

## 2015 State Bar High School Student Essay Contest

**Deadline:** March 2, 2015

**Required length:** 1,000-1,500 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 are on page four.

All materials and a writing tutorial are available at [www.nmbar.org](http://www.nmbar.org).  
(Under Publications & Resources, choose High School Essays.)



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### Sponsored by the Modrall Sperling Law Firm

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**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.

# A “Right” To Privacy?

## The Topic

The U.S. Constitution contains no express guarantee of privacy, yet the Bill of Rights presents certain aspects such as the privacy of beliefs (1st Amendment), privacy of the home against demands that it be used to house soldiers (3rd Amendment), privacy of the person and possessions against unreasonable searches (4th Amendment), and protection against self-incrimination (5th Amendment), all of which safeguard the privacy of personal information.

The right of citizens to privately determine educational choice has been tested in our courts. In *Meyer v Nebraska*, 262 U.S. 390 (1923), the United States Supreme Court held that while a state could compel students' attendance at a school and reasonably regulate all schools requiring instruction in the English language, this desire of the legislature to foster a homogeneous people must be limited. Although the aim is to produce citizens with American ideals prepared readily to understand current discussions of civic matters, the state must show a compelling need to infringe upon the rights of parents and teachers to decide the best course of education for young students, which may well include the teaching of foreign languages.

Three years later, the Court in *Pierce v. Society of Sisters*, 268 US 510 (1925), held that rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the state. A state has the general power to standardize its scholastic instruction, but those who nurture the child, both the parents and those standing *in loco parentis*, have a right to choose how and where a child may be educated, whether in a parochial or public school.

Fast forward to the 13th of May, 2014, and to a new facet of the right to privacy, when the Court of Justice of the European Union declared that individuals have the right to be forgotten. As the court described the matter, under certain conditions, search engines must remove links containing individuals' personal information if asked to do so. This would apply in instances where the information is inaccurate, inadequate, irrelevant or excessive for the purposes of data processing. At the same time, the Court explicitly clarified that the right to be forgotten is not absolute but will always need to be balanced against other fundamental rights, such as the freedoms of expression and of the media.

## The Essay Question

Keeping in mind that the Court of Justice of the European Union has no authority or control over the United States, discuss whether U.S. courts are correct in implying the presence of a right to privacy in the U.S. Constitution with reference to the above Amendments and *Sidis v. F-R Publishing Corp.*, 113 F.2d S06 (2d Cir.), cert. denied, 311 U.S. 711 (1940), and conclude with a two-part analysis: (1) whether a “right to be forgotten” should exist in the United States, and (2) what the cost of such a right would be. For bonus points, consider briefly whether that right exists under the New Mexico State Constitution.

## Legal Writing Basics

Although following a specific format is not required, a persuasive essay with “legal formatting” is strongly recommended to achieve the true “flavor” of legal writing. Further, even though portions of statutes/law are included, the excellent essay will 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.

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. Each question that accompanies the essay topic contains a legal argument. Your response would normally contain subparts to go with each of these questions. Each subpart 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. Participants are encouraged to include a works cited page and should cite sources appropriately.

Visit us online at [www.nmbar.org](http://www.nmbar.org) for additional help and hints.

### For Students

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

### For Teachers

- ✓ Standards and Benchmarks Information
- ✓ Public Schools Generic Essay Scoring Rubric



# Essay Contest Rules

1. The contest is open to New Mexico high school juniors and seniors only.
2. All entries must be submitted **online** ([www.nmbar.org](http://www.nmbar.org) > Publications & Resources > High School Essays) no later than 5 p.m. MST, March 2, 2015.
3. **All fields** on the online entry form must be completed.
4. Each entry must be a Word Document, using 12-point Arial or Times New Roman font, double-spaced. (Max file size, 20 MB)
5. Each entry must contain **1,000 to 1,500 words**.
6. **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
7. **Essays must be the original work of the student.**
8. Essays will be judged by State Bar members, staff, and a distinguished panel of judges representing lawyers and courts statewide.
9. 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.
10. The awards are as follows:
  - ✓ 1st Place, \$1,000 and 1st Place Winner's Teacher, \$500
  - ✓ 2nd Place, \$750
  - ✓ 3rd Place, \$500
11. Winners will be presented at a luncheon in Albuquerque during Law Day activities in May 2015.
12. 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.

**Entries that do not follow all rules will be disqualified.**

Submit essays online.

([www.nmbar.org](http://www.nmbar.org) > Publications & Resources > High School Essays)

For more information, call Evann Kleinschmidt, 505-797-6087.