

# **New Jersey v. T.L.O. / Mini-Moot Court Activity**

## **Safford v. Redding (2009)**

### **An Overview of a Mini-Moot Court**

A moot court is a simulation of an appeals court or Supreme Court hearing. The court is asked to rule on a lower court's decision. No witnesses are called, nor are the basic facts in a case disputed. Arguments are prepared and presented on a legal question (e.g., the constitutionality of a law or government action or the interpretation of a federal statute).

### **Activities**

- 1) **Review the facts of the case:** In pairs, read the facts, issue, constitutional amendment, and precedent (*New Jersey v. T.L.O.*) of *Safford v. Redding* (2009).

#### **Useful Vocabulary:**

- **Petitioner:** The person/organization/company who lost in the lower court and now appeals the lower court decision to a higher court.
- **Respondent:** The person/organization/company who won in the lower court and now argues that the lower court decision was correct.

*Note: In some states, different terms may be used such as appellant and appellee.*

With your partner, discuss the following questions:

- What happened in this case?
  - Who are the people/organizations/companies involved?
  - How did the lower court rule on this case?
  - Who is the petitioner? Who is the respondent?
  - What is the legal question that has to be resolved in this case?
  - How does the precedent, *New Jersey v. T.L.O.*, apply to this case?
- 2) **Identify the issue in this case:**
    - Who was the actor(s)?
    - What is the specific part of the Constitution involved?
    - Who was affected by the action(s)?
    - What caused the controversy?

3) **You will be assigned a role:** You will be assigned to be a petitioner, respondent, or justice for the mini-moot court. You will meet with others in the class who will play the same role to prepare.

4) **Prepare for your role in groups:**

**Petitioner/respondent attorney group preparation:**

Each group of students should consider:

- What does each side (party) want?
- What are the arguments in favor of and against each side?
- Which arguments are the most persuasive? Why? What counter arguments should you anticipate and how will you rebut them?
- How does the legal precedent influence this case? (A precedent is a previously decided case recognized as the authority for future cases on that issue. Using precedents allows for the development of more sophisticated arguments.)
- What might be the consequences of each possible decision? To each side? To society?
- Are there any alternatives besides what each side is demanding?

***Note:** Your team should consider all of the facts in the summary. You may not argue the accuracy of the facts. Your arguments do not need to only be rooted in legal technicalities. Any argument that is persuasive from a philosophical, theoretical, conceptual, or practical standpoint can be made. Teams should rely on principles found or implied in the United States Constitution.*

**Justice/judge preparation:**

You should meet with the other justices to discuss the issue involved and how the case precedent applies to the case before you. You should prepare at least five questions for each side that you need to have answered by the attorneys in order to reach a decision. The questions should not ask about the accuracy of the facts, but rather how the established facts, constitutional provisions, and precedents support each argument. Think about possible hypothetical problems to ask. How will the decision in this case affect other cases in the future?

5) **The mini-moot court:**

Move to a mini-moot triad. Each triad will have a justice, a petitioner, and a respondent.

The justice will run the mini-moot court. The justice should ask each side to present their arguments in the following order:

<b>Initial Presentation</b>	Petitioner	3 minutes
<b>Initial Presentation</b>	Respondent	3 minutes
<b>Rebuttal</b>	Petitioner	2 minutes
<b>Rebuttal</b>	Respondent	2 minutes

Each side gets three minutes for its basic argument and two minutes for rebuttal. Your teacher will be the official timekeeper of the proceedings.

The justice may ask questions at any time in an effort to clarify the arguments. Time continues to run as the justice interrupts to ask questions.

After all arguments have been presented, the justice should consider the arguments and reach a decision. Justices should write their decisions and a brief explanation of the reason they reached that decision including specific arguments and precedents.

- 6) **Handing down decisions:** Return to your original seats to listen to each justice hand down their decisions and the reasons behind them.

Your teacher will share the Court's decision in *Safford v. Redding*.

## **Safford Unified School District #1 v. Redding (2009)**

**Argued:** April 21, 2009

**Decided:** June 26, 2009

### **Facts**

Statistics show that middle-school-age children are abusing over-the-counter and prescription drugs at alarming rates, news that concerns government and school officials. While the Fourth Amendment protects individuals from unreasonable searches and seizures by the government, the Supreme Court has noted that students' protections under the Fourth Amendment are diminished in a public school setting. At Safford Middle School, authorities were still reeling from an incident in 2002 when a student was hospitalized from an adverse reaction to a prescription drug illegally obtained from another student. This case, *Safford Unified School District #1 v. Redding*, asks whether school officials were justified in searching a 13-year-old middle school honors student for possession of prescription drugs.

In October 2003, Jordan Romero, a student at Safford Middle School, brought a 400 mg prescription-strength ibuprofen pill to Assistant Principal Kerry Wilson's office. Jordan claimed that another student, Marissa Glines, had given it to him, and that more pills were to be distributed during lunch. Jordan had previously reported obtaining pills from another student and becoming ill after ingesting them. Wilson immediately called Marissa to his office and searched her belongings, discovering more pills, a planner containing knives, a lighter, and a cigarette. Marissa claimed Savana Redding had given the pills to her. Wilson then called Savana to his office.

Savana identified the planner as hers, but claimed she hadn't seen the knives, lighter, or cigarette before. Wilson then questioned Savana about ibuprofen pills that Wilson had confiscated from Marissa. Savana denied possessing and distributing pills and agreed to let Wilson and his assistant search her belongings.

When the initial search of Savana's backpack produced nothing, Wilson's assistant and the school nurse conducted a more thorough search in the privacy of the nurse's office. The two women asked Savana to remove her clothing for inspection for ibuprofen, as Savana sat in her bra and underpants. Finding nothing, the nurse asked Savana to pull her bra to the side and shake it, exposing her breasts in the process. The nurse then asked Savana to pull the crotch of her underpants to the side and shake it, exposing her pelvic area in the process. Neither woman touched Savana as she disrobed.

Savana filed suit against the school for conducting an unreasonable search. The federal District Court ruled for the school district. However, on appeal the federal Court of Appeals ruled in favor of Savana. The appeals court found that Savana's Fourth Amendment rights were violated

as the search conducted in the nurse's office was not justified at its inception and was not reasonable in scope. The school district asked the Supreme Court to grant review, and it agreed.

### **Issue**

Does the Fourth Amendment prohibit public school officials from conducting a search beneath the clothing of a student suspected of violating school policy by possessing and distributing a prescription drug?

### **Constitutional Amendment and Supreme Court Precedent**

#### – **Fourth Amendment to the U.S. Constitution**

“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 person or things to be seized.”

#### – ***New Jersey v. T.L.O.* (1985)**

A public-school student was caught smoking in the bathroom in violation of school policy. When she denied the allegation, the assistant principal searched her purse and found cigarettes as well as rolling papers commonly associated with marijuana use. Concerned about illegal drug possession, the assistant principal proceeded with a more intrusive search deeper into the purse and found marijuana, a pipe, plastic bags, a large amount of money, and documents implicating the student in marijuana dealing, which was illegal. The student claimed the search violated her Fourth Amendment rights.

The U.S. Supreme Court weighed the student's privacy interests against the need of educators to maintain a safe learning environment. The Court found that the Fourth Amendment's prohibition on unreasonable searches applied to searches conducted by school officials. The Court developed a two-part inquiry for what constitutes a reasonable search: **1)** was the search justified at its inception? and **2)** was the search reasonable in scope? To satisfy the first prong of the inquiry, the school official must have a reasonable suspicion—a standard easier to meet than probable cause—that the search will turn up evidence. To satisfy the second prong, the extent of the search must be related to the objectives of the search and not excessively intrusive “in light of the age and sex of the student and the nature of the infraction.” Here, the report that the student had been smoking warranted reasonable suspicion to justify the search at its inception. The discovery of rolling papers gave rise to a suspicion of marijuana use and justified continuing and expanding the scope of the search. Thus, the Court held that the search of the student's purse was reasonable.

# Handout I: Justice/Judge

---

Prepare at least five questions to ask each side (petitioner and respondent). The questions should not ask about the accuracy of the facts, but rather how the established facts, constitutional provisions, and precedents support each argument.

Call the case to order by saying, "We will hear arguments today in (case name)." After hearing arguments from both the petitioner and the respondent, decide whether you think the decision of the lower court should be upheld or overturned. Be prepared to share the reasoning behind your decision.

<b>Case name:</b>	
<b>Constitutional question(s):</b>	
<b>Questions for petitioner:</b>	
<b>Questions for respondent:</b>	

Questions for respondent (cont.):

**Notes on the petitioner's argument:**

**Notes on the respondent's argument:**

Notes on respondent's argument (cont.):

**Decision:**

**Reasons for decision (opinion):**

Consider the strengths of the arguments and how precedents should be applied. Be sure to consider the impact of your decision on other situations that may arise in the future. If there is a precedent that is directly on point (very similar to your case) and you decide NOT to follow that precedent, be prepared to explain why you are overturning an established precedent (this should only happen on rare occasions and for extremely compelling reasons).

# Handout 2: Petitioner

---

Outline an argument for the petitioner using the established facts, constitutional provisions, and precedents. Predict what questions the justice/judge will ask. Take notes on the respondent's argument to help prepare your rebuttal.

In preparing your arguments, you should think about the following questions:

- Why is the decision of the lower court wrong?
- What decision do you want?
- What are the legal and policy arguments in favor of and against each side? (Anticipating the opposition can strengthen your argument.)
- Which arguments are the most persuasive? Why?
- What are the precedents and how do they influence this case?
- What might be the consequences of each possible decision?

<b>Case name:</b>	
<b>Petitioner:</b>	
<b>Constitutional question(s):</b>	
<b>Precedents that support your argument:</b>	

**Argument for petitioner:**

**Possible questions from justice:**

**Respondent argument notes:**

**Rebuttal points:**

# Handout 3: Respondent

---

Outline an argument for the respondent using the established facts, constitutional provisions, and precedents. Predict what questions the justice/judge will ask. Take notes on the petitioner's argument to help prepare your rebuttal.

In preparing your arguments, you should think about the following questions:

- Why is the decision of the lower court right?
- What decision do you want?
- What are the legal and policy arguments in favor of and against each side? (Anticipating the opposition can strengthen your argument.)
- Which arguments are the most persuasive? Why?
- What are the precedents and how do they influence this case?
- What might be the consequences of each possible decision?

<b>Case name:</b>	
<b>Respondent:</b>	
<b>Constitutional question(s):</b>	
<b>Precedents that support your argument:</b>	

**Argument for respondent:**

**Possible questions from justice:**

**Petitioner argument notes:**

**Rebuttal points:**