

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO
IDAHO STATE JUDICIARY
UNIVERSITY OF IDAHO COLLEGE OF LAW
IDAHO ATTORNEYS FOR CIVIC EDUCATION**

**2023 IDAHO TEACHERS' INSTITUTE ON LAW-RELATED CIVIC EDUCATION
June 8-9, 2023**

***THE UNITED STATES CONSTITUTION, CITIZENSHIP, AND THE IMPORTANCE OF
AN INDEPENDENT, IMPARTIAL JUDICIARY
TO PRESERVING THE RULE OF LAW***

AGENDA & PROGRAM OUTLINE

A list of questions for the workshops conducted by the master teachers is attached as an appendix to this document.

**Day One – Thursday, June 8, 2023
James A. McClure Federal Building and United States Courthouse
550 W. Fort Street, 4th Floor, Boise, Idaho**

7:30 a.m. to 8:00 a.m. Registration and Notebook Distribution

Sign-in and administration. Morning beverages provided (breakfast on your own).
Meet in Salmon River Room (Clerk's Office - 4th floor).

8:00 a.m. to 8:20 a.m. Opening Session

- Welcoming remarks
 - On behalf of Idaho's federal judiciary: Hon. Joseph M. Meier, Chief United States Bankruptcy Judge, District of Idaho
 - On behalf of Idaho's state judiciary: Hon. G. Richard Bevan, Chief Justice, Idaho Supreme Court
 - On behalf of the University of Idaho College of Law: Johanna Kalb, Professor and Dean of the College
 - On behalf of Attorneys for Civic Education (ACE): Texie Montoya, Associate General Counsel, Office of General Counsel, Boise State University, and co-chair of ACE

8:20 a.m. to 8:45 a.m. Overview of the Institute

- Venue and program information, professional development/continuing education credit: Katherine (Katie) Ball, Clinical Professor, College of Law
- Curriculum design, pedagogy, and objectives: Russ Heller, educational services supervisor for K-12 history and social sciences, Boise School District (retired)
- Introduction of master teachers: Mark Boatman, Brendan Earle, Blake Gaudet, Peggy Godby, Anna Resnick, and Paige Somoza
- Teacher/attendee self-introductions

8:45 a.m. to 9:30 a.m. Topic 1: America’s Enduring Experiment; A Constitutional Republic Anchored by an Independent, Impartial Judiciary

- Distributing Power and Protecting Rights in Our Constitutional Republic
 - Don Burnett, Professor Emeritus and past Dean, College Law
 - “Vertical” and “horizontal” dispersions of governmental power: preventing tyranny of the few over the many
 - Explicit recognition of rights: preventing tyranny of the many over the few
 - The “rule of law” v. the “law of rulers”
 - Judicial independence and impartiality: America’s unique vision
 - “Checks and balances” and the true meaning of “judicial independence”
 - The imperative of judicial “impartiality” – even (and especially) in hyper-partisan times
 - Civil justice: Principled resolution of disputes
 - Criminal justice: A government that obeys the law while enforcing the law

9:30 a.m. to 9:45 a.m. Break

9:45 a.m. to 10:55 a.m. Topic 2: How Do Judges Understand, and Strive to Fulfill, Their Duties of Independence and Impartiality?

- Making and Communicating Judicial Decisions
 - Don Burnett, Professor Emeritus and past Dean, College of Law, *convening panelist*
 - Hon. Raymond E. Patricco, Chief U.S. Magistrate Judge, District of Idaho
 - Hon. Molly J. Huskey, Idaho Court of Appeals

10:55 a.m. to 12:00 p.m. Workshop Discussion on Topics 1 & 2

- *Convened and facilitated by master teachers*

12:00 p.m. to 12:20 p.m. Break & Pick up Boxed Lunches

12:20 p.m. – 12:45 p.m. Lunch with Brief Ceremony at 12: 35 p.m. (5 -10 min.)

- *Recognizing 2023 District of Idaho High School Civics Contest Winners*
 - Chief United States Magistrate Judge Raymond E. Patricco
 - United States Magistrate Judge Debora K. Grasham

12:45 p.m. to 1:00 p.m. Introduction to Naturalization Ceremony

- Hon. Debora K. Grasham, U.S. Magistrate Judge, District of Idaho

1:00 p.m. to 1:15 p.m. Break and proceed to Naturalization Ceremony

- U.S. Courthouse, Sixth Floor, Courtroom 3

1:15 p.m. to 3:00 p.m. Topic 3: Becoming a Citizen

- **1:15 p.m.** Naturalization Ceremony, U.S. Courthouse, Sixth Floor, Courtroom 3
 - Chief U.S. Bankruptcy Judge Joseph M. Meier, District of Idaho
 - After ceremony, proceed back to Fourth Floor Conference Room
- **2:00 p.m.** Panel Discussion, Fourth Floor Conference room
 - Stephen Kenyon, Clerk of the U.S. Courts, District of Idaho, *convening panelist*
 - Hon. Debora K. Grasham, U.S. Magistrate Judge, District of Idaho
 - Selvedin Mustafic, U.S. Probation Officer, District of Idaho
 - Maja Markovic-Wolter, Supervisory Immigration Services Officer, U.S. Citizenship and Immigration Service
 - Amy Tate, Courtroom Deputy for Hon. Debora K. Grasham U.S. Magistrate Judge, District of Idaho

3:00 p.m. to 3:15 p.m. Break

3:15 p.m. to 4:00 p.m. Topic 4: Sources for Judicial Opinions/Landmark Cases

- Katie Ball, Clinical Professor, University of Idaho, College of Law
- Stephen Kenyon, Stephen Kenyon, Clerk of the U.S. Courts, District of Idaho
- Stacy Etheredge, Law Library Director and Associate Professor of Law, UI College of Law
- David Vermooten, U.S. Courts, Librarian

4:00 p.m. to 5:00 p.m. Workshop Discussion on Topics 3 and 4

- *Convened and facilitated by master teachers*

Evening of Day One

June 8, 2023

Social Gathering and Reception/Buffett (5:30 p.m.)

University of Idaho College of Law, 501 W. Front Street, Boise, ID, Room 221

Presentation

Protecting Kids, Honoring Parenting Rights: the Rule of Law in Child Protection Cases

(6:45 to 7:30 p.m.)

Hon. Andrew Ellis, Magistrate Judge, Fourth Judicial District Court, Idaho

Day Two – Friday, June 9, 2023
Idaho Supreme Court, 451 W State St., Lincoln Conference Room (Basement), Boise, Idaho

8:00 a.m. to 9:00 a.m. Topic 5: The Media’s Role in Educating the Public About the Work of an Independent, Impartial Judiciary

- Stephen Kenyon, Clerk of the U.S. Bankruptcy & District Court, *convening panelist*
- Hon. Gregory Moeller, Justice, Idaho Supreme Court
- Melissa Davlin, Idaho Reports President, Idaho Press Club

9:00 a.m. to 9:40 a.m. Topic 6: Distinctive Roles of Trial and Appellate Courts

- Hon. Jessica M. Lorello, Chief Judge, Idaho Court of Appeals
 - Trial and appellate court approaches to issues of law, fact, and discretion
 - The function of oral argument in appellate justice
 - Roles of the Court of Appeals and Supreme Court in Idaho’s state appellate system
 - Introduction to upcoming oral argument in the Idaho Supreme Court by Chief Judge Lorello

9:40 a.m. Break and proceed upstairs to courtroom to attend oral argument in person. Argument will begin promptly at 10:00 a.m.

10:00 a.m. Oral Argument, Idaho Supreme Court

- *State v. Pendleton*, Case No. 50078. This case involves an expedited appeal by the State in a criminal case challenging a district court’s order regarding discovery related to performance records of a drug detection dog.

11:00 a.m. to 12:25 p.m. Conversation with Supreme Court Justices & Lunch

12:25 p.m. to 12:40 p.m. Break

12:40 p.m. to 1:40 p.m. Workshop Discussion on Topics 5 & 6

- *Convened and facilitated by master teachers*

1:40 to 2:40 p.m. Topic 7: Judicial Selection – State and Federal

- Hon. Amanda K. Brailsford, U.S. District Judge, District of Idaho
- Hon. Robyn M. Brody, Justice, Idaho Supreme Court
- Brady Hall, General Counsel, Idaho Governor’s Office

2:40 p.m. to 3:10 p.m. Break

3:10 p.m. to 4:00 p.m. Workshop Discussion on Topic 7

- *Convened and facilitated by master teachers*

4:00 p.m. to 4:40 p.m. Topic 8: Summing up – Best Practices in Teaching Civic Education with a Focus on the Rule of Law and the Role of an Independent, Impartial Judiciary

- Master teachers and Russ Heller
 - Panel discussion and interactive engagement between master teachers and teacher-participants

4:40 p.m. to 5:00 p.m. Administration and Adjournment

- Professor Katie Ball and Russ Heller
 - Completing teachers' evaluations of the Institute
 - Reviewing the process for submission of materials to satisfy the requirements for one credit hour of professional development/continuing education
 - Awarding certificates of participation

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APPENDIX

Workshop Questions

Core Questions for Workshops Conducted by Master Teachers

Master teachers are encouraged to conclude each workshop session, using the core questions to help summarize the session's takeaway.

- What are the *main points* you plan to develop in your classrooms back home?
- What *learning outcomes* will you seek for your students?
- What *challenges* will you face in achieving those outcomes?
- How will you *assess* the achievement of those outcomes?

Topical Questions

Topic 1: America's Enduring Experiment: A Constitutional Republic Anchored by an Independent, Impartial Judiciary

Topic 2: How Do Judges Understand, and Strive to Fulfill, Their Duties of Independence and Impartiality?

Workshop Discussion on Topics 1 & 2

- What does the phrase "rule of law" mean to your students? (What essential elements of a rule-of-law system can they identify?)
- Some commentators on judicial decisions say the courts have a duty to follow "the will of the people." What does this mean? How can you encourage students to think carefully about this in relation to the rule of law and the idea of an independent and impartial judiciary?

Topic 3: Becoming a Citizen

Topic 4: How to Help Teachers Find Judicial Opinions/Landmark Cases

Workshop Discussion on Topics 3 and 4

- Why would non-citizens in the US wish to become citizens? What advantages does citizenship confer? Why do naturalized citizens have to pass a civics test? To what extent are "persons" (non-citizens) entitled to due process and equal protection of the laws?
- Alternatives:
 - Suppose an individual in your community is charged and convicted of driving an automobile under the influence of alcohol or drugs. He has appealed, claiming that the arresting officer had no reasonable basis to pull him over and administer a breath-alcohol test. How could you help students design their own research plan – step by step -- on what constitutes a valid basis for a traffic stop, and how to find an appellate court's decision in this case?
 - In a late nineteenth century case [Plessy v. Ferguson] the US Supreme Court held that racial discrimination was legal under a "separate but equal theory," but in a mid-20th century case [Brown v. Board of Education of Topeka] the Court held that racial discrimination in schools was a violation of the

14th Amendment to the US Constitution. How could you help students design their own research plan – step by step -- to find these two landmark cases and to explain why the Court made a different decision in the second case?

Topic 5: The Media’s Role in Educating the Public About the Work of an Independent, Impartial Judiciary

Topic 6: Distinctive Roles of Trial and Appellate Courts

Workshop Discussion on Topics 5 & 6

- How do a judge’s responsibilities differ from the public’s expectations for officeholders in the other two branches of government? How can you help your students recognize the differences?
- Why do courts – especially appellate courts – usually deliver written opinions with their decisions? Wouldn’t it be more efficient simply to announce the outcomes?
- How does the work of an appellate court differ from the work of a trial court? In what court are witness testimony and evidence presented? What is the purpose of oral argument in an appellate court? Does an appellate court second-guess the trial court on every issue?
- For the public to understand the distinctive role of the judiciary, what should a media report of a judicial decision contain? E.g., the parties to the case, the main issue(s), and the outcome. When is it important to include reaction of commentators or other people who have an interest in the case? AND what law-based principle(s) did the court state in its decision? Do the media usually mention principles when reporting on a decision? How can you help students understand why principles are important, and how to identify them in a decision?

Topic 7: Judicial Selection – State and Federal

Workshop Discussion on Topic 7

- What are the main differences between the federal system of selecting judges and justices, and the Idaho system? What are the strengths and weaknesses of each system? Does either system do a better job of supporting an independent, impartial judiciary?
- What do your students think are the characteristics of a good judge? Are there - or should there be - any political or public policy "litmus tests?"

Topic 8: Summing up – Best Practices in Teaching Civic Education with a Focus on the Rule of Law and the Role of an Independent, Impartial Judiciary

Panel Discussion and Interactive Engagement between Master Teachers and Teacher-Participants