

Indian Law, Success of the FBA's National Civics Initiative, and Hawaii

by Hon. Michael J. Newman



Hon. Michael J. 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.

This month's issue of *The Federal Lawyer* celebrates Indian Law and coincides with our annual Indian Law Conference—held this April at the Talking Stick Resort in Scottsdale, Ariz. The FBA is rightfully proud of the fact that our annual Indian Law Conference is the most well-attended Indian Law seminar in the United States, and has been so for many years.

I applaud the hard work and dedication of all of our members of the Indian Law Section and Section Chair Tracy Toulou, who serves as director of the Office of Tribal Justice at the U.S. Department of Justice. I also take this opportunity to personally thank the many hundreds of attorneys and Indian Law specialists who are attending this year's conference.

Civics Success

At my swearing-in ceremony on Constitution Day and Citizenship Day last September, I pledged to focus my time and energy—and the talents of our association and staff—to support (1) a national civics initiative, (2) the SOLACE program, and (3) efforts designed to assist all in the legal community by mentoring, engaging in *pro bono* work, helping to increase access to justice, and assisting veterans with legal concerns. We have called this effort “Civics and Service to Others”. I am focusing, in this month's President's Message, on the first of these undertakings: the FBA's national civics initiative done in conjunction with the Administrative Office of the U.S. Courts (AO).

The national civics initiative has several components:

- First, an effort to encourage federal judges all over the United States to meet with local elementary school, middle school, and high school students—in classrooms and in courtrooms—to teach students about the Third Branch of government, civil and



Civics in Ohio: Judge Michael J. Newman (far right) and his career law clerk, Mike Rhinehart, with teachers from Five Points Elementary School in Springboro, Ohio, following their presentation last fall to the third-grade classes at the school. The Southern District of Ohio, where Judge Newman sits, has reached out to a large number of school superintendents, principals, and social studies teachers as part of the FBA's national civics initiative. In 2017, more than 1,000 students—from elementary, middle, and high schools—are expected to meet with the Southern District's Federal Judges in just the Dayton seat of court alone. More information can be found at www.fedbar.org/civics.

criminal cases, and what judges do every day. Judges are also being asked to engage in mock hearings, mock oral arguments, and mock trials with the students. To make this undertaking easier for federal judges, the FBA put materials (graciously loaned to us by the AO) on the civics page of the FBA's website (www.fedbar.org/civics). The materials are organized by how much time a judge has available to spend with students (from as little as 15 minutes to as long as three hours), so it is easy for judges to host programs that students will relate to and that carefully simulate how the federal courts work;

- Second, the FBA is conducting an Inaugural Civics Essay Contest—with one set of awards for middle school students, and another set of awards for high school students—and asking the students to address in their essays, “What Does an Impartial Judicial System Mean to Me?”; and



At the national social studies conference in Washington, D.C., FBA meetings manager Melissa Schettler (left) and Eighth U.S. Circuit Court of Appeals Education Specialist Rachel Marshall (right) talked with teachers about the FBA's civics teacher recognition program and student essay contest. More than 4,000 social studies teachers from across the country learned about these new FBA national civics initiatives.

- Third, the FBA is recognizing and honoring civics teachers across the country for their great work every day in schools.

Civics Liaisons

To help implement the national civics initiative, I appointed Joan Brady, former president of the Cincinnati/Northern Kentucky chapter, to be in charge of what we are calling “civics liaisons.” Civics liaisons are FBA members, who have an interest in civics and, who agree to be the liaison between local federal judges and local schools. (In some chapters, federal judges themselves have volunteered to be the civics liaison.) The civics liaisons work with the judges to schedule events in schools and to schedule school visits to the federal courthouse. Joan has done a superb job and deserves our praise. More than 70 civics liaisons have been appointed due to her hard work.

All across the country, as a direct result of the FBA's civics initiative, federal judges are now meeting with numerous elementary school, middle school, and high school students, in classrooms and in courtrooms. All told, this national initiative will result in literally thousands of school children meeting a federal judge for the first time and visiting a federal courtroom for the first time. Judges are talking to students about a number of wide-ranging, law-related topics including, among many others, the importance of jury service; landmark cases that every citizen should know; the structure of the trial, appellate and supreme courts; federalism, and how the state and federal courts operate; the different phases of civil practice (including discovery, motions practice, and oral argument); what judges do every day; how cases are decided; how trials work; and how the mediation process operates. Judges, when asked, are also talking to students about career-related topics including what it takes to become a lawyer or judge; the importance of continuing in school and getting a further education; and different career options for those who seek to work in the federal courts, such as judges, law clerks, probation officers, pre-trial services officers, law enforcement officers, or other roles.

In the Southern District of Ohio, for example, where I sit, the judges in the Dayton seat of court wrote a letter to every school superintendent and principal in the eight Ohio counties we serve. The letter was signed by all five federal judges in our courthouse. (A copy of the letter can found at www.fedbar.org/civics under the link, “Sample Letter from Judges to Schools.”) We received, in very short order, a large number of positive responses, asking us to visit local schools to meet with students and, also, for them to come to our federal courthouse to meet with us in a courtroom. To date, we have visited multiple schools and held numerous mock criminal oral arguments in the federal courthouse—with students acting as counsel for the prosecution and counsel for the defense.

All told, in 2017, more than 1,000 students will meet and interact with a federal judge in just the Dayton seat of court on account of the FBA's civics initiative, a fact of which I am quite proud. Multiple other district courts throughout the country have likewise had similar success.

I thank all of the federal judges in the United States who have kindly given their time to this important effort. I also thank the civics liaisons—all of whom are busy lawyers and judges—who have volunteered their time to make this national civics initiative such a great success.

Essay Contest and Civics Teacher Recognition Program

I appointed FBA Treasurer Maria Vathis to supervise both the Inaugural Civics Essay Contest and the civics teacher recognition program. Like Joan, Maria has done a wonderful job, and I thank her. We received a very large number of essays and teacher nominations, and the selection committee, under Maria's leadership, has taken its job very seriously. The winners were announced at the Mid Year Meeting in March. (In a subsequent issue of *The Federal Lawyer*, we will list all of the civics teachers honored and excerpt portions of the winning essays.) I thank not only those winners, but all of the students across the country who took the time to write civics essays. I also thank all of the civics teachers and social studies teachers who work hard every day to teach students about the important role of the federal courts. These teachers deserve our praise, and I salute them.

Additional Civics Efforts

In addition to the civics efforts described above, the FBA has engaged this year in the following activities to promote civics throughout the United States:

Adding a Civics Tab to the FBA's Website: We created a civics education tab on the FBA's website (www.fedbar.org/civics) where we collected (1) materials for federal judges to use when meeting with students; (2) handouts and other documents on federal court basics for teachers to download and copy (the “Civics Toolbox”); (3) information about Court Camps; (4) information on Law Day (May 1) and Law Month (May 2017); and (5) information on Constitution Day and Citizenship Day (Sept. 18).

Attending the National Social Studies Teachers Conference: In December 2016, the FBA attended the largest annual gathering of middle school and high school social studies and civics teachers in the United States. More than 4,000 teachers at the National Council for the Social Studies conference in Washington, D.C., were exposed to our civics programs and civics resources when the AO and FBA met together with the large group of assembled teachers.

Celebrating Constitution Day and Citizenship Day: We celebrated Constitution Day and Citizenship Day 2016 by teaming with the AO to have federal judges perform naturalizations in national parks, from Ellis Island to Yosemite. (A great seven-minute video produced by the AO, entitled Constitution and Citizenship Day Across the Nation 2016, can be found here: <https://www.youtube.com/watch?v=2HITLmSFxz4>.) The FBA is doing so again this year. In 2017, Constitution Day and Citizenship Day will be celebrated by having federal judges perform naturalization ceremonies in schools. The FBA and AO, working together, are giving FBA chapters the opportunity to identify schools that want to host naturalization ceremonies presided over by federal judges during the week of Sept. 18. More information can be found in the “Constitution Day and Citizenship Day” box on the FBA’s civics education page, www.fedbar.org/civics.

Promoting Teachers Institutes: We are promoting civics training for school teachers—seminars known as “Teachers Institutes” held around the country, typically during the summer. In many locations, these Teachers Institutes—sponsored by or otherwise connected with the FBA—involve federal judges, who instruct civics and social studies teachers on federal courts and how they work. Currently, Teachers Institutes are held in a number of locales including, among others, Seattle; Missoula, Mont.; St. Louis; New York City; and Washington, D.C. A novel approach, supported by the FBA, is occurring in Boise, Idaho, with Judge Candy Dale where the the U.S. District Court, the Idaho Supreme Court, and the University of Idaho School of Law are working together to offer a Teachers Institute.

Celebrating the Bill of Rights Anniversary on Dec. 15: We worked with the AO to celebrate the Dec. 15 anniversary when the Bill of Rights was ratified. The AO produced a video, which we posed on the FBA’s website, and we encouraged local chapters and federal judges to discuss the importance of the Bill of Rights in their meetings with students.

Sponsoring Court Camps: We are promoting and sponsoring civics-based Court Camps this summer. These camps can be as short as half a day and as long as a week. Federal judges and FBA members teach high school students about civics and the federal courts; the students also learn leadership skills; and the camps often end with the students making an oral argument before a federal judge. FBA member and civics liaison U.S. District Court Judge Joseph Bianco, of the Eastern District of New York, pioneered the first court-sponsored, multi-day camp in the United States last summer and brought into the program as a partner a local law school, the Touro Law Center. Other court camps include the five-day program at the University of California, Irvine School of Law, under the leadership of Dean Erwin Chemerinsky, who has opened the doors to a future partnership between the FBA and the America Association of Law Schools. The leadership of FBA member Rob Clark from Salt Lake City (who graciously serves this year, on a *pro bono* basis, as the FBA’s outside counsel) has led to the establishment of a first-ever residential court camp. This five-day camp, with the assistance of the FBA, will be launched this summer at Brigham Young University’s J. Reuben Clark Law School.

I take this opportunity to thank Rebecca Fanning, the AO’s national outreach manager, for her dedication to civics and her willingness to work so hard this year in helping to successfully launch the FBA/AO national civics initiative. Thank you, Rebecca.



At the Eighth Annual FBA Hawaii Conference (left to right) are former National President Judge Gustavo Gelpi; general counsel Matt Moschella; National President Judge Michael Newman; Immediate Past-President Mark Vincent; and Judge Paul Warner from the District of Utah.

Hawaii

As I write this, I have just returned from Hawaii, where I had the opportunity to speak—on amendments to the Federal Rules of Civil Procedure (along with co-panelists Hon. Gustavo Gelpi, a U.S. District Judge and former FBA national president, and Matt Moschella, the FBA’s general counsel)—at the Eighth Annual FBA Hawaii Conference. The conference was a great success due, in large part, to the talents of its organizer Howard McPherson, who did a wonderful job.

The conference included nationally known speakers such as dean Chemerinsky and the judge Jeffrey Sutton from the Sixth Circuit Court of Appeals. I take this opportunity to thank both Dean Chemerinsky and Judge Sutton. The Dean and the Judge have volunteered many times, over the years, to the FBA and both have given much of their time to the association. This past fall, for example, the dean spoke at the FBA Cleveland Convention, as a personal favor to me, despite having to go quickly back to California after his remarks. Judge Sutton, likewise, spoke in Cleveland before having to fly out west to attend a rules committee meeting. The FBA is very fortunate to have scholars and judges who are bright, talented, and committed to the continuing success of our association. Thank you, Dean, and thank you, Judge.

Conclusion

I take this opportunity to again thank each of the 19,000-plus members of the FBA for all you do each day to help others. Our membership ranks, both professional and law student, are growing on a daily basis. I am also honored to report that our Civics and Service to Others initiative is proving to be quite successful: we are helping to educate students all over the United States via our civics work, as well as helping those in need via the SOLACE program.

It is my honor to lead the FBA in these important efforts. Thank you for the opportunity to serve. ☺