

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Judicial Institute for High School Teachers

For more information contact, Leslie Downey, Chief Deputy Clerk.

The program was developed by Judge Robert H. Whaley after learning about a similar program in the District of Montana. Outreach programs such as these are considered part of the Judiciary's official mission to educate members of the public about the roles and responsibilities of the federal courts. The Court held its first Institute in October of 2008. The 4th Annual Institute will be held October 27-28, 2011. Twenty-five high school teachers will be selected to participate in the program from high schools throughout the district.

Objectives of Program.

The Judiciary plays an important and sometimes misunderstood role in our constitutional system of government. Judges generally cannot comment on matters they have handled and there are little opportunities for teachers to communicate with judges. The objectives of the Judicial Institute for High School Teachers are to give teachers more information about the Judiciary in the expectation that the information may be passed on to their students and to expose teachers to judges, judicial proceedings, and judicial history.

Program expenses.

The Non-Appropriated Fund is used to pay for mileage/hotel for teachers who travel and for food and beverages for the teachers. These are items that cannot be purchased using appropriated funds.

Appropriated funds are used to purchase materials for the Institute, e.g., notebooks. Any related travel and subsistence expense of judicial officers or employees to attend this official function should be charged to appropriated funds. And, for travel expenses of other presenters, the travel regulations permit the use of appropriated funds for invitational travel and subsistence for individuals who are not judiciary employees or contractors, but are invited to attend an official court meeting as a guest speaker.

Clock hour approval.

Approval was obtained for teachers to earn learning credits for attending the Institute. Principals or teachers from local areas can advise who to contact to obtain such approval.

Survey teachers to find out topics of interest.

In order to develop an agenda and present topics of interest, a survey was sent to high school teachers (History, Current World Affairs, Civics, Government, Pre-Law, etc) in the district. *Copy of survey attached.*

Select faculty; Develop agenda and materials.

The feedback from the teachers' survey indicated they wanted the Institute to include instruction on civil rights, search and seizure, constitutional law, criminal sentencings, judicial activism, and judicial independence. Presenters were identified based on the teachers' feedback. Using the feedback from the teachers and consulting with the presenters, the curriculum was developed.

Curriculum summary. (2011 agenda attached)

Faculty:

Ninth Circuit Judge Richard C. Tallman, U.S. Court of Appeals
Judge Robert H. Whaley, U.S. District Court
Judge Edward F. Shea, U.S. District Court
Chief Judge Rosanna Malouf Peterson, U.S. District Court
Magistrate Judge Cynthia Imbrogno, U.S. District Court
Assistant U.S. Attorney Ron Silver
Immigration Attorney Tom Roach
Staff Attorney Lynn Robinson

Curriculum. The general theme is **the Constitution** – how it works, how it has been interpreted, and how the Judiciary evolved to where it is today. Written materials and homework assignments are mailed to the teachers about ten days prior to the Institute.

The program begins with a **search warrant application** and a proceeding stemming from an **arrest warrant** – two processes involving constitutional rights. *The defendant is arrested. At the initial appearance, he is advised of the charges against him and of his rights. He is remanded to the custody of the Marshal until the bail hearing.* Teachers observe Judge Imbrogno go through the process of determining whether the Special Deputy of the U.S. Marshal Service should be granted permission to search a locked compartment of a seized backpack. Judge Imbrogno holds a mock bail hearing to determine if the defendant will be released

pending trial. This gives the teachers an opportunity to see how the interests of liberty and security are balanced to determine if the defendant should remain in custody.

The teachers **observe actual hearings** before Judge Whaley – a change of plea and a sentencing. Again, the application of the Constitution is reinforced as the defendants are advised of their constitutional rights before the plea is entered and the sentence pronounced.

Judge Whaley discusses **judicial review, judicial philosophies and amendments to the constitution**. There is an excellent discussion about judicial interpretation – justices who are originalists and vote as they think the Constitution, as it was written, would dictate; and justices who believe it is the role of the Supreme Court to reflect societal changes, seeing the Constitution as a living document and evolving. He talks about the separation of powers, Justice Marshall, landmark cases and how the Judiciary interpreted its power.

In the presentation, **You Be the Judge**, teachers are asked to don a black robe and determine what the appropriate sentence should be for fictitious defendants. Prior to the sentencing hearing, the teachers are to determine what they believe a typical sentence should be for the crime. Then, they meet each defendant by observing a video presentation of the sentencing proceeding. After viewing the video, they determine what they believe should be the appropriate sentence for each defendant.

Attorney Tom Roach discusses **immigration**. The demographics of the country and the district have changed significantly over the past 30 to 40 years and there are many issues and challenges that have to be dealt with. Tom discusses myths, solutions, and why there are 12 Million undocumented aliens in the United States. Tom has 25 years experience dealing with immigration issues and has clients from 118 countries. He has a masters in International Politics and has approximately 700 new clients a year (60% of which are Mexicans).

Ron Silver, an Assistant United States Attorney from Oregon, gives a powerful presentation on **civil rights**.

Chief Judge Rosanna Malouf Peterson covers **women's rights in America**. She talks about women and rights in Colonial America through the twentieth century and women and voting rights, women and the law and women as politicians.

So Your Constitutional Rights Were Violated – Now What? Staff Attorney, Lynn Robinson, discusses summary judgment and a civil rights claim under § 1983. One of the questions raised is whether the trooper violated the plaintiff's constitutional rights. Fourth amendment rights, excessive use of force and equal protection are discussed. A video of the incident is shown. The teachers

are asked to make a determination as to whether summary judgment should be granted.

Circuit Judge Richard Tallman presents a **history of the Judiciary and its role in “interpreting” the law**. He talks about Article III of the Constitution establishing the Judiciary, and some significant contributions the Judiciary has made to our form of government. Judge Tallman discusses the power of the Judiciary to interpret the law and important manifestations of the judicial power. He discusses several landmark cases, judicial review, the commerce clause, the exclusionary rule, reasonable expectation of privacy and equal protection.

Q & A and Panel Discussion. There is an opportunity for questions at the end of the Institute and a panel discussion with the presenters.

Order supplies.

Supplies are ordered months in advance. These include: notebooks, pens, pads, a small booklet of the Constitution.

Reserve hotel rooms at the government rate.

A block of rooms is reserved at the government rate. We made arrangements to pay the hotel directly rather than reimbursing each teacher. Teachers who live more than 60 miles from the courthouse are authorized to stay in a hotel.

Develop menus and arrange for snacks, lunches and dinner.

Continental breakfast, snacks/beverages at breaks, and lunch is provided at the courthouse. Beverages, continental breakfast items and snacks are purchased at Costco. Pizza is ordered one day for lunch and the second day sandwiches are brought in. A dinner at the hotel is provided the first night of the Institute. We have been able to arrange a reasonably priced pasta buffet dinner with salads. A no-host bar is included.

Send letters to high school principals in the district.

In May, a letter from Judge Whaley is sent to high school principals in the district. The letter includes application forms and information about accessing the application and additional information on the court's website. *Copy of letter and application attached.*

Contact media.

The first year of the Institute, the local newspaper covered the program. *Copy of editorial and article attached.*

Homework sent to teachers in advance of Institute.

The teachers receive written materials to read prior to attending the Institute. *Copy of letter attached.*

Evaluations.

Following the Institute, teachers are sent a link to a survey (SurveyMonkey). The evaluations are extremely positive. In addition, the feedback has proven to be very helpful in making positive changes to each year's program. For instance, teachers wanted more time for questions, more breaks and did not feel a session we originally had on juvenile court was real helpful.

Please feel free to contact Leslie Downey, Chief Deputy Clerk, U.S. District Court, Washington Eastern, for more information.

Leslie_Downey@waed.uscourts.gov

509-458-3425

Eastern Washington Judiciary Institute for Teachers

Program Planning Questionnaire for Teachers

Please complete the following questionnaire and return to Leslie Downey at Leslie_Downey@waed.uscourts.gov or Leslie Downey, U.S. District Court, P.O. Box 1493, Spokane, Washington 99210 (envelope enclosed). Your responses will assist us in developing a program that is helpful to teachers. For teachers who live more than 60 miles from Spokane, the court will pay travel expenses (lodging, food, mileage). The current mileage reimbursement rate is .505 cents/mile and per diem for lodging and meals would be approximately \$126.00. If you have questions, contact Leslie Downey by email or by phone (509) 458-3425.

Your name: _____

Email address: _____

Phone number: _____

Address: _____

School where you teach: _____

Classes you teach: _____

Is it okay to contact you as we plan the Institute? _____ Is email ok? _____

Date for the Institute

1. Our initial thought is Sept, Oct, Nov, or Dec for the Institute. What time of year is best for teachers?
2. What days of the week are best for teachers?
3. We are considering a two-day program. Is two days a good length for the program? If not, what do you suggest?

Would it be best to schedule it for two full days, or 1st day half day – 2nd day full day – 3rd day half day? *Note: Some teachers will have to travel the day before if the Institute begins in the morning and may need to stay overnight if the Institute ends late afternoon.*

Advertising and Permission

4. What is the best way to advertise the Institute?
5. Who should receive notice about the Institute (e.g., teachers, principals, etc) and how can this be accomplished (e.g., email, newsletters, bulletin boards, letter, etc)?
6. From whom do you need permission to attend the Institute?
7. Would it be helpful if participation at the Institute earned continuing education credits for teachers? If so, who would we contact to receive approval so that teachers can receive credit for participating?

Participation and Application Process

8. How many attendees do you feel is manageable (e.g., classroom size)?
9. How should teachers apply to be accepted for attendance at the Institute (e.g., email, letter, etc)?
10. To select participants, we suggest that teachers provide the following:
 - Name
 - Address
 - Phone
 - Email address
 - School and School District/Employer
 - Teaching license and folio number
 - Teaching endorsement(s)
 - Current teaching assignment
 - Number of years in that assignment
 - If asked, will you share your experience with fellow classroom instructors at the next annual educators conference meeting?
 - If selected, will you be able to secure the necessary release time from your teaching position to participate in all three days of the Institute?
 - Finally, please secure a statement of support from your immediate supervisor or other appropriate school administrator

Provide a brief statement of intent – no more than 300 words – as to how you will use the Judicial Institute experience in your teaching assignment and share your experience with teaching colleagues.

What are your thoughts about the selection questions?

What are your suggestions for selecting teachers to participate?

11. What teachers should we target (e.g., high school, history teachers, etc)?

Judiciary Institute for Teachers

12. Would a Judiciary Institute as we envision be helpful to teachers?

What would make it more valuable to teachers?

13. What, if any, concerns do you have about the Institute, the planning, application process, etc.?
14. Please share ideas with us for the Institute.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT H. WHALEY
Judge

Post Office Box 283
Spokane, Washington 99210-0283
(509) 458-5270

March 30, 2010

Ms. _____
Principal

Spokane, Washington 99204

Re: Judicial Institute for High School Teachers

Dear Ms. _____,

The Judiciary plays an important and sometimes misunderstood role in our constitutional system of government. Judges generally cannot comment on matters that they have handled and there are little opportunities for the public to communicate with judges. Our court wants to give the public more information about the Judiciary and believes that the best way to do so is to expose teachers to judges, judicial proceedings and judicial history.

The United States District Court, Eastern District of Washington, will host its 3rd annual Judicial Institute for High School Teachers October 28-29, 2010 in Spokane. We are inviting high school teachers, who have not yet attended, to the two-day Institute. There is no fee to attend, and the Court will pay travel and lodging expenses for teachers who travel to Spokane. "Clock hours" have been approved for continuing education purposes.

The faculty will include attorneys and judges from the Ninth Circuit Court of Appeals, the United States District Court and the Spokane County Superior Court. The program includes actual examples of civil and criminal proceedings and sentencings. The history of the Constitution, as well as its implementation by the courts, immigration policy and law, the juvenile justice system, and civil rights law and history will be presented. There will also be ample time for questions from the teachers.

Written material will be presented, and it will be necessary for teachers to be familiar with the material before the Institute. We will make the material available weeks before the Institute.

We are asking you to consider approving one or more of your teachers to attend this Institute. The Application is posted on our website at www.waed.uscourts.gov and copies are enclosed. The two previous Institutes were very successful. Please take a look at the teacher comments and newspaper editorial also enclosed. We are limiting the number of teachers who can enroll to twenty-five in order to accommodate more interaction with the presenters. Therefore, we encourage teachers to apply early by sending in their completed application as soon as possible.

If you have any questions, please contact me or Leslie Downey at our court. My number is 509-458-5270 and Leslie's number is 509-458-3425.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Robert H. Whaley".

ROBERT H. WHALEY
United States District Judge

Encl: Judicial Institute for High School Teachers Notice and Application

Judicial Institute for High School Teachers

sponsored by the U.S. District Court, Eastern District of Washington

The United States District Court, Eastern District of Washington, is offering a 2-day course for high school teachers in counties* in the Eastern District of Washington. The Judicial Institute will be held in Spokane, Washington Thursday and Friday, October 27-28, 2011. Travel expenses (hotel, food, mileage) will be paid for teachers traveling to Spokane. There is no fee for the Institute; however, the Court does not cover the expense for substitute teachers.

The number of high school teachers who participate is limited to twenty-five in order to accommodate more interaction with the presenters. Accordingly, we will cut off enrollment when we have enough teachers. Please apply early and send your completed application to:

U.S. District Court
Attn: Leslie Downey
P.O. Box 1493
Spokane, WA 99210 or send by email to: Leslie_Downey@waed.uscourts.gov

APPLICATION

Name: _____

Home Mailing Address: _____ City: _____, WA Zip: _____

Phone Numbers: Work _____ Home _____ Cell _____

Email Address: _____

Name of High School _____ School Dist./Employer: _____

School Address: _____ City: _____, WA Zip: _____

Washington Teaching License # _____

Current Teaching Assignment: _____

If selected, will you be able to secure the necessary release time from your teaching position to participate the full two days of the Institute? _____

- Please secure a statement of support from your immediate supervisor or other school administrator; and
- Provide a brief statement of intent – no more than 300 words – as to how you will use the Eastern District of Washington Judicial Institute experience in your teaching assignment and share your experience with teaching colleagues.
- The program is open to teachers who have not previously attended.

Thank you. If you have questions, please email: Leslie_Downey@waed.uscourts.gov

* Counties in the Eastern District of Washington are: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

THE UNITED STATES DISTRICT COURT • EASTERN DISTRICT OF WASHINGTON
is sponsoring a
2-day, Expense Paid, Continuing Education Course
in Spokane, Washington
October 27-28, 2011



Judicial Institute for High School Teachers

The Court will hold its 4th annual Judicial Institute for High School Teachers in October. The Institute is for high school teachers in counties* in the Eastern District of Washington who have not previously attended. The general theme of the course is the Constitution – how it works, how it has been interpreted, and how the Judiciary evolved to where it is today.

The interactive program will include –

- Attendance at actual hearings
- Discussion about judicial review, judicial philosophies, the Constitution and amendments to the Constitution
- Sentencing Scenarios – the teachers are asked to determine the appropriate sentence for fictitious defendants;

and information about:

- 12 Million Undocumented Aliens: How did we get where we are and where do we go from here?
- Civil Rights – Selma, 1965 and The Right to Vote and An Overview of Women’s Rights in America
- Federal Court Civil Motion: So Your Constitutional Rights Were Violated – Now What?
- Role of the Judiciary in “Interpreting” the Law; Significant Contributions the Judiciary has made to our Form of Government
- Panel Discussion and Q & A Session

Participants will hear from and interact with attorneys and judges from the Ninth Circuit Court of Appeals and the United States District Court.

Course participants will receive materials that can be used in classes and with colleagues.

* Counties in the Eastern District of Washington are: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

If you are interested in attending, please complete the attached application. Send it in early as enrollment is limited to twenty-five teachers from counties in the Eastern District of Washington and to teachers who have not previously attended.

Contact Leslie Downey at the U.S. District Court for further information:
Leslie_Downey@waed.uscourts.gov

Travel expenses (hotel, food, mileage) will be paid for teachers traveling to Spokane. There is no fee for the Institute; however, the Court does not cover the expense for substitute teachers.

Teacher evaluations from previous programs follow:

“It has opened my eyes to the impact the judicial system can and does have on our society. At the end of the program when the panel was sitting up there I was in absolute awe of the amount of power and knowledge before me. Being an athlete all my life I grew up idolizing celebrities and star athletes. However, being around and hearing all those people speak made me feel like a kid again getting to meet these wonderfully influential people. I have always been very interested in the law and thought of possibly becoming a lawyer while I was growing up, so this experience was invaluable to me. Now I can take this great wealth of information and knowledge from this program and apply it to my classroom and share it with my students.”

“The topics were fabulous. It was obvious that a lot of thought and deliberation went into them.”

“I can better field questions about the judicial branch and better explain its role in our democracy. . . . Without a doubt – the best teacher inservice I have ever attended. What a pleasure to visit with the judges and pick their brains about so many interesting issues our society faces.”

“. . . I will tell you that in 20 years of teaching and learning it is the single most significant conference I have ever attended. That is to say that the people working at that level in our government are the most talented, compassionate, and moral people I have ever met. It makes me proud to be a part of this system and has inspired me to be a better teacher and man - in an important way this conference has reaffirmed my faith in the country - I know the Constitution is in good hands and I intend to pass that on to my students and attempt to instill in them the beauty that is the Constitution, and that this challenge will become theirs. I hope too, that they will manage the nation in as humble and intelligent a manner as the men and women that I met last week. Thank you so much.”

“. . . this was the first time in my life that I have had actual firsthand contact with “my” federal government. Before the institute I would have said “the” federal government. I have been in 3 of our 4 administrators’ offices already extolling the institute and the great

information that I learned there. I pretty much have told anyone who would listen about the experience that I had at the institute. You people put a face on the judicial system and the federal government. It was very refreshing to see the compassion, thoughtfulness and passion with which everyone performed their duties.”

“I loved the fact that each presenter was open to the other judicial officials in the room to comment/interject. It brought such a sense of unity to the entire institute. Thank you so much for the opportunity!”

“The content of the material presented was appropriate to the academic rigor of my school and my knowledge base as a 15-year teacher...”

“Incredible – I learned more at this institute than any I have attended over the past 18 years of teaching. I am so excited to start putting all of the information together in to a teaching unit!”

“The content, topics, etc I would rate a 20 out of 10. Truly! Every topic was necessary, interesting, and I could see my students really getting involved in the information I will definitely present to them. The court system, court cases, civil rights, immigration, women’s movement, becca, truancy, emancipation, at-risk youth petition, child in need of services, etc. Are you kidding me? I’ve never been so enthusiastic or impressed by any other conference I’ve attended. EVER.”

“... The continual references back to the Constitution were very helpful.”

“... The caliber of people there was amazing!”

“I will be specifically using materials from several of the sessions in my own classroom presentations. . . Judicial Interpretation, Landmark Cases, Women’s Rights, Civil Rights, etc. Along with East Valley and Rogers my school, Gonzaga Prep, will be financing a trip to Spokane for Tom Roach to speak at our schools on the topic of immigration. Much of the information . . . will enhance my own teaching of the judiciary and the constitution . . . I will take advantage of other speakers that I made contact with through the Institute, as well as participate in bringing my students to the Federal Courts.”

“I already have used the information on the application of the Bill of Rights and our discussion of Griswold v. CT.”

“Because of the Institute, I will be looking at the school curriculum through the role of the judicial system. . . It caused me to think more about how and why our democracy works the way it does.”

“Thank you, thank you for your hard work! It was an incredible Institute. Please know that your efforts have touched hundreds of lives.”

Judicial Institute for High School Teachers

UNITED STATES DISTRICT COURT • EASTERN DISTRICT OF WASHINGTON

Spokane, Washington • October 27-28, 2011



Day One – Thursday, October 27th

- 7:00 a.m. Continental Breakfast and Registration
- 7:30 a.m. **Welcome**
Introductions and Program Objectives
- 8:00 a.m. **Federal Court Criminal Justice System**
- 8:00 a.m. ● Criminal Court Hearing
Magistrate Judge Cynthia Imbrogno
- 9:00 a.m. Q & A with Judge Imbrogno
- 9:20 a.m. Break
- 9:30 a.m. ● Change of Plea Hearing
Judge Robert H. Whaley
- 10:00 a.m. ● Sentencing Hearing
Judge Robert H. Whaley
- 10:45 a.m. Q & A with Judge Whaley
- 11:00 a.m. ● The Constitution and Individual Rights
Judge Robert H. Whaley
- 12:00 Noon Lunch – Hosted at the Courthouse
● Info on Court's Program for High School Students and Resources for Teachers
- 1:15 p.m. **Juvenile Court**
- Juvenile Offenders and Alternatives to Detention
Judge Ellen Clark
- Becca: Truancy, At-Risk Youth, Child in Need of Services
Commissioner Steven N. Grovdahl
- Dependencies and Emancipation
Commissioner Valerie D. Jolicoeur
- 2:15 p.m. Break
- 2:30 p.m. **Civil Rights**
- Women's Rights in America
Judge Rosanna Malouf Peterson

2:45 p.m. Q & A with Judge Whaley

3:00 p.m. Break

3:15 p.m. **Federal Court Civil Motion**

●So Your Constitutional Rights Were Violated – Now What
Lynn Robinson, Law Clerk

4:15 p.m. **Panel Discussion**

*Circuit Judge Tallman, Judge Whaley,
Judge Imbrogno, Judge Clark, Tom Roach,
Judge Peterson, Ron Silver, Judge White,
Lynn Robinson*

5:00 p.m. Adjourn

Editorial

Judicial wisdom

Our View: Teaching teachers about the courts helps us all

October 27, 2008

Two years ago, when the Building Industry Association of Washington mounted an expensive political campaign against two state Supreme Court justices, it left a bad taste in the mouths of many who prize judicial independence.

It also failed.

Apparently, voters didn't want to auction off two seats on the Supreme Court. Actually, they probably wouldn't have detected the builder-friendly candidates' underlying attitudes if it weren't for the unusually high-visibility campaign.

The fact is, judicial candidates are notoriously reluctant to talk about their personal philosophies, and voters are customarily at a disadvantage trying to track down helpful information when trying to decide whom they should support. For that matter, the public tends not to be well versed in how courts function, what judges do and why. That's unfortunate, because the court system ultimately has the final say on many of society's most contentious disputes and difficult policy decisions. Citizens' understanding of the courts should go deeper than what can be gleaned from political overreach by a special interest group.

That's one reason to be encouraged by an innovation that was on display last week in Spokane, where 25 high school teachers received a rare introduction to some of the judicial system's intricacies.

The first – but hopefully not the last – Judicial Institute for High School Teachers was underwritten with fees paid by lawyers who practice in Eastern Washington's federal courts. The participants spent two days learning and role-playing under the guidance of Chief U.S. District Judge Robert Whaley and 9th Circuit Court Judge Richard Tallman.

What they learn will translate into a more valuable educational experience for their students. And what their students learn will translate into a more informed citizenry, and electorate, in the years ahead.

Federal judges are not elected, although state and local judges are. But even federal judges are chosen and approved by elected officials, so their qualifications become political issues, and at least indirectly, understanding what they do becomes part of a citizen's duty.

But, as Whaley observed, schools don't teach as much as they used to about government in general and the courts in particular. A leading reason for that is that school reform movements and a global economy have resulted in a curriculum that's skewed heavily toward math and science.

Whatever the cause, Whaley's institute is a positive step toward addressing an increasingly overlooked area. Frankly, we think teachers and their students aren't the only people who would benefit from a deeper, clearer understanding of judicial process and theory.

For now, Whaley is hoping last week's institute can be repeated every two or three years. That's a modest but realistic goal. If it can be reached in the short term, an expansion would be merited down the road.

TEACHERS COURT



PHOTOS BY COLIN MULVANY The Spokes

U.S. District Chief Judge Robert Whaley, foreground, asks teachers from across Eastern Washington to be the judge in a sentencing scenario of a fictitious illegal alien Thursday during the two-day Judicial Institute for High School Teachers at the U.S. Courthouse in Spokane.

Area educators get lessons on federal judicial process

BY KEVIN GRAMAN

Staff writer

A federal judge became a teacher and 25 teachers got to be the judge, as the first Judicial Institute for High School Teachers convened Thursday.

On the first morning of the two-day event at the U.S. Courthouse in Spokane, the group of Eastern Washington educators tackled two of the toughest issues confronting federal judges: discretion in sentencing and judicial review.

Chief U.S. District Judge Robert Whaley is presiding over the institute.

"The theory is that for reasons of curriculum changes, there isn't as much being taught about the structure of government, particularly the role of the judiciary," Whaley said.

He hopes the teachers - who applied for the institute at the invitation of the U.S. District Court for Eastern Washington - will take what they learned back to their students.

That's exactly what Lori Jacobsen intends to do.

The East Valley High School history and American government teacher said she would use in her classroom some of the sentencing scenarios presented to institute participants



Sitting in the jury box, Zahra Khan, a teacher from New Horizon High School in Pasco, listens as Judge Robert Whaley talks about the federal criminal justice system.

Thursday.

In one scenario, designed to reflect immigration cases often heard in Eastern Washington federal courtrooms, two Mexican nationals were sentenced for illegally re-entering the United States. The teachers watched videos of fictitious defendants' sentencing hearings and then decided what terms to hand down based on

sentencing guidelines.

The teachers were given presentencing reports on the defendants, a 35-year-old mother of two who had lived in the United States since she was an infant, and her brother-in-law, a 38-year-old member of a drug cartel who came to the United States to establish a drug distribution network.

The teachers, relying on their judgment rather than strict adherence to the guidelines, gave the brother-in-law more prison time than the mother.

"How does our society benefit by putting her children in foster homes?" Jacobsen asked.

It was the response Whaley was looking for. One of the most difficult things to explain to people is judicial discretion in sentencing, the judge said.

"Most people think you should be hard on crime, without dealing with individual circumstances," he said.

Earlier, Whaley lectured the teachers on a controversial topic: judicial restraint vs. judicial activism.

On the one hand, conservative legal scholars, such as Supreme Court Justice Antonin Scalia, advocate "originalism" in constitutional

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THE SPOKESMAN-REVIEW

COURT

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interpretation, Whaley said. Others contend the U.S. Constitution is a living document that should grow and evolve.

"Our Constitution created a government that had never been seen before," Whaley told the teachers, and "the great changes in society sprang from how the Constitution was interpreted."

The 14th Amendment, ratified in 1868, guaranteed U.S. citizens due process and equal protection under the law,

Whaley said, but "the meaning of those clauses was not self-evident." It had to be interpreted by judges.

Desegregation, the right to privacy and the right to legal counsel were all interpretations of the Constitution that represented "the evolution of thinking in our society," Whaley said.

The discussion was just what Brian Kissinger was hoping for when he applied to attend the institute.

Kissinger, who teaches American studies at Rogers High School in Spokane, said he

had learned "a way of explaining to the kids the whole concept of judicial review."

Today's sessions will include a discussion of the role of the judiciary by 9th U.S. Circuit Court of Appeals Judge Richard Tallman.

Whaley said he hopes the institute will continue. It is financed through a discretionary fund supported by fees lawyers pay to practice in U.S. District Court for Eastern Washington.

"We're hoping that if it is liked, we can do it every two or three years," the judge said.



Judicial Institute *for High School Teachers*

To: Teachers Selected to Participate in the Judicial Institute
From: Chief Judge Robert H. Whaley
Date: October 14, 2008

Twenty-nine teachers have been accepted to participate in the Institute, representing 13 high schools. Teachers are from Spokane, Yakima, Sunnyside, Kennewick, Pasco, Colville, Colfax and Freeman. We have an excellent program to present and are looking forward to working with you. The program will begin Thursday morning, Oct. 23rd, at 7:00 a.m. and conclude Friday afternoon, Oct. 24th, at 5:00 p.m. Important information about the Institute and the agenda are included with this letter along with other materials you will need to review prior to the start of the program.

Clock Hours

The Institute has been approved for 16 clock hours by the Educational Service District 101. The fee is \$2.00 per hour with a \$10.00 minimum (5 hours and under is \$10.00; 6 hours and over is \$2.00 per hour). ESD 101 only accepts checks or money orders for the payment of clock hours. If you wish to receive clock hours for participating, you must sign in each morning and complete an evaluation form and a Clock Hour Registration form. We will accept your check or money order at the Institute and submit it to ESD 101 after the program. If you have any questions about the clock hours, please contact Bonnie Hunter at ESD 101 at 509-789-3800.

Agenda, Meals, and Travel to the Superior Court

The Institute agenda is attached.

Continental breakfast will be offered each morning and we will have lunch brought in each day at the courthouse. Thursday evening a dinner is planned at the Hotel Lusso, which is a block away from the courthouse. There will be a no host reception at 5:30 and the hosted dinner will begin at 6:00 p.m.

We plan to walk to the Superior Court after lunch on Thursday. It is about a 10 minute walk across the Monroe Street bridge. Please plan to dress warm and have good walking shoes.

Homework

In some of the presentations, you will be asked to actively participate in a mock decision-making process. In others, you will be observing mock court proceedings, and in one instance, you will be observing an actual sentencing. In order to fully participate in these presentations, it is necessary for you to complete some homework, which consists mainly of reading court documents. The reading materials have been included in this packet. **Please bring these materials with you to the Institute. We will have a 3-ring notebook for these and other materials that will be provided.**

Here is the list of the reading materials:

1. Court materials for *United States v. Rolando Herrera-Godoy*.

You will be observing a court proceeding in which law enforcement officers are asking Magistrate Judge Imbrogno to approve a search warrant. Included are the Application and Affidavit for the Search Warrant, background information, the actual Search Warrant and the Pre-trial Services Investigation Report.

2. Materials for sentencing hearing in *United States v. Kenneth Delano*

You will be observing a criminal sentencing hearing. Included in the materials is a chart that sets forth the United States Sentencing Guideline Calculations, pages from the USSG to explain the calculations, the Indictment to explain the charges, an order by the Court denying Defendant's motion to suppress, and the plea agreement that was entered into between the Government and Defendant.

3. Materials for "You Be the Judge" presentation

You will be participating in mock sentencing hearings. The instructions for preparing for this presentation are included in the materials.

4. Materials for "So Your Constitutional Rights were Violated—Now What" presentation.

This presentation involves reviewing a complaint that was filed that alleges that the plaintiff's constitutional rights were violated. The introductory materials include the instructions for preparing for this presentation.

5. Outline for "The Role of the Judiciary in 'Interpreting' the Law"

Judge Tallman from the Ninth Circuit Court of Appeals will be presenting a lecture. He has asked that you review the outline prior to his presentation.

6. Timeline: “Selma, 1965 and the Right to Vote” and three court cases. *USA v. Atkins* 210 F. Supp. 441 (S.D. AL 1962); *USA v. Atkins*, 323 F.2d 733 (5th Cir. 1963); *Williams v. Wallace* 240 F. Supp. 100 (M.D. AL 1965).

Assistant United States Attorney Ron Silver will deliver a civil rights presentation and has asked that you read the timeline and cases.

Travel

If you live more than 60 miles from Spokane, you will be reimbursed for your travel expenses as follows:

■Mileage to and from (from your home to the hotel). Current rate is \$.585 per mile. Please keep track of your one-way mileage from your home to the hotel so we can reimburse you.

■Hotel. We have reserved rooms at the Spokane Club, West 1002 Riverside Avenue, Spokane, Washington, at the government rate of \$77.00 plus tax. Please call to make your room reservations (509) 838-8511. The block of rooms is under U.S. District Court for October 22nd and 23rd (and 24th if necessary). The conference will end at 5:00 p.m. Friday evening. If you need to stay over Friday night because you do not want to drive in the dark, etc., you can make a reservation for Friday the 24th.

You will pay for your hotel room and submit the charge, for the room and tax, to us for reimbursement after the conference.

Institute Location – Photo ID Required

The Institute will be held at the Thomas S. Foley United States Courthouse, 920 West Riverside, Spokane, Washington 99201. To enter the courthouse, **you will need to have photo ID. Check in on the 7th floor, Jury Assembly Room, Room 751.**

A map to the courthouse is included in this packet.

The closest place to park is at RiverPark Square on Main – see enclosed map.

Do not hesitate to contact Leslie if you have any questions.

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509-458-3425