



2012 Student Essay Contest \$1,000, \$750 and \$500 Awards Plus \$500 Teacher Award



Deadline: March 1, 2012

- Required length: 1000–1500 words
- Essays will be judged by a distinguished panel of lawyers, judges, State Bar staff and educators.
- Essays will be evaluated according to content, originality, writing skills and a public school essay scoring rubric.
- Official entry rules and entry form are on page 4.
- A writing tutorial is available at www.nmbar.org.

Sponsored by the Modrall Sperling Law Firm

Modrall, Sperling, Roehl, Harris & Sisk, PA is proud to honor the late James E. Sperling through sponsorship of the State Bar of New Mexico Student Essay Contest. Mr. Sperling practiced law with the Modrall firm from 1946 until his death in 1991 and served for many years as the firm's president. An avid outdoorsman, Mr. Sperling had a life-long interest in natural resources law, and he developed and managed the firm's natural resources department.

Mr. Sperling also dedicated years of public service to the New Mexico legal community. He chaired the New Mexico Federal Judicial Selection Committee and the Admissions and Grievance Committee of the United States District Court for the District of New Mexico. He served for many years on the New Mexico Judicial Standards Commission and numerous other state and federal

committees. He also taught oil and gas law at the University of New Mexico School of Law and authored several scholarly articles on natural resources law.

Aside from the laurels associated with an extraordinary legal career, Mr. Sperling was a person of tremendous warmth, generosity and humility. He was a man of few words, but those he spoke were, as one of his colleagues put it, "nigh-on-perfect." During the latter years of his practice, much of Mr. Sperling's time was devoted to advising his law partners and training the new attorneys at the firm. His legacy to New Mexico lawyers and aspiring lawyers is his example of approaching law practice with unwavering integrity and complete dedication to the interests of one's clients.

TOPIC

The Search



Doug, an easy going student, earns average grades. Stan is a relatively quiet student with a B+ average. Chris, a braggart with an abrasive personality, gets by with a consistent C+.

The high school that the three attend has recently installed metal detectors and arranged for security patrols, complete with canines. School sports teams require mandatory urine tests. All this is due to the serious gang problem in the area. At the start of each academic year, school administrators provide students with a written statement that details the school's policy of conducting random, unannounced searches throughout the year of student lockers, desks, and any other targeted areas within the school. The statement informs students that they are to consider all such areas to be "public," not "private." The administrators have a master key to all lockers.

Doug, Chris, and Stan produce a school newspaper and up to the time of the incident had few stories of general interest. All of that changed when a public rally was held at a nearby private college to protest the cause of the day. The three high school students went to the college to take photos and report on events. While initially peaceful, the rally devolved into a

riot. People were injured, and some damage was done to the college. Although the vandalism was not extensive, theft of a valuable object caused great consternation. Worst of all, teenagers had been seen participating. The three students took photos of the scene and prepared reports of what they saw.

The issue of the school newspaper following the riot contained the reports along with various full color photos of the incident, one of which displayed the missing object. Administrators at the high school knew that something of value had been taken from the college and that their students were present throughout the riot. Witnesses had also reported that the three students were seen in the area where the valuable object had been located. Acting on this knowledge, the administrators proceeded to search the schoolroom where the newspaper was produced but found nothing. As one of the photos depicted the object, the administrators confiscated the students' mobile phones that had been used to take the pictures. The officials hoped to find evidence, such as text messages, to prove that the students had taken the object. The administrators also searched the lockers of the three students and the students' backpacks. Each bag was locked, but the administrators cut the locks to inspect the contents. Nothing was found, and the phones showed no text messages that related to the incident.

The students argue that the searches were a violation of the 4th Amendment as they were conducted without a warrant. The school opposes this.

THE ESSAY QUESTIONS

Please discuss whether the 4th Amendment applies to the searches and whether a warrant was required. The ensuing review of the investigation also raised four other questions. Please discuss each.

Question 1:

Did school officials have the right to search the schoolroom?

Question 2:

Did school officials have the right to confiscate and search the students' phones?

Question 3:

Did school officials have the right to search the lockers?

Question 4:

Did school officials have the right to search the backpacks?

RESEARCH

(Students may, and are encouraged to, perform further research as needed.)

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

Fourteenth Amendment: Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

New Jersey v. T. L. O., 469 U.S. 325 (1985) – “A warrantless search by a school official does not violate the Fourth Amendment so long as the official has reasonable grounds to believe that a student possesses evidence of illegal activity or activity that would interfere with school discipline and order.”

In re Josue T., 1999-NMCA-115, ¶ 14, 128 N.M. 56, 989 P.2d 431. Whether a search was reasonable is a legal determination for the Court.

Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646, 653, 115 S.Ct. 2386, 132 L.Ed.2d 564 (1995). Suspicionless searches can be justified in certain limited circumstances by special needs, beyond the normal need for law enforcement.

State v. Crystal B., 2001-NMCA-010, ¶¶ 21-22, 130 N.M. 336, 24 P.3d 771 (2000), supports the conclusion that particularized suspicion is required in order to justify a search at its inception.

Kennedy v. Dexter Consol. Sch., 2000-NMSC-025, ¶¶ 16-19, 129 N.M. 436, 10 P.3d 115 (Kennedy I). A school official is specifically required to have individualized suspicion before the official may conduct a lawful strip search of a student.

State v. Gage R., 2010-NMCA-104, ¶14, 243 P.3d 453 (2010) – New Mexico courts have long applied the two-prong standard articulated in T.L.O. to determine whether searches of students are justified.

(1) whether the school authority’s search was justified at its inception and (2) whether the search was reasonably related in scope to the circumstances that justified the interference.

LEGAL WRITING BASICS

Although it is not required that the applicant follow any specific format, a persuasive essay with “legal formatting” is strongly recommended in order to give the applicant the true “flavor” of legal writing. Further, even though portions of the statutes/law are included, the excellent essay may include additional statutory or case research. As in real life, sometimes there is not enough information presented to answer a legal question.

Attorneys follow proper rules of written form to make their documents easier to read. The generally accepted form of a legal argument is an outline (refer to our website for more information).

First, a brief summary of the facts should introduce the reader to the event in question. Second, the legal argument is presented. There is generally more than one argument in a legal memo or brief. This essay contains three questions; each question contains a legal argument. Thus, your response would normally contain three sub-parts. Each sub-part would contain: a heading, which states your conclusion in one sentence; a statement of the applicable legal rule; your application of the facts given to the legal rule; and a conclusion, summarizing the key points leading to your conclusion.

VISIT US ONLINE AT
www.nmbar.org
for additional help and hints.

For Students

- ✓ **Essay Contest Flyer**
- ✓ **Essay Contest Tutorial**
- ✓ **Official Entry Form**
- ✓ **View Past Winning Essays**

For Teachers

- ✓ **Standards and Benchmarks information**
- ✓ **Public Schools Generic Essay Scoring Rubric**



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ESSAY CONTEST RULES (Note: Entries that do not follow all rules will be disqualified.)

1. The contest is open to New Mexico high school juniors and seniors only.
2. All entries must be received via email no later than 5 p.m., March 1, 2012.
3. Each entry must be on 8 ½" x 11" paper in 12-point Arial or Times New Roman font, double-spaced.
4. Each entry must contain 1000 to 1500 words.
5. The heading at the top of the first page must include:
Name of the student
Name of the school
Name of the teacher
Word count
6. Each entry must be accompanied by a completed entry form.
7. Judging will utilize the Public School Generic Essay Scoring Rubric in the following areas:
Content: Demonstrates clear understanding; deals with subject in strong and convincing manner; uses persuasive information.
Originality: Demonstrates creativity or originality; strongly shows writer's attitude or point of view in a meaningful and original way; thesis clearly supported.
- Writing Style:** Well-organized and focused; begins and ends effectively; strong development; writing style and structure reinforce tone and content; no grammatical errors; authoritative, using appropriate vocabulary and tone.
8. Essays must be the original work of the student.
9. Essays will be judged by State Bar members, staff, and a distinguished panel of judges representing lawyers and courts statewide.
10. The awards are as follows:
1st Place, \$1,000 and 1st Place Winner's Teacher, \$500
2nd Place, \$750
3rd Place, \$500
11. Teachers will receive their students' scores.
12. Winners will be presented at a luncheon in Albuquerque during Law Day activities in May 2012.
13. The State Bar of New Mexico reserves the right to reprint the essays and to release the winning essays to local newspapers for publication. All essays will become the property of the State Bar for publicity and promotional purposes.

State Bar of New Mexico 2012 Student Essay Contest Entry Form

(Please type or print. Complete all information. Download an entry form at www.nmbar.org.)

Name of Student:

Check One: ☐ Junior ☐ Senior

Word Count:

Name of School:

Name of Teacher:

School Phone:

School Street Address:

City:

Zip:

☐ I hereby certify that the essay I submit is my original work.

Student Signature

Entries that do not follow all rules will be disqualified. Email essay and entry form to dseago@nmbar.org.
For further assistance or questions, call Dorma Seago, 505-797-6030.