

MAY 1

# LAW DAY 2005

PLANNING GUIDE

**The American Jury**

**WE THE PEOPLE**

**IN ACTION**

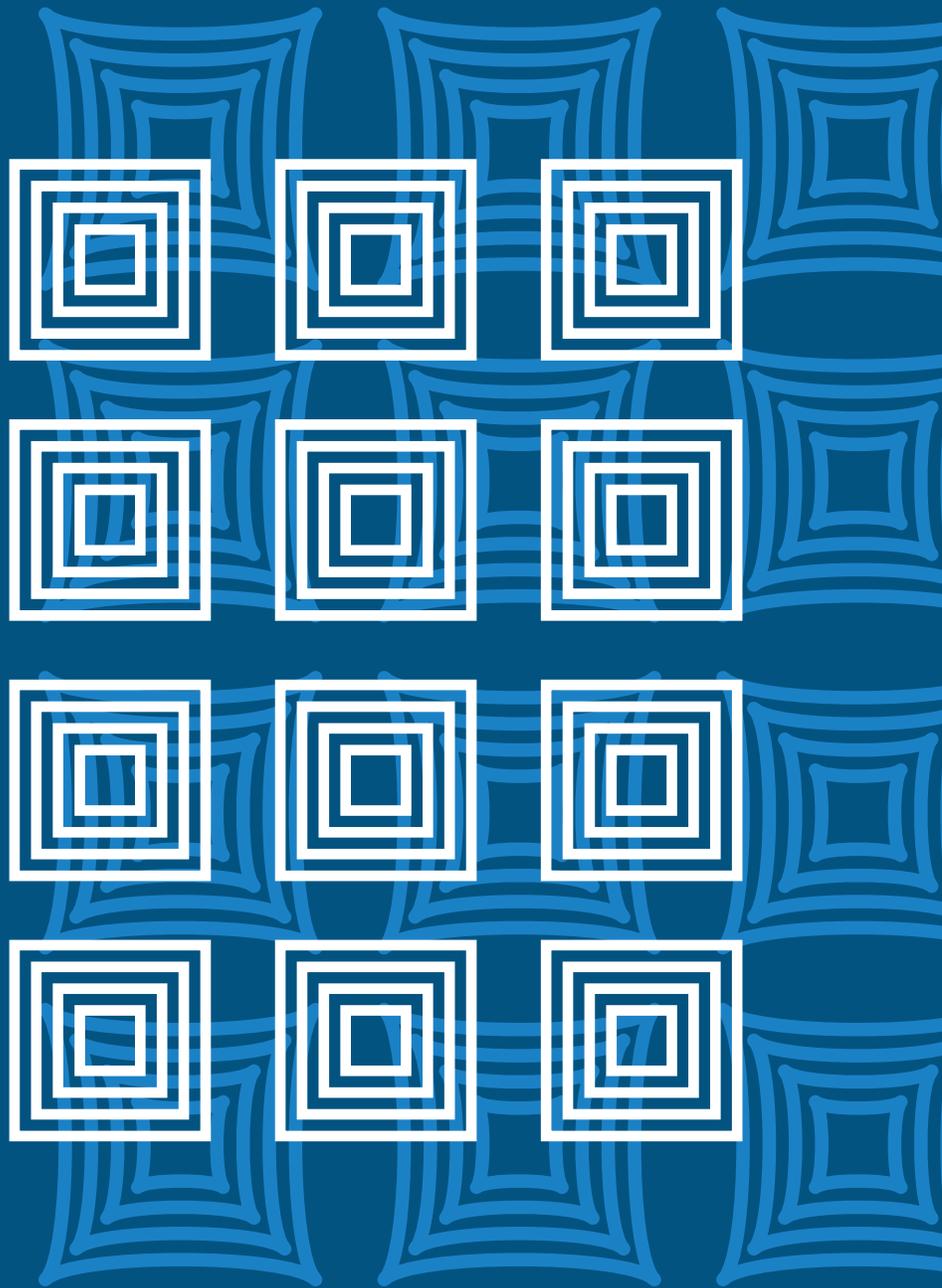
**Order in the Court**  
Planning Made Easy

**The Jury Pool**  
Bring Law Day to Schools

**By Unanimous Decision**  
Bring Law Day to the Community

**Why Juries Matter**  
Talking Points

**Resource Catalog**



## Wide Support for Law Day 2005

The ABA is pleased that the following organizations have confirmed their support of Law Day 2005 and its theme: "The American Jury: We the People in Action."

Administrative Office of the U.S. Courts

Alliance for Justice

American Alliance of Paralegals, Inc.

American Association of University Women Legal Advocacy Fund

American Board of Trial Advocates (ABOTA)

American Civil Liberties Union (ACLU)

American Federation of Teachers

American Inns of Court Foundation

American Judicature Society

American Lawyers Auxiliary

American Library Association

American Association of Retired Persons (AARP)

Center for Civic Education

Close Up Foundation

Constitutional Rights Foundation

Constitutional Rights Foundation—Chicago

Council on Legal Education Opportunity

Equal Justice Works

Fairvote—The Center for Voting and Democracy

Families Against Mandatory Minimums

Federation of State Humanities Councils

Freedom's Answer

Humanities Council of Washington, D.C.

International Association of Defense Counsel

League of Women Voters

Migrant Legal Action Program

National Asian Pacific American Bar Association

National Asian Pacific Legal Consortium

National Association of Criminal Defense Lawyers

National Association of Women Judges

National Association of Women Lawyers

National Bar Association

National Center for Youth Law

National Community Education Association

National Immigration Law Center

National Judicial College

National Low Income Housing Coalition

Native American Rights Fund

Organization of Chinese Americans

Phi Alpha Delta Public Service Center

Street Law, Inc.

U.S. Department of Justice, Office of Justice Programs/OJJDP

U.S. Department of the Interior National Park Service

Youth Law Center

(Organizations on the list above committed their support of Law Day 2005 on or before December 22, 2004.)

For more information, visit our website, [www.lawday.org](http://www.lawday.org)

# The American Jury WE THE PEOPLE IN ACTION



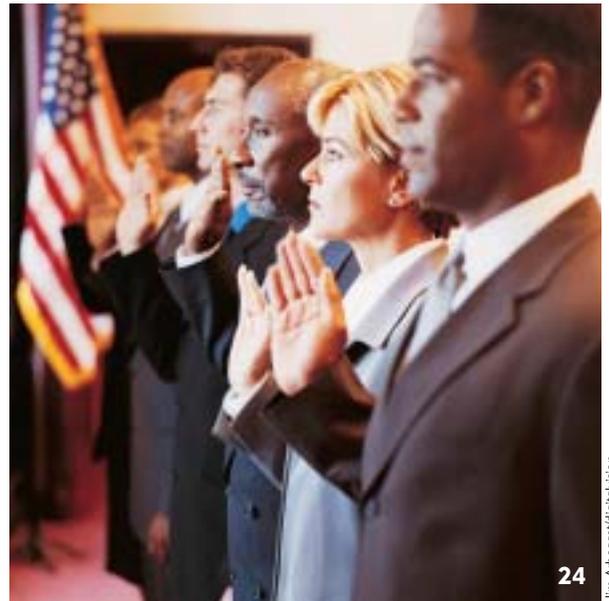
11



19



28



24

Jim Arbogast/digitalvision

## Contents

- 2 Law Day 2005 Fact Sheet
- 3 Message from the President

### 5 Planning

- 6 Planning Made Easy
- 7 Law Day 2005 Planning Timeline
- 8 Experts Speak Out

### 9 Publicizing

- 10 Mobilize the Media
- 11 Media Relations Tools That Work
- 12 Sample 2005 Law Day Proclamation
- 13 PR Pros Speak Out

### 15 Teaching

- 16 Bringing Law Day to Schools
- 17 Contests That Go Beyond the Essay Competition
- 18 Being a Hit in the Classroom
- Law Day Presentation Options**
- 19 Choosing an Impartial Jury (K–6)
- 20 What Juries Should Hear and See (middle grades)
- 21 Juries: Cornerstone of Democracy (high school)
- 22 Websites/Resources

### 23 Community Outreach

- 24 Involving Everyone in the Community
- 25 Programs in the Community

### 27 Speaking on Law Day

- Talking Points on**
- 28 Why Juries Matter
- 29 Juries as a Democratic Institution
- 30 Helping Juries Do Their Job

### 31 Winning

- 32 Outstanding Law Day 2005 Activity Awards
- 33 2004 Activity Winners
- 34 Law Day Speech Awards

### 35 Resource Catalog

- 36 Top 10 Law Day Favorites
- 38 Best Selling Giveaways
- 39 Greatest Gifts
- 40 Most Rewarding Awards
- 42 Most Popular Posters
- 44 Amazing Mock Trials
- 47 Bookstore Best Buys
- 49 Order Form



38

#### Credits

Standing Committee on Public Education  
Alan S. Kopit, Chair

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Mabel C. McKinney-Browning, Director

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# Law Day 2005 Fact Sheet

## What Is Law Day?

A national day set aside to celebrate the rule of law. Law Day underscores how law and the legal process have contributed to the freedoms that all Americans share.

## How Did Law Day Begin?

**1957**—American Bar Association (ABA) President Charles S. Rhyne, a Washington, D.C., attorney, envisions a special day for celebrating our legal system.

**1958**—President Dwight D. Eisenhower establishes Law Day to strengthen our great heritage of liberty, justice, and equality under law.

**1961**—May 1 is designated by joint resolution of Congress as the official date for celebrating Law Day.

## When Is It Celebrated?

May 1 is the official date, but in fact Law Day can be celebrated on any date. It often becomes Law Week (or Weeks!) as Law Day planners reach out to a broad segment of the community.

## How Is It Celebrated?

Law Day programs are designed to help people understand how law keeps us free and how our legal system strives to achieve justice. Law Day is celebrated in schools across the country and in programs designed to reach the adult public. Thousands of programs are conducted every year.

## Who Puts On Law Day?

Law Day is often planned by state and local bar associations, courts, and schools in communities throughout the country. Often these groups work together to reach the largest possible audience.

## What Is This Year's Theme?

The American Jury: We the People in Action. This theme reminds us that trial by jury was one of the rights American fought for in seeking our independence. The Founders saw juries as a cornerstone of freedom, a way for the people to resist the tyranny of an unjust government.

## Why Is This Theme Important to People?

The jury is the embodiment of democracy. We entrust juries—small bodies of ordinary men and women—with decisions that involve the liberties and property of defendants. In doing so, we confirm our faith in the ability of people to make just and wise decisions, and that is the very definition of democracy.

***"I'm no idealist to believe firmly in the integrity of our courts and in the jury system—that is no ideal to me, it is a living, working reality.... A court is no better than each ... of you sitting before me on this jury. A court is only as sound as its jury, and a jury is only as sound as the [people] who make it up. "***

—Atticus Finch in Harper Lee's *To Kill a Mockingbird*



## Law Day and Jury Improvement

Over 47 years ago, then ABA president Charles Rhyne envisioned Law Day as an opportunity for the nation to celebrate the rule of law, a cornerstone of our democracy. This year, I hope that Americans will be reminded of the important service that juries perform in protecting our freedoms and sustaining the rule of law. Through the thousands of activities and programs that will be presented throughout the country on Law Day, we seek to deepen Americans' understanding of how juries helped us to win our freedoms and how, even today, they help us to maintain them. Most importantly, we hope to encourage all Americans to answer the call to serve on juries whenever they are summoned.

The jury system is by no means broken. Every day, juries across America render fair and just verdicts and keep the wheels of justice moving. In the abstract, most Americans strongly support the jury system and are eager to participate. Yet, in practice, we find that response rates are too low in many jurisdictions, and most agree that some measures can be taken to make the experience of serving on a jury more productive to the administration of justice and less cumbersome to the individual called to serve.

I have dedicated my term to jury improvement. There are two components to this effort. First, there is the technical 'best practices' piece. The ABA is the perfect vehicle to analyze what state-based rules and procedures work best and then promote what we believe are the best principles of juror management. What has proved successful in one jurisdiction may very well work in every jurisdiction. The ABA's role is to increase the knowledge and take a stand on what we believe enhances the jury system. These best practices involve everything from source lists used to pull a jury pool, to courtroom procedures, to juror pay and employer support.

The second component is public outreach and public education. We need to remind the public of the importance of jury service as a high calling of citizenship and an important way to participate in the way our government functions. We need to do whatever we can to inspire the citizenry about what Jefferson called "the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." A summons to jury service is not an invitation to participate in a market research exercise. It is a fundamental tool of our democracy that has a real effect on people's lives.

To improve public education about the jury, I appointed the Commission on the American Jury to improve our contact with the public on jury service. They are working hand in hand with the ABA's Division for Public Education to create powerful, consistent messages about the importance of jury service. We're finding ways of targeting these messages to all kinds of groups, from children in elementary school to adults at the community center. The goal is to raise the level of consciousness about jury service in the American public so that when citizens receive summons in the mail, they will recognize the vital role their service plays in our system of justice.

Law Day gives us a terrific opportunity to reach the public with these important messages.

Robert J. Grey  
 President  
 American Bar Association

# Win Your Case

With Our Juried Selection of Law Day Favorites

gifts ■ awards ■ wearables ■ give-aways ■ posters ■ books ■ mock trials ■ videos ■ media tools



available in the **Law Day 2005**  
**RESOURCE CATALOG**

pages 35-48

## ■ section 1 | **PLANNING**



Houston, TX Law Week co-chair Bret Bosker helps plan the Houston Bar's award-winning program.

A memorable Law Day program begins with a solid plan. Check out our simple guidelines on the next pages for a smooth and efficient planning experience. You can make your Law Day informative and enjoyable for your community—and for your colleagues—with the help of our planning tools.

- Planning Made Easy
- Law Day 2005 Planning Timeline
- Experts Speak Out

***"I have always thought that one man of tolerable abilities may work great changes, and accomplish great affairs among mankind, if he first forms a good plan...."***

Benjamin Franklin



For additional planning ideas  
access: [www.lawday.org](http://www.lawday.org)  
click on: [planning guide](#)



## Order In the Court: **Planning Made Easy**

The verdict is in for new or experienced Law Day planners: You can make Law Day 2005 the best yet when you begin the planning process early. These simple, tried-and-true ideas will help you bring this year's theme to life in your community.

*People in Action:* **Begin Early.** Encourage your team to think about Law Day 2005 now to maximize your ability to get the planning off to a good start. See the Planning Timeline on the next page to keep your process on track.

*Voir Dire:* **The Selection Process.** A diverse committee is ideal. Include some people who were involved before and know what it takes to get things done, and add new members who can provide fresh perspectives. People from a range of fields will come up with creative ideas, have more contacts, and increase the number of people reached by your Law Day programs. Include lawyers, judges, representatives from local schools, and other members of the community. Invite a local reporter to join the group and maximize your chances for media exposure and coverage.

*Meting Out Fair Justice:* **Make Sure You Have Good Leadership.** Discuss realistic time commitments and responsibilities with your committee members and identify individuals best equipped to lead the planning process. Elect a chair to lead the Law Day committee and, perhaps, a vice-chair to take over next year.

*Informed Consent:* **Set Goals.** Encourage your committee to come up with at least three goals for Law Day 2005. Do you want to reach more people, increase attendance, or create a new program? Do you want to make your program more interactive, educational, or fun?

*On the Docket:* **Match Your Programs to Your Goals.** With goals in place, focus on programs that will help you reach them, keeping your target audiences in mind. Use the expertise of your committee members, and brainstorm options. School representatives can align programs to curriculum goals and student interests. Community representatives can connect programs with local issues and events. Judges and lawyers can use

speaking opportunities and media interviews to educate the public about this year's theme.

*Cause for Action:* **Divide the Workload.** Once you decide on this year's programs, start assigning the work. Depending on the size of your committee, you may want to create sub-committees to deal with programs, finances, and the media. Staff members can provide support to volunteer committee members and should check in with them often to make sure everything is on track.

*Calling Witnesses:* **Sign Up Sponsors and Partners.** Bring in some sponsors or partners to share the costs and enhance your programs. Libraries can provide you with facilities; media partners can help you with costs and publicity; local printers can help with in-kind contributions. Make sure that you recognize their goodwill by including them in your publications and programs.

*Advocate for the Parties:* **Seek Publicity.** Start your public relations planning and implementation early for best results. (See "Make a Motion to Mobilize the Media" on p. 10.)

*Roll Call:* **Your Punch List.** The week before Law Day create a list of last-minute details that need to be addressed to ensure they are completed on time. The day before Law Day, create a list of tasks to be handled on Law Day and a schedule for their implementation.

*Your Day in Court:* **Law Day 2005.** Review your punch list and check off tasks as they are completed. Arrive early, and enjoy.

*Convene and Debrief:* **The Evaluation.** Once Law Day is over and things have settled down, have a final meeting to discuss what worked and what didn't and which programs you want to repeat, expand on, or replace. You may want to consider this session as the first planning meeting for next year.

# Gavel to Gavel: Law Day 2005 Planning Timeline

Activity	Now	Jan.	Feb.	March	April	May	June	Notes
Create Law Day committee.	✓							
Select committee chair.	✓							
Establish goals and a plan of action.	✓							
Identify community resources.		✓						
Select lessons for the schools and materials for the public.		✓						
Order ABA Law Day materials by Feb. 15, 2005, to get 10 percent discount.			✓					
Make arrangements for mock trials, films, speakers, and courtroom tours.			✓					
Contact companies about sponsoring paid advertisements in support of Law Day.			✓					
Recruit volunteers.			✓					
Finalize participants, dates, and sites.			✓					
Order ABA Law Day materials by March 15, 2005, to get 5 percent discount.				✓				
Contact media for Law Day coverage.				✓				
Officially invite VIPs to your programs.				✓				
Begin publicity campaign.				✓				
Order ABA Law Day materials by April 12, 2005, to guarantee delivery by Law Day.					✓			
Confirm all details of programs. (See the Punch List)					✓			
Print programs for events (forums, speeches, courthouse sessions).					✓			
Distribute materials to schools, lawyers, and other participants.					✓			
<b>CELEBRATE LAW DAY!</b>						✓		
Take photos or have a professional photographer on hand.						✓		
Send thank-you letters to program participants and media.						✓		
June 13: Deadline for entering ABA Law Day competitions. See pages 31–34 for guidelines.							✓	

## Ideas

## We the People: **Experts Speak Out**

Planners from around the country share their top tips for Law Day planning



**Judge Deborah Hollifield**

*Denton County Justice Court, Precinct Two, Denton, Texas*

**Judge Hollifield makes magic with her \$500 budget.**

- Start early to identify the right contacts in the schools, and approach them a year ahead in the spring when they do their planning. School districts that have small enrichment resources (rural areas and charter schools) welcome posters, mock trials, and tours. Kids love to view our poster and essay contest winners on our website, which also has quizzes and links about Law Day.
- Join with a civic group, such as a Kiwanis Club, that has a volunteer group in place. Our local Kiwanis Club invites representatives from schools to a Law Day luncheon, where poster and essay contest winners receive their awards.
- Our local legal aid organization sponsors an open house in one of our juvenile courtrooms.



**Natalie Klyashtorny**

*Chair, Young Lawyers Division Philadelphia Bar Association*

**"Delegate assignments early on, but maintain oversight over members of the committee to make sure the work gets done."**

- Start planning early with a preliminary committee meeting in mid-February.
- Last year, we received major media coverage in Philadelphia and won first place in the American Bar Association's Young Lawyer Division's Service to the Public awards. The breadth of our event would not have been possible without collaborating with our senior bar, which helped create a joint event between the Philadelphia Bar Association and the School District of Philadelphia. Held at the School Administration Building, attorneys, educators and students discussed the impact of last year's Law Day theme on their lives.



**Sherry Belfield**

*Director of Communications and Special Projects, Mecklenburg County Bar, NC*

**"We have a well-rounded committee that starts planning Law Day activities in the fall."**

- When school personnel are part of the planning and understand how activities enhance the curriculum, they are eager to be involved. Their partnership and enthusiasm is key to the success of our public school program.
- Have significant interaction with key sponsors and build relationships with new ones. We also establish a strong relationship with personnel at the venue for our luncheon, which is our signature event.

## ■ section 2 | PUBLICIZING



Clearwater, FL Pinellas County Commissioner Susan Latvala (right) presents a Law Day Proclamation to the Clearwater Bar Association, received by Susan Churuti, Pinellas County Attorney and Past President of the bar.

Well-placed publicity for your programs will help you reach your Law Day goals. An article in your local paper or a radio or TV interview is an effective vehicle for getting your message across. Whether you are a public relations professional or a novice, you can generate interest by putting the media to work for you.

- Mobilize the Media
- Media Relations Tools That Work
- PR Pros Speak Out

***"Publicity is ... as essential to honest administration as freedom of speech is to representative government."***

William Jennings Bryan



For additional media opportunities  
access: [www.lawday.org](http://www.lawday.org)  
click on: reaching media

## Make a Motion to Mobilize the Media

Media relations—sometimes considered free publicity—is a powerful tool for reaching large numbers of people and acquiring third-party endorsements. With high-profile trials in the news, this year’s theme is particularly relevant. Follow our three-step plan, and get results.

### Phase 1:

#### Media coverage before Law Day

- Create a media list with contact information for the TV, radio, and print editors and reporters most likely to be interested in your Law Day programs. Reporters who cover a range of beats—community events, including columnists; the law; or education—may see story ideas from different angles. Include names, phone, fax, e-mail, and mailing addresses.
- Make your activity newsworthy by including elements that make your program stand out—such as a big-name speaker at a luncheon or hosting an awards ceremony for an elementary school poster contest.
- Develop a news release (and/or press kit) about your Law Day programs and send it to the contacts on your media list six weeks before Law Day.
- Ask the community calendar reporters to include your programs in their listings. Also, send your calendar of events to everyone who might help get the word out—schools, libraries, big law firms, public interest agencies, government offices, courts, and law schools.
- Write a letter to the editor of your local newspaper.
- Write articles about your Law Day programs and send them to the newsletters of local organizations—Neighborhood Watch newsletters, for example.
- Ask a journalist to help judge a poster or essay contest.
- Identify key spokespersons and create talking points for them.
- Follow up with reporters a week after you send them materials and again a week before May 1, or the start of your programs. Suggest interviews with key spokespeople.

### Phase 2:

#### Media coverage on Law Day

- Call assignment editors at local publications the morning of your event to see if your programs are on their assignment lists.
- Have someone on hand who can take quality photographs or a professional videotape of the event.
- Have a greeter in place to receive reporters at your events to provide information and assistance.
- Introduce your spokesperson(s) to reporters for interviews.

### Phase 3:

#### Media coverage after Law Day

- Create a post-event news release and send it to reporters with photos for follow-up stories. Include what transpired, who attended, and how many people were reached. For TV, mention the availability of videotape if you have one.
- Collect clippings from publications to inform your constituencies about your Law Day success.
- Send a thank-you letter to any journalists who contributed to your planning or participated in a program or event.
- To help you plan for next year, keep a file including what worked and what didn’t, your media contacts, and suggestions for the future.



#### OPPORTUNITY

Include Law Day giveaways in your mailings, such as pencils, posters, or rulers to keep Law Day programs top-of-mind.

**Rhode Island Bar Association**  
Past President John M. Roney made Law Day points under the watchful eye of an NBC Channel 10 camera. This classroom presentation appeared in news stories on the station's noon and evening news.



**Valley Community Legal Foundation of the San Fernando Valley Bar Association.** The bar made a large poster of this resolution, which was displayed at the Foundation's Law Day Dinner.

## Media Relations **Tools That Work**

### Press Release

A well-written press release with a compelling message will help sell your story.

- Lead off with an interesting sentence that brings the newsworthiness to the forefront.
- Include the basic who, what, when, why, where information in the first or second paragraph.
- In following paragraphs, provide all the relevant information about your program or event. A journalist might use your press release as the basis for a story. Limit your press release to no more than two pages.
- Include a quote from a key spokesperson.
- Use short sentences for clarity and impact, and check them for accuracy.
- Recognize sponsors and partners.
- Include a contact person's telephone number and e-mail address and make sure that the telephone is staffed during business hours.

### Public Service Announcement (PSA)

A public service announcement is a short statement that can be read over the air on the radio or TV. A PSA is not a press release and should be accompanied by a cover letter.

- A PSA is a statement telling who, what, when, and where, usually in one to two sentences.
- When read aloud, PSAs run 10 to 20 seconds in length. Practice reading your copy out loud at varying speeds to make sure it is about the correct length.
- Send your PSA to the public affairs contact at your local radio and TV outlets, and follow up with them to encourage placement.

### Fact Sheets (also known as backgrounders)

Fact sheets are one-page inserts for press kits and can be included with a press release. They provide background information to help reporters and editors with their stories. See page 2 for a sample fact sheet. Typical fact sheets include: relevance of Law Day theme, history of a sponsoring organization, biographies of key spokespersons, overview of a program or event, and list of sponsors.

- This one-page insert should be focused on one topic and contain the name, telephone, and e-mail information for a contact at your organization.
- Bulleted items provide quick and easy readability (important to busy reporters).
- The insert can be e-mailed, faxed, or mailed, as requested by reporters.

### Proclamation

Securing a proclamation from an elected official, such as a mayor or governor, gives Law Day weight and credibility in your locale and may make your story more newsworthy to reporters.

- Write a cover letter explaining your request.
- Approach your official with the ABA's sample Law Day proclamation on page 12, which can be adapted to fit the emphasis of your program.
- Start the process early, and be persistent as the request works its way through channels.
- Alert reporters to where and when the proclamation reading will be held. A public signing or reading can be a good photo opportunity for them.

#### Your Law Day Press Kit | What to Include

- News release (who, what, where, when, why)
- Fact sheet on Law Day or the jury (see p. 2)
- Speaker biography (if pertinent)
- Overview of program(s)
- Printed materials, such as flyers and brochures
- Public service announcement
- Law Day giveaway, such as Law Day pencils.

## SAMPLE 2005 LAW DAY PROCLAMATION

Whereas, Law Day is a celebration of our great heritage of liberty, justice, and equality under law;

Whereas, one of the principles we fought for in the Revolutionary War was the right to trial by jury. The Declaration of Independence pointed out that George III had deprived Americans, “in many cases, of the benefits of trial by jury”;

Whereas, a jury of one’s peers is a cornerstone of American democracy. Along with voting, it’s one of the main ways people take part in the public life of this nation;

Whereas, trial by jury is guaranteed in the Fifth, Sixth, and Seventh Amendments;

Whereas, jurors decide whether defendants are guilty or not guilty, liable or not liable;

Whereas, the decisions that jurors make affects millions of lives everyday and have a profound impact on our economy and our society. By entrusting jurors from the community to decide legal cases—some of them involving millions of dollars or life and death issues—we reinforce our belief that everyday people can make the right decision, that we are an open, democratic government; and

Whereas, few activities in our civic life provide such a direct contact with our democracy as does jury service;

Now, therefore, as we celebrate Law Day 2005, we acknowledge the central role of juries in American life, and we recognize the importance of educating our fellow citizens about the rewards and benefits of jury service.

NOW THEREFORE, I, \_\_\_\_\_, (Mayor, Governor, etc.) of \_\_\_\_\_, do hereby proclaim Sunday, May 1, 2005, as Law Day. I urge the citizens, schools, businesses, and media of \_\_\_\_\_ to use this occasion to dedicate ourselves to preserve and strengthen the jury system.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of April, in the year of our Lord two thousand and five, and of the Independence of the United States of America, the two hundred and twenty-ninth.

## Be Media Savvy

### Do:

- Be honest and direct.
- Follow up with reporters and other contacts a week after you send materials. You might say, “I am (your name) from (name of your organization) following up on the news release I sent you last week to ensure that you received it. It is our hope that you will inform your readers about the Law Day commemoration on May 1 and the programs available to them.”
- Be brief in conversation and voice-mail messages, provide your name, organization, and phone number, and state clearly why you are calling.
- Be gracious. There’s a fine line between being assertive and being pushy.



### OPPORTUNITY

Get information about upcoming public meetings (such as PTA meetings and school board sessions) and contact organizers to obtain time on the agenda to give a short public announcement about Law Day.

### Do Not:

- Confuse publicity with advertising.
- Send your Law Day materials to a media outlet without pinpointing the most appropriate reporter(s) to receive them.
- Send your press release to reporters as an attachment to an e-mail (most reporters prefer e-mails with the content embedded in the message).
- Assume that the media will cover your programs. They have many requests for coverage on their desks and need to know why your programs deserve their attention.



### OPPORTUNITY

Use your press kit materials as the basis for information packets you may want to send to potential sponsors and partners and hand out at a program or event.

## We the People: PR Pros Speak Out



**Jennifer Branstetter**  
Communications Coordinator  
Pennsylvania Bar Association

**“You'll get the best publicity and media coverage for your program if you involve the public.”**

- We partner with Pennsylvania's statewide television network to broadcast our Law Day events across the state. We bring students to the Pennsylvania Supreme Court Chamber and State Capitol for programs. Last year, more than 900 members of the community attended, and it was televised statewide.

- We develop relationships with more than 1,000 schools across the state by working through the Pennsylvania Department of Education, and we partner with Newspapers in Education in Pennsylvania to spread the word. We make presentations to educators at conferences and mail brochures to teachers, principals, and superintendents.



**Patience A. Burns**  
Executive Director  
Palm Beach County Bar

**“We run a half-page newspaper ad for two or three days (subsidized by a grant) to get RSVPs for our clinics.”**

- We send media kits to reporters to get calendar listings.

- Our mock trials with students dressed up as the characters create interesting photo opportunities.

- We set up a series of live radio interviews for the members of our committee to air the week before Law Day.



**Bradley G. Carr**  
Director of Media Services &  
Public Affairs  
New York State Bar Association

**“Newsworthy media coverage is one of the most worthwhile projects any bar association can participate in.”**

- Staff the phones at a local radio station with young lawyers who can provide information off the air to callers. The radio station can promote the “Ask a Lawyer” program as a public service to the community.

- Write a letter to your local paper and ask if you can meet with the editorial board to discuss Law Day and suggest that the paper write an editorial.

- Sponsor a 5K run/walk to raise money for the local domestic violence shelter or other worthy cause.

- Conduct a “People's Law School” adult education program on a topic such as elder law.



**Kenneth Brown**  
Director of Public and Media  
Relations  
Ohio State Bar

**“By targeting our program at community, regional, and statewide levels, we get hundreds of clips each year.”**

- Our Law Day essay contest (“There Ought To Be a Law...”) is judged on local, regional, and statewide levels. Reporters like to cover people in their community getting recognition in a statewide event.

- The high-level officials involved in the program give credence to the event and spark interest among the media. We announce essay contest finalists and winners in the State Capitol at a Law Day luncheon.

Free!

# DIALOGUE ON THE AMERICAN JURY

**a Resource for Lawyers, Judges, and Teachers**

The latest addition to the ABA's popular *Dialogue* series focuses on the American jury system, exploring one of the fundamental institutions of our justice system and our democracy. The booklet contains several approaches to teaching about juries to secondary students and community groups. That makes the publication a natural for Law Day this year, but in fact lawyers and judges are encouraged to use the *Dialogue on the American Jury* with students and community groups throughout the year.

The *Dialogue on the American Jury* is free. Please log on the [www.abajury.org](http://www.abajury.org) website to find complete ordering information. That site also contains a PDF of the booklet that you can download and reproduce. In addition, the site has a wealth of background information, a quiz, and many helpful links to other resources that will help you teach about juries.

The *Dialogue on the American Jury* offers numerous perspectives on the jury and its role in American society. Part I offers an historical overview of the jury, from its roots in medieval England to its modern standing as a panel of laypersons drawn from a representative cross-section of the community. Part II takes up issues confronting the jury today, including whether jury verdicts need be unanimous; who should—or should not—be required to serve; punitive damages; and how to address the new challenges terrorism



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poses to trial by jury. Part III looks at landmark Supreme Court rulings on the jury and the questions they raise.

Focus questions are included in each section of the *Dialogue*, designed to help lawyers and judges to begin their discussions. The booklet encourages new directions that will help students and community groups explore the many issues related to the American jury.

The *Dialogue* series began through the efforts of Supreme Court Justice Anthony Kennedy. In February 2002, he introduced a new ABA program, the *Dialogue on Freedom*, at the ABA Midyear Meeting in Philadelphia. Taking up Justice Kennedy's call for engagement with our nation's young people, lawyers and judges across the country went into tens of thousands of high school classrooms to discuss with students the constitutional and legal principles upon which our nation is based.

The *Dialogue* program has proven immensely popular and has continued to grow. In 2003, the ABA introduced a second installment in the *Dialogue* program to commemorate the 50th anniversary of the Supreme Court's landmark ruling in *Brown v. Board of Education*. The *Dialogue on the American Jury* is the third in the series.

**Order your copy today. Visit [www.abajury.org](http://www.abajury.org)**

## section 3 | TEACHING



Highlands Today/Tampa Tribune

Highlands Community, FL Cracker Trail Elementary School students learn about Law Day from local attorneys Linda Rodriguez Torrent, Rob Livingston, and Jani Branham.

Capitalize on students' interest in TV and movie trials while expanding and correcting their perceptions about juries. Consider our tips and sample lessons for classroom visits that separate fact from fiction.

- Bringing Law Days to Schools
- Contests That Go Beyond the Essay Competition

***"Education is not the filling of a pail, but the lighting of a fire."***

William Butler Yeats



For additional school activities  
access: [www.lawday.org](http://www.lawday.org)  
click on: [for schools](#)



**Birmingham, AL** On April 30, The Birmingham News' Newspapers in Education program sent out 80 lawyers to 55 middle and high schools around the Birmingham metro area.



**Lincoln, NB** Dr. Terrence Roberts, a member of the "Little Rock Nine," informally answers questions from student Law Day essay contest winners and a teacher at the recognition luncheon.

## Jury Pool: **Bringing Law Day to Schools**

Here are a few tips for success in the classroom. Ensure that students from all schools—public, private, and parochial—will know more about the jury system after Law Day 2005.

### Contact Now and Later

Contact the schools *NOW* to be sure Law Day 2005 is on the calendar. Whether it is or not, it would be prudent to contact each school principal and tell them they will be receiving details on Law Day activities very soon. As soon as this Law Day is over, be sure Law Day 2006 is on next year's school calendar.

### Involve Stakeholders

Ask yourself "Who in my community has a vested interest in schools and education, particularly education about the law, democracy, and juries?" These are the people who should be on your planning committee, with the most likely candidates being teachers of civics and law-related education, administrators, parents—particularly civic activists—and students. They will not only get you into the schools, but will help ensure that your presentations are on target.

### Get Your Foot in the Door

Develop a one-page flyer outlining Law Day activities to be distributed to schools and put on the school websites. Mail the flyers *AND* have some hand delivered, preferably by a committee member or parent-bar association member. Generate a set of talking points that can be used in telephone and direct contact with school personnel.

### Meet Education Goals

Ask the school people on your planning committee to identify the curriculum goals that the Law Day lessons support. Be sure to do this for all three school levels, elementary, middle, and secondary. Make these prominent in your flyers and talking points. If these are endorsed by a top-level administrator, all the better!

### Go Beyond Schools

Don't limit your outreach to schools. Community agencies that work with youth, such as YM and YWCAs, Boys/Girls Clubs, Girl/Boy Scouts, and church youth programs, will welcome your presentations. And don't forget home-schoolers.

# Summoning Interest: Contests That Go Beyond the Essay Competition

## Competitive fun generates excitement about Law Day.

Take advantage of kids' interest in technology and the media by staging "televised" debates and generating websites for posting essays.

The most valuable entries will grow out of classroom instruction. Try to tie your competition into work already being done in the school. Look for opportunities in a full range of courses, such as literature, drama and speech, art and design, history and civics, and computer science.

### Consider

- An interview/writing assignment competition about jury service, where kids interview people in their community who have served on a jury, determining how people feel about jury duty, what challenges they faced in reaching a verdict, etc.
- A student writing competition, where students develop an argument on how the right to trial by jury and democracy are connected.
- A drama competition, where kids write and act out a voir dire process for one of the fairytale mock trials available from the ABA (see pages 44–46), and from many state bar associations.
- A debate competition. See sidebar on debate/essay contest ideas.
- An essay contest. See sidebar on debate/essay contest ideas.
- A rap contest/poetry slam, where kids expound on the right to trial by jury or issues raised in the sidebar on debate and essay contest ideas.
- A student journalism contest, where kids compete for the best stories on juries and jury service.
- A drama competition, where kids act out the jury deliberations of a famous case in literature such as in *To Kill a Mockingbird*.

Display winning entries in schools, law offices, city hall, courthouses, and other public areas. Put the winners up on legal and school websites.

Cash prizes are not necessary. A certificate presented at a public gathering can be sufficient. Winners could be recognized at Law Day events.



**Cochise County, AZ** The county's Law Day 2004 ceremony featured students who received recognition for their essays on the topic, "Are Americans more or less welcoming of diversity today?" (left) Junior high student Mary Lin reading her essay. (right) Lin, high school winner Anna Webb, and junior high winner Paula Jones.



**Hartford, CT** (left) The First Place winner in the 2004 Greater Hartford Legal Aid "Justice Is ..." art contest portrays what it took to get *Brown v. Board of Education* decided and enforced. (right) Angel Hernandez, the First Place winner in the contest, receives a certificate at a Law Day ceremony.

### Debate/Essay Contest Ideas

- What are the strongest arguments that the founding fathers made regarding the role of juries in a democracy?
- Should juries be concerned only with the facts and the judge with the law?
- Are juries capable of hearing evidence and reaching sound verdicts in complex legal cases relating to advanced technology or medical science?
- Should the law regarding jury service be standardized across states?
- How can jury service be made more inviting and equitable?
- What does a jury of your peers mean and how likely is it that this ideal is achieved?



Virginia, MN Kids were delighted to take part in a special Law Day mock trial based on the Cinderella fairy tale. With a script from the ABA and a few props, 120 fifth graders were enthralled, without a peep, for over half an hour .... but then came questions!



Kodiak, AK Magistrate Anna Moran (back row) hosted two groups of home schooled children at the Kodiak courthouse during Law Week. This group of K-3rd grade students participated in a Law Day exercise about basing decisions on facts instead of opinions. They followed their courthouse tour with a tour of the police department.

## Being a **Hit in the Classroom**

### Tips for making presentations—on Law Day or any day

- Talk with the teacher before you plan your presentation. Be sure that what you plan fits his/her curricular needs. Clearly establish date, time, and place for your visit. Request that he/she will assist in handling any discipline problems that might arise.
- Start with a grabber—a startling fact or question that will get everyone’s attention.
- Make connections between your topic and the students. For example, when your topic is “juries,” ask if any of their parents have served on a jury; have they recently seen a movie or TV show featuring a jury? If there is a recent high-profile jury case, ask about that.
- Spice up your classroom presentation with a few good anecdotes of your own experiences with jury trials and the legal system. The kids will love it. However, don’t get carried away! Be short and to the point.
- Be prepared to shift gears if students either get overly excited and want to talk or distressingly disinterested and mum. If they appear bored, move quickly to an activity. If everyone wants to talk, try to keep the discussion on topic; then bring it to a close in time to finish what you planned. Know what your goals are and guide the lesson toward them.
- Be alert to engaging everyone. Don’t let a few dominate the conversation. The lesson activities are designed to get all involved.
- Pace yourself. Know where you want to be at the halfway point and when there are only 10 minutes left. Adjust as necessary and you’ll achieve what you planned.

# Law Day | PRESENTATION OPTIONS

## Elementary Level | Choosing an Impartial Jury

### Overview

In this lesson students gain some understanding of the challenges faced in selecting a fair and impartial jury.

### Preparation

- Reread *Goldilocks* or read the ABA Goldilocks mock trial (see p. 44) to become familiar with the details of the story (the case) before stepping into the classroom.
- For older students, make classroom sets of the handout below of potential jurors.

### Presentation

Begin by saying, "In the United States, anyone who is accused of a crime has the right to a trial by an impartial jury. A jury decides if the accused is guilty or not guilty. Ideally all members of a jury come to the trial without any bias about the accused. They can listen to all the evidence during the trial and decide on the basis of what they hear. They can be fair."

"Remember the story of *Goldilocks and the Three Bears*? Pretend that Goldilocks is on trial for breaking and entering the bears' house and that several creatures have been summoned for jury duty. Our task is to choose jurors who are most likely to be fair and impartial."

**Older students:** Distribute copies of the list of potential jurors. Working in small groups, students should decide who they would choose to serve on the jury. In debriefing, probe for why they chose these and not the others.

**Younger students:** Write the names of each juror, in turn, on the board and read the sentence that describes them. Ask: "Do you think \_\_\_\_\_ would make a good juror. Could he/she be fair and impartial? Why or why not?"

If time is limited, choose a sample that includes more obvious and less obvious selections and rejections.



Columbus Air Force Base, MS The base put on a mock trial of *The Three Bears v. Gold E. Locks*.

### Handout

## Choosing an Impartial Jury

- **Shirley Squirrel.** Her tree house was broken into by Rocky Raccoon last year, and a basket of nuts was missing.
- **Peter Rabbit.** He lives in Mr. Macgregor's garden and has never met the bear family or Goldilocks.
- **Merry Mary.** She is a good friend of many bears and has just moved into Goldilocks's neighborhood.
- **Frankie Fox.** He and his family have six wooden beds in their foxhole and love porridge for breakfast.
- **Ollie Owl.** He lives in a big spruce tree five miles from the bear family. He regularly flies over the Bears' woods but has not seen Goldilocks.
- **Grandma Badger.** She saw Goldilocks walking past her badger hole on the day the bears say their porridge was eaten and their beds slept in.
- **Sammy Snake.** He, his wife, and their children live in a grassy pasture where Baby Bear and his cub friends play ball.
- **Bernard Bear.** He works in a porridge factory and walks two miles to work everyday.
- **Barbara Bee.** She makes honey from the flowers in Mr. Macgregor's garden and worries about her honey being robbed.
- **Harriet Hairdresser.** She owns the beauty shop where Goldilocks's mother gets her hair done.

## Middle Grades | What Juries Should Hear and See

### Overview

This lesson requires students to generate courtroom rules that help ensure a fair trial.

### Preparation

Make enough copies of the handout below for the entire class.

### Presentation

- Begin by determining what students know and believe about the jury system. Spend a few minutes examining their perspectives. Ask and discuss such questions as: What is the difference between a criminal and a civil trial? Who are the major “players”? Do students know anyone who has been summoned for jury duty or served on a jury? What does a jury do? Conclude by noting that a jury is expected to reach a fair and just verdict.
- Tell the class that in order for a jury to reach a fair and just verdict, there are many rules on how a trial can be conducted.
- Divide the class into groups of three or five. Distribute the handout.
- Write on the board or overhead: “Courtroom rules are designed to ensure that the truth is found and that both parties receive a fair hearing.” Direct each group to use the information on the handout to develop three rules that will help achieve this goal. One rule for the kind of questions attorneys can ask, one for witness testimony, and one for evidence that can be presented.
- When the groups are finished, have each group share their rule for attorneys. Can the class agree on a consensus rule for attorney questions? Why would this rule help ensure that “the truth is found and that both parties receive a fair hearing”? How would it help a jury do its job? If time allows, ask students to generate examples of each kind of question. Continue with witness testimony and evidence in the same manner.
- Do the students’ rules comply with standard courtroom procedure? Provide examples.
- What if there were no such rules? What challenges would a jury face then?

### Handout

## What Juries Should Hear and See

### Questions by Attorneys

- A leading question is one that suggests an answer.
- Direct questions allow the witness to tell a story or provide facts in his or her own words on the basis of actual experiences or observations.

### Kinds of Evidence

- Direct evidence usually is that which speaks for itself, such as eyewitness accounts, a confession, or a weapon.
- Circumstantial evidence usually is that which suggests a fact by implication or inference, such as the appearance of a scene of a crime or criminal activity (e.g., seeing someone running away from a store that has a broken window).
- Irrelevant evidence has nothing to do with the issues in the case.
- Relevant evidence is evidence that is directly related to the case.

### Testimony by Witnesses

- Firsthand knowledge comes from direct experience. It is something that a witness has directly seen, heard, or experienced related to the case.
- An opinion is what a person thinks or believes.
- Hearsay statements are ones in which a witness tells about something that he or she has not experienced directly.



Chicago, IL Student delegates prepare their arguments before a discussion with policymakers about a proposed law at the 2004 Illinois Youth Summit held at the Dirksen Federal Building.

## High School | Juries: Cornerstone of Democracy

### Overview

This lesson focuses on the antecedents to the modern-day jury system in the United States.

### Preparation

Make enough copies of each “exhibit” in the handout below for one-third of the class.

### Presentation

- Get the students’ attention by asserting “Trial by jury is a modern-day invention that contributes nothing to a democracy.”
- Encourage responses from the class focusing on your two major points: “modern-day invention” and “contributes nothing to a democracy.”
- After some discussion, tell the class you do have three exhibits that contradict your assertion then divide the class into three groups distributing one exhibit to each. [Note: You may wish to make a fourth group comprised of students who want to defend your assertion.]
- Have each group choose a chairperson to guide the discussion, a recorder to write down key points, and a reporter to share their findings with the class. Charge them to be prepared to give examples of ideas/actions/events in which juries and democracy were linked; provide their dates; and explain the connections between democracy and juries.
- As each group reports, develop a timeline on the board to demonstrate the early evolution of a commitment to the jury system in the United States. Debrief the reports and fill in with any additional information on juries in early American history. Watch for vocabulary/concepts that may need clarification or further discussion, such as impartial jury, common law, and civil and criminal trials.
- If time permits, conclude this lesson by providing a brief background on historical antecedents to the U.S. jury system from the ancient Greeks to pre-colonial England.

### Handout

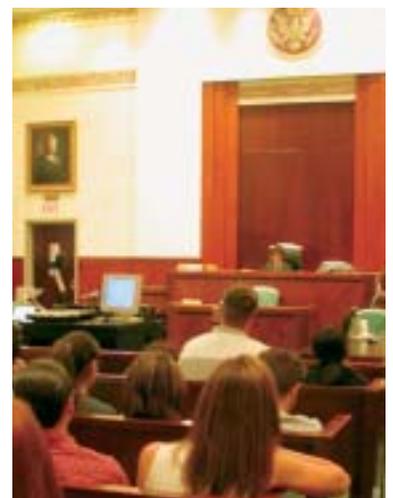
## Juries: Cornerstone of Democracy

**Exhibit I:** The jury system came to the English colonies with the first settlers. In those days, the jury was the most representative arm of government. In many states, a landed aristocracy controlled the legislature, the clergy, the military, and other societal institutions, but juries were made up of common people, and almost all male citizens had experience as jurors.

**Exhibit II:** Although English law provided for trial by jury, the Crown did not allow jury trials for colonists accused of violating the hated Stamp and Navigation Acts of 1765. In response, when writing the Declaration of Independence in 1776, the colonists castigated King George III for “depriving us, in many Cases, of the Benefits of Trial by Jury.”

**Exhibit III:** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed. U.S. Constitution, Bill of Rights, 1791—Amendment VI

In [civil lawsuits], where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined by any Court of the United States, than according to the rules of the common law. U.S. Constitution, Bill of Rights, 1791—Amendment VII



Los Angeles, CA At the United States District Court, Central District of California, Chief Judge Consuelo Bland Marshall addresses a class of students.



## Websites | Resources

Want to learn more about the jury? Our resource list below includes activities and lessons for students, as well as general information for the public.

### ABA Young Lawyers Division: “We The Jury”

[www.abanet.org/yld/wethejury/](http://www.abanet.org/yld/wethejury/)

Educate high school students about one of the most valuable civic duties in which they can participate: jury service. Curriculum materials ([www.abanet.org/yld/wethejury/wethejury.pdf](http://www.abanet.org/yld/wethejury/wethejury.pdf)) for the project were created by the Texas Young Lawyers Association. Materials available from the ABA include an 86-page curriculum guide, video, and promotional items.

### American Judicature Society: National Jury Center

[www.ajs.org/jc/](http://www.ajs.org/jc/)

Provides extensive information about all aspects of the jury, including: jury improvements, right to a jury trial, Frequently-Asked Questions, juror privacy, decision-making, and more. A topical bibliography of jury-related articles is also available.

### American Jury Initiative

[www.abajury.org](http://www.abajury.org)

This ABA site offers background information on juries, a downloadable *Dialogue on the American Jury* featuring lessons for use with secondary school children and adults, a quiz, a media kit, and resources including links to other sites, suggestions for further reading, and key Supreme Court cases.

### Bill of Rights Institute

[www.billofrightsinstitute.org](http://www.billofrightsinstitute.org)

Lessons on the jury at this site include “An Impartial Jury,” which can be found if you search on that term. Short readings are followed by questions for discussion and links to further resources.

### Center for Jury Studies

[www.ncsconline.org/Juries/](http://www.ncsconline.org/Juries/)

Includes jury news items, such as accommodating jurors with disabilities and free public transportation for jurors, as well as recommended books and reviews. Part of the National Center for State Courts.

### The Civic Mind: “Right to an Impartial Jury”

[www.civilmind.com/ljury.htm](http://www.civilmind.com/ljury.htm)

This lesson plan for grades 7–9 helps students understand the Sixth Amendment (right to trial by an impartial jury) by having them discuss a criminal jury trial in the news and analyze the jury selection process.

### Constitutional Rights Foundation: The Right to an Impartial Jury Trial and a Free Press

[www.crf-usa.org/bria/bria11\\_1.html](http://www.crf-usa.org/bria/bria11_1.html)

This site contains three articles and activities on the mass media and its influence on criminal trials. Articles draw upon real cases; both discussion-based and writing-based activities are included.

### Constitutional Rights Foundation—Chicago: “The American Jury: Bulwark of Democracy”

[www.crfc.org/americanjury/](http://www.crfc.org/americanjury/)

This online resource guide features lessons and other resources intended for teachers, students, and the public at large. Jury trial resources for use in the classroom are also included. Topics covered include the origins of the American jury, jury nullification, jury reform, and more.

### Law Day

[www.lawday.org](http://www.lawday.org)

ABA site has much background material on the jury, as well as general ideas about celebrating Law Day.

### LegalVote.com—You Be the Jury

[www.legalvote.com](http://www.legalvote.com)

Site allows visitors to act as jurors by providing input and opinions on real and pending civil and criminal cases involving real people. Once collected, this input can affect how a case is ultimately tried before a jury, or help bring about a settlement; it may assist attorneys and their clients in resolving their disputes and assessing the value of their claims and will even have an impact on cases all over the country.

### National Constitution Center: The Responsibility of the Jury

[www.constitutioncenter.org/education/CurriculumResources/LessonPlans/JuryDuty/5495.shtml](http://www.constitutioncenter.org/education/CurriculumResources/LessonPlans/JuryDuty/5495.shtml)

Lesson for middle- and high-school students focuses on the meaning of responsibility and civic duty by highlighting the role of the juror and jury duty.

### PBS Frontline: “The Plea”

[www.pbs.org/wgbh/pages/frontline/shows/plea/](http://www.pbs.org/wgbh/pages/frontline/shows/plea/)

This Frontline feature explores plea bargaining, the process by which a defendant agrees to forego a jury trial and plead guilty in exchange for a reduced sentence. Features include real-life cases and interviews as well as an article about the disappearance of the criminal jury trial.

### Law-Related Education Projects

#### American Bar Association’s Division for Public Education

[www.abanet.org/publiced](http://www.abanet.org/publiced)

Information about volunteer opportunities in law-related education from kindergarten through high school, as well as links to state and national programs, publications, and resources.

[www.abanet.org/publiced/lre/main.html](http://www.abanet.org/publiced/lre/main.html)

A comprehensive list of state and national programs, many linked directly to helpful websites containing materials and projects you can use in reaching out to student groups.

#### The Center for Civic Education

[www.civiced.org](http://www.civiced.org)

#### The Constitutional Rights Foundation

[www.crf-usa.org](http://www.crf-usa.org)

#### The Constitutional Rights Foundation—Chicago

[www.crfc.org](http://www.crfc.org)

#### Street Law

[www.streetlaw.org](http://www.streetlaw.org)



Jamaica, NY Mary Kathryn Harcombe, student at NYU Law School, teaching a class to students at Jamaica High School.

## ■ section 4 | COMMUNITY OUTREACH



Amherst, NY The Law Day celebration featured the town supervisor and one of the town justices.

Remind your community that the jury system is the very embodiment of the democratic system. Use the recommendations in this section to reinforce and strengthen our governing spirit “of the people, by the people, and for the people” in your area.

- Involving Everyone in the Community
- Programs in the Community

***“A nation is formed by the willingness of each of us to share in the responsibility for upholding the common good.”***

Barbara Jordan



For additional media opportunities  
access: [www.lawday.org](http://www.lawday.org)  
click on: [sample programs](#)



Jim Abogast/digitalvision

# By Unanimous Decision: Involving Everyone in the Community

Make your Law Day celebration a community event by reaching a wide variety of audiences. By using some of the suggestions in the planning and publicity sections, you will be on your way to increasing awareness among your constituencies. The steps below will help you create an inclusive event that involves and inspires the local publics you serve.

In preparing to involve the community in Law Day programs, take the following steps:

**Step 1 Determine the delivery format to support the appropriate audience(s).**

**Step 2 Determine the appropriate site.**

**Step 3 Determine partners and sponsors.**

**Step 4 Determine funding needs.**

## Step 1: Determine the Delivery Format to Support the Appropriate Audience(s)

While the following delivery options are traditional, are they reaching all areas of the community? Assess the programs implemented in the past. What was the audience? Establish a community audience list. When exploring the various delivery options, use the following checklist to ensure that opportunities exist to reach many audiences. Look for fresh ideas and new ways to engage the total community.

✓	Delivery Options	Targeted Audience(s)
	Public Kiosks	
	Information Fairs	
	Media Outreach (radio, newspapers, cable & public television, mass mailing inserts)	
	Court Tours	
	Luncheons	
	Call-in Shows (radio, television)	
	Mock Trial Programs	
	Speakers Bureau	
	PSAs (Public Service Announcements)	

## Step 2: Determine the Appropriate Site

After deciding the delivery options, consider the delivery site. Is the site conducive to reaching the targeted population? Is the site user-friendly? Will there be a comfort zone that will allow people to actively participate in the agenda?

## Step 3: Determine Partners and Sponsors

Partners and sponsors are critical to opening doors to audiences that might otherwise be cautious of attending and participating in public events. Promotional sponsors such as the media are extremely helpful in spreading the word about the event.

## Step 4: Determine Funding Needs

No matter the program option, there will be associated costs. Assess what will be needed to distribute announcements, brochures, meeting handouts, and other program items. Don't forget the coffee and light refreshments.



Tempe, AZ A Maricopa County Bar Association member provides free legal consultation at the annual Ask-a-Lawyer Fair held at Lamson College.

## By Consensus: Programs in the Community

### ■ Community Forums

Law Day is an excellent time to bring together citizens in a community to discuss (and perhaps debate) the jury system. Look for opportunities to hold events in places such as community centers, senior citizen centers, and other public gathering spots. Print and distribute thought-provoking flyers to encourage people to attend. Many groups have newsletters, conferences, meetings, websites, and other means of reaching the public, making outreach easier.

The purpose of a community forum is to encourage a lively interactive discussion. If you sense the audience would not be intimidated, have individuals get up and go to a designated section of the room to physically illustrate their answers (“those who agree with that point, please go to the left side of the room; those who don’t, please go to the right side”). This would allow not only the facilitator but also the participants to interact. Remind the audience that at any time during the discussion, if they change their answer or position, they are free to walk to the other group.

### ■ Jury Materials

Most courts have produced written materials – often simple brochures on court procedures, including jury procedures. These materials are usually translated into other languages to support a diverse community population. Request copies of the materials for use in discussion groups. Often, in such informal settings as a community center, processes can be demystified. Be sure to critique the materials. Are they user-friendly or full of legal jargon?

### ■ Jury Duty Video

Remember the video shown during the jury selection process? How much does the average citizen remember with heart racing at the prospect of being selected for a jury? Why wait for the actual selection process? Many courts have programs to educate jurors as to their responsibilities. Use such videos in informal discussion groups in community centers. Be sure to include a Q&A period.

### ■ What’s In a Word? / Make a Match

Many of us discount the value of a simple vocabulary activity. But the reason many people do not understand the jury process is that they simply do not understand the associated vocabulary. Consider doing something that is simple, interactive, energizing, instructional, and, yes, fun. Build a program around a simple vocabulary quiz by having half the group select a vocabulary term from one hat and the other half of the group select a definition from another hat. As individuals read the definitions aloud, the people holding the corresponding vocabulary term “makes a match.” The program facilitator could follow-up with a brief explanation of the term as it applies to the jury process.

### ■ Media Blitz Campaign

- Go beyond traditional brochures to distribute information. Partner with the local newspaper or other print media for a “Did You Know?” campaign. Information tidbits about the jury system could be incorporated into the newspaper headers.
- What about the possibility of a local TV news announcer including the information tidbit at the beginning of the show with the answer provided at the end of the show?
- Include a “10-Point Quiz” in the newspaper on the roles and responsibilities of a juror, with the answers provided elsewhere in the newspaper.

### ■ On-the-Street Survey

What better way to assess the community’s level of knowledge about the jury system than conducting an on-the-street survey, asking basic questions about the jury system. Results could be used in the media campaign.

### ■ Community-wide Reading Circles or Film Festivals

Consider partnering with the library to identify readings lists for various ages on memorable jury experiences, impact of jurors on historic trials, etc. Many communities are actively implementing com-



Alameda County, CA Superior Court Law Day festivities



St. Petersburg, FL The St. Petersburg Bar Association was proud to welcome ABA President Dennis W. Archer (left) as their Law Day speaker.



Austin, TX The State Bar of Texas Law Day program featured president-elect Kelly Frels along with a special Law Day guest, Nancy Todd Noches, daughter of one of the original plaintiffs in the *Brown v. Board of Education* case.



Los Angeles, CA United States District Court, Central District of California Law Day 2004 observance

community-wide reading circles on a selected book. If reading circles are selected, work with the library and bookstores to insure a sufficient supply. Consider the option of conducting such an event with several books or films offering different perspectives.

### Speakers Bureaus

Although this is a traditional Law Day activity that allows professionals to speak at service clubs, community groups, religious groups, and senior citizen groups, look around and identify the non-traditional audiences in the community. Look for advocacy or ethnic groups that might bring a new perspective to the program. Take the first step to offer such services and bridge the gap to diverse populations within the community. Remember to provide interpreters when necessary. Be sure to involve others during the planning stage to be sure the program matches a specific community need. Brainstorm ways to tailor the program to different audiences.

Remember that presentations can take many forms, ranging from public conversations among community members and leaders, a single speaker making a focused presentation, a debate on a particular topic, or a moderated panel discussion. Don't overlook the suggested student activities located elsewhere in this Planning Guide. Many of those activities can be adapted successfully for use with an adult audience.

### Community Exhibits

When we think of a community outreach program, we stress the value of connecting with all areas of our community and usually think of people coming to a common spot and participating in an enrichment program, such as tours, forums, etc. Why not reverse the procedure? Take the Law Day information to where the people are. Think of people places such as malls, grocery stores, government buildings (especially the local utilities department), youth centers, adult centers, etc. Develop an exhibit around the Law Day theme. This could include photographs involving both adult jury and youth court activities. If your Law Day committee has sponsored poster or essay contests, showcase the winners with samples of their work. This also allows an opportunity to distribute informational brochures and flyers on the workings of a jury system. If materials are to be distributed, be prepared with sufficient inventory. It would be a great asset if professionals could be available at the exhibit to answer questions.

## ■ section 5 | **SPEAKING** on Law Day



Albany, NY New York State Bar Association President Thomas Levin delivering his Law Day remarks at the New York State Court of Appeals ceremonies on April 30, 2004. Seated in the rear, to the left, is Chief Judge Judith S. Kaye.

In this section, you'll find talking points to help you craft great speeches on this year's theme, the American jury.

The points on the next three pages provide quick bullets of information on

- Why juries matter
- Juries as a democratic institution
- Helping juries do their job

***"Always be shorter than anybody dared to hope."***

Lord Reading, on speechmaking



For many other talking points  
access: [www.lawday.org](http://www.lawday.org)  
click on: [speech ideas/talking points](#)



Corbis/Picturequest

# Why Juries Matter

## Juries Have a Huge Impact

- Trial by jury is guaranteed in the Fifth, Sixth, and Seventh Amendments.
- Nearly a million Americans serve on a jury each year.
- About five times that number show up to their local courthouse to report for jury duty.
- Jurors decide between guilt and innocence, liability and non-liability.
- The decisions that jurors make affect millions of lives everyday and have a profound impact on our economy and our society.
- Few activities in our civic life provide such a direct contact with our democracy as does jury service.
- Besides voting, nothing is so active and participatory in nature. In fact, Thomas Jefferson believed that serving on a jury is more important than voting. He said, "I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its constitution."

## How to Reinvigorate the Jury

- The time has come to:
  - Celebrate jury service as a privilege and responsibility.
  - Provide jurors with the structure, environment, and tools to help them make the best decisions.
- The key is to pay attention to the Three C's.
  - **Jury Composition:** We need to enhance participation rates by:
    - Expanding source lists—not just pulling potential jurors from voting lists, but from a wide variety of lists that will truly give us a cross section of the public.
    - Making notices more accessible and understandable.
    - Limiting automatic exemptions for professions and limiting peremptory challenges, by which lawyers can reject potential members of a jury without giving a reason.
  - **Jury Comprehension:**
    - Every juror should be able to take notes.
    - Under a careful process, jurors should be able to submit questions that they would like answered.
    - Instructions to the jury should be clear and frequent.
    - Legal jargon should be simplified.
  - **Jury Convenience:**
    - Juror pay must be adequate.
    - Employers must give jurors the support they need.
    - The environment for jurors and potential jurors should be commensurate to the important role that they play.

### The Good News About Juries

An ABA-sponsored survey in 2004 showed:

- Three-quarters of those polled said that jury duty is NOT a burden to be avoided.
- 58% consider jury duty a privilege they look forward to fulfilling.
- Most of those who have served on a jury would like to do it again.

### The Bad News

- Americans don't value jury service as much in practice. Courts all around the country continue to report serious problems with low response rates to jury summonses.
- 20% of people who actually receive a juror summons simply ignore the summons.
- The public is too often misinformed about jury service, perceiving it negatively, as an inconvenience to avoid.

## The Future

- We should never be satisfied with the status quo; we should always seek new avenues for improvement.
- The lives of millions of Americans depend on it.

# Juries as a Democratic Institution

- One of the principles we fought for in the Revolutionary War was the right to trial by jury. The Declaration of Independence pointed out that George III had deprived Americans, “in many cases, of the benefits of trial by jury.” The founders embedded trial by jury in several amendments in the Bill of Rights.
- A jury of one’s peers is a cornerstone of American democracy. Along with voting, it’s one of the main ways people take part in the public life of this nation.
- By entrusting jurors from the community to decide legal cases—some of them involving millions of dollars or life-and-death issues—we reinforce our belief that everyday people can make the right decision, and that we are an open, democratic government.
- By giving ordinary people a central role in the justice system, we also put a human face on the law. The law might be made from afar, but each jury applies it locally. Instead of law interpreted and enforced by bureaucrats, we have law administered by the people.
- As countries move toward democratic forms of government, they often embrace the jury system as part of their new commitment to democracy. Both Spain and Russia added juries to their legal systems in recent years.

## Juries Do Their Job

- The evidence suggests that juries get it right almost all the time.
  - The American people believe that the jury system works. In a recent ABA study, *Perceptions of the U.S. Justice System*, a sampling of the American public believed by 78% to 17% that “the jury system is the most fair way to determine the guilt or innocence of a person accused of a crime.”
  - A recent survey of federal judges concurs. Ninety-seven percent of the 594 federal judges surveyed said that they agree with the jury verdicts most or all of the time. By an 8-1 ratio, federal judges said that if they were on trial, they would prefer to have their dispute decided by a jury rather than a judge.

## Jury Service Helps Us Become Better Citizens

- As the French statesman Alexis de Tocqueville noted in his travels through 19th century America, not only does the institution of the jury help improve the law, it helps improve the jurors too. It educates them about law and legal process, and helps them understand their duties as citizens. In de Tocqueville’s words, jury service “rubs off that private selfishness which is the rust of society.”

## The Jury of the Future

- Jury commissions are at work in many states, looking at innovative ways to improve juries. They’ve suggested ways of making jury service attractive and helping juries do their job better. With their help, juries will do their important work well for centuries to come.



Little Rock Air Force Base, AR Airman First Class Sherring Goodwin playing the role of the prosecutor during a *Jack and the Beanstalk* mock trial.



Cranston, RI Richard A. Gonella, Associate Judge of the Rhode Island District Court, spoke with students in teacher Richard Perrotta's classroom at Cranston High School West.

## Helping Juries Do Their Job

- Traditional jury service can be like an anxiety dream. Imagine being forced to take a college course you knew nothing about. It could last days or months—no one knows for sure. The speakers use technical language you don't understand. You can't take notes, ask questions, or consult your classmates. On the final exam, you and your classmates have to answer the test exactly the same way, or you can't go home. In the past, this is what jury service felt like to many people.
- But help is on the way. Jury service is being improved all over the country.

### Instructions Early and Often

- In some courts, judges now instruct jurors about key legal issues at the start of the trial. In some jurisdictions, lawyers provide interim summaries of evidence and clarify issues.

### More Courts Permitting Note Taking

- Note taking helps jurors stay focused while listening to testimony and helps them recall testimony more clearly while deliberating.
- College courses have textbooks. In some places, jurors are supplied with juror notebooks for keeping documents or information, e.g., juror notes; preliminary and, eventually, final instructions; lists of witnesses (names and photos); and copies of key exhibits.

### Jurors Submitting Questions for Witnesses

- Some jurisdictions permit jurors to submit questions for the witnesses under the supervision of the judge, who applies strict rules that ensure that the questions are appropriate and fair to all parties. This not only assures that the rules of evidence are followed, it also engages jurors in the process and makes them more attentive.

### Plain English, Please

- Wherever possible, lawyers and the judge are striving to use language the jurors understand and not use legal jargon.

### Better Instructions

- Many courts are issuing final instructions before the lawyers' closing arguments, so that jurors can better understand the law and its relation to the case and can weigh the arguments in light of the instructions. Some courts are giving juries copies of the final instructions in writing and allowing jurors to ask questions about them before deliberation begins.

### Help in the Deliberation Process

- With the help of research into how juries decide, judges are providing guidance on how jurors can carefully review the evidence before voting, listen to all sides, respect each other's opinions, not rush to judgment, etc.

### Conclusion

- These innovations spring from the same premise: "that if jurors are useful and powerful figures in our democracy, they must be treated that way. They must be given ... training, tools, and information." (Stephen J. Adler, *The Jury*)

## ■ section 6 | WINNING



Winfield, IL DuPage County Bar Association Law Day chair Susan O'Neill Alvarado (left) and President Kevin Millon (right) present the Liberty Bell Award to Theresa Dear (center) of Bridge Communities in recognition of the diversity training programs she provides for this transitional housing organization.

Law Day gives you two ways to get national recognition:

- **Activity awards** for Law Day programs, no matter how big or how small
- **Speech awards** for speakers, which also include recognition for the group before which they spoke

***"Accept challenges, so that you may feel the exhilaration of victory."***

General George S. Patton



For entry forms and much more  
access: [www.lawday.org](http://www.lawday.org)  
click on: awards and contests

# Outstanding Law Day 2005 Activity Awards

Enter & Win!

## Purpose of the Competition

These awards showcase effective and innovative Law Day activities.

## Who Can Enter

All organizations conducting 2005 Law Day activities are eligible, except American Bar Association entities and programs that won a Law Day Activity Award in 2002, 2003, or 2004.

## How to Enter

You can enter by mail, fax, or e-mail. Just download the entry form from our website



[www.lawday.org](http://www.lawday.org)  
click on: Awards & Contests.

If you **e-mail** your entry, all you have to do is download the form, fill it out, and attach it to your e-mail, along with your activity summary and narrative, up to 15 pages of supporting materials in electronic format, and as many work products as you have available electronically. Then send it to us at [abapubed@abanet.org](mailto:abapubed@abanet.org) and we'll do the rest.

If you **mail** or **fax**, you have to include **five (5) copies of entire entry set** (collated), including

1. entry form (signed original and four photocopies)
2. activity narrative (not to exceed 750 words) showing how you met the selection criteria
3. supporting materials, if any, such as newspaper articles about your activity, letters of support and thanks, etc. (not to exceed 15 pages on 8 1/2" x 11" paper)
4. work products, if any, such as
  - videotaped mock trials or transcripts of original mock trials
  - photos of school displays or exhibits of winning posters/photos
  - handouts for the public and students
  - posters and any other educational materials you have developed

*Sorry, we can't return entries.*

## How Entries Are Judged

We judge entries on:

- how much the activity expands public awareness of the rule of law
- how much the activity highlights this year's theme
- how many people are reached by the activity and by media coverage
- the effectiveness of partnerships formed among community groups, schools, and legal organizations
- the quality and innovation of the approach
- the activity's impact beyond Law Day (i.e., planned follow-up activities, integration into ongoing school or community activities)

(NOTE: We judge all activities with respect to the size of their budget, so that activities with larger programs do not receive competitive advantage over smaller ones.)

## Prizes

If you win, you'll get an inscribed plaque at the ABA Mid-Year Meeting in February 2006. You'll also receive a credit of \$100 toward purchase of Law Day materials and will be prominently featured in next year's planning guide and our website.

## Deadline

Entries must be e-mailed, postmarked, or faxed by **June 13, 2005**, to be considered.

**E-mail** [abapubed@abanet.org](mailto:abapubed@abanet.org)  
or **mail** five (5) collated copies of each entry set to:

Law Day 2005 Outstanding Activity Awards  
ABA Division for Public Education  
Mail Stop 20.2

321 N. Clark Street  
Chicago, IL 60610-4714  
or **fax** to 312-988-5494

For **information**, call: 312-988-5735.

### E-Mail Checklist

- Entry Form
- Activity Summary and Narrative
- Supporting Materials, if any
- Work Product, if any

### Mail and Fax Checklist

- Entry Form  
(signed original & 4 copies)
- Activity Narrative  
(5 copies)
- Supporting Materials, if any  
(5 copies)
- Work Product, if any  
(5 copies)

### Alabama State Bar

The bar produced "Cross That River: *Brown v. Board of Education* and the People Who Lived It," an original drama presented for three days in May. Approximately 1,000 attended, including Law Day winners as guests as well as students, teachers, members of local bar associations, civic and community leaders, and the general public. Another 500 attended a special performance in July. An expected Alabama Public Television airing would reach a statewide audience.



### Houston Bar Association

Activities included both special programs to educate the public about *Brown v. Board* and programs that educated the public about the rule of law in our nation. *Brown* programs included attorneys visiting more than 250 classrooms, a re-enactment of the final oral arguments in *Brown*, poster and essay contests, and help to schools incorporating *Brown* presentations into their curriculum, including providing copies of a *Brown v. Board* video.



# 2004 Activity Winners

2004 theme:  
To Win Equality by Law:  
*Brown v. Board* at 50



### Polk County (Iowa) Bar Association

The association sponsored a visual arts and poetry competition for 6th–12th grade students to enable them to express their understanding of *Brown v. Board's* impact on individuals and our society. Students created poetry, drawings, and photography that became a traveling year-round display in public and private buildings in the Des Moines area. Their works are also shown on a local cable channel and are accessible via the association's website ([www.pcbaonline.org](http://www.pcbaonline.org)).



### Richmond (Virginia) Juvenile & Domestic Relations District Court

The court hosted "Oliver Hill Day" on May 7, 2004, at the Oliver Hill Courts Building. The event commemorated the 50th anniversary of the 1954 Supreme Court ruling in *Brown v. Board of Education* and recognized Mr. Hill's role as one of the attorneys for the plaintiffs in this landmark case. Lawyers also visited classrooms throughout the city to discuss this landmark in our nation's history.



### Washington County (Pennsylvania) Bar Association

The bar association and bar foundation partnered with a local newspaper, local college, and the local NAACP to sponsor a month-long Law Day celebration. The centerpiece was a public presentation by Cheryl Brown Henderson (above left) and Linda Brown Thompson (above right), daughters of the named plaintiff in *Brown v. Board*. Other activities included a five-week "People's Law School" seminar series and a "Liberty Banquet" honoring a local civil rights leader.

# Judge Edward R. Finch Law Day Speech Awards

## Purpose of the Competition

The Judge Edward R. Finch Law Day Speech Awards were established in 1968 by Edward R. Finch, Jr., in memory of his father, a member of the American Bar Association Adjunct Committee on Law Day and a Justice of the Supreme Court of New York for many years. The awards encourage speeches that help the public understand the rule of law and appreciate the positive role law plays in our society.

## Who Can Enter

Speakers must have delivered a speech at a Law Day observance to be eligible. American Bar Association officers, Board of Governors members, and staff members, as well as their spouses, children, and parents, are not eligible, nor are K-12 students who speak to school groups.

## How to Enter

Download entry forms from

 [www.lawday.org](http://www.lawday.org)  
click on: awards and contests

Anyone can enter on the speaker's behalf—the speaker, a Law Day planner, etc. Note, though, that you must secure the written permission of the speaker. The final part of the entry form has a place for him/her to sign. Faxed signatures are acceptable; electronic submission also substitutes for a hard-copy signature.

If you enter by **e-mail**, download the entry form and fill it out. Attach an electronic version of the speech and up to 10 pages of supporting material if available electronically, and send to [abapubed@abanet.org](mailto:abapubed@abanet.org).

Mailed/faxed entries should include:

1. the completed entry form (signed original and three photocopies)
2. the speech (four copies; can be transcripts or audio or video tapes)
3. supporting materials (four sets) to help us evaluate the speech's impact, including media coverage (e.g., letters, testimonials, newspaper articles, broadcast tapes, etc.). No more than 10 pages of such materials and two tapes will be accepted.

Sorry, entries cannot be returned.

## How Entries Are Judged

We judge entries on:

- originality and clarity of speech
- educational value
- how much the speech expands the American public's understanding and appreciation of law and its role
- how much it addresses the Law Day theme
- public impact (audience size and composition, media coverage, broadcast audience, publicity generated)

## Prizes

The first-place winner will receive a check for \$1,000 and an inscribed plaque, presented at the ABA Mid-Year Meeting in February 2006. Other winners receive certificates signed by the president of the ABA. We'll highlight winning speeches on our website and in next year's planning guide.

## Deadline

Entries must be e-mailed, postmarked, or faxed by **June 13, 2005**, to be considered.

**E-mail** [abapubed@abanet.org](mailto:abapubed@abanet.org)  
or **mail** four (4) collated copies of each entry set to:  
2005 Judge Edward R. Finch Law Day Speech Awards  
ABA Division for Public Education  
Mail Stop 20.2  
321 N. Clark Street  
Chicago, IL 60610-4714  
or **fax** to 312-988-5494  
For **information**, call: 312-988-5735.

### E-Mail Checklist

- Entry Form
- Speech
- Supporting Materials, if any

### Mail and Fax Checklist

- Entry Form (original & 3 copies)
- Speech (4 copies)
- Work Product, if any (4 copies)

Enter your speaker's remarks!

## Judge Edward R. Finch Law Day 2004 Speech Winners



**First Place**  
**The Honorable Alfred J. Jennings, Jr.**  
Judge, Connecticut Superior Court, Judicial District of Stamford/Norwalk

"To Win Equality by Law: *Brown v. Board of Education at 50*"

Law Day Ceremony at Stamford (Connecticut) Superior Court, April 30, 2004



**Second Place**  
**Burt Neuberger**  
John Norton Pomeroy Professor of Law, New York University School of Law

"Brown at 50"

Annual Law Day Ceremony, New York State Supreme Court, New York, New York, May 7, 2004



**Third Place**  
**Lawrence K. Hellman**  
Dean and Professor of Law, Oklahoma City University School of Law

"Law, Lawyers, and Legal Education"

Speech given at the Petroleum Club, Oklahoma City, Oklahoma, April 27, 2004