



Educating for Everyday Democracy

By Hon. Mabel Johnson Mayfield
and Hon. Alfred M. Butzbaugh

The State Bar of Michigan's Public Outreach and Justice Initiatives committees joined forces with the Michigan Center for Civic Education, lawyers, judges, and teachers throughout the state to teach the concepts of due process, equal protection, individual rights, justice, and civil rights as they apply to the importance of jury service and the value of diverse jury pools. Their product, "This is Our Town Too," can also generate interest in law-related careers for diverse populations of young people as they experience "The Jury Process" project through their school work.

Description of Materials

"The Jury Process" materials include a 50-page book and a 24-minute DVD, "It's Not Fair if You're Not There," to assist teachers in instructing students that a jury of one's peers is possible only if each of us responds seriously to the call for jury service.¹ "This is Our Town Too," written by retired Grand Rapids high-school teacher and Liberty Bell Award winner Wayne J. Bentley, tells the story of Earl Jenkins, an African-American Vietnam veteran with a keen sense of civic duty because of his military service. That duty prevails when he receives a summons to jury service but is urged by his wife to throw it away.

Earl is seated as a juror in the felonious assault trial of 17-year-old Jamal Webster. Jamal has managed to navigate a challenging world of gang activity. Earl's experiences as an African-American community member help him put Jamal's testimony in context, enlightening fellow jurors during deliberations about Jamal's claim of self-defense.

The story is accompanied by understandable case summaries of *Swain v Alabama*, 380 US 202 (1965); *Batson v Kentucky*, 476 US 79 (1986); and *Hernandez v New York*, 500 US 352 (1991). Handouts guide students through case analysis, jury selection, voir dire, and peremptory challenges.

Key concepts of due process, equal protection, individual rights, justice, and civil rights are taught through the materials, which can be used for a one-hour informal classroom discussion, a school assembly, a day-long exercise including a courtroom visit, or an extended course of study. The materials are written to meet Michigan curriculum benchmarks.

The Berrien County Project

The Berrien County bench and bar association have used "Educating for Everyday Democracy: The Jury Process" as a Constitution Day project with the St. Joseph and Benton Harbor high schools for four years. With widely different demographic student populations, the schools also use "The Jury Process" as a diversity-building exercise by embarking on a joint curriculum for the first two weeks of school. Lawyers work with teachers and students in the classroom to teach the benchmarks through the story and DVD. After two weeks, students from both schools assemble in the jury room of the Berrien County courthouse. The jury commissioner and county clerk introduce them to the real-life process of being summoned for jury duty, appearing at the courthouse, and proceeding to courtrooms for voir dire and possible service as a juror. A pizza lunch is sponsored by the local bar association, and students leave with Constitution Day memorabilia including a pocket Constitution.

Students Say...

Berrien County high-school juniors and seniors who participated in the Constitution Day program were fascinated with the experience, including the chance to prepare for and experience a visit to the courthouse with students from another school; time for thoughtful interaction with other students, attorneys, and judges; participation in a meaningful diversity experience; understanding of new vocabulary, such as *voir dire*; a new awareness of aspects of the process; and a view of legal professionals in action, giving rise to the vision of possible future careers, including probation officer, police officer, attorney, prosecutor, and judge.

Teachers Say...

Teachers are enthusiastic. "It's perfect and meaningful for Constitution Day," says Peggy Greer, a former social studies consultant in the Benton Harbor schools who helped initiate the program. "It's great to have lawyers and judges in class; the students are very energized. The curriculum, with benchmarks included, is completely user friendly for teachers—it's all there. Students feel comfortable with the jury process because they understand it."

Samuel Stine, participating as a social studies teacher at St. Joseph High School (now a principal), expresses similar appreciation. "The curriculum is very easy to use, very adaptable, and it shows us how much we lose when we don't think about diversity," he said. "It is wonderfully done, showing roles of all the court personnel. The segment on diversity is excellent. The jury curriculum is a special opportunity to bring together two very different communities to understand and celebrate differences. It will allow lots of good things to happen."

Marilyn Ross-Golden, a social studies teacher at Benton Harbor High School, relates: "The two-week curriculum has an absolutely tremendous impact on the kids. We study the three smaller cases first. When they start reading the big case, I can't stop them. It's amazing how they come back and share with other students—through the rest of the semester, they quote things they've learned in this project. Not only that, the kids share their new knowledge with their parents. When the parents come to teacher conferences they say, 'I never realized before how the jury system works. I'll answer the summons when it comes.'"

Lawyers Say...

Berrien County attorneys who have participated in the Constitution Day activities are united in their praise. "Constitution Day is a terrific opportunity for a local bar association to support and participate in a program that gets its members into the high schools so students can interact with lawyers who can give meaning to the Constitution and promote jury service," says Mike Sepic, Berrien County chief assistant prosecuting attorney. Andrew Burch adds, "Constitution Day involvement gives the opportunity to dialogue with young people about their rights and responsibilities as citizens—voting, jury duty, education, and behavior."

Defense attorney Brian Berger observes, "The greatest benefit is that students have the opportunity to meet lawyers in an at-

mosphere where they are totally comfortable. In the classroom, students can ask questions and engage in discussions about important legal issues in their own environment. Students seem to really appreciate lawyers' sharing their experiences and bringing the practical aspects of legal matters into the classroom." Defense attorney Richard Sammis concludes, "With our Constitution Day project, high-school students directly participate, and it is clear they have fun doing it. They enjoy the role playing and often get creative in their responses as potential jurors. It is clear they are learning."

Judges Say...

Two Berrien County judges initially went into Benton Harbor and St. Joseph high-school classrooms for the first lesson in *voir dire*. Eight served in the judicial process when the 108 students came to the Berrien County courthouse on the final day. Local prosecutors and defense counsel participated in the presentations. About a dozen students, some from both schools, were assigned to each judge, who then seated a mock jury.

Judges participating in the project especially liked the "direct one-on-one with the kids" and the "excitement of the lawyers. They were great, reaching out, and embracing the law." They noticed "a change in the comfort level of the students. They see judges differently. We were able to break down barriers. We got good feedback from the kids." The judges felt the diversity exercise helped break the ice before the students headed to the jury room. Interaction between the Benton Harbor and St. Joseph students was an important aspect of the project, providing greater appreciation of the jury process through a live experience. ■



Criminal Issues Initiative member Hon. Mabel Johnson Mayfield became involved with the Michigan Center for Civic Education in 1993, coordinating Berrien County's "Classroom TLC: Teachers, Lawyers, Children in Partnership" program. Formerly the chairperson of the Council for World Class Communities, she serves on the board of the Consortium for Community Development, continuing the collaborative work to create an inclusive and diverse environment that enhances community development and capacity building for its citizenry.



Hon. Alfred M. Butzbaugh is an elected circuit judge, serving as the chief judge of the Berrien County Trial Court, a consolidated, concurrent jurisdiction court. Judge Butzbaugh was president of the State Bar in 1999–2000 and is a recipient of the Roberts P. Hudson Award, the State Bar's highest award, given for unselfish rendering of outstanding and unique service.

FOOTNOTE

1. The book, *Educating for Everyday Democracy—The Jury Process*, presented by the State Bar of Michigan and the Michigan Center for Civic Education, is available at <<http://www.michbar.org/generalinfo/pdfs/JuryProject.pdf>> (accessed December 13, 2011).