

JUSTICE[®]

Monthly Journal of American Justice Foundation[®]

© 2019 by American Justice Foundation[®] ... ALL RIGHTS RESERVED



Justice in Our Schools

By Dr. Frederick D. Graves, JD

Public Legal Education is a moral imperative.

The old adage still applies, "Ignorance of the law is no excuse."

People are *expected* to know the law.

People are held to that standard, i.e., knowing the law!

Yet, what is being done or has *ever* been done to *educate* the American Public to what law *is*, i.e., what it *really* is.

In years past nearly every public school offered a class on "Civics" that focused primarily on our system of government, the bicameral legislative system, and how a bill gets passed to *become a law*.

We didn't learn *anything* about "Justice".

We didn't learn *anything* about *stare decisis*, not really, not about any of the hundreds of old appellate court decisions that shaped the very concept of justice in this nation of ours, so proud as she is of the "rights" we are supposed to have. Rights we have so long as we can afford to hire lawyers when we face the drama of going to court, when our lives, our homes, our children, and our livelihoods are jeopardized by criminal or civil proceedings about which we've been taught absolutely *nothing!*

If ignorance of the law is no excuse, then failure of our government to teach citizens more about law is also without excuse. Yet this is the reality of our time, as it has been for past generations since our nation was founded on a promise of "civil rights" still in question!

If it were unreasonable to ask government (that holds us all under responsibilities imposed on us by law and stands ready to punish us for failure to abide by law) to teach us what law *is* then we trustees of American Justice Foundation[®] would not ask.

But we *are* asking.

And we ask *you* to ask.

Demand to know why we are kept in the dark!

Petition your legislators to tell you why.

Ask candidates for public office what *they* are going to do about this perpetual problem if we decide to elect them to serve us.

Start this critically important conversation in social media. God knows there are many other (far less important) conversations being spread about these days with our social media voices.

Why are we not clamoring for our government to teach us law?

Our children deserve better.

More than 4 out of 5 people you meet cannot afford a lawyer!

That means more than 4 out of 5 people who are sued or charged with a crime are unable to secure competent representation.

When the state charges *you* with a crime, you can bet your last dime the state will have plenty of lawyers (paid by your taxes). The state will lock you up in one of our government's prisons (also paid by your taxes), and, if you are not the 1 in 5 who can hire a lawyer,

you'll be lucky to get one of the rare public defenders who will do more than urge you to "cop a plea" to avoid a long prison sentence.

That's how it works for those who can't afford to hire a competent lawyer when they are accused of crimes. And, God forbid you are accused of a capital crime in one of the states that retains the death penalty if you cannot afford to hire a courageous lawyer to fight for your very life!

Or, if a giant corporation fires you, and you want to fight for your back pay or accumulated retirement by filing a civil court lawsuit ...

Or, if a tree in your neighbor's lawn falls in a windstorm, crashing through your roof, and you want to take your neighbor to court to pay for repairs or (perish the thought) your insurance company refuses to pay so a lawsuit is your only hope of stopping the rain from flooding your bedroom ...

Or, any of a thousand other things disrupt your life in such a way that the only remedy is to take somebody to court ...

If you are one of the 4 out of 5 who cannot afford a lawyer, will you have the slightest idea

- what a subpoena is or how to use one to get evidence into the court record, or ...
- what must be alleged in a pleading to start a lawsuit so it's not kicked out of court by the judge when your defendant files his first motion to dismiss, or ...
- what the *essential elements* of your claim must be and why it's *essential* to allege every one of them, or ...
- what an affirmative defense is and how to respond when your defendant files one after being served with your legal complaint, or ...
- how to file a written motion and set it for hearing so you can explain why your motion should be granted, or ...
- when you can cross-examine a witness on the stand and when you must ask only direct questions instead of those you see on TV that suggest the answers, or ...
- what are differences between a request for production, request for admissions, and interrogatories.

We at American Justice Foundation[®] suspect if *you* know, then at least 4 out of 5 people you meet *have no idea whatsoever*.

But that's just the beginning.

More important pressing questions every American should know address the underlying principles of American Justice. Things like:

- What is a contract *really*? What creates a contract? What contracts are enforceable in court and which are not?
- What are the various forms of title to evidence ownership of property?
- What is the difference between a warranty deed and a quit-claim deed?
- What is the difference between a mortgage and a promissory note?

JUSTICE[®]

And, if those simple questions aren't enough to ask, what does the average American know about what the appellate courts have had to say over the years and how their rulings affect *you* in cases that are still controlling law in all our courts?

Cases like:

- [Palsgraf v. Long Island Railroad](#)
- [Kirksey v. Kirksey](#)
- [Hadley v. Baxendale](#)
- [Roe v. Wade](#)
- [Brown v. Board of Education](#)

and thousands more that form the bedrock of law in this country?

Have *you* read any of them? Do *you* have any idea what they say, i.e., what they *really* say and how it affects *you* and *your* family?

Perhaps you're one of the few who have, but likely as not you are, as are 99% of the American Public, completely ignorant of the law that our appellate courts create by their rulings, law that affects each and every one of us yet remains hidden from you because not one ounce of effort has ever been made to teach these things in our tax-supported schools.

Which is more important to know?

- Trigonometry and the ability to calculate the length of the hypotenuse of a square triangle?
- Biology and the ability to name all the microscopic parts of a cell's mitochondria?
- History and the ability to recite names of past presidents or remember that Charlemagne was crowned by the Pope on Christmas day in the year 800?

It may be a bit late to teach some of us more mature individuals, but it is not too late to start teaching our children in our public schools, supported as they are by *our* tax dollars!

When the rich are charged with crimes they hire lawyers and (more often than when working-class individuals are charged) "beat the rap". A man in Palm Beach (founder of local polo club no less) was driving his \$300,000 Bentley under the influence in 2010 when he hit and killed an innocent young man. As of this issue of Justice[®] he still is not behind bars!

If a working-class individual hits and kills someone with his beat up 1962 Plymouth while under the influence, he or she will stew in jail for months before even being brought to trial and then summarily convicted and carted off to prison to spend the remainder of days eating from metal trays and drinking black coffee instead of taking meals on fine china and sipping imported French champagne from cut crystal goblets in the comfort of his own home!

Where's the justice?

Well, the answer to that question is sadly quite simple.

Justice is hidden!

It is hidden by the legal profession that continues to glut financially on the American People who are kept in the dark for reasons we at American Justice Foundation[®] are working to overcome.

Justice knowledge should *never* have been hidden in the first place!

If we Americans are to be told of our "rights", when will we be told how to "enforce our rights" when they are in jeopardy?

Why is not *that* one of our primary "rights", i.e., the right to know how to protect and enforce our rights?

Indeed, why not?

In reality, the law taught in law school has little or nothing to do with statutes created by legislatures and pretty much everything to do with law created by appellate court justices, law that defines what justice *is* and how it should be protected and enforced.

But we at the Foundation suspect *you* were never told about those appellate court decisions, the old cases that established what is and what is not "just" in the eyes of judges today.

Did anyone tell you about the famous case of the old mill operator whose mill wheel broke? Hadley's mill stopped working when a part broke, so he contracted with Baxendale to have the part repaired. When Baxendale didn't fix the part as quickly as Hadley thought he should, the mill owner took the repairman to court to recover the money lost while the mill remained idle. Should Hadley win? Was Baxendale responsible for Hadley's lost income? Would this case apply to *you* if you were involved in a civil case over a contract? The answer is "yes". The principle of justice established in this case is still binding law, though the case dates from 1854 ... *and you knew nothing about it until today!*

Children can be taught these stories.

Yes, *stories!*

Stories from which *anyone* can learn principles of American Justice that is established by appellate decisions that define what is right and wrong in the eyes of our courts today. Decisions that should be understood by each and every one of us. And, certainly, if not by us today, then surely by the future generations who must inherit from us both the good things we do for them as well as the bad.

It is not too late to teach justice in our public schools.

Our children should have this right, yet it is up to each of *you* to go the extra mile *today* and start demanding that your government start at once to promote Public Legal Education in public schools.

We at American Justice Foundation[®] will continue to do all we can to make this moral imperative a reality, but the change we need is up to you the public, the people who vote, the people who write to congress and state legislatures, who attend school board meetings, who truly care about our nation and our children.

If you don't care, toss this issue of Justice[®] in the trash.

If you *do* care, make copies of this and share them with others who will do the same until our government no longer can ignore this pressing need and begins to teach Justice to our children!

It's never right to be wrong, but our government has been wrong too long. It continues to fail by refusing to provide both children and adults with even the most rudimentary form of legal education, while holding us all accountable to "know the law" ... *or else!*

If you can think of anything more important for future generations than teaching law and the principles of American Justice to children *today*, go to our website, find our address, and write to us, please.

#