



## ESSAY CONTEST RULES

1. The contest is open to New Mexico high school juniors and seniors only.
2. All entries must be submitted to [www.nmbar.org/EssayContest](http://www.nmbar.org/EssayContest) no later than 5 p.m., Feb. 27, 2017.
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 March 31, 2017.
12. Winners will be presented at a luncheon in Albuquerque during Law Day activities in May 2017.
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.**

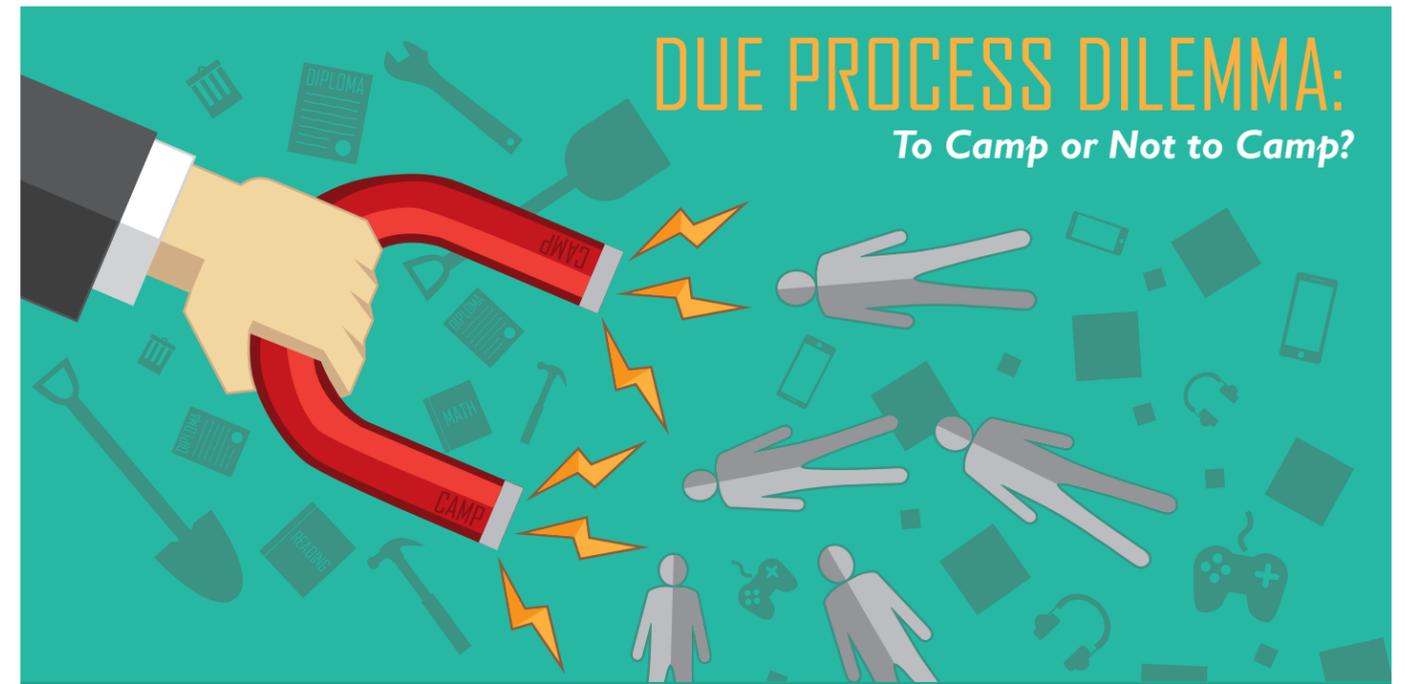
Submit essays online: [www.nmbar.org/EssayContest](http://www.nmbar.org/EssayContest)

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



**\$1,000, \$750 and \$500 Awards  
Plus \$500 Teacher Award**

## 2017 State Bar Student Essay Contest



**Deadline:** Monday, Feb. 27, 2017

**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/EssayContest](http://www.nmbar.org/EssayContest)

### 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.



# Due Process Dilemma: To Camp or Not to Camp?

## BACKGROUND

Wikipedia defines “Due Process” as “the legal requirement that the state must respect all legal rights that are owed to a person. Due process balances the power of law of the land and protects the individual person from it. When a government harms a person without following the exact course of the law, this constitutes a due process violation, which offends the rule of law.”

The U.S. Supreme Court in *Hagar v. Reclamation Dist.*, 111 U.S. 701, 708 (1884), stated that “Due process must be pursued in the ordinary mode prescribed by law; it must be adapted to the end to be attained; and whenever necessary to the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought. Any legal proceeding enforced by public authority, whether sanctioned by age or custom or newly devised in the discretion of the legislative power, which regards and preserves these principles of liberty and justice, must be held to be due process of law.”

The constitutional guarantee of due process of law, found in the Fifth and Fourteenth Amendments to the U.S. Constitution, prohibits all levels of government from arbitrarily or unfairly depriving individuals of their basic constitutional rights to life, liberty, and property. The Equal Protection Clause of the Fourteenth also provides that no state shall deny to any person within its jurisdiction “the equal protection of the laws.”

## QUESTION

The legislature of a state recently completed a study on the behavior of teenagers. The study was called “Drop Out—Rise In Prison” (DO-RIP). The study revealed a correlation between the school dropout rate and the level of criminal activity in the community and increased populations in jails and prisons. The study indicated that the connection was most pronounced among boys ages 15 to 18 years old.

In order to try and reduce the dropout rate, after many meetings, the legislature enacted a statute creating the “Helping Youth Progress Program” (HYPP). This program takes boys ages 15 to 18 who have dropped out of school and sends them to camps located on public lands. It provides them with a comprehensive education leading to a high school diploma. It offers regular classes in core academic skills like the three “Rs”, Reading, Writing, and Arithmetic. To defray a portion of the costs of the school, the program requires the boys to work on projects such as cleaning ditches, helping with minor government construction projects, mowing grass, and collecting trash from the highways for a few hours each day. To compensate the boys for their work, they are provided free text books, lunch, a snack, and a sports drink every day. They also get to keep the safety helmet, glasses and gloves when they finish the program.

Pete, age 15, has dropped out of school and, consequently, has been placed in the program. Pete does not want to go to a HYPP camp. He would rather spend his time playing video games and hanging out with his friends. He has only been in trouble a few times in the past, but he has learned his lesson and doesn’t plan on any more trouble. He and his friends are planning on starting a YouTube channel, where he is sure he’ll make enough money to survive until he decides what he wants to do.

Pete and his parents have filed a lawsuit attacking the validity of the statute creating the HYPP camps. The lawsuit was filed under the provisions of the U.S. Constitution: (1) the Fifth and Fourteenth Amendments of the Due Process Clause; and (2) the Fourteenth Amendment Equal Protection Clause. The State has answered the lawsuit and claims that no one’s constitutional rights have been violated. The State points out it is simply trying to protect Pete, his family, and the community from the financial and emotional price that Pete, his family, and the community will have to pay in the future because Pete decided to drop out of school.

**What arguments could Pete and the State reasonably make in support of their respective position, and how should the court rule on each? Discuss.**

Use the following research materials to answer your question and feel free to look at other laws and sources. Be advised that some sources 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

- 5th Amendment
- 11th Amendment
- 13th Amendment
- 14th Amendment
- Article II, § 18, of the New Mexico Constitution
- *Cantwell v. Connecticut*, 310 U.S. 296 (1940)
- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943)
- *Walz v. Tax Commission*, 397 U.S. 1 (1947)
- *Adamson v. California*, 332 US 46 (1947) (dissent by J. Black)
- *McDonald v. City of Chicago, Ill.*, 130 S. Ct. 3020 (2010) (dissent by J. Thomas)

## 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/EssayContest](http://www.nmbar.org/EssayContest) 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