



The Mock Oral Argument Experience
The School Search

Fourth Amendment United States 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 persons or things to be seized.”

Tim's Parents v. Orange Blossom School

Two weeks before school got out for the summer, the school principal heard a rumor that a student on campus had cigarettes in his bookbag. The principal did not know which student had the cigarettes. The principal ordered a search of all student bookbags, purses, and lockers. While searching through Tim's bookbag, the principal found a pocket knife. Tim was suspended from school for ten days and missed his final exams. Because of this, Tim failed the sixth grade. Also, Tim was sent to juvenile court for carrying a weapon to school.

Tim's parents sued the school in superior court. They argued that the search of Tim's bookbag was unfair and that it violated Tim's Fourth Amendment rights. The superior court agreed with Tim's parents and said that the search was unfair. The school appealed the court's decision to the Court of Appeals. The Court of Appeals disagreed with the superior court and ruled in favor of the school. The Court of Appeals said that the bookbag search was fair and that it did not violate Tim's Fourth Amendment rights. Now Tim and his parents have asked the Georgia Supreme Court to decide whether the school's search violated Tim's Fourth Amendment rights.

Constitutional Question:

Does the school's search of a student's bookbag violate the student's Fourth Amendment rights?

Case Study Sheet

I. What are the Facts?

II. State the Issue to be Decided:

III. Arguments for Appellant, Tim's parents:

IV. Arguments for Appellee, Orange Blossom School:

V. What Would You Decide?

VI. Reason/Evaluation?

VII. Mock Supreme Court Tentative Decision:

Deputy Clerk's Script

(When door opens and Justices begin to enter)

- Bang gavel twice
- Announce in a loud voice: "ALL RISE! THE HONORABLE SUPREME COURT OF GEORGIA IS NOW IN SESSION."
- Bang gavel twice more
- Announce in a loud voice: "YOU MAY BE SEATED."

(When Chief Justice rises to leave)

- Bang gavel twice
- Announce in a loud voice: "ALL RISE!"
- Once the last Justice exits the magic door, bang the gavel once (indicating everyone is free to leave)

Chief Justice's Script

The Court is ready to hear the case of Tim's Parents v. Orange Blossom School.

Are the attorneys ready to proceed?

Attorney for the Appellant may begin.

[When the Deputy Clerk calls time, tell the appellant's attorney that his/her time is up. If the attorney is in the middle of an answer when time is called then you can tell him/her that he/she may briefly finish his/her answer.]

Attorneys for the Appellee may begin.

[When the Deputy Clerk calls time, tell the appellee's attorney that his/her time is up. If the attorney is in the middle of an answer when time is called then you can tell him/her that he/she may briefly finish his/her answer.]

Attorneys for the Appellant may present rebuttal.

[When the Deputy Clerk calls time, tell the appellant's attorney that his/her time is up. If the attorney is in the middle of an answer when time is called then you can tell him/her that he/she may briefly finish his/her answer.]

Attorneys, thank you for your arguments. The Court will announce its decision shortly.

Appellant Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE APPELLANTS, TIM'S PARENTS, WHO ARGUE THAT THE SCHOOL VIOLATED TIM'S FOURTH AMENDMENT RIGHTS AND THAT THE SCHOOL SHOULD NOT BE ALLOWED TO SEARCH STUDENT BOOKBAGS.

Tim's Parents' Arguments (*against* bookbag searches) include:

1. Students do not lose their rights when they come to school.
2. Schools should have a good reason before they are allowed to search a student or a student's things.
3. Tim should not get in trouble for having a knife at school when the principal was actually searching for cigarettes.
4. A student may be embarrassed when the school searches a student's personal things.

Try to think of other arguments against school searches. Write these arguments on the note pad at your seat.

Appellee Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE APPELLEE, ORANGE BLOSSOM SCHOOL, WHO ARGUES THAT THE BOOKBAG SEARCH DID NOT VIOLATE TIM'S FOURTH AMENDMENT RIGHTS.

The School's Arguments (for *allowing* searches of bookbags) include:

1. The school has a duty to protect students from bad things that may be brought to school and hurt someone.
2. Even though the principal was searching for cigarettes, he should not ignore other bad things he may also find.
3. Students will not bring bad things to school if they know that their stuff will be searched.
4. Keeping students safe is much more important than protecting their privacy.

Try to think of other arguments in favor of school searches. Write these arguments on the note pad at your seat.

Sample Questions for Justices

(Each Justice may ask one question)

Questions to ask the Appellants (Tim's Parents):

1. Doesn't the school need to be able to take knives and other weapons away from its students?
2. Isn't making sure that the school is safe one of a school's biggest jobs?
3. If we rule that the search of Tim's bookbag violates the Fourth Amendment, doesn't that tell students that they can carry whatever they want, as long as no one finds out?
4. In today's world, isn't it becoming more likely that students have knives and other weapons?
5. Students should not have drugs, alcohol, or weapons at all, right?

Try to think of other questions for the attorney who is against school searches. Write these questions on the note pad at your seat.

Questions to ask the Appellee (School):

1. Shouldn't students be able to come to school without worrying about whether their things will be searched?
2. Is there a chance that searches will destroy the trust between students and teachers?
3. Why should schools be able to take things away from students that they were not actually looking for?
4. Why doesn't it matter that searching a student's things might be embarrassing for the student?
5. Do schools have the right to search every student or just students they suspect are bringing bad things to school?

Try to think of other questions for the attorney who is in favor of school searches. Write these questions on the note pad at your seat.

Clerk's Script

(place vote sheet on Clerk's desk)

After the arguments, the Justices will vote on the case. Count the votes for the Appellants (Tim's Parents) and Appellee (School).

READ:

The Georgia Supreme Court has reached a decision in this case. By a vote of _____ to _____ the Court rules in favor of the _____.

Vote Sheet

Votes:

Chief Justice Hines

Appellant/Tim's Parents

Appellee/School

Presiding Justice Melton

Appellant/Tim's Parents

Appellee/School

Justice Benham

Appellant/Tim's Parents

Appellee/School

Justice Hunstein

Appellant/Tim's Parents

Appellee/School

Justice Nahmias

Appellant/Tim's Parents

Appellee/School

Justice Blackwell

Appellant/Tim's Parents

Appellee/School

Justice Boggs

Appellant/Tim's Parents

Appellee/School

Justice Peterson

Appellant/Tim's Parents

Appellee/School

Justice Grant

Appellant/Tim's Parents

Appellee/School