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A NOTE FROM THE EDITOR >>

“Conceptualizing law-related education” is the theme for the spring issue of the YLD Public Education Committee Newsletter. Articles in this issue include concepts, resources, and ideas for planning and implementing Law Day programs and law-related education programs in general. Lawyers who want to share information about foundational legal concepts in presentations they make to their communities and laypeople who are implementing law-related education programs will all find resources they can use within this issue.

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ARTICLES >>

Law Day 2017: Commemorating the Fourteenth Amendment

By Stephanie E. Parker

Law Day 2017’s theme recognizes the importance of the Fourteenth Amendment.

Law Day has proved an important opportunity to promote public understanding of the rule of law ever since President Dwight D. Eisenhower proclaimed the first Law Day on May 1, 1958. Every president since has followed suit, and, in 1961, Congress enshrined the annual recognition into federal law.

Today, many Law Day programs throughout the country are held on or around May 1. In some areas, Law Weeks or even Law Months have become standard practices. These programs are hosted by bar associations, courts, community groups, libraries, legal service providers and many other groups and individuals. Thousands of lawyers, judges, community leaders, association staff members, government officials, and others generously volunteer their time and efforts for the noble cause of boosting public awareness of the crucial role law plays in our everyday lives.

Each year, the American Bar Association president selects a theme to highlight a particular aspect of the law or our legal system in these educational efforts. The 2017 Law Day theme, “The Fourteenth Amendment: Transforming American Democracy,” commemorates the impact this pivotal amendment has had in advancing the rights of all Americans.

The Fourteenth Amendment was the second of three Reconstruction Amendments ratified after the Civil War. The Thirteenth Amendment, ratified in 1865, abolished slavery. The Fourteenth Amendment, ratified in 1868, served the immediate purpose of establishing that freedmen were entitled to due process, equal protection under the law, and all the privileges and immunities of United States citizenship. The Fifteenth Amendment, ratified in 1870, prohibited the denial of the right to vote based on race.

In the century and a half since its ratification, the Fourteenth Amendment has played a crucial role in the progression of civil rights. Its Citizenship Clause established that anyone born or naturalized in the United States is a citizen, and has all the rights that citizenship entails. Its Due Process Clause has provided the legal framework to recognize certain rights as fundamental, including the right to marry and the right to privacy. Its Equal Protection Clause ensures that all Americans have an equal opportunity to exercise their rights and promotes principles of fairness in such key areas as education and voting.

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The Fourteenth Amendment has also become the primary vehicle for ensuring that state and local governments do not infringe our constitutional rights. Prior to the Fourteenth Amendment, the Bill of Rights only offered protection against federal actions. However, through the doctrine of incorporation, the courts have now found that most of the protections in the Bill of Rights apply to state actions through the Fourteenth Amendment.

In addition to serving as the underpinning for such landmark United States Supreme Court decisions as Brown v. Education, Loving v. Virginia, and, more recently, Obergefell v. Hodges, the Fourteenth Amendment has inspired and supported landmark civil rights legislation such as the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990. In short, this Constitutional enactment has fundamentally changed our society in a way unparalleled in the history of our nation or the world. It is impossible today to understand what it means to be an American without having some familiarity with the concepts enshrined in the Fourteenth Amendment.

As National Law Day chair, I am hopeful that you will work in your local community to spread awareness of the Fourteenth Amendment and the contributions it has made to American law and life. On the Law Day website, www.lawday.org, you will find a comprehensive resource guide and other materials you need to put together a successful program. We also invite you to share information about your programs and activities with us on the Law Day website.

Thank you for all you do for the cause of civics education. Happy Law Day!

Stephanie E. Parker is a Partner and Practice Leader in Business and Tort Litigation with Jones Day in Atlanta. She is the American Bar Association’s 2017 National Law Day Chair.

Elementary Students and Legal Literacy: Creating a Partnership Between Teachers and Lawyers

By Wanda Cassidy, Ph.D.

Four approaches to law-related education illustrate how educators and lawyers can impart legal concepts to students.

Ask elementary school teachers if they teach about the law, and they will probably say, "No, that happens in the upper grades," followed by, “Besides, my students are too young to learn about the law.”

Yet, every day these same teachers deal with law-related concerns: debates about fairness, bullying, theft, slander, cheating and so on. The law has much to say about interpersonal relationships, respect for property, personal safety, the right to privacy, due process, authority, and making decisions that apply fairly to all. An understanding of law, its role in society, and impact on the individual is also foundational to the mandate of any public school—to cultivate
informed, engaged, and empowered citizens. Such citizens are crucial to the functioning of a democracy.

So how should law-related topics and issues be addressed in elementary school and what role can lawyers play to assist teachers in this endeavor?

To answer these questions, I draw upon the work of Dr. Isidore Starr, lawyer and educator, and known internationally as the Father of Law-Related Education in the United States. Starr proposed that law-related education should be organized around three approaches: conceptual, practical and participatory. I would add a fourth category, that of modeling.

The conceptual approach encourages students to engage with dilemmas that facilitate critical thinking around core concepts like liberty, justice, and equality and to examine issues of privacy, power, authority, responsibility, and property. One way to do this in a classroom is for teachers to work collaboratively with lawyers to design case studies based on historical or current issues, children’s literature, or imagined dilemmas. Children’s stories are particularly rife with issues that require students to wrestle with facts, issues, and arguments and then come to a reasoned decision that is justified. Take the story of Peter Rabbit, which can provoke a discussion about obedience and disobedience and which rules are fair or unfair, or the story of the Pied Piper, which deals with a broken contract, the implications and redress.

The practical approach zeros in on the influence law has on one’s daily life. One activity I have done with students at the upper elementary level is to ask them, in pairs, to examine each section of the local newspaper, circling everything in bright ink that relates in some way to law. Initially only a few obvious articles are circled, like an article about a crime or a sports star signing a big contract. However, after further discussion, students begin to realize that law regulates almost everything that is discussed in the paper, and everything that they as individuals might undertake. Teachers may wish to work with a member of their local bar association to plan follow-up lessons which build from this activity and stress such aspects of practical law as contracts, consumer law, labor issues, family law, and regulations around pets, food, transportation etc., depending on the interests of the children and the opportunities in the curriculum to address these issues. Younger children who do not yet read at the level of the newspaper can be asked by their teacher or a visiting lawyer to write a short story, or draw pictures of what they did that morning from the time they woke up until they entered the classroom. Connections may then be drawn with the role law plays in these activities, followed by a discussion of which areas they would like to investigate further in class.

The participatory approach stresses student engagement in legal processes and decision-making; for example, through mock trials, moot appeals, administrative tribunals, or other quasi-judicial procedures. This approach may also involve direct engagement with law-related institutions and resources in the community, such as court-watching, making a presentation to city hall, or inviting representatives from the courts, human rights or civil rights agencies, immigrant services societies, Internet regulators, advocacy groups, or other such organizations to the classroom. Lawyers can play an important role in all of these activities, paving the way for court-watching programs, working with teachers who may be new to setting up a mock trial, acting as judge for that mock trial, mentoring students who are taking on the roles, and introducing teachers to law-related resources in their communities. Most teachers I have worked with are reluctant to undertake a mock trial with their class unless they have help from someone who is more familiar with the rules and procedures.

As educators, we seek to provide learning opportunities for children that engage them both emotionally and intellectually while promoting higher order thinking and creativity. Mock trials or other simulations allow students to grapple firsthand with important legal, moral, and ethical issues, to experience different points of view, to weigh the reliability of evidence, to give a reasoned decision, and to reflect upon issues of power and responsibility. According to scholars like Kieran Egan, children at the primary school level identify with fantasy stories while children at the intermediate school level are fascinated by stories involving larger-than-life heroic characters. Egan’s work provides a strong argument for building mock trials around well-known fairy tales or children’s literature involving heroes. Teachers can provide the choice of story, while lawyers assist teachers with writing a scripted trial or outlining the role cards for each character and familiarizing all participants with the legal procedures and decision-making criteria.

The final approach used to communicate legal concepts and issues to students is that of modeling, or what might be termed the informal or hidden curriculum of the school or classroom. The most powerful lessons are not always those covered in the written curriculum, but sometimes constitute those communicated informally through school decision-making procedures and internal justice, the level of input students have, the degree of fairness they experience, and so on. There would be a significant disconnect in a school if students listened to a lesson about due process, yet learned an hour later that a classmate had been expelled without a chance to explain what provoked his behaviour, or if the only sports trophies displayed in the school lobby were those from the boys’ sports teams, and none from the girls’ teams, or if the school had a practice of only searching the lockers of students from one cultural group. Lawyers can play a role in helping school administrators develop and implement policies and practices that are legally and ethically defensible and that model and reinforce principles of law. Of course, all four of these approaches are intertwined. One should not do a mock trial with students without examining the concepts, which undergird the trial process, discussing the

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7 See for example: KIERAN EGAN, CHILDREN’S MINDS, TALKING RABBITS AND CLOCKWORK ORANGES (1999). See also www.ierg.ca.
8 PHILIP W. JACKSON, LIFE IN CLASSROOMS (1990).

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practicalities of being called as a juror, and connecting the notion of due process with what is being practiced at the school.

There are many opportunities for lawyers to collaborate with educators in the school system. Sometimes teachers reach out to lawyers for assistance, but often the onus falls on lawyers to take the initial step. When teachers and lawyers work together they learn from each other, students benefit educationally in short and long-term ways and our democracy is enriched and strengthened.

Wanda Cassidy is Associate Professor of Education and Director of the Centre for Education, Law and Society at Simon Fraser University in Vancouver (http://www.sfu.ca/education/cels/). In 2011, she was the recipient of the American Bar Association Isidore Starr Award for Excellence in Law-Related education. She may be contacted at Cassidy@sfu.ca.

Resources for Law Day 2017

By Latia Ward

Many resources are available for planning and implementing Law Day and law-related education programs. Five resources are highlighted here.

In anticipation of the planning that lawyers and teachers will do as they seek to implement law-related education programs for high school students and the general public for Law Day 2017, I have compiled a short list of information resources that are useful for lesson plans, information sessions, and short talks featuring this year’s theme for Law Day, “The Fourteenth Amendment: Transforming American Democracy.”

Resources

American Bar Association

Law Day Planning Guide

In addition to including an overview of the Fourteenth Amendment and a timeline of events relevant to the Fourteenth Amendment, the Guide includes programming ideas for a variety of audiences such as law students, college students, K-12 students, and the public. It also includes lesson plans for elementary, middle, and high school teachers as well as a list of online, print, and multimedia resources (bit.ly/lawday2017guide).

Law Day 2017 Dialogue

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The Dialogue provides resources for members of the legal profession as well as teachers to lead the public and students in discussions regarding the Fourteenth Amendment. It is arranged in three parts: Equal Protection and Civil Rights, Incorporating the Bill of Rights, and Ensuring Equality and Liberty. The Dialogue includes questions for discussion and a list of steps for implementing a dialogue in the classroom or the community (bit.ly/lawday2017dialogue).

www.ourdocuments.gov

14th Amendment to the U.S. Constitution: Civil Rights (1868)¹¹

In addition to providing an image of the original text of the Fourteenth Amendment, the webpage provides an overview of the Fourteenth Amendment and issues surrounding it. A transcript of the Fourteenth Amendment is available as well as the option to download an image of the original text (bit.ly/amend14th).

Library of Congress

Primary Documents in American History: 14th Amendment to the U.S. Constitution¹²

In addition to providing a summary of the Fourteenth Amendment’s purpose and significance, the website provides information regarding a variety of digital and print resources. For example, hyperlinks to the Library of Congress’ digital collections A Century of Lawmaking for a New Nation and African-American Perspectives: Pamphlets from the Daniel A. P. Murray Collection, 1818-1907 as well as a bibliography are included (bit.ly/14thprimary).

Constitutional Rights Foundation

The 14th Amendment and the “Second Bill of Rights”¹³

The lesson plan provides an overview of the Fourteenth Amendment and the Incorporation Doctrine. It includes questions for discussion, a list of additional resources, and instructions for a group activity in which students decide which are the seven most important rights in a list of 22 fundamental human rights (bit.ly/2ndbillofrights).


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The aforementioned resources will be useful whether one is a lawyer planning an information session on the Fourteenth Amendment for students or the public or whether one is a social studies or civics teacher planning a lesson on the Fourteenth Amendment for students or seeking to share resources with other teachers.

**Latia Ward** is Chair and Content Editor of the ABA YLD Public Education Committee and Leader of the ABA YLD Law Day Team for the 2016-2017 bar year. She is a Legal Reference Librarian at the Law Library of Congress and a member of the North Carolina State Bar. All opinions in this article are her own and do not reflect those of her employer.

**NEWS AND ANNOUNCEMENTS >>**

**Save the Date!**

2017 ABA YLD Spring Conference  
Montréal, Québec, Canada – May 4-6, 2017

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.