

LAW DAY 2012

Outreach
Talking Points
Planning

No Courts
No Justice
No Freedom



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No Courts • No Justice • No Freedom

Upon my acceptance of the position of ABA President-elect, I stated that together we can solve any challenge as long as we remain agile, creative, and maintain a healthy sense of urgency. I am pleased that we have honored that sense of urgency by responding to your requests and publishing the 2012 Law Day Guide earlier—much earlier—than we have in previous years. Starting earlier will allow each of you to make maximum use of the Law Day Guide and its suggestions, and even to add your own creativity and innovativeness to make this Law Day more exciting, inspiring, and informative than in years past.

Thomas More, a great lawyer and a great intellect, once said, “I would uphold the law if for no other reason but to protect myself.” That notion of self-protection is why we uphold the Constitution . . . that sacred instrument that protects our justice and freedom. Yet we, as mere men and women, cannot uphold anything as precious as justice and freedom all by ourselves. We cannot depend on our own instincts and opinions to protect ourselves from misinterpretations, misconceptions, and misreading of the rights our forefathers devised for all Americans. We need nothing less than the American court system as arbiter of the Constitution and laws of the land to protect the rights of every individual American and every political minority. As Felix Frankfurter stated in *United States v. United Mine Workers* (1947), “There can be no free society without law administered through an independent judiciary. If one man can be allowed to determine for himself what is law, every man can. That means first chaos, then tyranny.” Today the courts of this land are being called upon

*I would uphold the law if for no other reason
but to protect myself.*

Thomas More

more and more to interpret our laws and clarify our rights. That’s why we selected “No Courts, No Justice, No Freedom” for the 2012 Law Day theme. Our courts, our justice, and our freedom each depend upon the other to guard our rights and preserve our free society. This theme provides us with the opportunity to educate Americans about why we need the courts to guard our rights and keep us free.

The Law Day 2012 Planning Guide will provide resources, tools, and information needed to transform the public, our youth, and our students of law into powerful advocates and supporters of our courts, without which there would be no justice or freedom.

I have asked Mark Agrast, longtime ABA leader and former member of the Board of Governors, to serve as 2012 National Law Day Chair. You will be hearing from Mark in September with the publication of the 2012 Law Day Planning Guide.

A handwritten signature in black ink, appearing to read 'Bill Robinson III'. The signature is stylized and cursive.

Wm. T. (Bill) Robinson III

No Courts • No Justice • No Freedom

*We are under a Constitution, but
the Constitution is what the judges say
it is, and the judiciary is the safeguard of our
liberty and of our property under the Constitution.*

Charles Evans Hughes, American Jurist and Statesman, 1862–1948

In remarks to Congress in 1939, Chief Justice Charles Evans Hughes spoke of the Judiciary Act of 1789, which established our federal court system. He praised Congress for making possible through that act “the effective functioning of the department of government which is designed to safeguard, with judicial impartiality and independence, the interest of liberty.” He then added, “But in the great enterprise of making democracy workable we are all partners.” Although Chief Justice Hughes spoke directly to the legislative and executive branches of government as “partners,” his comments speak to us more broadly today. In that sense, we are all partners in making democracy workable. The judiciary, however, has a special and unique role in American constitutional democracy. Americans have long looked to our courts as guardians of our fundamental liberties, protectors of the rights of individuals and political minorities, and arbiters of the Constitution and laws of the land. Research has shown that, generally, the more people know about courts, the greater is their esteem for judicial institutions. All Americans, as participants in American civic life, share a responsibility for understanding the role of the courts in making democracy workable. The theme of Law Day 2012, “No Courts, No Justice, No Freedom,” provides us with the opportunity to highlight the role of the nation’s courts in our constitutional democracy and to foster public understanding about the judiciary.

FOUNDATIONS

- 1957** American Bar Association President Charles S. Rhyne envisions a special national day to mark our commitment to the rule of law.
- 1958** President Dwight D. Eisenhower establishes the first Law Day.
- 1961** Congress issues a joint resolution designating May 1 as the official date for celebrating Law Day. This is subsequently codified (U.S. Code, Title 36, Section 113).

Each Year May 1 is the official date for Law Day, but programs are sometimes held before or after that date. Some bar associations and other organizations celebrate Law Week or Law Month.



Baton Rouge Bar Foundation, Law Day 2011 Opening Ceremony, Naturalization Ceremony



No Courts No Justice No Freedom

Part I:

No Courts, No Justice, No Freedom

The 2012 Law Day theme, “No Courts, No Justice, No Freedom,” provides us with a focused opportunity to highlight the role of our country’s courts and to foster public understanding of the judiciary. To appreciate this year’s theme, it is important to consider what “courts” are and what the principles of “justice” and “freedom” represent. In short, it is essential to understand that without our courts, we would have neither justice nor freedom. One can begin that process of understanding by looking at how these terms have been defined legally:

Court: A governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice.

Justice: The fair and proper administration of laws.

Freedom: Having legal and political rights; enjoying political and civil liberty.

Source: Black’s Law Dictionary (Second Edition)

The judiciary has a special and unique role in American constitutional democracy. Americans have long looked to the courts as guardians of fundamental liberties, protectors of the rights of individuals and political minorities, and arbiters of the Constitution and laws of the land.

Part 2: Reflections on Courts, Justice, and Freedom

The courts have played a vital role throughout our country’s history and continue to do so today. In turn, our nation’s leaders have continually commented on the role of the courts and explained their importance in our democracy.

Consider deliberating on these notable reflections on the courts, the judiciary, justice, and freedoms during your Law Day Program.

There can be no free society without law administered through an independent judiciary. If one man can be allowed to determine for himself what is law, every man can. That means first chaos, then tyranny.

Felix Frankfurter, *United States v. United Mine Workers* (1947)

Laws are dead letter without courts to expound and define their true meaning and operation.

Alexander Hamilton, *The Federalist* No. 22, 1788

Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit.

Alexander Hamilton, *The Federalist* No. 51, 1788

Justice, which is the end of law, is the ideal compromise between the activities of each and the activities of all in a crowded world.

Roscoe Pound, *The Causes of Popular Dissatisfaction with the Administration of Justice*, 29 *American Bar Association Report*, 1906

All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression.

Thomas Jefferson, First Inaugural Address, 1801

If we are to keep our democracy, there must be one commandment: thou shalt not ration justice.

Learned Hand, Speech to New York Legal Aid Society, 1951

Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few; as we have learned to our sorrow.

Learned Hand, Remarks at an “I Am an American Day,” 1944



Seven Steps to a Winning Law Day

First Step: Start Early

The sooner you start planning, the more time you will have to make this the best Law Day ever. Ideally, fall is the best time to begin planning. However, if you are picking up this guide later, do not despair; it will provide you with the resources and guidance to create a successful Law Day in less time. No matter how much or how little time you have, it is best to engage the assistance of a Law Day Committee, to divide the work as well as to benefit from the good ideas of a diverse group of people.



Establish your committee Identify the skills, resources, and experiences that would be required of the persons serving on your committee, and then identify the people that fall into at least one of those categories. Think about people who have the time and who will make the commitment to work on tasks. While it is helpful to have some high-profile committee members who can be or assist you in recruiting speakers, be careful to balance the committee as you will need willing workers to get the tasks done.

Write letters or emails, inviting the people you have chosen to attend, keeping in mind everyone will not have the time or interest in serving. Explain Law Day and committee goals in your letter.

In your first few committee meetings, **determine which programs** will be implemented, **what resources** will be needed, what a **realistic budget** would be, and what person or ad hoc committee will be responsible for each specific task.

Second Step: Begin Putting Your Plans into Action

Identify the group or groups your programs will target, i.e., community at large, students (elementary, secondary, or both).

Visit proposed venues (schools, libraries, centers, courthouses, etc.). Solicit the cooperation and participation of administrators, courtroom clerks, librarians, teachers, and staff.

Make a wish list of speakers and presenters, and write letters inviting them to participate in your Law Day activity.

Review the Law Day Catalog for classic and 2012 themed products, which will enhance your program.

Purchase Law Day materials early to receive discounts and ensure you get the items you want. Supplies are limited.



Third Step: Prepare Your Resources

Create original scripts for plays and mock trials, if needed. Time-saver: You can order scripts from the Law Day Catalog or find available scripts online at www.lawday.org.

Download Law Day logos and artwork to be used in your ads, publicity, flyers, and other Law Day materials.



Kim Askew, 2011 National Law Day Chair

Provide Talking Points to Law Day speakers from the Law Day Planning Guide. (See pp. 4–5.)

Fourth Step: Publicize Your Law Day

Plan your publicity and outreach. See “Step Up Your Law Day’s Visibility” (p. 11) for outreach and publicity ideas.

Engage your photographer and videographer early. You may want them to photograph or film some pre-Law Day activities for publicity and documentary purposes.

More public relations ideas can be found at www.lawday.org.

Fifth Step: Solicit Sponsorships

Write letters to corporate executives, business owners, community leaders, and others requesting their sponsorship of your Law Day ads and activities.

Sixth Step: Finalize Plans

Confirm venues. Create or download scripts and begin rehearsals of plays, mock trials, and other presentations.

Finalize logistics. Do a walk-through at courthouses, schools, libraries, restaurants, etc., to develop Law Day agenda for each venue.

Solicit Law Day volunteers to work at Law Day events and activities and create volunteer “job” descriptions that include specific duties.

Enter ABA Young Lawyers Division Video Contest, Submission Deadline: **February 15, 2012.**

Send formal invitations to VIPs, i.e., governor, mayor, local politicians, community leaders, judges, requesting their attendance at appropriate Law Day activities.

Send press releases and develop press alerts to ensure press coverage at your Law Day events.

Hold dress rehearsals for all plays, mock trials, etc.

Purchase Law Day materials by March 23, 2012 for a 5 percent discount and to ensure delivery in time for your programs.

Seventh Step: Law Day and Post-Law Day

Make it the best Law Day ever! **Have fun, be informative, and be energetic.**

Send thank-you notes to participants, sponsors, schools, speakers, and presenters.

Collect media coverage “hits” that highlighted your activities and events from newspapers, television, radio, and online sources.

Prepare your submission for the 2012 ABA Outstanding Law Day Awards by June 15, 2012.



Becca Hoffman presenting a Legal Career Seminar at Kankakee Community College, an ABA-approved Paralegal/Legal Assistant Studies Program



Marna S. Tucker, co-chair, ABA Commission on Civic Education in the Nation’s Schools, and Judge Lawrence Baskir, U.S. Court of Federal Claims, speaking with high school students at the Dolley Madison House in Washington, D.C.

Law Students Take the Lead

Each year, Law Day presents an opportunity for law students to reach out to their local communities and schools to share their legal knowledge. This year's thematic focus provides a special opportunity to share information about the courts and elicit the community's support and advocacy for our court system. It is also a good idea to work with the dean at your school to identify opportunities and venues. Keep in mind that the timing of Law Day activities and events is very flexible and can be held in early spring to avoid any conflict with year-end exams.

Here are a few program ideas you can implement this year in school or community settings. For additional outreach ideas, please visit www.lawday.org.



Research and Writing Activity at Kankakee Community College during Legal Careers Day

School Settings

Reading of Famous Supreme Court Decisions Host a reading at a school in which narratives of well-known Supreme Court decisions that have clarified important constitutional rights are presented. Discuss these cases while highlighting the importance of the existence of courts to interpret and protect our freedoms. Engage the students in conversation and questions after the presentation.

Reader's Theater Enact first-person biographies of famous people in legal history. Law students would take on the roles of the famous people and tell the audience about a famous trial or other legal matter in which they participated.

Reenactment of Famous Trials Select famous trials that address the 2012 Law Day theme and assign roles to various student actors to be performed at a public venue. At the conclusion of each play, engage the audience in conversation about their reaction to the trials and a discussion of the relevant legal issues.

Community Settings

Debating Interpretation of the Constitution If all justices interpreted constitutional issues in the same way, there would be no need for courts. Form teams comprised of law students, and hold a public debate on a controversial issue related to the interpretation of the Constitution. Invite a local judge or lawyer to act as referee and judge. Consider distributing pocket Constitutions to attendees. See www.lawday.org for this product (PC #3170033).

Town Hall Meetings Host Town Hall meetings throughout your city and invite judges, attorneys, and politicians to discuss the court system and its importance. Plan time for comments and a question-and-answer period with the audience at the conclusion of the presentations.

Movie and Panel Discussion Screen a movie at a local theater that dramatizes the court system in relation to the protection of our freedoms. Host a panel discussion afterwards, comprised of judges, attorneys, and other politicians and officials.



American popular culture is inundated with images and portrayals of our judicial system. However, these depictions and representations are often skewed caricatures of the actual functions and practices of the judicial system.

In light of the distorted popular perception of our courts, Law Day 2012's emphasis on our democratic judiciary could not be more timely. A society's faith in the judiciary allows it to be effective in preserving liberties and ensuring justice. This makes an accurate and thoughtful understanding of the courts essential.

Law students throughout the nation are en route to being a part of the system by which liberty and justice are upheld in our society. It is with this destination in mind that we should endeavor to ensure the public sees our courts in the best light, and Law Day 2012 provides students and lawyers with an amazing opportunity to achieve this.

*Joshua Monroe
Paul M. Herbert Law Center, LSU
Law School Student Liaison, ABA Standing
Committee on Public Education*



Elementary and high school students participating in Law Day activities around the country

Law Day Activities for Students **K-12**

Law Day is a perfect time to let school children know that learning about the Constitution is not just an activity to prepare them for a school test or examination. Create activities to teach them about the liberties the Constitution affords them and the importance of having a court system to protect those liberties. A few suggestions are presented below.

Mock Trials Mock trials can be held in a classroom or auditorium. The trials can be based on a particular liberty, such as freedom of speech or fair employment rights, to demonstrate how those freedoms and rights can be threatened if courts did not exist to interpret and protect them. For example, consider the script for *Murphy v. National Sheet Metal* (Product Code 3170119), available for purchase on the Law Day website at www.lawday.org. There are also mock trial instructions and scripts for younger children and students of all ages.

School Plays Present school plays that focus on the importance of courts. Students can be assigned the roles of various recipients of justice in an important case, or several students can demonstrate how they are all the recipients of a classic ruling. For instance, several students, boys and girls, can stand up one at a time and declare “I’m Linda Brown” (of *Brown vs. Board of Education*), and each can say a sentence or two about the importance of everyone being able to receive a quality education. For example, one child could stand up and say, “I’m Linda Brown and my father fought with other parents around the country to assure that I could go to the school of my choice.”

“Jeopardy”-Style Game For older children (6th through 8th grades and high school), devise a game similar to *Jeopardy*, which would involve specific answers and questions about the courts, i.e., A: “If a person is arrested and interrogated, the policeman must first tell that person that he or she has a right to remain silent, and they have a right to call a lawyer.” Q: “What is a *Miranda* warning?” (See questions and answers for “Jeopardy-style” game at www.lawday.org.)

Contests An online essay contest, in cooperation with the public and private schools, could reach a large number of children. Develop a theme for the essay contest, for instance, “Why Courts Are Important.” Students could also work on visual art individually or in teams to create posters or videos that best represent the 2012 Law Day theme. (See ABA Young Lawyers Division Contest below.)

Courtroom Visits or Virtual Visits Consider field trips where students have the opportunity to meet and talk with the judges, lawyers, and clerks. These visits will take careful advance planning so that personnel are available to interact with the students. Also consider the possibility of a virtual visit to a court if the school and the courthouse have the requisite technology. For more ideas, visit www.lawday.org.

ABA YOUNG LAWYERS DIVISION LAW DAY VIDEO CONTEST FOR HIGH SCHOOL STUDENTS Four finalists to win trip to Washington, D.C.

Theme: No Courts, No Justice, No Freedom
Length: 3 to 4 minutes
Submission deadline: **February 15, 2012.**

For more information including sample videos and complete contest rules visit:
ambar.org/lawdayvideocontest

Law Day Is Everybody's Day



Law Day is an opportunity to educate the community about the courts, the law, and our rights. Each citizen over the age of 18 is a potential juror, therefore it is imperative that all citizens gain an understanding of and appreciation for our court system. As you plan your Law Day activities for the public, remember that the more interesting, interactive, and entertaining your activity is, the more likely it will be to draw and keep the interest of your audience. Here are a few suggestions for your consideration. Additional ideas can be found at www.lawday.org.

Everybody Loves a Play

Enlist the assistance of a group of community actors to present a play related to the 2012 Law Day theme that could also include optional smaller roles for additional youth and adults. Potential partners for this activity are schools, after school programs, or extracurricular groups such as YMCA Youth in Government. Participants will learn about the court system as they rehearse their parts. Choose a play from your local library or create one that best dramatizes the 2012 Law Day theme. For instance, a “Day of Absence” type of play would dramatize what life could be like if we had no courts to arbitrate our civil differences, interpret our constitutional rights, or protect our freedom. Use your imagination or have a playwriting contest for high school and college students and writers of all ages. You will also find sample scripts in the Law Day catalog or at www.lawday.org.

Law Day Film Festival

There are numerous movies about courtroom dramas. Choose three or more films and request that a local movie theater screen your legal series during a community film festival for one day up to a week depending on availability. Since theaters are busiest on the weekends, pitch the owners on the idea of accommodating your festival on lower volume days (e.g., Mondays through Thursdays). A few classic and contemporary film titles to consider are: *Philadelphia*, *A Civil Action*, *Inherit the Wind*, *To Kill a Mockingbird*, *Erin Brockovich*, and *Amistad*. For a more comprehensive list of movies, visit www.lawday.org.

Write reviews of each selected film, focusing on its relevance to the Law Day theme “No Courts, No Justice, No Freedom,” so that the reviews are available a few weeks prior to Law Day (or Law Week). Post advertisements of the festival and the reviews online at various community calendar sites and make copies available at the theater, public libraries, schools, and other public venues. To encourage participation, the film festival should be free or a very low-cost event if you identify a sponsor. If you charge a fee for the event, consider donating a portion of the proceeds to a law-related cause or charity. One idea for distributing the free tickets to potential filmgoers is to ask potential attendees to read the review and answer a few questions based on information from the reviews. Participants would have to answer a certain number of questions (e.g., three) correctly in order to download tickets or receive them from the librarian.

Law Day Exhibits

Host a Law Day exhibit at a local library, museum, bookstore, or community center. Display portraits of early courtrooms, powdered wigs, and other attire worn by our judicial forefathers. An exhibit can include items such as a judge’s bench, gavel, portrait of the U.S. Supreme Court justices as well as portraits of your local judges, and any other pertinent courtroom artifacts. The exhibit can also be an effective backdrop for Law Day presentations by judges, attorneys, legislators, and others. Consider having a photographer available to take pictures of visitors in a courtroom setting for souvenir purposes.



ABA and Close-Up Foundation Luncheon Seminar for Teachers in Washington, D.C.



Kim Askew, 2011 National Law Day Chair, leading a Dialogue on John Adams and His Legacy with high school students

Step Up Your Law Day's Visibility



Define your target audience(s) and use the media vehicles that will most effectively reach the targeted audience. Young adults are likely to use social media such as Facebook and



Twitter and access content on the web (e.g., YouTube, etc.). Other adults also use online technologies as well as more traditional vehicles such as E-blasts, local newspapers, and community and school newsletters.



Create a strong presence on the Internet by developing your own Law Day website. Develop a Facebook Events Page listing "Law Day, May 1, 2012" as the event, and for more interactive discussions also create a Law Day 2012 Group and a Law Day Twitter Account. Update your Facebook Page and Tweet once or twice a week about your progress and then more frequently as the day

draws nearer. For both the Facebook Events Page and Group, be sure to put your city or community in parentheses in the title as there will be a number of Law Day pages on Facebook.

Create your own Law Day **newsletter**, consisting of information about Law Day, previews of Law Day activities, and ads from local businesses and residents with statements of support for Law Day. Selling the ad space in your newsletter can be a great fundraiser for your committee while showing support from local businesses, lawyers, judges, and others.

Create thirty-second public service announcements alerting the public and promoting your upcoming Law Day activities for use on the radio, in newspapers, and on a local cable channel. Most radio stations and some cable TV stations will allow a number of free public service announcements. Check their procedures and time frames for submitting this information.



Create notices for inclusion in traditional and online



Tony West, assistant attorney general, Civil Division, U.S. Department of Justice, addressing high school students during Law Week activities in Washington, D.C.

community calendars of local events. Post to community calendars of community organizations' websites and local newspapers and cable access TV stations.

Prepare and distribute Law Day **flyers**. Make flyers available in public venues such as libraries, schools, community organizations, and courthouses.

Court the media. Host a pre-Law Day Press Party. Speakers may be members of your committee. When selecting speakers, keep in mind they must be excited about your Law Day plans in order to make the media excited about reporting them. Prepare press kits to give to media personnel that will help them prepare their stories.

Confirm all program details prior to preparing your media and public relations materials.

Outline program focus and content, date, time, location, and expected number of participants in your press release.

Visit www.lawday.org for samples and templates of publicity tools.

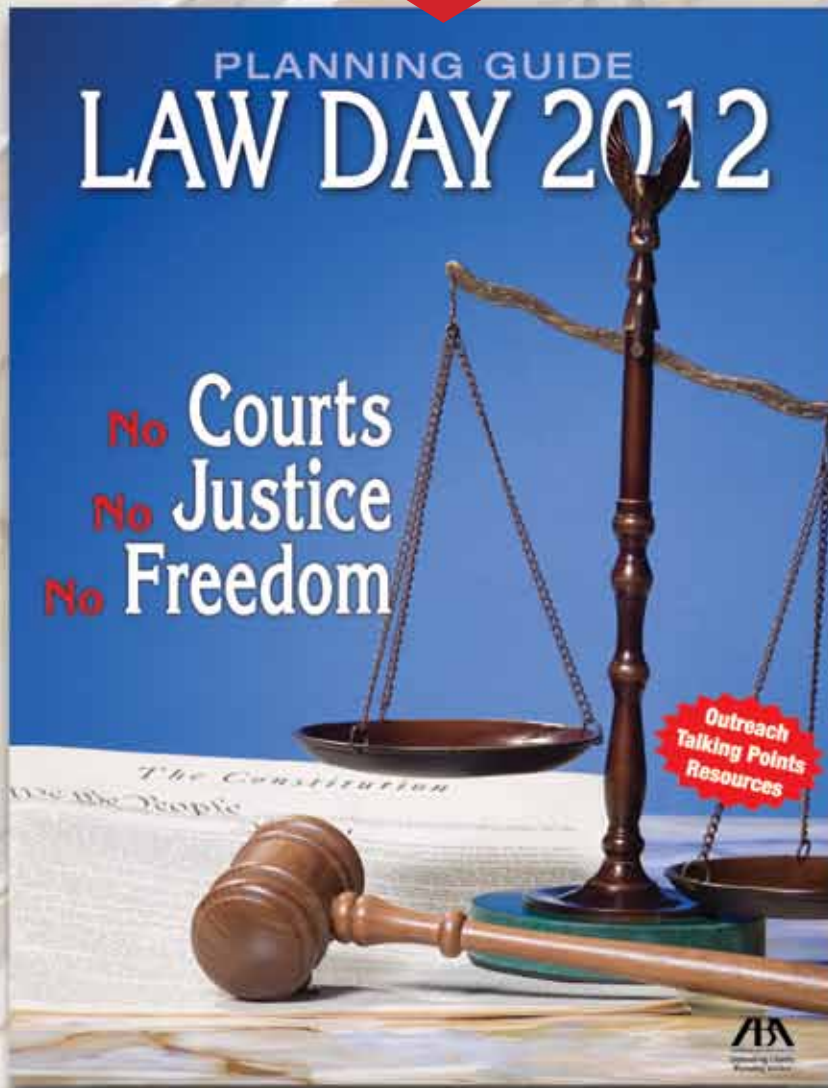
Press kits should consist of:

- 1** Press release regarding your event(s)
- 2** Law Day proclamation and foundations, as well as proclamations you solicit from your mayor, governor, or other local officials
- 3** Fact sheet including Law Day itinerary and/or agendas
- 4** Photos of key participants along with brief biographical statements
- 5** Map highlighting locations of each activity, along with the time of the activity



A new citizen poses with her flag after the Naturalization Ceremony at Baton Rouge Bar Foundation.

**Coming to your mailbox
in September**



The complete 2012 Law Day Planning Guide will include:

- Message from the 2012 Law Day Chair
- Additional Talking Points
- More Highlights from Law Day 2011 Activities and Events
- Catalog of Classic and 2012 Themed Law Day Products

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