

LAW WISE



KANSAS BAR ASSOCIATION

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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 sixth edition of the 2009-2010 school year. The theme of April's edition is "Law Day" for educators.

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WELCOME

Law Day is May 1. This annual observance was started by President Dwight D. Eisenhower in 1958 as "a day of national dedication to the principle of government under law." It is no accident the observance is celebrated on or near May 1. In 1958, the cold war was escalating between the United States and the then Soviet Union. As a show of military strength, the Communist Party of the Soviet Union would parade its military through the streets on May Day. President Eisenhower wanted the United States to recognize the day by observers of the governmental ideals separating us from the Communist regime. Please take time to recognize our precious legal system by ordering the KBA's latest DVD, "The Short Story of Sam Snead's Search at School – a 4th Amendment Adventure." Ordering information is in the Resources for Law Related Education section of *Law Wise*. Happy Law Day to all, and *Law Wise* will be back in September in electronic format only. Thank you to all who have sent me current e-mail addresses. If you have not sent me your email address, please do so to mwickham@ksbar.org. ■

GOING GREEN



The April 2010 Law Wise will be the last issue 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!"

CALENDAR OF EVENTS

May 1, 2010	Debut of the KBA 4th Amendment Interactive Video
May 1, 2010	Law Day
May 6–8, 2010	National Mock Trial Competition
July 12–14, 2010	WU Prelegal Camp

LAW DAY – “THE SHORT STORY OF SAM SNEAD’S SEARCH AT SCHOOL”

by Kathryn Gardner, chair, KBA Law Related Committee

Law Day has been an annual observance since President Dwight Eisenhower established it in 1958 as “a day of national dedication to the principle of government under law.” Celebrated around May 1st each year, Law Day is designed to foster public understanding of law and legal institutions and our nation’s commitment to the rule of law. This year’s Law Day theme is: “Law in the 21st Century: Enduring Traditions, Emerging Challenges.” One of the enduring traditions of our law in the United States is the prohibition on unreasonable searches and seizures by the government, set forth in the Fourth Amendment to the Constitution of the United States.

To assist you in celebrating Law Day while helping you meet the state’s civics-government standards, the Kansas Bar Association’s Law-Related Education Committee is pleased to present a new teaching resource for middle and high school teachers, consisting of a short DVD and its accompanying materials.

PURPOSE/STANDARDS

This multi-faceted resource is designed to assist you in teaching students about the U.S. Constitution, generally, and about the Fourth Amendment, specifically. It is recommended for use in meeting the following Kansas civics-government standard: “The student uses a working knowledge and understanding of governmental systems of Kansas and the United States and other nations with an emphasis on the U.S. Constitution, the necessity for the rule of law, the civic values of the American people, and the rights, privileges, and responsibilities of becoming active participants in our representative democracy.” Specifically, this resource assists in meeting Benchmark 1 of that standard: “The student understands the rule of law as it applies to individuals, family, school, local, state and national governments.” This resource will assist the student to evaluate the purposes and function of law and to analyze how the rule of law can be used to protect the rights of individuals while promoting the common good. The high school instructional suggestions recommend a Fourth Amendment search and seizure case. Here it is!

NOVEL METHOD

You may find this DVD, “The Short Story of Sam Snead’s Search at School: A Fourth Amendment Adventure,” to be distinctively different than most teaching resources. This film, although written by attorneys, was made by students, for students, about students, with the goal of engaging and educating today’s youth. Kansas high school students acted out each of the parts in this DVD, including the adult roles of librarian, vice-principal, and *SRO. When a student sees fellow student Sam Snead steal a teacher’s laptop, and Sam is called into the vice-principal’s office, his rights and those of the school are pitted against each other in high drama. We hope you enjoy this format and find it to be an effective teaching tool.

The DVD is approximately nine minutes long, if not stopped for discussion. It presents some narration or teaching

by students, and a scenario in which a school official searches a student’s backpack upon hearing that the student has stolen a teacher’s computer. It is designed so that it can be stopped in several places for class discussion if you wish, as noted in the DVD itself and in the accompanying script. Materials to assist you in leading those discussions are also included, as noted below.

These materials address questions such as: Do students have constitutional rights while they are at school?; Does a school official need to get a search warrant before searching a student’s backpack?; Is probable cause necessary before such a search?; What is reasonable suspicion?; What makes a search reasonable or unreasonable?; and Can school officials prohibit acts that are not illegal? Although the application of the law usually varies with the circumstances of the case, we have tried to make the legal principles clear, as applied to the factual situation set forth in the DVD.

HELPFUL MATERIALS

We have developed teaching materials to assist you in presenting this Fourth Amendment search and seizure lesson. The materials accompanying the DVD include: (1) a script of the DVD, for your information; (2) an article, “The Fourth Amendment Rights of Students,” which explains the law presented in the film and summarizes cases for further research by your students; (3) questions for verbal or written delivery (discussion or test) with answer key; and (4) a glossary of legal terms.

Obviously, these materials do not constitute legal advice, and are distributed only to assist you in your teaching about the law. What better way to celebrate Law Day?

ORDER SOON

Please send us an e-mail or call us soon, so that we can deliver these new teaching materials to you by Law Day. They will be available after Law Day as well.

These materials are provided without any charge to you, thanks to a grant from the Kansas Bar Foundation to the Kansas Bar Association’s Law-Related Education Committee. To order, please contact:

Meg Wickham, manager public services, Kansas Bar Association, 1200 SW Harrison St., Topeka, KS 66612, mwickham@ksbar.org, (785)234-5696.

We would be interested in your feedback after you use these materials so that we can develop our future projects to best suit your classroom needs. We would also like to remind you that DVDs are also available that present edited versions of oral arguments made to the U.S. Supreme Court in three important cases: *Brown v. The Topeka Board of Education* (1954) (school desegregation); *New York Times v. Sullivan* (1964) (free speech); and *Miranda v. Arizona* (1966) (rights of persons accused of crimes). ■

*School resource officer

THE FIRST LAW DAY PROCLAMATION (1958)

Source: www.abanet.org/publiced/lawday/2007/history/1stproclamation.shtml

Many teachers celebrate Law Day by asking local attorneys to speak to their classes, by doing short mock trials or skits, or by other creative ways, which educate and inform their students about the importance of law, not only for students as individuals, but also for our society as a whole. We trust this new DVD on the Fourth Amendment will provide another method to help your class engage in meaningful discussion regarding the rule of law and its importance in the United States.

The First Law Day Proclamation - 1958

WHEREAS it is fitting that the people of this Nation should remember with pride and vigilantly guard the great heritage of liberty, justice and equality under law which our forefathers bequeathed to us; and

WHEREAS it is our moral and civic obligation as free men and as Americans to preserve and strengthen that great heritage; and

WHEREAS the principle of guaranteed fundamental rights of individuals under the law is the heart and sinew of our Nation, and distinguishes our governmental system from the type of government that rules by might alone; and

WHEREAS our government has served as an inspiration and a beacon light for oppressed peoples of the World seeking freedom, justice and equality of the individual under law; and

WHEREAS universal application of the principles of the rule of law in the settlement of international disputes would greatly enhance the cause of a just and enduring peace; and

WHEREAS a day of national dedication to the principle of government under law would afford us an opportunity better to understand and appreciate the manifold virtues of such a government and to focus the attention of the World upon them;

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Thursday, May 1, 1958 as Law Day - USA. I urge the people of the United States to observe the designated day with appropriate ceremonies and activities, and I especially urge the legal profession, the press, and the radio, television and motion picture industries to promote and to participate in the observance of that date.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Third Day of February in the Year of our Lord Nineteen Hundred and Fifty-eight, and of the Independence of the United States of America the One Hundred and Eighty-second.

(Signed)

DWIGHT D. EISENHOWER By the President

JOHN FOSTER DULLES Secretary of State

The White House

February 3, 1958

CONGRESSIONAL RESOLUTION AUTHORIZING LAW DAY (1961) US CODE, TITLE 36, SECTION 164

Source: www.abanet.org/publiced/lawday/2007/history/resolution.shtml

The first day of May of each year is hereby designated as Law Day, U.S.A. It is set aside as a special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life.

The President of the United States is authorized and requested to issue a proclamation calling upon all public officials to display the flag of the United States on all government buildings on such day and inviting the people of the United States to observe such day with suitable ceremonies and other appropriate ways, through public bodies and private organizations as well as in schools and other suitable places.

LAW DAY ACTIVITIES

League of Women Voters of Emporia will hold a public forum at Emporia State University honoring Law Day.

Date: April 29, 2010

Location: Emporia State University (ESU), Emporia

Event: Public forum

Speakers: James M Concannon, Distinguished Professor of Law, Washburn University School of Law, Deborah Huth, Lyon/Chase Bar Association, Ken Buchele, former Lyon/Chase County Judicial Nominating Committee member,

John Sanderson, former Lyon/Chase County Judicial Nominating Committee member, and Steve Davis, Attorney

Partner Organizations: Lyon/Chase Bar Association, Emporia State University, ESU Associated Student Government, Hispanics of Today & Tomorrow (HOTT), Emporia High School, and AAUW.

For more information contact League of Women Voters of Emporia Program Coordinator Diana Solis at djsolis@cableone.net.

Professor Charles Rhyne's First Law Day Radio Address

Law Day Speech for Voice of America

Text of the original radio broadcast by Charles S. Rhyne Delivered on the first Law Day, May 1, 1958

Source: www.abanet.org/publiced/lawday/2007/history/rhyne58.shtml

May First has been proclaimed by President Eisenhower, governors of the states and by the mayors of more than 1,000 cities as "Law Day-U.S.A." President Eisenhower, Chief Justice Warren and Attorney General Rogers head an imposing list of more than 20,000 "Law Day" speakers who will call upon the people of America to rededicate themselves to the rule of law in our nation. These speakers will appear on television and radio and before high schools, colleges, universities, civic clubs, and other associations and in courthouses in communities throughout America. Never in all history have so many men and women spoken on the same subject on the same day.

Throughout America public observance of May First as "Law Day-U.S.A." will be an event without precedent or parallel in our nation's history. This nationwide salute to the law and its place in American life has struck a responsive cord in the deep and abiding faith of our people in the rule of law and their determination to strengthen it at this crucial turning point in the history of mankind.

In America we recognize that May First is also the occasion for celebration by the Communists of the accomplishments of their way of life. We in America welcome a comparison between our way of life and government under laws with the way of life that exists behind the Iron Curtain under the international Communist conspiracy. In any such comparison we could match and exceed with facts rather than vainglorious boasts any claims of the Communists with respect to scientific, technological and other achievements. But the world knows of our leadership in material things, and of the high standard of living which our system has produced for our people. The thing we want people of the whole world to know is that in our country we are more proud of our moral principles as expressed in the concept of our government of laws than we are of any materialistic accomplishment or achievement of our people. It is the purpose of "Law Day-U.S.A." to highlight this basic fact — thereby throwing a spotlight upon the rule of law in America—expressing to the people of the world our admiration and respect for the rule of law as the key to individual freedom and justice.

Individual freedom and justice under law is the great principle that distinguishes our form of government and our way of life from the Communist system. On May Day we in America therefore challenge the Communists to match this achievement of our system of government and grant the people behind the Iron Curtain individual human rights and that freedom and liberty under law which exists in our country.

Down through the centuries mankind's strongest yearning has been for individual freedom and equal justice, nationally, and for peace internationally. In our country the principles of individual liberty and equality are guaranteed to our people by the Constitution of the United States, which was ratified 169 years ago. Under it we have a system of laws, which govern our nation.

This liberty and equality through our systems of government

under law stands in stark contrast to the system of government by Communism where the tyranny and caprice of Communist leaders hold all men in constant terror. In America, law reigns supreme. No man in our Country is above law, not even the President of the United States. In Russia the Kremlin rulers are not only above the law but they are "the law" just as were the Czars and Kings of ancient times. The rulers under Communism govern by might alone. Government by terror does not exist in America and cannot exist under our government of law.

The ancestors of modern day Americans carried in their minds a dream of a government under law, which would transfer sovereignty from ruler to the ruled, thus guaranteeing individual freedom. The draftsmen of our Constitution wrote from experience under the lashes of monarch and military dictatorship. They believed in and sought through the wording of our Constitution to insure that great moral principle of our Declaration of Independence, from England, that the true purpose of government is the protection of the fundamental rights of man. The Constitution was so worded as to make their dream of this protection of individual rights a reality.

Law is the intangible force that makes freedom and progress possible in our democracy. It is law that brings order into the affairs of men — that enables them to lift their sights above mere survival, to accumulate possession, to develop the arts, to pursue knowledge, and to enjoy life among their fellows. Law gives the individual security that he could obtain in no other way; it protects the family and other groups organized for advancement of common interests; it permits the growth of great cities and the development of vast enterprises. In other words, it is the cement that holds our free society together.

"Law Day-U.S.A." is therefore an occasion when our people will pause to recognize the tremendous contribution that law has made in our way of life as a promoter of our progress and as an insurer of the human rights which made that progress possible.

From the birth of our nation to the present day we as a people have glorified law rather than men. The phrase "Equal Justice Under Law" is our creed and birthright. Our Constitution guarantees every citizen equal protection under the law. Not some protection, but equal protection. And this means equal justice under the law to the poor and to the rich, to the weak and powerful alike. Before our courts of justice the most humble citizen stands on a basis of equality with those of great wealth. And all citizens come before our courts as equals even with the powerful government of the United States itself.

Respect for and adherence to law is one of the most ingrained traits of an American. While the average individual is not learned in the law, there is intense sense of justice which burns within him. There is in our nation an almost instantaneous adverse public reaction to any unlawful or illegal action. We believe in, and we live under the law. We are a "law-ful" people.

Law and courts exist to protect every citizen of the United

(Continued on next page)

States in his person and property and in his individual rights and privileges under the Constitution. The ultimate power to change or expand the law in our system remains with its source, the people. They can elect as lawmakers those who will vote for wise laws and vote out of office those who do not. They can also amend the Constitution as experience dictates the necessity of change.

In these days of soul-searching and re-evaluation and inventorying of basic concepts and principles brought on by the expansion of man's vision to the new frontiers and horizons of outer space, we want the people of the world to know that we in America have an unshakable belief in the most essential ingredient of our way of life—the rule of law. The law we honor is the basis and foundation of our nation's freedom and the freedom for the individual which exists here. And to Americans our freedom is more important than our very lives.

The rule of law has been the bulwark of our democracy. It has afforded protection to the weak, the oppressed, the minorities, the unpopular; it has made it possible to achieve responsiveness of the government to the will of people. It stands as the very antithesis of Communism and dictatorship.

When we talk about "justice" under our rule of law, the absence of such justice behind the Iron Curtain is apparent to all. When we talk about "freedom" for the individual, Hungary is recalled to the minds of all men. And when we talk about peace under law—peace without the bloodbath of war—we are appealing to the foremost desire of all peoples everywhere.

The tremendous yearning of all peoples for peace can only be answered by the use of law to replace weapons in resolving international disputes. We in our country sincerely believe that mankind's best hope for preventing the tragic consequences of nuclear-satellite-missile warfare is to persuade the nations of the entire world to submit all disputes to tribunals of justice for all adjudication under the rule of law. We lawyers of America would like to join lawyers from every nation in the world in fashioning an international code of law so appealing that sentiment will compel its general acceptance.

Man's relation to man is the most neglected field of study, exploration and development in the world community. It is

also the most critical. The most important basic fact of our generation is that the rapid advance of knowledge in science and technology has forced increased international relationships in a shrunken and indivisible world. Men must either live together in peace or in modern war we will surely die together. History teaches that the rule of law has enabled mankind to live together peacefully within nations and it is clear that this same rule of law offers our best hope as a mechanism to achieve and maintain peace between nations.

The lawyer is the technician in man's relationship to man. There exists a worldwide challenge to our profession to develop law to replace weapons before the dreadful holocaust of nuclear war overtake our people.

It is said that an idea can be more powerful than an atom because strength today resides in man's mind—not his muscle. We lawyers of the world must take the idea of peace under the rule of law and make it a force superior to weapons and thus outlaw wars of weapons. Law offers the best hope for order in a disordered world.

The law of force or the force of law will rule the world. In the field of human conduct the law has never confessed failure. The struggle for a world ruled by law must go on with increased intensity. We must prove that the genius of man in the field of science and technology has not so far outstripped his inventiveness in the sphere of human relations as to make catastrophe inevitable. If man can conquer space he can also solve the need for legal machinery to insure universal and lasting peace.

In our country ignorance of the value of law in international relations and what it could do for the people of the world is appalling. A major purpose of "Law Day-U.S.A." is therefore to demonstrate to our people that the need for law in the world community is the greatest gap in the growing structure of civilization. And we lawyers of America are anxious to work with lawyers and men of good of all nations in filling this gap in that structure. We believe that no greater challenge exists for any profession and that no greater service to mankind can be performed. ■

SAMPLE LAW DAY PROCLAMATION FOR YOUR SCHOOL OR TOWN

Every year on May 1, Americans celebrate Law Day. Law Day is an opportunity for all Americans to reflect on the rule of law and the foundations of our legal system. It's a time to celebrate the rich history of our judicial system and a time to consider its future in this rapidly changing world.

When he established Law Day on May 1, 1958, as "a day of national dedication to the principle of government under law," President Dwight Eisenhower sought to highlight and honor, for all Americans, our enduring legal culture.

We must recognize that our legal institutions and system of justice depend on popular participation and support to maintain legitimate authority. Lawyers and judges should recognize that they bear a special responsibility to foster public understanding of law and legal institutions and commitment to the rule of law. On Law Day, Americans from all walks of life, public figures and private individuals alike, reaffirm in words and deeds our shared national allegiance to the rule of law.

Law in the 21st Century: Enduring Traditions, Emerging Challenges is the theme for Law Day 2010. Law Day 2010 provides us with an opportunity to understand and appreciate the emerging challenges that confront our world—and the law—in the 21st century, while reaffirming enduring legal traditions.

We encourage everyone to acknowledge the importance of our legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States [and our city/state] in support of this educational observance. We further encourage schools, businesses, media, religious institutions, civic, and service organizations to join us and all members of the bar and bench in commemorating Law Day.

On May 1, the _____ (insert name of organization) urges everyone to attend a Law Day event in your community, or simply discuss the importance of this educational observance with your family, peers or colleagues. ■

NO ILLEGAL DOWNLOADING

Lesson #1

Grades: Middle School

OVERVIEW

The city of Techtown provides a free high-speed Internet connection for each resident. The city council wanted to ensure that all residents have access to the internet and all of the resources available. They also thought it was important that Techtown residents be able to share their own creative works, such as their writing, music, and short-films, with other residents and the entire country. In addition, Techtown is hoping to attract a local university that is looking to expand. The city council thinks that the Internet service will help put them ahead of the other towns in which the university might locate. However, Techtown is concerned about getting in trouble for encouraging illegal downloading; recently numerous movie and music companies have sued Internet providers when their users have been illegally downloading movies and songs.

Whenever a Techtown resident logs onto the Web, a warning has been posted:

Given the concerns of the publishing and recording industries, the city of Techtown is asking residents to no longer download copyrighted materials. Please be advised, for all Techtown residents, the following law applies:

No Illegal Downloading

The law seems clear but some disputes have arisen over the *interpretation of the law* in particular situations. Consider each situation listed below, keeping in mind the letter of the law as well as the intent of the law. Members of the city council must determine how the terms used in the law will be defined and how the law should be applied.

Case 1: Susan is nervous because her newborn son has a slight fever and has been crying for two days. He seems to not want to sleep, but otherwise, is acting normal; he is eating and drinking and still loves to be held. She called her doctor, the doctor doesn't think Susan needs to bring the baby in immediately, but he would like her to track the fever. Susan's doctor referred her to a Web site from a medical school that has a chart

that she can use for tracking. The chart is available for free download from the site. Susan wants to download this chart.

Case 2: Tom and Joe, two students at Techtown High School, are in charge of music during the home football games. They would like to download the first 20 seconds of a song to play as the team runs onto the field. They have permission from the original artist.

Case 3: Mary is planning a bridal shower for her sister. She is working with a friend who is a graphic designer to create a personalized invitation. Mary's friend e-mails her a sample invitation. Mary wants to download the sample so she can review the information.

Case 4: Leo likes to listen to podcasts while he is at work. Earlier this year, he spent \$60 to purchase a year-long subscription to a podcast subscription system. Leo would like to download today's podcast to share with his friends.

Case 5: Harry's in fifth grade at Techtown Elementary School. He would like to download some maps for his project for geography class. He has found the maps he thinks are best for the project but they are only available as thumbnails unless you pay an access fee. Harry is planning to download the thumbnails for his project.

Case 6: John used to play the trumpet in Techtown's community symphony. The symphony has portions of the concerts John performed in on its Web site. John would like to download these so his kids can hear him playing.

Case 7: Jenny loves to bake. She has recently come up with an amazing cupcake recipe. To create this recipe, Jenny took a recipe from a national homemaking guru and "tweaked" a couple of things. Jenny would now like to e-mail the recipe to her friends in Techtown, along with photos of the guru's cupcakes.

Case 8: Sarah missed her favorite television show last week. She has heard there was a major fight between two of the main characters and she will be behind if she doesn't watch it before the next episode. Sarah knows that another Techtown resident posts episodes of the show on a video-sharing Web site. Sarah would like to download this episode. ■

WASHBURN UNIVERSITY PRELEGAL CAMP

Washburn University will host a Prelegal Camp for high school students on July 12-14, 2010, on the Washburn University campus. The camp is limited to 36 students.

The Prelegal Camp is intended to give high school students basic information about law school and the legal profession. The camp includes a law school class; tours of the Kansas Supreme Court and the *Brown v. Board* of Education historical site; and a session on college preparation for law school.

The event culminates with a mock trial in which all camp participants play a role.

The summer camp is sponsored by the Political Science and Communications Departments and the School of Law.

For more information, please contact Jim Schnoebelen (jim.schnoebelen@washburn.edu) or Heather Gelsinger (heather.gelsinger@washburn.edu).

CREATING A CLASSROOM CONSTITUTION

Lesson #2

Grades: Elementary

OVERVIEW

Students will understand the importance of having rules and laws. They will draft their classroom constitution. In developing rules for the classroom, students will gain an understanding of how the framers of the U.S. Constitution practiced debate and compromise.

PREPARATION

To introduce the concept of rules, download the “Rules, Rules, Rules” lesson plan on www.lawday.org. This lesson will guide classroom discussion about the need for rules in various settings.

PROCEDURE

1. Review and discuss the importance and purpose of having rules. Ask students to recall rules they have at home, at school, or at play. Next, they should consider those rules by responding to the following questions:

- What is the purpose of having rules?
- What would happen if we did not follow rules?

2. Introduce the concept of “constitution,” i.e., “A constitution is a set of rules by which people agree to live.” Guide the discussion to help students understand the purpose of the U.S. Constitution and the “rules” it represents, emphasizing those listed in the Bill of Rights.

3. Reflect on the fact that a constitution contains the most important rules for a group. Brainstorm a list of classroom rules with students. Ask them to review their list to determine if less important rules may be dropped or if some rules may be included under other rules.

4. Indicate to students that since these rules will form the basis for their classroom constitution, it is important that a majority of members of the class accepts each rule. Have the students vote on each rule individually. A majority vote means that the rule will be part of the new constitution.

5. Create and post a new list with each of the rules that the students have accepted as part of their constitution.

6. Write the word “preamble” on the board. Review the definition with the students: “an introductory part of a constitution that states its purpose and intent.” Remind students of their earlier discussion regarding the purpose of the rules. Work with students to incorporate these reasons into a preamble for their constitution.

Sample Preamble

We the students in _____’s class, in order to live in harmony, learn well, stay healthy, and enjoy each day together, have made these rules ...

7. Make a copy of the constitution (with the preamble and list of rules) on chart paper that can be posted. Explain to students that everyone — including you — will now sign the constitution you have drawn up together. Each person’s signature will signify that he or she agrees to live by this constitution.

8. Display the classroom constitution prominently so that students can refer to the rules easily throughout the school year.

9. Provide a copy of the constitution for each person to keep and one to take home. (*Send a note home for parents to promote awareness of the process, encourage discussion of the ideas, and suggest follow-up in the home setting.*) ■

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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THE INDEPENDENT HIGH SCHOOL CROWNED AS KANSAS' HIGH SCHOOL MOCK TRIAL CHAMPIONS

On March 6th, 28 high school teams from around Kansas competed in various regional tournaments for six coveted spots in the Kansas State High School Mock Trial Championship Tournament. On March 25th and 26th those six qualifying teams squared off in the Sedgwick County Courthouse for a chance to be crowned champion.

After five trials, where the teams switched back and forth from the prosecution of a murder suspect to defense of the suspect, The Independent High School (Wichita) was left

standing on top. Shawnee Mission East, coached by Trey Witt, finished in second place, only two ballots behind Independent. Blue Valley Northwest, coached by Helen Hardgree, finished in third place.

The KBA Young Lawyers (sponsors of the tournament) congratulate this year's competitors for a great tournament and thank all the attorneys who volunteered their time to judge one or more of the rounds.

CLASSROOM ACTIVITY

RULES, RULES, RULES

Grades 3 – 6

OVERVIEW

Students will begin the activity by reflecting on when and why rules are needed. The *Pass the Eraser Game* allows students to actively think about the importance of rules in the classroom or in a community setting.

PROCEDURE

1. Begin by dividing the class into two separate lines and by telling them that you want them to play the *Pass the Eraser Game*.

THE PASS THE ERASER GAME

Step One: Tell them “Okay, let’s play the *Pass the Eraser Game*.” Do not say anything else, and do not give them any rules. [Note: The students will probably look confused and ask you, “How do you play it?” or “What are we supposed to do?”]

As the game begins, students will begin to realize that they will need to know the rules in order to play the game.

Step Two: Tell the first person in each line to “Let’s begin the game. The first person in each line should pass the eraser from the front to the back of the line.”

Step Three: Tell the last person in line to “Bring the eraser to the first person in line.”

Step Four: Allow the students to play for 30 seconds. After 30 seconds, interrupt the game to give the students new directions. Tell them “Oh wait, you are supposed to pass the eraser with your eyes closed. Let’s start the game over and follow these new directions.”

Step Five: After 30 seconds, interrupt again to tell them “Actually, you are supposed to pass the eraser with your left hand.” Once again, start the game from the beginning.

Step Six: Allow the students to play for 30 seconds before changing the directions again. Tell them “You should all be on your knees when you pass the eraser. We will have to start the game over.”

Step Seven: After 30 seconds, interrupt one last time to tell them “You must walk backward to the front of the line when you bring the eraser forward.” Start the game from the beginning.

Step Eight: Allow the students to play for 30 seconds, and then stop the game.

2. Once the game has stopped, review the problems with the students. Ask them if they had any difficulties with the game. Ask them to explain what problems they experienced.

- Help them understand that they had difficulties because of the way that the rules were given. Lack of agreement about the rules and constant changes of direction lead to confusion.

3. Write “A rule should be easy to follow” on the chalkboard. (See additional “Tests for Good Rules” below.) Brainstorm with the students to develop a clear set of rules for the *Pass the Eraser Game*. List the students’ suggestions for rules of the game. Ask the entire class to vote to select a few simple rules for the game.

TESTS FOR GOOD RULES

- A rule should be easy to follow.
- A rule should be simply stated.
- A rule should include only activities we are able to perform.
- A rule must be enforceable.
- A rule must not go against another rule.
- A rule should have a penalty for breaking it.

4. Play the game again by following the rules created by the class. This will demonstrate that clear rules and directions make for a better structured and positive, productive experience while playing together.

5. After the students have successfully played the *Pass the Eraser Game*, observe that people in classrooms and communities need to have rules to live and work together.

- Ask students to think about why people need rules in families, in schools, on playgrounds, and in communities.
- List responses on chart paper or the chalkboard. As a class, review the list and consolidate similar ideas.
- Note: Keep the list of responses on chart paper for later use.

This activity is based in part on material adapted from *Rules, Rules, Rules*, developed by David T. Naylor, et al. (Ohio State Bar Association, 1980) and from the *Elementary Law-Related Education Source Guide*, grades 3-6 (Cleveland Public Schools, 1981). The *Eraser Game* is adapted from the *Buckle Game* designed by Harriet Bickelman Joseph.

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Resources at the Law-Related Education Inventory



1. The Short Story of Sam Snead's Search at School: A 4th Amendment Adventure MS/HS DVD.

This video explores the subject of illegal search as it pertains to students. Teaching materials accompany this new DVD provided by the KBA. Contact Meg Wickham, KBA manager of public services to reserve your copy mwickham@ksbar.org or call (785)234-5696.

2. The Constitution at 200: Why Does it Still Work: MS/HS VHS. This video follows the evolution of the Constitution, focusing on the basic principles of the document – human rights, republicanism, federalism, separation of powers, and checks and balances. 342.02/G578.

3. Law in the Classroom: Activities and Resources, by Mary Jane Turner – Law-study and teaching (book) Developed in an effort to provide practical assistance to resource persons who will be making presentations about law and the justice system in school and organizational settings. 340.07/T8551

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.

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