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SAFEGUARDS OF THE REPUBLIC: THE RESPONSIBILITY OF THE AMERICAN LAWYER TO PRESERVE THE REPUBLIC THROUGH LAW-RELATED EDUCATION

RYAN BLAINE BENNETT*

INTRODUCTION

The continued existence of a free and democratic society depends upon the recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and his capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.1

At the dawn of the new republic, the Framers of the Constitution knew that in order to “secure the liberties and republican form of government proclaimed in the Declaration of Independence and institutionalized in the Constitution and Bill of Rights [America] would require a widespread reorientation of public attitudes and beliefs.”2 They recognized that maintaining democratic legitimacy under the new republican regime required an electorate that not only knew and understood the law, but also questioned the laws drafted by its representatives. “In this context, knowledge of the law and obedience to the law were two of the highest virtues attainable by any citizen.”3 In recent years, however, these public virtues have become more difficult to attain. More specifically, the American people have become less willing to attain them, or even liken knowledge of the law to pub-

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3. Id.
lic virtue at all. Where it once was held in high public esteem, Americans have more or less conceded their knowledge of the law to only a small segment of the population, the lawyers. As a result, the majority of Americans lack the requisite knowledge and awareness of the law that the Framers originally intended. Such a deficiency represents a considerable weakness and potential failure of our country’s democratic process.

In light of this subtle threat to democratic legitimacy in America, contemporary lawyers have an imperative calling to serve as community educators and to use both their natural talents and those shaped through years of education and experience to revive these lost virtues. By cultivating knowledge and awareness of the law they can assist in the redevelopment of a society that is consistent with the Framers’ original conception and fundamental to the preservation and maintenance of our democratic freedoms. In this country, law is not only extremely important to society, but “in a very real sense law is what America is all about. In no other system of government do the law and the courts play so large a role. No other country has so many lawyers, and in no other country have lawyers been so influential.”

In other nations, “the totem of the society is a crown, a mausoleum, or a spot of sacred land. In the United States, it is a document under glass at the National Archives. The greatest responsibility to assure that document remains alive and strong lies with the lawyers.”

The role of a lawyer as a “safeguard of the republic” can be seen in one of many ways. In his description of the narrative of the legal profession, Professor Geoffrey Hazard views the lawyer’s ideal as: “that of the fearless advocate who champions a client threatened with loss of life and liberty by government oppression.”

He draws an example from Abraham Lincoln’s dynamic cross-examination of a lying witness testifying against his client in a murder prosecution. “With the aid of the Farmer’s Almanac Lincoln proved there was no moon on the night in question, so that the witness could not have seen what he said he had. Lincoln thus rescued an innocent citizen from both private evil and

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5. *Id.*
6. The phrase “Learned and Cultured Lawyers are the Safeguards of the Republic” is carved in stone atop the entranceway to the Law Library at the University of Michigan in Ann Arbor.
prosecutorial authority."\(^8\) Hazard describes the legal profession's "narrative" of the American lawyer as "a partisan agent acting with the sanction of the Constitution to defend a private party against the government."\(^9\)

Lawyers, like Abe Lincoln, have the capacity to strive for justice and prevent wrongs. Today, with the growing indifference to the law and disinterest in politics, American society is similarly threatened, only this time on a grander scale. In light of this threat, the American lawyer must be called upon to participate in the law-related education of society. In America, the lawyer serves society as "an instrument of both liberty and political justice."\(^10\) As such, lawyers are custodians of our legal system and "officers of the court." These noble titles and sizeable obligations are taken on as "an integral part of our calling."\(^11\) The Preamble to the American Bar Association Code of Professional Responsibility poignantly states: "Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct."\(^12\) Therefore, it is the ultimate responsibility of lawyers to act as the last line of defense against tyranny—to be the "safeguards of the republic."

I. THE FRAMERS' CONCEPT OF AN INFORMED CITIZENRY

A hallmark of the democratic process is citizen participation in the operation of government. In a republic, such as the United States, citizens participate by electing representatives who will, in turn, support policies and programs that are compatible with the interests of the voting majority. Thus, each citizen participates in the democratic process by influencing her representative, traditionally with the power of her vote. It is, therefore, important to the proper functioning of the democratic process that the citizen be informed on issues of public affairs and legisla-

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8. Id. (citing Donovan & Wellman, Cross-Examiner, in Lincoln Talks: A Biography in AnecdotE 23, 25 (E. Hertz ed. 1939)).

9. Id. at 1244; see also id. ("In the basic narrative the private party is an individual, the proceeding is criminal or quasi-criminal, and the defendant's life or liberty is at stake. The defending attorney's cause is always just, for the narrative holds that government is inevitably heavy-handed and misguided.").

10. Id.


tion. Without an informed citizenry, the stability of the democratic regime is threatened. The individual rights of citizens become subject to encroachment and possible tyranny. If Americans are to help "preserve the regime—then they must be educated in the spirit of the laws." As Aristotle stated, it is "education relative to the regimes that is the greatest of all the things that makes regimes last." Moreover, "if liberty and equality . . . are chiefly to be found in a democracy, they will be attained when all persons alike share in the government to the utmost." No better safeguard exists for democratic liberty and equality than a well-informed body politic.

It comes as no surprise that this concern was at the forefront of the Founders' agenda at the end of the eighteenth century. "[T]he idea that an informed citizenry was critical to the success of the republic served as a guiding principle when they designed American institutions." The deliberate end of public education was to generate "a politically informed citizenry that knew its rights and jealously defended them."

Public access to education became an anthem for patriots such as Samuel Adams and Thomas Jefferson. "Adams spoke with a sense of urgency, both for the present and for perpetuity: 'No People will tamely surrender their Liberties, nor can they easily be subdued, when Knowledge is diffusd and Virtue preserved.'" In 1779, Jefferson proposed the Bill for the More General Diffusion of Knowledge for the Commonwealth of Virginia. The first objective of Jefferson's bill was "to block the rise of tyranny, and it asserted that an informed citizenry was ultimately the only effective barrier."

17. Id. at 56 (emphasis omitted).
18. Id.
19. Id. at 75.

[The Bill] proposed to "illuminate . . . the minds of the people at large, and more especially to give them knowledge of those facts, which history exhibiteth, that, possessed thereby of the experience of other ages and countries, they may be enabled to know ambition under all its shapes." Thus informed, common people would be "prompt to exert their natural powers" so as to repel tyranny. A further goal was to secure "publick happiness" which required laws that were "wisely formed and honestly administered."
Advocates of an informed citizenry emphasized that it must be a policy of inclusion. For them, the purpose of the public education system was to develop and enhance the political understanding of all citizens. Noah Webster, the educator and lexicographer, "recommended that in the United States 'every class of people should know and love the laws . . . by means of schools and newspapers.'"20 Jefferson also asserted that public education "will avail [citizens] of the experience of other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every guise it may assume; and knowing it, to defeat its views."21 Soon to follow Jefferson's proposal was the new Massachusetts Constitution, drafted by John Adams, "recasting 'the mission of government in broad republican rather than Puritan terms.'"22 It "proclaimed a comprehensive public responsibility not merely for education at all levels but also for creating an advanced, enlightened, knowledgeable, and progressive society."23

II. THE HISTORICAL PRESENCE OF LAW IN THE AMERICAN CLASSROOM

At the dawn of the new republic the law had a paramount importance in the community and knowledge and obedience to the law were seen as two of the highest virtues.24 "Legal education was not seen, as it is today, as a field of specialized postgraduate study."25 Rather, the law was "conceptualized as part of the educational process from the very beginning."26 Along with the basic skills of reading and writing, the school children of the new republic were "also expected to learn the first rudiments of law."27 As children matured, so did their legal training. Children "who attended secondary schools were imbibing not only

Id. at 75-76 (quoting Thomas Jefferson, “A Bill for the More General Diffusion of Knowledge,” as reported by the Committee of Revisions, Jan. 6, 1779, in 2 PAPERS OF THOMAS JEFFERSON 526, 527 (Julian P. Boyd ed., 1950)).
23. Id. (“Like the Virginia reform proposals of the previous year, the new Massachusetts constitution was designed to enable republican principles and institutions to endure; furthermore, it affirmed that they could survive only in the custody of a virtuous and informed citizenry.”).
24. See Hoeflich, supra note 2, at 711.
25. Id. at 711-12.
26. Id. at 712.
27. Id.
literature, mathematics, history, and other skills, but were also learning the law in some detail. These educational endeavors were aimed at shaping the attitudes and opinions of the American youth. The men and women of early America "recognized that the survival of the republic depended upon the development of a uniquely American and republican culture and the transmission of this culture to the youth of the new nation."

These ideals were akin to those of the Founding Fathers, among whom Benjamin Franklin advocated for public education to instill "the Advantages of Civil Orders and Constitutions . . . the Advantages of Liberty, Mischiefs of Licentiousness, Benefits arising from good Laws and a due Execution of Justice . . . ." The Founders' aspirations are best expressed in the writings of educational pioneer, Noah Webster:

When I speak of diffusion of knowledge, I do not mean merely a knowledge of spelling books and the New Testament. An acquaintance with ethics and with the general principles of law, commerce, money, and government is necessary for the yeomanry of a republican state. This acquaintance they might obtain by means of books calculated for schools and read by the children during the winter months and by the circulation of public papers.

In Rome it was common exercise of boys at school to learn the laws of the twelve tables by heart, as did their poets and classic authors. What an excellent practice this is in a free government.

III. CURRENT THREATS TO THE DEMOCRATIC REGIME

Despite the Framers' strong emphasis that the study of law be present in the public forum as well as the American classroom, the past fifty years has seen a growing ignorance of the law and its functions. Organizations such as the American Bar
Association, the Constitutional Rights Foundation, and the National Institute for Citizen Education in the Law view this growing ignorance as a pressing threat to our democratic freedom. "Today's citizen not only lacks the understanding of the day-to-day functions of government—how a bill becomes a law, the counter-balancing relationships among the three branches of government—he also knows very little about the American legal system." The ABA believes that "less than one percent of America's elementary and secondary students are currently exposed to systematic curricula in law related studies." Without an adequate understanding of our legal system and its principles, American youth, and ultimately voting adults, cannot be effective citizens.

Today's youth are seen as dangerously ignorant, and schools are blamed for "turning out a generation so ignorant as to make the United States 'A Nation at Risk.'" Public confidence, in general, in most government institutions has declined "drastically" in the past fifty years as well. A recent survey conducted in late 1997 by the National Constitution Center revealed the following:

[M]ore than 90% of Americans agreed that "the U.S. Constitution is important to them" and that it "makes them and much of our present, led in the sixties to a reaction against the field. This resulted in the elimination of widespread requirements for civic education in our schools and a reduction of attention to political history in texts in favor of such topics as social history, the history of the labor movement, civil rights history, and the like. While many of the new emphases were improvements, the reduction of attention to civics and government was not.

33. AMERICAN BAR ASSOCIATION, SPECIAL COMMITTEE ON YOUTH EDUCATION FOR CITIZENSHIP, LAW RELATED EDUCATION IN AMERICA: GUIDELINES FOR THE FUTURE 1 (1975) [hereinafter LAW RELATED EDUCATION].
34. Id.
35. See id.

If the Constitution and the Bill of Rights were put to a vote today, pollsters tell us they would not be adopted. Indeed, one survey found that "many people not only did not recognize the Bill of Rights, but, without the benefit of its title, described it as 'Communist propaganda.'"


36. BROWN, supra note 16, at 196 ("When many voters cannot name their U.S. Senators and congressmen, let alone their state and local representatives, and cannot locate sites of international conflict and crisis on a map, it is hard to summon optimism.").

37. LAW RELATED EDUCATION, supra note 33, at 4 (citing U.S. GOV'T PRINTING OFF., CONFIDENCE AND CONCERN: CITIZENS VIEW AMERICAN GOVERNMENT (1974)).
proud.” Paradoxically, the Center’s surveys have shown that people have an appalling lack of knowledge of a document that impacts their daily lives. Eighty-three percent of respondents admit that they know only “some” or “very little” about the specifics of the Constitution. For example, only 6% can name four rights guaranteed by the First Amendment; 62% cannot name all three branches of the federal government; 35% believe the Constitution mandates English as the official language; and more than half of Americans do not know the number of senators.38

This general ignorance creates feelings of frustration and alienation among the American people. Some citizens become embittered, but most simply cease to care about the government until it affects them personally.

Consequently, confusion and frustration with the law has led to heightened dissatisfaction with lawyers and the legal system. Despite periodic calls for reform, “the contemporary problems of the American legal profession seem to run deeper than in the past.”39 Strikingly, there are “[m]ore lawyers today, both proportionately and absolutely, than at any other time in recent history.”40 Therefore, there is a much greater public “awareness of lawyers’ work, which is now the subject of regular coverage in newspapers, magazines and television serials.”41 Yet, despite the exposure and interest in the profession, “the public, and perhaps the profession itself, seem increasingly convinced that lawyers are simply a plague on society.”42

IV. REAFFIRMING THE ROLE OF THE AMERICAN LAWYER

In recent years it has become increasingly difficult to appeal to the legal profession’s sense of public duty and obligation, particularly in terms of law-related education (LRE). In his recent dedicatory address to the Indiana University School of Law, Chief Justice Rehnquist stated, “The practice of law has always been a subtle blend between a ‘calling’ such as the ministry, where compensation is all but disregarded, and the selling of a


39. Hazard, supra note 7, at 1239.

40. Id.

41. Id. See also id. at n.3 (“In 1950 there were approximately 176,000 lawyers and judges; in 1970, 260,000; and in 1987, an estimated 707,000. This computes to 11.6 lawyers and judges per 10,000 in the population in 1950, 12.7 in 1970, and 29.0 in 1987—a dramatic increase.”).

42. Id.
product, where compensation is all important." He further claimed that "the movement over the past twenty-five years has been to increase the emphasis on compensation—to make the practice of law more like a business." When seeking to avoid community responsibility, "lawyers frequently cast themselves as simple technicians with a simple desire to conduct 'the business as a business' according to the morals of the market place." In addition, lawyers lose their sense of community responsibility when their livelihood becomes dependent on working "within organizations or other professional subcultures subject to shop norms and reward structures peculiar to each setting." Attorneys lose the sense of their public obligations when "advancing client interests remains the primary means of securing financial success and professional status."

Despite this modern shift toward a more profit-generating focus, legal practice remains "idealized as a self-directed calling, informed by 'the spirit of a public service.'" And, it is because of these ideals that associations such as the ABA are able to appeal to a collective sense of ethics and professionalism. What I mean by this "sense of ethics and professionalism" is that lawyers "are vested with important rights and authority under our system of justice . . . not because lawyers have an inherent right to do so, but because these significant privileges have been granted to lawyers in exchange for their undertaking to fulfill important responsibilities in our society." One of the most important of these responsibilities should be cultivating virtue in the community as legal educators.

Similar to the democratic notion of the informed citizenry, the idea that lawyers have a higher duty has its roots in American history. In the new republic, everyone was to share in the respon-

44. Rehnquist, Remarks, supra note 43, at 3.
46. Id.
47. Id.
48. Id.
49. See generally LAW RELATED EDUCATION, supra note 33. See also AMERICAN BAR ASSOCIATION, SPECIAL COMMITTEE ON YOUTH EDUC. FOR CITIZENSHIP, BUILDING BRIDGES TO THE LAW (Charles White ed., 1981) [hereinafter BUILDING BRIDGES TO THE LAW].
50. Linowitz, supra note 4, at 1211.
sibility for defending liberty. At the same time, however, "those who dispensed knowledge at the bar, in colleges, and in the pulpit, 'the proper patrons and supporters of law, learning and religion,' bore a special obligation to disseminate an understanding of law and liberty among the people at large." Samuel Adams urged:

[T]he leading Gentlemen [to] do eminent Service to the Publick, by impressing upon the Minds of the People, the necessity and Importance of encouraging that System of Education, which . . . is so well calculated to diffuse among the individuals of the community, the principles of morality, so essentially necessary for the preservation of publick liberty.

Views of the legal profession at the beginning of the nineteenth century continued to echo those of the Founding Fathers. During his extended stay in America, Alexis de Tocqueville saw lawyers functioning in a politically active and conservative role somewhat similar to aristocrats. Due to their unique social and political status, he believed that American lawyers would be best positioned to guard against tyranny and protect natural rights in a mass democracy. Nineteenth century American legal thinker Rufus Choate shared Tocqueville's sentiment. Choate, like Aristotle, looked to the "spirit of the law" as the "moral force that bound society together while at the same time protecting its members from one another." It was the responsibility of the lawyers to illuminate "the spirit of the law" to the citizenry, and thereby safeguard the republic.

These proclamations, although over a century old, still hold true today. In a recent essay to the ABA Special Committee on Youth Education for Citizenship, Ronald Gerlach and Daniel Goldstein stated the following:

Lawyers have a wealth of legal knowledge, specialized expertise, and real-world experiences to share with students and teachers. The nature of their work makes most practicing attorneys good teachers, who are able to generate genuine interest in their subject area as well as engage in the free exchange of ideas with students and teachers.
In addition, by participating in the education of our youth, lawyers can serve as excellent role models. By representing their profession in the schools, attorneys have a unique opportunity to help students understand how important the values of trust, integrity and honesty are to the effective operation of a society and its justice system.

Finally, by their contact with students and teachers, lawyers help demystify the law. They introduce a human dimension to the law and legal studies that goes beyond the printed word and general theory. They offer living proof that we are a society of laws, and of individuals who—despite human frailties—have helped contribute to the development, growth and survival of our democratic republic.\(^5\)

To “contribute to the development, growth and survival of our democratic republic” is precisely what the Founders like John Adams intended when claiming that the members of the bar “bore a special obligation to disseminate an understanding of law and liberty.”\(^6\)

Moreover, public education is simply part of the lawyer’s professional and civic duty. This duty must not be neglected. Accordingly, “organized bar associations at the local, state, and national level all have committees and projects which are concerned with the education of the general public.”\(^7\) In addition, “Pro Bono activities, which may include public information, also enrich the lawyer’s practice. Law students should become aware of these programs and projects during law school, and be encouraged, or even required to participate.”\(^8\) This will not only provide a public service, but “students will have another opportunity to teach others about the law and learn in doing so.”\(^9\)

V. THE NEED FOR LAWYERS TO PARTICIPATE IN LAW-RELATED EDUCATION

Law-related education, as defined by the ABA and its proponents, is aimed at improving the “citizenship skills and attitudes

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56. BROWN, supra note 16, at 57.
58. Id.
59. Id.
of American youngsters by providing them with an understanding of law, the legal process and the legal system." In recent years, an increasing number of American schools have implemented projects to teach about the legal system. "As a result of efforts by bar associations, colleges, universities, and private organizations such as the Constitutional Rights Foundation," classroom learning materials on legal education exist in broad abundance and availability. These materials provide students with an excellent opportunity to learn about their system of laws and justice. "They have been carefully prepared, and they encourage teachers to involve young people in a variety of simulated activities in the classroom to provide a better sense of the realities of the system." Although the growing accessibility of legal education materials is a step in the right direction toward an informed citizenry, it is no guarantee. "Unfortunately, no curriculum is sufficient to develop a citizenry which has no faith in the system." Students often have problems relating the legal system that they read about in the curriculum to the one that they encounter in real life. It is the belief of many advocates of law-related education that "educational programs on law must be supplemented by the involvement of representatives of the justice system in the schools, and by teachers and students in the

60. Law-Related Education, supra note 33, at 1437:
Law-related education is not yet well known to parents and the general public, and only somewhat better known to educators, lawyers, law enforcement officials, justice officials, and officers of private and public funding sources. Even persons with some awareness of the field may have only a fragmentary knowledge of the need for law-related education, approaches to teacher training, available materials, teaching strategies, and subjects which may be enriched by the study of law.

61. See, e.g., Quigley, supra note 38, at 1437:
The American Bar Association Division for Public Education provides national leadership to law-related and civic education efforts in the United States, assisting state and local bar associations and a wide range of national, state and local educational, legal, and civic organizations in program development, implementation, and dissemination. The Division’s programs and materials are made available to lawyers, teachers, curriculum planners, and school administrators through various media appropriate for use with your in elementary and secondary schools, undergraduate college and university students, and adults. Reaching more than five million people each year, the Division’s comprehensive education and outreach effort reflects the belief that a society guided by the rule of law requires a public that understands and appreciates the legal system.


63. Id. at 8-9.

64. Id. at 9.
community." It is this learning relationship that will lead the nation down the path toward an informed citizenry, and a more virtuous government. "If our democracy is to succeed, indeed if it is to survive, our task must be to develop a citizenry demanding and expecting a true realization of the better standards of justice."

The ABA has designated certain objectives that it seeks to establish through the implementation of its LRE programs. The general overriding objective is to improve the knowledge, attitudes, and behavior of American students toward the law. "The task that we face is not to persuade young people that rules are needed, but to make it clear that our society, in attempting to regulate itself through a system of law, follows fair procedures in the adoption of legal limits and in their enforcement." It is important that these programs provide young people with the opportunity to "see the imperfections of the system when it does not measure up to the standard that has been set for it by the government." The more specific goals of LRE programs seek to produce significant and lasting changes in students' lives, and to encourage the public school system "to make courses in law and legal processes integral parts of the curriculum of elementary and secondary schools." The means to these ends lie predominantly in the two parallel pursuits of teacher training and curriculum development.

"Effective teacher training is the most important component of law-related education." The ABA makes the important point that "while lawyers, judges, and law enforcement officials can help by making occasional classroom visits, only teachers can be expected to bear the instructional burden and implement the goals of law related education." Even so, this pursuit still

65. _Id._
66. _Law Related Education, supra_ note 33, at xi (quoting Alan Gartner & Frank Riessman, _Strategies for Large-Scale Educational Reform_, 75 TCHR. C. REC. 349, 355 (1974)).
67. _Clark, supra_ note 62, at 8.
68. _Id._ at 8:
If young people believe the legal system is administered by fair-minded individuals who are sincerely attempting to provide even-handed justice for all, they can then accept the fact that imperfections are not the result of deliberate efforts to suppress freedom, but simply illustrate the failure of human institutions to achieve perfection.
70. _Id._ at 31.
71. _Id._:
There are more than eight times as many teachers as lawyers in the United States, and few lawyers can be expected to devote more than one or two hours a week to law-related education. . . . Trained teach-
requires the active participation of the legal profession. Law-related education, in particular, involves a large amount of complex and troubling concepts, issues, and information. "Teachers are understandably reluctant to enter a complex, controversial, and unfamiliar area. Therefore, special training for classroom teachers is necessary."72 For example, "recognizing that teachers generally have a limited grounding in the law and may have ambivalent feelings about the legal profession's role in American society, the New York State Bar has conducted more than 15 summer workshops on law-related education, as well as numerous one-day in-service conferences for teachers."73 At these programs, teachers attend presentations by lawyers on issues of substantive law, including "the rights of children, juvenile justice, consumer law, and judicial decisionmaking."74

Strictly from an economic perspective, lawyers can make the most efficient use of their time by helping to train teachers. "When a lawyer teaches a class himself it is unlikely that he will reach more than 35 students. When he takes the same amount of time to train a group of teachers, he is effectively reaching hundreds of students."75

As an additional incentive, teacher-training courses could be offered through an institution of higher learning. Programs currently exist to provide teacher-training courses in cooperation with universities, and enable teachers to receive credits toward a graduate degree. For example, "participants in the Law in American Society's Foundation's summer institute can elect to receive graduate credit from DePaul University, Northwestern University or the University of Illinois upon successful completion of their training."76

In its proposal for LRE curricula, the ABA shares similar convictions with the Founding Fathers, and the early educators who structured classroom curricula in the antebellum era.77 In order to meet the primary objective of making positive changes in the attitudes and aptitudes of youngsters, "law-related curricula cannot merely impart specific information or inculcate sim-

72. Id. at 31-32.
73. BUILDING BRIDGES TO THE LAW, supra note 49, at 162.
74. Id.
75. LAW-RELATED EDUCATION, supra note 33, at 32.
76. Id. at 34 ("Graduate credit is the most frequent incentive which projects offer teachers.").
77. See generally Hoeftlich, supra note 2. See also BROWN, supra note 16.
ple maxims about the need to be a good citizen." Rather, in order for our current nation to realize its democratic destiny of an informed and active citizenry, "students must be trained to understand the role and nature of law in a democratic society." The curricula must succeed in demonstrating to the student "that legal rights coexist with legal responsibilities." Through a careful and deliberate conveyance of this maxim and its implications, the lawyer-teacher can help the student better understand the American political regime, and more importantly, the student's individual role within it. Curricula projects generally attempt to introduce a course at the secondary level that focuses directly on fundamental legal and jurisprudential issues. In addition, law-related curriculum units "in existing courses are another means of imparting improved understanding of the law." This type of approach can help students understand "the implications of violating the laws, as well as showing how they can work constructively to reform aspects of the . . . laws."

An example of lawyer involvement in curricula development occurred in 1978 when "six New York State attorneys helped write a 61-page New York State Supplement to the popular secondary school text Street Law: A Course in Practical Law." The supplement was designed to provide New York teachers with "specific information about New York State law and procedure and relative cases." In addition, the supplement also includes sections on "individual rights law, criminal law, family law, consumer law, housing law, and environmental law."

A common problem encountered by teachers of traditional courses in civics and government is that they present an unrealistic portrait of the ideals of democracy, failing to address the realities that the students encounter outside of classroom. Inevitably,
students are going to have "access to the 'real world' on TV and in the street. An unrealistic curriculum in the schools, therefore, may increase cynicism about the effectiveness of democratic procedures, by creating a dissonance between what they know and what they are taught."87 Interaction with members of the legal community and the proper law-related curricula "can help solve this problem by raising issues which are relevant to students and posing questions concerning the practical problems of achieving justice which can fully engage their intelligence."88

One example of a successful law-related education program is the Law, Youth and Citizenship (LYC) program installed in New York in 1974. The program is a cooperative effort between the New York State Bar Association and the New York State Department of Education. In the beginning, a primary objective of LYC's efforts was to "promote lawyer involvement in education based programs for grades K-12. Since then, attorneys in both private and public practice have been enlisted to promote improved law related instruction in the schools."89 The mock trial tournament, a particularly successful activity, has been a fun and exciting vehicle for promoting lawyer involvement in the New York State Bar's LRE programs.

The underlying purpose of such a tournament is to improve students' understanding of legal processes, as well as sharpen their verbal and logical skills. Each participating school may enter a six-member team in the tournament. Student team members assume the role of attorneys, prosecutors, defendant, and witnesses. Other students may serve as backups to members of the main team.

87. Law Related Education, supra note 33, at 36.
88. Id.: Examples of such questions include—Should drug use be legalized? Should abortion be illegal? To what degree is our free use of property limited by environmental factors? How can we reconcile the rights of the free press and the free trial? "Law-related curricula should be based on a conception of law as 'a series of topics for reflection, grounded on very real human concerns as they arise in a specific factual context of cases and disputes . . . the study of law in the schools should be problematic analyses of real issues as they affect real people, little people and big people."

89. Building Bridges to the Law, supra note 49, at 158-59 ("Making use of their special areas of expertise and wealth of experiences, lawyers throughout New York State have been directly involved in the following: interschool mock trial competitions, classroom resource programs, curriculum development projects, and teacher training workshops and conferences.").
To help them prepare for the event, students are provided with a statement of facts, witness statements, and rules of evidence. Over a two-month period, the teams rehearse their roles and plan strategy with their teacher-coaches.

Lawyer volunteers work with each team, training its members in trial procedures and courtroom demeanor. The actual trial enactment is presided over by another set of attorneys or, wherever possible, real judges. Teams are rated on both the quality of the case they present and the methods used in their presentations. This LRE project gives students the opportunity to participate in the legal process, and not only learn from it, but critique it from an inside perspective.

The New York State Bar has made an active and commendable commitment to promote lawyer involvement in education-based programs, such as the mock trial tournament. Attorneys will employ their special fields of expertise and wealth of experiences when they become involved in such programs including: interschool mock trial competitions, classroom resource programs, curriculum development projects, and teacher-training workshops and conferences. These programs have provided an important link between the education system and the legal profession. More specifically, lawyer involvement in teaching young people about the law has particularly helped by encouraging “better communication and cooperation between the school community—its teachers, administrators, and students—and the legal profession.” In addition, lawyer involvement has helped by promoting “more positive attitudes among young people and teachers concerning the law and our courts, as well as heighten their appreciation for the legal profession’s immense responsibility to our justice system.”

90. Id. at 160: The contests held in New York State have been greeted with great enthusiasm by students, teachers, and members of the legal profession. In 1980, some 90 school teams and over 1,000 students were involved in seven bar-sponsored tournaments throughout the state. Most courtrooms were filled to capacity with the participating teams’ student advisors, well-wishers, and parents. Many of the tournaments received widespread newspaper, TV, and radio coverage. Overall, since 1978, some 150 attorneys and 50 judges have helped make the contests exciting and educationally productive activities, which promise to continue to expand in future years.
91. See id. at 159.
92. Id.
93. Id.
In his essay for the ABA Special Committee on Youth Education for Citizenship, Hon. Martin R. Halbert, a judge for the Court of Common Pleas of Philadelphia County, stressed the ingenuity of the City of Philadelphia in instituting a variety of legal educational opportunities. He described the essence of the Philadelphia program:

City Hall can be a teaching facility. Since most students become eligible to vote before graduating from high school, teachers must actively prepare pupils for citizen roles with a structured and coordinated program. . . .

. . . [In the Philadelphia program, b]efore a class visits City Hall, the teacher must prepare the students for the visit. They will then know what to look for or what to ask. When the class arrives in City Hall, the president judge of the court, the court administrator, or a bar member can greet the students and give an initial briefing and introduction to the court system. . . .

Judge Halbert explains that the judge will take the students "under his wing" for the day, placing them as close to the bench as possible so that they may hear all the proceedings. "Upon leaving the bench during breaks in the trial, [the judge] can easily discuss court happenings with a class seated in the front." The day at court will conclude with a question-and-answer period before the class leaves. "Defense attorneys and assistant prosecutors often take part in the discussions as well."

"The reaction of judges, government officials and students to this program has been quite positive." Judge Halbert states that "My colleagues and I sincerely believe that we are making a significant contribution, and it is a genuine learning experience for us too." More significant, perhaps, is the positive feedback from students who have attended the program. Along with many other positive and frequently received comments, the type that Judge Halbert finds to be most significant are those that reveal the student's "new respect for our judicial system and confidence in it is evolving because of the personal visitation to the courtroom."

94. Id. at 102.
95. Id. at 104.
96. Id.
97. Id.
98. Id.
99. Id. Additional common comments from students after participating in the Philadelphia program include:

Contrary to reports in the media, judges and lawyers work hard, and do excellent jobs. . . . The imposition of a jail sentence or placing of
These and similar programs established over the past two decades have shown that the American lawyer can positively affect how young Americans come to know and understand their law and legal system. Although no rigid rules currently exist requiring lawyer involvement in LRE programs, organizations such as the ABA and the New York State Bar Association play an important role in encouraging lawyers to participate in LRE and emphasizing the importance of that participation.

The legal community, however, is often difficult to mobilize on particular issues concerning public welfare, even with the help of bar associations and lawyers’ clubs. The most effective method of reaching the legal community and encouraging its mass participation in law-related education is to realize each attorney’s potential early, at the law school level. “Increasingly, legal educators are acknowledging that law schools have—a responsibility to the community to help improve the legal system through public service efforts and community education projects.”100 Likewise, many law schools have already organized law-related education activities in their own communities.101 The best example of law school involvement is the Street Law program, initiated at Georgetown University Law Center in 1972.102 The primary objective of these programs is “to promote critical thinking and analysis of complex topics through the study of law and justice. In addition to meeting its goals, such a program provides the legal community with numerous opportunities for community involvement.”103

Although some law schools have instituted programs such as Street Law, they need to take it one step further and make an active effort to encourage student participation and involvement. The ABA has offered several justifications for law student participation in LRE programs, including:

handcuffs on a defendant after a sentence has been rendered is a deterrent to students. . . . Students learn that judges are human after all and that defendants do indeed get a ‘fair shake’ when it comes time for trial and/or sentencing. . . . Many students have expressed a desire to enter law or a related field after a court visit.

Id. at 171.

100. Id. at 171.

101. “There are many models for law student participation in school LRE programs. Outstanding law student programs have been developed at universities such as Cleveland State, Cornell, Detroit, Georgetown, Loyola of Chicago, Mercer, Notre Dame, Rutgers, San Francisco, St. Louis, Temple and Yale.” Id. at 172.


103. Id. at 212.
It is often said that "the best way to learn the law is to teach it." Law student instructors in LRE classrooms are likely to deepen their understanding of the theory and practice of law.

Law students can develop important skills in conflict resolution, oral advocacy, and communication. For example, the ability to communicate the law in an understandable way to non-lawyers is necessary to any legal professional. Likewise, they can develop an appreciation of the workings of the legal system as viewed from the perspective of the average citizen.

Usually legal professionals view the law of a particular jurisdiction in subject categories, like real estate or communications. Participation in an LRE program affords the law student the opportunity to critically examine law as a whole, the way the public views it.

The methodology of the LRE classroom will make law students more adept at analysis and critical thinking. It provides one of law school's few opportunities to examine issues not just from a legal perspective but also from the point of view of public policy, ethics and practical reality.

Law students can require a greater sensitivity to the social and legal problems of the young, the poor, the disadvantaged, and the lay public in general.\(^\text{104}\)

It should be the goal of such programs to influence the future public contributions of the legal profession by influencing its future members. Law student participation will not only help the public of today, but it will help the public of the future by empowering future lawyers with the knowledge and the skills necessary to realize their role as safeguards of the republic.

**Conclusion**

In the past two decades the American legal profession has made considerable advances in the field of law-related education. The combined efforts of the American Bar Association, state and local bar associations, individual judges, practitioners and the law schools have been successful in establishing the mechanics necessary for law-related education programs.

The need still remains, perhaps stronger than ever, for individual lawyers to seek out these organizations, join them, and actively participate within their communities. The Framers envisioned an informed citizenry, one cognizant of the law and the

\(^{104}\) Building Bridges to the Law, *supra* note 49, at 170.
actions of government. Today, an increasing percentage of society has become alienated from the legal system and from government in general. The distrust and apathy held by adult parents will inevitably come to bear on how their children, the youth of America, come to see their law and government. This, in turn, will result in mass political ignorance among the population. As a result, popular consent, the very framework of legitimacy on which our government stands, will collapse and cause our nation to crumble. Fortunately for us, there still remains a palpable safeguard: the American lawyer—not as a profit-seeking individualist, however, but rather as a learned professional putting to use his advanced education and experience to help protect and improve our democratic society through his involvement in law-related education.