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YMCA WISCONSIN YOUTH IN GOVERNMENT

JUDICIAL BRANCH: SUPREME COURT

Use this packet to prepare for Pre-Gov and the Model Government Conference.

Judicial delegates will defend a position or decision in the Supreme Court by interpreting the Constitution and creating a persuasive case.

THINGS JUDICIAL DELEGATES WILL ACCOMPLISH

- Compose the required Brief document summarizing the arguments for the assigned case
- Meet all deadlines - Brief due
- Be aware and informed of the responsibilities and duties of Court officials and knowledgeable of the facts involved in the assigned case
- Study your case, apply the existing law and prepare a court document
- Prepare an oral argument
- Attend Pre-Gov
- Present your oral argument and act as a justice at Model Gov
- Adhere to the Code of Conduct

Along the way, you will also have the chance to become a better speaker. And as an added benefit, you may even find out a little more about what is going on in the world around you!

Your whole position revolves around studying case law, discussing them, reviewing them, applying them to your case fact pattern, and writing arguments based on them.

The information in this packet is set up chronologically. Work through the lessons and activities with the other delegates in your delegation. The following information will help you understand what is expected of you.



LESSON – read through the information.



ACTIVITY – print these pages and complete the activity.



ASSIGNMENT – share these completed pages with your youth leader or Delegation Director



LESSON: How the Courts work

The role of the courts is to interpret the law. The law can be very complicated depending on the situation at hand. The way the judicial system operates and how a court hearing runs is different from what you see on TV; you will learn this through your participation. Here is a very basic description of how the courts operate in the United States.

TYPES OF COURTS

In the United States, the court system is divided into two parts:

1. TRIAL COURTS

These courts handle serious criminal cases and divorce cases. They can also handle civil arguments, such as trying to figure out who is responsible for an auto accident.

2. APPELLATE COURTS

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 and that's why you hear about them on the news. 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.

Key Idea: An appellate court generally considers legal issues only, not factual issues. The facts of a case are decided at the trial level, either by a judge or a jury. If there is an appeal from a trial court's decision, the appellate courts defer to the facts as found by the trial court judge or jury and consider only whether the law was properly applied to those facts.

FEDERAL VS STATE COURTS

The court system in the United States is broken into two basic systems: state courts and federal courts. State courts are established by the laws of each state and have broad jurisdiction. These courts can hear cases on everything ranging from criminal matters to family law disputes. In contrast, federal courts are established under the U.S. Constitution and have a much narrower jurisdiction.

Federal courts generally hear cases that involve the following:

- The United States as a party to the case
- An allegation of a violation of the United States Constitution or a federal law
- Bankruptcy, copyright, patent and maritime laws
- Parties in different states when the amount in controversy is over \$75,000

WISCONSIN SUPREME COURT

The next few pages show information from the Wisconsin Supreme Court about the following:

- Set up of the Wisconsin Supreme Court at the State Capitol
- How a case comes to the Wisconsin Supreme Court
- Wisconsin Supreme Court: From Petition to Opinion

The Wisconsin Supreme Court



During oral argument of the Wisconsin Supreme Court, the justices often ask questions of the attorneys presenting their cases. The Supreme Court hears cases that relate to the development or clarification of a law or that have statewide legal significance. The Supreme Court is not an error-correcting court.

THE BENCH

THE MARSHAL'S DESK

The marshal calls the Court to order, monitors the gavel meter, and maintains the security and decorum of the proceeding.

THE ATTORNEY'S TABLE

One or two attorneys for each side of the case sit at the attorneys' table. Each side has 30 minutes to present its arguments.

Podium with
Gavel Meter

The Gavel Meter tells the attorneys how much time they have to present their arguments. First a green light appears telling the attorney to begin. A yellow light appears when five minutes remain, and a red light appears telling the attorney to stop his/her presentation.

Members of the media sit here. Reporters, photographers, and videographers listen to and record oral argument.

Wisconsin Supreme Court oral arguments are open to the public. The Court's session runs from September 1 through June 30. During the session, the Court generally hears oral arguments for three days each month, with three cases heard each day.

These seats are reserved for law clerks. Law clerks are usually recent law school graduates who are appointed by a justice for one- or two-year terms. They assist in researching and drafting opinions.

How a case comes to the Wisconsin Supreme Court

WISCONSIN SUPREME COURT: At oral argument, each side is allowed 30 minutes to present its case. Oral argument supplements and clarifies arguments the lawyers have already set forth in written submissions called briefs.

Following each day's oral arguments, the court meets in conference to discuss and take a preliminary vote on the cases argued that day. After the vote, a justice is assigned by lot to write the majority opinion. There are seven justices on the Court.

The Court usually releases opinions for all cases heard during its September through June term by June 30 of that year. Opinions are posted on the court system website on the morning of their release (www.wicourts.gov).

The losing party in the Court of Appeals case may ask the Wisconsin Supreme Court to hear the case. This is called a **Petition for Review**. The Supreme Court receives about 800 petitions for review each term, and agrees to hear approximately 65 of these cases. It takes the vote of at least three justices to take a case on a Petition for Review.

THE COURT OF APPEALS is an error-correcting court. It is made up of four districts and 16 judges. The Court of Appeals considers all cases appealed to it and will either:

- review the case, using the transcripts of the circuit court proceedings, sometimes supplemented with oral argument. The Court of Appeals will rule in favor of one party.
- certify the question to the Wisconsin Supreme Court. **Certification** means the Court of Appeals, instead of issuing its own ruling, asks the Supreme Court to take the case directly because the Court of Appeals believes the case presents a question of law that belongs before the Supreme Court. It takes a vote of at least four justices to take a case on Certification.

The Wisconsin Supreme Court, on its own motion, can decide to review a matter appealed to the Court of Appeals, ultimately bypassing the Court of Appeals. This is called **Direct Review**. It takes a vote of at least four justices to take a case on Direct Review.

The losing party may **appeal** the decision to the Court of Appeals.

The losing party may file a **Petition to Bypass**, asking the Wisconsin Supreme Court to take the case directly, bypassing the Court of Appeals. It takes a vote of at least four justices to take a case on Petition by Bypass.

An individual, group, corporation, or government entity may bring a civil case, and the government may commence a criminal case, in the **CIRCUIT COURT**. After the proceedings, the circuit court will rule in favor of one party. There are 249 circuit courts in Wisconsin.

An individual or government entity may ask the Wisconsin Supreme Court to take **Original Action** in a case. This means that the case has not been heard by any other court. Because the Supreme Court is not a fact-finding tribunal, both parties in the case must agree on the facts.

Created by the Wisconsin Supreme Court, Sept. 2000.
(updated December 2020)

Wisconsin Supreme Court: From Petition to Opinion

The Court holds a **petition conference** to review requests from parties for Supreme Court review of a case. For each case accepted, a “reporting justice” is assigned.

At the **pre-argument conference** the reporting justices for that day’s cases brief the other members of the Court on the details and important issues of the cases scheduled to be heard that day.

Attorneys present their cases at **oral argument**. Typically, three cases are heard in one day, each lasting one hour.

The Court holds a post-argument **decision conference** where the reporting justices present their analysis of the cases heard that day and the justices cast tentative votes on the cases. For each case, a justice is assigned by random lot to draft the opinion.

At a later date, the justices meet in an **opinion conference** to discuss and vote on draft opinions. At this point, justices announce their intentions to write concurring or dissenting opinions.

The Clerk of the Supreme Court Office **mandates an opinion** (making the Court’s decision available to the parties and public) when all members of the Court have voted to release it. Concurring and dissenting opinions are released at the same time.

The Court’s official **opinion is published** in *Callaghan’s Wisconsin Reports* as the law of the state.

The Court will **reconsider an opinion** in very rare cases when a party can show that the Court has overlooked controlling legal precedent, important policy considerations, or a significant fact appearing in the record.



LESSON: SUPREME COURT AT YIG

In the Supreme Court, there are no facts to be decided, no jury, and no witnesses. The difference between the lower courts and appellate courts is that while there isn't a dispute about the facts of the case, the disagreement is in how the law was interpreted and applied to the facts. The attorneys argue how they feel the law **SHOULD** be interpreted and applied to a panel of Justices. The Justices listen to the presentations, ask questions of the attorneys, deliberate, and then either uphold or overturn the decision of the lower court. Justices are allowed to interrupt the attorneys to ask questions, mostly to clarify a point in the case they are uncertain of. As a participant in the court program, you will participate as an attorney appearing before the Supreme Court **AND** you will serve as a Supreme Court Justice.

As an **ATTORNEY**, you will write a brief for the Supreme Court and then prepare an oral argument. A brief is a factual, written argument and is similar to a research paper summarizing your stance on the issues of the case. An oral argument is both facts and emotional appeals. You can add biased statements and things that will sway the justices to your side.

What is a Brief? A brief is a formal document a lawyer uses both to convince a court that the client's argument is sound and to persuade a court to adopt that position. A brief must honestly state the law, the facts of the case (as the client sees them) and the reasons for the conclusions in a clear and concise manner.

What is an Oral Argument? An oral argument is a speech that is presented to the Justices and contains both facts and emotional appeals. You can add biased statements and things that will sway the justices to your side.

As a **JUSTICE**, you 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.

Writing a Brief

- Step 1** Read the Statement of Facts and summarize in your own words
- Step 2** Research
- Step 3** Analyze Authorities or Case Law
- Step 4** Draft your brief – state a claim, provide evidence, connect the evidence to the claim
- Step 5** Get feedback

Crafting an Oral Argument

- Step 6** Brief overview of your case that may be biased to your side
- Step 7** Arguments
- Step 8** Address legal questions
- Step 9** Rebuttal
- Step 10** Conclusion
- Step 11** Get feedback

Preparing to Justice

- Step 12** Case review
- Step 13** Prepare questions
- Step 14** Case hearing
- Step 15** Deliberation
- Step 16** Write opinions



LESSON: Writing a Brief

The brief is a legal argument that is submitted to the opposing counsel and a panel of Justices, all of whom will subject it to scrutiny. The brief writer must attempt to make the client's position seem as strong as possible, emphasizing favorable arguments and minimizing the force of opposing arguments. It is not enough that the client's position appears logical or even desirable—it must seem compelling.

The brief writer knows their basic conclusions in advance. Their work involves a search for arguments and materials to support those conclusions and that show their client's position is stronger and should prevail.

Tips for Persuasion in your analysis

- **BE SUBTLE.** Remember that you should maintain an objective tone in your facts. A Justice should find your statement of facts candid and reliable. In persuading, rely on organization, writing, careful selection and juxtaposition of facts and detail, and storytelling.
- **HAVE A THEME.** Make sure your statement of the facts always reflects your theory of the case.
- **TELL A STORY.** Your facts should read like a novel or short story. The story should have a clear beginning, middle and end. Instead of summarizing trial testimony or exhibits in the order in which they were entered, it should focus on the underlying story.
- **ORGANIZE YOUR FACTS TO MAXIMIZE PERSUASION.** Often, but not always a chronological organization is effective. It is often useful to begin even a chronological account with a short introduction that summarizes the key facts or highlights a particularly explosive fact that favors your side.
- **INCLUDE DETAILS THAT ADVANCE YOUR THEORY.** Details, especially vivid or sensory ones, will help the reader understand, feel and remember your story. Details enable you to show, rather than tell, and allow your reader to reach his or her own conclusions.
- **EMPHASIZE FAVORABLE FACTS.** It goes without saying that the facts that favor your side should be emphasized. You can do this by placing favorable facts in prominent locations and by providing details about them.
- **DE-EMPHASIZE UNFAVORABLE FACTS.** Avoid unimportant or unfavorable detail. While you must include all determinative facts, you need not include all details. Edit out details that are not important or distracting. Any detail you include will be presumptively considered important by the reader.
- **AVOID SARCASM, HYPERBOLE, AND ARGUMENT.** You don't want to sound unprofessional; it is extremely important that you maintain an intriguing and professional style.



ACTIVITY: Writing a Brief – Step 1 & Step 2

Use the cases from the State Office to complete Step 1 & Step 2 for all cases.

Step 1 Read the Statement of Facts and summarize in your own words

Every case starts with a statement of facts. This is the chain of events that leads to the two parties going to court. When a case is heard by the Supreme Court, it has been already decided once by a lower court (limited or general jurisdiction courts). Usually the party bringing the case to the Supreme Court is not satisfied with the decision of the lower court and wants to change or overturn the decision.

Step 2 Research

Resources

- Wisconsin Statutes
- Wisconsin Constitution
- Precedent Cases - oyez.org and justia.com
- Legal Definitions - Black Law Dictionary

Legal Background – look up any laws, statutes or amendments that relate to the issues of the case

Legal Definitions – define words or phrases in order to help avoid confusion. Note the source of the definition in case you need to refer back

Precedent Cases – find and analyze precedent cases which are court decisions that are considered an authority for deciding subsequent cases involving identical or similar facts, or similar legal issues.

Independent Research – Complete independent research once you get your case assignment. This could involve additional research on legal background, legal definitions, or precedent cases

Use this planning document to keep track of your research: [Supreme Court planning doc](#)



ASSIGNMENT – Submit authorities/precedents/citations

Find cases, laws, amendments or citations that you can use to support your arguments and submit them to Ann Fisher, afisher@ymcafoxcities.org.



ACTIVITY: Writing a Brief – Step 3 & Step 4

Use resources from the State Office and your independent research to complete Step 3 & Step 4 for your assigned case.

Step 3 Analyze Authorities or Case Law

These are other cases that may have been decided on similar facts in Wisconsin or other jurisdictions. Your job is to find cases and pick out the facts that are most important to your case. Remember, it's the way the law was applied to the facts that is in dispute, not the facts themselves. The important piece is that the interpretation of that case agrees with your position, the decision in that case does not have to be the same.

When reading through the case authorities, there are five things to watch for and understand:

1. **FACTS:** although the facts are not in dispute, there may be some information that doesn't apply to your case. Your job is to pick out the most important pieces of information that support your position.
2. **ISSUE:** In one sentence you should be able to pick out the major question that the court must decide in the case. In some cases, there may be more than one, but remember to keep it as simple as possible.
3. **RULE OF LAW:** Most authorities will clearly state what part and type of law is in question in the specific case (i.e., Wisconsin Statutes, Constitution, federal codes/statutes, etc.).
4. **APPLICATION:** How does the rule of law (what the law says) apply to the authorities?
5. **CONCLUSION:** The decision of the court.

You should apply each of these elements to all of your case authorities. Knowing these five things will help you have a complete understanding of the authorities without all of the "legal jargon."

For help understanding how to read/use the Authorities please contact Ann Fisher, afisher@ymcafoxcities.org.

Step 4 Draft your arguments – state a claim, provide evidence, connect the evidence to the claim

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!

Step 5 Get feedback

Author	Peer	Advisor	
			Is the statement of facts easy to understand?
			Does the argument begin with a strong unarguable claim?
			Is that claim supported by evidence?
			Is the evidence explained?
			Are legal definitions provided?
			Are additional arguments also supported by evidence?
			Is the brief one to two paragraphs?
			Is at least one precedent case mentioned?
			Are relevant statistics included?
			Are laws or amendments referenced?
			Is the unarguable claim restated?



LESSON: Crafting an Oral Argument

Once your court materials are written and submitted, you must figure out how to convince everyone that your brilliant argument should be the law of the land.

At Model Government, you will present your argument in front of a bench of Justices. You need to prepare for anything the Justices may ask you, address the other side's argument, and focus the court on the three or four things that should decide the case in your favor. It is important that you practice your argument in advance.

Note: You are writing a SPEECH, not an essay. Your oral argument should be easy to read off, and it should say when you need to pause, speak up, or emphasize a point. It's your argument only, you can mark it up.

Tips for preparing your argument

1. Your argument should be written out in detail for your presentation at Model Government. Be creative!
2. A good argument will cover all facets. Use facts and reasoning from your own experiences.
3. Do not argue about facts – they are fixed by the lower court. However, you should use the most important ones to support your arguments.
4. Remember who is being blamed for what – be sure to keep the facts straight.
5. Use those authorities that help your case **and** distinguish or dispute those which hurt your case. Cite them in your argument; be sure to quote particularly good portions.
6. Always cite the Authorities – they are your argument's base and support.
7. Appeal to the emotions of the justices: tell stories, talk about how your client feels, and how the justices should empathize with your side.



ACTIVITY: Crafting an Oral Argument

Step 6 Brief overview of your case that may be biased to your side

This is your speech; you have the freedom to write it however you want. However, an argument is easiest to understand if you start with an overview of your case and your stance, followed by sectioned-out arguments. Make sure to include your unarguable claim.

Step 7 Arguments

Evidence/Law Based Arguments	Emotion/Pathos Based Arguments	Precedent Case Arguments
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Step 8 Address legal questions

Direct Attack of Legal Questions

Step 9 Rebuttal

Rebuttal (What do you think the other side will bring up)

Note: you might have to write more for your rebuttal while your opponent speaks. Your speech is a working document; you should add more arguments/ points as your opponent brings them up. Respondent, you will do this before speaking, as you only speak once. Appellant, you will do this after speaking first because you speak twice.

Step 10 Conclusion

Your conclusion should restate your main arguments, reaffirm why you are right, and end with another inarguable claim.

Step 11 Get feedback

Author	Peer	Advisor	
			Is the case overview easy to understand?
			Are the three types of arguments addressed?
			Are the legal questions addressed?
			Does the conclusion restate the main arguments?



ASSIGNMENT: Submit your brief and an outline of your oral argument to the State Office



LESSON: Preparing to Justice

Step 12 Case review

The case review is used to familiarize the justices with the case prior to the hearing. The justices review the brief, and ask each other questions concerning the case until all are fully aware of the aspects. This portion of the court procedure is very important, as it prepares the justices for each case.

Step 13 Prepare questions

Justices should prepare questions to ask attorneys during the case hearing. Always be polite! Question whatever you're unsure of; it doesn't have to fit into a format; these are just a few ideas to get you started.

Question examples

- Could you please define that word?
- Can you explain the details of that precedent?
- What did you mean when you said...
- Can you please explain...
- Are you saying that...
- What exactly is... (for clarification on laws, statutes, or amendments)
- How does this apply to your argument?
- Can you clarify that last point you said?
- Can you explain the significance of this to your case?

Step 14 Case hearing

As the attorneys are presenting their cases, it is the duty of each justice to listen carefully, take notes, and ask questions to clarify certain statements. Questions bring out debate, and debate is needed in the court if there is to be a fair and complete hearing.

Justices may ask questions at any time, even when the attorneys are speaking. Do not be afraid to interrupt the attorneys at any time by saying, "Excuse me, counsel..." After the appellant and respondent have finished presenting their cases, justices are encouraged to ask as many questions as needed to benefit the court. Please note that if you are in the middle of a question and your time expires, it is acceptable for you to finish answering the question. After all questions have been asked, the court recesses and the justices adjourn to the deliberation room.

Step 15 Deliberation

After a case has been heard, the justices meet in the deliberation room. As the issues are debated, it is important that all justices become involved in the discussion. The deliberation is a friendly atmosphere in which the justices can freely discuss the aspects of the case. The statements made by the justices will be a deciding factor in each case. Provide as much input as possible to fully benefit the deliberation. Each deliberation will last between 15 and 30 minutes. The deliberation ends when all justices have voted. It is the duty of the presiding justice to function as a facilitator of debate, trying to involve those who seem hesitant to voice their opinion, occasionally playing devil's advocate, and refraining from making their own opinion known until the final vote has occurred.

During deliberation, the justices shall decide on each of the legal questions, determine the constitutionality of the issues, and decide in favor of the appellant or the respondent for each case. Justices may choose to not decide in complete favor for one party or the other, but instead solely make a declaration about the constitutionality of one or several issues.

Deliberation Process Guide

Initial Vote (5 minutes)

The presiding justice will ask the other justices for their initial opinion of who won the case through a show of hands (It's ok to not vote here). Each Justice will then give a brief explanation of why they voted the way they did or why they are undecided.

Appellant and Respondent Arguments (5 minutes)

The presiding justice will ask for 1-2 arguments for both the appellant and the respondent. There must be at least one argument per side –even if the initial vote was unanimous.

Open Debate (20 minutes)

Remember when debating to:

- **Be Respectful to your fellow delegates:** Let people share their thoughts and make sure to disagree with the argument, not the person.
- **Make everyone's voices heard:** Keep everyone involved in deliberation, make sure to listen, let people finish, and don't shut down others when they share their opinions.
- **Carefully consider both sides:** Your goal is to make a fair decision, and this means carefully weighing both sides of the case, even if you disagree initially with a particular side.
- **Use only the facts presented:** Don't use outside information that was not brought up during the case. If there is outside information or clarification that you feel is important, bring up that information during the trial through questioning.

Open debate ends when the justices are all strongly set in their positions, have come to a strong consensus, or when the allotted 20 minutes is over.

Final Vote

The presiding justice will get one final show of hands, which will be the final ruling on the case (ex. 4 votes appellant v. 3 votes respondent, appellant wins). **All justices must vote.**

Step 16 Write opinions

All decisions must be fully explained in the opinion document.

Writing Opinions (5–10 minutes, can be finished outside of the deliberation room)

Document the final vote results and choose the author of the opinions, which are an explanation of why the court voted the way they did. These should be concise but also thoroughly represent your decision. There are three types of opinions:

- **Majority:** The ultimate opinion of the court and is for the side that wins the case (required).
- **Dissenting:** The opinion of the side that does not win the case, must be written even if the vote was unanimous (required).
- **Concurrent:** A unique opinion that can be written by someone who agrees with the majority, but disagrees with some of their reasoning (optional).



LESSON: At the Conference

TRAINING

Much of the first day of Model Government is devoted to the final preparation of youth lawyers and case preparation. The Supreme Court procedures and the appellate process are explained, reviewed and practiced at that time.

COURT HEARINGS

This is where all the magic happens! As soon as your case is called in the courtroom, you'll become an attorney and/or Justice. This is your moment to shine, and all your practice and hard work will be put to the test. Some of your time will be spent either listening to presentations by other divisions of the court or making your own presentation. Listen carefully and be respectful towards everyone's presentation so they will do the same for you.

JUDICIAL REVIEW COMMITTEE (JRC)

The power to determine constitutionality is called the power of judicial review. The Supreme Court delegates participate in a model Judicial Review Committee. JRC is tasked with considering the constitutionality of certain legislative bills that pass through the chambers.

Delegates will participate in one of the following roles:

Case creation – assist the Supreme Court Specialist with creating the case

Justice – prepare questions in advance then during the hearing listen carefully, take notes, and ask questions to clarify certain statements.

Advocate/Lawyer – create the oral argument and focus on speaking skills

Interested organization – submit an amicus brief. Groups of delegates will be assigned an organization or group and they will have to write an amicus brief on behalf of that organization. These group will also present some questions that they hope the justices will ask.

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. If you know the case inside and out, upside and down, 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.
- PERSUADE YOURSELF. At Youth in Government, each team is required to argue both sides of a case, even if you don't agree with one side. This means that you need to convince yourself that what you are saying is 100% CORRECT, JUST, AND LEGAL, even if in reality you do not. By doing this, you will not only convince yourself that you are right, but the Justices as well.
- 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!



ACTIVITY: Practice presenting your case

SUPREME COURT HEARING PROCEDURE:

1. Presentation of the Justices – Follow the administrator’s instructions.
2. Introductions
3. The Presiding Justice will ask if each of the attorney teams is ready.
4. The appellant attorneys will deliver their arguments.
 - Each side gets 20 minutes to present their argument. Each attorney on your team MUST deliver a portion of the presentation; typically, teams split the time in half. Remember that the Justices may interrupt at any time with questions and it is wise to prepare only about 7-10 minutes of material to present.
 - Be courteous when addressing the court. Before beginning your arguments say, “May it please the court, my name is _____. I represent the respondent/appellant, ___ in the case of ___vs ___?” Each member of the attorney team should say that before their presentation.
 - One more suggestion: If you are the appellant attorney, you get time for rebuttal after the Respondent attorneys have presented their case. Rebuttal is just telling the Justices ONE MORE TIME why your interpretation of the case is correct. Teams have 20 minutes for their presentation in total. Most teams save five minutes for their rebuttal, leaving 15 minutes for their main argument.
 - Justices and justices own their courtrooms; it is their domain to do with as they please. They can interrupt the speaker at any time to ask questions. They may ask one, or several in a row. When a Justice or justice asks a question, try to answer it as briefly and directly as possible, as this counts towards your time. If your co-counsel is going to touch upon the question, tell the Justice this. Never argue with the Justice, simply “respectfully disagree” and listen to what they have to say.

- ## SUPREME COURT SCRIPT

1.	Call to Order	Administrator
	"ALL RISE FOR THE HONORABLE JUSTICES OF THE WISCONSIN SUPREME COURT, THE HONORABLE _____ JUSTICE _____ PRESIDING" <div style="display: flex; justify-content: space-around; width: 100%;"> (title) (name) </div>	
2.	"YOU MAY BE SEATED"	Presiding Justice
3.	"ARE THE APPELLANTS PREPARED TO PROCEED?"	Presiding Justice
4.	"YES, YOUR HONOR"	Appellant's Attorney
5.	"ARE THE RESPONDENTS PREPARED TO PROCEED?"	Presiding Justice
6.	"YES, YOUR HONOR"	Respondent's Attorney
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 Attorney
9.	"APPELLANTS, YOU MAY PROCEED"	Presiding Justice
10.	Appellant stands and addresses the court	Appellant's Attorney
	"MAY IT PLEASE THE COURT, MY NAME IS _____ I REPRESENT THE APPELLANT, _____ IN THE CASE OF _____ VS. _____."	

(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 this main argument).

11. Justices ask questions

"EXCUSE ME, COUNSEL" or "EXCUSE ME, DELEGATE." Justices

(STOP. Listen to question and answer it. Appellant's Attorney
Then move on with your argument.)

12. At the end of 10 minutes, state – Appellant's Attorney

"WE WOULD LIKE TO RESERVE THE REMAINDER OF OUR TIME FOR REBUTTAL"

13. "RESPONDENTS, YOU MAY PROCEED" Presiding Justice

14. Respondent stands and addresses the court Respondent's Attorney

"MAY IT PLEASE THE COURT, MY NAME IS _____ .

WE REPRESENT THE RESPONDENT, _____"

(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

"Excuse me, counsel" or Excuse me, delegate." Justices

(STOP. Listen to question and answer it. Respondent's Attorney
Then move on with your argument.)

16. Respondent conclusion Respondent's Attorney

(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 Attorney

(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. Closing Presiding Justice

"THANK YOU, COUNSEL, THIS COURT WILL TAKE THE MATTER UNDER ADVISEMENT AND ISSUE AN OPINION SHORTLY."

19. "ALL RISE" Administrator

20. Justices adjourn to discuss the case in deliberation and draft the court's opinion