

Law Related Education

The newsletter of the Illinois State Bar Association's Committee on Law Related Education

Editor's Note

BY SHARON L. EISEMAN

If you want to learn about how others are coping with, even overcoming, the challenges to engagement in the learning process despite the challenges the pandemic has inflicted upon us all, and also share your experiences managing, even overcoming, this extraordinary situation, you have

landed in the right place! Read on for inspiring and heartwarming true-to-life stories of collaboration among groups and individuals to stoke and set free our imaginations and desire to share our ideas and concerns in an interactive manner with our fellow humans. ■

Congratulations to All Participants in the 2021 ISBA Mock Trial Invitational for Your Perseverance in Navigating a Challenging Virtual Program

BY SARAH J. TAYLOR

This year's ISBA High School Mock Trial Invitational took place virtually on March 12-14, 2021, via software called PROcess (created by Empire Mock Trial, Inc.) and Zoom. Despite the specter of the Covid-19 pandemic and the challenges of conducting mock trials in a virtual

realm, the 46 Illinois high schools that participated in the Invitational performed admirably, maintaining their composure and commitment while presenting their cases remotely to volunteer judges and jurors. Students performed roles as

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attorneys, witnesses, and timekeepers. This year's winning team was Evanston Township High School, which represented Illinois at the National High School Mock Trial Championship (also held virtually on May 12-15, 2021).

The 2021 Invitational involved many adaptations and accommodations to fit the virtual format. The ISBA appreciates the patience and flexibility shown by teams, coaches, and volunteers. The event was a success due to the hard work and enthusiasm of these teams and their coaches, families, and other supporters, and the dedication of the ISBA's Standing Committee on Law-Related Education for the Public, the Mock Trial Coordinator, Katy Flannagan, and ISBA staff members. The Law-Related Education Committee would also like to

thank the team at Empire Mock Trial for their assistance with the PROcess platform. Finally, the Invitational would not have been possible without the many judges, attorneys, paralegals, and other legal professionals who generously volunteered their time to be presiding judges, jurors, and Blue Shirts (bailiffs). The Law-Related Education Committee appreciates and is grateful for the support and hard work of these entities and individuals.

We look forward to seeing all of you again in 2022—and hopefully in person—as well as new teams and new volunteers!! We suspect many of you are already wondering what the subject of the next case will be, what arguments can be made, who the parties will be, and what evidence can be brought to the judges. Stay tuned!■

'[BLEEP] School...'

BY JUDGE JUSTIN HANSEN & JUDGE JENNIFER JOHNSON

If there is a child in your life of a certain age, then you probably are familiar with Snapchat.¹ But, did you know that the U.S. Supreme Court has granted certiorari on a case involving a "snap" that includes the sentiment "[BLEEP] school", as well as some other choice remarks, sent by a "frustrated" high school student known as B.L.² The decision is a good read and sets up the pertinent background information nicely:

B.L. is a student at Mahanoy Area High School (MAHS). As a rising freshman, she tried out for cheerleading and made junior varsity. The next year, she was again placed on JV. To add insult to injury, an incoming freshman made the varsity team.

B.L. was frustrated: She had not advanced in cheerleading,

was unhappy with her position on a private softball team and was anxious about upcoming exams. So one Saturday, while hanging out with a friend at a local store, she decided to vent those frustrations.

We have found it to be more than just a good read. Take B.L.'s snap, the resulting school-imposed punishment, and the ensuing First Amendment litigation and you have a great topic to capture the attention of a middle or high school student! Along with our colleagues in the 22nd Judicial Circuit, we embraced this fact scenario as a wonderful example to help students in civics classes understand how the ideas set out in the U.S. Constitution and the Bill of Rights are still at work today. So far, we think we have been proven right: the dispute between B.L. and the school district has been a great vehicle

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OFFICE

ILLINOIS BAR CENTER
424 S. SECOND STREET
SPRINGFIELD, IL 62701
PHONES: 217-525-1760 OR 800-252-8908
WWW.ISBA.ORG

EDITORS

Sharon L. Eiseman

PUBLICATIONS MANAGER

Sara Anderson

✉ sanderson@isba.org

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to explain how a fundamental principle of our government and our judiciary—the First Amendment—affects students and community members.

Our presentation is pretty simple. We use a slide show to shepherd the students through a general explanation of the structure of our government and a description of the court system. Then, we focus on First Amendment precedent and the recent Snapchat case. Teachers in local school districts have welcomed us into their classrooms virtually this year to supplement the civics curriculum. Certainly, none of us judges are experts at teaching or the remote platforms we use to present the content, but we have managed to connect with a number of students who are engaged, ask excellent questions, and are able to understand the various viewpoints at issue in the case.

There is no magic to the content or the method of presentation. In the past, we have presented similar general civics information but focused on the Fourth Amendment, raising questions with the students about whether the school could search their cell phones and, if so, under what circumstances.³ Before the pandemic we presented in-person to classes ranging from 15 students enrolled in AP Government to a couple hundred 7th graders taking civics. There are many ways to be engaging and interactive with a room full of students and these issues.

Over the past two years, we have presented to hundreds if not thousands of students in several school districts. We have every intention of continuing those efforts. But the point of this article is not to tell you about our good deeds or to convince you that students benefit from more in-depth civics education. Rather, the point of this article is to tell you that our idea is bigger than that and to invite you to join in our efforts.

Putting judges in classrooms to talk about the judiciary is a high-quality, straight-forward idea that is not our own. We follow in the footsteps of others who have done it effectively with great success.⁴ We believe this idea is *most* effective when it emphasizes giving students a *local* look at a few foundational ideas that are already part of their civics curriculum, and we think the best way to do that involves using *local* officials

as the presenters. For the judicial branch, this means a judge teaches about precedent on an issue, helps students understand how it affects their everyday lives, and lets them “think out loud” through the competing interests to really bring the concepts home. The teachers we work with are already doing this, and we believe that this message is reinforced when it is delivered by a judge who lives and works in the students’ community.

Taking it one step further, this idea is not and should not be limited to the judicial branch. Even though we have an admitted affinity to our own branch of government, we hope to expand this program next school year to include local members of the legislative and executive branches. We are seeking volunteers to join in our efforts. Let’s have a city council member talk about how they reach decisions on a contentious issue. Let’s have a school administrator talk about being the executive of a school district in the midst of a pandemic. The next generation of judges, councilwomen, administrators, and community members are ready and waiting to learn about democracy in action.

We have told you what we have been doing and we have told you what we would like to do next. Here comes “the ask”: What if *you* made an offer to speak at a local school? Are you a local board member willing to offer some time? Can you arrange for a village president in the area to attend a presentation? Before you answer, take into account some practical considerations based upon our experience:

- You do not need a lot of content. A normal class period goes by very quickly, especially if you invite participation. Take a 10-minute overview of the judicial system, add 10 minutes about a few cases, add introductions along with some Q&A, and you have filled a 40-minute class period.
- Start with people you know. Our presentations began with reaching out to contacts we already had—school board members, administrators, and teachers. From there, the list of interested classrooms expanded. But if you start with a familiar face, you are more likely

to get a positive response to your offer and you are more likely to be comfortable.

- These can be done in person or remotely. In person has advantages, especially when it comes to seeing your audience and gauging their level of interest. But remote presentations have advantages too. It is much easier to schedule a 40-minute presentation between court appearances if there is no travel time.
- Consider a partner. These presentations can be done successfully with one presenter. In some respects, that may be easier. But do not be wary of presenting with a partner. In our experience, the presentations can be better with some back-and-forth. Plus, there are two personalities for the students to relate with, you can fill the time more easily, you have help with remote platform logistics, and of course, there is more than one person to answer questions. Which leads to our next point . . .
- Yes, you will get questions; no, you cannot anticipate all of them and that’s okay! No one expects perfection so laughing or saying I don’t know is perfectly fine. We have had questions ranging from the proper venue for multi-state litigation (it depends!) to whether we make a lot of money (this is a great job, and we do not take it on for the money), but rest assured many of the questions are very on-point and insightful.

Because of the cooperation and hard work of our school systems, we have an opportunity to help make foundational civics principles come alive for students. With some time and effort, we can help classrooms explore what it means to apply these principles as citizen in our communities. Utilizing meaningful present-day content, we can encourage that thought process to foster responsible citizenship now and in the future. We are proud to be part of a legal community that has been working at this for several years and we look forward to collaborating with members from other

branches of government.

NOTE from LRE Committee Newsletter Editor: Shortly after this article was so carefully crafted and inspiring in its theme of immersing middle and high school age students in a vigorous analysis and debate of the scope of the First Amendment, the U.S. Supreme Court issued its June 23, 2021 Opinion in the case, that being THIS case, of Mahanoy Area School District v. B. L., A Minor, by and through her Father, Levy, ET AL, 594 U.S. ____ (2021). The Court's ruling, the result of an 8-1 vote (which includes a few Concurrences and a Dissent), concluded that the so-called 'vulgar' comments (also referred to as 'F-Bombs) against the school conveyed by student Brandi Levy via Snapchat while

she was 'off-campus', are protected by the U.S. Constitution's First Amendment. The opinion, taken on a grant of cert. from a ruling also favorable to Brandi Levy, was narrow in its scope as compared to the lower court's ruling, warrants an entire article all its own to 'parse' out when, where and how such speech might NOT be similarly protected.■

Justin Hansen is a circuit court judge in McHenry County and the presiding judge of the Family Division. Jennifer Johnson is an associate judge in McHenry County. Both are recent recipients of the Illinois State Bar Association's Civics Education Award. Both wish to thank their colleagues in the 22nd Judicial Circuit who have supported and contributed to education outreach, especially Chief Judge James S. Cowlin, as well as the Illinois State Bar Association and the Illinois Judges Association.

1. For those wondering about Snapchat: it is a messaging application. Users can send photos, videos and text messages to their contacts. The content is not generally visible after a period of time—in other words, the content “disappears” in a sense.

2. B.L. v. Mahanoy Area Sch. Dist., 964 F.3d 170, 175 (3d Cir. 2020) (cert granted 2021 U.S. LEXIS 482).

3. For any Illinois Judges Association members out there, the IJA has a host of great presentations that you can also use, including one specifically about bringing the courtroom to the classroom and the 4th Amendment.

4. Other judges and organizations have been speaking in classrooms with great effectiveness and success for many years, thanks in part to the support of organizations like the Illinois State Bar Association, the Illinois Judges Association, and circuit courts and local bar associations throughout the state.

The 2021 Annual 'Women Everywhere' Education Day Courtroom Tours for High School Students Were a Virtual & Real Success

BY SHARON L. EISEMAN

What Are 'WE' Education Day Courtroom Tours?

Every year since 2000, the Women Everywhere Education Day Project, a component of the *Women Everywhere: Partners in Service* initiative established in 1999 by the president of the Women's Bar Association of Illinois in coordination with several women's bar leaders, has seen busloads of CPS (Chicago Public Schools) and suburban H.S. Senior Girls (maybe it is time we should consider calling them young women?) arrive at the Daley Center and the federal courthouse in the Chicago Loop, the DV Courthouse, the Criminal Courthouse, and several Courthouses in the outlying Districts. In 'normal' times, with WE volunteers assigned to each student group and with their teachers serving as chaperones, the students come prepared to

observe, first-hand, jury and bench trials in progress as well as a vast variety of other kinds of court proceedings. These visits to the courtrooms have often included pre- or post-hearing meetings with the sitting judges who oversee the proceedings at which they are invited to ask questions, and on occasion, the students are also treated to discussions with the attorneys for the opposing litigants about their cases and the evidence and arguments that have been offered.

For this population, it has been a meaningful exposure to our justice system in progress, and as such, the courtroom visits have engendered vibrant discussions between the students and the WE volunteer group leaders and often with the judges and practicing attorneys themselves. The subjects of such exchanges are broad in range and include how and why a particular grievance

by an individual or group of individuals, or a company or other kind of entity, is brought to a courtroom, what kind of compensation or other form of amends can be sought by the aggrieved plaintiff against the defendant, what happens when a party loses, and whether there are avenues the 'losing' party can pursue if she, he, they, or the entity believes an error occurred in the proceedings or in the court's ruling. More on this aspect can be found if you keep reading!

How Do the Students React? What Do They See & Learn?_

Having such encounters over the years has proven to the WE leadership, its many members and bar partners (a long list of bar associations that annually support, financially and otherwise, the Ed Day Project), as well as the attorneys who volunteer to guide the student-teacher

groups through the halls of justice, that the students are eager to learn about how the process works, whether it works, and most important of all, why we need impartial and well-trained jurists to hear and process the evidence and testimony offered in any/ every case, big or small or in-between. With such an understanding, the participants in the court tours may begin to recognize how critical the courts are for assuring the opportunity for any citizen, resident, or person, and any entity—like a business or community organization or government body—to bring their pleas before an unbiased judge who will hear and weigh the facts and assess the merits of the arguments on both sides, know and apply the relevant law to the case, and deliver an appropriate remedy, or instead reject (‘dismiss’) a matter for a perceived and stated lack of sufficient evidence.

The students then learn about the right of any litigant who is unhappy with the decision and believes justice has not been served, to bring his, her, its, or their claim(s) of error to a higher court, a process they will come to understand is called an ‘appeal’ of what the unhappy person or party who has lost the argument in the trial court believes was an incorrect result of the trial court proceeding. Such appeals may be based upon the claim that the trial court did not properly consider the range and import of the evidence that was presented during the trial or other kind of hearing, or improperly rejected valuable and relevant evidence. Another significant argument to be made to an ‘appellate’ court is that the trial court judge did not properly identify and/or apply the relevant statutes and ‘case law’ to the evidence submitted by all parties.

Those of us who have been engaged over many years in the Ed Day Tours have been able to receive ‘feedback’ from the public school administrators advising how engaged the students seemed to have been during the courtroom tours as measured by their excited reports of what they heard, understood, learned, and also wish to explore further. We who have helped to lead these tour groups also have witnessed how carefully the students listen to the judges and lawyers during their presentations and how eager they are to pose questions about what they have heard.

THUS, FOR ALL THE REASONS STATED IN THIS ARTICLE UP TO NOW, THE *WOMEN EVERYWHERE* LEADERSHIP AND ITS BOARD AND PLANNING COMMITTEE DECIDED THE 2021 WE EDUCATION DAY PROJECT SIMPLY MUST PROCEED EVEN THOUGH THE COURTROOMS WERE CLOSED. HENCE, FOR THOSE OF US IN THE CHICAGO AREA, WE CHOSE TO WORK WITH THE CPS ADMINISTRATION AND MANY TEACHERS—AND THEY WITH US AND WITH GREAT EFFECT—TO CREATE A READILY ACCESSIBLE MEANS OF REMOTE YET INTERACTIVE COMMUNICATION THAT WOULD ALLOW THE STUDENTS TO HEAR AND LEARN FROM THE JUDGES AND PRACTICING ATTORNEYS ABOUT HOW OUR VARIOUS COURT SYSTEMS WORK AND WHAT KINDS OF MATTERS ARE HEARD AND DECIDED. (Please note that virtual tours took place in outlying districts but this piece is focused on the partnership with the CPS and its schools.)

What Was Different About This Year’s Courtroom Visits?

SO...on several different days in April of 2021 to accommodate the several hundred students anticipated to participate, WE and the CPS, through its GOOGLE MEETS app and its tech team, and with support from WE’s expert tech consultant, held virtual visits for the students and their teachers with representatives of the criminal and the civil courts through pre-recorded overviews. Those viewings followed quite engaging and powerful introductions to the entire program by the Hon. Rebecca Pallmeyer, chief justice of the U.S. District Court for the Northern District of Illinois located in Chicago—and the first woman ever in the history of that court system to hold such an office, and the Hon. Timothy Evans, Chief Judge of the Cook County Circuit Court also in Chicago, who is a longtime devoted supporter of this WE project.

Thereafter, the 300 students were broken up into more manageable virtual groups to meet, also virtually, with 4-person teams of WE volunteer lawyers headed by a team leader. In the team I joined, which by design included a sitting judge from the criminal

court system, we had a group of students interested in how one becomes a lawyer or a judge, what you have to study in law school and for how long, who represents individuals charged with a crime, what a class action case is and how such a group of individual plaintiffs who have suffered the same injury find each other and a lawyer. Another area of law we explored involves persons who have been adversely affected by incidents arising in the delivery of medical care to them as patients. That subject brought us to a discussion of what malpractice cases are all about, especially in the medical field, but even where a car, a bus, or other vehicular accident is involved.

The students were also interested in learning from the Judge on our team who oversees traffic and ordinance violation cases, what happens if a person shows up and has no lawyer. The big question was: will that person get a fair hearing and a chance to prove himself or herself innocent? As a result of that question, they heard about the process of having a lawyer assigned to represent a party if that person cannot afford counsel, and the process of getting a continuance in order to find an attorney. It seemed that such questions and other similar ones reflected both that the students were being attentive, and that they recognize some pitfalls which could occur in a court case, or challenges that might be encountered for litigants who are not well prepared and/or could not afford to pay an attorney to represent him or her or them. This is no surprise considering that so many families across Chicago and the surrounding suburbs are living below the poverty line or at the very least facing serious financial challenges, many of those related to the impacts of the COVID-19 Pandemic which caused the closure or downsizing of a great many businesses, both local and corporate, and thus the loss of jobs or a reduction in work time or pay.

Student College Scholarship Application Process & What WE Learned About Student Aspirations From Their Essays

Another component of the WE Ed Day Tours is the opportunity to apply for a WE college scholarship which offers a certain number of such scholarships for which only those students who attended

the tours are eligible to apply. As a result of the high turnout for the Virtual Ed Day this year, we had one of the highest numbers of applications submitted in several years, that being twenty-five, all vying for two to four scholarships and several gift cards for excellence in various components of the application process, from 'Best Essay' and 'Community Service Standout' to 'Stellar Scholar' and 'Resilient Rising Star.'

What all the WE leaders and dedicated volunteers noted in reviewing the set of applications is the prevalence of themes in the essays of these articulate young women on such subjects as: being strong in the face of challenges, using your voice to make changes in your own community, the importance of voting and the related need to assure the protection of voting rights, the power of women in groups, and the value of helping those who are vulnerable. We from WE are continually grateful for the privilege of interacting with such strong and articulate young women who may indeed become leaders in their communities and beyond, or business owners, or teachers and professors, or legislators at the local, state or national

levels, or scientists who will help conquer the effects of climate change, or founders of groups that can make a meaningful difference in the lives of the disenfranchised, and on and on.

WE Recommends Something You Can Do to Support the Goals of our Education Day Project

Consider what you, the reader of this article, might say to any one of these young women or their peers if/when they reach out to you for guidance or share an idea for improving a particular system, whether it is governmental or community-based or in higher education or other field, that serves, but poorly and unequally, the community in which she resides or hopes one day to reside. Be prepared, at the very least, to offer support for such an insightful and determined student in her quest to make that meaningful difference for those she recognizes as being vulnerable, trapped, and lacking in resources. Also try to offer some options or means by which this student or young adult can connect with others who are similarly inspired to improve the quality of

life in the communities or families she has identified. Such support could lead to the kinds of coalitions that are both empowered and effective—and YOU will have been part of the success that is achieved for that person and many others in need of support, guidance and other resources.

Finally, WE encourages you to consider engaging your own bar group to become one of the WE Bar Partners which status offers every bar group and its member opportunities to contribute their time as volunteers for WE Education Day and also financially to enable funding of expenses that WE incurs for our 'ordinary' WE Ed Day. On those occasions, WE might need to help fund the buses that bring the students and their teachers to the courtrooms, and/or the lunches WE provides in the individual group settings following the student-teacher tours. In those gatherings taking place throughout the Cook County Circuit Court and suburban court systems so that the visitors have the chance to discuss and process their experiences with WE attorneys and volunteers. ■



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