LAW-WISE

KANSAS BAR ASSOCIATION

PUBLISHED BY THE KANSAS BAR ASSOCIATION **SEPTEMBER 2009**
Editor: Sarah Shipman, staff attorney, Silver Lake Bank, Topeka
Coordinators: Kathryn Gardner, a career law clerk to the Hon. Sam A. Crow, and Meg Wickham, Kansas Bar Association

Greetings from the Kansas Supreme Court and the Kansas Bar Association (KBA). Welcome to this edition of *Law Wise* and the seventh edition of the 2009-2010 school year. The theme of September's edition is "The 4th Amendment" for educators.

IN THIS ISSUE

CALENDAR OF EVENTS

September 17	**Constitution Day**
Spring 2010	**Kansas Bar Association YLS Mock Trial Competition (State). Presented by Shook, Hardy & Bacon LLP**
May 1, 2010	**Law Day**

WELCOME

By Sarah Shipman, Law Wise editor

Welcome to another year of *Law Wise*! We have a big year planned with issues focusing on animal rights, minorities in law, and the environment. This issue includes an article about the recent U.S. Supreme Court decision regarding searches of students, a lesson plan focusing on drug testing in schools, Supreme Court trivia, and a brief introduction of Justice Sonia Sotomayor.

GOING GREEN

This will be the last school year* Law Wise *will be printed for distribution. We will instead email the publication. We will make exceptions to those who are unable to access a computer. Please e-mail me the e-mail address where you would like to receive your copy of* Law Wise. *Thank you.

Law Wise is a tool for educators statewide to find new avenues of presenting civics lessons and ideas. The KBA also feels a responsibility to educate through example by going green. We will continue to offer the printed mailed version for the 2009-2010 school year, but would like to present the choice of going paperless by providing the publication through e-mail. Please e-mail Meg Wickham, KBA manager of public services at mwickham@ksbar.org to receive your "green" issue of *Law Wise* and be taken off the paper mailing list. You can always access past *Law Wise* issues on our Web site at http://www.ksbar.org/public/public_resources/lawwise. Thank you for helping us "go green!"

Supreme Court Trivia

Source: Office of the Curator – Supreme Court of the United States
http://www.supremecourtus.gov/about/supremecourtoathfirstsandtrivia2009.pdf

- The first Justice to be fully vested as a member of the Supreme Court was James Wilson, who took his oaths on October 5, 1789.
- The first African American to take the oaths of office as a Supreme Court Justice was Thurgood Marshall. Justice Hugo L. Black administered the Constitutional Oath to Marshall on Sept. 1, 1967. A month later, on Oct. 2, 1967, the Clerk of the Court administered the Judicial Oath to Marshall in the Courtroom.
- On the rare occurrence that two Justices join the Court on the same day, seniority is determined by age. This occurred on Jan. 7, 1972, when Lewis F. Powell Jr., and William H. Rehnquist were sworn-in during a special sitting of the Court. Although Rehnquist had taken his Constitutional Oath before Powell, Chief Justice Burger administered the Judicial Oath to Powell (age 64) before Rehnquist (age 47).
- The first woman to take the oaths was Sandra Day O'Connor on Sept. 25, 1981. On this date, President Ronald Reagan, Mrs. Nancy Reagan, Mr. John J. O'Connor, and Mrs. Vera Burger were the first guests known to be present in the Justices' Conference Room during the private oath ceremony. This was also the first time this private ceremony is known to have been photographed.
- The first Hispanic to take the oaths of office was Sonia Sotomayor on Saturday, Aug. 8, 2009; this was also the first time that an oath-taking ceremony at the Court was open to broadcast coverage. Previously, oath-taking ceremonies held at the Court, other than formal investiture ceremonies, were private events and not open to the media.

The Fourth Amendment Rights of Students

Source: http://www.streetlaw.org//en/page.sccasestopic.aspx
By: Kathryn Gardner, Chairperson of the KBA Law Related Education Committee

The Fourth Amendment to the Constitution says:

> The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This means that the government cannot make unreasonable, warrantless intrusions into areas in which people have legitimate expectations of privacy. Does this right apply to students in school and if so, to what extent?

Different standards apply to students

Students, like adults, have constitutional rights, but they are different than the constitutional rights free adults have in other settings. Students do not shed their constitutional rights at the schoolhouse gate, but students are not automatically entitled to the same protections under the Fourth Amendment as adults are in other settings. Students in schools enjoy only a limited expectation of privacy.

The Fourth Amendment, which prohibits unreasonable searches and seizures, applies to searches conducted by public school officials.

But the rights of students must be determined in light of special characteristics of a school environment. The State, in its role as schoolmaster of children, may exercise a greater degree of supervision and control than it could exercise over free adults for the purpose of determining reasonableness of search. So a search of a student may be legal when a search of an adult under similar circumstances would be illegal.

In general, the search of a student by a school official must be reasonable under all the circumstances. To determine the reasonableness of a search: First, one must consider whether the action was "justified at its inception;" Second, the search as actually conducted must be reasonably related in scope to the circumstances, which justified the interference in the first place. Under ordinary circumstances, a search of a student by a teacher or other school official will be "justified at its inception" when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.

No search warrant is necessary in schools

Most searches of adults by a law enforcement officer must be supported by a search warrant signed by a judge, based on probable cause. But school officials do not need to get a warrant before searching a student who is under their authority. The warrant requirement is unsuited to the school environment. Requiring a teacher to obtain a warrant before searching a child suspected of an infraction of school rules (or of the criminal law) would unduly interfere with the maintenance of the swift and informal disciplinary procedures needed in schools.

So a school official usually does not need to get a search warrant before searching a student's backpack or other object for evidence of wrongdoing.

No probable cause is necessary in schools

In non-school settings, law enforcement officers usually must have probable cause to get a warrant to search a residence, or to justify a warrantless search of a vehicle. Ordinarily, a search even one that may permissibly be carried out without a warrant must be based upon "probable cause" to believe that a

(Continued on next page)

violation of the law has occurred. "Probable cause exists where the facts and circumstances known to an officer raise a "fair probability" or a "substantial chance" of discovering evidence of criminal activity.

But for school searches, only reasonable suspicion, and not probable cause, is required. The privacy interests of schoolchildren are not ignored, but are balanced against the substantial interest of teachers and administrators in maintaining order in the schools.

What is reasonable suspicion?

Reasonable suspicion requires less information than probable cause, and exists where the facts and circumstances known to a school official raise a "moderate chance" of finding evidence of wrongdoing.

Even an anonymous tip can provide reasonable suspicion for a search, if the source is sufficiently reliable. So, for example, if a person anonymously calls in a tip and has provided valid information several times before, reasonable suspicion could be based upon the information given by that person, even though the person's name is unknown.

School administrators have the right to prohibit students' acts that are not illegal. Even if a student's actions are not criminal or illegal, they can be prohibited by a school, especially when they materially and substantially disrupt the work or discipline of school. The wisdom of the school's policy or rule usually does not matter to the courts. Courts are courts – they are not teachers or principals, and they find that school standards of conduct are for school administrators to determine without second-guessing by courts, even if the school's rules might appear to some to be unwise or too strict.

Extent of search

A search at school as actually conducted must be "reasonably related in scope to the circumstances, which justified the interference in the first place." A school search will be permissible in its scope when "the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." The younger the student and the more invasive the search, the more likely it is to be found unreasonable.

For example, where a school administrator has reasonable suspicion that a student has stolen a school's laptop computer, a search of his locker would be reasonable, because the computer could be found there. However, a search of the student's pants pockets would not be legal as there is no chance that the stolen computer is in them. The scope or extent of any search of the student's pockets would likely be deemed intrusive and unreasonable. Unless the administrator has reasonable suspicion that the student is in possession of other stolen items or evidence, a search of his pockets would be unreasonable in scope.

For further information, check out these cases:

United States v. Chadwick, 433 U.S. 1, 7, 53 L.Ed.2d 538, 97 S.Ct. 2476 (1977). The government cannot make unreasonable, warrantless intrusions into areas where people have legitimate expectations of privacy.

Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, 506 (1969); *Morse v. Frederick*, 127 S. Ct. 2618, 2628, 168 L. Ed. 2d 290, 220 Ed. Law Rep. 50 (2007). Students do not shed their constitutional rights at the schoolhouse gate.

Bethel School Dist. No. 403 v. Fraser, 478 U.S. 675, 682 (1986). Students in schools enjoy only a limited expectation of privacy and are not automatically entitled to the same protections under the Fourth Amendment as adults are in other settings.

New Jersey v. T.L.O.,469 U.S. 325 (1985). The Fourth Amendment, which prohibits unreasonable searches and seizures, applies to all searches conducted by public school officials. School officials do not need to get a warrant before searching a student who is under their authority. "School standards of conduct are for school administrators to determine without second-guessing by courts." 469 U.S. at 342 n. 9.

Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 260, 266 (1988). The rights of students must be determined in light of special characteristics of a school environment.

Vernonia School Dist. 47J v. Acton, 515 U.S. 646 (1995). The State, in its role as schoolmaster of children, may exercise a greater degree of supervision and control than it could exercise over free adults for the purpose of determining reasonableness of search.

Healy v. James, 408 U.S. 169 (1972). In context of special characteristics of school environment, government's power to prohibit lawless action is not limited to criminal acts and includes actions which materially and substantially disrupt work and discipline of school.

Wood v. Strickland, 420 U.S. 308 (1975). It is not the role of the federal courts to set aside decisions of school administrators which the court may view as lacking a basis in wisdom or compassion.

Safford USD No. 1 v. Redding, _ U.S. _, 129 S.Ct. 2633 (2009). A school administrator's search of a student's backpack and outer clothing for prescription drugs was legal, but a search of the student's underwear was intrusive and unreasonable, since the administrator had no reasonable suspicion that the student had used her underwear for hiding evidence, or that the circumstances posed a danger.

Miranda v. Arizona, 384 U.S. 436, 479, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966). Certain warnings must be given before a criminal suspect's statement made during custodial police interrogation can be admitted in evidence, so that the Fifth Amendment privilege against self incrimination is not violated.

In re L.A., 270 Kan. 879, 21 P.3d 952 (2001). *Miranda* warnings do not need to be given to Kansas school students who are questioned by school officials or school security officers. As K.S.A. 72 8222 says, the primary responsibility of a school security officer is not to be a public law enforcement officer, but to protect school district property and the students, teachers, and other employees on the premises of the school district.

Findlay v. State, 235 Kan. 462, 463 64, 681 P.2d 20 (1984). In Kansas, minors who committed crimes historically had no right to a jury trial. There is generally no right to a jury trial in a juvenile delinquency proceeding under the Sixth Amendment.

In re L.M., 286 Kan. 460, Syl. ¶¶ 1, 2, 186 P.3d 164 (2008). The Kansas Supreme Court held that juveniles charged with crimes now have the same right to a jury trial as adults under the U.S. and Kansas Constitutions (overruling *Findlay* case).

Teaching About Drug Testing in Schools

Lesson #1

Source: http://www.abanet.org/publiced/lawday/2009/schools/lessons/hs_drugs.shtml

Education Level: High School Students (Grades 8-12)

Objectives

1. Students will express their opinions about drug testing in schools.
2. Students will examine arguments in favor of, and against, drug testing in schools.
3. Students will consider and discuss consequences of a policy for or against drug testing in schools.

Time

One class period (approximately 50 minutes)

Materials Needed

None

Procedures

1. Begin the class by introducing yourself to the students, and telling a little bit about what you do, if this is your first class.

2. Tell students they will have an opportunity to "take a stand" on the issue of drug testing in schools. Write the following statement on the board: "Drug testing should be allowed in schools." Draw a line underneath, with polar positions printed at each end of the line. For example:

Drug testing should be allowed in schools.

Strongly in favor **Strongly against**

3. Give students a few minutes to decide individually where their opinion about the statement "Drug testing should be allowed in schools" falls on the spectrum. Ask them to think of at least two reasons why they feel as they do.

4. Ask approximately 10 students to go up to the board and take a stand along the line at the point that corresponds with their opinion. Explain that if they are undecided, they should stand in the middle. (Remind them that even the "undecideds" should have a reason for why they are undecided.)

5. Once students are arranged along the continuum, ask them to clarify their position. Probe them for what exactly they mean. For example, ask those at the "strongly in favor" end whether they think everyone should be tested, or only those who act suspiciously. Or, are there some groups, like student atheletes or students with disciplinary histories, who should be randomly tested? Do those at the other end think no one should ever be tested, in any circumstances?

As students describe their positions, fill in the positions along the line with more descriptive words. For example:

Strongly in favor **Strongly against**

• Test Everyone • Random Testing of Everyone
• Test Suspicious Only • Never Test

6. As students clarify and describe their positions, tell them that they are free to move to the point along the line that most accurately describes their opinion, and that it is okay to change positions, as they listen to each other.

7. At this point, ask students to give reasons for their opinions. Encourage discussion from the rest of the class by asking if anyone else in the class supports that position, and if they have any additional reasons to support that view. Again, encourage students to move if they are swayed by arguments given by other students. Encourage a dialogue between students at either end of the continuum, and with students sitting down. To encourage serious consideration of opposing points of view, ask students what argument opposite from theirs is most persuasive or makes them think twice. Spend about 25 minutes on this activity.

8. Ask the students to sit down. Continue the discussion by asking about consequences of different positions along the continuum. For example, what would happen if schools decided to test all students for drugs? Would drug use be reduced?

9. If time permits, have students write a paragraph about their position and reasons.

Background

The most recent U.S. Supreme Court decision in this area is *Vernonia v. Acton*, 515 U.S. 646 (1995). The Court ruled that the Fourth Amendment permitted a school policy that prevented students from participating in interscholastic sports unless they agree to random drug testing. In this case, James Acton, who was a seventh grader during the 1991-92 school year, applied to be on football team. He was given a drug-test consent form for him and his parents to sign. This was done for every student trying out for sports. No one suspected James of using drugs. He and his parents refused to sign the form and he was then suspended from interscholastic athletics. The Actons sued the school district. However, the Supreme Court ruled against the Actons, stating that students have a reduced expectation of privacy and should expect intrusions on their normal rights and privileges when they choose to participate in high school athletics. The Court used a balancing test. It weighed the students' privacy interests against the interests of the school district in providing a drug-free environment. The Court also pointed out the athletes regularly change clothes in front of each other and can expect to have less privacy. Because the Actons had also claimed that the drug testing violated the Oregon constitution, the U.S. Supreme Court sent the case back to the circuit court to decide whether the testing program violates the search and seizure protections of the Oregon constitution.

In *Willis v. Anderson Community School Corporation*, 158 F.3d 415 (7th Cir. Ind. 1998), a federal circuit court ruled that a policy allowing drug testing for any high school student who is suspended for fighting to be a violation of the *4th* Amendment, and indicated that a suspicion-based system was required for drug testing occasioned by fighting.

(Continued on next page)

In *Todd v. Rush County Sch.*, 139 F. 3d 571 (7th Cir. Ind. 1998), *cert. denied, Todd v. Rush County Sch.* 142 L. Ed. 2d 53 (1998), the 7th Circuit Court of Appeals upheld a drug testing program under which all students who wish to participate in extracurricular activities must consent to random and suspicionless urine testing for alcohol, unlawful drug, and cigarette usage. Extracurricular activities include athletic teams, Student Council, foreign language clubs, Fellowship of Christian Athletes, Future Farmers of America Officers and the Library Club. The court indicated that the linchpin of this drug testing program is to protect the health of the students involved. The court stated, "the plague of illicit drug use which currently threatens our nation's schools adds a major dimension to the difficulties the schools face in fulfilling their purpose—the education of our children. If the schools are to survive and prosper, school administrators must have reasonable means at their disposal to deter conduct which substantially disrupts the school environment."

Source: Adapted from lesson written by the Street Law, Inc. and updated in 1999. Staff at the Washington State Office of the Administrator for the Courts (OAC) edited the lesson. For more information, contact OAC Judicial Education, 1206 S. Quince Street, PO Box 41170, Olympia, WA 98504-1170.

Safford Unified School District #1 v. Redding

Lesson #2

Argued: April 21, 2009
Decided: June 26, 2009

Facts

Statistics show that middle-school-age children are abusing over-the-counter and prescription drugs at alarming rates, news that concerns government and school officials. While the Fourth Amendment protects individuals from unreasonable searches and seizures by the government, the Supreme Court has noted that students' protections under the Fourth Amendment are diminished in a public school setting. At Safford Middle School, authorities were still reeling from an incident in 2002 where a student was hospitalized from an adverse reaction to a prescription drug illegally obtained from another student. This case, *Safford Unified School District #1 v. Redding*, asks whether school officials were justified in searching a 13-year-old middle school honors student for possession of prescription drugs.

In October 2003, Jordan Romero, a student at Safford Middle School, brought a 400 mg prescription-strength ibuprofen pill to Assistant Principal Kerry Wilson's office. Jordan claimed that another student, Marissa Glines, had given it to him, and that more pills were to be distributed during lunch. Jordan had previously reported obtaining pills from another student and becoming ill after ingesting them. Wilson immediately called Marissa to his office and searched her belongings, discovering more pills and a planner containing knives, a lighter, and a cigarette. Marissa claimed Savana Redding had given the pills to her. Wilson then called Savana to his office.

Savana identified the planner as hers, but claimed she hadn't before seen the knives, lighter, and cigarette. Wilson then questioned Savana about ibuprofen pills that Wilson had confiscated from Marissa. Savana denied possessing and distributing pills, and agreed to let Wilson and his female assistant search her belongings.

When the initial search of Savana's backpack produced nothing, Wilson's assistant and the female school nurse conducted a more thorough search in the privacy of the nurse's office. The two women asked Savana to remove her clothing for inspection for ibuprofen, as Savana sat in her bra and underpants. Finding nothing, the nurse asked Savana to pull her bra to the side and shake it, exposing her breasts in the process. The nurse then asked Savana to pull the crotch of her underpants to the side and shake it, exposing her pelvic area in the process. Neither woman touched Savana as she disrobed.

Savana filed suit against the school for conducting an unreasonable search. The federal district court ruled for the school district. However, on appeal the federal court of appeals ruled in favor of Savana. The appeals court found that Savana's Fourth Amendment rights were violated as the search conducted in the nurse's office was not justified at its inception and was not reasonable in scope. The school district asked the Supreme Court to grant review.

Issue

Does the Fourth Amendment prohibit public school officials from conducting a search beneath the clothing of a student suspected of violating school policy by possessing and distributing a prescription drug?

Constitutional Amendments and Precedents

Fourth Amendment

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

New Jersey v. T.L.O.

A public school student was caught smoking in the bathroom in violation of school policy. When she denied the allegation, the assistant principal searched her purse and found cigarettes as well as rolling papers commonly associated with marijuana use. Concerned about illegal drug possession, the assistant principal proceeded with a more intrusive search deeper into the purse and found marijuana, a pipe, plastic bags, a large amount of money, and documents implicating the student in

(Continued on next page)

marijuana dealing. The student claimed the search violated her Fourth Amendment rights.

The Supreme Court weighed the student's privacy interests against the need of educators to maintain a safe learning environment. The Court found that the Fourth Amendment's prohibition on unreasonable searches applied to searches conducted by school officials. The Court developed a two-part inquiry for what constitutes a reasonable search: first, was the search justified at its inception, and second, was the search reasonable in scope. To satisfy the first prong of the inquiry, the school official must have a reasonable suspicion – a standard easier to meet than probable cause – that the search will turn up evidence. To satisfy the second prong, the extent of the search must be related to the objectives of the search and not excessively intrusive. Here, the report that the student had been smoking warranted reasonable suspicion to justify the search at its inception. The discovery of rolling papers gave rise to a suspicion of marijuana use and justified continuing and expanding the scope of the search. Thus, the Court held that the search of the student's purse was reasonable.

Arguments for Safford Unified School District

1. The search conducted was justified at its inception. Wilson had reasonable suspicion that a search of Savana would turn up evidence because of Marissa's statement inculpating Savana and Jordan's tip that pills were going to be distributed at lunch that day.
2. The search conducted was permissible in scope. Wilson minimized the invasiveness of the search by conducting it behind locked doors, with two female officials, neither of whom touched Savana during the search.
3. As noted in *T.L.O.*, the Supreme Court suggested deference to the judgment of school official on what types of student conduct are impermissible in the interest of maintaining a safe educational environment. Wilson had good reason to thoroughly investigate the allegation against Savana due to pre-existing problems of prescription drug distribution at Safford Middle School.
4. Marissa's implication of Savanna is credible because she was not coerced into naming Savana, nor was she offered any leniency in exchange for divulging Savana's name.

Arguments for Redding

5. The lower court correctly applied the balancing test of *T.L.O.* in finding that the search beneath Savana's clothing was not justified at its inception and was not reasonable in scope. While the search of Savana's belongings may have been reasonable at its inception, following Supreme Court precedent in *T.L.O.*, the search was not justified as it proceeded and became more invasive.
6. The search was unreasonable in its scope and violated Savana's Fourth Amendment rights. Wilson had no reason to believe that Savana was concealing ibuprofen beneath her clothing. While school officials should have discretion in implementing school policies, the Court should not uphold clearly unreasonable actions that violate students' constitutional rights.
7. A strip search was not required to stop the dangerous distribution of ibuprofen to students; Savana could have simply stayed in the principal's office when the lunchtime distribution allegedly took place. Ordering a strip search of Savana was an excessively intrusive measure for a school official to take.
8. Marissa's tip was unreliable and uncorroborated; she had reason to inculpate Savana to shift attention off herself. Wilson overstepped his authority as a school official in conducting such an invasive search of Savana without more information. Wilson should have followed the "reasonable suspicion" standard of *T.L.O.* and corroborated Marissa's tip prior to strip searching Savana.

Decision

Justice Souter wrote the opinion of the Court, which Chief Justice Roberts and Justices Scalia, Kennedy, Breyer and Alito joined. Justice Stevens wrote an opinion concurring, which Justice Ginsburg joined. Justice Ginsburg wrote an opinion concurring. Justice Thomas wrote a dissenting opinion.

Majority

In an 8-1 decision the Court held that the school violated Savana Redding's Fourth Amendment rights when school officials conducted the strip search. The Court noted that there was a "moderate chance of finding evidence of wrongdoing" if a search was conducted. This was enough to justify a search of Redding's bag and outer clothing, but not enough to warrant a strip search. The assistant principal knew that the drug she was suspected of having was a prescription drug only equivalent to about two Advil and he had no evidence that suggested Redding was hiding the drugs in her undergarments. Therefore, because there was not a reasonable suspicion of danger to students nor a reasonable suspicion that Redding was hiding the contraband in her underwear, the strip search exceeded the reasonable scope standard set out in *T.L.O.*

Dissent

Justice Thomas believed that the search of Redding did not violate her constitutional rights. He argued that the Court should not interfere with the school's attempts to maintain a safe and healthy environment for students. As long as it was "objectively reasonable to believe that the area searched could conceal the contraband," then it was within the scope justified by *T.L.O.* Justice Thomas further argued that the Court's decision will send a message to students that they can hide drugs in their undergarments and the school cannot do anything about it.

NOTE: This case also dealt with the question of whether the school could be held liable for monetary damages for the violation of Redding's constitutional rights. The Court ruled 7-2 (with Justices Stevens and Ginsburg dissenting) that the school could not be held liable because the state of the law was not clear at the time that the search of Redding occurred.

Meet our new Supreme Court Justice

Source: http://www.supremecourtus.gov/about/biographiescurrent.pdf

Sonia Sotomayor, Associate Justice of the United States Supreme Court, was born in Bronx, New York, on June 25, 1954. She earned a *B.A.* in 1976 from Princeton University, graduating summa cum laude and receiving the university's highest academic honor. In 1979, she earned a Juris doctorate from Yale Law School where she served as an editor of the *Yale Law Journal*. She served as Assistant District Attorney in the New York County DistrictAttorney's Office from 1979-1984. She then litigated international commercial matters in New York City at Pavia & Harcourt, where she served as an associate and then partner from 1984-1992. In 1991, President George H.W. Bush nominated her to the U.S. District Court, Southern District of New York, and she served in that role from 1992-1998. She served as a judge on the U.S. Court of Appeals for the Second Circuit from 1998-2009. President Barack Obama nominated her as an Associate Justice of the SupremeCourt on May 26, 2009, and she assumed this role on Aug. 8, 2009.

Take a Field Trip!

Looking for a field trip idea? Interested in an interactive learning experience? Want to give your students a chance to meet with a federal judge? Need materials to help you teach about the courts?

Contact the U.S. District Court for the District of Kansas for help! We offer tours of our three courthouses and fun, timely, fun, interactive, EDUCATIONAL programs designed for students of all ages.

Check out the program offerings at http://www.uscourts.gov/outreach/index.html and contact Neely Fedde, the Court's Public Outreach Specialist, at neely_fedde@ksd.uscourts.gov or (913) 551-6692 for more information or to schedule a session in our Kansas City, Wichita, or Topeka courthouses or at your school.

Dear Mock Trial Teachers and Coaches:

It's time to get geared up for another year of Mock Trial. This year, we are making some exciting changes that you want to know about. First, we are allowing rural (or other approved) schools to combine with one another to create one mock trial team. For those schools who have a few interested students but not enough to form a team, this rule was made for you. Contact Danny Back at (316) 265-7741 or back@hitefanning.com or Meg Wickham (785) 234-5696 mwickham@ksbar.org for questions and details. Second, we are waiving all fees. We know budgets are tight, so we wanted to make sure the students still have the opportunity to compete.

We are looking forward to an excellent tournament this year with many new faces and teams. The students will be trying a criminal case this year. Stay tuned for tournament dates and details. Please don't hesitate to call with questions.

Danny Back and Meg Wickham

Terrific Technology for Teachers

Check out these great websites …

http://www.col-ed.org/cur/sst/sst26.txt

http://members.mobar.org/civics/4thLPlans.htm

http://preview.tinyurl.com/m6v56l

http://www.cqpress.com/incontext/

http://www.associatedcontent.com/topic/67379/4th_amendment.html

Resources at the Law-Related Education Inventory

1. **Amending America: If We Love the Constitution So Much Why Do We Keep Trying to Change It?** H/S. This book is a proactive examination of America's most important democratic tool and brings to the reader life events in our history related to various politicians' attempts to amend the Constitution. Library numbers 342.03/B458a

2. **People v. Friendly: An Issue of Property, Police and Privacy.** This MS/HS mock trial issue centers around the question of legal or illegal search and seizure by two undercover investigators. A secondary issue is whether or not the defendant should be charged with assault on a peace officer. Library number 363.252/C872p.

3. **Search and Seizure: The Supreme Court and the Police.** H/S video. Can the police search your house? Can they stop you at the airport? Must you be guilty of a crime before one of them can search your car? 342.73/Se17s.4.

Update: *The Kansas Bar Association Law-Related Education Clearinghouse Inventory catalog has been updated. To request a new copy, please call Meg Wickham, KBA Public Services Manager, at (785) 234-5696 or e-mail her at* mwickham@ksbar.org.

The Law-Related Education Inventory has many resources to help teach about law-related topics. The Kansas Bar Association and the lawyers in your community sponsor the Law-Related Education Inventory. To order a catalog, call Meg Wickham at the Kansas Bar Association, (785) 234-5696. The clearinghouse will mail free copies of law-related posters, games, mock trials, booklets, lesson plans, and other aids. It is open Monday through Thursday, 8 a.m. to 7 p.m., and Friday, 8 a.m. to 5 p.m. The director of the Teachers College Resource Center, which houses the Law-Related Education Inventory, Marla Darby, can be reached at Darbymar@esumail.emporia.edu.

Law Wise is published by the Kansas Bar Association during the school year. The Kansas Bar Foundation, with Interest on Lawyers' Trust Accounts funding, provides support for this publication. It is published free, on request, for teachers or anyone interested in law-related education and is edited by Sarah Shipman, Topeka. For further information about any projects or articles, contact Kathryn Gardner, Topeka, (785) 295-2626; or Meg Wickham, manager of public services of the Kansas Bar Association, Topeka, (785) 234-5696. *Law Wise* is printed at the Kansas Bar Association, 1200 S.W. Harrison, Topeka, KS 66612-1806.

New Court Education Video Available

The Kansas Supreme Court has released a new educational video along with talking points on four court-related topics. The video, called Justice in Kansas, and the talking points may be accessed below.

Justice in Kansas Video: Published by the Kansas Supreme Court, produced in January 2009 and hosted by Chief Justice Robert E. Davis, the video provides information regarding the structure and function of the Kansas Judicial Branch. Copies of the video are available upon request to teachers or anyone interested in law-related education. Contact Ron Keefover, Education and Information Officer of the Office of Judicial Administration, Topeka, (785) 296-4872 to order. Video is approximately seven (7) minutes in length. Window Media Player 9.0 or above is required. Free Download for WMP.

Talking Points:

- Interesting facts regarding the Kansas Judicial System
- Types of Courts
- Case Statistics
- Jury Service in Kansas
- About Kansas Courts

- Ron Keefover
  Education-Information Officer
  Kansas Judicial Center
  301 W. 10th
  Topeka, KS 66612
  (785) 296-4872
  Fax (785) 296-7076
  keefover@kscourts.org