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Supreme Court's Second Annual Constitution Day Celebration Shines Spotlight on Jury Duty, Jurors



Lincoln Mayor Coleen Seng reads proclamation declaring Constitution Day, September 18, 2006 as the start of Juror appreciation week in Lincoln.

Calling the right to trial by a jury of one's peers, "a cornerstone of the individual freedoms guaranteed by the Bill of Rights....," Justice John Gerrard, Nebraska Supreme Court, welcomed the crowd gathered at noon on September 18 at the County City Building in Lincoln. The event, organized by the Minority and Justice Implementation Committee of the Nebraska State Bar Association and the Nebraska Supreme Court, was in observance of Constitution Day.

In 2004, Congress set aside September 17, the date of the signing of the Constitution, as a time for schools and federal agencies to observe a program honoring this most important founding document. If the date of the historic signing falls on a weekend, as it did this year, the celebration may occur the day before or after September 17.

Juror Appreciation Week

Lincoln Mayor Coleen Seng also addressed the Constitution Day crowd that included a freshman civics class from Lincoln East High School, proclaiming the week of September 18 as Juror Appreciation Week in Lincoln. Reading from her proclamation, Seng encouraged citizens: "This week, let us recognize those who are called upon to take time from their daily lives to fulfill the highest responsibility of citizenship and make our system of justice a reality through their jury service." She then presented a signed copy of her proclamation to Judge Steve Burns and Judge Laurie Yardley, representatives of the district and county courts in Lancaster County.

Seng added a personal comment about her first jury service, indicating it came at a time when she had just given birth to her third



Constitution Day 2006

Supreme Court Justice John Gerrard presents a brief history of jury system in America while hosting proclamation ceremony on steps of Lancaster County Courthouse.



Minority and Justice – Focus on Jury Duty

In addition to serving on the Nebraska Supreme Court, Gerrard is Co-Chair of the Minority and Justice Implementation Committee. In his Constitution Day presentation, he referenced the Civil Rights era of the 1960s as a time when “many citizens were excluded from jury service based solely on their race or ethnicity.” Gerrard quickly brought the audience back to the present, commenting that “the law now upholds all qualified citizens’ right to serve on a jury...”

child. She said that, even though she had small children at home, she was proud to serve ~ especially when she considered how long it took before women were given the right to serve on juries. Gerrard had earlier explained while the right to trial by jury was granted through the Sixth and Seventh Amendments to the U.S. Constitution, it was not until 1975 that the U.S. Supreme Court “actually held that it was unconstitutional to automatically exempt women from jury duty based on their gender.”

Gerrard then shifted the focus from the right of jury duty to the responsibility of serving on a jury. He explained that jury service is based on the idea that a community is the best judge of the actions of others, and for this reason juries are often described as “the conscience of the community.” “It (jury duty) is a privilege and a duty, and each voice is needed to enact the true conscience of the community.”

In an effort to help minorities better understand their rights and responsibilities, Minority and Justice Implementation Committee Project Director Liz Neeley, coordinated a three-week public radio campaign on jury duty. She also scheduled Law Day events in Lincoln at the Malone Center, the Hispanic Community Center (now known as the Centro de las

After accepting Seng’s proclamation, Burns stepped to the microphone and commented that “the U.S. Constitution was not adopted until the right to trial by jury was assured.” Yardley noted that last year 68 trials in Lancaster County alone involved 1,100 jurors. She indicated that research shows that most people who serve on a jury find it a positive experience. Both Burns and Yardley expressed their gratitude to local jurors for their service.

Seng’s proclamation was part of a statewide campaign undertaken by lawyers and judges to thank jurors for their contribution to the justice system and to promote the representation of people from every ethnicity, race, religion and economic background on Nebraska juries.



Judge Steve Burns (back left) and Judge Laurie Yardley (far right) assist the prosecution in questioning witnesses during a mock trial where Judge Burns’ step daughter, Malynda Pospisil, and Judge Yardley’s, daughter, Allison Yardley acted as defendants in the case. Both judges have freshmen taking 10th grade civics at East High this semester.



Americas), and the Asian Community and Culture Center. Those events included a free legal clinic with volunteer lawyers answering legal questions; information about jury service; voter registration; information about applying to and attending law school; and information on careers in the court system.



East High freshmen civics students visit courtroom of Judge Steve Burns (center back) to act out a mock trial, written by Judge Laurie Yardley (far right). Channel 10/11 news reporter (back left) films jury members for evening news story on Constitution Day.

Mock Trial Activity for High School Students

Following the Constitution Day ceremony at the County City Building, East High School students and their teacher Colleen Ogden filed indoors and up the elevators to Judge Burns' courtroom where they became the lawyers and witnesses in an original mock trial written by Judge Yardley. Yardley quipped that she had a moment of doubt about her mock trial writing skills when the jurors found the "defendants" guilty of vandalizing school property. The roles of defendants were played by Yardley's and Burns' real-life daughters, members of the East

High class. Kidding aside, Yardley said she was pleased with the student participation. "They got a small taste of what a jury trial is like," she said, and she commented that they seemed to really enjoy the participatory nature of learning via the mock trial process.

Teacher Ogden had this to say of the experience: "Thank you so much for giving us the opportunity to visit the court. I appreciate the time the Judges spent with my students and they enjoyed the Mock Trial!!!!" She commented that, through their Constitution Day activities, they had an opportunity to observe all three branches of local or county government, from the mayor, to the court, and finally to the Lincoln City Council at the conclusion of the mock trial.



Three Branches Discussion for Elementary Students

In a classroom in the center of the city, third graders at Sheridan Elementary School were also engaged in discussion of the Three Branches. Lincoln lawyer and lobbyist Amy Prenda and Supreme Court Public Information Officer Janet Bancroft,

Lincoln lawyer and lobbyist, Amy Prenda, discusses the three branches of government with third graders at Sheridan Elementary in Lincoln.



Constitution Day 2006

Photo top: Veteran East High Civics teacher Colleen Ogden (right) takes advantage of the courtroom environment, adding to a discussion on the rights and responsibilities of jurors.

Freshman students who attended a Constitution Day program at the courthouse were able to view all three branches of local government in one trip by watching the Mayor, acting-out a mock trial, and visiting the City Council in the neighboring building.

Photo bottom: East High freshman line up for photo in courtroom.



divided the class into three groups representing the Executive, Legislative, and Judicial branches of government. The pair showed students the “Schoolhouse Rock” cartoon on the preamble of the Constitution, read a constitution-related childrens’ story and involved the students in a discussion about the responsibilities of the individual branches through interactive questioning. After an hour-long presentation and many hints, one student answered the final question of, “Which branch of government has the most power?” with “None, they are all the same.”

The classroom visit was organized by judges and lawyers on the Nebraska Bar Foundation’s PEOPLE (Public Education Outreach Promoting the Law & Equity) Committee.

Related Education and Outreach

This year marked the second Constitution Day celebration coordinated by the Nebraska Supreme Court. In 2005, the Court cooperated with the Bar Foundation to provide links to free lessons and Constitution Day resources on the Foundation’s web site. In that endeavor, the two organizations engaged in planning with the Federal District Court for the District of Nebraska, University of Nebraska College of Law, The Nebraska

Department of Education, and the Lincoln Journal Star’s Newspapers in Education. Resources for 2006 were updated and are available on the Bar Foundation Web site.

In addition to jointly celebrating Constitution Day, the Supreme Court and the Bar Foundation join hands to annually observe Law Day. In May 2006, the organizations followed the theme, “Separate Branches, Balanced Powers.” For classroom ideas and resources on this topic, visit the Bar Foundations’ Web site under ‘Essay Contest.’ For resources on “The American Jury,” Law Day theme for 2005, log on to www.abanet.org/publiced/lawday/guide2005.pdf.

The PEOPLE Committee encourages judges and lawyers to volunteer to make classroom presentations as a part of the law-related education program. The committee will be working in the coming months to develop more resources for this purpose. If you would like to volunteer to visit a classroom in conjunction with Law Day or Constitution Day activities, please contact Supreme Court Public Information Officer Janet Bancroft, jbancroft@nsc.state.ne.us or State Bar Foundation Executive Director, Doris Huffman, at doris@nebarfnd.org.

