



## From Law School to High School—Washington College of Law’s Marshall-Brennan Program Teaches the Constitution One Classroom at a Time

[by Erica Winter]

In an effort to educate high school students on the Constitution and simultaneously broaden the horizons of law students, Professor Jamin Raskin joined with the widows of former Supreme Court Justices Thurgood Marshall and William Brennan in 1999 to form a course that runs both at the Washington College of Law (WCL), Washington, DC, and area high schools—albeit on different levels. Naming the program after Justices Marshall and Brennan is “a tribute to those two great justices,” says Raskin.

Students from WCL (now joined by students from Howard University Law School as well) apply to become Marshall-Brennan fellows in the spring semester—usually of their first year. Approximately 40 law students are admitted to the program. The law students are assigned to teach a regular elective class on Constitutional Law in one of 18 participating area high schools. Many of the fellows teach in pairs.

There is “always an extraordinary interest” in the program among WCL students, says Professor Stephen Wermiel, who is the biographer of Justice Marshall and runs the program with Professor Raskin.

In the high school class, Washington College of Law students teach from [We the Students: Supreme Court Cases For and About Students](#), written by Raskin. The book is designed as any law school casebook would be, with case examples and analysis. The difference is that the explanations are geared towards high school students, and the cases address Constitutional issues and cases involving schools, such as Fourth Amendment issues in locker searches and prayer in schools conflicting with the separation of church and state.

As the law students teach the high school students Constitutional Law, they themselves are learning it in a concurrent advanced law school course (all the law students complete basic Con Law in their first years at WCL). Half of each law school class session is spent discussing the finer points of the cases taught to the high school students; the other

half is spent discussing teaching methods and sharing strategies.

The high school class is an approved course in the D.C. school system, and all Marshall-Brennan fellows are licensed as substitutes, says Wermiel. Fellows act as teachers, doing grading, planning lessons, going to back-to-school nights, doing parent conferences, and giving tests and grades. “That’s a wake-up-call experience for a lot of them,” says Wermiel.

Back at law school, the fellows “write splendid papers, because they are informed by their practical experiences in public schools,” says Raskin. The law students are learning from the high school students, as well as the other way around. This is “not an ivory tower exercise,” Raskin adds. The program works to “break down the barriers between the two Washingtons,” says Raskin, referring to the wide gap between the federal government, its related institutions, and universities in the city, and the city’s own residents and schools.

The program also empowers the district’s students by teaching them their rights and how the court system works. Knowing the Constitution puts these students in a “stronger position just to be citizens and participants in our civic democracy,” says Wermiel.

For the law students, in addition to the fact that the best way to learn something is to teach it, they are able to give back to the community, Wermiel adds.

While some WCL students attended the high schools in which they now teach, there have not yet been any Marshall-Brennan program high school alumni who have come to WCL for law school. As the program is only six years old, however, it is still early. “We’re eagerly awaiting our first one,” says Raskin.

The high school students not only learn how to analyze cases and how they relate to specific Constitutional Amendments, but also participate in a program-wide moot court competition. The students have one competition in the fall and one in the spring on one topic (this year, it’s the juvenile death penalty). The moot panels are made up of lawyers, law professors, and even some district court judges.

Some students make arguments that are very similar to those made before the actual Supreme Court, says Marshall-Brennan fellow Fernando Amarillas. His students, like all those in the program, practiced their oral arguments in class and prepared cases based on the Eighth Amendment’s prohibition against cruel and unusual punishment.

After the program competition, the local winners go to a national moot court competition. One of Amarillas’ students will go to nationals. He is very proud of that student, adding, “I don’t think I could have done it that well.”

Even if these high school students do not decide to go to law school some day, the program gives them tremendous training. Being able to give an argument with concise supporting points and knowing their rights and



the Constitution are all “wonderful benefits,” says Amarillas, “It’s information not many adults have.”

Sometimes, just having a Marshall-Brennan fellow in a school can change the tone of conflicts that come up in the high schools themselves, says Raskin. In one participating high school, administrators planned to exclude an otherwise-qualified girl from honor society membership because she was pregnant. The Marshall-Brennan fellow there, able to participate in the school as much as other teachers would, was able to talk to administrators and helped work out a solution so the girl was not excluded.

In another school, a girl wanted to bring her girlfriend to the prom, and was getting some heat from other students. “The fellow was able to change the discussion,” says Raskin, to educate the students in the school on the girl’s right to bring whom she chose as her date. Although it is not their main function, the fellows can inject some thought about Constitutional rights into everyday school life.

The Marshall-Brennan program is spreading to other law schools. In addition to the partnership with Howard University, the curriculum has been adopted at Rutgers University, Camden, NJ, and by Arizona State Law School. This March, there will be a meeting of current participating schools and other law schools considering adding the program.