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Presentation of the Sandra Day O'Connor Award to the Tennessee Supreme Court

Tennessee Judicial Conference

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Chief Justice of Kentucky John D. Minton Jr.
Incoming Chair, National Center for State Courts
Incoming President, Conference of Chief Justices

Good afternoon members of the court and the bar. I'm honored to be with you today.

Many of you remember the Terri Schiavo case several years ago – the legal battle over end-of-life care. The decision before the Florida judge would ultimately determine whether Mrs. Schiavo's feeding tubes could be disconnected. The year was 2005 and the entire nation was gripped waiting for Judge Greer's decision. By the time his decision to remove the feeding tubes was announced, this story occupied seemingly every minute of the 24-hour news cycle and the conversation had become angry, ugly and threatening. Judge Greer received death threats and relentless verbal attacks from the public, the media, and various social groups, even receiving numerous death threats.

Simply put, the entire judiciary was under attack. To the National Center for State Courts this was a wake-up call. This case revealed something alarming: how much the public misunderstood the judicial branch of government.

NCSC's board of directors recognized that more needed to be done to educate the public about the judiciary. NCSC established a civics education program, it made a national push to support other court-related civics programs and took action to recognize those individuals and organizations that were committed to civics education.

The National Center didn't have to look far for the role model. Justice Sandra Day O'Connor was leading the charge, making civics education her mission since her retirement in 2006. Justice O'Connor and NCSC have enjoyed a long-standing and supportive relationship, and Justice O'Connor generously worked with NCSC to establish an award in her name.

I am proud to be here today, representing the National Center as incoming chair of its board of directors to present the 2016 Sandra Day O'Connor Award to the Tennessee Supreme Court's SCALES Project. Congratulations Chief Justice Sharon Lee, justices and all past and present members of the Tennessee judiciary for establishing and maintaining the SCALES Project.

NCSC President Mary McQueen wishes she could be here today to share this special moment with you. Unfortunately she's unable, but she wants you to know a few qualities of the SCALES Project that stood out to NCSC board members and made SCALES stand above the other deserving candidates for this award.

- For starters, NCSC board members were immensely impressed with SCALES' reach – some 30,000 students statewide have witnessed the judicial branch in action.
- Board members recognized that while other state supreme courts go on the road, Tennessee does it differently. For starters, the bench and the bar work as a team, meeting with students before oral arguments and staying long after the case has been heard to listen to community members and students. You make sure they understood what they have heard and seen.
- And, it was not lost on board members that this program, conceived in 1995 and officially established in 1996, is still going strong. The fact that every chief justice since 1995 has supported, maintained and participated in this program speaks volumes about the quality of the program – and civics itself.

I'd also like to share a few other details and history about SCALES and why it's so deserving of national recognition.

In 1995, the Tennessee Supreme Court created the SCALES Project with the goal of educating high school students about the judicial branch. The SCALES Project takes place annually at Boys and Girls State, in various judicial districts and now includes universities.

Several members of the 1995 Supreme Court are with us today. Please join me in recognizing Justice Riley Anderson, Justice Penny White, Justice Frank Drowota and Justice Lyle Reid. Justice Aldopho Birch, Tennessee's first African-American chief justice, was also a member of that court, but passed away in 2011 after serving the Tennessee judiciary for 37 years.

Justices, thank you for your vision in creating the project and your service to the judiciary and the state.

While the SCALES Project is a creation of the court, the success of the project belongs to both the bench and the bar. Attorneys in the judicial districts across the state have volunteered their time and energy to visit with participating high school students prior to the arguments to discuss the judicial branch generally, as well as the particular cases before the court. Because of the time the attorneys volunteer to the project, students have

an opportunity to discuss legal issues with attorneys to gain exposure to the judicial branch beyond “Law & Order,” “CSI” and “How to Get Away with Murder.”

Cases heard for SCALES Projects have included cases of first impression, certified questions of law, Fourth Amendment challenges, appeal of death sentence based on intellectual disability, cases determining rights of employees and employers, and appeals of termination of parental rights.

The attorneys help students understand why the issues on appeal deserve the attention of the high court and help students understand why the cases should matter to them as high school and college students. Their work is critical to the success of the SCALES Project.

The SCALES Project is a perfect example of the benefits of the bench and the bar working together. Each group has a unique role to play in the judicial system, but each relies on the other, and neither could function without the other.

When sworn in to be a member of the Tennessee bar, each of you affirmed that you would support the Constitution of the United States and the Constitution of the state of Tennessee and that you would truly and honestly demean yourself in the practice of the profession to the best of your skill and abilities. Together, you all ensure that the rights of the citizens of Tennessee are protected and you battle honorably in court to ensure that justice is done.

Justice O’Connor said, “[w]e don’t accomplish anything in this world alone . . .” and that is certainly true of the judicial system. On behalf of the National Center for State Courts, I commend you, members of the bench and bar, for your work with the SCALES Project.

Thank you and congratulations.