The University of Mississippi
School of Law
National Center for Justice and Rule of Law
APPELLATE JUDGE FOURTH AMENDMENT COURSE
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March 10-12, 2010
Day #1: March 10

The Structure of the Fourth Amendment

7:30-8:00 am Registration

8:00-8:30 Welcome & Introduction
Professor Thomas K. Clancy, Director, National Center for Justice and the Rule of Law
William Brunson, National Judicial College

8:30-9:15 Interests Protected by the Fourth Amendment
Professor Thomas K. Clancy, Director, National Center for Justice and the Rule of Law

9:30-10:20 What is a Seizure?
Honorable Joseph Grasso, Massachusetts Appellate Court

10:30-11:15 What is a Search?
Honorable Joseph Grasso, Massachusetts Appellate Court

11:15-12:00 breakout groups: applicability of the Fourth Amendment

12:00-1:00 lunch

1:00-1:50 Reasonableness Models
Professor Thomas K. Clancy, Director, National Center for Justice and the Rule of Law

2:00-2:50 The Exclusionary Rule
Professor Jack Nowlin
University of Mississippi School of Law

3:00-3:50 breakout groups: Fourth Amendment satisfaction / remedies

4:00-5:00 Recent and Current Supreme Court Cases
Professor Thomas K. Clancy, Director, National Center for Justice and the Rule of Law
Honorable Joseph Grasso, Massachusetts Appellate Court
Professor Jack Nowlin, University of Mississippi School of Law
2010 is the 25th anniversary of *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), which broadly set out the framework for evaluating searches of students by school authorities. In *Safford School District v. Redding*, __ U.S. __ (2009), the Court revisited that issue in the context of a strip search of a student by school authorities looking for nonprescription drugs. Beyond the school setting, there are many unique aspects of the application of the Fourth Amendment to juveniles and younger children:

8:30-8:45  **Introduction**
Thomas K. Clancy
Research Professor, University of Mississippi School of Law
Director, National Center for Justice and the Rule of Law

8:45-9:45  **Keynote Address**
Samuel Davis
Dean, University of Mississippi School of Law

10:00-11:00  **The Fourth Amendment Rights of Younger Children**
Victor Streib
Professor, Ohio Northern University School of Law

11:15-12:15  **T.L.O.’s Unanswered Questions**
Barry C. Feld
Professor, University of Minnesota School of Law

1:30-2:30  **The Reasonableness of Children’s Expectations of Privacy in Today’s {digital} World**
Mary Graw Leary
Associate Professor, The Catholic University of America
Columbus School of Law

2:45-3:45  **School Children and Parolees: Not So Special Any More**
Edwin J. Butterfoss,
Professor, Hamline University School of Law

4:00-5:00  **Strip Searching Students: The Supreme Court's Latest Failure to Articulate a Sufficiently Clear Statement of Fourth Amendment Law**
Martin R. Gardner
Professor, University of Nebraska School of Law
Day #3: March 12

*Digital Evidence Searches and Seizures*

8:00-9:30  **Introduction to Digital Evidence and Forensics; What is Cyber Crime?**  
*Don Mason, Associate Director, National Center for Justice and the Rule of Law*

* ways digital evidence used in crimes  
* digital evidence is everywhere  
* user created and computer created data  
* introduction to forensics

9:45-11:00  **Fourth Amendment Applicability: Expectations of Privacy / Private Searches**  
*Professor Thomas K. Clancy, Director, National Center for Justice and the Rule of Law*

* voluntary exposure doctrine  
* expectations of privacy in data in various locations, including email, chat rooms, P2P, and local networks  
* Quon  
* Child Pornography Cases

11:15-12:00  **Breakout group: Elements of Warrant for digital evidence / Objects Police Want to Seize at Digital Evidence Crime Scene: Scope of desired seizure**

1:00-2:00  **Fourth Amendment Satisfaction: two approaches to digital evidence**  
*Professor Thomas K. Clancy, Director, National Center for Justice and the Rule of Law*

2:15-3:25  **Consent Searches, Search Incident to Arrest, and Fourth Amendment Satisfaction Questions**  
*Priscilla Adams, Senior Counsel, National Center for Justice and the Rule of Law*

3:40-4:30  **Electronic Exchange of Documents: The Ethics of Metadata**  
*Hans Sinha, Clinical Professor, University of Mississippi School of Law*

4:30-4:45  **Evaluations, wrap-up, and graduation**