



ABOTA
FOUNDATION

Justice for every generation.

About the
Foundation of the
American Board
of Trial Advocates

March 2014

Our Mission

The mission of the Foundation of ABOTA is to support the purposes of the **American Board of Trial Advocates** to preserve the constitutional vision of equal justice for all Americans and preserve our civil justice system for future generations.

Our Goals

To achieve the mission, the Trustees of the Foundation will dedicate themselves to accomplish the following:

1. Provide civic education including the history and value of the right to trial by jury.
2. Elevate the standards of legal professionalism, integrity honor and courtesy.
3. Lead efforts to support the work of the Foundation.

Our Leaders



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At a Glance



The ABOTA Foundation is the education arm of ABOTA supporting ABOTA's goals to educate the American public about the history and value of the right to trial by jury. The ABOTA Foundation wants to ensure that people of all ages understand the history and value of their Seventh Amendment right to civil trial by jury.

The ABOTA Foundation is grateful for those who support the Foundation and its work. Primary funding for the ABOTA Foundation comes from the generous contributions of Fellows of the Foundation. Contributions to the ABOTA Foundation have one essential purpose: to preserve the civil jury system.

Professional Education

Even before the advent of the Foundation, educating attorneys in the art of trial advocacy was one of the principal objectives of ABOTA. It is through education that the highest standards of trial advocacy and professional conduct can be maintained.

The cornerstones of that effort are the very successful Masters in Trial programs that are provided through the Foundation. ABOTA members under the direction of the Foundation conduct these Masters Series educational programs nationwide.

Internationally, the ABOTA Foundation has presented a number of programs that feature a comparison of a country's legal system and the American legal system, with interaction of judges, lawyers, justices, ministers and professors from both countries. Many have included a Masters in Trial program with witnesses and jurors from the specific country, and ABOTA members serving as faculty members.

We support ideas and programs that advance knowledge of the trial system and principles of democracy.

Youth Education Programs

The ABOTA Foundation believes every student should have a sound civics education, which includes the value of and right to jury trials.

The health of a democracy depends on a well-educated and informed public. It is critical that our citizens have a fundamental understanding of core principles of the rule of law, separation of powers, and civic obligations. Knowledge of our democratic framework, checks and balances and rights and obligations is not inherited. It must be taught.

Unfortunately, our nation's public education system has deferred and in some places abandoned civics education entirely for a generation or two. The ABOTA Foundation believes that young people need a balanced curriculum, rather than learning about justice through sound bites, sensationalized trials in the news and TV courtroom dramas.

We provide relevant civic education and include a focus on the right to jury trial through our Justice by the People lesson plans, Teachers' Law Schools, James Otis Lectures Series, and support for programs such as National and State High School Mock Trial Competitions, Justice Sandra Day O'Connor's iCivics' We The Jury interactive online jury game, sponsorship of the Open Forum for Civic Education of Our Youth and other youth civic education programs aligned with ABOTA's mission.

Youth Education



www.scholastic.com/americanjustice



Justice by the People

Justice by the People is a program of 10 lesson plans that teach about the U.S. Constitution, the right to trial by jury, the importance of jury service, the right to vote, and other constitutional liberties. Justice by the People includes Make Your Case, an interactive, simulated courtroom trial where the students participate as trial lawyers.

Who is the audience? — The program is intended for middle school teachers of civics, social studies and language arts and their students. Justice by the People can be used by high school teachers, home schooling parents, military bases and other audiences of young people who need civic education.

Why is it important? — The National Assessment of Education Progress (NAEP) tests administered to 9,100 students in grade 12 nationwide revealed that only 27% of seniors performed at the “proficient” level on the NAEP civics test. Many states have little or no requirement for knowledge of American government to graduate from high school. The ABOTA Foundation aims to change those statistics.

History — Justice by the People was created in 1998 as a free, printed curriculum with Make Your Case on DVD. Justice by the People was promoted to teachers by ABOTA members in their home states. Free copies of Justice by the People were mailed to approximately 1,500 teachers per year.

Partnership with Scholastic, Inc. — In 2006, ABOTA created a partnership with Scholastic Inc., the largest educational publisher in the world. Together, we re-formatted Justice by the People as a free, downloadable, online resource on the Scholastic web site at www.scholastic.com/americanjustice.

The 10 lesson plans were aligned with national teaching standards for social studies to help teachers meet state curriculum goals. This year we are revising the lesson plans to align with Common Core State Standards recently adopted by 45 states. Justice by the People can be integrated easily into the existing curriculum and help teachers meet the federal mandate to teach about the Constitution on Constitution Day.

Reaching teachers — The Scholastic web site gets 3 million teacher visitors each month – from all over the world. The ABOTA Foundation contracts with Scholastic to post 1,000,000 ads for Justice by the People on the Scholastic site each year. Just before Constitution Day (September 17), two e-mail blasts are sent to 70,000 middle school teachers of civics, social studies and language arts.

James Otis Lecture Series

James Otis Lectures educate and inspire students across our nation so they will have appropriate knowledge of and respect for the U.S. Constitution. Our lecture program about the U.S. Constitution is designed so schools may comply with the requirements of the federal statute creating Constitution Day which requires all federally assisted schools, both public and private, to provide civic educational programs each year on or about the anniversary of the signing of the Constitution.

James Otis, Jr., was arguably the most influential lawyer in early American history. According to John Adams, who was present at the time, Otis’ eloquent argument presented in a Boston court room in 1761 challenging the British laws, known as the Writs of Assistance, lit the spark that led to the American Revolution. During that argument James Otis coined the phrase “a man’s house is his castle,” which became the bedrock of America’s pursuit of independence.

America has a long and proud history shaped by lawyers and judges who have made lasting contributions to the rule of law, to the process of self-government, and to the preservation of our precious individual liberties guaranteed by the Constitution. Over the years, many Americans have sacrificed their lives or suffered great personal loss to advance the cause of liberty. As part of our program, we acknowledge the great debt we owe to our Founding Fathers and to these patriots.

Youth Education



Teachers' Law Schools

The ABOTA Foundation is proud to present the Teachers' Law School. Our Teachers' Law School program, designed for middle school and high school government, social studies, history, law and civics educators, exposes participants to presentations, roundtables and workshops on topics aimed at giving teachers tools to help their students better understand and appreciate the value of the American civil and criminal legal systems and the role those systems play in students' lives and society.

Studies show that more than half of high school graduates in America don't know the three branches of government. The ABOTA Foundation believes that reaching teachers is a key factor in the solving this dilemma. Through ABOTA's Teachers' Law School, some of the best and brightest members of the bench and bar, who live and work with the law day in and day out, share practical realities of the civil and criminal law procedures and systems that protect students, their parents, their teachers, and all Americans.

The program is entering its sixth year in Texas, and has expanded to a number of cities nationwide.

Typical topics include:

- Separation of powers
- Independence and impartiality of the judiciary
- Differences in federal and state laws/courts
- Constitutional challenges for the modern classroom
- Probable cause, search and seizure and the 4th Amendment
- Trial by jury: The history, the Constitution and the current state of the jury system.
- Justice in America: A view from city hall
- Developments in forensic evidence
- How technology has changed the law and the way we live

2014 Programs:

Denver, CO - October 9-10
Houston, TX - Coming in June
Los Angeles, CA - TBD
Miami, FL - Coming in November
Orange County, CA - TBD

2013 Programs:

Orlando, FL - January 17-18
Austin, TX - July 18-20
Little Rock, AR - August 2
Jacksonville, FL - October 8
Denver, CO - October 11-12
Miami, FL - November 8

2012 Programs:

Los Angeles, CA - June
Austin, TX - July 12-14
Arkansas - July 27
Jacksonville, FL - October 9
Denver, CO - October 9-10
Philadelphia, PA - October 27
Miami, FL - November 6

Youth Education



Justice Sandra Day O'Connor at the Open Forum.

In recent years the ABOTA Foundation has supported other educational efforts aligned with its mission.

National High School Mock Trial Championship

The ABOTA Foundation connected with the National High School Mock Trial Championship in 2010. The ABOTA Foundation served as a sponsor and members of the local ABOTA Chapters attended championship functions. The ABOTA Foundation supports state coordinators for more than 40 high school mock trial programs, which include free use of Justice by the People for coaches and teams, and collaboration on local and state mock trial programs through ABOTA chapters.

Open Forum for Civic Education for Our Youth

The ABOTA Foundation convened an Open Forum for Civic Education for Our Youth on October 12, 2013, in Austin, Texas. A number of people who have interest in civic learning shared their programs and opinions in ways to return civic learning back to the schools.

There is widespread evidence and belief that there is too little emphasis on the teaching of civic learning in our schools. However, the Foundation is tackling the issue on how we can work together to promote and provide civic education for our country's youth.

We the Jury

The ABOTA Foundation partnered with iCivics to launch the online game, We the Jury. Serving on a jury is one of the fundamental duties of American citizenship. Students are exposed to the importance of serving on a jury with an engaging and fun game. Players can choose from two different civil trial issues. They are taken out of the jury box and into the deliberation room where they must analyze evidence, weigh testimony, and use the right arguments to persuade their fellow jurors. The clock ticks down as players work to avoid a hung jury and reach a fair and impartial verdict. Teachers will find supporting materials, including alignment to Common Core State Standards, a game guide, and related lesson plans.

Professional Education



The Foundation began in January 1991 as an outreach tool to acquaint trial lawyers across the country with ABOTA's commitment to professionalism and preservation of the 7th Amendment right to civil jury trial. The Foundation's Masters in Trial programs have become nationally recognized for trial demonstrations primarily because attendees are able to see first hand how the top trial lawyers in America operate in a courtroom.

The program's strength lies in the inspired leadership of ABOTA members. Their commitment to the program's success is the key element in producing a Masters in Trial, or one of the several other Masters Series programs.

These programs have met with phenomenal success. Why? Here are some reasons:

- Faculty members are premier trial lawyers and members of ABOTA.
- The program is balanced...both plaintiff and defense lawyers are represented equally.
- Many of the programs demonstrate rather than describe, trial technique and style
- The trial demonstrations provide a rare opportunity for the audience to watch jury deliberations by way of a video feed from the jury room.
- ABOTA works to provide quality education and meets the standards for accreditation established by each state which hosts a program.
- The program appeals to lawyers at all experience levels, from newly-admitted to seasoned attorneys.
- Programs are lively and entertaining as well as substantive.
- Programs are an excellent opportunity for in-person networking.

The ABOTA Foundation offers the following Professional Education Programs:

Masters in Trial — A day-long, mock trial demonstration complete with jury deliberations shown live to registrants by video feed. An optional ethics or professionalism portion completes the program.

Masters in Cross Examination — Features insights on aspects of cross examination by both plaintiff's attorneys and defense attorneys. Cross examinations of three different types of witnesses are held, with each witness examined by ABOTA members in turn while the others are out of earshot.

Masters in Demonstrative Evidence — An abbreviated mock trial with each speaker using different forms of demonstrative evidence. A lecture component and an optional ethics or professionalism portion complete the program.

Masters on Jury Selection — Features a demonstration of voir dire by a plaintiff's attorney and a defense attorney using a live jury panel and a real judge. A question and answer session follows the demonstration. A presentation by an expert on jury selection is also included, plus a substantive lecture section.

Masters in Opening Statements and Closing Arguments — Provides insights and instruction from both lecture and demonstration segments. The demonstrations include plaintiff and defense openings and closings from two different fact patterns. Optional elements include an ethics or professionalism segment and a "View from the Bench," featuring an esteemed jurist.

Masters Ultimate Trial Notebook — The one-day lecture format program breaks down a trial into its most critical components, with 30-minute to one-hour presentations by distinguished faculty. The faculty in the host state prepares written papers for each assigned topic, which are contained in a "trial notebook" or a CD given to attendees.

Masters in Trial: Expedited Jury Trial — Various jurisdictions – both state and federal – have implemented an alternative process that is designed to provide litigants with speedy and cost effective access to streamlined jury trials. The EJIT program demonstrates an example of a shortened jury trial.

Global Reach



The International Education Program is a joint educational effort shared by the ABOTA Foundation and National ABOTA. Some programs have included a comparison of the specific country's legal system and the American legal system, with interaction of judges, lawyers, justices, ministers and professors from both countries. Many have included a Masters in Trial program, with witnesses and jurors from the specific country, and ABOTA members serving as faculty members. Its efforts have included programs in Prague, Czech Republic; Florence, Italy; Belfast, Ireland; Riga, Latvia; Lisbon, Portugal. In 2010, programs were held in Seoul, South Korea, and Tokyo, Japan. In 2012, a program was held in Rome, and in 2013 programs were held in Rabat, Morocco, and Madrid, Spain. For 2014, a two-day program is scheduled in September in Berlin, Germany.

Civility Matters



ABOTA created Civility Matters with the hope that the program would be presented at ABOTA educational activities, other bar and professional programs, and, especially, in every law school in the country.

Civility Matters is an educational effort shared by the ABOTA Foundation and ABOTA National, with generous support from Judicial Arbitration & Mediation Services (JAMS). Two Civility Matters publications — “Why Civility and Why Now?” and “Presentation Materials” — and accompanying DVDs are made available through ABOTA and provide all the resources needed to host a Civility Matters session, as well as some guidelines for doing so. ABOTA created a toolkit to provide some additional tips and insights to help members and chapters host and promote successful Civility Matters programs.

ABOTA lawyers have also pressed this cause to Supreme Courts and legislatures around the country to encourage the addition of a civility requirement in the oaths of practice administered to new lawyers. Not only will this elevate the importance of civility in the practice of law, it will reassure judges that civility can be and must be preserved on a daily basis.

ABOTA's efforts have assisted in the development and passage of numerous amendments to the oaths being administered around the country. There are now 14 states administering an oath of practice that includes a promise of civility.

In recent months, ABOTA has focused its efforts to make Civility Matters part of the standard curriculum at all ABA accredited law schools. In 2013, ABOTA lawyers met with the deans and professors of law schools around the country to offer to teach civility to their students at no charge. ABOTA is in the process of seeking the assistance of the American Bar Association's Standards Review Committee. It is our hope that the committee will create an enduring national training standard to promote civility in the practice of law.

ABOTA National Trial College



The ABOTA National Trial College on the campus of Harvard Law School provides trial lawyers with intensive training from members of the bench and from accomplished practitioners in the art of being a successful trial lawyer. Faculty demonstrations and student exercises encompass all aspects of civil trial — from effective trial preparation to persuasive opening statements and convincing closing arguments.

Thirty-six students went through the rigors of the inaugural ABOTA National Trial College on the campus of Princeton University in 2010. The 2012 college was held on the campus of Harvard Law School and in 2014 will return to the Harvard Law School campus in Cambridge, Mass.

Designed for third- and fourth-year trial attorneys from both sides of the bar, the program consists of five days of intense instruction, student exercises, and critiques culminating in a mock jury trial on the final day.

With an impressive 2:1 student to faculty ratio, the classes are taught by accomplished trial lawyers from all parts of the country who understand the pressures of trial preparation and courtroom situations. The instruction takes place in state-of-the-art facilities at Harvard Law School. After four days of academic work, students are divided into trial teams and compete in mock jury trials, after which the students observe jury deliberations and then receive final critiques from the faculty. A graduation ceremony is held on the final evening.

Your Support



Many ABOTA members express their amazement about how much their ABOTA Foundation is doing. How can you get involved? ABOTA Chapters can become sponsors of Justice by the People. Chapter members can get involved and support state mock trial competitions and promote use of Justice by the People materials. Chapter members can work with ABOTA, their state bar foundations and teacher organizations to present Justice by the People at teacher workshops. Chapter members can introduce ABOTA Foundation leaders to potential funders in their states. Chapters that conduct Teachers' Law Schools and James Otis Lectures have reached thousands of youth and teachers. These are all important initiatives since democracy is at stake.

Fellows of the Foundation

The Fellows of the Foundation support the Foundation and its work through their generous contributions. All Fellows receive acknowledgment in ABOTA's publications and are given regular reports on the Foundation's activities. You can become a Fellow of the Foundation by making contributions to the Foundation under the following four categories:

- Fellows: \$150 per year (pledge of \$1,500) for 10 years
- Life Fellows: \$1,500 in total gifts
- Senior Life Fellows: Gifts of \$2,000 up to \$4,999
- Senior Life Fellows – Legacy Level: Gifts of \$5,000 and above

To donate now, go to www.abota.org.

The Foundation is a corporation qualified under Section 501(c)(3) of the IRS. Gifts to the Foundation are tax-deductible to the fullest extent allowed by applicable law.

“Justice for every generation.”



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