



*Janis L.  
Sammartino,  
District Judge*

## A Word from the Chair

As this newsletter was being prepared, the Courts and Community Committee was wrapping up its sixth Ninth Circuit Civics Contest. We are expecting more than 1,000 high school students from

across the western states to participate in this year's essay and video contest. The top three finishers in each competition will be announced in June, and we are hopeful of having the first-place winners join us in July at the 2019 Ninth Circuit Judicial Conference in Spokane, Washington.

The civics contest is a major civics education undertaking in the Ninth Circuit. Begun in 2014, it was originally conceived of as an event limited to students living in the judicial district hosting that year's circuit conference. Since becoming a circuit-wide competition in 2016, thousands of young people have participated in the contest, learning about the Constitution and the judicial branch. It has been a great success thanks to the work of many judges, lawyers, court staff and educators. We are also grateful for financial support from all the districts of the circuit, which contribute from their non-appropriated funds.

We have been fortunate to have had great staff support over the years from the Office of the Circuit Executive: Alex Clausen, audio/video specialist; Chandan Toor, web developer; David Madden, assistant circuit executive; and Katherine Rodriguez, communications assistant. David's group also includes Dr. Kari Kelso, the administrator of The Justice Anthony M. Kennedy Library and Learning Center in Sacramento, who also contributes to the contest.

This group is collectively responsible for the great contest website we have every year,

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## An Inspiring Law Day Focused on the Fourth Amendment

On February 21, 2019, over 50 New Designs Charter School high school students and approximately the same number of volunteers (judges, lawyers, other professionals, and three lucky externs to Judge Sandra R. Klein) entered the picturesque, arbored path to the Richard H. Chambers United States Court of Appeals building in Pasadena, California. The Central District of California's Law Day event focused on "What is an 'Unreasonable Search and Seizure' in the Digital Age?" as its topic of discussion.



*Alexandra Jernigan, Aram  
Karagueuzian, and Andrea  
Oguntula are externs to the  
Honorable Sandra R. Klein.*

Bankruptcy Judge Sandra R. Klein was the first to welcome everyone to the event. She applauded the students for their interest in justice and thanked the judges and volunteers for participating and dedicating their time to meeting and mentoring the students. Judge Klein then announced a special opportunity for the students to submit essays and videos to the U.S. District and Bankruptcy Courts for the Central District of California's Civics Contest. She explained that the contest offers sizable cash prizes and the top three essays and videos will be

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automatically entered in the Ninth Circuit Civics Contest, which offers additional cash prizes.

Judge Klein encouraged the students to participate in the contest and to ask the mentors how they achieved their success and what they wished they had known when they were in high school. Judge Klein encouraged the students to stay in touch with their mentors after they graduate from New Designs and begin their post-graduation studies. Judge Klein advised the students to seek out mentors throughout their education and career, explaining how her mentors helped shape and propel her career. Judge Klein segued into introducing the guest speaker, Professor Laurie Levenson from Loyola Law School, a world-renowned lecturer and legal commentator on criminal law issues and trials (including the Rodney King and O. J. Simpson cases), a Fourth Amendment expert—and one of Judge Klein’s mentors.

When Professor Levenson took the podium, the Chambers Courthouse became her classroom, and the high school students, judges, lawyers, and other professionals became her students (she has taught more than 10,000 students during her 30-year teaching career). Professor Levenson started by joking that even though the protection against “unreasonable searches and seizures” is listed fourth in the Bill of Rights, it is just as important as the First Amendment! To demonstrate, Professor Levenson picked out a student fortuitously sitting nearby and asked to see her cellphone. To everyone’s surprise, the student turned over her phone, and, to the student’s horror, Professor Levenson read the notifications on the cellphone’s screen to the crowd. “You didn’t like that very much, did you?” she said as the audience chuckled.

Professor Levenson explained how advancements in technology, which make substantial amounts of private information available at the touch of a screen, have weakened the Fourth Amendment’s constitutional protections. Thankfully, the Supreme Court has, to some extent, clarified the question: “What is an ‘unreasonable search and seizure’ in the digital age?”

In 1986, in California v. Ciraolo, 476 U.S. 207, 215 (1986), the Supreme Court ruled that the government may take aerial photos without a warrant. But in 2001, in Kyllo v. United States, 533 U.S. 27, 40 (2001), it drew a line requiring the police to obtain a warrant before using a thermal imaging device to see inside of a house. And, a few years ago, in Riley v. California, 134 S. Ct. 2473, 2494–95

(2014), the court decided that cellphones are protected by the Fourth Amendment. Then in 2018, the court held in Carpenter v. United States, 138 S. Ct. 2206, 2220 (2018), that the government must obtain a warrant to track a cellphone through a service provider. Professor Levenson concluded her lecture by asking everyone to think about how the increased use of technology has jeopardized their privacy rights.

The students also had the opportunity to hear from Senior District Judge Terry Hatter, Jr., who mentioned how inspired he was by the students’ dedication to furthering their education. Chief Bankruptcy Judge Maureen Tighe also spoke about the importance of the Fourth Amendment and noted that Fourth Amendment issues sometimes arise in bankruptcy cases.

The remainder of Law Day was dedicated to mentoring the students, who were able to interact with the judges, lawyers, other professionals and externs sitting at their tables. But first, Judge Klein introduced the judges in the room by having the students guess which judge was associated with which “fun fact.” In addition to the judges already mentioned, District Judge John A. Kronstadt, Magistrate Judges Paul L. Abrams and Maria A. Audero, Bankruptcy Judge Thomas B. Donovan, and Los Angeles Superior Court Judge Eric C. Taylor participated in Law Day. Our favorite fun facts were about Judge Audero, who owns a chainsaw and cuts her own firewood for the winter, and Judge Taylor, who enjoys Bruno Mars concerts! Judge Klein also introduced the special guests participating in the event, including Robyn Lipsky, executive director, Ninth Judicial Circuit Historical Society and Kristianna Janich, program development specialist, U.S. Pretrial Services Office.

During the mentoring portion of Law Day, many students were curious about choosing a career and the difficulties of law school. The judges were happy to share their experience and provide suggestions regarding selecting colleges and universities. The students were also eager to share their involvement in the legal studies program offered at New Designs Charter School, where they read cases, write case briefs, and even participate in a moot court. One student enthusiastically explained that she is advocating for the respondent in her hypothetical moot court case and emerged victorious in the first round!

At another table, the students asked what everyone thought of the “Three Strikes” rule. An extern at the table replied

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*The Office of the Circuit Executive Public Information Unit: Chandan Toor, David Madden, Katherine Rodriguez, Alex Clausen and Kari Kelso (not pictured).*

[www.ca9.uscourts.gov/civicscontest](http://www.ca9.uscourts.gov/civicscontest), along with all the graphical and narrative content for various flyers, posters and other handouts. They are also the ones who facilitate the local judging by gathering and distributing the hundreds of essays and scores of videos received. It's a great team effort that goes on behind the scenes.

We tried a few new things to promote the contest this year. One of those was a video featuring one of our committee members, District Judge John Kronstadt of Los Angeles and Veronica Yu of Arcadia, California, a member of the student team from Arcadia High School team that won the video contest in 2018.

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*More than 800 students from 17 high schools in the greater Sacramento area participated in the Eastern District of California's recent Open Doors to Justice program. The event was held March 7, 2019, at the Robert T. Matsui United States Courthouse in Sacramento. Students participated in mock trials, coached by judges and lawyers, and visited The Justice Anthony M. Kennedy Library and Learning Center, which is housed in the courthouse. District Judge Morrison C. England, Jr., right, worked with students from McClatchy High School. Students from Cosumnes Oaks High School pose for a group photo, below.*



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that the justice system, unfortunately, does not always treat everyone equally, and “bright-line” rules do not always further justice. In sum, “it depends.” The judges and lawyers at the table laughed and explained to the students that “it depends” is a quintessential “lawyer answer,” but in their experience, whether justice is served really depends on the circumstances of each case. Another student asked the judges how they got to where they are now. They were surprised when L.A. Superior Court Judge Eric C. Taylor said he grew up in a neighborhood similar to the students’. He encouraged the students by telling them that, no matter where they come from, if they work hard, there is nothing stopping them from becoming a judge someday.

Magistrate Judge Maria Audero and an extern also had an engaging conversation with the students at their table. They discussed why the students were interested in the law and vigorously encouraged them to pursue a legal career. The students also asked Judge Audero why she decided to go to law school. She explained that the law was her third career, and when she expressed an interest in becoming a paralegal, a friend encouraged her to go to law school instead. At the end of the lunch, all the students at that table, along with many others around the room, were enthusiastic about getting started on their civics contest submissions.

While each group had unique conversations, the questions the students asked left everyone who participated in the event in awe of and excited about what the next generation will accomplish. The students, too, were uplifted by the profound encouragement and support; and the leftover snacks and “swag” gift bags, complete with a pocket Constitution book, were an added treat! Law Day proved to be a rewarding experience and a reminder that the legal profession extends beyond advocacy, research, and writing—it comes to life when connecting with the community.

Judge Klein thanked all who participated in and helped make Law Day possible. She specially thanked Bankruptcy Court Clerk Kathleen J. Campbell and Jessica Garibay, administrative specialist, U.S. Bankruptcy Court. □

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Alex Clausen shot the video in Judge Kronstadt’s chambers and courtroom in the Central District of California’s new 1st Street Courthouse. It’s a great video, which you can access from the contest website. We plan to do more videos in the future.

The Courts and Community Committee has begun brainstorming for our 2020 contest theme. We will be focusing on voting rights in recognition of the 100th anniversary of the ratification of the 19th Amendment, which gave women the right to vote. We hope to benefit from the work being done now on the 2019 Ninth Circuit Judicial Conference program, which includes a segment on the history of the 19th Amendment ratification in the western states. We think it’s a great topic and welcome your suggestions about how to frame the contest prompt.

We are also planning for a civics education reception during the circuit conference in July. We are hopeful of having not only Justice Anthony Kennedy back with us but also Justice Elena Kagan, our new Ninth Circuit justice. And this year, we will be opening the reception to all conferees, so please plan on dropping by.

Last, but not least, we are again planning a civics coordinator conference sometime this fall. This is Dr. Kelso’s project and involves a 2 ½-day program for judges and court staff who are or want to become involved in civics education and community outreach at the district level. The conference was to have been held in February at the Kennedy Learning Center but was postponed due to the extended partial government shutdown.

There has never been a better time to get involved in civics education and community outreach. If you have the time and inclination to get involved, I am sure you will find the endeavor extremely worthwhile.

Thanks for reading and see you at the circuit conference! □

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### 2019 Civics Contest:

<http://www.ca9.uscourts.gov/civicscontest>

### The Justice Anthony M. Kennedy Library and Learning Center:

<http://klc.ca9.uscourts.gov/>



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