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LAW-RELATED EDUCATION
IS
THE YOUTH CITIZENSHIP
TRAINING PROGRAM
FOR THE FUTURE

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ACQUISITIONS

The concept of justice has been a major concern of all societies since the dawn of history. Good citizenship carries the responsibility of all citizens to understand at least some of the significant aspects of criminal and civil law.

In the early 1970's, the Congress of the United States became very greatly concerned about the growing incidence of juvenile crime and delinquency and the need for treatment and control of juvenile offenders. Hence, the Juvenile Justice and Delinquency Prevention Act was enacted in 1974 to provide the necessary resources, leadership and coordination to prevent and reduce delinquency and to improve the quality of juvenile justice in the United States. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established to administer this new law.

In the subsequent years of 1976, 1977, 1980 and 1984, this law was amended. The 1977 amendment included provision for special training, including "law-related education," which is the subject of this paper.

In the meantime, Mr. Leon Jaworski, then President of the American Bar Association (ABA), proposed in 1970 that the ABA encourage all schools to teach about the law as a regular part of the curriculum. Many lawyers and educators greeted this proposal with extreme scepticism -- doubting its motives, its need or its effectiveness. Since that time, these doubts have largely disappeared, particularly with the endorsement provided by Congress in 1977 for law-related education (LRE).

Law-related education has proven to be one of the most popular and successful educational innovations of the 1970's. This paper examines why LRE is needed, its goals, and the results that have corroborated its success.

A. Critical Need

Why are law studies needed today? There are several interrelated reasons.

1. Pervasive Force. Law will pervade the life of every student; from birth through compulsory schooling, marriage, the purchase of every important problem we face as a people; taxes, welfare, abortion, crime, busing, nuclear energy, education, pollution, etc.

Despite this, less than twenty percent of pre-college students are exposed to law-related courses. Since law increasingly impacts on our private and public lives, there is increasing need for more effective law education for non-lawyers.

2. Civics Instruction Isn't Working. With the spiraling rates of juvenile delinquency and school vandalism, with periodic revelations of government corruption, and with decreasing faith in our legal and political institutions, many parents and teachers have become intensely concerned with the role of the school in developing good citizens.

In the United States, juveniles today commit some 35% of all serious crime, and some 20% of all violent crime.

School crimes are out of control. 282,000 students are attacked at school in a typical one-month period. 5,200 teachers are physically attacked at school each month.

Drugs are now running rampant, even in the elementary grades.

In affluent Montgomery County, Maryland, there were 2,000 runaways in 1984. The County courts processed 5,757 juvenile matters in 1984-- some 480 cases a month.

3. An Antidote to Alienation. Many students view law as a source of fear and anxiety, as a faceless force that can be used against them, and as a threatening, distant power that is beyond their understanding or control. Such students are alienated from the law; they feel trapped in a system that seems to be rigged against them; and they tend to become inactive, cynical citizens.

Law-related education, however, is committed to change this perception, not by preaching or rhetoric, but by educating students to understand the legal system. Such students would understand how our system works, how it can work for them, and how they can constructively change it. By viewing law as a source of knowledge and as a guardian of their rights, students will have an investment in supporting and improving it. These benefits to our student population have also brought similar understandings to their parents and friends.

B. Benefits From Law-Related Education

While programs in law-related education vary in their focus, the goals of most programs are to provide students with legal knowledge, understanding, and analytical skills.

1. Information About the Law. Many educators believe that LRE studies can respond to student demand for information that has practical and immediate value: Laws about crime, drugs, and education; about the family, the consumer, and the environment. All of these areas relate directly to the lives of students. The purpose of providing such legal information is not to train "school house lawyers," or to create an illusion of legal expertise. Rather, the idea is to begin where students are, with the legal questions that currently concern them, and thus help schools teach students to become informed and effective citizens.

2. Understanding the System. In most programs, teaching young people about their rights and responsibilities as students, consumers, or possible defendants in a lawsuit is just the beginning. Of critical importance is helping them understand how our legal system functions and why it operates the way it does. Thus, law-focused courses examine the role, the value, and limits of laws, lawyers, and judges; why laws, contracts, and legal procedures are often complicated; how the law is developed and applied in their school, their community and the community of nations; why our legal system sometimes seems to break down and what can be done to improve it.*

*/ As the New York State Commissioner of Education, Gordon Ambach, recently wrote: "Law-related education programs help ensure that our young citizens understand both the laws and legal and governmental systems of their own nations and the legal and governmental relations among the nations of the world."

4. Other Benefits. Some educators believe that the discussion and analysis of legal controversies can enable students to develop their moral and ethical reasoning ability. Others see these programs breaking down such legal misconceptions as "there is a solution for every legal problem" or "law is simply a tool for the rich." In addition, law-related programs can teach an approach to responsible citizen action by showing how law has been successful in grappling with many important problems and how it can continue to be used as a tool to resolve societal conflicts and to effect change without violence.

C. Carrying Out the Congressional Mandate

1. Who is Involved

In 1978-79, the OJJDP commissioned five national organizations in the law to develop and coordinate a national LRE program: American Bar Association of Chicago, Illinois; Constitutional Rights Foundation (CRF) of Los Angeles, California; Law in a Free Society (LFS) of Calabasas, California; National Institute for Citizen Education in the Law (NICEL) of Washington, D.C. and the Phi Alpha Delta Law Fraternity, International of Granada Hills, California, operating through its affiliate, the Phi Alpha Delta Public Service Center in Washington, D.C. For more than six years, these organizations have worked together in a coordinated program with OJJDP funding support to establish LRE programs on a nationwide basis, with particular programmatic and funding support in the states of California, Colorado, Florida, Hawaii, Illinois, Indiana, Michigan, Nevada, North Carolina, Oregon and Tennessee. Five additional states to be added in 1985-86 are Connecticut, Iowa, Pennsylvania, South Carolina, and Utah.

2. The Format of Law-Related Education

The format of LRE is divided into the components of (1) writing and disseminating suitable LRE curriculum materials to local school systems, (2) adopting LRE program additions to existing school courses for kindergarten-through-twelfth grade students in public and private schools; (3) training teachers and school administrators to teach LRE, (4) recruiting and training professional resource persons in the local justice system (lawyers, judges, prosecutors, law enforcement officers, etc.) to work with the teachers and participate in classroom instruction; (5) arranging for field trip visits to local justice facilities (courts, police stations, law libraries, police ride-alongs, etc.) for both teachers and students; and (6) marshalling community support and funding of local LRE programs to strengthen their continuity.

3. Curriculum Materials and Teacher Training

Because of their technical and complex nature, most legal materials designed for lawyers and law students are not suited for use in social studies or civics courses. During the past decade, however, several law studies projects have developed excellent law-related materials for the schools. These materials assume no prior legal knowledge, cover many aspects of the legal system, and enable teachers to choose those best suited for their own classrooms.

There is a variety of published curriculum materials that is suitable for every grade. These materials range from the more practical "street law" approach (which emphasizes civil, criminal, consumer, family, and sports law) to the more philosophic or conceptual approach (which focuses on legal concepts such as authority, justice, privacy, freedom and responsibility).

Such materials are available from CRF, LFS, NICEL and other LRE program sources in the United States. These organizations also provide technical assistance training for LRE educators.

The American Bar Association's Special Committee on Youth Education for Citizenship serves as a national clearinghouse for information in this field and publishes national directories of LRE programs in the various states; several annotated bibliographies on law-related education texts, curriculum, and audio-visual materials; and publications on LRE trends and progress in the nation. The ABA also encourages state and local bar associations to support the expansion of LRE.

4. Use of Resource Persons and Community Support

Classroom teachers make or break local LRE programs--they usually determine what is taught, how it is taught, and what materials are used. But, this can be a back-breaking job. They are on the firing line of education, typically overworked, underpaid and desperately needed. They are harassed, have little time to keep up with traditional teaching subjects and methods, much less new or risky subjects and teaching techniques. They must be persuaded that the new technique of using community resource people is a great strength of LRE. Indeed, evaluation studies have concluded that the appropriate use of outside resource people is more strongly associated with reducing youth crime and delinquency than any other LRE classroom practice.

5. Phi Alpha Delta's Partnership Program

Although schools are now teaching about law throughout the country, most LRE programs still do not include an essential ingredient to an understanding of our legal system -- the human dimension. It is a dimension that is not contained in even the best texts or taught by the best teachers. It can only be provided by lawyers and other members of the justice system who personally and directly share their perspectives in the classroom. It is this critical human interaction among attorneys, educators, and students that is needed to round out a complete LRE program. To meet this need Phi Alpha Delta, the nation's largest professional law fraternity with more than 100,000 members, developed a "Lawyer-Educator Partnership Program" to humanize the law.*

Although lawyers have often spoken in schools on Law Day and on other special occasions, the PAD Program offers a more promising and important approach. It extends beyond the once-a-year assembly or classroom talk. It is based on a mutual and continuing relationship between lawyers and educators. It provides an educator with the opportunity to develop an on-going partnership with a local attorney during the period of a year or more.

*/ A description of Phi Alpha Delta is attached.

During this process, teachers and students get to know lawyers as human beings. Of course, teachers and students learn about "law people" through television, court visits, newspapers, texts and locker-room gossip. But these sources of information often present a narrow and distorted picture of lawyers, primarily in their courtroom role.

The PAD program is designed to present a different perspective. This is done by providing a variety of opportunities for teachers and students to meet and talk with lawyers, judges, and law enforcement people as concerned individuals. In this process, students and teachers begin to understand the human side of "lawyering" -- its satisfactions and disappointments, its challenges and frustrations. They get to know lawyers, not as a glib, distant figure who can sway juries and speak "legalese", but as thoughtful individuals who can share a student's sense of injustice or perhaps ease a teacher's fear of being sued.

The Phi Alpha Delta concept of a local lawyer-teacher partnership reaches beyond any single organization. The Fraternity serves as a catalyst-- to develop alternative models and to invite interested lawyers, judges, police officers, law students and local and state bar associations to assist in the teaching of law in the schools.

PAD's approach has been to hold local, state, or regional one-or-two-day conferences in each section of the country. Before each conference, 12 to 20 lawyer-educator teams are chosen from local communities to plan how they will work together. Educators are chosen on the basis of their interest in LRE and their desire to work with an attorney to expand and strengthen classroom law teaching. Lawyers are selected on the basis of their commitment to work with educators for two or three hours a month during the school year.

At the conferences, lawyers and teachers who have worked together demonstrate and discuss a variety of ways the partnership can be made to work. Each team then considers how these methods can be adapted to their own communities and classrooms.

Thus, lawyers who are paired with teachers might be called on two or three times a semester to conduct a class discussion, help arrange a field trip or judge a mock trial. Such attorneys also assist teachers in reviewing their law-related curriculum and by being available for occasional phone consultation about legal issues that arise in class. In sum, the partnership program enables lawyers to work directly with individual teachers and students, to link educators with other members of the legal community, and through this process to "humanize" the law.

A key element in the appropriate use of resource persons is to provide such volunteers with resource materials to help them develop lesson plans for classroom use. Phi Alpha Delta now provides specialized resource person guides, and conducts training for judges, lawyers, law students, law enforcement officers and educators.

6. Benefits of Community Support

To succeed, LRE must span the elementary, middle, and secondary levels of student education. LRE must provide its unique advantages on a continuing plan of action, to be expanded into all local school settings and funded as an established component of the school curriculum network.

If this is done, a strong community support program will provide immense payoffs for today's youth and tomorrow's leaders. Such benefits include the following:

- * It helps students mature.
- * The community is a wonderful information source important to maturing youth.
- * For students, it provides a meaningful activity for community service; a workplace and vocational connections; the discouragement of crime, vandalism, and delinquency; and a high level of good citizenship. We call it civic competence--civic responsibility.
- * It helps parents understand the community justice system.
- * It teaches good government.
- * It is free -- local resource person volunteers give generously of themselves. Community support does not cost the local school system anything, yet it provides better public understanding and support.
- * It offers new local fund-raising help.

Local leadership provides the essential key to the sustenance of LRE. The right people for local leadership roles must be found. Their commitment cannot be forced; this must be developed on a voluntary basis. Once committed, these local leaders become the real cornerstone for LRE follow through. Community-based law-related education really works.

D. Results of Law-Related Education

During the 1970's, there was a dramatic expansion of LRE courses and programs. Law instruction became increasingly popular among teachers, administrators, and students. But, there was no systematic evidence to indicate how LRE affected student attitudes or behavior. Some educational critics charged that LRE was popular, not because of its academic merits, but because it used educational "gimmicks." Other skeptics charged that law education would have negative consequences, that a little legal knowledge was a dangerous thing, and that LRE would simply teach students how to "beat the system."

Then in 1979, the Office of Juvenile Justice and Delinquency Prevention initiated a national evaluation of the effects of law-related education in high schools. This evaluation concluded that LRE "can result in a significant reduction" of juvenile delinquency.*/

The study revealed that students in classes where LRE was effectively presented:

- * were less likely to use violence to solve problems.
- * were less dependent on others who engage in delinquent behavior, and
- * were pleased that their parents, friends, and teachers viewed them less negatively.

By gaining an increased knowledge of the law, the Constitution, and the legal system, the study reported fewer thefts; fewer acts of violence against teachers and other students; fewer gang fights, motor vehicle thefts and breaking and entering; fewer instances of avoiding payments for goods and services; and increased school attendance.

E. Conclusion

Law-related education has come a long way since Mr. Jaworski urged the American Bar Association in 1970 to support the teaching of law in the schools. During the past 15 years, thousands of teachers have been trained, hundreds of programs have been established, dozens of excellent texts and curricular materials have been developed to teach about our laws and legal system, and thousands of students have become better citizens.

During the balance of the 20th century, LRE faces this challenge: to bring lawyers (and other resource persons) into a working partnership with teachers and other educators to broaden student knowledge of the law. Attorneys, working together with educators, can help deepen student understanding of lawyers, judges, and many other professionals who are trying to improve our laws and our juvenile justice system.

At a time when schools are concerned with "basics," why should we teach about law? The answer is that in the United States, law is basic to public education. The reason Thomas Jefferson wanted public schooling for all young Americans was to insure that the new republic would be governed by knowledgeable, active, and responsible citizens. As James Madison once noted, a popular government without educated citizens "is but a prologue to a farce or a tragedy or, perhaps both."

Thus, in the 18th century our founding fathers considered legal/political education an essential requirement for effective citizenship. Phi Alpha Delta considers this just as essential today. Therefore, we invite all members of the legal profession and educators who share this goal to join us in promoting the teaching of law as a basic feature of American education.

*/ "Findings of a Two-Year Study Show that Law-Related Education Can Reduce Juvenile Delinquency," Robert Hunter, Center for Action Research, Boulder, Colorado, 1981.

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