RESOLVED, That the American Bar Association encourages every lawyer to consider it part of his or her fundamental professional responsibility to further the public’s understanding of and confidence in the rule of law and the American system of justice.
Public Understanding of Justice System

In a constitutional democracy, the effectiveness and, indeed, the very survival of the justice system relies essentially on public understanding, trust, and confidence. This is so because our justice system is a public institution that depends on popular participation and support to maintain its authority.

The February 1999 ABA survey on public perceptions of the U.S. justice system shows that "there is strong support for the justice system" with more than 80% concurring that "in spite of its problems, the American justice system is still the best in the world." When public attitudes towards the specific institutions that make up the justice system are examined in closer detail, however, the survey found greater disparity among respondents' levels of confidence. For instance, although Americans expressed very high levels of confidence in the U.S. Supreme Court, only 14% showed strong confidence in lawyers.

In addition, when asked factual questions about the justice system, many people's knowledge was quite poor. A central finding of the survey, nevertheless, "reveals that the more knowledge people have about the justice system, the greater their confidence in the justice system overall, as well as in a whole host of its components." Fostering public understanding, in short, furthers public confidence and trust in the law and the justice system. Such understanding does not happen automatically, but rather must be learned by each new generation—and so transmitted by preceding ones. Accordingly, such understanding is also vital to nurturing civic participation in a democracy under the rule of law. As Thomas Jefferson insisted, "I know of no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion."

As guardians and caretakers, as well as stakeholders, in the justice system, lawyers and judges must foster the public's understanding of and confidence in the law and the justice system. Ultimately, our justice system would perish without such understanding and confidence. As the April 1999 report issued following the ABA-cosponsored national conferences on judicial independence and public understanding and perceptions of the justice system emphasized, "Public confidence not grounded in citizen knowledge is too thin to long support the institutions of self government."

Trends Affecting Public Knowledge and Confidence

The ABA's February 1999 national survey on public perceptions underscores the need to improve public knowledge of the justice system as a means to building public confidence and trust. Survey findings indicated, in particular, an alarming lack of public confidence in the legal profession. Negative and misleading coverage and treatment of lawyers and legal issues via
news and entertainment media contributes to low public confidence and trust in the legal profession and the justice system. It also undermines the public’s respect for the law and commitment to resolving disputes lawfully and peacefully, rather than extralegally or through violence.

At the same time, one of the significant media trends of recent years has been the proliferation of "law" in the mass media, notably on television, for instance, through coverage of high-profile trials or depictions of entertainment or "reality-based" shows. While this occasionally results in information that advances public understanding and enhances trust and confidence in the justice system, it also has led to the dissemination of much misinformation and reinforced existing misperceptions and misunderstandings. The increasing power of new information technologies, such as the Internet, presents even greater possibilities of the spread of misinformation. In response to this trend, people will need guidance in locating authoritative, accurate and balanced sources of information about the law, lawyers and the justice system. Responsible media and schools can provide critical support, but the legal profession must provide leadership for this effort. Such leadership is compromised without the support of every lawyer in the nation.

Finally, building public trust and confidence in the justice system also requires a commitment to diversity as both a social value and a professional practice. ABA President William G. Paul has convened a President’s Advisory Council on Diversity in the Profession to help guide efforts in this area. As President Paul underscores, the "incongruity" between the diversity of American society and that of the legal profession "put[s] at risk the profession’s historic role as the connecting link between our society and the rule of law." In the long term, we can diminish this incongruity by fostering understanding of law and our justice system among young people from ethnic and racial minority groups and providing an educational infrastructure that will encourage them to pursue careers as legal professionals. A strategy of public education, from the earliest grades through college, can help us accomplish this goal.

Efforts to Educate Public

The ABA has long supported organized public education activities through the efforts of many sections, divisions, and committees, including the Division for Public Education. In 1981, the Board of Governors asserted that "the effectiveness of the American legal system requires the fullest public understanding of its purposes and functions. The Association will encourage the development and implementation of public education programs designed to foster that understanding." The House of Delegates has approved numerous resolutions on Association support for law-related citizenship education since the 1970s. Earlier this decade, the House urged bar associations to become involved in Bill of Rights education programs and, in 1994, urged organized bar support for public education about the Constitution and the law through implementation of the national education goals and voluntary standards for civics education.
Across the country, many bar associations and courts are also actively conducting innovative and comprehensive public education programs designed to foster public understanding of the law and the justice system, many in partnership with educators and civic groups. In May 1999, the ABA Committee on State Justice Initiatives surveyed bars and courts about a broad range of "justice initiatives." Bars and courts from 44 states reported that they are conducting 78 public education programs in schools and communities in their jurisdictions. The 1999 inventory of bar activities, conducted by the ABA Division for Bar Services, also showed that 45 of 52 state and 78 of 111 local bars surveyed reported sponsoring law-related education activities or developing resources at the elementary/secondary school level. Only 26 state and 15 local bars, however, reported conducting educational programs for the adult public. To broaden their outreach and enhance their effectiveness, these public education programs require greater support by lawyers and judges throughout the country.

During the past year, a series of major ABA conferences have highlighted the contributions that public education can make to fostering public trust and confidence in system. In May 1999, nearly 500 bar, court, and community leaders convened in the nation's capital for a national conference on public trust and confidence in the justice system. The National Action Plan that resulted from this conference identified public understanding as a key critical issue and public education about the law and justice system as one of the most effective strategies required to address this issue.

Further recognizing this need, the ABA Forum on Justice Improvements, held in St. Petersburg, Florida in October 1999, was devoted, in large part, to how public education can build public trust and confidence in the justice system. These sessions were held through the cooperation of the ABA Division for Public Education. In a cover letter introducing these sessions, Standing Committee on Public Education Chair Allan Tanenbaum emphasized that, "This effort [to foster trust and confidence in the justice system through public education] requires the full support of the legal and judicial communities and the professional organizations that represent us."

Professional Responsibility of Lawyers
The legal profession's responsibility for furthering public understanding of and confidence in the justice system should become a professional responsibility of every individual lawyer. Lawyers and judges can fulfill their public and professional responsibilities to foster public understanding of the law and justice system by becoming involved in and supporting public education efforts. They can become involved in "lawyer in the classrooms" or mock trial activities as part of law-related education programs for young people. They can participate in community forums or on an ask-a-lawyer program on issues of practical law or public policy. They can take part in organized public education efforts to commemorate Law Day. They can serve on public education committees or task forces. They can foster public understanding of the law through client relations. They can support public education efforts by the organized bar and bench, in partnership with educators and others committed to furthering public understanding.
As we enter the new millennium, the legal profession must actively engage in efforts that sustain the public's understanding of and confidence in the justice system. Our very form of constitutional democracy depends on the survival of our justice system. To help sustain the justice system, the ABA should call on every lawyer in the country to adopt a commitment to foster the public's understanding of the law and to view this as essential to their professional responsibility.

Respectfully submitted,

Allan J. Tanenbaum, Chair
Standing Committee on Public Education


3 Ibid.


7 Priorities of the American Bar Association Board of Governors, 1981.


9 "1999 Bar Activities Inventory," American Bar Association Division for Bar Services, VIIc Public Education, questions #304, 306.

10 The National Action Plan has been published in a draft on the website of the National Center for State Courts at http://www.ncsc.dni.us/ptc/ptc.htm.

GENERAL INFORMATION FORM

To Be Appended to Reports with Recommendations
(Please refer to instructions for completing this form.)

Submitting Entity: Standing Committee on Public Education
Submitted By: Allan J. Tanenbaum, Chair

1. Summary of Recommendation(s).

The recommendation calls on every lawyer in the country to adopt a commitment to further the public’s understanding of and confidence in the law and the American justice system and to view this as essential to their professional responsibility.

2. Approval by Submitting Entity.

The recommendation was approved by the Standing Committee/Advisory Commission on Public Education at its fall meeting on October 10, 1999.

3. Has this or a similar recommendation been submitted to the House or Board previously?

Yes. The Standing Committee submitted an earlier recommendation at the previous House meeting in August 1999. We withdrew that resolution from consideration to address issues and concerns raised by other entities. We believe the current recommendation addresses these matters. In addition, related recommendations that have been approved by the House include ones calling on the ABA to take the lead in developing long-term educational programs to improve public understanding of our system of justice (February 1998); urging bar support for public education about the Constitution and the rights and responsibilities of citizenship through implementation of the national education goals and standards for civics education (February 1995); urging judges and courts to support and participate actively in public education programs about the law and justice system (August 1992); urging Association support for citizenship education, including constitutional studies, in elementary and secondary schools (February 1992); encouraging Bill of Rights education programs in colleges and universities (February 1991); including understanding of the U.S. Constitution as a secondary school graduation requirement (August 1989); encouraging public understanding of the Constitution, Bill of Rights and the law (August 1979); and for law-related citizenship education (February 1973, August 1975).
4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?

The Association policies noted in section #3 above are relevant to this recommendation. The Standing Committee on Public Education believes that adopting the proposed recommendation is necessary to further the Association's previous policies in support of public education about the law and justice system.

5. What urgency exists that requires action at this meeting of the House?

The ABA's February 1999 national survey on public perceptions underscores the need to improve public knowledge of the justice system as a means to building public confidence and trust. Survey findings indicated, in particular, an alarming lack of public confidence in the legal profession. Negative and misleading coverage and treatment of lawyers and legal issues via news and entertainment media contributes to low public confidence and trust in the legal profession and the justice system. It also undermines the public's respect for the law and commitment to resolving disputes lawfully and peacefully, rather than extralegally or through violence. For this reason, the National Action Plan on Public Trust and Confidence, which resulted from a major ABA-cosponsored conference in Washington, DC in May 1999, identified public understanding as a key critical issue and public education about the law and justice system as one of the most effective strategies required to address this issue. Further recognizing this need, the ABA Forum on Justice Improvements, held in St. Petersburg, Florida in October 1999, was devoted, in large part, to how public education can build public trust and confidence in the justice system. The proposed recommendation will advance public education efforts nationwide.

The increasing power of new information technologies, such as the Internet, presents even greater possibilities of the spread of misinformation. In response to this trend, people will need guidance in locating authoritative, accurate and balanced sources of information about the law, lawyers and the justice system. Responsible media and schools can provide critical support, but the legal profession must provide leadership for this effort. Such leadership is compromised without the support of every lawyer in the nation.

For the reasons cited above, the proposed recommendation is needed to help sustain and catalyze lawyers' leadership for, and commitment to, public education.

6. Status of Legislation. (If applicable.)

Not applicable.
7. **Cost to the Association.** (Both direct and indirect costs.)

This recommendation could be supported through the ongoing programs of the ABA’s Division for Public Education and other relevant entities.

8. **Disclosure of Interest.** (If applicable.)

Not applicable.

9. **Referrals.**

The recommendation is being sent to the Standing Committee on Ethics and Professional Responsibility, Standing Committee on Bar Activities and Services, Standing Committee on Delivery of Legal Services, Standing Committee on Legal Aid and Indigent Defendants, Consortium on Legal Services and the Public, Standing Committee on Strategic Communications, Judicial Division, and ABA sections.

10. **Contact Person.** (Prior to the meeting.)

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11. **Contact Person.** (Who will present the report to the House.)

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