

OUR COURTS COLORADO

A Model for Adult Civics Education

BY RICHARD L. GABRIEL

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Americans are more likely to interact with their state and local governments than their federal counterparts – and that includes the courts. State courts hear more than 90 percent of cases,¹ and more than 80 million cases are filed in state trial courts every year.² That means roughly a quarter of the population interacts with state courts annually. Who better, then, to help educate our citizenry on the importance of the judiciary and the enduring relevance of rule of law principles than our state courts themselves?

Our Courts Colorado, a joint activity of the Colorado Bar Association and the Colorado Judicial Institute, was founded in 2007 to do just that.

Its mission is to provide nonpartisan informational programs to adult audiences to further public knowledge and understanding of the state and federal courts in Colorado. Over the past 15 years, the organization has provided educational programs to adults and high-schoolers alike, developed Spanish-speaking programs, created video content for naturalization ceremonies, and even informed legislators and media professionals about the judicial system. Having educated tens of thousands of Colorado citizens, Our Courts has become a national model for adult education on matters related to the judiciary, regularly and freely sharing its programs with other states. As a justice of the Colorado Supreme Court, I have been involved with the

organization since its inception. Here, I recount the genesis of the program, its educational offerings, and the impact that we have seen from our efforts, in the hope of inspiring others to initiate similar projects.

The Genesis of Our Courts

Our Courts was born in the aftermath of an unsuccessful 2006 ballot initiative that sought to term-limit Colorado's appellate judges. Among its many lessons, the campaign regarding this initiative revealed how little many Coloradans knew about their courts generally, and specifically about how ▶

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judges are selected and retained. Many Coloradans also seemed to know little about their own significant roles in the state court processes for selecting and retaining judges.

The kernel of an idea was formed by former Chief (now Senior) Judge Marcia Krieger of the United States District Court for the District of Colorado and now-retired Colorado Court of Appeals Judge (and former executive director of the American Judicature Society) Russ Carparelli. Recognizing that adult Coloradans had few places from which to obtain nonpartisan information on how courts work, the two judges recruited their friend and noted Colorado educator, the late Dr. Ellie Greenberg, to explore the development of a program to educate adult audiences regarding Colorado's federal and state courts. They took their idea to the Colorado Judicial Institute (a nonpartisan, not-for-profit organization devoted to promoting the excellence, fairness, and impartiality of, and educating the public about, Colorado's judiciary) and the Colorado Bar Association, and the two organizations agreed to support their efforts.

Following these discussions, like-minded lawyers and judges joined the effort to develop the program. Together with Judges Krieger and Carparelli, recently retired Colorado Court of Appeals Chief Judge Steve Bernard created Our Courts' first presentation, "Our State Courts." This

PowerPoint presentation introduces Our Courts' central themes: Our courts ensure equal justice under the law by providing fair and impartial tribunals that apply the rule of law equally to all; Colorado state court judges are selected based on their qualifications and are evaluated based on their performance; and nonlawyers play a significant role in evaluating judicial applicants and sitting judges.

Having thus begun, the question became how to introduce Our Courts to audiences interested in learning about the court system. As a first step, Our Courts' founders reached out to a number of established organizations to identify those willing to partner with Our Courts in pursuing its mission of public education. In addition to the Colorado Bar Association and the Colorado Judicial Institute, these organizations included the Colorado state and federal courts themselves, the Faculty of Federal Advocates, the Institute for the Advancement of the American Legal System, the League of Women Voters, the Colorado State Library, the Colorado community college system, the University of Colorado School of Law, the University of Denver Sturm College of Law, and the University of Colorado at Denver School of Public Affairs. With substantial help from the public education team at the Colorado Bar Association, which was then headed by Carolyn Gravit, Our Courts also approached organizations

that it anticipated would be interested in learning about the judiciary and that frequently welcomed speakers. Organizations like Rotary and Kiwanis Clubs were obvious choices.

The response was overwhelming. Our Courts was immediately in constant demand for presentations, and before long those who saw the Our State Courts presentation were asking for additional programs. As a result, Our Courts ultimately developed a host of new programs and trained hundreds of speakers to present Our Courts programs throughout Colorado. Speaker training was (and remains) particularly important because Our Courts is, in large part, a judges' speakers bureau, and having any speaker depart from Our Courts' mission of providing *nonpartisan* information, even if inadvertently, would interfere with that mission.

Our Courts Adult Education Programs

Today, Our Courts offers 12 adult education programs:

- **Our State Courts:** Explains how Colorado's procedures for selecting, disciplining, and evaluating judges keep the state courts fair and impartial.
- **Our State Courts for Legislators:** Provides Colorado legislators with nonpartisan information about Colorado's judicial branch.
- **Our United States Courts:** Discuss-

es the types of cases that are heard in the federal courts, how federal judges are selected, and the procedures that keep federal courts fair and impartial.

- **U.S. and State Courts Serving Colorado:** Discusses the types of cases that are heard in the federal and state courts, respectively, and how federal and state judges are selected, and explains the procedures employed in the federal and state courts to keep those courts fair and impartial.
- **Colorado's Judicial Merit Selection and Retention System:** Explains Colorado's procedures for selecting, evaluating, and retaining judges and Coloradans' significant roles in those processes.
- **See You In Court: The Life of a Civil Lawsuit:** Discusses the purposes of civil lawsuits, a party's rights and remedies in such lawsuits, how lawsuits are commenced and proceed, what really happens at trial, and the roles the judge, jury, and lawyers play in these proceedings.
- **Law and Order: The Life of a Criminal Case:** Discusses the roles of the judge, jury, prosecution, and defense in a criminal case; how such cases are brought and proceed; the setting of bail; the plea bargaining process; what really happens in a criminal trial; and how judges determine the appropriate sentences after a conviction.

- **Divorce in Colorado Courts:** Discusses how divorce cases proceed in Colorado, the differing interests at stake, the issues that need to be addressed in a typical divorce case, how such cases typically get resolved, and the role of the court in such cases.
- **An Economic Fresh Start: Bankruptcy Basics:** Discusses how bankruptcy cases work, the history of bankruptcy and how it has evolved into the present system, the different kinds of bankruptcy cases, and the components of an individual bankruptcy case.
- **An Introduction to U.S. Immigration Courts:** Introduces U.S. Immigration Courts, including how proceedings are commenced and conducted in those courts, the nature of the proceedings, a party's rights and remedies, appeal rights, and the roles of the judge, lawyers, parties, and interpreters.
- **The Rule of Law:** Explains the concept of the rule of law, what comprises it, and the courts' role in preserving it.
- **Lincoln's Legacy of Equality and Liberty:** Explores how Abraham Lincoln's commitment to the principles of equality and liberty transformed this nation.

Notably, the state and federal court presentations, the combined state and federal court presentation, and the immigration presentation are avail-

able in both English and Spanish, and each of Our Courts' programs is always presented free of charge, with the understanding that Our Courts presentations and presenters take no position regarding any court case, legislation, ballot issue, or proposed change in the court system.

With the exception of the Lincoln presentation, each of the Our Courts programs is in the form of a PowerPoint presentation, and all are designed to generate audience participation and discussion. To achieve this, most of the presentations begin with a hypothetical case, and, time permitting, speakers are encouraged to have the audience play the roles of the opposing parties, the court, and the public. Central to each program is the importance of fair and impartial courts applying and preserving the rule of law equally for all.

To date, almost 300 trained volunteer speakers have presented these adult education programs more than 600 times to over 20,000 people.

Outreach to Underserved Populations

In the course of developing these programs, Our Courts recognized a need to bring such educational opportunities to audiences that were too often underserved by programs like the ones that Our Courts was developing. To that end, Our Courts created a Hispanic Outreach program, affect-

tionately dubbed “OCHO” (for Our Courts Hispanic Outreach), and began the work of translating a number of Our Courts’ programs (as well as Our Courts’ written materials) into Spanish, for presentation by trained Spanish-speaking judges and lawyers. To date, 29 bilingual speakers have presented approximately 50 programs to Spanish-speaking audiences in Colorado.

In addition to the foregoing, Our Courts volunteers have engaged in significant outreach efforts in Colorado’s Black community. Among other things, Our Courts volunteers have partnered with leaders from New Hope Baptist Church (a significant community center for Colorado’s Black community) and the Colorado Black Roundtable (a statewide organization composed of community leaders and organizations that advocates on behalf of Colorado’s Black citizens) to offer presentations on the Colorado judicial system to hundreds of Black community leaders.

And Our Courts has partnered with One Colorado (an influential advocate for the Colorado LGBTQ+ community) and the National Council of Jewish Women to present to these powerful Colorado voices nonpartisan information regarding the judicial system in Colorado.

Our Courts is actively expanding its efforts to partner with these and similar organizations to ensure that all Coloradans have access to critical

information about the Colorado judicial system and, importantly, about the significant roles that Coloradans play in ensuring that this system works fairly and effectively.

High School Program

Although Our Courts began as an adult education program, Our Courts realized that it was missing an important segment of the adult population, namely, high school juniors and seniors who will soon be eligible to vote on whether judges should be retained in office. Accordingly, beginning in 2018, Our Courts volunteers, working with several high school teachers (most notably, Whitney Smith and Leslie Hamdorf of the Denver School of Science and Technology), created an Our Courts High School Program. In this interactive program, which is led by trained Our Courts volunteer facilitators, high school students assume the roles of judicial nominating commissioners and applicants for a judicial position, and the commissioners conduct mock interviews of the candidates and ultimately select the candidate whom they believe to be best qualified to be a judge. Our Courts volunteers, working together with volunteer high school teachers, created all of the materials for this program, including lesson plans for teachers, detailed instructions and homework assignments for preparing students to participate in the exercise, and mock judicial appli-

cations for the students who play the roles of the applicants. The goal of this program is to have students think critically about the qualities that make someone a good judge.

To date, the high school program has been presented by some 77 trained speakers in more than 40 urban, suburban, and rural high schools in Colorado, and the number of students reached is more than 1,000. More than 99 percent of student participants have stated in anonymous surveys that the program should be repeated next year! Moreover, this program has been featured in a cover story in *Law Week Colorado*, and National Public Radio’s local Colorado affiliate has attended a program with an eye toward a future feature story.

Other Programs and Projects

Our Courts volunteers have also engaged in a wide range of other projects in pursuit of Our Courts’ mission of civics education.

For example, Our Courts has created a number of brochures and other written materials aimed at educating Coloradans about the state and federal courts in Colorado. These brochures, many of which are available in English and Spanish, have been distributed throughout the state, including in public libraries, and provide basic information about the judicial system in Colorado as well as links to additional resources on related topics.

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Our Courts has also presented several Law School for Journalists sessions, in which Our Courts members have provided nonpartisan information to local journalists to assist them in understanding the judicial system and how it addresses issues in actual cases. The goal of these sessions is to ensure that journalists have the tools necessary to report accurately on court matters of interest.

More recently, Our Courts recognized that the Colorado Legislature is comprised of fewer lawyer members than has historically been the case. Accordingly, Our Courts created and presented a program geared specifically toward Colorado legislators, to provide them an overview of the judicial system and the interrelationships of the branches of government. This presentation also includes a primer on how courts approach statutory interpretation, an area of significant interest to both legislators and courts.

Our Courts has also produced a substantial number of videos, some quite short and others of more significant length, to educate Coloradans about the judicial system. For example, Our Courts wrote and produced a video on the separate branches of government that has been shown at naturalization ceremonies conducted by the U.S. District Court for the District of Colorado. Our Courts has also participated in the creation of a video spotlighting the Our Courts program

that is posted on the Administrative Office of the U.S. Courts website as a means of encouraging others to develop similar education programs. In addition, Our Courts has created a number of 60-second video spots, including some in Spanish, to provide information on the workings of the state and federal courts in Colorado. The videos can be found on the Our Courts website (www.ourcourtscolorado.org) and are geared toward younger audiences who are more accustomed to receiving information in such a bite-sized format. And, last year, Our Courts created several public service announcements, in English and Spanish, encouraging people to educate themselves and vote responsibly on the judicial retention portions of their ballots, and advising where voters can find the information that would assist them in doing so.

Our Courts has also presented at several national conferences to share information about its programming and to offer assistance to those who might be considering creating similar types of programs. For example, Our Courts has presented to the American Bar Association's annual education conference, with the twin goals of encouraging other states to develop programs like Our Courts and providing the tools to help them do so. And Our Courts has presented at two Justice for All conferences and at the American Inns of Court National Conference, where volun-

teers demonstrated the Our Courts program and encouraged others to develop similar initiatives.

Finally, Our Courts has consulted with and provided training sessions for judges and lawyers in Arizona, California, Illinois, Kansas, and Wisconsin, as well as with members of the National Association of Women Judges, to assist them in developing their own civics education programs.

Impact and Scope of Our Courts' Efforts

The impact and scope of Our Courts' efforts have been broad and sustained. The program has thrived for almost 15 years, growing steadily to reach an ever-increasing and diverse audience. Our Courts volunteers have conducted close to 1,000 total programs, presentations, training sessions, and other educational meetings devoted to the mission of promoting civics education, and the total number of adults and high school students reached is in the tens of thousands. The beneficial effect of these programs is reflected in (1) the almost universally positive comments that Our Courts volunteers have received in questionnaires completed after most Our Courts presentations (including follow-up contacts from many attendees who have requested information regarding how to apply for vacancies on nonpartisan nominating and judicial performance commissions); (2) the thousands of ►

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questionnaire responses in which audience members rated as “extremely limited” their knowledge of the subject matter of the Our Courts presentation before the program and as “very high” the value of the presentation in providing important information to them; (3) the substantial number of times that Our Courts has been invited back by the same organizations to present new programs; and (4) the positive media attention that Our Courts has received and continues to receive.

For all of its many efforts, Our Courts was awarded the American Bar Association’s 2010 Burnham “Hod” Greeley Award, which recognizes initiatives that have significantly improved public understanding of the judiciary and rule of law principles. In 2020, Our Courts was awarded the National Center for State Courts’ prestigious Sandra Day O’Connor Award for the Advancement of Civics Education, recognizing the significant role that Our Courts has played in advancing civics education about the courts. Also in 2020, Our Courts was named the Denver Bar Association’s

Program of the Year for its ongoing educational efforts.

Finally, Our Courts’ wide-ranging impact is evidenced by the significant number of states and other organizations that have reached out to Our Courts for assistance in creating their own similar civics education programs. Our Courts has gladly assisted in these efforts, and it has freely shared the materials that it has developed with those who have asked in pursuit of the joint mission of promoting civics education throughout the United States. These efforts are ongoing, and Our Courts continues to offer itself as a resource for any organization that it might be able to assist.

Conclusion

Few could deny that today’s business and legal climate has become increasingly complex. Nor can anyone deny that civil discourse is often difficult in an ever-more-polarized society. In this environment, it is perhaps more important than ever for people to have access to nonpartisan information about their federal and state courts, which serve as

the cornerstones for equal justice under the law and liberty and justice for all.

For almost 15 years, Our Courts has helped fill this significant need for public education about the court system, and it has done so with great success. Our Courts members look forward to continuing these important efforts, and the program welcomes ideas as to how it may continue to fulfill its important mission.



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Courts Colorado and as an emeritus member of the board of the Colorado Judicial Institute.

¹ CTR. FOR AM. PROGRESS, *State or Federal Court?*, (Aug. 8, 2016), <https://www.americanprogress.org/article/fact-sheet-state-or-federal-court/>.

² NAT’L CTR. FOR STATE CTS., *State Court Caseload Digest—2018 Data* (2020), https://www.courtstatistics.org/_data/assets/pdf_file/0014/40820/2018-Digest.pdf.