

# Law Related Education

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

The Illinois State Bar Association's Law-Related Education Newsletter is provided free of charge on a quarterly basis during the school year. We are dedicated to promoting law-related education resources and discussion topics appropriate for use in classroom or community settings. If you do NOT wish to receive this complimentary newsletter, please reply and indicate in the message line that you wish to be removed from our mailing list. Statements, expressions of opinion or comments appearing herein are those of the editors or contributors, and not necessarily those of the Association or the Committee.

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(Notice to librarians: The following issues were published in Volume 1 of this newsletter during the fiscal year ending June 30, 2015: March, No. 1; June, No. 2).

## CHAIR'S COLUMN

BY RAQUEL G. (ROCKY) MARTINEZ

**Welcome to a new year of law-related activities!** This article will provide a brief overview of what the Standing Committee on Law-Related Activities for the Public (LRE) has planned for 2015-16.

The LRE's purpose is to develop, implement and administer programs that will enhance an understanding of our legal system, promote the consideration of law-related careers and champion for an environment which values civics education. Although there are only 16 ISBA

members who are officially appointed to the Committee, a significant number of individuals (several from outside the Bar Association) are committed to its mission and hundreds of volunteer lawyers and judges present free programs, publications and lesson plans. We have adopted an eight-page strategic plan, which sets priorities, itemizes task lists and identifies target dates for the five Standing Subcommittees of the LRE. The Civics Education Committee

*Continued on next page*

## EDITOR'S COLUMN

BY HON. EDWARD J. SCHOENBAUM

**We all hope you enjoy reading the articles** about the importance of Law Related Education/Civics Education in our Newsletter. In addition to our newsletter, we have a great deal of useful material and links on our Web site <www.isba.org> that can be used by judges, lawyers, teachers and students to learn and to prepare learning experiences for youth and for adults.

I want to ask everyone who reads this newsletter to drop me a short note telling

me:

1. What you like most in this Newsletter;
2. What else would you like to see in this Newsletter;
3. What you are willing to write for our Newsletter;
4. When you will write it or who you will recruit to write something about

Please drop me a note at JudgeEdS@gmail.com. ■

continues to promote the Lawyer in the Classroom and Courtroom in the Classroom Programs (for students) and will be developing a new initiative this year. . . . . bringing lawyers into the community (especially adult organizations). The Communications Committee is in charge of the ISBA LRE web pages (<http://www.isba.org/teachers> for non-ISBA members and <http://www.isba.org/committees/lawrelatededucation> for ISBA members), newsletters, pamphlets and lesson plans. The Membership Committee will be spreading the word about our activities within the ISBA, recruiting volunteers and engaging in public outreach. Of course, the Mock Trial Committee will be concentrating on event logistics, the problem (case) and materials, as well as coordinating the plethora of volunteers who make the High School Invitational possible. And, of course, we cannot forget to mention the Long Term Planning Committee that will be setting goals for next year and thereafter. We will be working with the Illinois

Judges Association, local bar associations and established non-for-profit groups, such as the McCormick Foundation, that are committed to civics education. It is our sincere hope that coordination with these groups will enable the centralization of legal and civics resources for the public.

Speaking of synthesizing information, I wish to ask a question. Would it be helpful to develop a statewide calendar of civics activities—conferences, hearings, programs, etc? We are willing to try if such a resource would benefit those who are interested in advancing civics education in Illinois. Please notify us of civics educational activities at your earliest convenience and we will add them to the calendar.

As always, we welcome your ideas, suggestions and screams of pain. LOL. Please forward inquiries and words of wisdom to Kim Furr, our ISBA staff liaison, via e-mail at [kfurr@isba.org](mailto:kfurr@isba.org) or by calling 1-800-252-8908. She will ensure that your matter is forwarded to the appropriate person on a timely basis. ■

## Constitution Day resources

BY SUZANNE J. SCHMITZ

**Need a resource for Constitution Day, September 17, 2015?** Or want some resources when teaching about the U.S. Constitution, U.S. history or civics?

The Illinois State Bar Association Lawyers in the Classroom Resource Guide contains numerous lesson plans and activities that can be used on Constitution Day. For example, there is a discussion guide for the First Amendment speech rights and the Fourth Amendment rights re searches of student lockers. The guide was prepared for lawyers to use in making classroom visits and this is a good occasion to invite in a lawyer. However, the guide can also be used by teachers to lead these discussions. <<http://www.isba.org/sites/default/files/teachers/lawyersinclassrooms/Lawyers%20in%20Classrooms%20Handbook.pdf>>.

Also available on the Illinois State Bar Association website is a page for Teachers. There you will find a guide to the court for kids, a role play on the three branches of government for junior and senior high

schoolers, and an activity on the civic duty of voting. Even more lesson plans and activities are available. [www.isba.org](http://www.isba.org), look For Teachers.

The Annenberg Foundation has a series of videos suitable for middle-high schoolers on the Constitution, Bill of Rights, jury duty, and major cases. One series of eight 12-minute videos addresses each of the branches of government and several of the rights in the Bill of Rights. Three games, offered with ICivics, involves students as legislators or the president or in a balance of power game. Several older, but still timely, videos address major cases.

There is a 27-minute video on the internment of Japanese during World War II which would be useful in history as well as government or civics classes. When compared with modern day treatment of migrants, it would be useful in current events classes as well. There are even more resources at <[www.annenbergclassroom.org](http://www.annenbergclassroom.org)>. ■

## Law Related Education

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# Civics education advances through LRE

BY MIKE CHMIEL

**Following my tour of duty as Chair** of the Standing Committee on Law Related Education for the Public of the Illinois State Bar Association (“LRE”), I agreed to Chair its Civics Education Subcommittee to help advance the work begun over the last few years. Thus far in the new fiscal year which began in June, the Subcommittee will include Hon. Rosemary Collins, Hon. Robert Wilbrandt, Hon. Mary Nader, Retired ALJ Ed Schoenbaum, Zee Williams, Emma Durantes, Todd Miller, Tom Murray, Ann Pictor, Suzanne Schmitz, Sandi Sweeney, and Nancy Easum.

At our first meeting, the Subcommittee took time to review LRE’s good work in civics education over the past three decades, starting with the High School Mock Trial Invitational and evolving into broader areas for civics education. Over the past decade or so, LRE has worked to evolve its Lawyers in Classrooms program with 158 or more volunteers spread across 28 or more counties. In conjunction with that program, and as an aid to teachers throughout the State, LRE has developed various teaching aids which continue to be made available through [isba.org/teachers](http://isba.org/teachers). As well, LRE has worked to draft, revise, and provide pamphlets on various topics in the law, to typically provide insight and assistance to students.

We also took time to review the desires of ISBA President Umberto Davi, which include (a) work to achieve the Mission of LRE as it relates to civics education, (b) advancement of last year’s work on Bringing the Courtroom to the Classroom, and (c) work on Bringing the Courtroom to the Boardroom (a/k/a the ISBA Speaker’s Bureau).

We also reviewed the desires of LRE Chair Rocky Martinez to achieve the goals of the Subcommittee, as set forth in the Strategic Plan adopted by LRE on June 19, 2015. As such, the Subcommittee will work to inspire greater involvement of ISBA members, continue to work with the Illinois Judges Association in these areas,

reach out to other bar associations, interact with the Illinois State Board of Education, work to involve teacher groups, and develop programs for the public in general.

We also remembered ISBA Executive Director Bob Craghead’s admonition to focus. We want to (and feel some level of duty to) achieve much, as we have been given much and find ourselves in a noble profession. Our resources (personnel, time, and finances), however, are limited. So once again, we will work to do what we can, but we will each respect the demands of our families and profession (a/k/a day jobs), as we work to facilitate civics education throughout the State.

In this new fiscal year, the Subcommittee will conduct its work through five Working Groups, which will include the Lawyers in Classrooms Working Group (which will work to contact current volunteers (to thank them and confirm their continued involvement), divide the current volunteers by State Judicial Circuit with a Coordinator for each, work to get new volunteers, and work to get volunteers into classrooms), Bringing the Courtroom to the Classroom Working Group (which will work with its IJA counterpart to again form a joint committee to continue the work started last year in the areas of training, materials development, and deployment), Bringing the Courtroom to the Boardroom Working Group (which will endeavor to replicate the Classroom projects with an eye toward reaching adults), Outreach Working Group (which will work to develop contacts in the civics education world outside the legal profession), and Materials Working Group (which will review and develop current and needed materials for [isba.org](http://isba.org) and the above-noted projects as requested).

Membership in these working groups remains open for addition as we continue to welcome new volunteerism and ideas. Meanwhile, we will continue to evolve our role, and work with the leadership of the ISBA to arrive at proper protocols for interacting with those outside ISBA.

As we move forward in this new fiscal year, we continue to welcome questions, comments, and suggestions from educators and others interested in civics education in Illinois. As well, all are invited to explore and utilize the free resources which are available through the websites of the ISBA ([www.isba.org](http://www.isba.org)), the Supreme Court of Illinois ([www.state.il.us/court](http://www.state.il.us/court)), and the Illinois Judges Association ([www.ija.org](http://www.ija.org)), as we are all working to make our State a better place through education. ■

**Did you know?**

**Every article published by the ISBA in the last 15 years is available on the ISBA’s Web site!**

**Want to order a copy of any article?\* Just call or e-mail Jean Fenski at 217-525-1760 or [jfenski@isba.org](mailto:jfenski@isba.org)**

**\*Sorry, if you’re a licensed Illinois lawyer you must be an ISBA member to order.**

# Arbitration and mediation: Alternate ways to resolve conflicts

BY SANDRA SWEENEY

**Conflict Resolution comes in many forms**—fisticuffs, community justice, litigation, arbitration and mediation.

The first two forms named above are frowned upon and not encouraged. The third form named above is considered to be overused and abused, by the public, and rarely leads to an outcome in which either party feels vindicated.

The final forms listed above, arbitration and mediation are becoming more and more used. I am familiar with three forms of conflict resolution: litigation, arbitration and mediation. I have been an attorney for 15 years and have engaged in numerous trials in both state and federal courts. I can state with certainty that when all is said and done and a winner has emerged that neither party truly feels as if they have won. Both parties have endured a trial that has tested their nerves and emotions and most certainly has tested their pocketbooks. Even the winner has suffered these consequences of trial. Some trials can go on for days or even weeks, intensifying the bad effects mentioned above. The concept of arbitration has arisen from this quandary create by litigation.

Now arbitration is not necessarily the answer to all litigation. Arbitration is meant to handle the less-involved cases, or easier cases, and can be valued only up to a limited amount, usually between \$30,000 to \$50,000. But arbitration frees up the Court's docket for the more involved and difficult litigation cases.

Arbitration involves the use of trained attorneys who sit as a three-person arbitration panel, hear the case and make a decision upon the case. The case is presented to the panel in the same manner and with the same standards as if being presented to a Judge. The litigants must follow the rules of civil procedure and evidence. The Chair of the arbitration panel

is the individual charged with ruling on objections made by the litigants during trial.

Although all of this sounds exactly the same as litigation there are some drastic differences.

- 1) Arbitration is not final, as in the case of a trial, because the litigants have the opportunity to reject the arbitrator's award. Now, the rejection of the arbitrators does not necessarily come without some consequences, if the case should go to trial and the outcome is the same or closely the same, there are penalties that can be affixed to the party who rejected the arbitrator's award.
- 2) Arbitration cases are limited in the time that the litigants have to present their cases to the arbitration panel. Arbitration cases are only given a total of two hours to be presented to the panel. Generally, each side has an equal portion of time to present their side but if the parties agree one side can use more than the other to present their case. So, in this instance the amount of time that the litigants have to be nervous and the amount of money that will be expended is limited. There will be a winner and a loser in these cases but being the emotional and monetary expenses are limited is usually helpful in the parties feeling that they have had a successful outcome.
- 3) Lastly, the arbitration panel is not allowed to decide any motions the litigants may choose to make at the hearing.

So, although arbitration is a form of litigation the limited time duration lends to lessening the toll on emotions and costs to the litigants. Arbitration has not gained widespread popularity or usage yet in the circuit court system although a few

Illinois Courts have mandated arbitration programs.

The last form of formal conflict resolution is mediation. In this form of conflict resolution a third party called a "neutral" brings the parties together to try to facilitate a mutual agreement between them. The target is for the mediator to have the parties reach an agreement that both can live with but neither are 100% satisfied with. This scenario would be called a "win-win" because both parties each feel, on some level, they have won. Truth be told they have also each lost a little.

In mediation, it is the parties who choose their mediator. Some mediators are strictly civil mediators or those who attempt to resolve conflicts between people that involve some sort of money dispute. There are those mediators who are involved in resolving disputes between parents and involve custody or visitation issues. One of the interesting differences between mediation and arbitration is the fact that in mediation the parties are in control of their mediation process but in arbitration the arbitrators are in control of the process.

By that I mean, in arbitration the only outcome will be some type of money award by the arbitrators but in mediation the outcome can take many forms, money, more/less time with children, the parties doing or not doing something, etc., with mediation the possible outcomes are endless and can be sometimes be very, very creative. For example, I've heard of a case of two companies who were battling one another with respect to a name for their company. The name they were battling over is insignificant but needless to say the name was the same or very, very similar for each company. As the mediation progressed the parties were becoming more and more frustrated with the other and so the mediator, as a side thought, suggested the

following: “How about you arm wrestle for the name,” to the surprise of the mediator, the parties took them up on it. The parties wrestled, one won and one lost and the matter was settled. After the mediation the parties left together talking to one another on friendly terms.

Mediation is a good forum to be used for cases involving people who need to be able to get along with one another after the matter is

settled. Feuding parents is a good example—these individuals need to get along with one another after they have settled their dispute with each other for their children’s sakes. Another example is feuding neighbors—unless one of them considers moving, they need to be able to tolerate each other after the dispute is settled. Mediation is not a cure-all, but it attempts to give the parties, especially in the above two examples, ways in

which to cope with each other.

So, as you can see, the Courts are trying to innovate new ways in which to deal with our ever increasing litigious society. It is trying to come up with new ways for individuals to resolve their conflicts and in some cases come to conclusions that help maintain an on-going relationship between them when needed. ■

## Magna Carta is 800 years old—Still time to celebrate

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**The Magna Carta, or the Great Charter, is 800 years old** but lives today in our Constitution and Bill of Rights. Signed in 1215 under duress, this document initiated the idea of separation of powers, creating a council to work with the king. It ensured freedom of religion and due process rights. Of course, these rights were limited to the barons, but eventually this document led to more modern statements of more universal rights.

American and British lawyers and

judges celebrated the 800th anniversary this past summer, but the Magna Carta could be the subject of Constitution Day programs this fall. It should be a subject for world history, U.S. history, and government, as well.

A short video found on Teacher You Tube offers a good overview of the 800 year old document and demonstrates how it lives today in our Constitution. Magna Carta Teacher History has lived on for 800 years.

Teachers may enjoy a free downloadable activity guide about the Magna Carta, available from the American Bar Association. Although the guide was prepared for the May 1, 2015 Law Day celebrations, the activities it suggests for school youth are useful year round. <[http://www.americanbar.org/content/dam/aba/images/public\\_education/LawDay2015/LawDayGuide2015.pdf](http://www.americanbar.org/content/dam/aba/images/public_education/LawDay2015/LawDayGuide2015.pdf)>. ■

## Video: ‘You Be the Judge’ gives students first-hand view of sentencing

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**An innovative U.S. courts program is teaching students** about federal sentencing decisions from a unique perspective: the judge’s bench.

A newly released video shows high school students, guided through a simulated court case by a federal judge, deciding an appropriate sentence for a 17-year-old charged with starting a forest fire in a national park.

The presiding judge leads the student

judges through a discussion of aggravating and mitigating circumstances that make their sentencing decisions a close call. The roles of the defendant, his parents and high school coach all are played by selected students, while their peers serve as judges responsible for deciding the sentence.

The “You Be the Judge” series of sentencing scenarios has been tested in the U.S. District Court for the District of Columbia with national student groups

visiting Washington. The program is available to interested federal courts across the country.

U.S. District Court Judge Emmet G. Sullivan, who is seen in the video presiding over a student hearing, calls the program a “golden opportunity” to educate young people about the legal consequences of bad decisions.

Watch the video by going to [uscourts.gov](http://uscourts.gov). ■

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# Upcoming CLE programs

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## October

**Thursday, 10/1/15- Teleseminar**—Estate & Trust Planning for Non-traditional Families.

**Friday, 10/02/15- Rockford, NIU Rockford**—Solo and Small Firm Practice Institute Series—A Closer Look: Securing and Growing Your Practice – Fall 2015. Presented by the ISBA. 8:15-5:15 pm.

**Tuesday, 10/6/15- Webinar**—Introduction to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3-4.

**Tuesday, 10/6/15- Teleseminar**—Insurance and Indemnity in Real Estate.

**Wednesday, 10/7/15- Teleseminar**—Choice of Law and Choice of Forum in Contracts.

**Thursday, 10/08/15- Webinar**—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3-4.

**Thursday, 10/8/15- Teleseminar**—Health Care Issues in Estate Planning.

**Thursday, 10/8-Friday, 10/9/15- Grafton, Pere Marquette State Park and Lodge**—A Family Law Financial Trial. Presented by the ISBA Family Law Section. 8:30-5:30 both days.

**Friday, 10/09/15- Springfield, Lincoln Land Community College Logan Hall Room 1138**—Computer Basics 2015: Is This Thing On? Presented by the ISBA Senior Lawyers Section, Co-sponsored by the ISBA Young Lawyers Division. 8:30-12:15 am.

**Monday, 10/12/15- CRO and Fairview Heights, Four Points Sheraton**—Advanced Workers Compensation. Presented by the ISBA Workers Compensation Section. 9:00

am – 4:00 pm.

**Monday, 10/12/15- Teleseminar- LIVE REPLAY**—Ethics, Disqualifications & Sanctions.

**Tuesday, 10/13/15- WEBINAR**—Health Care Workshop: “At Risk” – Advising Health Systems that Own a Health Insurer. Presented by ISBA Health Care Section Council. 12-1:30 (central time, speaker on Eastern).

**Tuesday, 10/13/15- Webinar**—Fastcase Boolean (Keyword) Search for Lawyers. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3-4.

**Tuesday, 10/13/15- Teleseminar**—Advanced Choice of Entity, Part 1.

**Wednesday, 10/14/15- Teleseminar**—Advanced Choice of Entity, Part 2.

**Friday, 10/16/15- CRO**—Guardianship Bootcamp 2015. Presented by the ISBA Trusts and Estates. ALL DAY.

**Friday, 10/16/15- Elgin Community College**—Traffic Law Updates- Fall 2015. Presented by the ISBA Traffic Law and Courts Section Council. 8:55- 4 pm.

**Monday, 10/19/15- Teleseminar**—2015 Americans With Disabilities Act Update.

**Tuesday, 10/20/15- Teleseminar**—2015 Americans With Disabilities Act Update.

**Wednesday, 10/21/15- Bloomington-Normal Marriott Hotel**—Real Estate Law Update- 2015. Presented by the ISBA Real Estate Law Section Council. 8:30 am – 4:30 pm.

**Wednesday, 10/21/15- Teleseminar- LIVE REPLAY**—Business Planning with S Corps, Part 1. Thursday, 10/22/15- CRO STUDIO WEBCAST. Navigating a Section

31 Enforcement Case. Presented by the Environmental Law Section Council. 9:30-10:45 am.

**Thursday, 10/22/15- CRO**—Practice Management, The Cloud, and Your Firm. Presented by the ISBA. 1:00 pm- 4:30 pm.

**Thursday, 10/22/15- Teleseminar- LIVE REPLAY**—Business Planning with S Corps, Part 2.

**Friday, 10/23/15—CRO—From Opening to Close**—A Construction Trial and the Technology to Win Your Case. Presented by the Construction Law Section Council; Co-Sponsored by the Real Estate Law Section Council. 8:30-4:45.

**Tuesday, 10/27/15- Teleseminar**—Offers-in-Compromise: Settling Tax Liability for Individuals and Business Owners.

**Wednesday, 10-28- Friday, 10-30—CRO**—Advanced Mediation/Arbitration Training Master Series. Presented by the ISBA. 8:00-5:00 each day.

**Friday, 10/30/15- Danville Public Library**—Pro Bono Practice and Professionalism: the Basics of Estate Planning, the Guardianship Process, and Family Law. Presented by the ISBA Standing Committee on the Delivery of Legal Services. 9:30 am- 4:30 pm.

## November

**Tuesday, 11/03/15- Teleseminar**—Indemnification & Hold Harmless Agreements in Business & Real Estate.

**Wednesday, 11/04/15- Teleseminar**—Estate & Income Tax Planning Issues in Divorce.

**Thursday, 11/05/15- ISBA Regional Office**—Hot Topics in Criminal Law in Illinois- 2015. Presented by the ISBA Criminal Justice Section Council. 9:00 am- 5:00 pm. ■