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Citator Exercise

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Citator Exercise

On May 5, 2010, the administration of Live Oak High School in Morgan Hill, California, sent several students home from school for refusing to remove the American Flag t-shirts and bandanas they wore to school that day. Live Oak has a large Mexican-American population who celebrate the Mexican holiday Cinco de Mayo each year. The school's administration took the position that the students were wearing the American Flag on Cinco de Mayo in order to disrespect Mexican-American students and start a fight. The school claims that sending the students home was necessary in order to maintain discipline and protect the safety of students. Read about the event at <http://www.nbcbayarea.com/news/local/Students-Wearing-American-Flag-Shirts-Sent-Home-92945969.html>. Did the school violate the students' rights to free speech under the First Amendment of the United States Constitution? Find a U.S. Supreme Court case that sets forth the applicable legal standard here.

Part 1: Search Demo

On Westlaw Next, narrow the jurisdiction to U.S. Supreme Court and enter the search terms: *free speech clothing school*. Look at *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969). Discuss the "substantial disruption" standard set forth in *Tinker* and how it applies to our facts.

Part 2: Group Activity

Is *Tinker* still good law for our problem? Divide the students into three groups and have each group address the treatment of *Tinker* using a different citator. (Hint for students: after Shepardizing the case, narrow by jurisdiction. Only the same or a higher court can overrule a case, so in this case, we are going to focus on subsequent U.S. Supreme Court cases.)

Group 1: Shepard's (Lexis Advance)

Group 2: Keycite (Westlaw Next)

Group 3: BCite (Bloomberg Law)

Part 3: Discussion

1. How did the three different citators compare?
2. How do subsequent U.S. Supreme Court cases treat *Tinker* (specifically, *Morse v. Frederick*, 551 U.S. 393 (2007))?
3. How do *Tinker* and *Morse* apply to our facts?