar Association. Editorial and publication decisions are based on the board's judgment.

The views expressed in *The Federal Lawyer* are those of the authors and do not necessarily reflect the views of the association or of the Editorial Board. Articles and letters to the editor in response are welcome.

THANK YOU TO MARK VINCENT

I think very highly of our outgoing president, Mark Vincent.

Mark worked tirelessly this past year—without fanfare or attention—to serve the needs of all 18,500 members of the FBA. He spoke to FBA chapters, both large and small, all over the country on many occasions, and he strived to make our Law Student Division chapters successful at law schools all over the country.

Mark is an Assistant United States Attorney and has dedicated his life to public service. Many people don't know this, but Mark is an Eagle Scout and both of his sons are Eagle Scouts as well. Mark, like the Eagle Scout he is, exemplifies all that is good in the legal profession—he is trustworthy, loyal to all, extremely honest, decent, kind, and incredibly humble.

He's worked this past year always with the FBA's best interests in mind. His hard work has resulted in tangible benefits to the Association: during his tenure as FBA president, he supervised the growth nationally of more than 1,000 new members.

I hope you will join with me in thanking Mark for his many years of dedicated and faithful service to the FBA. We are all grateful.

Thank you, Mark!

Respectfully,

Hon. Michael J. Newman

United States Magistrate Judge & FBA President