National Judicial Outreach Week
March 1-10, 2020

INFORMATION PACKET
NATIONAL JUDICIAL OUTREACH WEEK 2020
MARCH 1-10, 2020

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For more information, visit the National Judicial Outreach Week Resource Center:
http://www.americanbar.org/groups/judicial/committees/judicial_outreach_network/judicial_outreach_resource_center.html
AN OVERVIEW OF NATIONAL JUDICIAL OUTREACH WEEK
MARCH 1-10, 2020

What is National Judicial Outreach Week?

National Judicial Outreach Week (NJOW) is an initiative of the American Bar Association Judicial Division that takes place during the first ten days of March each year. The goal is to public awareness about the importance of the courts in upholding the rule of law in the United States. To do this, the ABA Judicial Division encourages and assists active and retired judges throughout the United States to engage the communities they serve in discussions about liberty, the rule of law, and the preservation of fair and impartial courts.

Why Judicial Outreach Week?

Judges have a fundamental duty to decide cases fairly and impartially based only on the facts and law, and “without fear or favor” to partisan interests or public clamor. Throughout our nation’s history, there has been a persistent threat to the fairness and impartiality of America’s courts by politicians seeking to exercise greater control and influence over the courts based on party politics and political and social ideology. The best defense against this threat is a sustained public commitment to preserving the fairness and impartiality of our courts. The best spokespersons for the judiciary to deliver this message are the extraordinary active and retired judges who serve and have served our communities.

One of the most effective ways to promote public understanding and commitment to our courts is to have more members of the public, especially students and young people, meet more of our active and retired judges outside of the courtroom. It is the surest way for the public to see the dedication and integrity of America’s judges and their unwavering commitment to fairness, impartiality, and the rule of law. Many judges throughout the country already volunteer their time and knowledge to educate students and adults about American history, the U.S. Constitution, our laws, and the work of our courts. While the ABA already sponsors Law Week in May each year and Constitution Day on September 17 each year, the ABA Judicial Division created National Judicial Outreach Week to encourage judges, whether involved with the ABA or not, to engage the public and participate in a coordinated national effort to remind the public every year of the fundamental importance of the courts in the success of American democracy and the rule of law. Recurring education on these fundamental principles is essential to a sustained public commitment to the rule of law through knowledge that preservation of our liberty and the rule of law depends on the preservation of fair and impartial courts.

How Do I Participate?

Participation is made easy through a Program Toolkit of presentation materials, speaker’s notes and other information available on the ABA Judicial Division’s website.
PARTICIPATION IN NJOW & JUDICIAL ETHICS

Judges are required to abide by their state’s judicial ethics standards regarding public conduct and communication. Before participating in National Judicial Outreach Week and any other public outreach, each judge should access, review, and understand the state’s particular judicial conduct standards. Most states, however, have some version of the relevant Canons and Rules of the Model Code of Judicial Conduct that govern a judge’s public outreach activities relating to the courts and the administration of justice. At least one state judicial ethics advisory committee has issued a formal opinion finding no ethical barriers for judges who wish to participate in NJOW. See https://www.mass.gov/opinion/cje-opinion-no-2017-01. Judges are encouraged to contact their state judicial ethics authorities to seek informal or formal advice relating to participation in NJOW.


Educating the public about the rule of law and the importance of fair and impartial courts does not run afoul of the ABA Model Code of Judicial Conduct. In fact, participation in civics education is specifically authorized in the Model Code and is consistent with a judge’s duty to promote public confidence in the independence, integrity and impartiality of the judiciary. The following excerpts from the Model Code show the importance of public outreach and education relating to the fair and efficient administration of justice.

Canon 1 of the Model Code imposes a duty on judges to “uphold and promote the independence, integrity, and impartiality of the judiciary . . . .” Towards this end, Rule 1.2 specifies that “a judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary, and shall avoid impropriety and the appearance of impropriety.” Comment 6 to Rule 1.2 specifically encourage judges to engage in community outreach to promote public confidence in and understanding of the courts:

A judge should initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.

Canon 3 and correlating Rule 3.1 of the Model Code specifically permit judges to engage in extrajudicial activities, which includes civic outreach events. There are, however, limitations on a judge’s participation in such events that should be considered by judges participating in NJOW.
Specifically, under Rule 3.1, a judge may engage in extrajudicial activities so long as the judge does not:

(A) participate in activities that will interfere with the proper performance of the judge’s judicial duties;

(B) participate in activities that will lead to frequent disqualification of the judge;

(C) participate in activities that would appear to a reasonable person to undermine the judge’s independence,* integrity,* or impartiality;*

(D) engage in conduct that would appear to a reasonable person to be coercive; or

(E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

Comment 3 to Rule 3.1 points out that these limitations should also be interpreted as a restriction on the judge’s ability to make any statements expressing bias or prejudice by the judge, “even outside the judge’s official or judicial actions” if the statements “are likely to appear to a reasonable person to call into question the judge’s integrity and impartiality.” As the Comment continues, judges should not make “jokes or other remarks that demean individuals based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status.” In addition to the limitations set forth in Rule 3.1, Canon 2 requires judges to discharge their judicial duties “diligently” and Rule 2.1 requires that judicial duties “take precedence over all of a judge’s personal and extrajudicial activities.”

In keeping with these restrictions, the Program Toolkit, which includes the slides and speaker’s notes, are tailored to be delivered in a manner that is professional, civil and adheres to the point of educating the audience about the importance of fair and impartial courts in a government system based on democracy, individual rights and the rule of law. Because it is a prepared, it minimizes the time a judge needs to prepare for and participate in the program, which should occur at times when a judge is not otherwise scheduled to be undertaking the judge’s judicial duties.

Even with these limitations, judicial participation in educational outreach events is encouraged under the Model Code. As noted in Comment 1 to Rule 3.1:
To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. [Internal citation omitted].

Importantly, Comment 2 to Rule 3.1 notes the importance of public outreach activities to continued public confidence in the courts: “Participation in both law-related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.”
GETTING STARTED: FINDING YOUR TARGET AUDIENCES

Judges and lawyers who participate in NJOW are encouraged to select audiences that they believe have the greatest need and will benefit most from a Rule of Law presentation. In addition to finding target audiences and scheduling presentations, we also encourage you to spread the word and encourage others, even if not members of the ABA Judicial Division, to join in the effort to use NJOW to raise public awareness about the importance of fair and impartial courts in preserving the rule of law. Towards that end, we hope you will also highlight the program to your chief judge or presiding judge, your colleagues, your Chief Justice, your Administrative Offices of the Courts Public Information Office, and your judges’ association.

In deciding on a target audiences, judges should consider both the age group and the setting for the presentation. For example, judges should consider whether they want to work with school-aged children and adolescents, and if so, whether to make those presentations in schools or in other youth organizations, such as Boy Scouts or Girl Scouts. If wishing to work in schools, judges should decide whether they want to connect with students in history or civics classes or in clubs or student organizations. The prepared powerpoint slides and speaker’s notes are designed to be appropriate for all age levels. If wishing to target adult audiences, consider the following groups:

- Community college, college & university students
- Legislators
- Court staff
- Adult life-long learning programs
- Service clubs
- Veterans groups
- Chambers of commerce
- Civic clubs
- Economic development groups
- Educators and school superintendents
- Ethnic groups
- Fraternal organizations
- Lawyer groups and bar associations
- Libraries
- Neighborhood homeowners associations
- Seniors groups
- Service clubs
- Veterans groups
- Women’s groups
TIPS FOR MAKING JUDICIAL OUTREACH WEEK A SUCCESS

Once the target audience and setting have been identified, it is time to get started preparing for NJOW. In 2017, Massachusetts ran an extremely successful NJOW week with active engagement of over 100 judges making presentations in 100 outreach events to a variety of age groups and in a number of settings across the state – from schools to senior centers to cultural and religious organizations. From that successful effort, here are some important tips for making judicial outreach week a success:

- Get buy-in from your Chief Justice or Chief Judges and have them encourage judges to participate. In Massachusetts, for example, the Chief Justices of the Supreme Judicial Court and Trial Court sent a joint message to the entire judiciary urging participation.

- Coordinate your efforts if possible with your judiciary’s existing public outreach committees and programs. Staff of these committees and programs may be able to assist in sending invitations to target audiences/groups to see if they would like to have a judge come talk about fair and impartial courts and the rule of law during NJOW.

- Develop and maintain a list of judicial and court staff volunteers willing to help. Remember, however, that this must not take away from official judicial and court duties and be sure to communicate that when enlisting volunteers.

- Once invitations have been sent to target groups and they respond that they would like to hear from a judge about the court, have your logistics volunteer match the opportunity with the judges who have agreed to participate and make sure to connect the requesting group with the volunteer judge by email if possible so that they can confirm the date, place and time. Have the logistics volunteer be sure to collect the requesting party’s contact name, email address and phone number to share with the volunteer judge.
GUIDELINES FOR EFFECTIVE PRESENTATIONS

Set forth in this section are some pointers for making the presentations as effective as possible, bearing in mind the age of the audience and the venue. Key things to consider include: (1) thinking about the “take-away” for the audience members and (2) using presentation techniques that you are comfortable with and effective. Effective presentations are interactive, use terms that speak to common American values and end on time.

Thinking about the “take-away.”

After hearing your presentation, what will each audience member take with them? What civic values? What knowledge? Research has shown that each of us will accept information that agrees with our existing beliefs and find reasons to reject information that is contrary to those beliefs. Therefore, it is important that your take-aways be consistent with fundamental American values, such as:

- everyone is created equal
- everyone is endowed with the right to life, liberty, and the pursuit of happiness (our laws protect life, liberty, and property)
- liberty and justice for all
- fair and impartial courts
- preserving the rule of law
- equal protection of law
- due process of law
- separation of powers
- upholding the Constitution

These are fundamental American values that a large majority of audience members already hold. However, the Core Message is more than a statement of the value. The Core Message should communicate the essential role our courts play in preserving the fundamental values. For example:

- our courts ensure that everyone receives equal treatment under the law
- our courts protect everyone’s rights to life, liberty, and property
- our courts provide due process of law
- our courts must be fair and impartial
- our courts preserve the rule of law

When you have decided on a Core Message, you need to make it relevant to anticipated audiences. To do this, consider the message from the vantage point of an audience member. Why should an audience member care about the Core Message? How does it affect him or her in daily life? What
enables the Core Message to be true? What poses a risk to it? What would an audience member want to know and what would be useful for him or her to know to understand the importance of the Core Message and to form a commitment to it?

Judges who participate in NJOW are free to select their own take-aways. However, we encourage judges to adopt the following take-aways:

- the judge who gave the presentation is an impartial & dedicated public servant
- the audience understands what it means to preserve the rule of law:
  - No one is above the law
  - Each individual is entitled to equal treatment under the law
  - Each individual is entitled to the benefits of procedures that foster the fair & impartial resolution of each case
- courts must conduct, and be permitted to conduct, proceedings free from outside influences
- preserving the rule of law in every courtroom every day ensures that the rule of law will protect the liberty each audience member in the future

Use Presentation Techniques That Are Effective and You Are Comfortable Using

When developing the model presentation for NJOW, the ABA Judicial Division has drawn from relevant communications research and the experience of judges who excel in public speaking. Research and experience has shown that the most effective presentations have the following attributes:

- **They are interactive.** When speakers ask audiences questions and talk with audience members, the audience is more attentive, give more thought to the subject matter, and remember more about the presentation and remember it longer.

- **They use terms that speak to common American values.** In 2005, the Justice at Stake Campaign conducted extensive research that concluded that Americans who are not legal trained misunderstand the meaning of words and phrases that judges and lawyers often use. Among other things, the report (available [here](#)) recommended referring to “fair and impartial courts” instead of “judicial independence; discussion of “upholding” rather than “interpreting” the Constitution; and referring collectively to “courts” rather than “judges.”

- **They end on time.** Respecting the host’s time constraints is a matter of courtesy. In addition, when the allotted time ending, audience members want the speaker to state the conclusions and end on time.
JUDICIAL DIVISION CONFERENCE CHALLENGE

To promote NJOW and encourage participation from ABA Judicial Division Members, the ABA Judicial Outreach Network Committee is sponsoring an inter-conference challenge. Simply put, the inter-conference challenge will be won by the Judicial Division conference with the highest pro rata participation of judges and lawyers in “Outreach Events” during the National Judicial Outreach Week.¹

An “Outreach Event” is any event at which a judge or lawyer engages the citizenry in civic education or dialogue related to the rule of law. The event should engage community members through presentations at business, community, and service organizations; and at churches, local libraries, community centers, schools, and parent-teacher associations; and in your courthouses to talk with them about the rule of law, the role of the courts in preserving the rule of law and liberty, and how judges must be free from political, special interest, and financial influence. Judges are also encouraged to reach out to their chief judges, presiding judges and colleagues and encourage their participation.

The Judicial Outreach Network Committee has prepared a model program for your presentations that can be used either as a lecture or as a guide to an open discussion with participants. You are not limited to this model program and judges may use programs that they are otherwise familiar with or comfortable presenting, or presentations prepared by their state or local judicial outreach committees or offices. Judges are encouraged to find other programs through searches of the online Judicial Outreach Network Resource Center:

http://www.americanbar.org/groups/judicial/committees/judicial_outreach_network/judicial_outreach_resource_center.html

Measuring a Conference’s Success

- **Tallying the Number of Presentations.** We ask that each conference track the number of presentations their members make, as well as the number of presentations that their colleagues make as a result of their promotion of Judicial Outreach Week.

- **Getting Credit for Your Presentations.** We ask that judges who give presentations submit the attached Individual Report to their conference chairs and staff liaisons by April 13, 2020.

¹ Based on most recent report of membership numbers for judge (current and retired) members of a conference prior to the National Week of Judicial Outreach
• **Tallying & Reporting Total Conference Participation.** Conference chairs or their staff liaisons will then submit the attached Conference Chair Report to the Judicial Outreach Network Committee Chair by April 27, 2020.

• **Show & Tell.** Judges are encouraged to submit photographs, press releases, stories, or other documentation regarding their presentations.

**Rewarding Successful Participation**

While participating in civic involvement and strengthening our democracy by increasing public understanding of the rule of law through outreach is its own reward, and while a year’s worth of conference bragging rights are sufficient, the Judicial Outreach Network Committee will also honor the winning conference with a special presentation at the ABA Annual Meeting. (And don’t count your conference out of a nomination for the Burnham “Hod” Greeley Award submitted on your behalf by the Judicial Outreach Network Committee.)
National Judicial Outreach Week 2020
March 1-10, 2020
JUDICIAL DIVISION CONFERENCE CHALLENGE
INDIVIDUAL REPORT FORM

Name of JD member:

JD Conference affiliation:

I gave the following presentations during the period March 1-10, 2020, National Judicial Outreach Week:

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<th>DATE</th>
<th>PRESENTATION TITLE</th>
<th>AUDIENCE ENTITY</th>
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I also encouraged judges and other legal professionals to give presentations and they gave the following presentations during the period March 1-10, 2020, as a result:

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JUDICIAL DIVISION CONFERENCE CHALLENGE
CONFERENCE REPORT FORM

JD Conference:

_________________________________________________________________

Name of Conference Chair:

_________________________________________________________________

The following members of our conference gave the presentations listed below:

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<th>MEMBER NAME</th>
<th>NUMBER OF PRESENTATIONS BY THIS MEMBER DURING NJOW</th>
<th>ADDITIONAL PRESENTATIONS GIVEN BY OTHERS AS RESULT OF THIS MEMBER’S PROMOTION OF NJOW</th>
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