

EXECUTIVE SUMMARY

Preface

A constitutional democracy, such as the United States of America, requires informed, effective, and responsible citizens for its maintenance and improvement. If the polity is to survive and thrive, citizens must have an adequate knowledge of its principles and institutions, skills in applying this knowledge to civic life, and dispositions that incline them to protect individual rights and promote the common good. (Civics Framework for the 1998 National Assessment of Educational Progress, p. viii). Accordingly, each generation must reinvent the Republic for itself, internalizing and taking as its own the fundamental principles, values, and dispositions that undergird the American constitutional system. Because the American system is a constitutional (i. e., law-based) democracy, understanding the nature of law and its role in society—past and present—is an essential part of that process. (Strategic Plan of the Division for Public Education, ABA).¹

How do we ensure that the people of Washington have the adequate knowledge, skills and dispositions referred to in this quotation? How do we ensure that the people of Washington understand the importance of equal justice under law in our democracy? That they understand its practical operation in daily life? That they are knowledgeable about the legitimate rights, expectations, prerogatives and duties and obligations of every member of our society? That they know what options exist for asserting, protecting and enforcing those rights and for meeting their duties and obligations? That they understand the need for equal justice for all, including those who are poor and vulnerable? The answer is through public legal education. This report of the Public Legal Education Workgroup outlines a vision for public legal education.

While there exist a number of quality programs about the law, they are for targeted audiences and have limited exposure. The need is to reach the entire public with the appropriate information. The Workgroup identifies how to structure an entity to deliver this educational effort, and recommends both short-term and long-term program direction.

Public legal education is not just education about the court system. Rather it is the broadest awareness about law. It encompasses constitutional rights and responsibilities. It encompasses statutes, regulations and court rules. It encompasses how we resolve disputes, formally and informally. It encompasses civility, respect and concern for others. It is about fairness and justice.

The terms “citizen” and “citizenship” are used in their broadest senses in this report. Everyone within our borders is to become better educated in this PLE effort. All have a stake in justice and in the strength of our democracy, in peaceful resolution of problems and in peaceful pursuit of their life’s happiness. Access to justice is not just a court house or jury issue. It is a very real issue that in everyday life can be addressed by the public legal education outlined in this report.

¹ The American Bar Association (ABA) Division for Public Education, recognizing this need at the national level, recently developed a strategic plan that identifies its public education priorities and their underlying beliefs. (ABA Division for Public Education Strategic Plan, Selected Sections See appendix A-1).

Background

In response to a recommendation from the 1997 and 1998 Access to Justice Conferences, the Education Committee of the Access to Justice Board took steps to form a workgroup to “develop, oversee and coordinate a law-related education² vision for Washington State.” 1998 ATJ Conference Report, Educational Recommendation #14.

On November 6, 1998, a statewide workgroup with broad representation was convened by the Governor, Attorney General, Washington State Bar Association and Access to Justice Board. (8/20/98 Letter of Invitation, See appendix A-2). The workgroup was to develop and implement a broad statewide plan for public legal education in Washington State. Judge Marlin Appelwick, Court of Appeals, and Judith Billings, former Superintendent of Public Instruction, agreed to co-chair the Public Legal Education Workgroup. The Board of Governors of the Washington State Bar Association graciously provided meeting facilities, a budget to support the committee work, and support from WSBA staff.

Nearly sixty participants responded to the call. Representatives from the educational and legal communities, civic organizations and the media joined the Workgroup. (Workgroup Participant List, See appendix A-3). Workgroup participants agreed to an ambitious schedule: they would meet for a half-day at least monthly from November through June. The goal was to have a plan to present at the 1999 Access to Justice Conference for comment.

The Workgroup adopted the following mission statement: *The mission of the Public Legal Education Workgroup is to develop a comprehensive plan to educate and to involve the people of Washington in the law and the legal system.* The Workgroup also adopted a set of goals. (Revisions to the 1997-98 ATJ Conference Recommendations, See appendix A-4).

The Workgroup made a conscious choice to use the term “public legal education” (PLE) to reflect its intent to address the broadest audience: all populations. To make the task more manageable, four committees were formed. Three of the committees were formed around target populations: PLE in Formal Education System (students K-20), PLE in the Formal Legal Process (individuals presently interacting with the legal system) and PLE in the Community. A fourth committee, PLE Organizational Structure, was formed to propose a delivery system. (Committee Roster, See appendix A-5). The work of the committees constitutes the body of the attached Report. The Workgroup hopes these recommendations will make a compelling case for the immediate initiation of an ambitious effort to empower the people of Washington State through public legal education.

² While “law-related education” (LRE) is a term traditionally used to describe educating young people about our legal system, its use in the 1998 Conference Report referred to both youth and the general public. LRE has been defined as: “[E]ducation to equip nonlawyers with knowledge and skills pertaining to the law, the legal process, and the legal system, and the fundamental principles and values on which these are based. Law-related education (LRE) helps students develop the knowledge, skills, understanding, and attitudes necessary to function effectively in a pluralistic, democratic society based on the rule of law.” Law-Related Education Act of 1978.

I. COMMITTEE OVERVIEWS

A. PLE in the Community

The most effective legal education system or project for the general public should focus on problems that people can relate to in their own lives. While following that approach, the education and projects should impart general knowledge about the legal system's structure, players and procedure as well as respect for our system and the principles of law and justice.

The committee agreed on the “hallmarks” of an effective legal education system:

- The system communicates that everyone has both rights and responsibilities;
- The system communicates that rights legitimately may be in conflict and that they need to be resolved through a fair process;
- There are different ways of resolving conflicts, including those other than the formal judicial system;
- The system acknowledges that the law belongs to the people, who have the ability and means to change it if they wish;
- People learn where they can go to get more information specific to their needs.

There are many situations in which members of the public intersect with our system of justice and the legal process. In preparing educational materials for the public, with respect to the judicial system for example, we might impart the following:

- The differences between the civil and criminal justice systems.
- The different processes of dispute resolution, including the fact that most disputes are resolved *outside* of the formal judicial dispute resolution system.
- Why it takes so long to resolve disputes in our system.
- Why being a juror is important.
- Presumption of innocence.
- The concept that judges don't generally make the law.
- Basic evidence concepts.

B. PLE in the Formal Legal Process

This committee focused on how to make the formal legal process more accessible and meaningful to the public. Its goal was to find ways to empower the public to understand, respect and utilize the formal legal process, as well as to find ways to improve the process itself. The committee envisions a legal system in which each participant has confidence in the justice system and is equipped with the information and tools needed both to fulfill obligations and advocate

effectively for his or her rights. The committee seeks to see a change in how everyone – lawyers, judges, courthouse personnel, members of the public – views their role in the legal system.

The committee goal is to foster a society in which:

- People understand that their lives are surrounded by interests, rights and responsibilities;
- People can articulate what equal justice really means to their communities;
- People know what their rights, obligations and options are;
- They understand the procedures available to prevent or solve their problems and how to use them; and
- The legal system eliminates barriers not of a person’s own making.

To achieve the above goal, the committee identified three categories of action that must be taken:

- 1) Minimize waste and confusion in the legal process.
- 2) Reduce the extent to which people are overwhelmed by the system and are thereby unable to function effectively within the system.
- 3) Establish a mechanism for identifying gaps and needs. This mechanism must include public feedback about the legal system.

The underpinning of this committee’s proposals is the concept of a “wellness checklist.” The “wellness checklist” for the formal legal process is an educational construct that works from the bottom up. It is a continuum of information and resources, starting with basic information that enables a person to prevent problems. If a person finds he or she has a problem, there’s a gateway for information about how to solve it, with directions along the way to help the person assess which resources will serve them best in any particular situation. It is not teaching people how to be lawyers; it is teaching people options for preventing problems and for addressing those problems which cannot be prevented.

C. PLE in Formal Education

If we intend to help citizens understand and support a democratic society and equal justice for all, it is important to educate people about the rights, privileges, and responsibilities provided to all citizens.

K-12 Education

The greatest potential for change in the education system is at the K-12 level. A recent survey conducted by the American Bar Association (2/24/99 Press Release, See appendix A-6) showed that people get their knowledge about the

system primarily from social studies classes in grade school (83%) or high school civics or government class (82%), with 59% identifying school or college courses to be a very important source of information on the judicial system. The adequacy and understanding of that information varies tremendously from classroom to classroom and district to district.

Compulsory education provides access to students that is not guaranteed in any subsequent level of education. Anything we can do to affect K-12 classrooms – through changes in teacher preparation, education reform efforts to endorse the teaching of social studies, the funding of excellent auxiliary programs in social studies – will have the greatest potential for improving citizenship education in Washington state.

The committee defines citizen education to include a variety of citizen rights and responsibilities, from understanding the basic provisions of the Bill of Rights to classroom citizenship behaviors involving school rules, conflict resolution and interactions with peers that demonstrate an understanding of and respect for persons from a variety of backgrounds.

Citizenship education must be included at all levels of the curriculum, so that students will develop the knowledge, skills, understanding and the attitudes necessary to function effectively in a pluralistic, democratic society based on the rule of law.

Currently, there are a number of programs and curricula available to teachers interested in citizenship education.³ Introducing these programs into an already full curriculum is difficult. Program costs for schools with limited funding is another barrier. Until these issues can be addressed and citizenship education becomes an accepted part of the curriculum, these excellent programs will continue to be available to a very limited number of students.

Higher Education

There are two critical opportunities in undergraduate higher education to promote citizenship education. One is through the general education curricula. The other, a potentially more far-reaching opportunity, is through the pre-training of teachers in education. On a limited basis students who are not enrolled at the law school are allowed to audit the classes.

³ A listing of some of these programs was created by the PLE Formal Education Committee. (Partial Compilation of Existing PLE Programs and Curricula, See appendix A-7).

D. PLE Organizational Structure

The task of the committee was to propose a viable delivery structure to carry out the work defined and prioritized by the other three committees.

In an effort to be as informed as possible about what model structures already exist, the committee investigated the experiences of other states and Vancouver, British Columbia. From this investigation, the committee identified these key elements:

- Stable funding must be available to deliver the core services.
- Partnerships with essential players must be established in which the institutional partners contribute money or in-kind support.
- Supplemental resources will be pursued for additional services and programs.
- At a minimum the essential partners include the bar, bench, educators and the general public
- Governing board must include the essential players and partners.
- Organization needs to deliver some programs, document the services delivered, and be responsive to the needs of the sponsoring partners.

The committee identified these five activities as the core functions:

- 1) On-going assessment of the needs of the public for PLE;
- 2) Coordination and focus on overall PLE vision and goals, among the myriad PLE programs that exist to ensure coordinated services for education, prevention and empowerment;
- 3) Clearinghouse “with a push,” meaning a more active role in disseminating and publicizing resources available; and
- 4) Catalyst for the creation of PLE programs at other sites to address specific PLE needs.
- 5) Delivering hallmark PLE programs to fill identified gaps in PLE programs.

Whatever the entity created by the PLE Workgroup would look like, the Structure Committee determined it would have to be built in at least two distinct phases: the transition phase and the longer term phase.

II. RECOMMENDATIONS

Each committee prepared recommendations to the Workgroup as a whole. The final recommendations contained in each committee report have been adopted by the Workgroup and comprise this Report. The Workgroup ultimately envisions a permanent, sustainable institutional delivery system for Public Legal Education in Washington State. Therefore, the most urgent recommendation is the creation of a transitional entity to take over where the Workgroup has left off. The remaining recommendations are summarized here, and set out in full in the Report. Recommendations have been labeled as short-term if they might be implemented within the first one to two years. Recommendations were labeled long-term if they might take two years or longer to implement. The Workgroup did not prioritize or rank the recommendations because it believed the transitional entity and its successor would necessarily have to do so.

A. PLE STRUCTURE

“The Council on Public Legal Education” (Council) is designated as the transitional PLE entity. It is intended to be an umbrella organization. Membership could include end-user groups/citizens at large representing various constituent groups and partners such as seniors, youth, immigrants, legal services providers, technology executives, law librarians, court clerks, education, bar, bench, legislature, and ATJ Board.

The governing body of the Council will be a PLE Board. It was agreed that a workable size is 15 or fewer. Whether this Board is strictly a blue ribbon type of group that attracts attention and resources to the PLE issue or whether it is primarily a working board was debated but not resolved. This issue needs to be resolved before the initial appointments to the Council are made. Who will appoint the initial Council has been left an unanswered question pending feedback from the Access to Justice Conference, the Access to Justice Board and the Board of Governors on the balance of the report.

The Committee proposes that the transitional Council be “housed” in the Office of the Executive Director of the Washington State Bar Association and be staffed by 2 FTE, WSBA staff members (an increase of 1.5 FTEs). This recommendation is consistent with and flows from the support provided by the WSBA throughout the Workgroup process. Whether the WSBA is an appropriate or desirable home for the Council in the long term is an open question.

The Workgroup recommends that one or more advisory committees be utilized by the Council to expand both the expertise and the group of stakeholders who have ownership in the overall process or in specific projects. Project implementation contemplates heavy reliance on volunteer participation.

During the transition phase, the Council’s Board will develop a budget and plan for permanent funding. The initial plan does not contemplate public funding, however the Council is encouraged to explore legislative funding as well as solicitation of private funding. The Council will evaluate the appropriateness of its initial structure for its

longer-term operation, and should specifically evaluate the potential inclusion of a 501(c)(3) structure.

Finally, the Workgroup recommends that the Council on Public Legal Education arrive on the scene in an event or program to draw attention to itself and the important tasks before it.

B. SHORT-TERM PROGRAMMATIC RECOMMENDATIONS

- Establish a Gateway Website⁴:
 - Determine content of existing sites and develop links.
 - Identify gaps in available information; work with legal and community resources to develop dynamic content and materials that fill in the gaps.
 - Provide universal access to this website through kiosks, libraries or other public sites at no cost to the user.
 - Add bibliographic materials, programs, and resources for teaching courses to promote civics understanding and citizenship education
 - Ensure greater distribution of public access programs about the law.
- Establish a resource center for collection and distribution of audio and videotape materials.
- Support the Washington State *Essential Learnings*⁵ in the area of Social Studies, along with a strong assessment component that will provide a framework and accountability for consistent and effective citizenship education.
- Courthouse Facilitators:
 - Maximize effective presence and use of courthouse facilitators so that parties are prepared and educated.
 - Secure funding to expand courthouse facilitator programs.
 - Publicize the courthouse facilitator programs and promote them to the public.
- Establish a statewide toll-free crisis line for legal questions with the ability to make “smart referrals” to the appropriate legal group.
- Establish a resource center for the media (including providing packets to media assignment desks so reporters know where to start on justice-related issues).
- Develop a “law school” for legislators, local officials and community leaders; develop the same for media.

⁴ Our intention is that all of the referenced materials be collected with reprint permission for distribution to individuals lacking access to the internet.

⁵ The *Essential Learning Academic Requirements* (EALRS) contain the statewide civics standards for K-12 curriculum and drive what schools teach on a day-to-day basis. The PLE Workgroup sent a letter expressing support for the Social Studies Assessment to the Commission on Student Learning. (1/18/99 Letter to the Commission on Student Learning, See appendix A-8).

- Expand the on-line availability of pattern legal forms and documents.
- Expand the definition of “law-related education” to include the broader more expansive areas of civics or democratic citizenship education.
- Provide PLE in culturally relevant formats; provide cultural relevance training for PLE providers and trainers, including court personnel.
- Periodic publication of tabloid-style inserts on the Bill of Rights by major newspapers.

C. LONG-TERM PROGRAMMATIC RECOMMENDATIONS

1. PLE in the Community

- Community organizations/churches are provided with a catalog of speakers, videos, and pamphlets on a variety of legal topics.
- Resource tool/lesson plan for organizations who want to assist certain audiences understand the law and the legal system. Lawyers as Parents Program in the schools (recognizing this idea is more appropriately part of another PLE committee).
- Student publication (and population in general) ala “The Legal Eagle,” a New Jersey publication (courtesy of Mary Alice Theiler) provided quarterly to students. This could also be provided to community news organizations who might distribute as a “freebie.” (Again recognizing this is partly an idea within the parameters of another PLE committee.)
- One new video on the law and system per year, such as TVW’s “Supreme Justice,” with the hope of building a library.
- Information in Voters’ Pamphlet on basic civics, on the justice system, plus a legal resource list.
- Moderated discussions, live or on-line.
- Air public service spots on the legal system on TV statewide, and full-page ads in newspapers.
- Local resource locations or tools whereby people can easily access information about the law (e.g., phone line or Kiosk).
- Development of ATM-type technology in malls or grocery stores with the ability to dispense basic legal information or otherwise access the legal website we have suggested.
- Material needs to be in alternative formats for those who speak other languages or are disabled.
- Speakers Bureaus and websites should be able to react quickly to legal events, engender public dialogue about them, and provide media access to that dialogue.
- Information packets provided to people at entry points during their legal “wellness” life (e.g., when you rent or buy a house, start a new job, obtain or renew a driver’s license, have a baby).

- Raised consciousness among educators of necessity to teach the substantive aspects and principles of democracy (recognizing again this may be within the purview of another PLE committee). Need to permeate the hearts and minds of statewide educators.
- Survey responses that demonstrate people better understand rights and responsibilities.

2. PLE in the Formal Legal Process

- PLE information is provided in user-friendly formats:
 - a) Identify existing legal resources, including legal services and volunteer attorney organizations, informational materials, pro se assistance programs, etc.
 - b) Develop a prototype format and guidelines for brochures and other materials being made available to the public.
 - c) Use a readability expert to get text written to 6th grade level.
 - d) Apply the prototype format to all materials and dissemination venues, including written materials, website content, oral presentation, etc.
 - e) Develop materials to train the trainers, that is, persons dispensing the PLE information.
 - f) Outreach to social service providers so that they are aware of available legal resources and are adept at referring clients those resources.
 - g) Outreach to youth; provide access to a broad range of information in a way that allows them to get the information privately.
- Structural changes within the court system:
 - a) Determine other subject areas that may lend themselves to courthouse facilitators.
 - b) Consider expanding facilitator locations beyond the superior court, e.g. administrative hearings, federal fair hearings, etc.
 - c) Expand the number of subject areas that have pattern forms; determine which subject areas best lend themselves to pattern forms.
 - d) Use technology to decentralize the formal legal process by setting up municipal and district courts in neighborhoods and by providing electronic filing, arraignments, etc.
 - e) Provide meaningful financial support of jury participation; find ways to better remunerate those who serve on juries.
 - f) Meet the need for interpreters at all stages of the legal process and the need for materials produced in languages other than English.
- Insure public participation in legal system assessment and revision:
 - a) Conduct public forums to generate public interest. Have a celebrity spokesperson moderate the forums.
 - b) Create a feedback process: debrief people as they're using the system; surveys (general and exit); via the hotline; via the website.
 - c) Refer the feedback back to the appropriate source.
 - d) Follow up with response back to the public.
- Washington Legal Channel on television:
 - a) Council on PLE to make content decisions
 - b) Should take advantage of existing videos such as the jury service video and Law Talk; should develop programming about parenting based on current mandatory classes in several courts.

3. PLE in the Formal Education System

- Provide translation resources to schools to help parents and students with appropriate language materials, both written and verbal, concerning school and legal policies.
- Make extensive professional continuing education available to elementary and secondary social studies teachers to prepare them to teach citizenship within the context of social studies courses, including history, economics and geography, as well as civics.
- Elementary teachers, as part of pre-service education and professional continuing education, should receive training that helps them understand the importance of instilling a sense of citizenship in young students.
- Secure funding to develop citizenship units that will mesh with the content of the courses most likely to be taught.
- At the secondary level, continuing professional development efforts should assist history teachers to understand the importance of the study about law and the connections between law and democratic citizenship.
- Convene a symposium inviting faculty of general education programs, schools of education and law schools to foster conversations about amending the general education requirements in all institutions of higher education.
- Encourage colleges and universities to more closely align community service activities into the general education curriculum.
- Encourage institutions of higher education and their associated law schools to strengthen and better publicize to the public and their students the community and public service activities that they perform.
- Encourage law schools to open up more Continuing Legal Education seminars and law school classes to non-lawyers when appropriate.
- Encourage law schools to offer summer workshops for K-12 teachers to prepare them to teach law-related curriculum. Grants to support stipends for teachers would be necessary to support these workshops.
- Encourage young lawyers to volunteer time in K-12 classrooms and go out into their communities to talk about the law, citizenship and our legal system.
- Encourage the three law schools to collaborate in supporting public legal education efforts.
- Law schools should explore ways to make the coursework supporting democratic institutions more broadly available to the general education curriculum at their institutions.

III. CONCLUSION

The seven months of deliberations of the PLE Workgroup were just a beginning. The rough vision outlined above now needs to become flesh on bone. The potential benefits to the people of Washington are tremendous. Through a coordinated effort between the bar, community members, organizations, the media and the government a comprehensive program can be achieved in the near future. Every reader should visualize how he or she can assist in this effort. How will you help?