



LAW WISE

PUBLISHED BY THE



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OCTOBER 2014 • ISSUE 2

Greetings from the Kansas Bar Association (KBA).

Welcome to this edition of *Law Wise* and the second edition of the 2014-2015 school year.

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WELCOME

This month, *Law Wise* looks at two drastically different approaches to teacher tenure. In Kansas, the legislature recently repealed the state law providing for teacher tenure and the Kansas National Education Association (KNEA) sued, contending that the repeal of tenure is unconstitutional. In contrast, a California judge recently ruled that teacher tenure itself is unconstitutional because its effect is to disproportionately place poor teachers in schools serving predominantly low-income and minority students. This violates the student plaintiffs’ fundamental right to equality of education. Read on for details.

KANSAS REPEALS TEACHER TENURE

As most teachers are well-aware, the Kansas legislature passed an anti-tenure measure in April, which took effect July 1. It repealed a law that gave teachers who faced dismissal after three years in the classroom the right to an independent review of their cases.

Teachers argued that the former policy protected them from arbitrary or unjust firings and allowed them to be strong advocates for their students. But the legislature found that ending guaranteed tenure makes it easier to fire incompetent or abusive teachers. They also said the change left decisions about tenure to locally elected school boards. In response, some districts have contractually agreed to reinstate protections for their teachers similar to those previously found in state law.

KNEA Files Lawsuit

The KNEA filed a lawsuit in August 2014, in Shawnee County District Court against the state of Kansas and Gov. Sam Brownback challenging the anti-tenure provisions. But this lawsuit argues only that legislators violated a provision of the state constitution requiring most bills to contain only one subject, and does not mount a broader challenge to the anti-tenure law.

The policy change was attached to House Bill 2506 that also boosts aid to poorer school districts by \$129 million.

Attorney General Moves to Dismiss

On September 22, 2014, the Kansas attorney general moved to dismiss the case contending the KNEA has no right, or standing, to sue about the tenure law, since it has suffered no direct harm. Look for a decision on that matter soon.

CALENDAR OF EVENTS

February 28, 2015	Regional High School Mock Trial Tournament
March 27-28, 2015	State High School Mock Trial Tournament
May 1, 2015	Law Day
May 14-16, 2015	National High School Mock Trial Tournament, Raleigh, North Carolina



CALIFORNIA JUDGE FINDS TEACHER TENURE UNCONSTITUTIONAL

On June 10 of this year, Los Angeles County Superior Court Judge Rolf Treu held tenure and other job protections for California's public school teachers unconstitutional because they violated the Equal Protection Clause of the U.S. Constitution. California's law granted tenure after just 18 months.

Judge Treu cited *Brown v. Board of Education's* ruling that all students are entitled to equal education and found the law discriminated against minority and low-income students. He found that the teacher tenure law resulted in a significant number of "grossly ineffective teachers" obtaining and retaining permanent employment, and that such teachers are disproportionately situated in schools serving predominantly low-income and minority students. This violated the student plaintiff's fundamental right to equality of education. But the judge's ruling has been stayed pending an appeal.

The suit, *Vergara v. California*, was brought by nine students (Beatriz Vergara), backed by the nonprofit group, Students Matter, founded by David Welch, a 52-year-old Silicon Valley billionaire.

Similar Lawsuits are Filed in New York

After Judge Treu's decision, two lawsuits similar to the California lawsuit were filed in New York against the state of New York and its Board of Regents. New York requires teachers to serve a three-year probationary period, which can be extended to up to four years, before gaining tenure. The lawsuits were brought by groups of low-income families who claim their children are being stuck with second- or third-rate teachers, violating their right to equal education under the law. The suits allege a statewide systemic failure, not specific to any district. Both argue that job protections for teachers make it essentially impossible to fire incompetent educators, violating students' constitutional right to a "sound, basic education" under Article XI of the New York state Constitution.

The Albany action is being done pro bono on behalf of a group of parents organized by the Partnership for Educational Justice, an advocacy group founded by Campbell Brown, a former CNN host. The other suit, *Dauids v. State of New York*, was filed in Staten Island Supreme Court by Mona Davids, president of the New York City Parents Union. That suit is now funded by Welch's advocacy group which funded the California case. Attorney Theodore Boutros, who argued the California case, says:

We plan to show that New York's current education system does not serve the needs of kids and in fact prevents them from accessing a sound education ... The system created by New York's laws restricts access to quality teachers and detracts from the overriding purpose of New York's education system: to serve the best interest of students.

<http://nydn.us/1tyang0>

The N.Y. cases have since been consolidated so will be considered together.

Teachers' Union Seeks to Intervene

New York State's largest teachers' union moved to intervene in the above cases. Karen Magee, president of the State United Teachers, said tenure is far more apt to protect teachers who take unpopular positions with their employers by advocating for education improvements than it is to protect incompetent teachers. Magee, a former special education teacher in Harrison, New York, said it is not unusual for teachers to incur the wrath of school districts by arguing that they spend more on students and better facilities. "Tenure is a due process right," Magee said. "It takes away nepotism and favoritism. It takes away patronage. It causes a district to do their due diligence when deciding if teachers are worthy of tenure."

DID YOU KNOW?

1. Before Massachusetts introduced teacher tenure in 1886, women were sometimes dismissed for getting married, becoming pregnant, wearing pants, or being out too late in the evenings.
2. In a June 1, 2009, study by the New Teacher Project, 86 percent of school administrators said "they do not always pursue dismissal" of poorly performing teachers because of the costly and time consuming process.
3. California Gov. Arnold Schwarzenegger called a special election for November 8, 2005, that included Proposition 74, which would have extended the time before a teacher becomes tenured from two to five years. In response, the California Teachers Association increased member fees by \$60, raising \$50 million to fight Proposition 74. The proposition failed, receiving 45 of the vote.
4. On June 28, 2010, New York City closed its "rubber rooms," where approximately 600 tenured teachers "accused of incompetence and wrongdoing" received their full salaries to sit in a sparse room and do nothing. <http://teachertenure.procon.org/>

LESSON PLAN

DUE PROCESS

Grades: 9–12 (high school)

This lesson from the American Bar Association consists of:

- Introduction: Teaching about Due Process
- Handout: Bill's Bad Day (Scenario – last page of Law Wise)
- Questions
- Due Process Graph

INTRODUCTION

“Due process” may be unfamiliar to students unless they’ve been studying law already. Here are some ways to effectively present this very important idea to secondary students.

Teachers could use this lesson over several class periods. Or you could adapt it to focus on the general principle of due process, and use just some of the specific examples given in questions 4-10. Cites have been provided to help presenters (or students) who want to do additional research.

The teacher or presenter can use the following scenario and questions with the full class, or break the class into small groups which could report back to the whole class. Additional activities could include role playing certain situations.

OPENING SCENARIO

The Due Process Clause in the U.S. Constitution reads: “nor shall any State deprive any person of life, liberty, or property, without due process of law.” What does “due process of law” mean? What rights does it provide to people, and what obligations does it require from government? The following scenario [Bill's Bad Day] sets out a number of matters that have to do with the due process of law. You might want to photocopy it and hand it out to students to begin the lesson.

BILL'S DAY OFF HANDOUT (LINK BELOW OR P. 7)

QUESTIONS

1. Can the government do that?

The [scenario](http://bit.ly/KBA_LW_DueProcess) (http://bit.ly/KBA_LW_DueProcess) poses a range of takings and intrusions, from minor to extremely serious. The key point of the lesson is that the government can only deprive a person of life, liberty or property in accordance with due process of law. That begs the question, “What is due process of law?”

Distilled to its essence, due process requires notice and an opportunity to be heard. Stated another way, due process means that the government must indicate some justification or cause for its actions and must give attention to and take seriously the response or position of the person being affected. The starting point of due process analysis in each of the above situations, then, is to identify the government's authority or reasons for its actions.

In each of the instances in “Bill's Bad Day,” the government or community has interests it seeks to enforce against the person. For instance, in the case of the school suspension, the school's interest is to maintain a learning environment. *Goss v. Lopez*, 419 U.S. 565 (1975). In the case of the death penalty, the government's interest is to punish and prevent serious crime.

2. What could happen to me?

The second step in the analysis is determine how much process is due in a given situation. The key concept is that due process is not a rigid set of identical rules for all situations, but flexible procedures varying with the situation. Basically, due process depends on an assessment of the balance between the degree of the loss a person could possibly suffer and the importance of the government's interest, including the cost or difficulty in providing the process. *Mathews v. Eldridge*, 424 U.S. 319 (1976). In the [scenario] instances, the possible loss ranges from missing a few days of school to losing one's life.

Teaching point: After examining the scenario's situations, the teacher or presenter can ask students to identify the government interests and their importance, then to identify the person's interest and its importance, and the degree of the possible loss.

3. What can I do about it?

The issues here are what procedures or safeguards are provided by the government in the way of justifications and opportunity to respond, and whether they are adequate. In general, this requires an assessment of the government's and person's interest, discussed above, and “risk of an erroneous deprivation of [a person's] interest ... and the probable value, if any, of additional or substitute safeguards. ...” *Mathews v. Eldridge*, 424 U.S. 319, 321 (1976).

The possible procedures may include the following: right to a free or retained lawyer, a formal trial and rules of evidence, opportunity to call witness or to cross-examine, appeal, impartial jury, prompt hearing, public trial, burden of proof, transcript, written opinion or decision stating facts relied on, informal hearing, written notice of charge or pending government action, arraignment or presentment, bail, independent review of executive action by judiciary (e.g., search warrant), standard for intervention (e.g., reasonable suspicion, probable cause), statement of rights (e.g., at preliminary hearing and *Miranda* warnings) and specified procedures, including setting of mitigating and aggravating circumstances, a separate sentencing hearing, and an elaborate appeals process (death penalty). See 18 U.S.C.A. 3591-3595 for specific federal protections in federal death penalty cases.

Teaching point: Ask students to brainstorm or list the due process protections they are aware of. To prompt some ideas, ask them to read the fourth, fifth and sixth amendments, recall a case they are familiar with, watch a video clip (e.g., a scene from “Gideon's Trumpet” or more recent film) or read an appropriate newspaper article. Once you have a list, have students work in pairs to classify the protections, e.g., as “essential, very important, not so important.” Another approach would be to make a sixth amendment “ladder,” a paper with six lines or steps; ask them to put the most important on the top rung or step, the next most on the second rung, and so on.

The issue of what process is due for any particular situation is developed in the more specific student questions, which follow below:

4. Does a person have to talk with the police if they ask her questions?

The fifth Amendment provides that “no person ... shall be compelled in any criminal case to be a witness against himself. ...” This basically means that a person doesn’t have to talk with the police at any time in any situation that may implicate her in criminal activity. If a person reveals a criminal act to a third party, say a friend, that friend can be compelled to testify against the person, however. If the police have a suspect in custody, they must inform her of her constitutional rights to remain silent and to representation by a lawyer before they ask her any questions. Known as the *Miranda* warnings, this information is essential before an interrogation because the inherently coercive nature of police custody casts doubt on the voluntariness of a suspect’s statement. *Miranda v. Arizona*, 384 U.S. 436 (1966).

In contact with law enforcement officers at earlier stages in an investigation or street encounters, a person need not respond to questions or make statements, although to facilitate law enforcement one may agree to do so. See *U.S. v. Wylie*, 186 U.S. App. D.C. 231, 236, 569 F.2d 62, 67 (1977), cert. denied, 435 U.S. 944 (1978). In *Wylie*, a police officer monitoring a bank noticed a customer acting unusually when trying to make a withdrawal. The police officer asked, “Sir, may I talk to you for a moment,” and after becoming more suspicious, “Would you mind coming back inside the bank with me, and we will talk with the manager. ...” The court found that the conversation was not a “stop” but a “contact,” and that *Wylie* would have been free to go if he did not answer the questions. When Bill is questioned at his doorstep by the IRS agent, in the example above, he is not required to answer questions. *Miranda* warnings are not required at that point, however, and any statement Bill makes can be used as evidence by the government.

Teaching point: Role play Bill’s response to the police seeking to search the house and to the IRS agent wanting to question him about his taxes.

5. When can I have a lawyer? Do I have to pay for the lawyer?

In criminal cases, the right to counsel has come to mean that every defendant has a right to a lawyer to assist in her defense, and that a defendant who cannot afford lawyer will have one appointed for her. *Gideon v. Wainwright*, 372 U.S. 335 (1963). In cases where no imprisonment is possible, such as traffic offenses, defendants may hire lawyers for their defense but they are normally not provided for free, on the theory that no loss of liberty is involved. In certain non-criminal cases where the loss may be severe, such as in charges of child abuse or neglect or termination of parental rights, many jurisdictions will appoint counsel for defendants who cannot afford them, as well as counsel to represent the children’s interests. This is largely because adjudications of abuse and neglect could result in the child being removed from the home. See, e.g. 16 D.C. Code 2304 (b) (1) and (b) (3).

6. When can the police search a person’s home or body?

While a full discussion of search and seizure law is beyond the scope of this lesson, some useful generalizations can be made in connection with due process. Essentially, the government must have greater degrees of justification for greater degrees of intrusion into one’s liberty. For instance, the government needs a search warrant, based on probable cause and specifying what is to be searched and seized, approved by the judicial branch before conducting a search in a person’s home or of his body, or anything in which he has an “reasonable expectation of privacy,” *Katz v. U. S.*, 389 U.S. 347 (1967), unless certain exceptions arise.

One set of exceptions has to do with the safety of the police when questioning or arresting a suspect. When the police have “reasonable, articulable suspicion” that a person may be committing a crime, they may stop and question the person, and may pat down or frisk the person’s outer clothing for weapons. This is known as a stop and frisk, or *Terry* stop, after *Terry v. Ohio*, 392 U.S. 1 (1968). Police may search a person incident to his arrest, or conduct a protective sweep of a house being searched, for safety reasons also. For related safety reasons, searches may be conducted at airports.

The second set of exceptions has to do with other justifications for suspending the warrant requirement, such as “hot pursuit” when pursuing a suspect into a house, “emergencies” such as responding to a fire or call for help, “consent” when the police are given permission to search, and “plain view” when the violation of the law is observed from where the police are entitled to be and where other persons could observe it. In these instances, there is diminished interest in privacy and little, if any, loss of liberty or property rights attributable to the search. Put another way, the intrusion is justifiable on grounds other than a search; the discovery of the illegality is incidental to the intrusion. In a sense, these discoveries are not “searches” at all.

7. When can the police search my car?

People have a high expectation of privacy in cars, as they do in their homes and in their persons. Because cars are mobile, however, police have greater necessity to secure and inspect a car that may be involved in a crime or investigation, so they often may search a car without a warrant and without probable cause. For instance, police may do an inventory of a car before they impound it. Marijuana discovered in the glove compartment during the inventory can be used as evidence. *South Dakota v. Opperman*, 428 U.S. 364 (1976). Police cannot go beyond the purpose of the inventory, though, to open a locked suitcase. *Florida v. Wells*, 495 U.S. 1 (1990).

During an arrest of a person in a car, other occupants and the accessible interior of the car may be searched for the safety and protection of the police, as a search incident to an arrest. Similarly, police can search the accessible interior of a car stopped for suspicious behavior and its occupants for protective reasons, as in a *Terry* stop. Going beyond this, however, would be a violation of the fourth Amendment.

Teaching point: To begin instruction on this point, ask students how they feel about privacy in their cars, compared to privacy in their homes. What difference does it make that cars are more mobile? What about the fact that the interior of a car and its occupants are plainly visible to someone standing outside?

8. Can the school search me or my locker?

The key to understanding due process rights and obligations regarding searches by school authorities lies in appreciation of the special circumstances of schooling and the relationship between students and school authorities. First, schools have special responsibilities regarding students. The purpose of schools is to educate students, and to this end schools are empowered to establish and enforce rules to support a learning environment. To a certain degree, schools act in the place of parents, so have an obligation for the safety and moral and educational development of students in their care. For these reasons, school authorities have a high interest in order and proper behavior. Moreover, elementary and secondary students are typically minors, and in any event are seen as having developing, but not fully developed, capabilities, interests, and rights. Also, students have lower expectations of privacy while on school property.

The leading case in this area is *T.L.O. v. New Jersey*, 469 U.S. 325 (1985), where the Supreme Court allowed a school principal to search a student's purse for prohibited cigarettes after the student was observed by a teacher to be smoking in a bathroom. The principal did not have "probable cause" to search the purse, the standard that would have been required outside the school. Inside the school to maintain school rules, however, the principal could search with a lesser degree of certainty that the student committed an offense, i.e., with "reasonable suspicion" under the circumstance. In the case of a search of a student's locker, a key consideration would be the student's expectation of privacy. For instance, were the students permitted to use their own locks or did the school possess keys to open all lockers? Did the school publish a policy that lockers were not private student areas?

In a more recent case, the Supreme Court allowed school authorities to conduct random drug tests — that is, searches without any cause whatsoever — of student athletes. The Court justified its ruling on the notions that the students had diminished expectations of privacy in the school, the school had a strong interest in promoting proper behavior and preventing drug use, particularly of athletes, and that the tests were not very intrusive in students' privacy. *Vernonia School District 47J v. Acton*, 515 U.S. 646 (1995). A similar analysis should apply in the instance of metal detectors in schools or random locker searches.

9. What protections does due process require when the government tries to take away a benefit or other interest?

The protections required by due process depend on the balance of the factors set out in *Mathews v. Eldridge*, above. In cases of welfare, employment or social security benefits, in which the recipient is dependent upon the benefits for his/her livelihood, the protections required are substantial. For instance, in *Goldberg v. Kelly*, 397 U.S. 254 (1970), the statutory

entitlement of welfare benefits was considered "property," and their withdrawal was protected by the opportunity of an administrative hearing, with adequate notice, and the ability to present evidence and cross-examine adverse witnesses, before benefits were terminated. Similar protections are provided for other significant interests, such as a parent's relationship to her child.

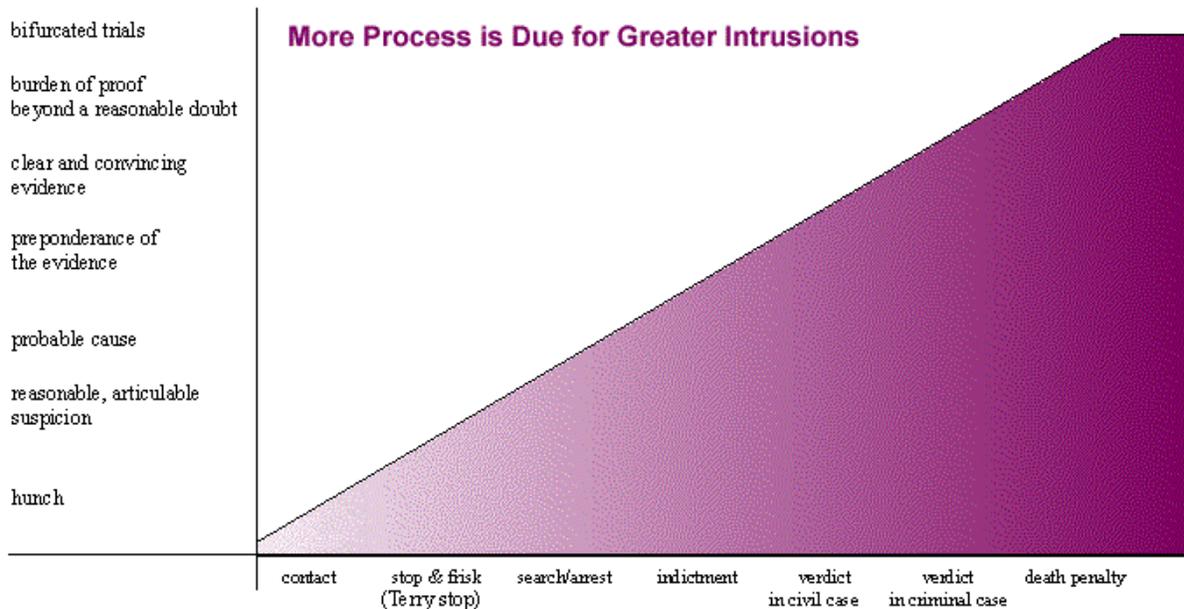
For instance, the Prevention of Child Abuse and Neglect Act of the District of Columbia created a statutory structure that permits the government to remove children from families only when the children are endangered, and only then in conjunction with substantial procedural protections, such as prompt hearings and appointed counsel. For instance, the city can only remove a child from parental custody on an emergency basis when they have reasonable belief that the child is in "immediate danger" and removal is "necessary," and a hearing must be provided the next day to justify the continued removal "to protect the person of the child." To determine whether parents are committing child neglect, the government must conduct a formal hearing. A second hearing is required to determine what the government can do to remedy the situation; the government is required to provide appropriate services to the family, and can only remove the child as a last resort if the child can't otherwise be protected. See 16 D.C. Code 2301 et. seq. (1995).

In other situations where the deprivation of a constitutionally protected interest is less severe, protections are correspondingly less. In the case of a suspension from school for less than ten days, the school authorities only need to provide the student with notice of the charge and evidence against her, and to listen to the student's version of the story, before the suspension. See *Goss v. Lopez*, above.

10. How does this whole idea of due process work?

It would be great if students would ask this question. To help them grasp the notion of the flexible and relative nature of due process, they could participate in the making of a graph that shows due process protections as one axis and the situations requiring due process along the other axis. The basic concept of the chart is reproduced here. Students should see, after constructing the chart, that due process is provided relative to the situation.

Teaching Point: The key to this part of the lesson is that the students should construct the graph or chart based on their understanding of the lesson. Thus, the chart serves both to evaluate what the students have learned and to instruct re the relative nature of due process. To have students construct the graph, first ask them to pin down the two extremes of the bottom axis, the deprivation/government interest axis. Ask: What is the most serious loss a person could suffer at the hands of the government? Answer: one's life, or the death penalty. What is the least serious government intrusion? There may be some debate on this, but many would say a simple contact is least (although highly intimidating for some), certainly when compared to other more intrusive interventions. Next, elicit the protections afforded with respect to the possible deprivations, and place them on the board. This should construct a chart something like on the following page.



THE LAW RELATED EDUCATION COLLECTION

@ THE TEACHERS COLLEGE RESOURCE CENTER, EMPORIA STATE UNIVERSITY

The right to vote is a topic that gets lots of attention when Election Day rolls around. This topic seems largely taken for granted, unless you are a student of the Constitution, or lack voting rights. To support this topic, we have several materials available, one of which is new. "The Election Process in America" DVD, has been purchased by the Kansas Bar Association, and placed here at the Center for use by students and educators. In this 50-minute documentary, the viewer will learn that there are more constitutional amendments dealing with elections and voting than with any other aspect of our government. Students at the high school level and above would benefit most from this resource.

If this topic fits your interests or needs, you may search online at emporiastate.worldcat.org and choose "Resource Center" from the Dropbox to see the full array of materials and

resources available here at the Center. If you plan to be in our area, we are located on the second floor of Visser Hall, on the Campus of Emporia State University, and we would be proud to give you the guided tour. You may also call (620) 341-5292 to check out resources during our hours, 9 a.m. to 6 p.m., Monday through Thursday, and 9 a.m. to 5 p.m. on Friday. We are able to mail out and receive items with no charge to the patron, thanks to the generosity of the Kansas Bar Association. Please help us to continue our "Buzz" here at the Law Related Education Collection at Emporia State University!

Janice Romeiser, Director,
Teachers College Resource Center
jromeise@emporia.edu

TERRIFIC TECHNOLOGY FOR TEACHERS

Want to see what both sides of the debate on teacher tenure have to say? Check out Teacher Tenure Debate: Pros & Cons <http://www.teachhub.com/teacher-tenure-pros-cons>

Is teacher tenure the best way to attract talent to the profession, or something that prevents principals from giving kids their best chance at success? Should teachers have tenure? Two heavy hitters in the education field weigh in on the pros and cons. Geoffrey Canada, educational activist and president of Harlem Children's Zone, argues no, while John Wilson, executive director of the NEA, argues yes. <http://www.education.com/debate/teacher-tenure/>

This site has a wealth of information about the pros and cons of teacher tenure, state-by-state time to tenure, k-12 teacher salaries, and interesting facts, such as in the "Did You Know" on <http://teachertenure.procon.org/>

Are you curious about the history of teacher tenure? Then check out this link for a brief summary. <http://certificationmap.com/teacher-tenure-debate/>

Interested in a reform that both sides might be able to agree on? Read about restructuring teacher pensions here. <http://wapo.st/1od2YRb>

BILL'S BAD DAY

As he sits in his living room one afternoon, Bill encounters a string of problems. His teenage son is sent home from school, suspended for three days. There is no note or reason given for the suspension.

The police knock at the door, wanting to search his house. They don't have a warrant.

An Internal Revenue Service Agent appears, wanting to ask him questions about his income tax deductions last year.

A social worker from the family protection service also arrives, looking for Bill's 8-year-old daughter who does not attend school. The social worker wants to remove the daughter from the home and place her temporarily in shelter care. Bill's wife provides home schooling to the daughter.

In the mail, Bill receives three letters. The first, from the state government, informs him that the state is building a highway where his house is located. It plans to take it and give Bill \$100,000, half of what Bill thinks it is worth. The second, from his employer, the city government, notifies him that he is fired from his job, due to a recent conviction for passing bad checks. Bill has never been arrested for anything, let alone convicted. The third letter, from the Social Security office, states that it is stopping the disability benefits his wife has been receiving, without giving reasons.

He picks up the paper and reads about the case of a convicted murderer, in which the jury is considering a death sentence.

DEAR READERS,

Law Wise is provided as a public service and is a publication funded by the KBA Law Related Education Committee through a grant from the Kansas Bar Foundation.

We are interested in your thoughts, ideas, and suggestions about current and future issues. In an effort to provide a format for subscribers to share information, we have created a new way to register and to receive *Law Wise*. If you do not currently receive *Law Wise* via your inbox but would like to, we need for you to let us know. Here are some simple instructions to do that.

KBA members:

Send Anne Woods, public services manager, an email at awoods@ksbar.org and request to be added to the *Law Wise* group.

Not a KBA member? Not a problem.

To register, follow these steps:

- 1) Visit www.ksbar.org
- 2) Click on the Join/Renew tab at the top left of the main menu
- 3) Click on the New Members "Click here to Join" button at the top
- 4) Scroll to the bottom of the page and select the **Educator** or **Guest** button and click Continue
- 5) Insert a username
- 6) Insert your first and last names
- 7) On the Education drop down menu select **Law Wise**
- 8) Complete the form.

Why are we making this change?

You will then be part of the *Law Wise* group and will receive your issue via email. You will also be able to post information and comments to the group that contains like-minded people.

Unsubscribe

If you decide in the future to unsubscribe, simply login, and on the *Law Wise* group page select the "Options" button at the top and select "Leave this Group".

The Kansas Bar Foundation, with Interest on Lawyers' Trust Accounts funding, provides support for this publication. *Law Wise* provides general information about law-related matters of interest to teachers, students, and the public in Kansas, but does not provide any legal advice, so readers should consult their own lawyers for legal advice. For further information about any projects or articles, contact Kathryn Gardner, Topeka, (785) 338-5366; or Anne Woods, public services manager, (785) 234-5696. *Law Wise* is published by the Kansas Bar Association, 1200 SW Harrison St., Topeka, KS 66612-1806, during the school year.