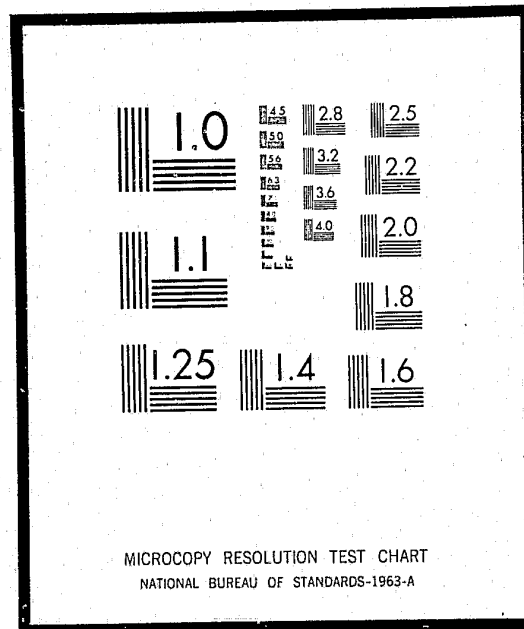


# NCJRS

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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

Date filmed

7/7/76

## Exemplary Project Screening and Validation Reports

NCJRS

JUL 1 1976

ACQUISITIONS  
Project Candidate:

CREIGHTON LEGAL  
INFORMATION CENTER

(CLIC)

Omaha, Nebraska

Abt Associates

Cambridge, Massachusetts

35032 c.1

ABT ASSOCIATES INC.  
55 WHEELER STREET, CAMBRIDGE, MASSACHUSETTS 02138  
TELEPHONE • AREA 617-492-7100

EXEMPLARY PROJECT VALIDATION REPORT

Project Candidate

CREIGHTON LEGAL INFORMATION CENTER  
Omaha, Nebraska

Submitted to:

Ms. Mary Ann Beck  
U.S. Department of Justice  
Law Enforcement Assistance Administration  
National Institute of Law Enforcement  
and Criminal Justice  
Washington, D.C. 20531

April 8, 1976

1.0 Introduction

The Creighton Legal Information Center was established to solve a common problem in states with large rural areas: providing adequate legal research facilities in remote locations, some of which may be as much as 300 miles from the nearest law library. Located at Creighton University in Omaha, the CLIC provides research services by mail and telephone to judges, prosecutors, defense counsel, and police in all counties of Nebraska except the two with major urban areas. Law students are paid to conduct research in response to requests from these users and prepare memoranda summarizing their findings. These reports are reviewed by senior faculty members and retained for future reference when similar queries are raised. In addition to these specialized services, the project publishes a newsletter to inform 40,000 Nebraska criminal justice practitioners about developments affecting project users.

This report is based on an examination of project documents submitted to the National Institute in support of the project's exemplary candidacy, a one-day site visit conducted by Mr. Paul Cirel, an Abt staff member, and the results of a telephone survey of several CLIC users, also conducted by Abt staff.

The project has also been examined by the LEAA Courts Division as part of its grant monitoring activities. In 1974 a member of the Division visited the program and interviewed staff as well as users. A Grant Application Review Memorandum, which summarizes unique project features, is included in the Appendix.

1.1 Project Development and Organization

After an initial three month start-up period in the spring of 1974, the Criminal Justice Research Assistance Project stabilized to a core staff of a project director (1/3 time) and a faculty associate (1/5 time) both drawn from the Creighton University Law faculty, and a full-time secretary. Basic substantive legal research is conducted by two student assistants and six research aides, each working approximately fifteen hours per week.\* All student work is reviewed by a faculty member before release to the user.

\* Students work full-time during the summer months.

The current project organization, as reflected in the application for the grant year beginning in September, 1975, is a slight expansion of the initial structure, calling for the employment of a full-time supervising attorney instead of the part-time faculty associate. The number of positions for research aides has increased from six to ten, and both aides and student assistants are now offered half-time positions.

In its initial phase the project concentrated on developing awareness of its existence by selecting potential service users. Potential users were contacted by mail and telephone surveys which served the dual purposes of allowing the project to construct a profile of potential consumption and informing respondents of the availability of research services. At this time the project also began placing advertisements listing the toll-free telephone number and inviting inquiry from judges, prosecutors, defense attorneys and other members of the criminal justice system. Further market recognition was cultivated through the publication of the project newsletter, which not only carried legal information but provided periodic reminders of service availability to potential customers.

## 1.2 Operations

The day-to-day functioning of the project is relatively simple. One of the two student supervisors evaluates each request to determine whether it meets project criteria. The issue must deal with criminal rather than civil problems, and the requestor must hold a publicly funded position.\* If the request is suitable, does not present a conflict of interest with other project activities, and can be fulfilled within the time limit specified, a student researcher is assigned to the case.

This student researcher's job consists solely of research and preparation of original memoranda. During the research and writing he may call upon either student supervisor for help in locating documents or identifying relevant cases. Once the memo has been completed it must pass a two-stage review, first by the student supervisor, and then by the project's faculty advisor. Both reviewers check for completeness, legal correctness, and clarity of style.

\* This includes members of the private bar in cases in which they are appointed counsel.

After revision, if required, the memorandum is mailed to the requestor and filed for use in response to future requests as soon as released by the requestor. In each monthly newsletter a list of the memos available for general release is published along with condensed versions of the questions and answers.

The project collects evaluative data as part of its regular operating procedure. One week after a response is mailed, the project sends out an evaluation form asking the user's general satisfaction and monitoring specific management aspects of the service: timeliness, relevance to the query, quality of research, and utility. Additional evaluative data are collected during the initial phone contact and transferred to a Contact Summary Form. Thus, information regarding those users who do not request memoranda or whose requests are denied is also collected, and some cross check for information gathered on the evaluation form is also provided. Copies of both forms can be found in the Appendix.

In addition to its regular activities, the Legal Information Center has initiated a few special projects on a larger scale. An analysis of Nebraska's sentencing alternatives and procedures has been published as a judge's deskbook. Extensive bibliographic materials have also been developed. Samples of project-prepared memoranda, newsletters and follow-up evaluation forms are contained in the Appendix.

## 2.0 Selection Criteria

### 2.1 Measurability

The intent of the Creighton Legal Information Center (CLIC) is to provide services to rural practitioners in the criminal justice system which are otherwise inaccessible to the user due to the lack of funds or excessive distance from appropriate reference materials. The research provided is presumed to be generally available to urban lawyers without project assistance. In rural areas the only alternatives are to present a less careful case, based only on available documents, or to spend large amounts of time and effort in travel and research.

Accordingly one might measure the effects of the Legal Information Center either as it improves the quality of cases argued before rural courts, or as it saves the costs associated with attaining such improvement through other means. That urban prosecutors, judges and defenders do use research services not available in small towns indicates a general perception that such services have some value.

Measurement of the degree to which the project is achieving its goals depends on quantification of the degree of improvement and/or cost saving obtained by using project services. In its own evaluation, CLIC has attempted to address this question in two ways. The follow-up form mailed after completion of every task asks:

- How many man-hours would it have taken you and your staff to develop the same information yourself?
- If you had had to pay for this service, what do you think would have been a fair price for this?
- How difficult would it have been for you to develop this information yourself?

Some potential ambiguity of interpretation remains, since in cases where a user would not have developed the substitute information himself, we only know that he perceived the value of the research to his

case as less than or equal to his estimate of the cost to himself. A lower bound on the utility of the information could be estimated from data on how much urban practitioners spend on CLIC-like services. As the project correctly notes, however, rural users may be operating within much more restricted budgets than their urban counterparts and may be forced to limit their efforts accordingly. The fact that Creighton's services are free to rural agencies thus has a redistributive as well as an efficiency effect, since it increases the net amount of resources available in rural areas. How one values such a channeling of resources to rural areas depends on how serious one considers the gap between the quality of urban justice and that dispensed in rural courts. It is hard to imagine any rigorously quantified estimate of such discrepancies, and the project wisely evaluates only its more directly measurable effects.

### 2.2 Goal Achievement and Efficiency

The project's raison d'etre is to increase the quality of rural legal services by providing services which are otherwise available, but whose cost, in the absence of CLIC help, would be higher--often prohibitively so. Two criteria must therefore be met to decide whether this stated goal is indeed achieved.

- The project must provide the advertised services; and
- It must do so more efficiently than could otherwise be done.

There is little room for disagreement about the first criterion. During its initial year of operation the project processed 659 requests for memoranda, answering 305 of these with original research and sending an additional 471 copies from project files. Two-thirds of the County Attorneys and 62% of the county judges had used the service at least once during its first 14 months of operation, and the project reports that most of its requests come from repeat customers.

There was literal unanimity among CLIC users in intent to use the project's services again. Both a telephone survey and the written follow-up form asked about intended future use. Sixty-two out of 62

telephoned users responded affirmatively; out of 290 written responses, 289 said they would use the service again.

There was equally general agreement about the quality of results produced by the center. Table 1 displays ratings by 298 users of quality of CLIC services. It should be recalled that since the service is free there is no very strong incentive for a user to respond negatively. Even when viewed with some skepticism, however, the universal praise of users is indicative of substantial achievement of the first criterion.

Table 1  
User Ratings of CLIC Services

Overall Satisfaction*		Specific Service Characteristics	
Completely Satisfied	46%	No Problems in Contacting CLIC	99%
Generally Pleased	45%	Report Delivered on Time	92%
Good	6%	Report to the Point	95%
Not Satisfied	2%	Intend to Use Services Again	100%
Completed Dissatisfied	0		
Report Quality*		Helpfulness of Report	
Excellent	51%	Extremely Helpful	57%
Good	43%	Some Help	38%
Fair	4%	Little Help	2%
Poor	1%	No Help at All	3%

\* Totals may not sum to 100% due to rounding. Percentages are based on 298 responses.

As noted in Table 1 above, under the heading "Specific Service Characteristics," reports were both on point and on time in 95 percent and 92 percent of the cases, respectively. These are crucial measures of quality and effectiveness given the nature of the project; should either be found wanting an internally sound memorandum would be rendered useless. A telephone survey, conducted by Abt staff, contacted nine randomly-selected users, three from each user category (defender, prosecutor, and judge), to further explore these critical points, and to question users as to their general impressions of CLIC.

The response was a unanimous endorsement of the nature and quality of the work, and the praise was not limited to the timeliness and accuracy of the memos. Users noted that in all cases (except when user was a judge) the memos were not only on point with regard to subject matter, but were written to fashion the legal argument in favor of the requesting party. (In responding to judicial inquiries, the project provides an advisory opinion which offers an examination of the existing case law with the probable resolution. These memos avoid identification with either the defense or prosecution.) The user-specific memos will address the question\* posed at the outset and then present the material as a legal argument, carefully noting case law which is adverse to the desired holding, but presenting the most favorable case law/statutory interpretation. According to the respondents, this is particularly helpful to the user as the request is often prompted by issues raised on which Nebraska law is either silent or untested. Therefore, without access to a law library and the benefit of researching the experience of other jurisdictions\*\* the user cannot properly discharge his or her duty.

Because of the recognized quality of the work and need for such a service, it apparently is not uncommon for cases to be continued pending an opportunity to contact CLIC. A further indication of the esteem in which the CLIC service is held is the fact that judges have often suggested to

\* The request procedure requires users to ask specific legal questions relative to issues in their cases, and not merely to say, "I have a defendant charged with X crime; what should I do?"

\*\* Most practitioners have Nebraska Code Books and Reporters but no library facility beyond that.



counsel that they (counsel) contact CLIC, or that all parties agree to a joint submission (in which case it would take the form of an advisory opinion to avoid conflict problems). Finally, one defense attorney informed us that he keeps an index of the newsletter, which contain a brief description of each request, and believes that to be a common practice.

The efficiency criterion is rather more difficult to assess. Since the service is free there is no direct way to establish its market value. The best available estimate comes from the users' own statements about substitution costs to provide equivalent research without project help. Table 2 lists the cumulative responses of all project users surveyed from July 10, 1974 (project start) through August 31, 1975. On average, users said they considered the fair market price of a comparable product to be \$124, and that it would have taken them 10 hours to complete the work themselves.

Table 2  
Estimated Values of CLIC Research

	Total	County Attorney	County Judge	As. Co. Judge	Dist. Judge	Defense Counsel	City Att'y	Police
Average number of man-hours to do work by self	10.17	7.64	8.28	8.87	12.42	8.85	7.46	59.87
(number of responses)	(239)	(85)	(35)	(8)	(14)	(74)	(15)	(8)
Average estimated worth of report	\$123.90	97.02	135.28	96.87	242.69	118.49	123.33	239.50
(number of responses)	(243)	(93)	(35)	(8)	(13)	(69)	(15)	(10)

The survey data cover a period of slightly more than one year. During that time 345 original research memoranda were initiated and an additional 471 requests were satisfied with existing memos from project files. We may estimate the value of the original memos at \$42,780 (= 345 x \$124). No specific data are available for the value of the copies, but half the value of the originals may be used for a rough

estimate, giving \$29,202 (= 1/2 x \$124 x 471). Combined, these two services yield a value of \$72,000. For a comparable period (phase II of the project's first year grant: August 1, 1974 through July 30, 1975) total direct labor for the project was budgeted at \$49,562. When indirect costs and supplies were added, the total was 109,348, or 50% more than the combined value estimated by users. It is, however, not sufficient to accept this number literally. During that year the project was in the process of developing its market and working out procedures for handling requests. Its costs include an advertising budget, publication of a newsletter with a circulation of 5,000, and various other travel and supply costs not included in the estimated worth of project research reports.

It is also unlikely that CLIC users considered indirect costs in forming their estimates of the value of reports.\* Using the estimated costs and hours in Table 2 suggests that users were considering a \$12 person-hour, which is more nearly consistent with an estimate of direct labor costs than of labor plus indirect costs. If such is the case, it is appropriate to compare CLIC direct labor costs for producing its memos to the (presumed) direct labor costs estimated by users. In this comparison, the Creighton project appears to cost about 30% less than it would cost the users to supply the manpower and materials to do the research themselves. In contrast to the 10.17 professional person hours which users estimated it would take them to duplicate the CLIC memoranda, the project computed its effort at 8.8 person hours, including students, senior faculty members and support staff. The bulk of these hours were contributed by the student researchers, whose pay is significantly less than that of professional judges or attorneys.

On the basis of this analysis one would conclude that the cost of Legal Information Center services is roughly comparable to the amount users estimate they would spend if they developed the same product them-

\* The telephone survey, as well as information gathered during the site visit, indicated that travel costs were not included in the estimate. Travel estimates so gathered ranged from 140-320 miles one way to the nearest law library.

selves. The point of restricting the product to rural areas, however, is that, left to their own devices, this subgroup of users would not develop the product themselves. Table 3 displays some of the reasons users gave for requesting CLIC services. Over half cited unavailability or inaccessibility of libraries. These responses represents users for whom research services were simply not an option at any reasonable price before the advent of CLIC. Another half list budget constraints or the equivalent (time, understaffed) as their reason. For this subgroup, although research sources may or may not have been available, the stringencies of rural criminal justice resources make them practically unavailable. For both of these groups then, it may be argued that Creighton makes a qualitative change in the kinds of cases that can be prepared. Finally, Table 3 lists six categories of response which explicitly state that CLIC research was in some way better than that which could otherwise have been conducted.

The point to be made is that CLIC, by providing accurate, timely legal memos to the various users in Nebraska's rural counties, has markedly improved the quality of legal services. Users contacted through the telephone survey estimated the distance they would have had to travel to the nearest law library as between 140 and 320 miles. Moreover, the survey indicated that many would not have made the trip, and would simply have proceeded as best possible without that information provided by CLIC. The result might be a costly appeal process. More likely, however, it might be the dispensing of something less than justice.

Another way in which CLIC has improved the quality of legal services is the publication of the Nebraska Judges Deskbook at the end of the project's first operational year. That manual, published in loose-leaf form in order to facilitate any amendments or changes, provides judges an analysis of sentencing alternatives and procedures in the state as well as bibliographies of the criminal justice volumes in the Creighton Law Library and CLIC memoranda. By providing a brief by concise synopsis of the available alternatives to judges as well as indicating where supportive material can be found, the Nebraska Judges Deskbook provides each rural judge with some of the services of a law clerk, and has institutionalized an improvement in the Nebraska system.

One final note regarding cost effectiveness. The question comes to mind, why not invest in law libraries for rural counties and truly institutionalize improved criminal justice procedures? The answer is that it would be prohibitively expensive. There are 93 counties in Nebraska, 91 of which are rural. The estimated cost of starting a law library, provided by the Creighton Law School Librarian, is \$60,000 for single copies of each of the minimum essentials. Even if we assume that counties could "double-up" that means 45 libraries at \$60,000 each, or \$2,700,000. This is exclusive of rent, staff and most importantly, keeping the library current. A law library is obviously useless unless it provides the available monthly update of each volume. Assuming these costs to be \$20,000 per year per library (staff, rent and upkeep), the resulting annual cost of \$900,000 is clearly prohibitive.

Table 3  
Reasons for Using Services

Inadequate library facilities	144	49%
Lack of material from other jurisdictions	23	8%
Travel distance to library	6	2%
Time	120	41%
Understaffed	18	6%
Additional Support	20	7%
Expense	17	6%
More thorough research	27	9%
Objective opinion	24	8%
Confidence in or Reputation of CLIC	32	11%
Faster answer through CLIC	12	4%
Better service to county	3	1%
Pending case of unusual importance	8	3%
Total respondents *	292	100%

\* Multiple responses per user were tabulated

### 2.3 Replicability

The current budget for the project includes funds for a small scale dissemination effort to make the state legal services concept available in other largely rural states. The problem CLIC is designed to address is by definition confined to states with a significant amount of rural area. In Nebraska the project has explicitly excluded the state's two urban counties from its service area so that it can concentrate on helping criminal justice practitioners whose places of work are remote from any major law library. The widespread usage of project services in these areas of Nebraska suggests

that the problem it sets out to solve is indeed one of general concern, and the highly positive attitudes shown by project consumers in the evaluation suggest that they, at least, see CLIC as addressing a problem which is significant for their agencies. Reproduced in the appendix of this report is a map displaying states whose rural populations are similar to those of Nebraska and which are therefore logical candidates for the establishment of statewide criminal law research units. Additionally, states such as California, New York and Michigan, which are identified as urban but which have significant rural populations, might also be included.

In addition to being restricted to rural areas, the project depends heavily on having a law school as its host institution. Virtually every resource used by CLIC -- student researchers, the law library, faculty advisors and reviewers -- is supplied at significantly lower cost through the University than would be possible any other way. Most of the project's research is done in the Creighton University Law Library (at no charge to the project) by students (working at \$3 - \$4 per hour in exchange for the training and experience they receive from project participation). The evidently widespread reputation for reliability and objectivity which the project enjoys no doubt grew, at least during the initial phase, from the image of its host institution. It therefore seems safe to identify the cooperation of a law school as one of the prerequisites for any replication attempt.

There appears to be no other project approximating the Creighton Legal Information Center in breadth and depth. A small number of legal service units are included in the Compendium of Selected Criminal Justice Projects, but all are both geographically and functionally restricted, mostly to specific courts or police departments. The project's recommendation for exemplary status lists Kentucky and West Virginia as having statewide services, but states that these avoid the kind of original in-depth research in which Creighton specializes. The LEAA Courts Division reports that Mississippi has a unit similar to Kentucky's and that the Texas Attorney General's Office operates a very informal phone information unit for rural prosecutors (see Appendix E). With the exceptions of these four statewide projects, some informal student projects and commercial research services, the Creighton project appears to be unique.



Because there are many rural states, and states with significant rural areas, the question arises as to the efficacy of replicating a CLIC-type project for each such state. It would seem that if legal information services are to be created to serve rural areas, that it might be done on a regional as opposed to simply a statewide basis. The libraries that could be used for research would of necessity have all the State Reporters. Since rural states are often silent on the area of law in question the function of the service is often to locate other states with similar, but tested, laws. Thus, it seems that as such projects grow, thought might be given to regional implementation. The additional cost would be student staff and maintenance of separate files and newsletters. Presumably, however, there would be some economies of scale associated with a regional service.\*

Because of its uniqueness, the Creighton project has already encountered several requests for information on its services and organizational structure. Project activities and operating characteristics have been extensively documented, both in periodic and summative reports and in an information booklet designed for general criminal justice practitioners. Project files will yield estimates not only of projected workload volumes, but of the characteristics of user requests and the amount of effort required to develop the memoranda. During the project's initial phase a "market survey" was conducted to determine the extent and character of demand for legal research. Data from this survey are available both in hard copy and machine-readable form, and would be useful in planning replication.

#### 2.4 Accessibility

The Criminal Justice Research Assistance Project was funded (under a National LEAA Discretionary Grant) as a demonstration project with the intent of testing the feasibility of a statewide legal research service for possible replication in other states. Accordingly, the project is open to visits for inspection and evaluation from interested agencies. The project currently operates under a state LEAA grant, and expects continuation funding either from this source or from the Nebraska state legislature for the foreseeable future. The continued viability of the program thus seems likely at least through 1977.

\* It must be noted that this notion occurred to the CLIC organizers, but because this was a demonstration project, and because it raised serious interstate funding issues, it was rejected. However, it seems such issues could be addressed as the projects grow in attention and demand.

### 3.0 Summary of Major Project Strengths and Weaknesses

#### 3.1 Project Strengths

- Systematic effort to tailor project activities to user needs through continuous monitoring and evaluation;
- Appropriateness of project services to rural clientele;
- Efficient utilization of university resources through centralization;
- Nebraska Judges Deskbook, which has institutionalized some improved criminal justice procedures;
- Comprehensive documentation available, including analysis instructions, computer programs and management control forms.

#### 3.1 Project Weaknesses

- Difficulty of quantifying actual market value of services to clients, which may lead to inefficient allocation of resources;
- Replicability limited to states with large rural areas and appropriate university sponsors.

## APPENDICES

APPENDIX A: Exemplary Project Recommendation Form  
APPENDIX B: Sample Memorandum  
APPENDIX C: Sample Newsletter  
APPENDIX D: Sample Printouts  
APPENDIX E: Memorandum from LEAA Courts Division  
APPENDIX F: Evaluation Forms

## Exemplary Project Recommendation

### I. Project Description

1. Name of the Program

Creighton Legal Information Center (Criminal Justice Research Assistance Center)

2. Type of Program (ROR, burglary prevention, etc.)

Legal Research Assistance in Criminal Justice Cases

3. Name of Area or Community served Nebraska

(a) Approximate total population of area or community served 1.7 million

(b) Target subset of this population served by the project (if appropriate)

No. Served	Period	Population
over 1000 to date	varies by user and service	3,290

4. Administering Agency (give full title and address)

Creighton University  
2500 California Street  
Omaha, Nebraska 68178

(a) Project Director (name and phone number; address only if different from 4 above.)

Geoffrey W. Peters  
402-536-2929

(b) Individual responsible for day to day program operations (name and phone number)

Geoffrey W. Peters  
402-536-3157

5. Funding Agency(s) and Grant Number (agency name and address, staff contact and phone number)

L.E.A.A. - 76-DF-99-0003  
74-DF-99-0020

Dennis Murphy 202-376-3615

6. Project Duration (give date project began rather than date LEAA funding, if any, began)

July 10, 1974 - present

7. Project Operating Costs (Do not include costs of formal evaluation if one has been performed. See Item 8)

\*See Note Below

Breakdown of total operating costs, specify time period:

	Project Operating Costs	Nation. Demo. & Devel. Costs	Indirect Costs	Total
Federal:	\$ 85,310.	\$ 16,792.	\$ 32,481.	\$ 134,583.
State:				
Local:				
Private:	17,500.			17,500.
Total:	\$102,810.	\$ 16,792.	\$ 32,481.	\$152,083.

Of the above total, indicate how much is: Of the project operating costs the following are estimates of:

(a) Start-up, one time expenditures: Approximately - \$ 18,710

(b) Annual operating costs: Approximately - \$ 5,607./Month (\$ 67,284./Fiscal Year)

(A complete budget breakdown should be included with the attachments to this form)

See attached final report Exhibit B

8. Evaluation Costs (Indicate cost of formal evaluation if one has been performed) These costs are integral to program operation and are not separate.

Total Cost	Time Period	Principal Cost Categories
\$ 8,264.	15 Months	Salaries, Computer Assistance, Forms Postage.

9. Continuation. Has the project been institutionalized or is it still regarded as experimental in nature? Does its continuation appear reasonably certain with local fundings?

It remains experimental in the sense that replication is being encouraged or attempted elsewhere. However, it is well accepted in Nebraska with the prospects for permanent state funding.

\* By eliminating Indirect Costs and National Demonstration & Development Costs we are approximating the Operating Costs associated with running this program. The two costs mentioned (Indirect and National Demo. and Development) more clearly relate to expenditures unique to the Creighton program and thus for purposes of deliniation this seems most realistic. As a result true estimated start-up costs would be a function of the Operating Cost figure given - \$102,810. Of this we estimate that \$18,710. would be a reasonably accurate appraisal of program start-up costs and the remainder - \$84,100. would, if annualized, run to approximately \$67,284. or \$5,607. per month.

7. Project Operating Costs (Do not include costs of formal evaluation if one has been performed. See Item 8)

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1. Project Summary

The Creighton Legal Information Center (CLIC) was created as an experimental solution to one of the greatest problems facing rural criminal justice personnel: the lack of adequate and reasonably accessible research facilities. Nebraska has a largely rural population of 1.7 million, with concentrations in the two metropolitan areas in the eastern portion of the state. The state's two major law libraries are located in these two cities. Thus, criminal justice personnel throughout the rural areas of the state face problems of distance -- sometimes being as far as 300 miles from the nearest major law library; and time (including time to travel to an adequate research facility) -- only fourteen percent of rural Nebraska criminal justice personnel report having staff available to assist them with research.

The design of the project is simple. Research requests are phoned or mailed to CLIC offices at Creighton University's Ahmanson Law Center. Law students conduct research and prepare memoranda. Each memorandum is reviewed by a student supervisor for completeness, clarity and legal style, and then by a faculty supervisor. The memorandum is then phoned or mailed to the requesting party. One week later an evaluation questionnaire is sent to elicit the user's opinion regarding the service. These memoranda are then abstracted for publication in the project newsletter and further disseminated to others with similar legal questions.

Those defined as eligible CLIC users are district, county and associate county judges, county and city attorneys, public defenders and appointed counsel, and command law enforcement officials. Since the project was designed to meet the needs of officials in rural areas, original research requests are not accepted from the state's two urban counties. Copies of existing memoranda are supplied to officials from these areas, however.

CLIC services are made available at no cost to the user. Calls are received on toll-free WATS lines, and there is no charge for research time or materials. In addition to its legal research services, CLIC also provides analyses of legislative bills, sends law library reference materials on a copy or loan basis, and publishes a monthly newsletter which is sent to all political officials, attorneys, judges and command police officers in Nebraska.

Response to the CLIC project has been overwhelmingly positive. During the first 15 months of operation, the project received 659 calls and letters requesting services. Requests came from 71 of the 91 eligible Nebraska counties. Ninety-one percent of the users stated that they were "generally pleased" with the CLIC project, and 100 percent indicated they would contact the project again. Ninety-five percent of the requesters found their CLIC memoranda "extremely helpful" or "of some help," and the memoranda received overall "good" or "excellent" ratings 94 percent of the time.

2. a) Goal Achievement

Since its creation in June, 1974, the Creighton Legal Information Center has produced a measurable improvement in the operation and quality of the criminal justice adjudication system in the State of Nebraska.

- GOAL: To assess the need for research aid in rural criminal justice systems.
- MEASURES: Responses of potential users to a "market survey." The continuing level of requests for service after initial requests.
- OUTCOMES: Nebraska legal professionals report spending an average of 65% of their time doing legal research; only 14% of them have staff available to help with this. District and county judges have no research staff available to help them. In its first phase of operations, this project received 659 contacts. Users report that the main reasons they use the service are a lack of library facilities in the outstate area and a lack of time to do the research (including the time necessary to travel to a comprehensive library). Contact rates did not vary appreciably over the duration of the project.
- GOAL: To develop a method for providing and delivering this service efficiently and with good quality.
- MEASURES: Amount of time put into project. User evaluations of quality.
- OUTCOMES: A cost-benefit analysis has shown that the legal research has been completed in approximately 8.8 hours of student time per memorandum, while legal professionals estimate that they would have spent about 10 hours per memorandum achieving work which was admittedly likely to be of lesser quality. Thus, less student time is being used to produce the same or better result (at lower cost) while freeing up the time of legal professionals for other tasks. Evaluations have shown that the services are available at convenient times, that the reports have been to-the-point and generally finished on time, and that the CLIC service is considered to be of high quality. It should be noted that while most users are repeat customers, the use rate per customer would not warrant a full-time law clerk even if funds were available to hire one.
- GOAL: To effect a case-by-case and system-wide impact on the criminal justice system.
- MEASURES: Number of services provided. User surveys. Unsolicited letters.
- OUTCOMES: In slightly over a year of operation, the CLIC project produced 305 original memoranda and supplied, upon request,

471 additional copies of these. CLIC's services were used in 71 out of the 91 counties in Nebraska which were eligible for services. Over 40,000 copies of newsletters were sent out in the project. By the end of this period, 91% of the potential user population in Nebraska had heard of CLIC and knew what it was, and over 60% of all the state's county attorneys and county judges had used this service. Letters inquiring about the project came in from states throughout the country as far away as Arkansas, Vermont, and Utah. Unsolicited letters from users indicated a generally excellent reputation for the project and appreciation of its services.

The breadth of knowledge regarding other programs operating around the country is limited. CLIC is unique nationally from both an operational approach and a philosophical intent and is therefore difficult to evaluate vis-a-vis other programs. Kentucky has a legal information program located in Lexington, with service available to any citizen wishing to utilize it, but the program does not provide original research to judges and attorneys. Likewise, the University of West Virginia has a program available to any attorney operating in a public capacity (eg: counsel to a local school board). To our knowledge, no other program offers both students and users as in-depth a service as does the CLIC project, although some unsupervised student research programs are available to individual users on a "pay as you go" basis, and some commercial services are available.

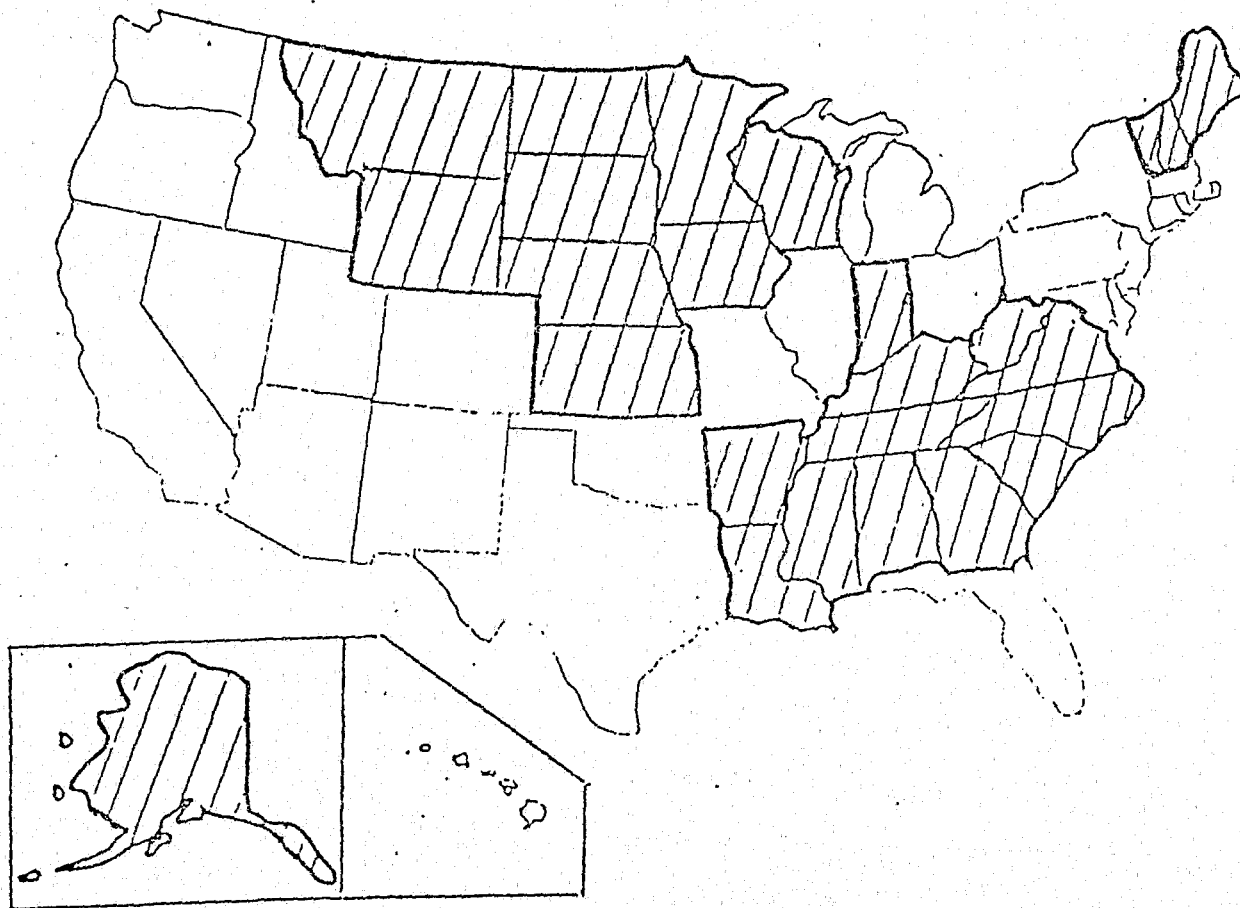
It is the CLIC project staff philosophy that having an identifiable population of users and a continuing relationship with them substantially increases the interaction with each user and hence the quality of each memorandum. In addition, the newsletter and other services encourage use of the CLIC research services and users have clearly indicated faith in the quality of CLIC work. This might not be the case where non-supervised or for-profit research is done on a more sporadic basis.

## 2. b) Replicability

The CLIC project addresses itself to a dual concern of rural criminal justice officials: lack of adequate information dissemination about current criminal justice developments and lack of adequate public resources to acquire necessary legal research materials. In the United States there are 25 states which qualify as primarily rural states in which at least 34% of their population lives outside of "urban" areas (population centers of over 2500, based on the 1970 census). If, in addition to the above statistic one allows for that percentage of the population which, while living in an "urban" area, lives farther than 100 miles from the nearest major law library, there is a substantial increase in the "rurality effect" in terms of legal research availability and thus the problem is further compounded. In this regard, the CLIC project is certainly one with implications far beyond the State of Nebraska, which is partly the reason it was funded as a demonstration project. The attached map will indicate states where the potential for replication is highest. Also attached, as Exhibit F, is a preliminary format for an informational booklet describing the program.



STATES WITH RURAL  
POPULATION OF 34% OR GREATER



U.S. Department of Commerce,  
Bureau of the Census 1970  
United States Summary

Through extrapolation from the project's five quarterly reports, the final report and the soon-to-be-completed national demonstration materials, a well documented description of CLIC, can be found. It is the intent of the project staff, in recognition of the legal research assistance needs in rural areas throughout the country, to have available a detailed instruction manual illustrating the program in such a way that it can be replicated both operationally and methodologically.

The concept of the project is a solid one, built upon the not heretofore addressed needs of rural criminal justice officials. An appropriate methodology has been worked out to meet this need in each state and this methodology is being "fine tuned" in Nebraska. While there was an enormous commitment to making this demonstration successful by the project staff, the groundwork which has been laid will make the program replicable in a variety of jurisdictions. In addition, there is a common incentive amongst the law schools of the nation to provide both employment in educationally relevant contexts, and service to the local bench and bar. This project qualifies in both regards and would likely be a prime candidate for replication.

The restrictions on appropriate usage of this type of service by urban or rural areas are basically a function of proximity to existing legal research facilities. For example, states which are the size of Nebraska (77,237 square miles) or Montana (147,138 square miles) are so large, and their population base so small, that criminal justice officials are effectively prevented from either traveling to the nearest research facility or from acquiring an adequate facility of their own due to the financial constraints. To illustrate this point, despite our use of the Bureau of the Census definition of an urban area being that community of 2500 or more in population, there is a community in Western Nebraska (Ogallala) with a population of 5,000 whose need for the service is as great or greater than that of a community with a population of only 1,000. The only restriction in the CLIC program is that which excludes Douglas and Lancaster counties (two of 93 counties) from requesting original research memoranda. The program's replicability increases as a function of the "rurality" of a state to be serviced, however.

## 2. c) Measurability

The CLIC project is currently operating and has been operating since July 10, 1974. Thus, there has been sufficient time to demonstrate the need for the program and its ability to meet that need, to develop efficient operating procedures, and to assess the quality of the project's products and their impact on the system. In addition, the project has been rather extensively evaluated.

1) Prior internal project monitoring: Utilizing a methodology designed by the project evaluator, data have been compiled by project staff on an ongoing basis from the inception of the program to the present, quarterly and monthly reports are made available to all project staff. These documents may be found in the official quarterly reports.

2) Prior Evaluation by Nebraska Commission on Law Enforcement and Criminal Justice and Monitoring Visit from L.E.A.A. National Office: This evaluation was performed by an NCLEJ research analyst, Mr. Bruce Miller, and was completed on June 9, 1975. It is available as a memo to the NCLEJ Research Division Director, Mr. Steven Weitzenkorn, and was included in the quarterly report covering that period. A monitoring visit by Greg Brady from the L.E.A.A. Office of Regional Operations -- Court Division was also performed during the first year of the project. Presumably a report of that visit is available from O.R.O.

3) Project evaluation and final reports: A project evaluation report dated May 1, 1975 was prepared by the project staff and distributed at an L.E.A.A. conference on May 9, 1975. Copies were made available to the project's L.E.A.A. monitor. The final report was prepared by the project staff and it covers all aspects of the entire first phase of the project (15 months). It is available through L.E.A.A. as well as being attached to this application.

4) Current internal project monitoring: A substantially improved methodology has been designed by the project evaluator and data are being compiled by staff on an ongoing basis. This has been done from the inception of the second phase (September 1, 1975). Monthly reports are available and a computerized data base allows instant access to data at any time, in any format or output. For example, inquiries can be made to correlate any aspect of the data base with any other aspect utilizing the Statistical Package for the Social Sciences (SPSS) in an on-line version. Such reports are available on request to the project's offices. Examples of some outputs are found in the first phase II quarterly report to L.E.A.A.

## 2. d) Efficiency

(1) The CLIC project is making possible more efficient legal research in outstate Nebraska. Without this project, outstate criminal justice officials often had to travel as far as 300 miles to an adequate law library. This was a large investment of time and expense when it was done, and it might have meant a poorer quality of justice when it was not. CLIC reports have been described by users as more thorough and up-to-date than those that they could have produced themselves. These are factors to which specific dollar values cannot be assigned.

In addition, our analysis has shown that these memoranda are being prepared in about 8.8 hours of student time per memorandum user. Professionals report that they would have spent about 10 hours doing the same or lesser quality work. Given that student time is less expensive than professional time, the project is providing more research effect at a lower cost. While students are "learning while doing," they also are freeing up the time of legal professionals to be spent in other ways. From these perspectives, then, the program appears to be cost beneficial.

Finally, while the project's costs are and have been partially related to the development of this new concept and a methodology for

bringing it to fruition, that would not be so with regard to other initiators of similar projects. Their costs would be operational only and they would be able to use the forms, procedures, programs and materials developed by the CLIC project staff.

Naturally, there are a variety of benefits that result from the program, in addition to the direct services provided, and these are addressed in the first phase project final report.

## 2. e) Accessibility

The CLIC staff would not only be agreeable to, but would be strongly supportive of efforts directed toward the program which might result in the general application of the program design to other rural areas of the country. As indicated above, the CLIC program has already undergone an extensive, rigorous internal evaluation. We are confident of the results which have been achieved and encourage additional validation.

A visit from state planning agency representatives of several western states and representatives of the L.E.A.A. Denver Regional Office and the National Center for State Courts is expected on March 8 and 9, 1976. In addition, visits from other states are expected prior to May, 1976. Finally, several other representatives of various organizations have communicated with the project staff about the program and have received copies of the grant application and other descriptive materials.

There is no question but that the project staff and Creighton University would welcome an examination by Exemplary Project consultants, evaluators, or committee members and would and does agree to assist in these efforts and those aimed toward the publication of information and further dissemination of the CLIC concept. Furthermore, the staff would assist in arranging further visits from those wishing to implement such programs.

As the program is now operating on its second funding allocation from L.E.A.A. (20 month total), it is the expectation of the staff that continuation funding will be forthcoming either through the State Planning Commission or the state legislature on a permanent basis. Efforts in this regard have already begun although it is too early to determine the outcome of this work. It is expected that the project will be available to receive visits from interested persons.

## 3.&4. Outstanding Features and Weaknesses

The outstanding features and weaknesses of the project as it has developed are frankly received in the project director's narrative portions of each quarterly report and in the final report.

## 5. Degree of Support

The CLIC project has attained an excellent public image and is strongly supported by criminal justice officials throughout Nebraska.

The unsolicited letters and public relations portions of each quarterly and the final reports indicate the major public and official interest the project has evoked.

## Endorsements

The project is funded directly from the national offices of L.E.A.A. in Washington, D.C. and thus all local and regional reviews have been informal and voluntary. Nevertheless, the application to refund and continue the CLIC project after phase one was endorsed by the Nebraska Commission on Law Enforcement and Criminal Justice and approved by Region 7, L.E.A.A. SPA officials, the Regional Administrator, and the Nebraska Regional representative are all familiar with the program.

TABLE OF EXHIBITS

- A. Criminal Justice Research Assistance Project Application  
Phase I (Original)
- B. Criminal Justice Research Assistance Project Application  
Phase II (Refunding)
- C. Final Report - Criminal Justice Research Assistance Project  
(Phase I)
- D. First Quarterly Report - Criminal Justice Research  
Assistance Project (Phase II)
- E. Criminal Justice Research Assistance Project - Project  
Summary Report (May 1, 1975)
- F. Preliminary Format - Information Booklet

APPENDIX B:

Sample Memorandum

SHERIDAN COUNTY ATTORNEY

MICHAEL V. SMITH  
111 W. 2ND  
GORDON, NEBRASKA  
69343

December 27, 1974

TELEPHONE:  
GORDON 282-0690  
RUSHVILLE 327-2763

Creighton Legal Information Center  
2500 California Street  
Omaha, Nebraska 68178

Gentlemen:

This letter is a request for your services in preparing a memorandum concerning a search and seizure problem. A brief narrative of the issue to be presented and researched is as follows:

Recently two Nebraska state patrolmen, patrolling in a single vehicle, had occasion to stop a speeding vehicle. One of the patrolmen requested the driver's identification by way of his driver's license and vehicle registration certificate but was unable to remove his operator's license from the plastic folder in which it was contained. The officer indicated that if the driver did not have any valuable papers in the folder he would take the folder containing the operator's license back to the patrol car and examine the operator's license without removing it from the folder. The operator indicated this would be ok. At the patrol car the officer prepared a citation using information from the operator's license in the plastic folder and the vehicle registration certificate. Upon completing the citation the officer folded the plastic folder back up intending to return it to the owner. At this time a small plastic case dropped from the plastic folder. The officer recognized the plastic container to be one used to carry contact lenses. The companion officer then asked whether or not the operator's license had any restrictions marked upon it. Upon determining that the operator's license did not have any restrictions marked on it, the officer then slipped the cover from a portion of the lens case to determine whether there was a contact lens in the case. Instead of a contact lens the officer discovered several small tablets which he identified to be "white cross" or amphetamine tablets. The driver was arrested, given the Miranda warning, and he consented to a search of his vehicle which revealed more amphetamine tablets.

The driver was charged with possession of a controlled substance, and a motion to suppress was filed for hearing. The motion to suppress hearing was held on December 23, 1974. The District Judge ruled that the controlled substance, dl-amphetamine, should be suppressed on the basis that it was confiscated by means of an illegal search and seizure.

The County Attorney, Mr. Michael V. Smith, has begun the proceedings for an appeal. He has been in contact with the Attorney General by telephone and the Attorney General stated that he will consent to the appeal. It will be necessary to present a memorandum brief with our application to appeal this decision. Please prepare a written memorandum concerning the search and seizure aspect of this case. The questions as I review them are:

1. Was the taking and the examination of the contact lens case a search and seizure as defined by applicable law, or was it merely an ongoing investigation of an article falling within plain view of the police officer, wherein the officer had reason to believe that a violation was being committed?
2. If the actions of the officer did amount to a search and seizure, was such a search and seizure unreasonable under the circumstances wherein the officer has cause to believe the operator possesses contact lenses and is wearing them when his license does not indicate a restriction, or that the operator does require contact lenses but does not have them in place on his eyes?

The caption of the case is THE STATE OF NEBRASKA v. CASPER J. NINGEN, IN THE DISTRICT COURT OF SHERIDAN COUNTY, NEBRASKA, CASE NO. C1364. The prosecuting attorney is Michael V. Smith. The defendant's attorney is Charles Plantz. If you desire any other information please contact me. Our application for this appeal must be on file within thirty days of the decision. We would appreciate your memorandum by January 15, 1975.

Yours truly,

SMITH AND KING

*Dennis D. King*

Dennis D. King  
Deputy County Attorney

DDK:lll



MEMORANDUM

TO: Dennis D. King  
Sheridan Deputy County Attorney

DATE: January 20, 1975

FROM: Creighton Legal Information Center  
(Michael Wellman, Research Assistant)

RE: State v. Ningen (261)

DO THE FACTS OF THIS CASE GIVE RISE TO A SEARCH SUBJECT TO THE PROTECTIONS OF THE FOURTH AMENDMENT?

ARGUABLY NOT, BECAUSE THERE MAY HAVE BEEN NO REASONABLE EXPECTATION OF PRIVACY.

That the opening and inspection of the contents of the contact lens case here constitutes a "search" seems beyond question (except insofar as the "plain view" doctrine relating to seizures may apply, *infra.*). Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 839 (1968). What is in question is whether there was a search subject to the safeguards provided by the Fourth Amendment. What does the Fourth Amendment protect? At common law, Entick v. Carrington, 19 Howell's State Trials 1029, 95 Eng. Rep. 807 (1765) embodied the universally accepted tenets: "By the laws of England, every invasion of private property, be it ever so minute, is a trespass. No man can set foot upon my ground without my license but he is liable to an action though the damage be nothing. . . ." 95 Eng.Rep. 817, 818. The protection of such property interests as the cornerstone of the Fourth Amendment found early and easy acceptance in the United States Supreme Court. Boyd v. United States, 116 U.S. 616, 6 S.Ct. 524, 29 L.Ed. 746 (1886).

In more recent times, however, "The premise that property interests control the right of the Government to search and seize has been discredited. . . . We have recognized that the principal object of the Fourth Amendment is the protection of privacy rather than property, and have increasingly discarded fictional and procedural barriers rested on property." Warden v. Hayden, 387 U.S. 294, 304, 87 S.Ct. 1642, 18 L.Ed.2d 782 (1967), Couch v. United States, 409 U.S. 322, 93 S.Ct. 611, 34 L.Ed.2d 548 (1973), United States v. Mara, 410 U.S. 19, 93 S.Ct. 774, 35 L.Ed.2d 99 (1973).

The new test, then, is whether there was an expectation of privacy upon the part of a person, and whether that person may justifiably rely on such expectation. Katz v. United States, 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967). The "[C]apacity to claim the protection of the Amendment depends not upon a property right in the invaded place but upon whether the area was one in which there was reasonable expectation of freedom from governmental intrusion." Mancusi v. DeForte, 392 U.S. 364, 368, 88 S.Ct. 2120, 20 L.Ed.2d 1154 (1968).

In his concurring opinion in Katz, supra, Mr. Justice Harlan formulated a two-pronged test for determining whether a privacy interest of an individual is paramount over the interests of the state: "[F]irst that a person have exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as 'reasonable.'" 389 U.S. 361.

Does an individual who voluntarily hands over to police officers a plastic folder containing a driver's license and a contact lens case which conceals amphetamines exhibit an actual (subjective) expectation of privacy? What a person knowingly exposes to the public is not a subject of Fourth Amendment protection. Lewis v. United States, 385 U.S. 206, 87 S.Ct. 424, 17 L.Ed.2d 312 (1966). While the defendant here did not expose the contents of the lens case to the public, he did expose the wallet containing the lens case. The question then becomes whether one who willingly hands a container over to governmental officials can reasonably insist that he has a subjective expectation of privacy in its contents. If he had, then why did he not free his driver's license from the plastic folder? Or why did he not remove loose items in the plastic folder other than the driver's license?

Even if it can be said that there is some expectation of privacy in a closed lens case, could the defendant under the circumstances justifiably rely on such an expectation when it was he who voluntarily surrendered the entire plastic folder to the police? There cannot be much of an expectation of freedom from governmental intrusion under these circumstances.

There is even some question of whether the contact lens case would be subject to protection under the old property interest tests. The initially introduced version of the Fourth Amendment read, "The rights to be secured in their persons, their houses, their papers, and their other property. . . ." 1 Annals of Congress 434 (June 8, 1789). Of course, the ratified Amendment uses the term "effects" rather than "their other property." If this distinction is meaningful, the Supreme Court has yet to so declare. But considered in context, the term "effects" would more readily encompass clothing, purses, billfolds, etc.--tangible property worn or carried about the person or found in the home. Cf. In Re Benson's Estate, 110 Mont. 25, 98 P.2d 868 (1940). And though the lens case may have been an "effect" while in the defendant's control, his voluntary loss of dominion--though temporary--over it results in its no longer being "worn" or "carried about" his person. The lens case is still, of course, his "property," but it is not so clear that it is still his "effect," at least where he voluntarily parts with it.

Even if a court were to conclude that a lens case is an effect, and even if a court were to conclude that the defendant maintained an expectation of privacy in the contents of the case on which he could justifiably rely, there is yet the question whether the search here was unreasonable. For "what the Constitution forbids is not all searches and seizures, but unreasonable searches and seizures." Elkins v. United States, 364 U.S. 206, 222, 80 S.Ct. 1437, 4 L.Ed.2d 1669 (1960). Again, given the facts of this case, are the police to assume that the defendant maintained a

reasonable expectation of privacy in a contact lens case which he had voluntarily turned over to them. While it is recognized that the test is the defendant's subjective expectation of privacy, the impact of his actions and belongings on the officers is of relevance. They were not looking for drugs, had no reason to look for drugs. It was not unreasonable for the officers to believe that an individual who is not wearing his contact lenses may not be able to operate his vehicle safely on a state highway. State patrolmen do have the statutory "power. . . (3) at all times to direct all traffic in conformity with law or in the event of a fire or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require notwithstanding the provisions of law. . . ." Neb. Rev. Stat. §60-435 (1959). Neb. Rev. Stat. §60-434 (1974) states, "The Nebraska State Patrol. . . shall be used primarily for . . . the handling of traffic within the state. . . ."

Thus, to ensure safety and to handle the flow of traffic, the state patrolmen could reasonably check to see whether the defendant required corrective lenses, and to suggest to him that he either wear or not wear them as a safety measure, or to suggest to him that his eyes ought to be reexamined, if they had not been recently so examined. Considering that all they expected to find was the presence or absence of lenses in the case (they were not searching for fruits, instrumentalities, or even evidence of a crime), given the fact that the defendant voluntarily turned them over to the patrolmen without any protestation on his part, and given their power to insure safety on the state's highways, it cannot be gainsaid that the search was reasonable. This is not a situation in which the stop of the car was merely a sham or front being used as an excuse for making a search. See, Taglavore v. United States, 291 F.2d 262 (9th Cir. 1961).

DOES THE SEIZURE OF THE AMPHETAMINES IN THIS CASE FALL WITHIN THE SCOPE OF THE PLAIN VIEW DOCTRINE?

POSSIBLY, UNDER THIS LINE OF THOUGHT, THERE WOULD BE NO SEARCH BUT RATHER A SEIZURE ONLY.

In Coolidge v. New Hampshire, 403 U. S. 443, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971), the Court defined the parameters of the plain view doctrine. An officer must have a prior legal justification for being where he was when he perceived the incriminating items, and the officer must inadvertently perceive or stumble across the incriminating items. The pertinent issue in the case and the one which caused dissension among the Supreme Court's ranks was the expansiveness of the definition of the word "inadvertently." While the dissents of Mr. Justice Black, et. al., disagreed with the majority holding that an officer who enters onto property knowing that he is looking for a particular item and knowing where that item is located cannot be said to have "inadvertently" come across a particular item in plain view, all the justices would agree that "inadvertently" at least means that the officer must have done nothing active--other than using his five senses--to discover the incriminating items. Where the officer "inadvertently comes within plain view of a piece of evidence, not concealed, although outside of the area under the immediate control of the arrestee, the officer may seize it. . . ." 403 U.S. 466, n. 24.

Under the facts of this case, the only item in plain view at a time when the officers clearly had a prior legal justification for being in a position to view was the lens case. However, if it can be successfully argued that the officers had a legal justification for opening the lens case, then it follows a fortiori that the contraband inside the case was inadvertently viewed. If the patrolmen can be said to have had a legal justification for looking into the lens case, then there was no search at all.

Again, any prior justification for opening the case must be founded upon the powers conferred by §§60-434 and 60-435, supra. The problem in this area is that the justification must be legal, not merely reasonable. While it may be reasonable to make a connection between ensuring safety (§60-435) and the wearing of glasses as dealt with by Neb. Rev. Stat. §60-407 (1974), it may prove qualitatively more difficult to establish a legal link, since §60-407 does not require either wearing or not wearing glasses. If there is no restriction on the license itself that the operator wear glasses, it can only legally be assumed that, even though the operator may wear glasses, his eyesight is not so poor that he must wear them according to state law. Whether or not the operator must wear glasses is a question not for state patrolmen on a daily basis but for examiners every four years. Cf. Neb. Rev. Stat. §60-411 (1971).

Thus, any tie-in of this argument to §60-407 may prove legally too tenuous. However, a direct tie into §60-435 is not so tenuous. "Ensuring safety. . . notwithstanding the provisions of law" is a very broad grant of authority and could readily entail the actions of the patrolmen here even though the same result could probably not be achieved under §60-407.

IF THE SEARCH OF THE LENS CASE WAS UNCONSTITUTIONAL, WAS THE SUBSEQUENT SEARCH FOR AND SEIZURE OF AMPHETAMINES IN THE CAR PURSUANT TO THE CONSENT OF THE OPERATOR ALSO UNCONSTITUTIONAL AS "FRUIT."

NO.

Schneckloth v. Bustamonte, 93 S.Ct. 2041 (1973) finally laid to rest the notion that there need be some cause for investigation before a valid consent can be obtained. "It is equally well settled that one of the specifically established exceptions to the requirements of both a warrant and probable cause is a search that is conducted pursuant to consent." 93 S.Ct. 2043, 2044.

Police can search anywhere for anything for no reason at all if they have first received a valid consent. And if they could constitutionally search for no reason at all, it certainly should not matter that they would not have searched at all but for a prior unconstitutional search. If they can search for no reason at all, then it does not matter what their reason or impetus is. The prior unconstitutional

State v. Ningen  
January 20, 1975

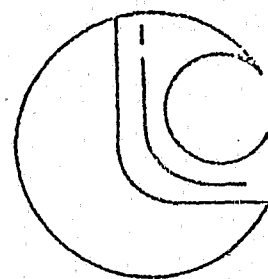
search may have relevance to the question of the validity of the consent, but if the consent is valid then the search itself cannot be independently invalidated by "fruits of the poisonous tree" doctrine. The second search (of the car) depends on the validity of the operator's consent, not on the validity of the prior search nor on the validity of any arrest. Wong Sun v. United States, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963).

Thus, if the consent is valid, a question not yet addressed in this case, then the search is valid. The notion that the consent under these or any circumstances must be invalid as a matter of law is an absurdity. If a court were to take the view of Higgins v. United States 209 F.2d 819 (D.C. Cir. 1954) at face value--that no person would ever freely consent to a search which he knows, or certainly should know, will result in the discovery of incriminating evidence, then the scope of the consent search would be absurdly limited to those very few cases in which the suspect was himself unaware that he possessed incriminating items. If, on the other hand, courts adopt the view that many persons consent to searches out of an unrealistic assumption that a show a bravado will mislead the police, or out of an attempt to bluff their way through a search, confident that the incriminating items are well hidden, or because of a willingness to be caught and punished for conduct which has stimulated a deep sense of guilt, then the consent doctrine remains vital and makes a great deal of sense. United States v. DeVivo, 190 F.Supp. 483 (E.D.N.Y. 1961); L. Tiffany, et al., Detection of Crime, 158 (1967).

The question ultimately, then, must become whether the consent given was valid. The consent must have been voluntarily given and not have been the result of duress or coercion, express or implied; whether it was so is to be determined by the trier of fact from the totality of all the circumstances. While the prosecution is not required to show that the accused knew he had a right to refuse to consent to a search, the defendant's lack of knowledge may be a factor in determining the voluntariness of the consent. Schneckloth, supra.

APPENDIX C:

Sample Newsletter



## Creighton Legal Information Center

2500 California Street, Omaha, Nebraska 68178

800/642-8446  
(TOLL FREE)

402/536-2929

Vol. 2, No. 2

November, 1975



### Students Value CLIC Experience

An "incidental" purpose of the CLIC program as designed by Creighton and LEAA, was to expose law students to practical as well as theoretical legal problems. Evaluations completed by student participants at the time they "graduate" from the CLIC program indicate that that purpose was valid and the program has fulfilled it well. In general, students have indicated that CLIC was a valuable experience to them, that it provided them with learning opportunities not available elsewhere, and that overall the program was well run and was perceived to be valuable to the Nebraska bar and judicial community.

Those benefits most often pointed out by students were a heightened ability to perform legal research, improvement of writing skills, and broadened knowledge of the substantive areas of criminal justice. Students noted that their CLIC experience involved learning to "work" with the law, providing an opportunity to apply their knowledge and research skills to "real" cases rather than working with legal concepts in the abstract manner which is typical of classroom activities.

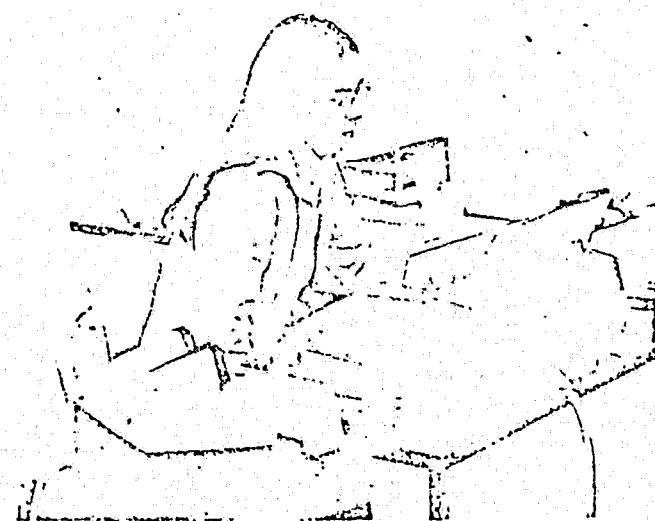
Wrote one student: "I gained ... a great deal of specific substantive knowledge. No memo ... was a repetition of an earlier one, nor did it cover a topic with which I was familiar at the outset."

Vocational guidance was another benefit which some students felt resulted from the CLIC experience. They said the project acquainted them with various aspects of the legal profession and provided a clearer understanding of their own aptitudes and abilities in certain areas. "When I began working with this project," wrote one student, "I had little interest in or knowledge of the field of criminal law. Specifically, because of this project, I am now working as a deputy county attorney and intend in three to five years to open my own practice defending criminal cases."

Opinion varied concerning the optimal amount of time for a student to spend working for CLIC. While some indicated that a student could benefit throughout his or her law school career, others felt that one semester was sufficient. The feeling was almost universal that students should be granted academic credit for participation in the CLIC program.

What, in the opinion of the student participants, are the major problems confronting CLIC, and where has it fallen short of its goals? Most of the criticism leveled at the project involved matters of internal administration which stemmed from the project's youth and the overall lack of similar prior programs upon which to base systems and procedures. One student felt that direct contact between the student and the requesting party would be desirable. Several said that more faculty supervision was needed and that more time should be spent by the faculty supervisors on each memo;

Continued on Page 2



CLIC Secretary Linda Stoner prepares a response to one of over 125 research requests which have been received during the project's second phase of operation.

Page 2

### Student Assistant's Report

The CLIC files of original memoranda continue to grow as users keep requesting our services. Because many requests are similar, the CLIC staff feels that a bibliography, by subject matter, of completed projects would be beneficial to our users. The Student Assistants are currently attempting to compile such a bibliography and hope to have it completed by the first of the year. We will keep you posted on our progress.

As Thanksgiving and the end of November draw near, CLIC students anticipate first semester examinations, which begin December 8. During the examination period no original memoranda will be produced, but CLIC secretaries will continue to man the phones and the Student Assistants will periodically check the mail. Your requests for copies of completed memoranda will be filled without delay and starting December 18, four or five students will be working 40 hours a week to meet your other requests. Keep in mind, however, that no new memoranda can be mailed until approximately December 29.

Hereinafter listed, in numerical order, are the new reports now being made available for distribution to CLIC users and eligible Douglas and Lancaster County officials. Each report has a notation showing the adversary slant utilized in preparing the memorandum. (J) = Judge, (P) = Prosecutor, (D) = Appointed Defense Counsel, (L) = Law Enforcement Officials, (PO) = Probation Officer, (DCO) = District Court Opinions abstracted by CLIC.

No. 471A (P) Does the accused have a right to be present during the hearing on a motion to suppress or a motion to quash? No, although the accused has a right to be present during trial, preliminary motions are not part of the trial in the constitutional sense, therefore the accused has no right to be present at the motion to quash. Similarly, the accused probably does not have the right for a motion to suppress.

No. 471B (1) (P) When is a pursuit by a Nebraska police officer into Iowa justified? Under the Uniform Act on Fresh Pursuit, a police officer can pursue an individual into another state when the person is believed to have committed a felony.

No. 471B (2) (P) If the pursuit into Iowa was not justified under the Uniform Act on Fresh Pursuit, what is the status of the Nebraska officer in relation to the defendant once in Iowa? The Nebraska police officers may be considered private citizens in relation to the defendant once in Iowa.

No. 471B (3) (P) Does the Fourth Amendment protections against illegal searches and seizures extend to private citizens? No, search and seizure by private individuals do not fall within the protection of the Fourth Amendment.

No. 471B (4) (P) If the search is pursuant to consent by defendant, is the evidence admissible regardless of the illegality of the arrest? Yes, if the consent is valid and voluntary, then evidence obtained is admissible.

No. 554A (L) What are the essential elements for conviction under 18 U.S.C. §1503, the general federal statute dealing with obstruction of justice? In order to be convicted the accused must: (1) know that the intended "victim" is a witness or officer in a federal court proceeding; (2) have notice of the pendency of a proceeding in a United States court and (3) have attempted to influence, intimidate or impede the witness or officer because the individual was a witness or officer.

No. 554B (L) What are the essential elements for conviction under 18 U.S.C. §1510, making criminal the obstruction of information about a violation of any criminal statute of the United States to a criminal investigator? To be convicted of violating 18 U.S.C. §1510, the accused must: (1) wilfully endeavor to prevent the communication of information relating to a violation of a United States criminal statute; and (2) have actual knowledge that the intended recipient of the information is a federal criminal investigator.

Continued on Page 3

### CLIC Students Honored

Two of the five law students recently selected for membership in Alpha Sigma Nu, the National Jesuit Honor Society are CLIC employees. Student Assistant Barbara Gaskins and Research Assistant Charles Thronson were initiated on November 22. Initiates are chosen for their excellence of scholarship, loyalty and service to the University. Membership in the society is the highest honor Creighton can bestow on its students.

### Students Value CLIC

Continued from Page 1

other students preferred greater autonomy, however.

Overall, the attitude of the students seemed to be expressed by one who wrote, "CLIC is an ingenious idea and has proven to be one of my most rewarding experiences. While it needs work, overall the project has run surprisingly well, and at times has gone simply superbly. For a seven-month-old project, I think it works better now than anybody had a right or reason to expect at its inception."



## Project Director's Report



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The changes which were made are designed, during this second phase of the CLIC project, to measure not only your attitudes toward the CLIC project and in particular the report you are evaluating, but also to measure the effect that utilization of CLIC services has had upon the cases on which you have requested assistance. The purpose for this change is to more accurately determine, in the second phase of the CLIC project, not simply that you appreciate CLIC services, a fact which was overwhelmingly shown by the final evaluations from phase I, but what the actual impact of utilization of those services is on your practice. It is therefore more important than ever that you continue to fill out the final service evaluation form so that we may report to LEAA the findings of this evaluation.

Other more minor changes which were made are the inclusion of specific categories of answers under the questions of "why did you choose to use the CLIC service?" Previously, the question was simply stated and room for an answer provided. Now, based on the information gathered during phase I, we provide you with six alternatives which you may circle. Naturally, these were the most commonly listed items from the prior evaluation form. Still, a seventh alternative is available which allows you to specify another reason you have which is not listed for using CLIC services.

As before, the final question in the evaluation form requests "that you record any comments you may have (good or bad) about CLIC or any of the services that have been provided to you." This request will be, we hope, taken most seriously by our users. We have found in the past that very constructive and useful criticisms have been made of our work, which has enabled us to perform increasingly to your satisfaction. It is essential, therefore, that users of this service...

Page 3

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GEOFF PETERS

## STUDENT ASSISTANT'S REPORT

Continued from Page 2

No. 554C(L) What are the essential elements for conviction under 18 U.S.C. §371, the Federal Conspiracy Statute? The essential elements of the conspiracy statute are: (1) an object to be accomplished; (2) a plan or scheme embodying means to accomplish that object; (3) an agreement or understanding between two or more individuals whereby they become definitely committed to cooperate for the accomplishment of the object by the means embodied in the agreement, or by any effectual means; and (4) an overt act.

No. 554D(L) What are the essential elements of Neb. Rev. Stat. §28-301 (1964) [conspiracy]; Neb. Rev. Stat. §28-737 (1964) [obstructing administration of justice]; Neb. Rev. Stat. §28-824 (Supp. 1974) [obstruction of administration of law]? The essential elements to prove a violation of the conspiracy statute are: (1) an unlawful agreement to violate a Nebraska criminal statute; and (2) an overt act in furtherance of that agreement. The other two statutes have not been construed.

No. 581(D) Is it required that a defense attorney plead the affirmative defense of entrapment prior to trial in Nebraska? No, Nebraska has no statutory requirement that the accused give notice of intention to rely on entrapment as a defense.

No. 597(P) Is "limited" or "use" immunity available in Nebraska? This question has not been directly addressed by the court, however, Neb. Rev. Stat. §29-2011.01 (Supp. 1974) has generally been interpreted as granting

Page 4

## STUDENT ASSISTANT'S REPORT

Continued from Page 3

No. 607A(D) Does the hearsay rule exclude from evidence business records of a transaction upon which the illegality of a subsequent act is based? Only if such records are within the regularly kept records exception and a sufficient foundation for their authenticity is established.

No. 607B(D) Does the admission of business records in a criminal action constitute a denial of the right of confrontation? Only if the proffered evidence seeks to establish either an element of the offense or defendant's connection with the crime.

No. 607C(D) May records of a transaction be excluded on the grounds that the chain of custody between the time of the transaction and the discovery of the records cannot be established? Only if such records are not readily identifiable or are susceptible to alteration or tampering.

No. 607D(D) Where the complete records are not available, may those records that are available be excluded on the grounds that the unavailable records cannot be examined? Only if the meaning of such records is unclear or their effect would not be limited to the purpose for which it is introduced.

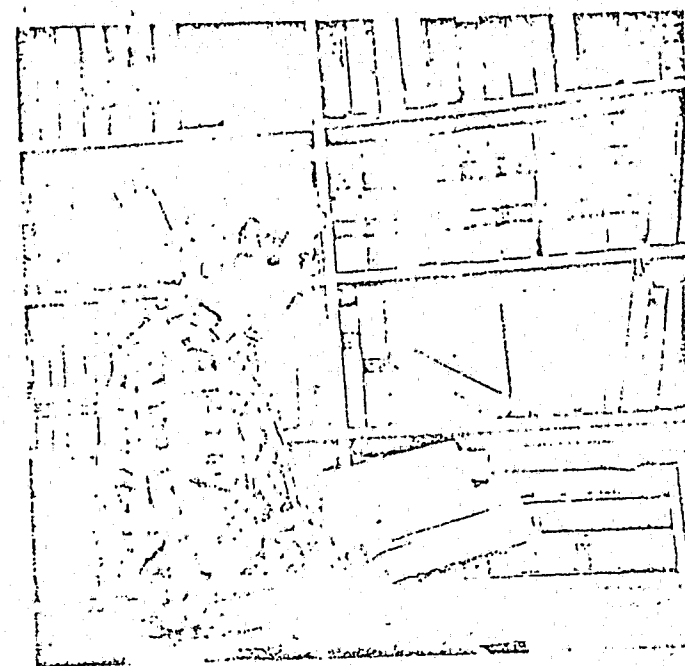
No. 607E(D) Does a Defendant have to be charged with a violation of the most specific statute, if more than one covers the act? No, generally the prosecutor has discretion concerning what statute the defendant will be charged with violating.

No. 607F(D) In a prosecution for grand larceny, is a variance between the allegations and proof as to the value of property stolen, when both exceed the value required by statute, a material variance? Probably not, though the State must prove the value exceeds the amount required by statute.

No. 626A(D) Under what circumstances can line-up identifications and photo-identifications be excluded from evidence? If the procedure was such as to be "impermissibly suggestive" the evidence may be excluded unless there is an independent basis for the identification.

No. 626B(D) Does the fact that a witness sees the accused prior to the line-up render the line-up evidence inadmissible? Not necessarily; only if the circumstances are such as to make the procedure "impermissibly suggestive."

No. 630(PO) Can a defendant be held to the conditions of his probation order before he has signed such order, when the judge informed the defendant orally that he was on probation, but did not explain the conditions? It appears that the only condition which may be implied from a grant of probation is that the probationer will not violate any



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No. 648(P) Does the prosecutor have discretion under Neb. Rev. Stat. §28-1214 (Supp. 1974), dealing with insufficient fund checks, to determine whether to send a notice to the maker that his check has been returned to the depositor, and whether to proceed with prosecution if payment has not been made within ten days after the sending of such notice? It appears that the prosecutor should retain discretion not to file a complaint against the maker, or send notice to the maker that his check has been returned, when the prosecutor has information negating the requisite intent to defraud.

No. 650(L) Does a city of the second class have a right to any part of fines collected by the county court, as a result of city police activities? The city treasurer is entitled to receive fines and penalties collected by the county court only if those fines and penalties are imposed pursuant to a violation of a municipal ordinance or by-law. If the fines and penalties are imposed pursuant to a violation of the statutes of the State of Nebraska, they are to be paid into the county treasury.

No. 651A(J) What factors would make a municipal intoxication ordinance, in language identical to Neb. Rev. Stat. §53-196 (1943), unconstitutional because of overbreadth? To be constitutional, such an ordinance 1) must have a substantial relation to the health, safety, morals, and welfare of the community, and 2) would not require unwarranted invasions of the right of privacy to be enforced.

No. 651B(J) Does Neb. Rev. Stat. §16-238 (1964) prohibit a city of the first class from penalizing intoxication per se? No. A city of the first class is authorized to penalize intoxication under its general welfare power, Neb. Rev.



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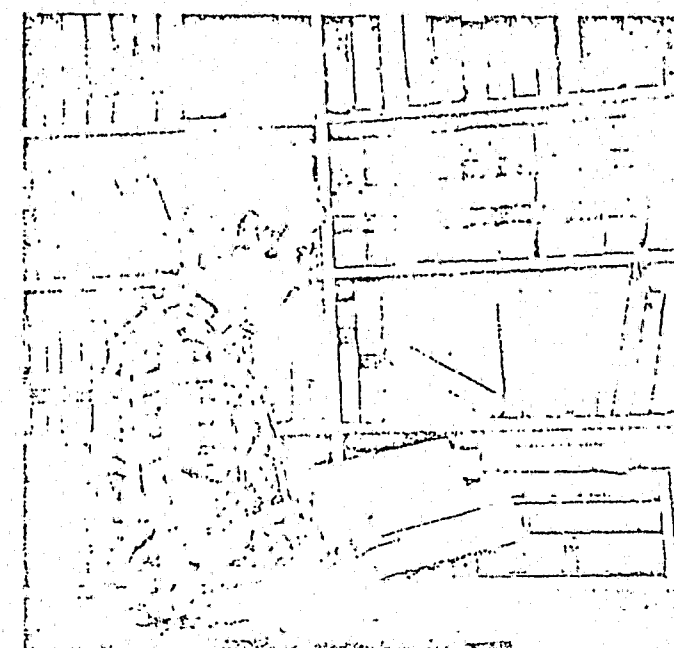
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## STUDENT ASSISTANT'S REPORT

Continued from Page 4

No. 659 (P) Do the procedural safeguard rules set forth in *Miranda v. Arizona* apply to misdemeanor traffic offenses which provide for a jail sentence as well as a fine? Probably not, although there are no Nebraska or United States Supreme Court decisions distinguishing between felonies and misdemeanors concerning the application of *Miranda*, other jurisdictions have held *Miranda* inapplicable to misdemeanor traffic offenses.

No. 662 (P) Do *Miranda* warnings have to be given to an individual arrested for drunken driving before the chemical test to determine the alcoholic content of his blood, urine, or breath is administered? *Miranda* warnings are not required to be given an individual who is properly requested to submit to a chemical test of his alcoholic content, but failure to give warnings may render inadmissible testimonial evidence obtained from the individual subsequent to his arrest.

No. 669 (D) Where does venue lie in the prosecution of an individual for escape from custody when he left, without permission, a facility located in a different county than the one in which he was normally incarcerated? Venue may lie in both the county in which the individual is normally incarcerated and the county in which he escaped custody.

No. 674A (D) Under the facts as given, did the officer have probable cause to arrest the accused at his place of employment? Probably not, the officer only had information that a truck matching the description of the defendant's truck was seen approximately a mile from the scene of an alleged theft.

No. 674B (D) Was the search of the buildings at the accused's home illegal because the consent given was involuntary due to the nature of the circumstances in which the accused was confronted, and the absence of any warnings that he had a right to consent? Possibly, the accused's consent could be vitiated on the basis that one who denies his guilt would not consent to a search he knew would reveal incriminating evidence. The United States Supreme Court has ruled, however, that the suspect does not have to be advised he is not required to consent in order to validate a consent search.

No. 674C (D) Was a search of a pickup owned by the defendant illegal because it was made approximately ten miles from the scene of the arrest, was not incident thereto, was made without a warrant, without consent, and without probable cause? Yes, the warrantless search of the truck was not within the scope of consent, was removed in time and place from the arrest and therefore not incident to the arrest. Nor can the search be justified as a constitutionally permissible automobile search, since it was made without probable cause.

Page 5

No. 675 (P) Must a defense counsel object to a given jury instruction before that issue will be considered on appeal? The general rule is yes, however, where the action of the trial court constituted "plain error," the absence of objection will not preclude error from being assigned.

No. 681 (P) Does a police officer who stops a defendant for speeding have probable cause to conduct a warrantless search of the defendant's automobile for contraband where the defendant appears to be nervous and is driving an automobile with out-of-state license plates when persons from same state had recently been arrested for possession of marijuana? Probably not, although warrantless searches of automobiles are usually permissible where there are attendant exigent circumstances, there must first exist probable cause for the officer to conduct a search. The probable cause requirement demands that there be some objective facts from which the officer can make a reasoned conclusion that a crime is being committed. Mere suspicion of a crime does not suffice.

No. 692A (D) May a defendant who is in custody after a plea of guilty and who alleges violation of his constitutional rights be granted post conviction relief under Neb. Rev. Stat. §29-3001 (Supp. 1974) without first appealing the judgment? Probably. The purpose and function of the post conviction act would seem to allow relief without a prior appeal when the issues involved could not be effectively addressed on appeal.

No. 692B (P) By entering a guilty plea, does the defendant waive his rights to later relief under Neb. Rev. Stat. §29-3001 (Supp. 1974) on the grounds of incompetent counsel and lack of capacity to plead guilty by reason of insanity? No. Incompetent counsel and lack of capacity to plead guilty are issues which may be raised in a post conviction proceeding although the standards for granting relief on these grounds are stringent.

Continued on Page 6

## Crime Rate Increases

The Uniform Crime Reports released earlier this month by the FBI show that nationwide serious crime was up 18% in 1974, compared to the 1973 figures. This was as high a percentage increase as the organization has ever reported. In Nebraska, the 1974 rate of serious crime was 19% more than in 1973.

According to the Nebraska Commission on Law Enforcement and Criminal Justice, serious crime in the state is up 8% for the first 3 quarters of 1975, as compared to the same period in 1974. Specifically, the crime rate is up 4% in the Omaha and Lincoln urban areas, and up 16% throughout the rest of the state.

Page 6

## STUDENT ASSISTANT'S REPORT

Continued from Page 5

No. 694A (J) Does Neb. Rev. Stat. §25-1203 (1943) prohibit the use of a statement, made by the wife of the defendant to police officers and incorporated into the affidavit, to establish probable cause for issuance of an arrest warrant? Probably not, since the wife would not be considered a witness within the meaning of the statute and her statement would not be considered testimony.

No. 694B (J) Does the technicality of an illegal arrest taint a voluntary, intelligent, and informed confession obtained while defendant is being transported to jail? Probably, although the facts of each case must be considered in light of guidelines established in *Brown v. Illinois*, \_\_\_\_\_ U.S. \_\_\_\_\_, 95 S. Ct. 2254, 45 L. Ed. 2d 416 (1975).

No. 696A (D) Must the state or county continue the court appointment of counsel for a felony defendant so that the defense counsel may apply for a writ of certiorari or a

The CLIC Newsletter is published monthly by the Creighton Legal Information Center, Creighton University School of Law, 2500 California Street, Omaha, Nebraska 68178. Communications concerning the CLIC Newsletter should be addressed to Geoffrey W. Peters, Project Director, at the above address.

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direct appeal to the United States Supreme Court? No. There is no constitutional requirement or Nebraska statute which supports the proposition that a state or county must continue the appointment of defense counsel, so that he may apply for a direct appeal or writ of certiorari to the United States Supreme Court.

No. 696B (D) What actions must the defendant take to exhaust state remedies in order to be eligible to file for federal habeas corpus relief? State remedies are exhausted when the constitutional contention has once been presented to the state courts.

No. 697 (J) Is a 16 year old child entitled to support payments from her parents, when she has left home through no fault of her parents, and they are ready, willing, and able to support her in their home? No, under the given facts, the child who has left home, through no fault of her parents, cannot force them to support her apart from their home.

This project was supported by Grant Number 76 DF-99-0003, awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication are those of the Creighton Legal Information Center and do not necessarily represent the official position of the United States Department of Justice or the Creighton University.

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APPENDIX D:

Sample Printouts

	Total	County Attorney	County Judge	Assoc. Cty Judge	District Judge	Defense Council	City Attorney
<u>Secondary:</u>							
Treatises	70	24	6	0	4	37	7
U.S. Law Week	23	2	4	4	3	8	2
Criminal Law Reporter	52	24	5	4	4	12	3
Nebraska, Criminal Law	21	6	5	1	0	8	1
Law Reviews	120	33	17	13	11	41	5
Other Legal Periodicals	80	22	17	5	9	24	3
Other Secondary Material	73	25	5	5	7	23	8
Average No. of Responses Per Respondent	4	5	5	3	5	5	4
6. Average No. of Cases Per Month Where Aid Would Help							
A. Traffic Cases (No. of Responses)	6	9	4	19	0	1	3
B. Felony Cases (No. of Responses)	2	2	2	2	3	2	0
C. Misdemeanor Cases (No. of Responses)	5	7	6	14	1	2	2
D. Total for Criminal Cases (No. of Responses)	13 (279)	18 (72)	12 (31)	35 (31)	4 (19)	5 (87)	5 (35)
7. Publications CLIC is Requested to Make Available							
None, No Answer, N/A	269	52	22	66	19	67	43
S.Ct. Decisions/Northwestern Reports	4	1	0	0	1	1	1
Corpus Juris Secundum	2	1	0	0	1	0	0
Federal Reporter 2nd & Supp.	5	2	0	0	2	1	0
Law Reviews (Other than C.U. and U.N.L.)	7	2	1	1	1	2	0
U.S. Law Week	11	4	2	0	2	3	0
California Criminal Jury Instructions	1	0	0	0	1	0	0
ABA Standards	2	1	0	0	1	0	0
Nebraska Statutes	3	0	1	1	0	1	0
Nebraska Law Review--U.N.L.	3	1	1	1	0	0	0
Other	9	1	0	3	0	4	1
Creighton Law Review	2	0	0	2	0	0	0

Appendix  
Page 45

PROJECT SERVICES EVALUATION  
October--November, 1974

	Total	County Attorney	County Judge	Assoc.Cty Judge	District Judge	Defense Counsel	City Attorney
Total No. of Evaluations Returned	43	9	11	1	5	15	2
Overall Satisfaction with Services							
Total No. Responding	43	9	11	1	5	15	2
% Completely Satisfied (5)	60%	44%	64%	100%	60%	60%	100%
% Generally Pleased (4)	28%	44%	27%	0%	0%	33%	0%
% Good (3)	5%	11%	0%	0%	0%	7%	0%
% Not Satisfied (2)	5%	0%	9%	0%	20%	0%	0%
% Completely Dissatisfied (1)	2%	0%	0%	0%	20%	0%	0%
Average Rating	4.39	4.33	4.45	5.00	3.60	4.53	5.00
Reasons for Using Services							
Total No. Responding	41	8	11	1	4	15	2
Inadequate Library Facilities	19	5	3	0	1	9	1
Objective Opinion	2	1	0	0	0	0	1
Additional Support	2	1	0	0	1	0	0
Learn How to Handle	0	0	0	0	0	0	0
Availability of Our Services	3	0	1	1	0	1	0
Lack of Materials From Other Jurisdictions	4	0	0	0	1	3	0
Understaffed	2	2	0	0	0	0	0
Time	16	2	6	0	1	6	1
Travel Distance to Library Facilities	2	0	2	0	0	1	0
Faster Answer Through Us	3	0	3	0	0	0	0
Better Service to County	1	0	0	0	0	1	0
More Thorough Research	4	1	0	0	0	3	0
Expense	3	0	0	0	1	2	0
Answer of General Interest	1	0	0	0	1	0	0
Pending Case of Unusual Importance or Unique Case	2	1	1	0	0	0	0
Confidence in or Reputation of CLIC	3	1	1	0	0	1	0
Wanted to See How Good We Are	1	0	0	0	0	1	0

Appx 46  
Page



Amount of Difficulty in  
Doing the Project by Self

	Total	County Attorney	County Judge	Assoc. Cty Judge	District Judge	Defense Counsel	City Attorn.
Total No. Responding	39	9	9	1	4	15	1
% Very Difficult (4)	18%	11%	11%	0%	50%	20%	0%
% Fairly Difficult (3)	56%	56%	56%	100%	50%	53%	100%
% Fairly Easy (2)	26%	33%	33%	0%	0%	27%	0%
% Very Easy (1)	0%	0%	0%	0%	0%	0%	0%
Average Rating	2.92	2.77	2.77	3.00	3.50	2.93	3.00

Type of Difficulty

Total No. Responding	37	7	8	1	4	15	2
Blank	6	2	3	0	1	0	0
Inadequate Library Facilities	19	3	5	1	2	8	0
Time	20	5	4	0	4	5	2
Lack of Materials From Other Jurisdictions	4	0	1	0	0	3	0
Inadequate Indexing	0	0	0	0	0	0	0
Distance to Travel	2	1	0	0	0	1	0
Understaffed	1	0	0	0	1	0	0
Not Applicable	1	0	0	0	0	1	0
Expense	0	0	0	0	0	0	0
Objective Opinion	0	0	0	0	0	0	0
Lack of Current Materials	1	0	0	0	0	1	0
More Thorough Research	1	0	1	0	0	0	0

Mean Man-Hours to Do Work by Self

Total No. Responding	36	9	8	1	2	14	2
Mean Man-Hours	6.97	4.55	8.50	4.00	14.50	7.21	4.00

Worth of Report

Total No. Responding	36	8	8	1	3	14	2
Average Fair Price	\$121.22	\$58.75	\$221.87	\$90.00	\$202.00	\$92.71	\$62.50

Intent to Use Services Again

Total No. Responding	40	9	11	1	3	14	2
% Will Use Again	100%	100%	100%	100%	100%	100%	100%
% Will Not Use Again	0	0	0	0	0	0	0

	Total	Attorney	Judge	Judge	Judge	Counsel	Attorney	Other
Amount of Difficulty in Doing the Project by Self								
Total No. Responding	29	9	5	1	1	11	2	1
% Very Difficult (4)	10%	0%	40%	0%	0%	9%	0%	0%
% Fairly Difficult (3)	72%	75%	60%	100%	100%	64%	100%	100%
% Fairly Easy (2)	14%	13%	0%	0%	0%	27%	0%	0%
% Very Easy (1)	3%	12%	0%	0%	0%	0%	0%	0%
Average Rating	2.89	2.62	3.40	3.00	3.00	2.81	3.00	3.00

#### Type of Difficulty

Total No. Responding	29	9	5	1	1	11	2	1
Inadequate Library Facilities	10	3	1	0	1	4	1	0
Time	14	3	3	1	1	5	0	1
Lack of Materials From Other Jurisdictions	5	0	2	0	0	2	1	0
Inadequate Indexing	1	0	0	0	0	0	0	1
Distance to Travel	3	1	0	0	0	2	0	0
Understaffed	1	1	0	0	0	0	0	0
Expense	1	0	0	0	0	1	0	0
Objective Opinion	2	1	0	0	0	1	0	0
Lack of Current Materials	0	0	0	0	0	0	0	0
More Thorough Research	0	0	0	0	0	0	0	0
Lack of Knowledge or Ability for Handling Case	1	0	0	0	0	0	1	0

#### Mean Man-Hours to Do Work by Self

Total No. Responding	26	7	5	1	1	9	2	1
Mean Man-Hours	6.76	7.00	5.80	3.00	14.00	6.11	5.00	16.00

#### Worth of Report

Total No. Responding	26	7	5	1	1	9	2	1
Average Fair Price	\$108.50	\$122.28	\$97.00	\$30.00	\$250.00	\$105.00	\$87.50	\$80.00

#### Intent to Use Services Again

Total No. Responding	29	9	5	1	1	11	2	1
% Will Use Again	97%	88%	100%	100%	100%	100%	100%	100%
% Will Not Use Again	3%	12%	0%	0%	0%	0%	0%	0%

Apr 1 48

	Total	County Attorney	County Judge	Assoc. Co Judge	District Judge	Defense Counsel	City Attorney	Other
Amount of Difficulty in Doing the Project by Self								
Total No. Responding	27	10	3	0	2	10	1	1
% Very Difficult (4)	15	20	33	0	0	0	0	100
% Fairly Difficult (3)	56	40	67	0	50	70	100	0
% Fairly Easy (2)	26	40	0	0	0	30	0	0
% Very Easy (1)	4	0	0	0	50	0	0	0
Average Rating	2.81	2.80	3.33	0	2.00	2.70	3.00	4.00

Type of Difficulty								
Total No. Responding	24	9	2	0	2	9	1	1
Inadequate Library Facility	16	6	2	0	2	5	1	0
Time	15	7	1	0	0	6	0	1
Lack of Materials From Other Jurisdictions	0	0	0	0	0	0	0	0
Inadequate Indexing	0	0	0	0	0	0	0	0
Distance to Travel	2	2	0	0	0	0	0	0
Understaffed	0	0	0	0	0	0	0	0
Expense	0	0	0	0	0	0	0	0
Objective Opinion	0	0	0	0	0	0	0	0
Lack of Current Materials	0	0	0	0	0	0	0	0
More Thorough Research	0	0	0	0	0	0	0	0
Lack of Knowledge or Ability for Handling Case	0	0	0	0	0	0	0	0

Mean Man-Hours to Do Work by Self								
Total No. Responding	23	3	2	0	2	9	1	1
Mean Man Hours	13.86	9.50	8.00	0.00	3.00	17.55	3.00	60.00

Worth of Report								
Total No. Responding	23	9	2	0	2	8	1	1
Average Fair Price	\$102.82	\$80.55	\$175.00	0.00	\$52.50	\$118.75	\$75.00	\$160.00

Intent to Use Services Again								
Total No. Responding	27	10	3	0	2	10	1	1
% Will Use Again	100	100	100	0	100	100	100	100
% Will Not Use Again	0	0	0	0	0	0	0	0

	Total	Attorney	Judge	Judge	Judge	Counsel	Attorney	Other
Amount of Difficulty in Doing the Project by Self								
Total Number Responding	23	12	2	1	0	6	2	0
%Very Difficult (4)	9	8	0	0	0	17	0	0
%Fairly Difficult (3)	83	75	100	100	0	83	100	0
%Fairly Easy (2)	9	17	0	0	0	0	0	0
%Very Easy (1)	0	0	0	0	0	0	0	0
Average Rating	3.00	2.91	3.00	3.00	0.00	3.16	3.00	0.00
Type of Difficulty								
Total Number Responding	23	12	2	1	0	6	2	0
Inadequate Library Facility	13	7	1	1	0	3	1	0
Time	12	7	1	0	0	4	0	0
Lack of Materials From other Jurisdictions	3	1	1	0	0	0	1	0
Inadequate Indexing	0	0	0	0	0	0	0	0
Distance to Travel	3	1	0	0	0	1	1	0
Understaffed	0	0	0	0	0	0	0	0
Expense	0	0	0	0	0	0	0	0
Objective Opinion	0	0	0	0	0	0	0	0
Lack of Current Materials	0	0	0	0	0	0	0	0
More Thorough Research	0	0	0	0	0	0	0	0
Lack of Knowledge or Ability for Handling Case	0	0	0	0	0	0	0	0
Mean Man-Hours to Do Work by Self								
Total Number Responding	19	10	1	1	0	5	2	0
Mean Man-Hours	8.73	8.00	5.00	4.00	0.00	9.40	15.00	0.00
Worth of Report								
Total Number Responding	20	11	1	1	0	5	2	0
Average Fair Price	\$160.75	\$153.63	\$50.00	\$75.00	\$0.00	\$190.00	\$225.00	\$0.00
Intent to Use Services Again								
Total Number Responding	24	13	2	1	0	6	2	0
%Will Use Again	100	100	100	100	0	100	100	0
%Will Not Use Again	0	0	0	0	0	0	0	0

	Total	Atty.	Judge	Judge.	Judge	Couns.	Atty.	
Amount of Difficulty in Doing the Project by Self								
Total Number Responding	16	5	3	0	1	7	0	0
% Very Difficult (4)	38%	0	67%	0	0	57%	0	0
% Fairly Difficult (3)	44%	60%	33%	0	0	43%	0	0
% Fairly Easy (2)	6%	20%	0	0	0	0	0	0
% Very Easy (1)	13%	20%	0	0	100%	0	0	0
Average Rating	3.06	2.40	3.66	0	1.00	3.57	0.00	0.00

#### Type of Difficulty

Total Number Responding	14	4	4	0	0	6	0	0
Inadequate Library Facility	10	3	3	0	0	4	0	0
Time	5	1	1	0	0	3	0	0
Lack of Materials From other Jurisdictions	0	0	0	0	0	0	0	0
Inadequate Indexing	0	0	0	0	0	0	0	0
Distance to Travel	2	0	1	0	0	1	0	0
Understaffed	0	0	0	0	0	0	0	0
Expense	0	0	0	0	0	0	0	0
Objective Opinion	0	0	0	0	0	0	0	0
Lack of Current Materials	1	0	0	0	0	1	0	0
More Thorough Research	0	0	0	0	0	0	0	0
Lack of Knowledge or Ability for Handling Case	0	0	0	0	0	0	0	0

#### Mean Man-Hours to Do Work by Self

Total Number Responding	15	5	2	0	1	7	0	0
Mean Man-Hours	4.73	5.00	3.00	0.00	2.00	5.42	0.00	0.00

#### Worth of Report

Total Number Responding	15	4	3	0	1	7	0	0
Average Fair Price	\$88.80	\$169.25	\$31.66	0.00	\$50.00	\$72.85	0.00	0.00

#### Intent to Use Services Again

Total Number Responding	17	5	4	0	0	8	0	0
% Will Use Again	100%	100%	100%	0	0	100%	0	0
% Will Not Use Again	0	0	0	0	0	0	0	0



	Total	County Atty.	County Judge	As.Co. Judge	Dist. Judge	Def. Couns.	City Atty.	Police
Amount of Difficulty in Doing the Project by Self								
Total Number Responding	36	15	2	0	2	10	2	5
% Very Difficult (4)	19%	13%	0	0	0	10%	0	80%
% Fairly Difficult (3)	61%	73%	100%	0	50%	70%	0	20%
% Fairly Easy (2)	19%	13%	0	0	50%	20%	100%	0
% Very Easy (1)	0	0	0	0	0	0	0	0
Average Rating	3.00	3.00	3.00	0	2.50	2.90	2.00	3.80

#### Type of Difficulty

Total Number Responding	35	14	2	0	2	10	2	5
Inadequate Library Facility	23	9	1	0	2	7	0	4
Time	17	6	2	0	0	5	2	2
Lack of Materials From Other Jurisdictions	7	5	0	0	0	1	0	1
Inadequate Indexing	0	0	0	0	0	0	0	0
Distance to Travel	3	1	0	0	0	2	0	0
Understaffed	1	0	0	0	0	0	0	1
Expense	2	2	0	0	0	0	0	0
Objective Opinion	2	0	0	0	0	1	1	0
Lack of Current Materials	5	3	0	0	0	0	0	2
Not Thorough Research	2	1	1	0	0	0	0	0
Lack of Knowledge or Ability for Handling Case	1	0	0	0	0	0	0	1

#### Mean Man-Hours to Do Work by Self

Total Number Responding	27	11	1	0	2	7	2	4
Mean Man-Hours	19.96	10.72	5.00	0.00	4.50	8.71	4.50	84.25

#### Worth of Report

Total Number Responding	31	15	1	0	2	7	2	4
Average Fair Price	\$119.09	\$55.13	\$50.00	0.00	\$125.00	\$148.57	\$112.50	\$325.00

#### Intent to Use Services Again

Total Number Responding	36	15	2	0	2	10	2	5
% Will Use Again	100%	100%	100%	0	100%	100%	100%	100%
% Will Not Use Again	0	0	0	0	0	0	0	0

	Total	County Atty.	County Judge	As.Co. Judge	Dist. Judge	Def. Couns.	City Atty.	Police
Amount of Difficulty in Doing the Project by Self								
Total Number Responding	25	10	3	1	0	7	1	3
% Very Difficult (4)	44%	50%	33%	0	0	29%	100%	67%
% Fairly Difficult (3)	40%	30%	67%	100%	0	43%	0	33%
% Fairly Easy (2)	12%	10%	0	0	0	29%	0	0
% Very Easy (1)	4%	10%	0	0	0	0	0	0
Average Rating	3.24	3.20	3.33	3.00	0.00	3.00	4.00	3.66

#### Type of Difficulty

Total Number Responding	25	10	3	1	0	7	1	3
Inadequate Library Facility	16	8	2	0	0	4	1	1
Time	16	6	2	1	0	5	1	1
Lack of Materials From Other Jurisdictions	0	0	0	0	0	0	0	0
Inadequate Indexing	0	0	0	0	0	0	0	0
Distance to Travel	3	1	0	0	0	1	0	1
Understaffed	0	0	0	0	0	0	0	0
Expense	1	0	0	0	0	0	0	1
Objective Opinion	0	0	0	0	0	0	0	0
Lack of Current Materials	0	0	0	0	0	0	0	0
More Thorough Research	0	0	0	0	0	0	0	0
Lack of Knowledge or Ability for Handling Case	0	0	0	0	0	0	0	0

#### Mean Man-Hours to Do Work by Self

Total Number Responding	22	9	3	1	0	7	1	1
Mean Man-Hours	9.04	6.44	20.33	24.00	0.00	6.28	6.00	6.00

#### Worth of Report

Total Number Responding	21	9	2	1	0	5	1	3
Average Fair Price	\$134.28	\$52.77	\$300.00	\$200.00	0.00	\$133.00	\$100.00	\$251.66

#### Intent to Use Services Again

Total Number Responding	23	10	3	1	0	5	1	3
% Will Use Again	100%	100%	100%	100%	0	100%	100%	100%
% Will Not Use Again	0	0	0	0	0	0	0	0

UNITED STATES GOVERNMENT

*Memorandum*DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATIONTO : Joseph A. Nardoza, Assistant Administrator  
Office of Regional Operations

DATE: September 8, 1975

THRU: James C. Swain, Acting Director, Courts Div., ORO  
FROM : Dennis R. Murphy, Courts Division, OROSUBJECT: Grant Application: Creighton University Law School: Criminal Justice  
Research Assistance Project

## I. Project Information

A. Purpose Statement

During its second year of funding, the Project (known locally as the Creighton Legal Information Center or CLIC) proposes to expand and refine its program of service to the criminal justice bar in rural Nebraska, as well as prepare a replication package to facilitate the transfer of the project experience to other interested law schools and criminal justice research clinics. Headquartered at the Law School, the project utilizes law students under the supervision of faculty advisors to prepare legal research memoranda, upon request, for judges, prosecutors, defense attorneys, and command level policemen in the ninety-one rural counties of Nebraska. The staff also publishes a monthly newsletter and, as time permits, prepares in-depth studies of important criminal justice issues for the benefit of practitioners. Increasingly project staff is beginning to develop practical tools, such as benchbooks, to aid "out-state" lawyers in a more systematic fashion.

In a broader sense, the second year of CLIC should provide a full field test of the following hypotheses:

- 1) Rural criminal justice agencies and officials concerned with the adjudication of cases do not have sufficient research resources at their disposal to insure proper or adequate prosecution, defense, or trial of some criminal cases.
- 2) Providing extensive law libraries to most or all criminal justice officials is neither cost-effective nor feasible.
- 3) Use of major law center libraries and supervised law students is an effective model for solving the above problems and also provides many secondary benefits such as information dissemination, technology transfer, criminal justice education, and improved standards and goals implementation.

## APPENDIX E:

Memorandum from LEAA  
Courts Division

B. Methodology

Operational data from the first year of operation of CLIC reveal that the project has received, through May, 1975, 121 requests for information and 353 requests for specific services from rural criminal justice attorneys in Nebraska (representing 63 of the 91 rural counties in the State). Requests are customarily initially received and verified via a two-way WATS line by one of the project's specially trained law students; the present application calls for two student assistants and another twelve research assistants, working one-half time throughout the duration of the project. In response to the above requests, 259 research memoranda (over five per week) were prepared and disseminated; the average time spent in preparation was 14.3 hours. In 73 cases requests for service were denied, usually because the case was a civil one or the request was made by a private citizen. Additionally, brief summaries of the request and the research memoranda in response thereto are included in the CLIC Project Newsletter, which also includes legislative analysis and other points of legal interest for the criminal justice community. Over 31,000 copies of the newsletter were distributed to every attorney, judge, criminal justice official, elected official, news media, and criminal justice library in the State.

A follow-up evaluation questionnaire is sent to each "user" of CLIC services; to date, the diligence of project staff has helped account for an incredible 96% response rate. Some of the findings of the evaluation effort are summarized later.

As mentioned above, CLIC staff have begun, and plan to continue, to prepare resource materials of general interest to the Nebraska criminal justice community such as the following: an exhaustive study of sentencing practices in the State, deskbooks, bibliographies, the Newsletter itself, and other special reports. To date, given the enormous demand for individual case-by-case research memoranda, the CLIC output in the area of general interest documents has lagged behind.

The second year of operation for CLIC should see considerably less local media campaigning and more national exposure, in connection with the replication package effort, although the "national demonstration" portion of application has been cut considerably during negotiations between Creighton and LEAA. Part of this is due to the fact that two components which had earlier been anticipated, automated legal information retrieval and a regional structure, are not contemplated in the applicant's submission. During the second year, project staff will be working two parallel tracks: the operationalization of CLIC for a second term leading to the ultimate absorption by the State and the collection of materials and experience forming the basis of a prescriptive package.

C. Summary of the State-of-the-Art

CLIC is by no means unique. Given a vacuum of library and resource facilities (for legal matters) that is virtually endemic to rural America (at least as documented by the National Advisory Commission's Courts Report), it is a wonder that a series of hand-to-mouth CLIC-type centers haven't been established in every state as a first step stop-gap measure. The minimal library materials standard for judges, prosecutors, and defense attorneys that is exalted in the Courts Report makes a mockery of most libraries, if they exist at all, in rural counties. See Standards 10.1, 12.3, and 13.14 respectively. For example, in several counties in Nebraska, basic legal works such as Shepherd's Citations cannot be found at all.

The response to this crisis has been varied. The Texas Attorney-General's Office runs, by its own admission, a "seat-of-the-pants" operation over the phone to assist, primarily, local prosecutors in finding the law, both procedural and substantive. While the efforts of continuing legal education and in-service and pre-service training organizations, such as the National College of the State Judiciary, the National College of District Attorneys, and the National College of Criminal Defense Lawyers and Public Defenders, do much to keep certain select practitioners "current" in a general sense (in addition to imparting management skills and nurturing a cross-fertilization effect), they can offer no assistance on a daily basis and are often not rooted in the particular law of the practitioner's state. In the end, nothing short of an easily accessible library or perhaps a remote access terminal wired into an automated legal information retrieval setup will solve the problem.

The CLIC approach is the obvious analogue for rural areas to the burgeoning law school-centered clinical programs in urban areas. Whereas the storefront legal aid office inevitably will find a ready clientele, so economy of scale can be reached by a CLIC for rural legal advice. The demographics of the rural criminal justice system (ie. part-time prosecutors, lay judges, totally isolated practitioners) are the basis of the unique problems of the rural CJS; it is less a problem of, say, a backlog of cases than it is a thoroughly rudimentary "system". The judge in Grant County, Nebraska, for example, doesn't merely not have a law clerk, he doesn't have a fellow judge for dozens of miles nor a complete legal library for 300 miles (Omaha or Denver). A two-way WATS line to that major law library can play a shoring-up role for the really difficult cases, which otherwise might be resolved slowly or, worse still, wrongly.

Several other law schools provide CLIC-like assistance to the rural Bar. The Kentucky Legal Information Service, at the University of Kentucky, was begun in 1972 and is funded jointly by the Kentucky Department of Justice and the SPA. In a sense it has a broader scope

than CLIC: it appears to do a great deal more public service work, particularly continuing legal education, loans materials (like CLIC), disseminates a newsletter, and answers a heavy volume of "quickie" questions. Staffers will literally read a case to a prosecutor over the phone during his morning recess; on the other hand, KLIS apparently is not in the business to prepare research memoranda as is CLIC. KLIS is more an information operator than a law clerk. The State of Mississippi has adopted the KLIS model recently.

West Virginia likewise has a law school-based assistance center. While it appears to perform an adequate job in providing piecemeal assistance to rural criminal justice lawyers, it was adjudged by the Model Program Development Division of the Office of Technology Transfer to be wholly lacking in documentation or hard evaluation.

What distinguishes CLIC from the others more than anything else is the sophistication and energy of the project director and the evaluation consultant. The problems that CLIC and its sister institutes seek to address are basic ones and ones that would seem to defy cold statistical analysis and quantification; nonetheless, Professor Geoffrey Peters, with nominal dollar input into evaluation, has systematically taken a careful empirical approach to the problem. Both the Program, Development and Evaluation Division of ONPP and Bruce Miller, Research Analyst for the Nebraska SPA, have credited Peters with solid methodology and essentially sound instruments for data collection. The survey technique, with a surprising 96% response rate, has already borne a wealth of useful information about the Nebraska criminal justice system as well as strong guages of the relative economic value of CLIC services and their ultimate impact. Since the evaluation process was intentionally made a part of the administrative function of the CLIC operations, Peters has assured himself of steady feedback with which to eliminate identified problems. As concerns the Nebraska criminal justice system, we now have a much clearer notion of how it is staffed, how the participants spend their time, how many cases are CLIC-type cases, whether students fare better on a cost-benefit basis, the nature of CLIC cases and the relative merit of the responses, and whether a CLIC experience fosters confidence in the user to use CLIC again.

Therefore, the distinguishing feature of CLIC should be the ease with which it might be replicated and "marketed". Peters could provide a perfected evaluation program including instrumentation, documentation, analysis instructions, and computer programs; management control forms, position descriptions; projected or expected frequency use tables; and dozens of other pieces of information which would comprise a "replication package" for step-by-step implementation. Peters is thoroughly sensitive to the theory and techniques of technology transfer and might be expected to be able to exert special leverage within the law school community since he recently assumed a leadership position in the hierarchy of the American Association of Law Schools.

#### D. Relationship with Related Programs

The second year of CLIC will, of course, impact primarily in the State of Nebraska. Professor Peters has been nothing if not an effective salesman; never has the Courts Division seen so much publicity (all favorable) about one of its projects. He and CLIC have received the enthusiastic support of virtually every organization remotely involved with the criminal justice system. CLIC has received the strong endorsement of the State Planning Agency (which has apparently built CLIC into its comprehensive plan), the Attorney-General (who personally came to Washington to speak with the Administrator about CLIC), numerous state legislators. Bruce Miller, Research Analyst with the SPA, concluded "...the project can be judged a success; it has quickly gained the distinction of a useful and reliable source of legal information for those in the rural counties who need this kind of information." Joseph Golden of the state clearinhouse concluded, "The proposed project does not conflict with any state level comprehensive plans and does not represent a duplication in the expenditure of state or federal funds."

In the LEAA Kansas City Regional Office, we have received endorsements from the State Rep, the Courts Specialist, and the Acting Regional Administrator.

Bob Aserkoff of OTT in the National Institute was contacted and provided with project information (by this Division); generally, he expressed support for CLIC but noted that it, along with the West Virginia program, had not received the designation of "Promising Project". In part it is felt that the NILECJ has exhibited a decided and open bias against programs which impact directly and solely on rural areas. This Division will continue active liaison with OTT in this and other matters; it is particularly felt that should CLIC realize all its vast potential, then we would recommend to OTT that it play a role in CLIC's replication.

#### E. Management-By-Objective

This project falls loosely within the Courts Program Objective 1.211, particularly sub-program identifier NP.C (Technical Assistance). Generically, it has its roots in both "specialized" and "educational" technical assistance, although the CLIC project was not specifically a line item in either category. It is providing an in-service training (for the users) and a pre-service training (for the law students) while, like NCPM and other Technical Assistance Resource Centers, it renders assistance on both an "on-call" basis and on a continuing basis through systematic dissemination of newsletters and the like.

NAC Standards 10.1, 12.3, and 13.14 of the Courts Report are touched more directly than any other, and if the CLIC experience were more institutionalized, then the Standards might not seem so remote for rural areas.



The GMIS program code category (from M 4500.1D) is:

- Chapter 7; 68a(3) or "category one: U3"

#### F. Utilization of Results

There is a dire need for library facilities for rural criminal justice lawyers. There have been some tentative footsteps in several states, but no careful attempt to preserve the successes and replicate them elsewhere except for Mississippi's emulation of Kentucky (noted above). As noted above, CLIC offers the opportunity to select the forms, methodology, management technique, and ethos of a law school-centered research assistance project that has been carefully fine-tuned over two years and market it to law schools across the country. There is certainly a commonality in the problem as it exists and as it is perceived across state lines. Thus far, an average of 91% of CLIC's users were either "completely satisfied" or "generally satisfied" with the services. Given the suspicion with which country lawyers might be expected to treat a law student from Omaha (the big city), the results are extremely encouraging for CLIC's first year. Over 93% of CLIC's users rated the quality of the reports either "excellent" (49%) or "good" (44%); overall, these rural professionals rated the economic value of the reports an average of \$123.68 (and district judges rated them an average of \$264.09).

We need not repeat the exercise of "what" CLIC could export; page 14 of the application outlines in some detail the nuts-and-bolts approach that the CLIC technology transferers would take. Budget cuts have trimmed down most of the national advertising and cross-country flights as unnecessary; Professor Peter's instant connections within the American Association of Law Schools, LEAA's good offices, and the marketability of the product itself should do the job.

#### G. Monitoring Design

LEAA monitoring, jointly by the Courts Division and the Regional Office, will be consistent with Chap. 3, Par 36 of the DF Guide with respect to CLIC's actual attainment of its goals (which are posed with some precision in the application), a subjective and objective appraisal of project results, and project problems and progress.

Last year, Greg Brady spent a day at CLIC headquarters, gaining a strong feel for the operational end of the project after interviewing staff, observing procedures, attending difficult meetings. Likewise, given his Nebraska background, he was able to interview a wide cross section of "users". His overall impression, recorded in a monitoring report in the file, was extremely positive. Likewise, Professor Peters attended last spring's "cluster evaluation conference" here at LEAA; his performance, both written (he submitted a 90 page evaluation summary) and oral, was judged superb by LEAA staff.

During its second year of operation, the Courts Division hopes to involve CLIC staff in at least one "cluster" conference and hopes to have on-site visits by this Division (twice), the R.O. (twice), and the SPA.

#### H. Evaluation

The second year's evaluation will track that of the first year, which has been considered excellent, particularly for such a small investment. The data collection instruments were prepared by an independent consultant skilled in tests, statistics, and data interpretation. The evaluator has since been hired by the Graduate Business School at Creighton; his involvement is still contemplated by the applicant. Essentially the administration of the surveys and the interpretation incumbent in the evaluation is internal to the project. The Courts Division does not deem it necessary to expend large sums of money at this late date on an entirely new independent evaluation by an outside firm; we have, however, required by special condition that the grantee have an independent verification of the appropriateness and accuracy of the evaluation instruments and documentation used by the projects' internal evaluators. This should establish the validity of the operation without being too heavy-handed, for what is essentially an area more subjective than objective and amenable to quantification.

For additional material on project evaluation, see "Project Summary Report", submitted May 1, 1975 and the application itself, pp. 5-17.

## II. Grant applicant information

### A. Criteria for Choice of Applicant

Creighton University Law School, and the Project Director Professor Peters in particular, has taken the lead in the state of Nebraska in clinical legal education. It is a respected legal institution both locally and nationally, although the latter was not always the case.

This is the second and final year of a project which is already beginning to bear fruit as a prototypical and replicable effort. First year funding was made primarily on the strength of Prof. Peter's excellent homework and occasional charisma. Second year funding is predicated upon both of these plus the success of the first years' efforts.

### B. Applicant's integrity

Creighton University, like most major universities, has thorough fiscal and accounting controls, an approved HEW indirect cost rate, and an excellent track record with LEAA and the SPA with respect to the handling of Federal grant monies. Additionally, Professor Peters has earned a reputation as being careful in the management of Federal grant funds.

### III. Financial Information

#### A. Continuation Requirements

It is unlikely that Creighton will request (or receive) another year's DF support for CLIC; prospects are encouraging for pick-up by the Nebraska legislature (this has the backing of the A-G) and the SPA seems committed to the concept in its comprehensive plan. The express purpose of this second year of operational support is to "fine-tune" CLIC for replication.

Given the success of the project thus far, it is reasonable to conclude that this Division might later recommend CLIC to the OTT of NILECJ.

For narrative concerning the progress of CLIC in its first year, please see Sections C,D,F, and G above.

#### B. Impact on Courts Division Budget

Total Program Office FY Budget	\$8,697,000
Obligated to date	219,479
This grant	154,758
New obligated to date	374,237
Future obligations planned	7,500,000
Percentage of total office budget consumed by this grant	1.779%

#### C. Budget Review

All exceptions noted by OC were either resolved by cuts or resolved by grantee explanation. Gonzalez recommended that special condition be used to obtain 10 month budget totals.

#### D. Preagreement Costs

Since this redbook is being expedited at the request of the Administrator, the pre-agreement cost issue is being presented to him directly. This Division recommends such a special condition.

### IV. Summary

This redbook is being expedited at the direction of the Administrator. Even so, this Division believes that the project is a solid one, and that CLIC will be considered a successful LEAA project at the end of this grant period. With some care and forethought, the CLIC experience should be able to be replicated elsewhere.

APPENDIX F:

Evaluation Forms

C.L.I.C.  
CONTACT SUMMARY FORM

(1-4) User: \_\_\_\_\_; \_\_\_\_\_ Seq. No. \_\_\_\_\_ (5-8)  
Address: \_\_\_\_\_ (Code) Date \_\_\_\_\_ (9-11)  
\_\_\_\_\_  
(New Address? ☐ )  
Phone No.: 1- \_\_\_\_\_  
(New Phone? ☐ )  
Request taken by \_\_\_\_\_  
Request: Letter ☐ (12)  
Call ☐ (13)  
(14,15) Position: \_\_\_\_\_; \_\_\_\_\_ (Code)  
(16,17) County: \_\_\_\_\_; \_\_\_\_\_ (Code)

(18) ☐ REQUEST FOR INFORMATION

(19) ☐ Copies of Memoranda Nos. \_\_\_\_\_  
(20) ☐ Copies of Cases Cities \_\_\_\_\_  
(21) ☐ Copies of Newsletters Vol. \_\_\_\_\_ No. \_\_\_\_\_  
(22) ☐ Copies of Articles Cities \_\_\_\_\_  
(23) ☐ General Questions (See Attached)  
(24) ☐ Request for Bibliography of Memoranda  
(25) ☐ Request for Deskbook  
(26) ☐ Other \_\_\_\_\_  
(27) ☐ Other \_\_\_\_\_  
(28) ☐ Other \_\_\_\_\_

(29) ☐ REQUEST FOR SERVICES

(30) Request: \_\_\_\_\_ Court: \_\_\_\_\_ Charges: \_\_\_\_\_  
-0 Not Denied → (31) ☐ Accepted (35) ☐ District (38) ☐ Felony  
-1 Denied (32) ☐ Revision (36) ☐ County (39) ☐ Misdemeanor  
(Circle Reason) (33) ☐ Supplement (\_\_\_\_\_) (37) ☐ Juvenile (40) ☐ Ordinance  
-2 Urban Counties (34) ☐ Special Report (\_\_\_\_\_) (41) ☐ Traffic  
-3 Conf. of Interest  
-4 Private Attorney  
-5 Private Citizen  
-6 Unreas. Deadline  
-7 Other  
Student Assigned: \_\_\_\_\_ (42-44)  
(Code)  
Final Due Date: \_\_\_\_\_ (45-47)  
(Code)  
Date Mailed/Answered: \_\_\_\_\_ (1999=Request Withdrawn) (48-50)  
(Code)  
Units of Time: \_\_\_\_\_ (51-53)  
(Code)  
Final Evaluation Score: \_\_\_\_\_ (54)

User No. \_\_\_\_\_ (1-4)  
Position No. \_\_\_\_\_ (5)  
Project No. \_\_\_\_\_ (6-9)

PROJECT EVALUATION

- How would you rate the quality of the work performed on this project?  
(Circle one) (10)  
-1 Excellent  
-2 Good  
-3 Fair  
-4 Poor  
-5 Very Poor
- Did you have any problem in contacting CLIC and initiating this project? (11)  
-1 Yes (please explain on back)  
-2 No
- Was the project delivered when promised? (12)  
-1 Yes  
-2 No
- Was the project directed appropriately to the point of view you requested (prosecution's point of view, defense's, judge's, etc.)? (13)  
-1 Yes  
-2 No
- How many hours (total) would it have taken for you and your staff to complete this same project yourself? (Include travel time, research time, etc.) (14-17)  
\_\_\_\_\_  
(Total Hours)
- Please indicate the reason(s) you have for requesting projects like this from CLIC (Circle all that apply).  
-1 Saves me travel time in getting to research sources. (18)  
-1 Saves me research time (other than travel). (19)  
-1 CLIC has a good reputation. (20)  
-1 CLIC does more thorough research than I could have. (21)  
-1 CLIC has reference materials I do not have access to. (22)  
-1 Wanted another opinion or issues. (23)  
-1 Other (please specify) \_\_\_\_\_ (24)
- Overall, how would you rate your feelings about the CLIC program? (Circle one) (25)  
-1 I have been completely satisfied with CLIC.  
-2 I have been generally pleased with CLIC.  
-3 The CLIC project is good, but should be improved a bit.  
-4 I have been generally dissatisfied with CLIC.  
-5 I have been completely dissatisfied with CLIC.
- How, if at all, did this CLIC report affect the resolution of the legal problem to which it was addressed? How might it affect the resolution of other legal problems handled by your office? (26-27)
- Please record any comments you may have, good or bad, about CLIC or any of the services that have been provided to you.

THANKS FOR YOUR COOPERATION.. WE APPRECIATE YOUR COMMENTS.

**END**