

In the Legal Community

HON. KAREN WELLS ROBY

Federal Judges' Associations Partner on Civics Education Initiative

A FEDERAL JUDGE rules on a case, and a member of the public disagrees and posts on an online site rating judges, “We should gather a petition to recall the judge!” Another judge encounters a member of the public, who asks, “You’re a

federal judge. What do you think of your boss, the attorney general?” A student asks a federal judge who came to speak to the class, “When do you run for re-election?”

This kind of confusion about what federal judges do and how they are chosen are just a few examples of the public’s understanding of our court system and its function. We have all seen the confusion among students, neighbors, and even elected officials. Does the public really have an understanding of the importance of a fair and impartial court system in the protection of their rights and liberties?

Over the last 10 years, attention has been given to math, science, and reading—largely due to the No Child Left Behind Act, which gives priority to federal funding for efforts that improve students’ performance in these content areas. With all the attention placed on these core subjects, the study of government, civics, social studies, and history has continued to decline in our schools. The National Center for Learning and Citizenship maintains a database on citizenship education, which shows that, even though 49 states have standards addressing citizenship education, fewer than half have any testing or assessment of this content area. In fact, the National Center for Education Statistics in Washington, D.C., found that only 27 percent of 12th graders in 2006 were proficient in civics and government. (The center reassessed this content area in 2010 and the results of its findings are due out later this year.)

Judges have long been concerned about the public’s knowledge of citizenship, government, and civics and the differences in the functions and structure of our government. As such, individual courts and judges—and even the Administrative Office of the Federal Courts—have developed programs to educate the public in the area of civics literacy and its impact on public understanding of and the appreciation for the courts and their role in our system.

Creation of the Task Force on Civics Education

Recognizing that many individual federal judges,

federal courts, civic groups, and the Administrative Office of the Federal Courts have prepared and gathered materials that could help make judges’ efforts easier and more effective, the board of directors of the Federal Judges Association (FJA) endorsed the exploration of the role of its organization in the area of civics education. Under the leadership of its president, Royal Furgeson, the FJA created the Task Force on Civics Education and reached out to the Federal Magistrate Judges Association (FMJA) and the National Conference of Bankruptcy Judges Association (NCBJ).

The task force is chaired by Laura Swain, U.S. district judge for the Southern District of New York, and is co-vice-chaired by Karen Wells Roby, U.S. magistrate judge for the Eastern District of Louisiana and president-elect of the FMJA, and Laurel M. Isicoff, U.S. bankruptcy judge for the Southern District of Florida. Other members of the task force are members of the FJA’s Judicial Independence Committee, including Joy Conti, U.S. district judge for the Western District of Pennsylvania; Philip Martinez, U.S. district judge for the Western District of Texas; Norman Mordue, U.S. district judge for the North District of New York; Edward Prado, circuit judge for the U.S. Fifth Circuit Court of Appeals; and James Donohue, U.S. magistrate judge for the Western District of Washington, who is also a member of the FMJA.

A Foundation Grant and a Toolkit Under Construction

Since its creation in April, the Task Force on Civics Education has been at work and has secured a generous grant from the John S. and James L. Knight Foundation to fund the development of our first project: a Civics Education Toolkit (CET) of presentation materials that can be used by federal judges. The grant was also used to develop content and best practices recommendations for stand-alone civics education materials for distribution to the public through local court websites. Working with the task force, Professor Susan Moeller, the director of the University of Maryland’s International Center for Media and the Public Agenda, will lead a small staff of researchers over the next several months on the following projects:

- Developing the CET—a Web-based library of some of the best available nonpartisan royalty-free presentation materials that are suitable for use by federal judges with student and adult audiences in diverse areas of the country. The library will include videos, interactive games, tools, digital

slide shows, and handouts. Topics will cover the nature and structure of the courts, the rule of law, the Constitution, and the importance of fair and impartial courts to the protection of rights, including free speech. The CET will be made available on the public side of the FJA's website, and the task force will explore the possibility of making the CET available on the FMJA and NCBJ websites.

- Reviewing the websites of circuit, district, and bankruptcy courts to assess current offerings of civics education materials and the preparation of a White Paper that will include best practices recommendations for specific materials and means of providing access to them.
- Developing a design for a small-scale "alpha" or pilot launch of the toolkit for evaluation and testing by judges and courts. Planning will also begin for further expansion and broader scale deployment of the CET.

More Partnerships and a Developing Agenda

The Task Force on Civics Education, through the good graces of Judge Krieger of the U.S. District Court of Colorado, is forging connections with a national effort to foster the establishment of robust court-based federal and state civics education initiatives and other successful programs throughout the country. This effort is being coordinated by Justice at Stake, a nonpartisan group whose mission is to keep courts fair and

impartial. Several months ago, Justice at Stake began the development of best practice guidelines for the development of such programs and will be working to spur the creation of new programs in several states over the next few years. We hope that the Federal Judges Association's task force can play a role in making connections between state and federal judges who can work together in their home states and also benefit from the collaboration in other ways.

The Task Force on Civics Education continues to make connections and will explore other ways in which the FJA, FMJA, and NCBJ can support and enhance our members' efforts in the area of civics literacy. Increasing the public's knowledge about the way courts work, our role in government, and the importance of fair and impartial courts in the resolution of important issues affecting daily life can only improve respect for the integrity of the courts' decisions and the public's willingness to support the functional independence of the third branch of government, including fair compensation. **TFL**

Judge Karen Wells Roby is a U.S. magistrate judge for the Eastern District of Louisiana. She is in her second term and has served the court for more than 12 years. Judge Roby is also the president-elect of the Federal Magistrate Judges Association. This article was previously published in the Federal Magistrate Judges Newsletter.

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is essential to the legal profession. "It goes to the heart of what I think all our jobs as lawyers and judges should be," he says. "Our livelihood, what we produce, is words. Language is our stock and trade, so we should use language to communicate clearly and effectively."

Judge Zurzolo believes that the need to communicate clearly is especially true when it comes to litigants who represent themselves in bankruptcy proceedings.

We need to speak clearly and honestly to everyone. There are people who are not lawyers, and who are in a very stressful situation. They want to come in and try to protect their home or whatever they feel is at risk. I think it's important to be very clear about what's happening [in the courtroom]—what the court hearing affects or doesn't affect. That way, at least, they can walk away with understanding. The proceeding may not end in the result they want, but at least they understand what happened.

As a child, Judge Zurzolo remembers thinking that the judiciary played a special role in the community. "I always thought judges brought a sense of reason—a sense of doing things the right way in an orderly fashion. I thought that was something valuable to a

community. It was a great thing to aspire to." Given his focus on efficiency, effective communication, and practical results, it appears Judge Zurzolo has not only recognized the judge's important role in society, he has fully embodied it. **TFL**

Michelle Hugard is a judicial law clerk with the Los Angeles Superior Court. She is 2010 graduate from the University of California Davis School of Law. Jeffrey Cozad served as a law clerk to Judge Zurzolo in 1990–1991 and then as a career law clerk since December 2005. He is a 1990 graduate from the Pepperdine University School of Law.

Endnotes

¹U.S. Bankruptcy Court for the Central District of California, *Statistics: 2006 Filings in the Central District*, available at www.cacb.uscourts.gov (accessed July 20, 2011).

²U.S. Bankruptcy Court for the Central District of California, *Statistics: 2007 Filings in the Central District*, available at www.cacb.uscourts.gov (accessed July 20, 2011).

³U.S. Bankruptcy Court for the Central District of California, *Statistics: 2010 Filings in the Central District*, available at www.cacb.uscourts.gov (accessed July 20, 2011).