



National Judicial Outreach Week

March 4-10, 2018

INFORMATION PACKET



**American Bar Association
Judicial Division
Judicial Outreach Network**

**National Judicial Outreach Week 2018
March 4-10, 2018**

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For more information, go to the Judicial Outreach Network
Resource Center at:

http://www.americanbar.org/groups/judicial/committees/judicial_outreach_network/judicial_outreach_resource_center.html

American Bar Association Judicial Division Judicial Outreach Network

National Judicial Outreach Week 2018 March 4-10, 2018

What is National Judicial Outreach Week?

National Judicial Outreach Week is an initiative of the American Bar Association Judicial Division. It will take place March 4-10, 2018, and the first full week of March each following year. Our goal is to focus public attention on the rule of law and increase public trust and understanding of the role of the courts in upholding the rule of law.

To do this, the ABA Judicial Division will encourage and assist active and retired judges throughout the United States to engage the communities they serve in discussions about liberty, the rule of law and preservation of fair and impartial courts.

Why Judicial Outreach Week?

Throughout our nation's history, the most persistent threat to the fairness and impartiality of America's courts has been efforts by some political majorities to exercise greater control over the courts based on party politics and political and social ideology. The most important defense against this threat is public commitment to preserving the fairness and impartiality of our courts. The best spokespersons for the judiciary are the extraordinary active and retired judges who serve and have served our communities.

One of the most effective ways to promote public understanding and commitment to our courts is to have more members of the public meet more of our active and retired judges outside of the courtroom and litigation matters. It is the surest way for the public to see the dedication and integrity of America's judges and their unwavering commitment to fairness, impartiality, and the rule of law.

Many judges throughout the country volunteer their time and knowledge to educate students and adults about American history, the U.S. Constitution, our laws, and the work of our courts. Many judges do it as they are able throughout each year, and many do it as part of Law Week on the May 1 each year and Constitution Day on September 17 each year. It is important that these efforts continue. The Judicial Division is creating National Judicial Outreach Week to encourage more judges to engage the public and to encourage all judges to participate in a concentrated and coordinated national effort. Like Law Day and Constitution Day, National Judicial Outreach Wee will focus the attention of large numbers of Americans in many locales during a short period of time. Unlike Law Day and Constitution Day, Outreach Week focus public attention on the same subject each year, America's courts and the rule of law. Each year, the message will be that the preservation of our liberty depends on preservation of the rule of law, and the preservation of the rule of law depends on the preservation of fair and impartial courts.



National Judicial Outreach Week

OUTREACH & JUDICIAL ETHICS

Relevant Provisions & Comments in the ABA Model Code of Judicial Conduct (2011 Edition)

NOTE STATE COMPLIANCE

Judges are required to abide by their state's judicial ethics standards regarding public conduct and communication.

Before participating in National Judicial Outreach Week and any other public outreach, each judge should access, review, and understand the state's particular judicial conduct standards.

1. **Maintain Independence – Integrity – Impartiality**

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. *Canon 1*

Promote Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary, and shall avoid impropriety and the appearance of impropriety. *Rule 1.2*

2. Model Code Comments Encourages Community Outreach

Comment 6, Rule 1.2.

A judge should initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.

Comments on Rule 3.1

[1] To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. See Rule 3.7.

[2] Participation in both law-related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.

3. Limitations on community outreach and other extrajudicial activities

A. Performance of judicial duties takes precedence over outreach activities

Canon 2: A judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.1: Giving Precedence to the Duties of Judicial Office:

The duties of judicial office, as prescribed by law,* shall take precedence over all of a judge's personal and extrajudicial activities.

Rule 3.1: Extrajudicial Activities in General

A judge may engage in extrajudicial activities, except as prohibited by law* or this Code. However, **when engaging in extrajudicial activities, a judge shall not:**

(A) **[interfere with judicial duties]** participate in activities that will interfere with the proper performance of the judge's judicial duties;

(B) **[cause frequent disqualification]** participate in activities that will lead to frequent disqualification of the judge;

B. Outreach activities must not undermine confidence in a judges' independence, integrity, or impartiality.

Rule 3.1: Extrajudicial Activities in General

A judge may engage in extrajudicial activities, except as prohibited by law* or this Code. However, **when engaging in extrajudicial activities, a judge shall not:**

(C) **[undermine independence, integrity or impartiality]** participate in activities that would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality;*

(D) **[coercive]** engage in conduct that would appear to a reasonable person to be coercive; or

(E) **[use of court resources]** make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

Comments on Rule 3.1

[3] **[expressions of bias]** Discriminatory actions and expressions of bias or prejudice by a judge, even outside the judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status. For the same reason, a judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination. See Rule 3.6.

C. Reasonable Compensation Permitted

Rule 3.12: Compensation for Extrajudicial Activities: A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law* unless such acceptance would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*

Comments on Rule 3.12

[1] A judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The judge should be mindful, however, that judicial duties must take precedence over other activities. See Rule 2.1.

[2] Compensation derived from extrajudicial activities may be subject to public reporting. See Rule 3.15.



Judicial Outreach Network

National Judicial Outreach Week

Guidelines for Effective Presentations

- 1. Think about the “take-away.”** After hearing your presentation, what will each audience member take with them? What civic values? What knowledge?

Research has shown that each of us will accept information that agrees with our existing beliefs and find reasons to reject information that is contrary to those beliefs. Therefore, it is important that your take-aways be consistent with fundamental American values, such as:

- everyone is created equal
- everyone is endowed with the right to life, liberty, and the pursuit of happiness (our laws protect life, liberty, and property)
- liberty and justice for all
- fair and impartial courts
- preserving the rule of law
- equal protection of law
- due process of law
- separation of powers
- upholding the Constitution

These are fundamental American values that a large majority of audience members already hold. However, the Core Message is more than a statement of the value. The Core Message should communicate the essential role our courts play in preserving the fundamental values. For example:

- our courts ensure that everyone receives equal treatment under the law
- our courts protect everyone's rights to life, liberty, and property
- our courts provide due process of law
- our courts must be fair and impartial
- our courts preserve the rule of law

When you have decided on a Core Message, you need to make it relevant to anticipated audiences. To do this, consider the message from the vantage point of an audience member. Why should an audience member care about the Core Message? How does it affect him or her in daily life? What enables the Core Message to be true? What poses a risk to it? What would an audience member want to know and what would be useful for him or her to know to understand the importance of the Core Message and to form a commitment to it?

Judges who participate in National Judicial Outreach Week are free to select their own take-aways.

The ABA Judicial Division Judicial Outreach Network encourages judges to adopt the following take-aways.

1. The judge who gave the presentation is an impartial & dedicated public servant.
2. Preserving the Rule of Law:
 - a. No one is above the law
 - b. Each individual is entitled to equal treatment under the law
 - c. Each individual is entitled to the benefits of procedures that foster the fair & impartial resolution of each case
3. Courts must conduct, and be permitted to conduct, proceedings free from outside influences.

4. Preserving the Rule of Law in every courtroom every day ensures that the Rule of Law will protect the liberty each audience member in the future.

2. Use presentation techniques that (1) are effective, and (2) that you are comfortable using.

When developing the model presentation for National Judicial Outreach Week, the Judicial Division has drawn from relevant communications research and the experience of judges who excel in public speaking.

Research and experience has shown that the most effective presentations have the attributes .

- **They are interactive.** When speakers ask audiences questions and talk with audience members, the audience is more attentive, give more thought to the subject matter, and remember more about the presentation and remember it longer.
- **They use terms that speak to common American values.** In 2005, the Justice at Stake Campaign conducted extensive research that concluded that Americans who are not legal trained misunderstand the meaning of words and phrases that judges and lawyers often use. They published their findings in 2006. If you would like a copy, go online and enter the following search: pdf Speak to American Values.

Among other things, the report recommended the following:

<u>Do Say</u>	<u>Don't Say</u>
Fair & impartial courts	Judicial independence
Upholding the constitution	Interpreting the constitution
Courts	Judges

- **They end on time.** Respecting the host's time constraints is a matter of courtesy. In addition, when the allotted time ending, audience members want the speaker to state the conclusions and end on time.

- 3. Identify the target audience(s).** Judges who participate in Outreach Week are encouraged to select audiences that they believe have the greatest need and will benefit most from a Rule of Law presentation.

Consider the following:

Age Segments

Adults

- Young adults
- Middle age
- Seniors

Schools

- Elementary age
- Middle school age
- High school
- Community college
- College & university
- Gifted & talented

Groups

- Legislators
- Court staff
- Adult life-long learning programs
- Service clubs
- Veterans groups
- Chambers of commerce
- Economic development groups
- Educators
- Ethnic groups
- fraternal organizations
- Lawyer groups
- Libraries
- Neighborhood—homeowners associations
- Seniors groups
- Service clubs
- Veterans groups
- Women groups

- 4. How to help make National Judicial Outreach Week a success.**

We encourage you to find an audience and give a great presentation. But we also encourage you to do more.

We hope you will:

- tell your chief judge or presiding judge
- tell your colleagues
- tell your Chief Justice
- tell you Administrative Offices of the Courts Public Information Office
- tell your judges association

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Judicial Division
Judicial Outreach Network**

**National Judicial Outreach Week 2018
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1 JUDICIAL DIVISION CONFERENCE CHALLENGE

In an effort to promote National Judicial Outreach Week and encourage participation from ABA Judicial Division Members, the ABA Judicial Outreach Network Committee is proposing an inter-conference challenge.

Simply put, the inter-conference challenge will be won by the Judicial Division conference that has the highest pro rata participation of judges in “Outreach Events” during the National Judicial Outreach Week.¹

An “Outreach Event” is any event at which a judge engages the citizenry in civic education or dialogue related to the rule of law. The event should engage community members through presentations at business, community, and service organizations; and at churches, local libraries, community centers, schools, and parent-teacher associations; and in your courthouses to talk with them about the rule of law, the role of the courts in preserving the rule of law and liberty, and how judges must be free from political, special interest, and financial influence.

The Judicial Outreach Network Committee has prepared a model program for your presentations that can be used either as a lecture or as a guide to an open discussion with participants. You are not limited to this model program. Judges are encouraged to find other programs through searches of the online Judicial Outreach Network Resource Center:

http://www.americanbar.org/groups/judicial/committees/judicial_outreach_network/judicial_outreach_resource_center.html

Judges may use programs that they are otherwise familiar with or comfortable presenting.

Judges are also encouraged to reach out to their chief judges, presiding judges and colleagues and encourage their participation.

¹ Based on most recent report of membership numbers for judge (current and retired) members of a conference prior to the National Week of Judicial Outreach

2 MEASURING SUCCESS

We ask that each conference track the number of presentations their members make, **as well as the number of presentations that their colleagues make as a result of their promotion of Judicial Outreach Week.** To be included in the tally of Outreach Events, the event organizer must submit to the respective conference chair and staff liaison the attached National Week of Judicial Outreach Event Questionnaire by April 13, 2018. Conference chairs or their staff liaisons will then submit the attached National Week of Judicial Outreach Conference Questionnaires to the Judicial Outreach Network Committee Chair by April 27, 2018. While it is not necessary for consideration, judges are encouraged to submit photographs of their participation in events.

3 REWARDING SUCCESSFUL PARTICIPATION

While participating in civic involvement and strengthening our democracy by increasing public understanding of the rule of law through outreach is its own reward, and while a year's worth of conference bragging rights are sufficient, the Judicial Outreach Network Committee will also honor the winning conference with a special presentation at the ABA Annual Meeting. (And don't count your conference out of a nomination for the Burnham "Hod" Greeley Award submitted on your behalf by the Judicial Outreach Network Committee.)

American Bar Association
Judicial Division
Judicial Outreach Network

National Judicial Outreach Week 2018

March 4-10, 2018

JUDICIAL DIVISION CONFERENCE CHALLENGE

INDIVIDUAL REPORT FORM

Name of JD member judge: _____

JD Conference affiliation: _____

I gave the following presentations during the week of March 4-10, 2018, National Judicial Outreach Week:

DATE	PRESENTATION TITLE	AUDIENCE ENTITY	ATTENDANCE

I also encouraged judicial colleagues to give presentations and they gave the following presentations during the week of March 4-10, 2018, as a result:

DATE	PRESENTATION TITLE	AUDIENCE ENTITY	ATTENDANCE

American Bar Association
Judicial Division
Judicial Outreach Network

National Judicial Outreach Week 2018
March 4-10, 2018

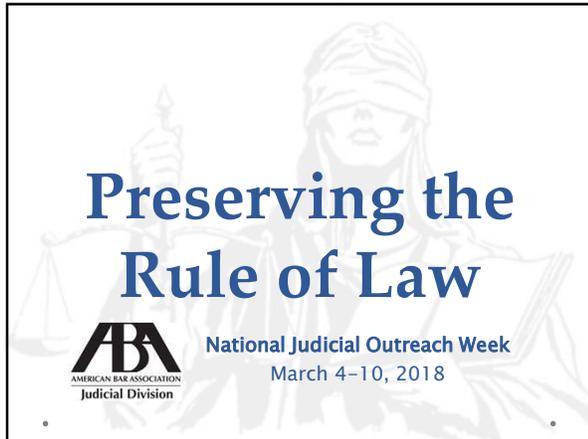
JUDICIAL DIVISION CONFERENCE CHALLENGE
CONFERENCE REPORT FORM

Judicial Conference: _____

Name of conference chair: _____

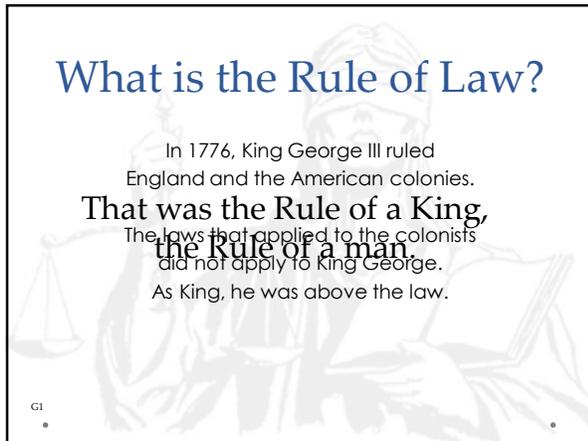
The following members of our conference gave the presentations listed below:

JUDGE	NUMBER OF PRESENTATIONS BY THIS JUDGE DURING NJOW	ADDITIONAL PRESENTATIONS GIVEN BY OTHERS AS RESULT OF THIS JUDGE'S PROMOTION OF NJOW



Preserving the Rule of Law

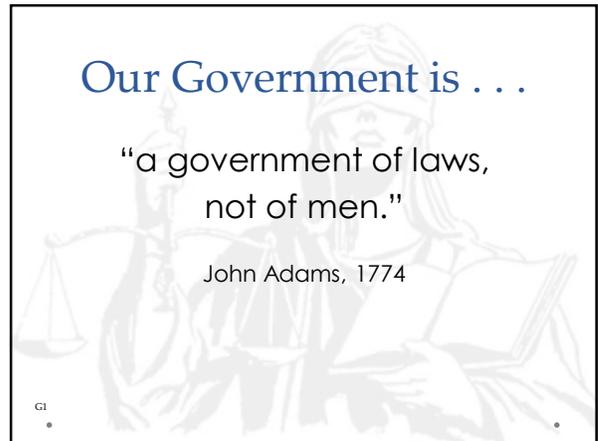
ABA National Judicial Outreach Week
AMERICAN BAR ASSOCIATION
 Judicial Division
 March 4-10, 2018

What is the Rule of Law?

In 1776, King George III ruled England and the American colonies.
That was the Rule of a King, the Rule of a man.
 The laws that applied to the colonists did not apply to King George. As King, he was above the law.

GI



Our Government is . . .

“a government of laws, not of men.”
 John Adams, 1774

GI

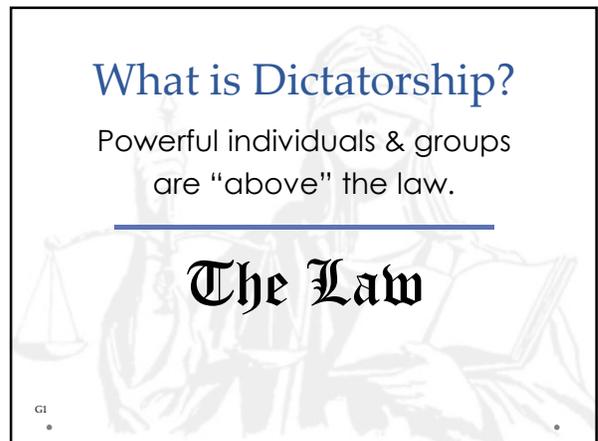


What is the Rule of Law?

No one is “above” the law.

The Law

GI



What is Dictatorship?

Powerful individuals & groups are “above” the law.

The Law

GI

The Law

Everyone is subject to the law.

G1

8

Legislature

Statutes

Regulations

Executive

Rules & Decisions

Judicial

9

How does America ensure that its laws apply to everyone?

G4

Equal Justice Under Law

G4

The Law

Everyone has the right to equal justice under the law.

G4

The Law

Would it be OK if . . . ?

a judge disparages
people of a certain ethnic heritage?



G5

The Law

Would it be OK if . . . ?

a judge who handles discrimination lawsuits
always rules in favor of employers
regardless of the evidence?



G5

The Law

Would it be OK if . . . ?

a judge decides a case for a party
just because that party is a state legislator?



G5

The Law

Would it be OK if . . . ?

a judge decides a case for a party
just because that party donated money
to the judge's favorite charity?



G5

The Law

Everyone has the right to fair & impartial procedures.

- Notice
- Timely, orderly & public process
- Right to have a lawyer represent you
- Opportunity to be heard
- Right to call witnesses
- Right to confront witnesses
- Right to appeal

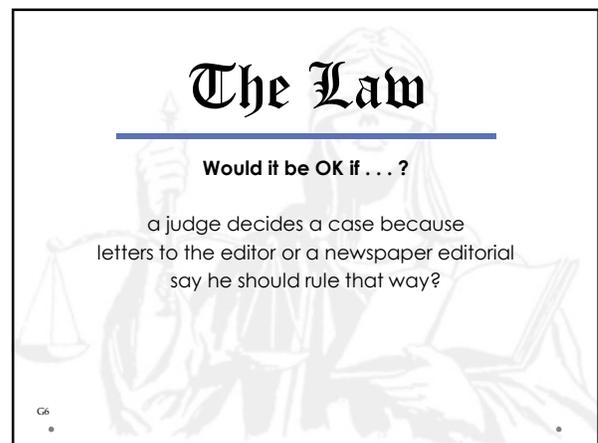


G6

The Law

Would it be OK if . . . ?

a judge decides a case because
letters to the editor or a newspaper editorial
say he should rule that way?



G6

The Law

Would it be OK if . . . ?

a judge decides a case against a party because demonstrators outside the courthouse want the court to rule against that party's position in the case?

G6

The Law

Would it be OK if . . . ?

a judge decides a case for a party solely because a public poll says public opinion favors that party's position?

G6

The Law

Would it be OK if . . . ?

a governor makes a speech about how a case should be decided, the judge decides the case to gain favor with the governor?

G6

The Law

Would it be OK if . . . ?

a judge decides a case for one party because it would help the judge get retained in office or re-elected?

G6

What would it be like if . . . ?

Powerful individuals & groups were "above the law?"

...

those individuals & groups created laws that required courts to decide cases based on a party's

Race	Party affiliation
Ethnicity	Home address
Country of origin	Health & fitness
Religion	Loyalty oath

G6

So what is the Rule of Law?

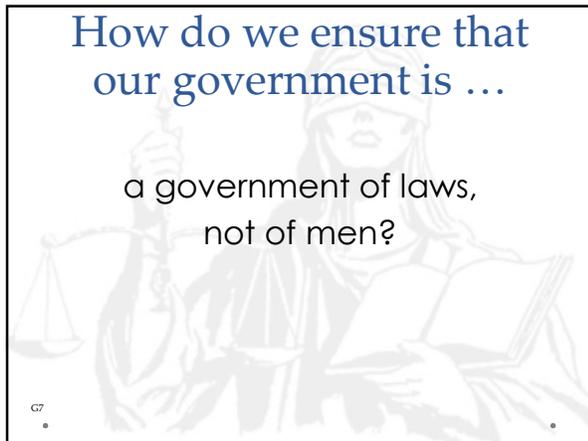
No one is "above" the law.

The Law

G7

How do we ensure that
our government is ...

a government of laws,
not of men?



G7

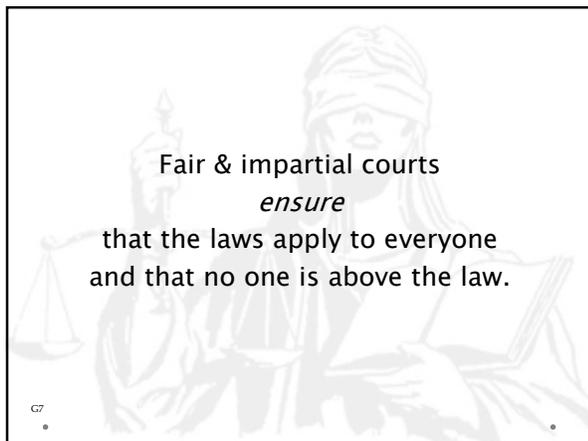
In our courts ...

1. Everyone is subject to the law.
2. Everyone has the right to equal justice under the law.
3. Everyone has the right to fair & impartial procedures.



G7

Fair & impartial courts
ensure
that the laws apply to everyone
and that no one is above the law.



G7

Preserving
fair & impartial courts
preserves
The Rule of Law



G7