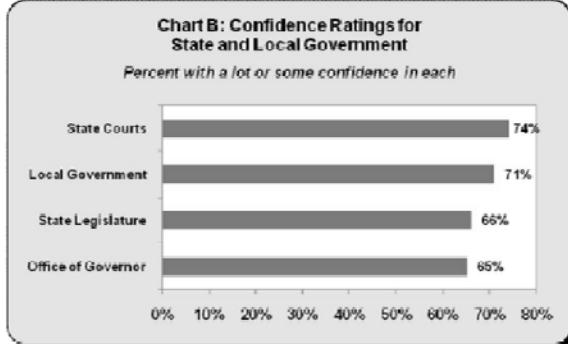


Connecting With Communities: Educating Adults about Our Courts

Presented by
The American Judicature Society
and
Our Courts America

Arizona Judicial Conference
June 26, 2014

Public Opinion



Public Confidence Ratings
“Knowledgeable Individuals”

Group	Courts	Legislature	Governor
High	83	65	62
Low	65	67	64
All figures in per cent			

Public Confidence Ratings
Political Party Affiliation

Group	Courts	Legislature	Governor
Republican	77	64	67
Democrat	74	73	61
Independent	73	62	68
All figures in per cent			

Role of Politics in Court Decisions

Group	Too Much	Not Much
Public generally	59%	34%

Role of Politics in Court Decisions Method of Judicial Selection

Group	Too Much
Elected	57
Not Elected	69
All figures in per cent	

National Events

Merit selection v. elections
State supreme court races
GOP of MN v. White
Citizens United v. FEC
McCutcheon v. FEC
Kansas court funding
Oklahoma execution
Wolfson v. Concannon

Special Interest Strategies

High profile supreme court cases
Political action committees
Social Welfare Organizations
Avoidance of "electioneering"
Fallacious advertising

Rule of Law

No one is above the law.

The law applies equally to everyone.

Four Pillars of the Rule of Law

Separation of Powers

Guaranteed Individual Rights

Equal Protection of the Law

Due Process of Law

Overview

Project Design

Demonstration

Project Design
Richard Levenstein

The Role of the Core Group

- Ethics compliance
- Project goals
- Desired audiences
- Core message
- Administration
- Funding
- Training
- Marketing

Learned from Research & Experience

- Interactive & Experiential
- Accessible vocabulary
- Focused message – Core values
- Relevance to the Audience
- Consistent content & quality
- Active outreach – Go to them
- Trained speakers

If a Nation expects to be ignorant and free,
in a state of civilization,
it expects what never was,
and never will be.

Thomas Jefferson, 1779

If citizens have respect for the work of their courts,
their respect for law will survive the shortcomings
of every other branch of government,
but,
if they lose their respect for the work of the courts,
their respect for law and order
will vanish with it.

Arthur T. Vanderbilt
Chief Justice, Sup. Ct. of N.J.
President, American Bar Association
President, American Judicature Society

Interactive

... not a speech

... not a lecture

... **but a discussion**

Interactive

... a discussion in which you

- ... *ask questions,*
- ... *listen to answers*
- ... *encourage participation*

Interactive

... a discussion

**that requires
audience members to think**

Experiential

... a discussion in which:

... audience members imagine justice in action

... and, as they imagine,
they experience feelings that remind them
that fairness & impartiality
is important to them

Interactive & Experiential

... a discussion that reminds them that, each day, in dozens of courtrooms throughout Arizona, each judge must:

Know & understand the Law

Apply it to the unique facts of each case

Instruct juries

**Ensure the law is applied
fairly & equally to all parties**

Vocabulary

SAY	DON'T SAY
Fair & impartial courts	Judicial <i>independence</i>

Vocabulary

SAY	DON'T SAY
Fair & impartial courts	Judicial independence
<i>Upholding</i> the Constitution & laws	<i>Interpreting</i> the Constitution & laws

Vocabulary

SAY	DON'T SAY
Fair & impartial courts	Judicial independence
Upholding the Constitution & laws	Interpreting the Constitution & laws
Courts	Judges

Four Pillars of the Rule of Law

Separation of Powers

Guaranteed Individual Rights

Equal Protection of the Law

Due Process of Law

Limited & Focused "Take-Away"

1. The Rule of Law preserves freedom & prevents tyranny.
2. The law must be applied fairly and equally every day in every court . . . no exceptions.
3. For 225 years, our courts have applied the law through fair procedures and time-honored legal principles.

Core American Values

Equal Justice for All
in
Fair & Impartial Courts

Core American Values

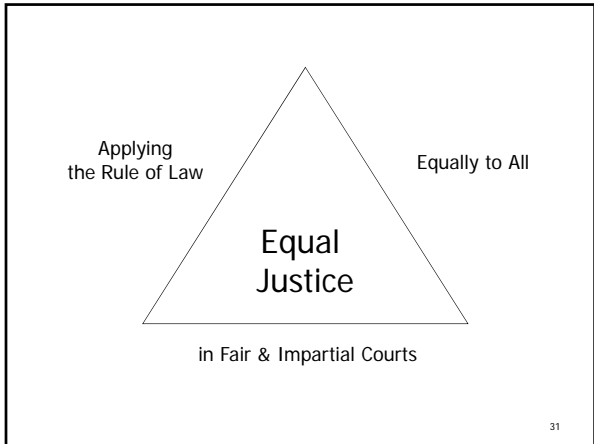
Equal Protection of the Law
and
Due Process
Guaranteed Individual Rights



EQUAL JUSTICE UNDER LAW

Entrance to the U.S. Supreme Court

30



Go Where They Are

Neighborhoods
Communities
Schools that adults attend
Workplaces
Organizations

Go Where They Are

Neighborhood groups
Homeowners associations
Libraries
Seniors Groups
Places of worship
Council meetings

Go Where They Are

High School extension classes
GED programs
Community Colleges
College & University classes

Go Where They Are

Corporate programs
Profession, trade & association
meetings & conference
Leadership development programs

Go Where They Are

Fraternal groups
Criticter groups
Service groups
Ethnic & women's groups
Veterans groups

Training

Ethics

Presentation content

Handling questions

Ethics

Code of Judicial Conduct

State Judicial Ethics Decisions

State Court Decisions

Campaign Practices Legislation

Ethics Policy

Our speakers do not take a position
on the merits of
any court case, legislation, ballot issue, or
proposed change to the court system.

Demonstrations

Questions

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Handling Questions

The following tips were derived from the American Bar Associations' publication "Countering the Critics."

Bridging

***Our Courts* wants all speakers to use the "Bridging" technique to respond to all questions. Virtually every answer should repeat the general theme of the presentation, the Core Message, or particular aspects of the presentation content.**

There are five basic steps:

1. Listen to the question.
2. Ask questions to demonstrate your interest and to clarify your understanding and the audience's understanding of the question.
3. Repeat the question back to the person asking the question to demonstrate that you heard what was asked.
4. Pause to decide how the question or comment relates to the presentation.
5. Bridge back to one of the following aspects of the presentation:

- a. America must have:
 - i. Equal Justice for All
 - ii. Fair & Impart courts

- b. The Core Message. Our courts do that by:
 - i. Applying the Rule of Law
 - ii. Equally to All
 - iii. Free from Improper Influence

Style Pointers

1. Prepare and Practice the Bridging technique

2. Focus is on the audience; its needs, interests and values.

- Find out as much as you can about your audience before you give the presentation.
- Everyone in every audience is different, but most audiences have many things in common.
- If you know the audience is generally liberal or conservative; management or labor; rich or poor; well- or poorly-educated, you'll be able to get on their wavelength—and avoid missteps—if you're sensitive to their needs, interests, concerns and values.
- Use **PLAIN LANGUAGE** so everyone will know what you're talking about.

3. Think of the Q&A session as a one-on-one conversation with a reasonable person (even when it doesn't appear that the person is or wants to be reasonable).

- Take the same approach you would take if you were talking with someone you knew and with whom you want to maintain a cordial relationship.
- But also remember that the rest of the audience is listening and will want to hear your answer.
- You don't want the question to shift away from the focus of the presentation.
- When you're responding to the question,
 - talk to the entire audience as you have been doing during the presentation,

- make eye contact with several members of the audience, and
- don't talk only to the person who asked the question.

4. Stay cool. Let your body language signal confidence.

- **SMILE.**

Not a smug or belittling smile. And not one that suggests that the question is funny. But a kind smile that shows respect and shows that you're relaxed and happy to have a chance to respond.

- **MAINTAIN EYE CONTACT, TAKE A STEP FORWARD.**

Signal that you're happy and willing to address the question.

- **START SHIFTING AWAY FROM THE QUESTIONER.**

Move toward the rest of the audience. This will make put the focus on your response to the question rather than on the person who asked the question.

Find other faces in the audience so others will feel that you're including them in the conversation.

Be open and honest.

5. Make sure you understand the question. To do so, you can:

- Ask the person to repeat the question;
- Ask questions to help focus the scope of the question.

6. Make sure the audience understands the question by simplifying and repeating it.

7. Judge whether the person asking the question is trying to:

- Get more information;
- Get clarification on something in the presentation;
- Get your opinion about any court case, legislation, ballot issue, or change to the court system;
- State an opinion and advocate a point of view.

8. If the person wants more information, tell him or her and the audience where they can get it, such as:

- The contact information in the maroon brochure;
- The states website
- Brochures and materials

9. If the person wants clarification about something in the presentation:

- Simplify and repeat the question,
- Begin your response by orienting the person and the audience to the general theme that pertains to the question,
- Return to the applicable slide if you think it will be helpful and if it is possible to do so fairly easily,
- Repeat the presentation content in the context of the question that was asked.

10. If the person wants your opinion about any court case, legislation, ballot issue, or change to the court system:

- **State your activity's policy that it does not take a position regarding the merits of any court case, legislation, ballot issue, or proposed change to the court system.**

11. If the person wants to state his or her opinion or advocate a point of view:

- Let the person briefly express his or her opinion;
- If the person tries to speak at length, persuade the audience to his or her point of view, or debate with you or any member of the audience:
 - Politely interrupt;
 - Repeat the person's opinion back to him or her to make it clear (1) that he or she has successfully expressed the opinion, and (2) that it was heard;
 - Ask if the person has a question;
 - Use the Bridging technique to respond to the question, remembering to speak to the entire audience;
 - Immediately after responding,
 - ask if anyone else has a question;
 - note that you have used all of the time allotted;
 - give a "second closing" to the presentation;
 - thank the audience.

12. Always plan a "second close" for your presentation.

- Most Q&A sessions end because the speaker's time runs out, not because the last question gives the speaker an opportunity to finish on a powerful note.
- **Re-take control of the presentation after you've answered that last question, and re-end the presentation with the core message.**

- **AVOID ALCOHOL OR CAFFEINE** in the hours before you speak!

6. Think before you speak! A pause can be your best friend.

- Take a few seconds to think about what you're going to say.
- The audience won't mind the silence—in fact it will alert them that something important and interesting is coming up.
- Use the time to plan how you'll get from the specific attack to the core message.

Handling the Hardball Question

Hardball questions are usually asked in a confrontational manner. Everyone in the audience knows you've been challenged; they'll be eager to see what will happen next. Here's what to do:

- **Break the tension.**
 - Stay relaxed.
 - Smile (don't smirk) while the questioner is still talking.
 - Welcome the question. It's a chance to Counter the Critics.
- **Don't debate the question.** Instead, address the questioner's topic in a way that bridges to the Core Message.
- **Don't disregard the question or comment.**
 - You want to "bridge" to the core message, not "leap" to it.
 - Show respect for the questioner by addressing the issue.
- **Pause to identify the link between the question and the core message.**

Other Questions & Issues

Our Courts anticipates that you may be asked questions related to current Constitutional and public policy issues. We have not yet developed guidance about how best to respond to those issues.

However, speakers are reminded that *Our Courts* presentations are non-partisan and informational. That is, we do not take positions for or against issues such as abortion rights, gay rights, same sex marriage, the death penalty, or court decisions and opinions in particular cases.

Some Great Quotes

If a Nation expects to be ignorant and free,
in a state of civilization,
it expects what never was,
and never will be.

Thomas Jefferson, 1779

If citizens have respect for the work of their courts,
their respect for law will survive the shortcomings
of every other branch of government,
but,
if they lose their respect for the work of the courts,
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Arthur T. Vanderbilt
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If men were angels,
no government would be necessary.

James Madison

Order without liberty
and
liberty without order
are equally destructive.

Theodore Roosevelt

They that can give up essential liberty
to obtain a little temporary safety
deserve neither liberty nor safety.

Benjamin Franklin

QUOTES

Fewer students have just a basic understanding of American history than have a basic understanding of any other subject which we test - including math, science and reading."

National Assessment of Educational Progress

If citizens have respect for the work of their courts, their respect for law will survive the shortcomings of every other branch of government; but, if they lose their respect for the work of the courts, their respect for law and order will vanish with it.

ABA President & New Jersey Supreme Court Chief Justice Vanderbilt, 1937

The death of democracy is not likely to be an assassination from ambush. It will be a slow extinction from apathy, indifference, and undernourishment.

Robert Hutchins, Esq.

If men were angels, no government would be necessary.

James Madison

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.

Ben Franklin

Order without liberty and liberty without order are equally destructive.

Teddy Roosevelt

As the patriots of seventy-six did to the support of the Declaration of Independence, so to the support of the Constitution and Laws, let every American pledge his life, his property, and his sacred honor;--let every man remember that to violate the law, is to trample on the blood of his father, and to tear the character of his own, and his children's liberty. Let reverence for the laws, be breathed by every American mother, to the lisping babe, that prattles on her lap--let it be taught in schools, in seminaries, and in colleges; let it be written in Primers, spelling books, and in Almanacs;--let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars.

Abraham Lincoln

