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Greetings from the Kansas Supreme Court and the Kansas Bar Association (KBA). Welcome to this edition of *Law Wise* and the third edition of the 2009-2010 school year. The theme of November's edition is "Search and Seizure" for educators.

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MIRANDA V. ARIZONA (1966)

“... the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination.”

—Chief Justice Earl Warren,
speaking for the majority in *Miranda v. Arizona*

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be appointed for you. Do you understand these rights? Thanks to the ever popular crime shows on television everyone is familiar with the “Miranda Rights” which followed the 1966 Supreme Court decision in *Miranda v. Arizona*. This term, the Supreme Court will hear two cases involving the potential expansion of those rights. The first case centers on whether an officer can continue to interrogate a suspect when the suspect has heard the rights, agrees that he understands them, and then does not invoke those rights. The second case involves the question of whether the police have to specify that a suspect has a right, not just to an attorney, but to an attorney being present during the police interrogation. Our **Terrific Technology** section offers a link to comprehensive lessons on *Miranda v. Arizona* and the Miranda Rights. You will also find an article addressing the recent decision by the Attorney General to limit federal prosecution of those who are in strict compliance with state medical marijuana laws and a classroom exercise involving regulation of hate speech. Please don't forget to submit letters of interest for the Supreme Court Institute. Details are included in this issue.

By Sarah Shipman, Law Wise editor



CALENDAR OF EVENTS

Jan. 8, 2010	Supreme Court Institute interest statements deadline
March 6, 2010	Kansas Bar Association YLS Mock Trial Competition (Regional). Presented by Shook, Hardy & Bacon LLP
March 27, 2010	Kansas Bar Association YLS Mock Trial Competition, Wichita (State). Presented by Shook, Hardy & Bacon LLP
May 1, 2010	Law Day
May 8 – 10, 2010	National Mock Trial

PROS AND CONS OF MARIJUANA

By Anne McDonald

What??? There are pros to making the sale and use of marijuana legal? Some would say yes. Fourteen states have in fact made the medical use of marijuana legal. They are: Alaska, California, Colorado, Hawaii, Maine, Maryland, Michigan, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington. In late October, 2009, the U.S. Attorney General issued a memo to his staff saying, among other things, that it is not a good use of their time to arrest people who use or provide medical marijuana in strict compliance with state law.

The guidelines being issued by the department do, however, make it clear that federal agents will go after people whose marijuana distribution goes beyond what is permitted under state law or use medical marijuana as a cover for other crimes.

Some of the arguments in favor of legalizing marijuana are the medical benefits, the increased revenue to states and the reduction of crime associated with the illegal production and distribution of the drug.

There is evidence that marijuana helps lower intraocular pressure in people diagnosed with glaucoma, a serious eye disease, helps relieve pain or nausea for some people and may stimulate hunger in chemotherapy patients. Recreational users say it helps them relax.

And there's the potential for lots of revenue to cities and states if marijuana were sold legally and taxed. It has been noted that the repeal of the 18th Amendment prohibiting the sale of alcohol took place during the Great Depression of the 1930s. America is today in the throes of the worst recession since that time and most governmental units are seriously strapped for funds. In addition, the money currently being spent on enforcement of the drug laws prohibiting marijuana (estimated to be \$13 billion annually) could be saved or diverted to other uses.

The illegal distribution and sale of marijuana and other drugs is the source of much violence and fear as local gangs and national cartels protect or expand their territory. One of the reasons the sale of marijuana is so lucrative is that there are an estimated ten million users in the United States.

And it has been argued that many of the reasons previously given for making marijuana illegal (in the U.S. by passage of the Marihuana Tax Act of 1937) were bogus, or not based on hard evidence, or racist. Some have said it served the interests of the paper, or chemical or pharmaceutical industries to make marijuana illegal. While there is evidence that marijuana has some ill effects, proponents would argue that these are no worse, or not even as severe, as alcohol or tobacco.

So, what are the ill effects – the cons – to marijuana, legal or illegal?

Well, even if one agrees that the ill effects of marijuana are no worse than those of alcohol or tobacco use, the damage done by those two legal drugs is significant. Millions of users become addicted and cannot regulate or stop using the drugs. Many automobile crashes and fatalities involve the use of alcohol. Excessive use of alcohol leads to a host of other problems: job loss, family, legal and medical difficulties. Untreated extreme alcoholism often results in an early death.

The evidence is now overwhelming that use of tobacco products, both smoking and chewing, can cause cancer. Lung cancer is one of the leading causes of death in America, and it is growing at a faster rate among women. Many of these same respiratory problems occur with marijuana also since many users ingest marijuana by smoking it.

And there are other effects: aside from a subjective change in perception, the most common short-term physical and neurological effects include increased heart rate, lowered blood pressure, impairment of psychomotor coordination, concentration, and short-term episodic and working memory.

Not unlike alcohol, marijuana use can result in impaired driving and auto crashes, as well as other risky behaviors that can have serious health consequences. Casual or careless sexual encounters can end with an unplanned pregnancy, the transmission of an STD (sexually transmitted disease, such as chlamydia, gonorrhea, herpes) or even AIDS. All these impose great costs on society because of increased use of law enforcement, the legal system and the medical system.

There has also long been the belief that though marijuana itself may not be as harmful or as addictive as many other illegal drugs, it is a “gateway drug” that leads to the use of “hard drugs” such as cocaine or heroin. Whether the gateway drug theory holds significant validity or not, there is some evidence, both from studies and anecdotal, that regular use of marijuana saps ambition and productivity.

Public policy in most areas is a result of a balancing of benefits and risks or harms to individuals and to society as a whole. Such a balancing requires both reliable information and as much of an open mind as we can muster. An open mind does not call for us to discard basic values though values can vary from person to person or community to community. If one side clearly outweighed the other when all these factors were balanced, the outcome would be clear and the decision easy. But in many cases or situations, it is not clear which “side” of an issue significantly outweighs the other. In those instances we need other mechanisms to help us come to a conclusion – each branch of our government here in American has unique methods to use as part of the decision process. The Judicial branch employs the trial method, in which attorneys for both sides present evidence and a judge or jury decides. This branch is less subject to the impact of public popular opinion and is obligated to protect the rights of minority points of view as well as the majority under the mandates of the U. S. Constitution. The Executive branch can take opinion polls and use other means to determine the wishes and beliefs of the voting public, knowing that if they go too far away from the majority they will lose public support and the next election. This is not to say that in some instances a President won't do what he or she believes to be right, regardless of the effect on public support. Lastly, the Legislative branch can borrow some tools from the other two – they can hold public hearings that in some ways are similar to a trial, and they frequently hear from the voters in their state and have other ways to gauge public opinion like the executive might do.

(Continued on next page)

Right now, what is the role of the judicial branch in resolving the marijuana issue? Unless there is a constitutional issue involved, (are marijuana issues a protected class, for instance) the judge and jury are supposed to follow the law in their state and if a person is charged with violating the laws concerning marijuana and that is proven by evidence beyond a reasonable doubt in a trial, their task would be to uphold the law and convict the defendant.

The Executive branch has taken some action in their recent memo from the Attorney General which states that they are choosing to spend their time on other issues. This would indicate that the current administration is not making the prohibition of marijuana use, at least in the medical arena, a high priority.

The Legislative branch has the most power in this issue because representatives and senators, both state and federal, can change the actual laws regulating the legality and use of marijuana. Because of our unique governmental system in America, laws can differ from state to state and between the state and the federal level. Right now it looks as if fourteen states have decided to allow a limited use and sale of marijuana. But would Congress have to repeal the Marihuana Tax Act of 1937 to make marijuana legal? If Congress did so, wouldn't there then need to be new laws to prescribe how it could be sold

and taxed? How likely is Congress to do that within the next few years? Can you think of any other laws that have changed over the last two hundred years that were a reflection either of the evolution of public opinion or of the courts protecting the rights of minorities?

Do we have enough information now to balance the pros and cons of the legalization of marijuana, or do we need more? If so, what information would that be? Who is "we" – Congress, the voters, or maybe the medical profession? Are there any easy answers to this question?

Brief Biography of Anne McDonald

Anne is a native of Kansas City KS, where she presently lives with her husband. She was Executive Secretary to Mayor Jack Reardon from 1975 to 1979. She attended Law School at the University of Kansas, graduating in 1982. She was in private practice for two years before being appointed Court Trustee in Wyandotte County. She retired from the Trustee Office in May, 2006, and has worked as a Judge Pro Tem in District and Municipal Court in Wyandotte County. She was appointed to the Lawyers Assistance Program Commission when it began in 2001 and has served as Executive Director since July, 2009.

The Kansas Lawyers Assistance Program

The Kansas Lawyers Assistance Program was established by the Supreme Court with a threefold mission: to assist lawyers experiencing difficulties, protect the public from harm that could be caused by lawyers with an impairment and to educate lawyers and judges about impairments. Impairments could be any illness or condition which negatively impacts an attorney's ability to practice law.

KALAP works with lawyers and law students on a confidential basis to provide help and hope. Over one hundred volunteer lawyers are the foundation of its effectiveness. www.kalap.com

ARSON PENALTY ENHANCEMENT

Imagine that you are legal counsel for the Senate Judiciary Committee for the state of Minniscosin. The committee has asked you to advise it about constitutionality of a bill which has been introduced on the floor of state legislature. It is your job to write a brief opinion and submit it to the committee. To complete the task, follow these steps:

Step 1: Carefully read the following "Committee Summary" of the proposed law:

Senate Judiciary Committee Summary – Proposed Legislation

Title: Arson Penalty Enhancement

Purpose and Legislative History: Cross burning continue to be a significant problem in our state. Last year, 32 were reported statewide. Our previous state law was similar to the ordinance which was ruled unconstitutional by the U.S. Supreme Court in *R.A.V. v. City of St. Paul*. The proposed legislation adds the following language to the definition of the crime of arson (**in bold**):

Arson Defined. State Penal Code Sec. 1553-A person is guilty of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned or who aids counsels or procures the burning of any structure, forest land, property **or symbol on the land of another.**

In addition, the statute adds an additional two year prison term to "any person who is convicted of arson and who selected the property to be burned or the land on which the property was burned on the basis of the owner's or occupier's race, religion, color, disability, sexual orientation, national origin or ancestry."

Step 2: Carefully review the cases of *R.A.V. v City of St. Paul* and *Wisconsin v. Mitchell* from the article.

Step 3: Write a memo to the Senate Judiciary Committee which answers the following question: Does the First Amendment prohibit the definition of arson and/or the enhancement of the penalty for arson as described in the statute? In your answer be sure to use the court decisions in the two cases and give at least three reasons for your opinion. Turn in your opinion to the teacher and be prepared to discuss it with the class.

SHOULD HATE BE OUTLAWED?

Source: <http://www.crf-usa.org/school-violence/should-hate-be-outlawed.html>

CLIFTON, NEW JERSEY – Several 13- and 14-year-olds spray paint swastikas on Jewish homes.

LOS ANGELES, CALIFORNIA – A group of skinheads tries to provoke a race war by plotting to shoot members of an African-American church.

HOUSTON, TEXAS – A youth tells police he shot a gay man to death because he hates homosexuals.

BROWARD COUNTY, FLORIDA – While yelling racial hate names, a mob of youthful partygoers beats to death a Vietnamese-American college student.

These are a few examples of “hate crimes.” Organizations like the Anti-Defamation League and the Southern Poverty Law Center report that hate-motivated vandalism, cross burning, bombing, beatings, and murders have been increasing at an alarming rate in the United States.

Even more disturbing is that people under 21 commit half of all hate crimes in this country. Between May 1990 and May 1992, over 200 serious hate-crime incidents occurred in the nation’s high schools alone. Although few youths who commit these crimes belong to hate organizations, some are attracted to neo-Nazi skinhead gangs. These groups believe that a race war against the Jews and “mud races” is the “only ultimate solution.”

Several educational programs, such as the Anti-Defamation League’s “A World of Difference,” are attempting to reduce prejudice and hate in the schools. At the same time, lawmakers have been crafting statutes making certain kinds of hateful acts, like Ku Klux Klan-style cross burning, illegal. Other statutes have increased penalties for crimes motivated by racial and others forms of prejudice. But should hate be outlawed? Some people argue that even bigotry is protected by the First Amendment’s guarantee of free speech.

Over the past decade, some states and cities have prohibited certain acts as hate crimes. For example, in 1989, St. Paul, Minnesota, passed the following city ordinance:

Whoever places on public or private property a symbol, object, appellation [name], characterization or graffiti including . . . a burning cross or Nazi swastika, which one knows or has reasonable grounds to know arouses anger, alarm, or resentment in others on the basis of race, color, creed, religion, or gender, commits disorderly conduct and shall be guilty of a misdemeanor.

About a year after St. Paul’s hate-crime law was enacted, police arrested a group of white juveniles for a series of cross burning. In one instance, the youths taped chair legs together into a crude cross and set it ablaze inside the fenced yard of a black family.

In an appeal that reached the U.S. Supreme Court, attorneys for the juvenile defendants argued that the St. Paul law violated the free-speech provision of the First Amendment. The city responded that by prohibiting such acts as cross burning, the ordinance served “a compelling governmental interest” to protect the community against hate-motivated threats.

In June 1992, a unanimous Supreme Court agreed with the juvenile defendants. Writing the opinion for the court, Justice

Antonin Scalia stated that while government may outlaw activities that present a danger to the community, it may not outlaw them simply because they express ideas that most people or the government find despicable.

Scalia also pointed out that other laws existed to control and punish such acts as cross burning. In this case, the city could have prosecuted the juvenile offenders under laws against trespassing, arson, vandalism, and terrorism. “Let there be no mistake about our belief that burning a cross in someone’s front yard is reprehensible,” Scalia wrote. “But St. Paul has sufficient means at its disposal to prevent such behavior without adding the First Amendment to the fire.” (*R.A.V. v. City of St. Paul.*)

St. Paul’s statute is only one type of hate-crime statute. Instead of creating special hate crimes, these other statutes add extra penalties for any crime committed out of hate. This is the approach taken by the Hate Crimes Sentencing Enhancement Act sponsored by Representative Charles E. Schumer (D-N.Y.). Schumer’s bill would lengthen prison terms by a third for federal crimes involving attacks motivated by hate. The House of Representatives passed this bill in September 1993, and the Senate is now considering it.

Penalty-enhancement laws like the Schumer bill already exist in more than a dozen states. Wisconsin’s statute enhances the maximum penalty for an offense whenever a criminal “intentionally selects the person against whom the crime . . . is committed . . . because of the race, religion, color, disability, sexual orientation, national origin or ancestry of that person. . . .”

On October 7, 1989, Todd Mitchell, 19, and a group of other young black men were standing outside an apartment building in Kenosha, Wisconsin. They were discussing the movie, “Mississippi Burning,” which concerns Ku Klux Klan terrorism against blacks in the South during the 1960s. As they were talking, a 14-year-old white boy, Gregory Reddick, happened to be walking on the other side of the street. Mitchell asked his friends, “Do you feel hyped up to move on some white people?” He then pointed to Reddick and said, “There goes a white boy. Go get him!” About 10 members of the group, but not Mitchell himself, ran across the street, beat up Reddick, and stole his tennis shoes. Severely beaten, Reddick remained in a coma for four days and suffered permanent brain damage.

As the instigator of the attack, Mitchell was tried and convicted of aggravated battery, which normally carries a penalty of two years in prison. But the jury found that Mitchell had selected his victim because of his race. Consequently, the judge applied Wisconsin’s hate-crime enhancement law and added two more years to Mitchell’s sentence.

Mitchell appealed his sentence, claiming that the state’s enhancement act violated the First Amendment. Wisconsin’s state Supreme Court agreed with Mitchell. This court found that the sentencing-enhancement law, in effect, punished Mitchell for his thoughts. Relying heavily on the U.S. Supreme Court’s ruling in *R.A.V. v. City of St. Paul*, the Wisconsin court concluded that even “bigoted thought” is protected by freedom of speech.

(Continued on next page)

The state of Wisconsin appealed the case to the U.S. Supreme Court. Below are some of the major points raised in the state's brief to the court:

1. The enhancement law applies only to criminal acts (i.e. selecting a victim), not to speech or actions protected by the First Amendment.
2. During sentencing, judges commonly consider many things including a criminal's motives.
3. Unlike *R.A.V. v. City of St. Paul*, the law in this case does not prohibit specific speech, symbols, or beliefs.
4. The purpose of the state's enhanced penalty law is to eliminate prejudiced criminal behavior, which is a "compelling governmental interest."

The attorneys representing Mitchell made these points in their brief to the Supreme Court:

1. Selecting a victim is not an act but a mental process that is therefore protected by the First Amendment.
2. Judges may consider a broad range of things in sentencing criminals, but they should not be required to automatically lengthen penalties solely because of a criminal's motives.
3. The enhancement law is based on a criminal's motives, which are, in turn, based on his or her thoughts and beliefs, which are protected by the First Amendment.
4. The Wisconsin law also violates the equal protection clause of the 14th Amendment by treating criminals who are motivated by prejudice differently from criminals not so motivated, even though their crimes are identical.

On June 11, 1993, the U.S. Supreme Court upheld the Wisconsin hate-crime penalty-enhancement law. Writing for a unanimous court, Chief Justice William Rehnquist held that a criminal's prejudiced motives may be used in sentencing, although "a defendant's abstract beliefs, however obnoxious to most people, may not be taken into consideration by a sentencing judge." The chief justice also stated that "the statute in

this case is aimed at conduct unprotected by the First Amendment." (*State of Wisconsin v. Todd Mitchell*.)

As the Wisconsin and Minnesota cases show, the line between punishing hate and protecting speech and free thought, can be difficult to draw. On one side, our Constitution seeks to assure tolerance and equal protection for all citizens no matter what their race, ethnicity, religion or gender. On the other hand, our constitution contains protections for individual beliefs, no matter how distasteful they might be. Finding a balance between the two is a challenge for us all.

1. In the *R.A.V. v. City of St. Paul* decision, the U.S. Supreme Court ruled that cross burning are a form of free speech protected by the First Amendment. What reasons did the Court give for this decision? Do you agree or disagree? Why?
2. What reasons did the Court give for upholding enhanced penalties in the sentence of Todd Mitchell? Do you agree with the reasons? Why or why not?
3. Which, if any, of the following acts do you think could be prohibited under the constitution? Explain your answers.
 - a. A white skinhead calls for a race war in a speech on a public university campus.
 - b. In a speech before an all-black audience, a black speaker says that whites are "bloodsuckers" and are the enemy of African-Americans.
 - c. A Ku Klux Klan group wearing white hoods and robes holds a rally in a public park.
 - d. high school student wears an armband with a swastika on it.

Jacobs, James B. "Should Hate Be A Crime?" *Public Interest*. Fall 1993: 3+.

Trebilcock, Bob. "Reading, 'Riting, 'Rithmetic. . . Racism." *Redbook*. Oct. 1993: 98+.

R.A.V. v. City of St. Paul, 112 S.Ct. 2538 (1992)

State of Wisconsin v. Todd Mitchell, 113 S.Ct. 2194 (1993)

KBA YLS MOCK TRIAL COMPETITION: PRESENTED BY SHOOK, HARDY & BACON LLP THE STATE OF KANSAS V. LARSEN

It is sure to be an action-packed murder trial where the defendant, Sarzen Larsen, is on trial for the murder of his former high school rival. The defendant is a recent Iraq war veteran who raises the defense of Post-Traumatic Stress Disorder (PTSD), as an insanity defense and as a defense in mitigation of the charge of first degree murder. The case focuses on whether the defendant is actually suffering from PTSD, and whether PTSD is a complete or partial defense in the case. The

prosecutor's challenge will be to establish a defense that will excuse, in the eyes of the law, some or all of the defendant's responsibility for his or her actions. This case gives participants the opportunity not only to learn about a serious mental health issue afflicting many returning veterans, but also how the current state of the law addresses, or fails to address, the particular issue.

S U P R E M E C O U R T S U M M E R I N S T I T U T E 2 0 1 0

Since it began in 1995, the Supreme Court Summer Institute for teachers has brought together over 700 teachers from across the country to convene in Washington, D.C., for six days of educational activities related to teaching about the U.S. Supreme Court. The Institute is co-sponsored by the Supreme Court Historical Society.

The Institute includes sessions led by Supreme Court experts, journalists, authors, and attorneys, who give teachers an in-depth understanding of how the Court chooses and decides cases, and what it is like to argue before the Court. Teachers even learn about the personalities of each justice. This exciting opportunity culminates with a visit to the Court to hear decisions handed down and a private reception at the Court.

The Institute prepares teachers to use innovative teaching methods as well as cutting edge technology. Beyond the content-rich sessions and activities, teachers are also equipped with the skills and tools to train fellow teachers at home.

At the time of this publication Institute dates were unavailable. Dates will be published in the November issue of *Law Wise*.

The KBA Law Related Education (LRE) Committee will be accepting interest statements beginning Nov. 2, 2009. Statements will be taken through Jan. 8, 2010. The KBA LRE committee will nominate one teacher to attend this institute as well as covering the cost of the institute and travel. Interest statements should include the following information:

- Name
- Email
- Phone
- Organization
- Address
- School name
- School address
- Fax
- Professional Title
- Years Teaching
- What subjects and grade levels you teach
- What subjects/responsibilities will you integrate information you acquire from the Institute
- Related extracurricular activities
- Describe experience in law related education
- Professional development experience: Describe your experience leading professional development. Where have you done training and for whom?
- Organizational Affiliations
- 2-3 sentence description of yourself

Please contact Meg Wickham, KBA public services manager for more details mwickham@ksbar.org or call at (785) 234-5696.

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

GOING GREEN



This will be the last school year Law Wise will be printed for distribution. We will instead e-mail the publication. We will make exceptions to those who are unable to access a computer. Please e-mail to mwickham@ksbar.org 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 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!"

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.

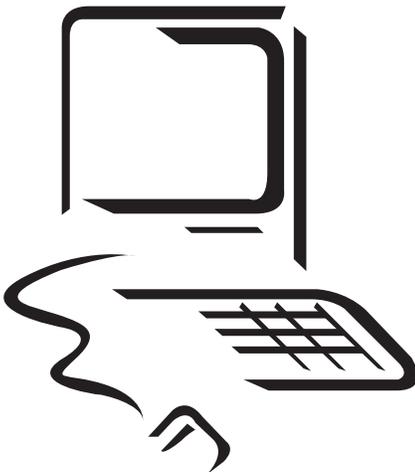
Justice in Kansas Video: Published by the Kansas Supreme Court, produced in January 2009 and hosted by Chief Justice Robert E. Davis, the video provides information regarding the structure and function of the Kansas Judicial Branch. Copies of the video are available upon request to teachers or anyone 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

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TERRIFIC TECHNOLOGY FOR TEACHERS



Check out these great websites ...

Text of the Attorney General memo regarding prosecution in medical marijuana cases

<http://blogs.usdoj.gov/blog/archives/192>

Lesson plans, readings, etc. focusing on the *Miranda v. Arizona* Supreme Court Case.

<http://www.landmarkcases.org/miranda/home.html>

Full listing of case activities available

<http://www.landmarkcases.org>

Materials for discussing a number of controversial topics and includes a reading with a focus question and additional resources.

<http://www.deliberating.org/index.php/Lessons/>



Resources at the Law-Related Education Inventory

1. *Miranda v. Arizona* HS DVD. *Miranda* involved the rights guaranteed under the Fifth and Sixth Amendments to be free from coerced self-incrimination and the right to counsel in criminal matters. The court found that the constitution required that a person who was being questioned concerning a crime should be informed of the right to remain silent and the right to counsel. In this DVD your students will learn the origins of this ground breaking case. Contact Meg Wickham, KBA public services manager (785) 234-5696 or by e-mail mwickham@ksbar.org

2. *People v. Friendly: An Issue of Property, Police and Privacy. Mock Trials* – Simulations. 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 346.R117p.

3. *Gideon v. Wainright & Miranda v. Arizona (U.S. Supreme Court decisions). H/S video.* Balancing the rights of the accused with those of society. 348.04/Su76

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, Janice Romeiser, can be reached at jromeise@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, (785) 234-5696. *Law Wise* is printed at the Kansas Bar Association, 1200 S.W. Harrison, Topeka, KS 66612-1806.

Law Wise Survey

How can we help you...

(or take this online at www.ksbar.org/surveys)

(Circle all that apply)

1) What features of Law Wise do you use or like best?

- a) feature stories
- b) lesson plans
- c) terrific technology
- d) guest authors

2) What have been your favorite or most used themes?

- a) Law Day
- b) Constitution Day
- c) 4th Amendment
- d) General Civics
- e) Other

3) Have you ever used the "Resources for Law-Related Education?"

a) If you have used the Resources for LRE, what have you used?

b) What would be helpful additional resources?

c) Were you aware the KBA ships the resources free to you? Y / N

4) Other comments or suggestions:

Once you've completed the survey, please mail to:

Kansas Bar Association
 c/o Meg Wickham
 1200 SW Harrison St.
 Topeka, KS 66612



or take this online at
www.ksbar.org/surveys