

2016 State Bar Student Essay Contest



MIRANDA: More Than Words

Deadline: Feb. 29, 2016

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 4.
- All materials and a writing tutorial are available at www.nmbar.org > Publications & Resources > Essay Contest

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, "high-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.



The Miranda Warning has become ingrained in law enforcement and has permeated popular consciousness through countless recitations in films and television shows. Yet Miranda is only part of the story when it comes to the procedures for ensuring justice.



Imagine that you are a police officer. One night, while on patrol along a two lane road, you stop a car that has twice crossed the median. Prior to this, you had received a radio call that included an incomplete description of a vehicle at a robbery earlier in the day along with a partial license plate number. The few details match the car you have stopped. There are two occupants in the vehicle.

You and your partner approach the vehicle and ask the occupants for identification. In plain view from the passenger side is a packet of rolling papers. Driver and passenger are compliant, but each has a vastly different and conflicting story about their actions that night. They both look very nervous. You ask the driver for registration and

insurance. Then you ask if it is alright to search the car. The two remain quiet, but the passenger nods his head in an up and down motion which appears to mean, “yes, it is alright to search the car.” Before you begin the search, you ask, “is there any contraband in the car?” No answer is forthcoming from either the driver or passenger. After you run a check of the identification, you learn that the passenger is not a citizen of the United States.

- Question 1:** Is the driver being detained? If so, when does the detention begin?
- Question 2:** Are the questions you have asked incriminating? Why are you asking the questions?
- Question 3:** Are the driver and passenger to be advised of their Miranda rights prior to you asking the questions?
- Question 4:** If, prior to the contraband question, the driver says, “maybe I should talk to a lawyer” do you have to stop questioning?

Use the following research materials in preparing your essay. Be advised that some sources of research that you may also use are the opinions of the authors and should not be taken as law. Even though a source may quote law, you cannot necessarily accept the position the author has taken or the interpretation of the part of law selected.

Research:

- Miranda v. Arizona, 384 U.S. 436 (1966)
- Maryland v. Shatzer, 559 U.S. 98 (2010)
- Rhode Island v. Innis, 446 U.S. 291 (1980)
- New York v. Quarles, 467 U.S. 649 (1984)
- Davis v. United States, 512 U.S. 452 (1994)
- State v. Olivas, 2011-NMCA-030, 149 N.M. 498, 252 P.3d 722
- State v. Munoz, 1998-NMSC-048, 126 N.M. 535, 972 P. 2d 847
- State v. Wilson, 2007-NMCA-111, 142 N.M. 737, 169 P.3d 1184

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 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 > Publications & Resources > High School Essays) no later than 5 p.m., Feb. 29, 2016.
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 notified via email by April 1.
12. Winners will be presented at a luncheon in Albuquerque during Law Day activities in May 2016.
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.

Entries that do not follow all rules will be disqualified.

Submit essays online. (www.nmbar.org > Publications & Resources > High School Essays)

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