### A NOTE FROM THE EDITOR >>

“Making law-related education practical” is the theme for the summer issue of the YLD Public Education Committee Newsletter. Articles discuss the implementation of law-related education programs and First Amendment issues. Through these articles, lawyers and educators who produce law-related education programs can find much to share with the communities that they educate. –Tia

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Using Law-Related Education to Build Civic Literacy and Student Engagement

By: Efrain Marimon

A healthy democracy requires a civically engaged citizenry. LRE programs engage teachers, students, and the general public.

Meaningful learning occurs when students have a space to draw from their lived experiences to make meaning of the things they have not yet encountered. In a Civics class, this means pushing students to make meaning of their world by critically examining existing policies and using that understanding to solve complex social issues. As expressed by the American Bar Association Public Education Division, "a democratic society requires: those who can understand, live in, and contribute positively to the civic communities to which they belong."¹ My role is to teach, train, and support those committed to this mission.

I work with college students, teachers, and legal professionals interested in Law-Related Education (LRE) and student advocacy. More specifically, I develop, teach, and supervise community-embedded, LRE programs that integrate law, policy, and social justice into immersive, cooperative learning experiences. I train people how to foster a learner-centered classroom that builds civic literacy and student engagement.

Around the World with LRE

My work involves developing partnerships with professional communities and conducting interactive training around the world. For example, I have a partnership with The Law Society of Scotland and the University of Hong Kong’s Human Rights Clinic. There I conduct yearly training for graduate students, teachers, attorneys, and civic leaders. Similarly, I work with the Judiciary History Center in Hawaii, the Hawaii State Bar Association Civic Education Committee, and the Federal Courts to lead a three-day LRE teacher institute for civics teachers each year. The institute sessions model lessons for teachers that address issues specific to Hawaii and work with teachers to craft lessons that are legal in nature, experiential, and tied to standards. Finally, last fall I traveled to Moscow to lead a two-day workshop, funded by U.S.-Russia Social Enterprise Exchange,² for law students interested in starting LRE programs in high school classes in Russia.

These training sessions explore best practices for implementing LRE programs. They use interactive activities to create meaningful dialogue with students about legal issues and public

² The U.S. – Russia Social Enterprise Exchange is a nonprofit organization that develops and strengthen LRE programs in community settings.

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policy. The training sessions build participants’ pedagogical awareness of learner-centered instruction and discourse-based learning, and use legal simulations, debate, and democratic deliberation to examine the intersection between political processes, social institutions, and systems of government.

LRE and University Outreach Programs

Last year I established two initiatives that integrate issues of law, policy, and practice. The first program is the Social Justice Teaching Fellowship. It is a two-semester program that combines theoretical analysis with hands-on clinical explorations of law, education, policy, and systems of inequity though a field experience teaching customized lessons centered on social justice to high school students in under-resourced schools in Washington, DC. Participants design and teach highly participatory lessons (on a self-selected issue of social justice) to high school students and work with community stakeholders to design a civic action plan that addresses complex social issues in education, law, and policy.

The second project is the Restorative Justice Initiative (RJI). RJI is a group made up of faculty members and graduate students that volunteer to teach at correctional facilities in Pennsylvania. Our goal is to restore and empower individuals that are incarcerated or recently released through education and meaningful civic engagement. I serve as the Director and teach several courses. One of the courses I developed is a legal literacy class. The course is an introduction to foundational legal concepts, which includes the analysis of constitutional, statutory, and jurisdictional rules and how individuals can navigate this network. The course also facilitates the development of the skills needed to use legal search engines.

Conclusion

My role, as an educator and advocate, is to create experiences that empower teachers, students, and communities to effectuate change through meaningful civic engagement. These LRE initiatives help students, teachers, and legal professionals develop an understanding of pedagogical knowledge, skills and dispositions applicable to LRE. The teaching methodology used, examined, and developed aims to increase civic literacy, student agency, and critical thinking for students. Teachers learn what happens when the student—not the teacher—is the center of the lesson, and students learn to tackle the issues of today to create a better, more just world tomorrow.

Efrain Marimon, Esq. is the Director of the Social Justice Fellowship, the Restorative Justice Initiative, and Street Law Program at The Pennsylvania State University. Prior to working for Penn State, Efrain served as a teaching fellow and adjunct professor for the Street Law Clinic at Georgetown University Law Center, clerked for the General Counsel’s office at the Florida Department of Education, and taught Social Studies and Literacy in Philadelphia.
Protests: Does the Media Tell the Whole Story?

By Abre’ Conner

Protests prompt discussions of what is legal, conversations about civil rights, and images of conflict. The general public, especially those who participate in protests, should analyze the issues and understand their rights.

Recently, there has been an uptick in widely publicized protests, demonstrations, and marches in communities for a variety of reasons. The media may cause confusion by arbitrarily drawing lines regarding what is perceived as legal and what is not. Media coverage of the recent militia standoff with government officials in Oregon played down the violent tendencies of protesters.1 Also in recent memory is the controversial soft drink ad that used the idea of protests and demonstrations as a marketing tool2 while simultaneously promoting biased narratives regarding protests. The ad’s images of young, happy, people engaged in protest and the media’s downplaying of the violence associated with the militia’s protest in Oregon stand in contrast to the media’s reporting on protests involving Black Lives Matter and the Dakota Access Pipeline.

When individuals are being killed in the streets,3 experiencing restrictions on their travel,4 and feeling that there is no justice for discrimination, the mood of the protest may be somber and individuals are likely frustrated, upset, and hurt. These emotions may not seem uplifting to those who don’t understand their pain. And unfortunately, when protests and demonstrations involve groups like Black Lives Matter, there is a ton of division in the media as to whether their actions are legal. Whether a protest is birthed from tension over years of feeling silenced or a newfound call to activism, being happy is not a requirement for a legal protest, demonstration, or march.

Truth is, individuals have a constitutional right to engage in protests, demonstrations, marches, and other activities that are manifestations of freedom of speech. Understanding the difference between civil disobedience and protests is also important. The following discussion of civil disobedience and protests as well as the media’s role in reporting on protests serves as a resource for members of the general public who want to understand their rights.

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1 German Lopez, Media coverage of protests sure looks different when demonstrators are white, VOX (Jan. 4, 2016, 10:25 AM), http://www.vox.com/2016/1/3/10705610/oregon-terrorists-racism-race.
Civil Disobedience

Civil disobedience occurs when a person actively engages in activity that violates the law and reaches beyond the parameters of protected First Amendment speech as a form of protest.\(^5\) For example, if college student protesters occupy a classroom or building, and disrupt the classroom setting, they may be deemed trespassers. In some instances, individuals engage in demonstrations with the purpose of protesting the system that they feel oppresses their rights. If individuals engage in this type of demonstration, they should understand that they could be subject to civil and criminal penalties for these acts. In some instances, people who know they plan to engage in civil disobedience set up legal defense funds for any legal fees that may come from this type of protest or demonstration. Protesters should plan ahead if they want to engage in civil disobedience.

Protests, Marches, and Demonstrations

Constitutionally protected protests, demonstrations, and marches take place when an individual engages in activity that is protected under freedom of speech and expression and complies with valid law and regulations. These demonstrations can be big or small. While local authorities may require permits for many demonstrations, particularly large ones or those that use sound amplification or block traffic, there are times when the actions of local government authorities are not in line with the U.S. Constitution.\(^6\) In these cases, it’s probably best to consult with an attorney who practices First Amendment law prior to assuming the unconstitutionality of government actions. In addition, local authorities must provide a way for demonstrators to hold timely demonstrations in response to breaking news. Otherwise, the demonstration may not be timely. Students and community members all have rights to protests and demonstrations. Students, however, should be aware that these rights may look a little different if they are at school and in Kindergarten through twelfth grades.

With this information, it’s clear that just because a large group of people is gathered, it does not mean that the group is doing anything wrong. Racial bias exists in the policing of protests and how police respond to demonstrators. Bias seems to correlate with the perceived level of threat. When Ieshia Evans, a Black Lives Matter protester in Baton Rouge, peacefully approached police she was met by a line of officers wearing riot gear. The photograph of the encounter went viral.\(^7\) During Standing Rock, another protest with mostly people of color, reports stated that officers arrived already in riot gear.\(^8\) Yet, based on reports, police did not arrive at the Women’s March in riot gear —many people perceived that march to be mostly white.\(^9\)


\(^6\) Id.


\(^9\) Lavanya Ramanathan, Was the Women’s March just another display of white privilege? Some think so., WASH. POST: STYLE (Jan. 24, 2017), https://www.washingtonpost.com/lifestyle/style/was-the-womens-march-just-another-display-of-white-privilege-some-think-so/2017/01/24/0bbdcca-e1a0-11e6-a547-5fb9411d332c_story.html?utm_term=.de88dd77e9e4. © 2017 by the American Bar Association. Reproduced with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.
In light of the foregoing discussion, protestors who know and exercise their rights can create a counter-narrative that tells a more complete story of the purpose of the protest. To be sure, there are times that demonstrations can create havoc in places. However, the media often fails to report that groups whose sole purpose is to change the character of a demonstration from peaceful to belligerent, take part in demonstrations. Two incidents in which violence at campus protests has been attributed to people not affiliated with the planned campus protests occurred at Middlebury College and UC Berkeley.¹⁰

In conclusion, when demonstrators know the right questions to ask, they may keep the media accountable as it reports on demonstrations, protests, and marches. When demonstrators know their rights, they will feel more comfortable exercising their rights within the community.

Additional Resources

- ACLU’s  Know Your rights: What to Do if Your Rights are Violated at a Demonstration or Protest¹¹ (bit.ly/ACLU_protest)
- ACLU of Northern California’s  Know Your Rights: Free Speech, Protests & Demonstrations¹³ (bit.ly/ACLUNC_protest)

**Abre’ Conner** is a staff attorney with the ACLU of Northern California. In addition to serving as an ABA YLD scholar, she sits on the boards of the Central California Legal Services (CCLS) and Together Restoring Economic Empowerment (TREE).

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Teens and Free Speech in the Age of Technology

By: Traci Truly

*Recent events surrounding text messages and social media posts illustrate the need for education regarding the rights and responsibilities of free speech.*

Technology continues to make it easier and faster to communicate and to share our thoughts. We have more platforms than ever available to us that we can use to exercise our First Amendment right to free speech. Young people are well aware of the freedom the right to free speech gives them. Each teen often makes use of multiple platforms to express views and opinions. While it is true that we all have rights guaranteed to us by the Constitution, and in particular the First Amendment, it is also important that young people understand that there are limitations. Rights, including the right to free speech, come with responsibilities and consequences when exercised. Two widely reported cases serve as potent reminders that teens must be educated about the responsibilities and consequences that accompany the exercise of their free speech rights.

**Texting Turns Deadly**

In Massachusetts, seventeen-year-old Michelle Carter texted back and forth with eighteen-year-old Conrad Roy, III. Tragically, the topic of conversation was suicide. Apparently, Mr. Roy had expressed suicidal thoughts to Ms. Carter. Rather than encourage him to get help or contact anyone on his behalf to report the fact that he might be a danger to himself, Ms. Carter encouraged him to follow through. She subsequently listened on the phone as he died. As a result of her actions, she was convicted of involuntary manslaughter. Trial judge Lawrence Moniz determined that Ms. Carter’s conduct, by way of her text messages, created a duty for her to do something to protect Mr. Roy. The judge went on to rule that her failure to either call the police or Mr. Roy’s family and her failure to tell Mr. Roy to get out of his truck and stop attempting suicide constituted reckless conduct for which she should be held legally responsible.1 Ms. Carter was absolutely within her First Amendment rights to say whatever she wanted to Mr. Roy, but she was not free from the responsibilities created by her words. Her words created her duty to Mr. Roy and her words led to her conviction for failing to fulfill that duty. While most cases involving teens and free speech are not this extreme, it is important for all citizens, and particularly young people, to be reminded that actions and words have consequences.

**Social Media Posts and Consequences for College Admission**

In the second case, poor judgment in the use of free speech on Facebook resulted in several young adults having their admissions to Harvard revoked. In that case, several people who were to have been members of the Class of 2021 created a private Facebook group in which they

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posted sexually explicit memes and messages targeting minority groups. Reports say that the posts involved speech that mocked the Holocaust and spoke approvingly of sexual assault and child abuse.\(^2\) Once again, while the students had a right to freely express themselves, their conduct was not free from consequences. In this instance, those who posted the offensive memes and messages had their acceptance into Harvard revoked. What they thought were private communications did not stay private.

**Conclusion**

Both cases serve as reminders that things can easily get out of hand and that words matter. Michelle Carter, though she was seventeen at the time of her texts with Conrad Roy, faces up to 20 years in prison. Ms. Carter's youthful offender status makes her eligible to be sentenced as an adult\(^3\) and if her conviction is upheld it will become part of her permanent criminal history. Several young adults will not get the Harvard education they hoped to have.

The delete button does not keep your words from coming back to haunt you.\(^4\) Digital communications can last forever. Determining tone, intent, and context from texts and Facebook posts is difficult. Private communications do not always stay that way. It is important that we keep educating our teens and young adults about the potential consequences that come with what they text and post.

**Traci Truly** is a lawyer in Garland, Texas and the author of Teen Rights (and Responsibilities): A Legal Guide for Teens and the Adults in Their Lives (2002).


NEWS AND ANNOUNCEMENTS >>

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If you are interested in serving as Content Editor for the ABA YLD Public Education Newsletter for the 2017-2018 bar year, email Tia Ward at latialward@gmail.com for additional information.

Save the Date!

2017 ABA Annual Meeting
New York, New York – August 10-15, 2017

For additional information on events, see the YLD’s Events & CLE website at http://www.americanbar.org/groups/young_lawyers/events_cle.html