

The Need for Civics Education in our Schools

How FBA Members in Ohio are Leading the Way and Volunteering with the Ohio Center for Law-Related Education

by Kate Strickland



Kate Strickland is executive director of OCLRE, which is based in Columbus. The Ohio high school mock trial program is the second largest in the nation after California's program. For more information or to get involved in OCLRE programs, please visit www.oclre.org or call (614) 485-3510.

In its report entitled “A Crisis in Civic Education,”¹ the American Council of Trustees and Alumni reported some alarming statistics, the result of a 2015 survey of recent American college graduates and the general public. Among them:

- Nearly 40 percent of college graduates didn't know that Congress has the power to declare war.
- Only 20 percent of respondents correctly identified James Madison as the father of the Constitution; more than 60 percent selected Thomas Jefferson. College graduate respondents didn't do much better: 28 percent identified Madison while 59 percent selected Jefferson.
- Nearly 10 percent of college graduates identified Judith Sheindlin, aka “Judge Judy,” as a member of the United States Supreme Court.

But lest you lose hope, consider this:

More than 5,000 Ohio middle and high school students participate annually in programs of the Ohio Center for Law-Related Education (OCLRE), including Ohio Mock Trial, Middle School Mock Trial, We the People, Moot Court, and Youth for Justice. Through their participation in OCLRE programs, students are introduced to content and applications that allow them to *practice* the skills required of good citizens: reading, listening, and thinking critically; articulating a supporting position or respectful dissent; and taking informed action.

OCLRE programs immerse students in the study the U.S. Constitution and our democracy, and challenge them to think beyond the textbook. Students apply what they've learned in meaningful and authentic ways, such as simulated congressional hearings in the legislative hearing rooms of the Ohio Statehouse; mock trials and moot court appellate arguments in real courtrooms before judges and attorneys; and working with local decision-makers to advocate for justice and policy change. The teachers and volunteers, many of whom are lawyers and judges from the local community, are

committed to passing the torch of responsibility to an informed, active citizenry.

OCLRE was founded in 1983 when leaders from the Ohio State Bar Association, the Ohio Attorney General's Office, and the American Civil Liberties Union came together to explore the creation of educational programs designed to fill a void in law-related education for Ohio's students. This alliance strongly believed that partnerships between the educational and legal communities could educate students about their constitutional rights and responsibilities. The Supreme Court of Ohio joined this partnership in 1988, and the four organizations remain OCLRE sponsors today.

Ohio Mock Trial

With steady growth since its inception, Ohio Mock Trial is among the largest mock trial programs in the nation. Now the largest nonathletic competition in the state, in 2016 nearly 200 high schools from across the state fielded a total of 360 teams in the state competition.

Ohio Mock Trial is unique in that cases are original, crafted each year by a committee of attorneys who volunteer their time and expertise to develop a fact pattern, research case law, and write witness statements. True to OCLRE founders' intentions, Ohio Mock Trial cases center on a constitutional issue, often with a current-day connection that appeals to teenagers. Cases are unscripted, and students must craft arguments for both prosecution/plaintiff and defense.

In contrast to the disappointing statistics referenced earlier, what follows is a sampling of responses from the 2016 Ohio Mock Trial student survey, describing the benefits of involvement:

- “Mock Trial is a beneficial program because it teaches students how to create an argument and how to present that argument through public speaking. I've also learned a lot about case law and the Constitution.”
- “Mock Trial has helped to improve my confidence while speaking and has taught me to be persuasive.”

- “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).