



FOR YOUTH DEVELOPMENT®  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

## LEADERSHIP CORPS

Please print this packet and use the resources to prepare Leadership Corps Delegates for the Model Government Conference.

Leadership Corps delegates will learn as much as possible about Youth in Government and how the state government operates.

### THINGS LEADERSHIP CORPS DELEGATES WILL ACCOMPLISH

- Complete the activities in this program guide
- Meet all deadlines
  - Due Jan 19, 2024 - Bill submission link - <https://bit.ly/wiyiqbill>
  - Due Feb 16, 2024 - Brief submission link: <https://bit.ly/wiyiqbrief>
- Attend Pre-Gov
- Attend Model Gov and write an article, debate a bill and present/decide a case
- Adhere to the Code of Conduct

Leadership Corps delegates will participate in small group, skill building, and leadership development activities that will enhance their role as an active citizen; delegates will also make new friends along the way! As a member of the Leadership Corps, delegates will be introduced to each program area of Youth in Government through interactive activities and by watching it in action:

- Participating in and learning about Media
- Writing and Debating Legislative Bills
- Learning about the Supreme Court
- Participating in Elections to select next year's Youth Officers

## WHAT IS LEADERSHIP CORPS?

By the end of the conference, delegates will know more than they ever imagined about how the state government system works. Here are a few things to get started:

### WRITING AND DEBATING BILLS

A bill is any change in the state laws – or “draft legislation.” Legislators use a special format for writing the draft so that it fits with existing laws. The laws are called statutes. When you put them all together, officially they are called the Wisconsin Statutes. Since our lives are always changing, the laws need to adjust, too.

## THE COURT SYSTEM

The role of the courts is to interpret the law. The law can be very complicated depending on the situation at hand. Delegates will learn through participation the way the judicial system operates and how a court hearing runs. Each Leadership Corps delegate will have the opportunity to participate in a mock court experience.

## MEDIA

Members of the media have the chance to witness, report on, and give editorial commentary on the different program areas and present their product to delegates, advisors, and the public. Newspaper reporters write, edit, design, and print newspapers during Model Government. Video Team members tape, edit, and produce newscasts. Podcast team members produce radio news and entertainment programs. Digital Media members take all other media coverage and aggregate it.

At the Model Government Conference, Leadership Corps delegates will have the opportunity to observe the Legislative, Judicial and Media first-hand and participate in practice legislative, news media, and judicial experiences. This experience should help Leadership Corps members gain interest in a program area for future participation.

Read this information from the Wisconsin Blue Book and then use [myvote.wi.gov](http://myvote.wi.gov) to find your elected officials. Click on My Voter Info across the top, then My Elected Officials on the left. Fill in your Elected Officials below. When you get home, ask your parents if they are registered to vote!

Wisconsin's legislature makes the laws of the state. The legislature also controls the state's purse strings: no money can be paid out of the treasury unless the legislature enacts a law that specifically appropriates it. At the same time, the legislature is required to raise revenues sufficient to pay for the state's expenditures, and it is required to audit the state's accounts. The legislature can remove any elective office holder in state government, including the governor, from office for wrongdoing. It can also remove a judge or supreme court justice from office for any reason that, in its judgment, warrants it. The legislature can override the governor's veto of legislation. Finally, the legislature has charge of the two avenues by which the Wisconsin Constitution can be amended: the legislature can propose amendments for the people to vote on, and it can set in motion the process for calling a constitutional convention. The legislature has two houses: the senate and the assembly. The senate is composed of 33 senators, each elected for a four-year term from a different senate district. The assembly is composed of 99 representatives, each elected for a two-year term from a different assembly district. Each senate district comprises the combined territory of three assembly districts. Elections are held in November of each even-numbered year. The terms of 17 senate seats expire in alternate even-numbered years from the terms of the other 16. If a

midterm vacancy occurs in the office of senator or representative, it is filled through a special election called by the governor. A new legislature is sworn in to office in January of each odd-numbered year, and it meets in continuous session for the full biennium until its successor is convened. The 2021 legislature is the 105th Wisconsin Legislature. It convened on January 4, 2021, and will continue until January 3, 2023.

How many state senators are there? \_\_\_\_ What senate district do you live in? \_\_\_\_\_

Who is your state senator? \_\_\_\_\_

How many state representatives are there? \_\_\_\_ What assembly district do you live in? \_\_\_\_

Who is your assembly representative? \_\_\_\_\_

Write down any additional Names and Positions you may want to learn more about:

Watch the video "[How it Happens: State vs. Federal](#)" to get started.

*Credit and thanks to David Gillette with TPT-TV.*

Representative:

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Constituent:

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Bill:

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Law:

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How do state and federal laws differ?

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## STATE ISSUES

What makes up each of these categories?

Fill this portion out with the important parts of each topic.

**Example:**

Revenue: Taxes, fees, fines, licenses (driver's, hunting, fishing), registrations (boat, car)

Education:

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Health & Human Services:

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Business & Industry:

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Transportation

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Public Safety:

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Natural Resources:

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## **LEADERSHIP CORPS: Media**

The goal of a good story is to provide clear, concise facts to the consumer in an easily understandable manner. Delegates have a unique opportunity to observe and research the activities of local Youth in Government delegations and to report observations and facts to fellow delegates and advisors, in addition to audiences beyond Youth in Government.

Delegates have the responsibility to:

- Present accurate accounts of Youth in Government activities.
- Create high-quality stories that inform readers.
- Provide information that readers want to know and need to know.
- Discern between “hard news” and “fluff,” keep each category separate when reporting.
- Organize sections of the news appropriately.
- Create editions in a timely, consistent manner.

### **THE WRITING PROCESS**

Keep this writing process in mind as it is vital for producing good stories:

**PRE-WRITE**     **WRITE**     **EDIT**     **REWRITE**     **PUBLISH/BROADCAST**

### **PRE-WRITING**

#### **STEP 1 – DECIDE ON THE TYPE OF STORY**

This is important because it will drive how delegates research and write the piece.

Delegates can write about:

- News - Investigative, usually about an event. Follow the inverted pyramid. Objective, non-biased writing style. Answer the 5Ws.

- Features - human interest story – focus on the people involved
- Opinion - try to influence popular opinion.
- Entertainment/Culture - restaurant reviews, advice columns, horoscopes, etc.

## **STEP 2 – CHOOSE A TOPIC**

One of the most significant challenges to the student journalist is deciding what to write or report about. Below are several topics covered in previous Youth in Government media stories. Some stories have appeared consistently over the years, while others were good ideas that only made it once. The list on the next page is not even close to exhaustive -- don't let this limit creativity.

## **STEP 3 – DO YOUR RESEARCH**

Now that you have the beginnings of an idea, you need to do some looking around to be able to develop it more fully. Your research will be different depending on the type of article you are writing.

Delegation Director or Advisor Profile  
 Book Reviews  
 Big Delegations vs. Small Delegations  
 Candidate Interviews  
 Committees Overview  
 Officer Interviews  
 Closing Session  
 "Coming Up Tomorrow at Youth in Government"  
 Court Proceedings  
 Delegation profile  
 Downtown Madison  
 Evening Delegation Meetings  
 General conference information that readers will want to know  
 Host hotel  
 Hotel and Capitol staff profile  
 Information for Youth in Government Veterans  
 Info for Youth in Government Rookies  
 Leadership Corps Program  
 Movie Reviews  
 Music Reviews  
 News Conferences  
 News features from "the real world"  
 National Affairs Conference Profile  
 Officer/Appointed Official profile  
 Opening Session  
 Restaurant Reviews  
 Resource Staff  
 Resources Available to Delegates

Pre-Gov Event Recap  
Op/Ed pieces on specific bills or court cases (either pro or con)  
Program Overviews (Legislature, Court, Media)  
Results of polls  
State Offices – Explained  
Secretary of State Office  
Status of Bills (Coordinate with Secretary of State’s Office)  
Steering Committee Profiles (Local and State)  
Youth Governors Platforms  
Top 10 Lists/In and Out Lists  
YMCA History  
Youth in Government Traditions

## **Research Questions**

Who is the audience?

What is the purpose of the story?

Who are your sources?

What’s the “new” part of this news? What’s your angle?

## **Interviewing**

Delegates will also be conducting interviews for articles, whether or not the interviewee is the focus of the article. Be sure to have a good set of questions prior to the interview.

## **Question Starters**

When looking for the following types of information, ask questions that use these words:

### **FACTS**

name locate  
define relate

memorize know  
repeat match  
record state  
list write  
recall recognize

## **APPLICATION**

translate practice  
interpret illustrate  
apply operate  
use shop  
employsketch  
dramatize schedule  
demonstrate solve  
show

## **SYNTHESIS**

compose construct  
plan collect  
propose set up  
create develop  
design organize  
formulate manage  
arrange produce  
assemble revise  
prepare originate

## **COMPREHENSION**

discuss identify  
describe infer  
estimate report  
give examplesreview  
explain summarize  
restate predict  
express draw

## **ANALYSIS**

classify contrast  
distinguish diagram  
sort inspect  
categorize debate  
differentiate inventory  
calculate question  
experiment relate



compare      examine  
test      criticize

## **EVALUATION**

appraise      score  
evaluate      select  
rate      assess  
value      estimate  
measure      justify  
revise      discuss  
decide      debate  
choose      recommend

## **WRITING**

### **STEP 4 – WRITE A FIRST DRAFT**

It is recommended that delegates prepare a draft of the media piece in order to make it easier to get feedback from peers and leaders. Compose an article in a word processing program of choice, referencing the tips below.

#### **What makes news writing different?**

Writing journalistic stories differs from writing essays or term papers in very specific ways, and you must keep this in mind when you begin:

- For newspaper articles, because columns are so narrow and can be hard to read if they are very long, paragraphs tend to be short – no more than 50 words.
- Because paragraphs are so short, whole ideas are not developed in each paragraph as they may be in a conventional school essay or term paper.
- Quotes are typically put in a separate paragraph to help them stand out and make them easier to read.
- All journalistic writing is very active. Try to write as if something is happening now, not yesterday, not two weeks ago.
- Writers must work especially hard to “get to the point” because there is far less space/time to do it in.
- Instead of having a title paragraph and thesis, the two are combined in what is known as a “lead.”

## **EDITING & PUBLISHING**

### **STEP 5 – EDIT THE ARTICLE**

Delegates should read, re-read, and re-read the article again, to find any inconsistencies from spelling to grammar to organization. Delegates can also ask a fellow reporter to read the article. In fact, sometimes it’s better to have someone read it that doesn’t know

anything about the subject – they'll be able to give honest feedback on the clarity of the story.

## **STEP 6 – SUBMIT YOUR ARTICLE**

After delegates have gotten feedback on a draft article, they should write a final draft and submit it to a local leader.

Delegates can also send articles to the Media Director and Specialist:

[wiyiqmedia@gmail.com](mailto:wiyiqmedia@gmail.com)

## **LEADERSHIP CORPS: Legislative**

A bill is a proposal to change the laws of a state – or “draft legislation.” Legislators use a special format for writing the draft so that it fits with existing laws. The laws are called statutes, and states have a lot of them! When you put them all together, officially they are called the Wisconsin Statutes. Nevertheless, since our lives are always changing, the laws need to adjust, too. So, as a legislator, delegates are required to write one bill that either:

- Changes a law that already exists;
- Deletes a law that already exists; or
- Makes a new law to address an issue.

The most important part of writing a legislative bill is that delegates choose a topic that is meaningful. The strength of commitment felt toward a bill will undoubtedly influence the overall experience at Model Gov. Whether a delegate's interests lie in the environment, business, education, or social programs, the bill should be about something that you believe in.

**CHOOSE A TOPIC:** There are many topics out there that delegates can choose to address. The first step is to come up with a fantastic idea for changing life, as we know it. What you really want to do is find a problem you see in society that you would like to fix.

- Adoption
- Agriculture
- Animals
- Assault
- Bias
- Building Codes
- Camping
- Campaign Finance    Reform

- Cancer Research
- Change of name
- Child care services
- Child welfare and placement
- Civil Law
- Confidentiality/Privileged information
- Court System/Criminal Justice
- Deadly weapons
- Discrimination
- Drugs and medicine
- Education
- Elections
- Fires
- Food
- Gambling
- Gay & Lesbian rights
- Handicapped persons
- Harassment
- Health care
- Highways
- Homeless
- Hospitals
- Housing
- Hunger
- Judges
- Juvenile delinquents
- Labor and employment
- Landlords and tenants
- Literacy
- Marriage
- Natural resources
- Pesticides
- Public lands
- Public safety
- Public spending
- Public transit
- Racial profiling
- Recycling
- Roads
- Safety
- School
- Senior citizen issues
- Self defense

- Shoplifting
- Social services
- State and local government
- State guard affairs
- Taxation
- Teenage pregnancy
- Telecommunications
- Traffic
- Transportation
- Unemployment
- Water supply

Our program tries to be as similar to the actual real-life Legislature as possible. Delegates will need to become familiar with parliamentary procedure. Don't panic! It sounds complicated, but it's just a fancy way of having a conversation – and we'll teach you all you need to know!

When delegates speak on the floor or in committee, they must talk to the chairperson by saying:

Delegate \_\_\_\_\_, \_\_\_\_\_ Delegation, Thank you Chair.  
(last name) (delegation name)

## RESEARCH

After choosing an idea, delegates need to do some looking around to be able to develop it fully. If delegates only have a general topic, they may want help coming up with a more specific application. Some things that might help are:

- Media sources- *Time*, Internet, nightly news, radio, online sources, etc.
- Thinking of things that have personally affected you or someone you know.
- Discussions with local leaders, teachers, family and friends.

**ANALYSIS:** Use these analysis points to see if the bill is checking all the boxes. Create a copy of these questions and type in the answers with this link: <https://bit.ly/wiyiq6>

1. Why is this bill necessary? Why is it important?
2. How much will this bill cost? Where will the money come from?
3. Who will enforce this bill?

4. Is this in conflict with the State Constitution, Federal Constitution, or Federal Law?
5. Do other states do this?
6. Has this been tried before in Wisconsin?
7. Who will this bill affect?
8. When will it take effect?
9. Who might be against this and why?
10. Is this a responsibility of the government or could it be taken care of in another way?

**WRITE FIRST DRAFT AND GET FEEDBACK:** Next, put the bill in the correct format for publication. This means actually wording it a specific way. Remember to address all the issues on the Analysis Form. Drafting a bill in the proper form is crucial to getting it passed by the legislature.

Each bill in Youth in Government must contain the following sections:

**Title** - This is the part of the bill that will be read in committee and in the legislative bodies when the bill is up for consideration. A good title is concise and states what the bill is about. Make sure to start with the words: An act to...

**Purpose** - This section simply states why this bill is being written. What is the aim or what does this bill hope to accomplish?

**Analysis** - This section is short (two sentences) and completely objective. The first sentence shall begin "Under current law..." and list the facts as they are now. The second sentence shall begin "This bill requires..." and list what specific changes this bill will make.

**Definitions** - In this section, you define any terms, which are key to the bill. Remember that this is a law and will need to be interpreted by law enforcement so the more clear the language of the bill, the better.

**Proposal for Action** – This is the real content of your bill – it explains HOW your bill will work to solve the problem at hand. Be sure that your bill’s goal is clearly stated and well-thought-out. Be careful not to list justification in this section; the proposal for action should be actionable text and allowances/ exceptions. It is appropriate to include relevant statistics in the proposal for action, but justification should be relegated to the author’s opening statement. Keep a separate list of all fact sources.

**Financing** – If your bill requires the spending of any money, in this section you need to explain exactly where that money will come from such as new taxes, the sale of bonds, fees etc. (Do not include info in this section if your bill does not call for any specific funding).

**Penalties/Enforcement** – In this section, you state what penalty would be applied to someone who is in violation of your new law. Penalties can take many forms and are often related to the intent of the bill.

If you’ve made something illegal or told someone to do something, who will make sure it gets done? If something is illegal because of your bill, the police will probably be the enforcement. If you are making a change with your bill that doesn’t make something illegal, then there is probably a state agency that deals with it. *Do not include this section if your bill does not call for any specific penalties.*

**Effective Date** – Your bill takes effect on this date. Some can go into effect immediately (“upon passage”) others take time to set up so be logical. If you decide that you want to have a specific effective date for your bill, note that that date should be after the Youth in Government conference.

**Tips to make your bill spectacular:**

- Language. Use respectful language reflecting YMCA values.
- Singular Terms. Use singular terms, such as he, she, the Governor, applicant, etc. Avoid plurals where possible – they can confuse people.
- Be careful with pronoun usage. Two or more “he’s” in one sentence can get confusing.
- Watch for others your act may apply to. If you use the term “cities,” make sure you don’t also want it to apply to towns, counties or school districts.
- Watch “shall” versus “may.” One little word may force something to happen, instead of giving it the option to happen.
- Avoid “and/or.” It makes the statute difficult to read and interpret. If you must use both, consider writing two different sections.

**WRITE FINAL DRAFT AND SUBMIT:** After you've passed your bill around for feedback and made any necessary changes, you should write your final draft. Here is a final checklist to make sure that you have included everything you need:

- Your bill cannot be more than 2 pages in length.
- If you are changing or deleting a current state statute, you should include the text of the actual statute being changed in the body of the bill.

Once you write your final draft, you will submit through an assigned template. The template will have a variety of text boxes. Copy the content, section-by-section, from your text document and paste it into each corresponding text box.

**Due Date: Jan 19, 2024** - Submission link: <https://bit.ly/wiyiqbill>

**FINAL RESEARCH AND DEBATE:** Once delegates finish their bill, they must be ready to convince all the other legislators at Model Government that it should pass. This is the fun debate part! When delegates present their bill, they will have time for an opening statement, response to questions, and a closing statement.

### **Opening Statement**

Let's start with the opening statement first. Delegates have 3 minutes to WOW the crowd.

- **PROBLEM** – First off, you want to make them aware of the HUGE PROBLEM you are trying to fix in your bill. Your opening argument should start out with a bang. A great story or good fact will catch their attention and make them realize that the issue you're discussing is VITALLY IMPORTANT!!
- **YOUR PLAN** – Next, you want to lay out the basic steps of your plan that will deal with this earth-shattering issue. Make a clear statement, then try to pick about 3-5 things that the audience needs to know to understand how your bill will do what it says it will.
- **HEAD THEM OFF AT THE PASS** – You know that the other legislators are just waiting to try to bust up your bill, so think of some common arguments that people have had about your bill. Address them right now before they get a chance to say anything!

### **Response to Questions - Debate**

After you've given your opening speech, the legislators will be allowed to ask you questions and make pro and con statements.

- **BE READY** – Have a fact sheet with lots of information in an easy-to-read format so that you can be prepared to answer any questions they shoot at you.
- **THINK ABOUT IT** – Before you are put on the spot, do your homework and find the answers to any questions that you were asked in practice debate.
- **WRITE IT DOWN** – You also want some paper and a pencil to jot down any con statements that other legislators make – that way you can address those

statements in your closing speech. It does not need to be long but just enough to summarize the idea.

## Closing Statement

When everyone has asked their questions and made their statements, you will get a chance to finish the discussion. You'll have 2+ minutes to leave the audience with no doubt about passing your bill.

- **ADDRESS CON STATEMENTS** – Since you do not get to speak during debate except to answer questions, you will want to take a minute and address the con statements brought up by other legislators. Pick a couple of the biggest arguments you heard and take a minute and give rebuttal statements that are short but to the point.
- **CLOSING THOUGHT** – The last thing you say to the audience is what they will remember the most, so you need to decide what is *most important* for them to think about. It's best to restate the problem and then your solution, just to recap.  
Parli pro is the body of rules, ethics, and customs which govern legislative bodies.

## INTRODUCING YOURSELF TO SPEAK

- "Delegate [last name], [delegation] delegation. Thank you, Chair."
  - Example: Delegate Wilson, Wausau delegation. Thank you, Chair.

## GETTING RECOGNIZED TO SPEAK

- The Chair will call for a pro or con speaker
- Raise your placard and wait for the chair to recognize you by name
- Go up to the front and introduce yourself (guide above)
- Speak your piece, pro or con
  - If you are speaking PRO, or FOR, the author's bill: When you are done, say "I yield my time to the author's closing summation."
  - If you are speaking CON, or AGAINST, the author's bill: When you are done speaking and if time remains, say "I yield my time to the Chair."

## ASKING THE BILL AUTHOR A QUESTION

- After being recognized by the Chair, go to the front and introduce yourself (guide above)
- Address the author, saying "Would the author yield to a series of questions?"
  - They should respond "Yes."
- If you would like to speak after you are done, say "I reserve my right to speak after."
- Ask your question or questions. Comment afterwards if you reserved the right to do so.
- If time remains, say "I yield my time to the Chair."

## GIVING AN AUTHOR'S SPEECH

- After being recognized by the Chair, introduce yourself (guide above)
- Give your speech.
- Opening summation - when done, say "I reserve the rest of my time for my closing summation."

## IMMEDIATELY MOVE INTO A VOTE ON THE ISSUE AT HAND

- If debate is one-sided or comes to a stand-still, you can request a vote by raising your placard.



- Once recognized by the Chair, say "I call the question." (Chair may accept or decline your request)

#### CALLING FOR A STANDING VOTE

- If you feel that a voice vote is too close, you may call a standing vote.
- Loudly call out the word "Division!" before the Chair pounds the gavel, ending bill consideration.
- Stand up for aye/nay vote and sit down after you are counted.

#### GETTING PERMISSION TO LEAVE THE CHAMBERS

- Raise your placard and get recognized by the Chair.
- Say "Point of Personal Privilege."
- Speaker will ask you to state your point - you say, "Permission to leave the chamber?"
- Speaker will grant you permission to leave the chambers

#### OTHER NOTES

- Always refer to the bill's author as "the author"
- Always refer to other speakers as "previous delegates" (not by name!)

#### **Start of each bill:**

"Will the reading clerk please read the number and title of the next bill?"

"Will the author of bill number \_\_ please come forward?"

"There will now be a two minute reading period on this bill."

[tap gavel once when there are 30 seconds remaining]

[tap gavel twice when there are 10 seconds remaining]

"The time for reading has now elapsed. The author is now recognized for a three-minute opening statement. Author, you may begin when ready."

"We will now move into a two-minute round of non-debatable technical questions. Are there any such questions on the floor?"

"Seeing none/no remaining questions..."

OR

"The time for non-debatable technical questions has elapsed..."

"We will now move into two rounds of pro-con debate. Seeing as the author's opening was a pro speech, we will now entertain a two-minute con speech."

"Thank you, delegate. We are now in order for a pro speaker. Are there any such speakers on the floor?"

"Thank you, delegate. We are now in order for a final con speaker. Are there any such speakers on the floor?"

"

"Thank you, delegate. We will now move into a period of open debate. Are there any such speakers on the floor?"

**When each delegate speaks:**

- Delegate must state name and delegation
- Can have two rights:
  - Can ask author questions & speak
  - Can ask author question & make a motion
  - Can speak & make a motion
  - Can speak & yield remainder of their time to another delegate
  - Can speak & yield remainder of their time to the author (after speaking for a minimum of 45 seconds)
  - Can speak & yield remainder of time to the chair

**When debate is done:**

"The time for open debate has now elapsed. (OR "Seeing no other speakers...") We will now hear the author's (2 + yielded time) minute closing summation. Author, you may begin when ready."

"Thank you author. We will now move to a vote on this bill. All those in favor, please signify by saying aye. All opposed, please signify by saying nay. In the ears of the chair, the ayes (nays) do have it. This bill does (not) pass." (bang gavel twice)

**If in doubt:**

"The chair is in doubt. We will have a standing vote. All those in favor please stand. (count; author also counts as in favor). All those opposed, please stand. This bill does (does not) pass." (bang gavel twice)

## **LEADERSHIP CORPS: Supreme Court**

The Supreme Court is where people go when they don't agree with the decision of the lower court.

The Supreme Court doesn't hear many cases—the cases they hear usually involve important issues of the law. When the Supreme Court hears a case, it will usually change the way a law is interpreted; this is called *setting precedent* and is considered Constitutional Law.

Supreme Court delegates participate as an attorney AND serve as a Supreme Court Justice.

As an ATTORNEY, delegates will work with a partner to write a Brief for the Supreme Court. A brief is simply a written argument and is similar to a research paper summarizing your stance on the issues of the case. Your team will also prepare oral arguments to deliver before court.

As a JUSTICE, delegates will serve on a panel of Justices that will decide the case. Each Justice will be responsible for reading the parties' briefs, preparing for and participating in oral arguments, deliberating and helping to issue a final written opinion and decision.

### **ACTIVITY: MOOT COURT**

A moot court is a simulation of an appellate court argument and decision. This moot court case is based on a 1985 Wisconsin Supreme Court case in which the issue was a police

search of a person's garbage without a warrant. Other U.S. or Wisconsin Supreme Court cases that raise constitutional issues can be used in this activity.

Delegates will study the facts of this case, as well as the governing constitutional provisions and previous court decisions in similar cases. Delegates will then serve as Wisconsin Supreme Court justices, attorneys for the petitioner (David Stevens, whose garbage was searched by the police), or attorneys for the respondent (State of Wisconsin).

### **Structure for Moot Court**

Read the facts of the case. Complete the Moot Court questions in small groups and then discuss. Select an odd number of students to be justices. Divide the remaining students into two teams. One team will represent the appellant. The other team will represent the respondent.

- The chief justice officially opens the court session and calls the case.
- Attorneys for David Stevens have five minutes to present their formal arguments. The justices then have three minutes to ask questions of Stevens' counsel.
- Attorneys for the State of Wisconsin have five minutes to present their formal arguments. The justices then have three minutes to question the State's attorney.
- The justices retire to deliberate. Each justice must make a decision about how she/he will vote on the case and why.
- The justices come back to the courtroom and announce their decision and give a brief explanation. If there is a dissent from the majority opinion, that is also announced and explained.
- After the delegates share their opinion, the leader will explain how the case was actually decided by the Wisconsin Supreme Court.

### **Facts of the Case: State v. Stevens (1985)**

In 1979, a deputy sheriff believed that David Stevens was dealing drugs. The deputy met with the garbage collectors who usually picked up Stevens garbage. He told them to pick up the garbage as they usually did but to bring it to him.

When the garbage collector arrived at Stevens' house, the garbage was not outside the garage as it usually was. The garage door was locked so the garbage collector went to the house and knocked on the door. The garbage collector asked Stevens if he could get the garbage. Stevens opened the garage door and told the collector to do "what he wanted to do."

The garbage collector picked up four bags of garbage and loaded them into his truck. After he left Stevens' house, he gave the garbage to the deputy. The deputy searched the bags.

Two weeks later, on schedule, the garbage collector again picked up the garbage and brought it to the deputy.

Later that same day, a circuit court judge issued a search warrant so that the deputy could search Stevens' house. The judge allowed the search in part because of evidence found in the garbage bags.

The next day, when Stevens was not home, deputies searched his house. They found and seized cocaine, marijuana, money and other items related to drugs. When Stevens got home the next day, the deputies arrested him.

Because the deputy believed he was going to sell the drugs found in his house, Stevens was charged with possession of cocaine with intent to deliver and possession of marijuana with intent to deliver.

Stevens moved in the trial court to suppress the evidence seized from his house. He claimed that searching his garbage without a warrant was against the law. He also claimed that because the search of the garbage was unlawful, the judge should not have issued the warrant and should not have allowed the deputy to search his house. The trial court denied the motion. The court said that Stevens did not have a reasonable expectation of privacy in his garbage.

At trial, the jury found Stevens guilty and he was sentenced to three years in prison and a fine.

Stevens appealed to the Court of Appeals. In 1984, the Court of Appeals agreed that Stevens did not have a reasonable expectation of privacy in his garbage. Stevens then appealed to the Wisconsin Supreme Court. The Wisconsin Supreme Court heard the case in 1985.

### **Legal Question:**

Was the deputy's search and seizure of Stevens' garbage against the law?

### **Things to Think About**

The United States Constitution and the Wisconsin Constitution use the same language to talk about searches and seizures. The Fourth Amendment to the U.S. Constitution says:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath of affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

**Ball v. State** (57 Wis.2d 653, 205 N.W.2d 353 (1973)) In this case, the police found items in a large barrel behind the house. The barrel had been used for burning trash. The Wisconsin Supreme Court a person in Wisconsin has a reasonable expectation of privacy in his garbage until he clearly and irrevocably abandons it. (Something is "irrevocable" when it cannot be taken back.) The Court said that these items were not abandoned.

**United States v. Shelby** (573 F.2d 971 (7th Cir.) cert. denied 493 U.S. 841 (1978) In this case, the police also found items in the trash. Shelby argued that he had a reasonable expectation of privacy in his trash because he thought it would be put with other trash and then destroyed. The court said that he was wrong because garbage cans are not safe and no one can expect them to be handled respectfully, carefully, and confidentially on the way

to the dump. The court said that Shelby had abandoned his garbage when he put the trash in the garbage cans in the place and at the time he expected the garbage to be collected.

### **Moot Court Questions**

Who is the Appellant? \_\_\_\_\_

Does the Appellant want the trial court's decision overturned or upheld?

Who is the Respondent? \_\_\_\_\_

Does the Respondent want the trial court's decision overturned or upheld?

Who did the Appellate Court rule in favor of?

What is the question that the court must answer?

What is the answer that the Appellant wants in response to that question? ( yes or no )

What is the answer that the Respondent wants in response to that question? ( yes or no )

Based on your understanding of the law for the issue, what facts of this case will be helpful for the PETITIONER?

Based on your understanding of the law for the issue, what facts of this case will be helpful for the RESPONDENT?

### **State v. Stevens Attorneys**

Attorneys for David Stevens are responsible for constructing and presenting an oral argument to the Court that Stevens' privacy rights were violated when the police searched his garbage without a warrant.

Attorneys for the State of Wisconsin will construct and present the opposite position: that Stevens' privacy rights were not violated.

**As an attorney, your job is to:**

1. Identify and discuss the best arguments supporting your team's position. These arguments can be constructed from sources such as the facts of this case, important legal precedents, and the language of the Fourth Amendment and its Wisconsin counterpart.
2. Working as a team, prioritize the arguments supporting your position that are the most powerful, and develop an outline for your formal presentation, which can be no longer than five minutes. Remember that the facts have already been established by the lower courts, so do not argue their accuracy.
3. Identify and discuss the most powerful points in favor of the opposing position, or the weak points in your team's position. This will help prepare you for questions from the Court, which will be a three-minute segment after completion of your team's formal presentation.
4. Select three people from your team to present the argument. You may want to divide the five minutes for the formal presentation in half, with two team members each taking half of the time. Another person may respond to the justices' questions. Remember that the justices will not interrupt the formal presentation, but the person responding to questions must be prepared to improvise based on their questions.

### **Wisconsin Supreme Court Justices**

#### **As a justice, your job is to:**

1. Identify possible arguments that each side will use and develop questions to ask the attorneys. Please note that you may not interrupt the attorneys during their five-minute formal presentation. Once that has been completed, you will have three minutes for the entire Court to ask questions of the attorney designated to answer questions. Then, the other side will make its formal presentation, and you will have three minutes to ask questions of that side's attorney. Your questions should be designed to draw out and challenge the reasons each side will use to support its position.
2. Select a chief justice. The chief justice will begin the oral argument and will ask each side to present their arguments.
3. After the oral argument, discuss the arguments made by each side. Each justice must vote on a decision and be prepared to explain his/her vote.
4. The chief justice will announce the Court's decision to the class, then each justice will explain his/her vote.

In the 1980s and 1990s, many cases came to the courts challenging the validity of a search or seizure under the federal and state constitutions. This is one such case. In this case, a divided Wisconsin Supreme Court determined that police may seize and search a person's garbage without a warrant, affirming in part and reversing in part a decision of the Court of Appeals. Justice Roland B. Day wrote the majority opinion and Chief Justice Nathan S. Heffernan wrote the dissent. The case originated in Milwaukee County Circuit Court.

In this case, the Supreme Court determined that there is no reasonable expectation of privacy in curbside garbage. Under the facts of this case, the Court said this includes garbage obtained by a garbage collector who is working as a secret agent of the police and collects the garbage for the sole purpose of turning it over to authorities.

### **From the Opinion: State v. Stevens**

The Supreme Court found that the seizure and search of the defendant's garbage did not violate his rights under the U.S. or Wisconsin Constitutions.\*

Justice Day wrote:

(B)ecause there is no reasonable expectation of privacy in garbage that is removed by municipal garbage collectors in routine collection, the defendant had no reasonable expectation of privacy in garbage which was removed by the municipal collector pursuant to his consent.

Dissenting, Chief Justice Heffernan wrote:

It is difficult to believe that anyone would seriously contend that there is not a reasonable expectation of privacy in garbage against the prying eyes of government...Almost all the intimate details of one's personal life may be revealed by what is placed in the trash, including personal matters which would cover the gamut from how one's alimentary canal functions to the brand or quantity of liquor consumed in the household.

Furthermore, Heffernan wrote, people must dispose of garbage. Since they know that the purpose of garbage collection is destruction, it is reasonable, he wrote, that people have an expectation of privacy and an expectation that the garbage will be handled in the usual manner, without interception by state agents.

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\* U. S. Constitution, Fourth Amendment and Wisconsin Constitution, Article 1, Section 11: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

### **ACTIVITY: CASE ANALYSIS**

Use this page and cases from the Delegation Director Hub to practice reading and understanding a case. Make sure to do about the following steps:

**KNOW THE FACTS** - Your job is to know the important facts of the case! Look at the statement of facts through the eyes of both sets of attorneys. What are the important facts in this case?

| <b>APPELLANT</b><br>(wants decision changed) | <b>RESPONDENT</b><br>(wants decision to stay same) |
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**CONSIDER** - What are the legal issues that need to be discussed during your presentation?

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**APPLY THE LAW** - It's also important to know the law so that you can interpret and apply it to your case. Read the authorities or case law and apply the law.

| <b>APPELLANT</b><br>(wants decision changed) | <b>RESPONDENT</b><br>(wants decision to stay same) |
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**ARGUMENTS** - This is the foundation of your brief and the heart of your oral argument. List at least 3 key arguments each side should make to build the foundation of the case.

| <b>APPELLANT</b><br>(wants decision changed) | <b>RESPONDENT</b><br>(wants decision to stay same) |
|--|--|
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**QUESTIONS** - List the three questions you would hope the "other side" would not ask and the answers you would give if the other side did ask them.

| <b>APPELLANT</b><br>(wants decision changed) | <b>RESPONDENT</b><br>(wants decision to stay same) |
|--|--|
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Once your case is assigned you should complete the case analysis and then start working on your brief following this outline.

Remember a brief is the time to outline the **facts** of the case. Layout all the definitions, precedents, and statistics. State a claim, provide evidence, connect the evidence to the claim. Facts should be clear, reasonable, and straightforward. Save any emotional appeals and storytelling arguments for the Oral Argument! (much easier to appeal to emotions when speaking directly to the justices!)

## **BRIEF OUTLINE**

### **Argument**

1. Start with strong and unarguable claim
  - a. "This is illegal because of the law..." "She broke the law according to..."
  - b. Get creative! You can start by answering the legal questions or start with an unarguable fact that helps your side of the argument ("he's broken the law before, so his punishment can be more severe...")
2. Support your claim with evidence
  - a. This is your time to lay out all your research!
  - b. Define an amendment, state the law in question, or talk about a precedent that helps your case
3. Reason your evidence
  - a. What does your evidence mean? How does it help you?
4. More evidence!
  - a. Define, state, quote
  - b. You've spent weeks on research; lay it all out!
5. Reason and restate your claim
  - a. Depending on your evidence and length of the paragraph, you will want to explain your evidence more and reason it
  - b. Or, you will want to restate your claim **in different words**
- i. Do not repeat the same words and sound repetitive; if a justice reads a different viewpoint of the same idea, they will see all sides of the case
  - c. Every time you restate your claim, back it up with evidence
6. Concluding statement
  - a. End your brief with a restatement of your claim and a brief overview of your evidence to back up your thesis

- b. End with an unarguable sentence
- c. Does **not** have to be a separate paragraph, but it can be; whatever flows the best!

### **Authorities**

List the cases or statutes that you referenced in your brief.

Once you write your final brief, you will submit through an assigned template.

**Due Date: Feb 16, 2024** - Submission link: <https://bit.ly/wiyiqbrief>

### TIPS FOR WRITING A BRIEF

- Use your research
  - The oral argument is when your writing and emotions can really show; the brief is when your research shows!
  - State and define everything! Not everyone knows all the facts of the case, so make sure you educate them
  - Use stats when applicable, and find precedents! They can make or break your case
- Define the main issues and laws being questioned
  - Normally, a case revolves around one or two questions; make sure you define them so your justices know what to look for!

### **ORAL ARGUMENTS**

Once the court materials are written, delegates must figure out how to convince the Justices that their brilliant argument should be the law of the land.

Partners will present oral arguments in front of a bench of Justices. Delegates need to prepare for anything the Justices may ask, address the other side's argument, and focus the court on the three or four things that should decide the case in their favor.

As such, it is important that the partners prepare their argument in advance and practice it! Practice presenting the argument to fine-tune it and make it MAGNIFICENT!

#### **Tips for preparing the oral argument:**

Oral arguments should be written out in detail for your presentation at Model Government. Be creative!

A good argument will cover all facets. Use facts and reasoning from your own experiences.

Do not argue about facts – they are fixed by the lower court. However, you should use the most important ones to support your arguments.

Remember who is being blamed for what – be sure to keep the facts straight.

You not only need to use those authorities that help your case but distinguish or dispute those which hurt your case. Cite them in your argument; be sure to quote particularly good portions.

Divide your time between the two layers. Most cases are easily divided by arguments.

Always cite the Authorities – they are your argument’s base and support.

**Tips on presenting:**

- The number one thing to remember while presenting your case is to be **CONFIDENT**. With confidence comes smooth, well-worded arguments.
- Be **PREPARED** – nothing looks worse to a panel of Justices than a delegate scrambling through notes to answer a question.
- Be a **MASTER** of the case. Know the case inside and out, upside and down, and you will be beyond ready to adjust to your opponent, answer questions and win.
- Know as much as you can about both sides of the argument, even if one partner is “specializing” on either side. **QUESTIONS THAT ARE ASKED CAN BE ANSWERED BY EITHER MEMBER OF YOUR TEAM**, meaning that if one person does not know how to answer, the other might.
- Cut to the chase. Just because an argument is long, often this can distract ‘readers’ from the central and most important part of your case. You are limited in speaking time so everything you say should have meaning. Cut out the fluff, get to the point and hit it hard.
- **RELAX**. This is supposed to be fun!

**COURT SCRIPT**

Below is an example of what a Court Hearing will look like.

**SUPREME COURT SCRIPT**

1. CALL TO ORDER Administrator/Bailiff  
  
“ALL RISE FOR THE HONORABLE JUSTICES OF THE  
**WISCONSIN SUPREME COURT, THE HONORABLE  
JUSTICE \_\_\_\_\_ PRESIDING”**
2. “YOU MAY BE SEATED” Presiding Justice
3. “ARE THE APPELLANTS READY?” Presiding Justice
4. “YES, YOUR HONOR” Appellant’s Attorneys
5. “ARE THE RESPONDENTS READY?” Presiding Justice
6. “YES, YOUR HONOR” Respondent’s Attorneys
7. “APPELLANTS, DO YOU WISH TO RESERVE TIME FOR REBUTTAL?” Presiding Justice
8. “YES YOUR HONOR, WE WISH TO RESERVE FIVE MINUTES FOR REBUTTAL.” Appellant’s Attorneys
9. “APPELLANTS, YOU MAY BEGIN” Presiding Justice

10. **“MAY IT PLEASE THE COURT, MY NAME IS \_\_\_\_\_ AND MY PARTNER’S NAME IS \_\_\_\_\_. WE REPRESENT THE APPELLANT, \_\_\_\_\_ IN THE CASE OF \_\_\_\_\_ VS. \_\_\_\_\_.”** Appellant’s Attorneys
- (Then proceed to give the overview of facts and then address each issue interweaving the law and the facts. You have a total of 10 minutes to present).
11. **JUSTICES ASK QUESTIONS** Justices/Justices  
(STOP. Listen to question and answer it. Then move on with your argument.)
12. At the end of 10 minutes, state - **“WE WOULD LIKE TO RESERVE THE REMAINDER OF OUR TIME FOR REBUTTAL”** Appellant’s Attorneys
13. **“RESPONDENTS, YOU MAY PROCEED”** Presiding Justice
14. **RESPONDENT STANDS AND ADDRESSES THE COURT**
- “MAY IT PLEASE THE COURT, MY NAME IS \_\_\_\_\_ AND MY PARTNER’S NAME IS \_\_\_\_\_. WE REPRESENT THE RESPONDENT, \_\_\_\_\_”** Respondent’s Attorneys
- (Address each issue interweaving the law and the facts. There is no apparent need to restate the facts unless they help you clarify your arguments. You have a total of 15 minutes to present your argument).
15. **JUSTICES ASK QUESTIONS** Justices/Justices  
(STOP. Listen to question and answer it. Then move on with your argument.)
16. **RESPONDENT CONCLUSION** Respondent’s Attorneys  
(At end of argument, Respondents conclude by telling the court what they want the court to do; i.e., to affirm the lower court’s decision.)
17. **APPELLANT REBUTTAL** Appellant’s Attorneys  
(Address questions raised by Respondents and conclude by telling the court what they want the court to do, i.e., Reverse the decision of the lower court).
18. **“THANK YOU, COUNSEL, THIS COURT WILL TAKE THE MATTER UNDER ADVISEMENT AND ISSUE AN OPINION SHORTLY.”** Presiding Justice
19. **“ALL RISE”** Administrator/Bailiff
20. **JUSTICES ADJOURN TO DISCUSS CASE IN DELIBERATION AND DRAFT COURTS OPINION.**

## AT THE CONFERENCE

### PUBLIC SPEAKING TIPS

Even when speaking one-on-one or in small groups, it is important to be prepared. Below are a few ideas that will make your information gathering process a breeze.

### **Outline your thoughts**

- Know what you are going to say before you get up
- Jot down notes, use key words and not whole sentences. (When you have your lines written out that you may get stuck looking down at your paper the whole time)
- Be clear and concise. Do not go on and on, have a focus to your message

### **Rehearse**

- Practice your comments in your head one time

### **Talk like you are having a conversation with a friend.**

- Feel confident in your presentation (Even if you are not – no one can “see” your nerves, so they may not even know if you are nervous!)
- Speak directly to your audience – eye contact is key!

### **Be heard!**

- Speak with energy and emotion. Change volume and tone to illustrate your point
- Project your voice and remember not to mumble or talk too fast

### **Be respectful**

- Tell your opinion without belittling other people or their views.
- If contradicting another view, state reasons, not just that you disagree.

## **GENERAL SCHEDULE**

### **Friday**

- Media
  - Draft, edit and publish an article

### **Saturday**

- Supreme Court
  - Finalize your brief and oral argument
  - Argue your case in front of Justices
- Legislative
  - Debate your bill

### **Sunday**

- Legislative
  - Debate your bill