

**A School Search & Civil Discourse: Lessons from the Courtroom**  
*50-minute Program for Distance Learning*

**Program summary:** Students meet and work with a judge, a criminal defense attorney, and a prosecutor to learn the importance of civil discourse in the courtroom. After applying those lessons as student-attorneys, students discuss how to apply what they’ve learned to their everyday lives.

**Program goals:**

1. Develop an understanding of civil discourse and its important role in the courtroom, as well as students’ personal lives.
2. Discuss students’ 4<sup>th</sup> Amendment rights at school.
3. Practice oral communication skills.
4. Meet and learn from a federal judge, federal criminal defense attorney, and Assistant U.S. Attorney.

Time	Activity	Location
(5 mins.)	<p><b>Welcome!</b></p> <ul style="list-style-type: none"> <li>• Brief introduction from judge and attorneys</li> <li>• Brief introduction from judge about today’s program topics</li> </ul>	Group
(10 mins.)	<p><b>Patience is a Virtue!</b></p> <ul style="list-style-type: none"> <li>• What is civil discourse? What is civility?</li> <li>• US Courts YouTube <a href="#">Video Civility in Law and Life</a></li> <li>• What are some key phrases or thoughts that stuck with you from the video?</li> </ul>	Group
(15 mins.)	<p><b>Can They Really Do That? – School Search</b></p> <ul style="list-style-type: none"> <li>• Judge briefly reviews School Search Power Point slides: text of 4<sup>th</sup> Amendment, general rule, an exception is reasonable suspicion, reasonable at the start of &amp; during the search</li> <li>• Students break into 2 groups: (1) prosecutors and (2) defense attorneys</li> <li>• Review fictional fact summary of search of a student and his/her belongings at school</li> <li>• Did the search violate the student’s 4<sup>th</sup> Amendment rights while at school? Prosecutors (no violation); Defense attorneys (violation of rights)</li> <li>• Additional topics of discussion:               <ol style="list-style-type: none"> <li>• 1. What is your initial reaction to the search?</li> <li>• 2. What do you think about the protections of the 4<sup>th</sup> Amendment – while at school and elsewhere?</li> <li>• 3. How do you present your “argument” in a civil way to the judge?</li> <li>• 4. How would you work with opposing counsel to prepare for the hearing?</li> </ol> </li> </ul>	Group  Two Break-Out Rooms

	<ul style="list-style-type: none"> <li>5. How will you address the judge and how will you treat opposing counsel in a professional manner?</li> </ul>	
(10 mins.)	<b>Court's in Session!</b> <ul style="list-style-type: none"> <li>Students reconvene as a group for a hearing before the judge on whether or not the student's 4<sup>th</sup> Amendment rights were violated during the search.</li> <li>The judge calls on the selected student-attorneys to present their "arguments" – be ready for the judge to ask you questions and apply what you've learned about civil discourse!</li> </ul>	Group
(10 mins.)	<b>How Would You React?</b> <ul style="list-style-type: none"> <li>Students discuss with the judge and attorneys how they can apply these lessons on civil discourse in their everyday lives.</li> </ul>	Group

Case scenario: **Daniel and Manuela Gallimore, as parents of W.S.G. v. Henrico County School Board**

**Who:** W.S.G. (a minor) attends Hermitage High School and has hair that may be considered long.

**Reports from Parents:** On February 11, 2013, Robert Turpin, the Assistant Principal at Hermitage High School, and Diane Saunders, the Associate Principal at Hermitage High School, received reports from two parents that a long-haired student had smoked marijuana on a Hermitage High School bus that morning.

**The Search of W.S.G.:** That afternoon, Mr. Turpin brought W.S.G. to Ms. Saunders' office. W.S.G. did not know why he had been summoned to the office.

- W.S.G. emptied his pockets.
- Then, without explanation, Mr. Turpin began a search of W.S.G.
- He patted down W.S.G.'s person.
- He searched W.S.G.'s backpack, shoes, and pockets.
- Ms. Saunders searched W.S.G.'s Vaseline jar, a sandwich wrapper, and cell phone.

**The Results of the Search:**

- Mr. Turpin and Ms. Saunders found marijuana in W.S.G.'s backpack and pockets, possible marijuana in the sandwich wrapper, and a list of names in his cell phone that appeared to be people who owed W.S.G. money.

**Court Proceedings:**

- W.S.G. was charged with possession with intent to sell and deliver marijuana
- W.S.G. has moved to suppress (exclude, keep out) all the evidence because: (1) the search was not reasonable when it started because there was no reasonable suspicion to believe he possessed marijuana and (2) the scope of the search (all the items that were searched) was not reasonable. He believes the search violated his 4<sup>th</sup> Amendment rights.

