



FOR YOUTH DEVELOPMENT®  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

# APPELATE COURTS

## Court of Appeals & Supreme Court

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# YOUR STEPS AS A COURTS MEMBER

## **YOUR MISSION:**

Defending a position or decision in a court of law by interpreting the Constitution and creating a persuasive case.

## **THINGS YOU WILL DO AS A COURT MEMBER**

- Compose the required court document summarizing the arguments for the assigned case
- Meet all deadlines
- Be aware and informed of the responsibilities and duties of Court officials and knowledgeable of the facts involved in the assigned case
- Be prepared to argue the assigned case more than once
- Study your case, apply the existing law and prepare a court document
- Attend the LAUNCH training session in the fall
- 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.

# WHAT ARE THE COURTS?

## HOW THE COURTS WORK

The role of the courts is to interpret the law. Sounds easy, right? WRONG! 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 Minnesota.

### THE TYPES OF COURTS:

In Minnesota, 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

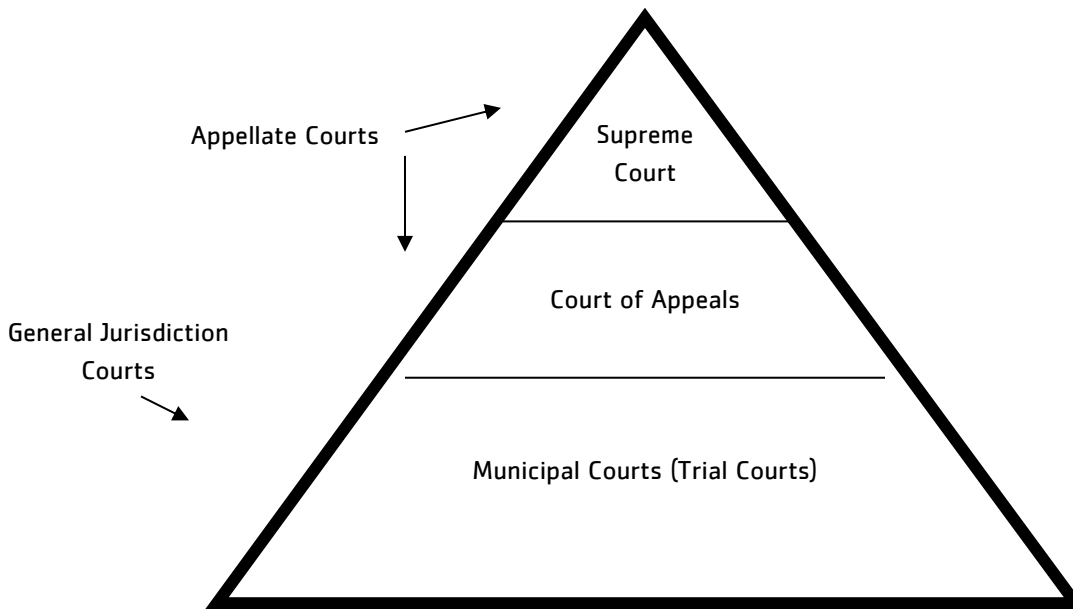
The statewide appellate courts are Court of Appeals and State Supreme Court. This is where people go when they don't agree with the decision of the lower court. It's called "appealing."

The Court of Appeals generally consists of 3-5 judges with no jury. They also review all final decisions in trial courts, state agencies and/or local governments. In addition, the Court of Appeals for the Federal Circuit has nationwide jurisdiction to hear appeals in specialized cases, such as those involving patent laws, and cases decided by the U.S. Court of International Trade and the U.S. Court of Federal Claims.

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.

## HOW THE COURT SYSTEM WORKS TOGETHER IN MINNESOTA:

Each decision by the court can be appealed to the next level, with decisions made by the Supreme Court being the law of the land. Once they speak, it's final!



## THE COURTS AT YIG

As a participant in the court program, you will participate as an appellate attorney appearing before the **COURT OF APPEALS** (for 9<sup>th</sup> and 10<sup>th</sup> graders) or **SUPREME COURT** (11<sup>th</sup> and 12<sup>th</sup> graders) AND you will serve as either a Court of Appeals Judge or Supreme Court Justice.

OR – you will participate in the **TRIAL COURT** (for 9<sup>th</sup>-10<sup>th</sup> graders) or **DISTRICT COURT** (11<sup>th</sup> and 12<sup>th</sup> graders). Trial/District Court is much like the law part of “Law and Order.” This is where guilt or innocence or fault is determined. Each pair of attorneys will serve as a lawyer for one case and each participant also serves as a juror for another case (no preparation is required to serve as a juror).

As an **ATTORNEY**, you will work with a partner or partners to write a ‘Case Analysis’ for Court of Appeals—in which you will be writing on the appellant/appellee and respondent’s view—or a Brief for Supreme Court. A Case Analysis will include the issues facing your ‘clients’, a highlight of facts, written statements regarding the applicable law in the given case, arguments (for both sides) and a list of questions that you would ask and respond to. A brief is simply a written argument and is similar to a research paper summarizing your stance on the case.

Your teams will also prepare oral arguments to deliver before court. Each Appellate attorney team will also make at least two oral arguments where you will represent a party that is either appealing a decision (seeking a reversal of a previously made decision) or opposing the appeal (seeking affirmation of a previously made decision). Each Trial/District attorney team will make arguments representing the defendant or prosecution.

As an appellate **JUDGE**, you will serve on a panel of judges that will decide the case. Each judge 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.



It is highly recommended that participants find a local attorney or law office to help them with questions regarding procedure and past decisions that have established precedents in such cases. The local attorneys might help with rewriting and typing the case brief.

# PREPARING FOR THE COURTS

## LAUNCH TRAINING SESSION

As a court member, your work will begin at LAUNCH. You will have the opportunity to spend most of the day with other court delegates as roles within this program area are decided. Your Program Specialists and Officers will assign attorney partners and cases. You will have the opportunity to ask questions about the case/case law.

Attending LAUNCH is vital to your success at Youth in Government. This information will also be posted on the Center for Youth Voice website. You will receive the following:

### **CASE MATERIALS**

The Case Materials are what you need to read to understand your particular case. They include a summary of the events, a description of the charges and the Judge's instructions to the Jury. Most importantly, the Case Materials contain the testimony of the witnesses that you will be examining. You should briefly examine the summary and carefully read the witness testimony. You will prepare your questions for the witnesses and your opening statement and closing arguments based on the information contained in these materials.

Preparation is the key to a fun and productive court experience. We look forward to working with you during the upcoming YIG conference.

## READING A CASE

Reading case law is a lot like putting together a puzzle. Sometimes you have to be persistent to find which pieces connect together. Sometimes you don't have all of the pieces, so the puzzle is impossible to solve. It is a rare occasion when you are able to fit together the pieces quickly! What we're trying to tell you is that patience is a big part of this program area.

In the appellate courts, 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 judges. The judges listen to the presentations, possibly ask questions of the attorneys, deliberate, and then either uphold or overturn the decision of the lower court. Judges are allowed to interrupt the attorneys to ask questions, mostly to clarify a point in the case they are uncertain of.

On the following pages, this packet offers a sample case. The example is a Court of Appeals case, but the workflow is very similar for Supreme Court cases.

## 1<sup>st</sup>: READ THE FACT PATTERN

Every case starts with a fact pattern. This is the chain of events that leads to the two parties going to court. When a case is heard by an appellate court (Court of Appeals or 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 appellate court is not satisfied with the decision of the lower court and wants the appellate court to change or overturn the decision.

### KAUFMANN V. INDEPENDENT SCHOOL DISTRICT #84

**Parties:**        **Appellant – Justin Kaufmann by and through his parents**  
                      **Respondent – Independent School District #84**

**Facts:**

Johnson Senior High School, one of two high schools in Independent School District #84, has a racially mixed student body—the school population is 47% white, 23% African American, 15% Latino, 11% Asian/Pacific Islander, and 4% mixed-race or other. The school has never had problems with race-related incidents and both the school and student organizations actively promote diversity. The surrounding community is also politically diverse. Approximately 45% of the district’s registered voters identify as Republicans, 45% as Democrats, and 10% as independents.

One day in the fall of 2015, Johnson High School senior Justin Kaufmann arrived at school wearing a sweatshirt bearing a large confederate flag on the back. After several students complained, Kaufmann’s homeroom teacher, Mark Hanner, ordered Kaufmann to take the sweatshirt off. When Kaufmann refused, he was immediately sent home. As the day went on, the school received calls from parents stating that they did not feel their students were safe at school. The school assured the parents that they had dealt with the issue and had a “zero-tolerance policy” for harassing or threatening apparel or behavior in the school community. The school also sent a letter to that same effect home with students at the end of the day.

The next day, Kaufmann received a letter from Johnson High principal Kathryn James, informing him that he was suspended for five days for violating the “Appropriate Dress” provision of the Code of Conduct.

The code provides, in relevant part:

Appropriate Dress. At all times, students shall dress appropriately for classes and activities. Students shall not wear clothing that is revealing or provocative. Students are prohibited from wearing or displaying any article of clothing or symbol that is likely to offend or threaten another, interfere with education, or disrupt Johnson High activities.

Upon learning of their son’s suspension, the Kaufmanns sought an injunction, prohibiting the district from suspending Justin. The Kaufmanns claimed that the Code itself and the school’s action had violated Justin’s right to free speech.

At trial, Principal James testified about the district’s attempts to promote diversity in a climate of increasing racial and political tension. James stated that the school’s values include accommodating a diverse student body and making sure each student feels secure, both emotionally and physically, at school. James referenced social science research which shows that mental and emotional trauma inhibits learning capacity.

Kaufmann’s teacher, Mr. Hanner, also testified that, while he understood that Kaufmann’s sweatshirt could be interpreted as expressing a political viewpoint, he did consider the flag to be both “offensive” and “threatening” to other students. He testified that both white and black students complained to him about the sweatshirt. He stated that, when he asked Kaufmann to remove the sweatshirt, Kaufmann said, he had answered “No, I don’t feel like it, and besides, I don’t have anything else warm to wear.” According to Hanner, Justin Kaufmann has poor grades and has shown difficulty with school authority. He is often in trouble for minor disciplinary problems.

On cross-examination, however, Hanner stated that, to the best of his knowledge, Kaufmann did not have particularly strong political views and had never participated in any organized activities related to race or politics. He also mentioned that he requested Justin remove the sweatshirt because he feared how other students might react. Hanner concluded by saying that on at least one previous occasion, another teacher had asked a female

student to change clothes, for wearing what that teacher thought was a too-revealing blouse. That student complied and was not suspended from school.

Justin Kaufmann testified on his own behalf, stating that his family descended from several civil war veterans. He testified that he had worn the sweatshirt to express his pride in that heritage. Kaufmann testified that he paid tribute to his ancestor's willingness to fight for what they believed in by wearing and refusing to remove the shirt. Kaufmann disputed Hanner's description of his response to the order to remove the shirt. He stated that he had informed him that he was making a statement and, if he was a good teacher, he would encourage his involvement in civic activities.

The school district submitted evidence at trial—including screenshots from Facebook and Twitter—which demonstrated that students had been discussing the sweatshirt issue on social media outside of school. Several of the students' posts showed strong disagreement, but the school admitted that none of the posts were violent or threatening in nature. The school also admitted that none of the social media activity had led to issues in the school itself, and that the school did not have a history of race-related incidents.

The trial court denied the injunction. In his order denying the injunction, the trial court judge stated that the school properly adhered to its dress code policy, which was not so broad as to violate the First Amendment. The judge found that Justin's sweatshirt was not "pure political speech" and could be interpreted as a threat to other students. Even if the shirt was pure political speech, the judge said that the school could regulate it because it caused a substantial disruption to the school community.

## **2<sup>nd</sup>: READ THE AUTHORITIES (OR CASE LAW)**

These are other cases that may have been decided on similar facts in Minnesota or other jurisdictions. Your job is to pick out the facts in these cases 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.

You will be given 2-3 authorities in your case file. These are the **ONLY** cases you may use in preparing your presentation. Believe us, you don't want to get bogged down in research at the law library. This will be more than enough information for you to complete your work.

These cases are simplified for the purpose of this packet. The authorities you'll receive in your case file will be longer, formatted by the courts, and filled with "legal jargon." They will take longer to read – that's why you'll get them at LAUNCH so you have time to prepare. There will also be limited time to ask questions and tie up any loose ends before your presentation at the conference.

Sample Authorities/Cases and Related Materials:

United States Constitution, Amendment 14, §1  
Board of Regents v. Roth, 33 C.Ed.2d 549 (1972)  
Hazelwood v. Kuhlmeier, 484 U.S. 260  
Morrissey v. Brewer, 33 C.Ed.2d (1972)  
Tinker v. Des Moines, 393 U.S. 503

Restriction:

Participants may not refer to or rely upon Gross v. Lopez in preparing their written or oral arguments for this case.



### 3<sup>rd</sup>: READ THE SUMMARIES

The summaries are provided to jump start your thinking about the case and let you know what issues you need to address while preparing your court materials.

#### Issues:

1. Whether the school district impermissibly suspended Kaufmann for expressing “purely political speech” in violation of his First Amendment rights.
2. Whether the school district impermissibly suspended Kaufmann because his sweatshirt did not cause a “substantial disruption” nor did it “materially collide with the rights” of other students.

The following is a brief summary of some things you should think about and keep in mind when you read the cases and as you prepare your briefs and arguments. You are not limited to these points. Instead, consider them good starting questions to think about. You will also notice some cases attached. No further research is necessary.

#### Summary:

Issue #1 – Whether the school district impermissibly suspended Kaufmann for expressing “purely political speech” in violation of his First Amendment rights.

- Is the school’s dress code policy too broad “on its face” (by itself)? That is, does it potentially cover speech which is protected by the first amendment such as offensive, but ultimately harmless, viewpoints?
- Was Justin expressing political speech by wearing his sweatshirt? Does it matter if he was just wearing the sweatshirt to wear it?
- To what extent can a symbol be a threat if it is not accompanied by any violent or intimidating conduct? Does this calculus change in the school environment or where children are concerned?

Issue #2 – Whether the school district impermissibly suspended Kaufmann because his sweatshirt did not cause a “substantial disruption” nor did it “materially collide with the rights” of other students.

- To the extent that Justin’s sweatshirt can be viewed as a “protest” or an expression of political views, is it “passive” like the armbands in *Tinker*? Or is it hurting people?
- How many students or teachers need to be affected before the sweatshirt becomes a substantial disruption? Or is enough that the school can forecast a substantial disruption due to the history and context surrounding the Confederate flag?
- If wearing the Confederate flag can be construed as speech related to a political or social issue, is it disruptive enough or inconsistent enough with the mission of schools—promoting discourse *and* keeping students safe—for the school to regulate it?
- What other types of symbols or speech (particularly those represented on or by clothing choices) might a school be able to regulate?

Now that you have learned the elements of your case file, it’s time to write your presentation!


# PREPARING YOUR COURT MATERIALS

You've read through the fact pattern, statute(s), and authorities and now you're ready to do some puzzle solving! When appealing a case, the lawyer is an advocate for their client. As an advocate, the lawyer exercises persuasion to achieve results favorable to their client in a variety of ways.

In a brief, the lawyer argues for their client. 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 and the reasons for the conclusions in a clear and concise manner. The brief writer is submitting a legal argument to the opposing counsel and a judge or panel of judges, all of whom will subject it to close 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.

An appellate brief is the document provided to a reviewing court challenging or defending a trial court's decision in a court. Appellate briefs focus more on broad policy because appellate courts are more concerned with establishing and applying rules that work in many situations. Generally, an appellate brief contains a statement of the legal issues, a statement of facts, an argument and a conclusion.

 In Youth in Government, Supreme Court Delegates complete a brief, while Court of Appeals delegates prepare a Case Analysis document to assist them in composing their arguments. In either program area, delegates must prepare arguments for both sides of their assigned, as they will be representing both the Appellants and the Respondents at various points throughout the conference.

At the end of this section is the "Case Analysis Worksheet." This is a mandatory tool to be used by Court of Appeals delegates in preparing their materials. You must enter information from this worksheet into Regy. If you are a Supreme Court delegate, you are welcome to use the worksheet as well—it might help you frame your thoughts—but you are not required to.

## THE STEPS IN WRITING YOUR COURT MATERIALS ARE THE FOLLOWING:

- Step #1: KNOW THE FACTS
- Step #2: APPLY THE LAW
- Step #3: SUPPORT YOUR CASE
- Step #4: WRITE YOUR MATERIALS
- Step #5: SUBMIT YOUR MATERIALS TO REGY

## Step 1 – KNOW THE FACTS

Your job is to know the important facts of the case! Let's look at our sample fact pattern through the eyes of both sets of attorneys. What are the important facts in this case?

<b>APPELLANT</b> (wants decision changed)	<b>RESPONDENT</b> (wants decision to stay same)
Kaufmann wore a sweatshirt with the confederate flag on the back	Gang activity in school system at an all-time high.
Kaufmann was suspended for 5 days	School adopted amendments to the Code of Conduct (COC)
Kaufmann did not believe the flag resembled any gang colors or symbols	Asked Kaufmann to remove the sweatshirt

What are the big issues that need to be discussed during your presentation?

- Free Speech
- Rights of Students/Public Schools

## Step 2 – APPLY THE LAW

Even though the facts are not in dispute, it's also important to know the law so that you can interpret and apply it to your case. For the purpose of this example case, let's assume that the appellant wants the charge of being suspended for violating the C.O.C. reversed, and the Respondent wants the consequences to stay the same.

<b>APPELLANT</b> (wants decision changed)	<b>RESPONDENT</b> (wants decision to stay same)
Tinkler v. Des Moines- wasn't gang related, it was simply protest	Bard v. Roth - The school did not violate any rights by suspending Kaufmann.
Hazelwood v. Kuhlmeier- the right of free speech was violated when not allowed to print the article	Morrissey v. Brewer - Written finding of facts
US Constitution-14 <sup>th</sup> Amendment	

## WHAT IS A PRECEDENT?

A precedent (otherwise known as an 'authority') is essentially any act or decision that serves as a guide/reference for future similar cases. **JUDICIAL OPINIONS** are probably the most frequently cited category of legal material, on par with **STATUTORY LAW** (statutes and codes enacted by legislative bodies). They are a reference that merely directs the reader to a decision of the U.S. Supreme Court and no more has a greater likelihood of frustrating than persuading. In the context of legal citation, judicial opinions are commonly referred to as "cases" and organized collections of opinions are called "law reports" or "case reports."

## Step 3 – SUPPORT YOUR CASE

Attorneys will try to convince the court to rule in their client’s favor on the basis of how well you support your case using the authorities. 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., Minnesota Revised 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 package of the cases without all of the “legal jargon.” Let’s go back to our example case and see how each of the authorities supports their case.

### TIPS FOR PERSUASION IN YOUR ANALYSIS

- **BE SUBTLE.** Remember that you should maintain an objective tone in your facts. A judge should find your statement of the fact’s 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. As in any writing, there are certain places in the structure where

information receives the greater emphasis. Syntax is important! You should point out and emphasize any absent facts that favor your side.

- **DE-EMPHASIZE UNFAVORABLE FACTS.** Avoid unimportant or unfavorable detail. While you must include all determinative facts, you need not include all detail. Edit out detail that is 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, judges will NOT take you seriously if you use sarcasm, hyperboles and an argumentative style.

## Step 4 – WRITE YOUR COURT DOCUMENT

As state above, at YIG, Supreme Court delegates prepare a legal brief to get ready for the conference while Court of Appeals delegates prepare a Case Analysis, primarily designed to help them design their presentation and remarks for the conference.

On the following pages are outlines for both the Court of Appeals Case Analysis as well as the Supreme Court Brief. Delegates may reference these outlines as they prepare their materials. The Court of Appeals "Case Analysis Worksheet" is located at the end of this section.

### COURT OF APPEALS CASE ANALYSIS OUTLINE

#### THE LAW

The question presented should include a reference to the governing law. For example, the issue might begin, "Whether the First Amendment prohibits...." It can be helpful to put the reference to the law early in the question, for context. You will be required to write how the law applies to your case and related materials.

#### THE FACTS

Facts, of course, make a decision easier as the role of a judge is to make an unbiased decision of law. Facts should be persuasive as well as definitive. However, don't overload your analysis with facts, it can potentially make your case harder to understand and be unpersuasive. An account of the facts that is accurate, complete, compelling, and subtly persuasive are your best bet of having the decision ruled in your favor. Material facts should be **COMPLETE** and **ACCURATE**. Choose your facts based on importance and quality, which ones best help your case.

- Do the facts support your theory/story, and show the impossibility of your opponent's?
- Are there any facts in the Statement (argument) that are redundant or otherwise unnecessary?
- Is the Statement of Facts sufficiently accurate and objective to qualify for adopting by the court as the facts portion of a judicial opinion (precedent)?

**\*\* USE THEM TO YOUR ADVANTAGE\*\***

#### SUMMARY

The summary of argument provides a narrative synopsis of the most persuasive parts of the argument". The summary allows for better "subtle" connections between the points in the argument.

- Make it as **APPEALING** as possible

- **DON'T** just repeat what you have already said
- Do the summaries **CONNECT** the individual arguments?
- Do the summaries give you a good sense of what the parties are arguing?
- Do the summaries persuade?

## **THE ARGUMENT**

The argument is your base, it is the entirety of the case and needs to be a **CLEAR, CLEAN, LOGICAL** analysis of the applicable law. Be mindful of the **TONE** in your argument; you don't want to blatantly say that your side is completely and absolutely right. Appearing overly biased can hurt your argument and can determine the outcome of the decision. As a delegate, you will be asked to write an argument for both sides, keep in mind your client's wants and/or needs.

## **SUPREME COURT BRIEF OUTLINE**

### **TABLE OF AUTHORITIES**

The table of authorities lists all the legal and other materials used to support the argument in an appellate brief and shows every page on which those materials are cited.

This list of authorities is useful because it permits a judge or opposing counsel to determine quickly what specific cases, statutes or other materials are examining. It also provides a quick reference for complete citations to any materials used in the brief.

The table of authorities is usually divided into several categories including cases, statutes, constitutional provisions and miscellaneous materials. It also provides a quick reference for complete citations to any materials used in the brief.

### **STATEMENT OF FACTS**

The statement of facts in a brief is a descriptive account of the facts from your client's point of view. Although the statement cannot omit any damaging facts, it should be written to gain the court's sympathy for an understanding of your client's situation. Many lawyers and judges believe that the statement of facts is the most important section of any brief.

### **ARGUMENT**

The argument is the foundation on which the rest of the brief is constructed and is the heart of the brief. Although the statement of facts is important and sometimes decisive, your client generally wins or loses on the quality and substance of what you say in the argument. The argument should be well organized and clearly written. It should be short and to the point.

You should write this section of the brief in forceful and affirmative language, with your strongest arguments stated first followed by your client's position on the issues. You should have a separate heading for each issue you address. Typically, each person will be addressing two issues; as a result, you should have two headings.

## CONCLUSION

This section describes what you want the court to do. State precisely what relief you are requesting from the court. The conclusion is usually one sentence in length.

## Step 5 – SUBMIT YOUR COURT MATERIALS

It is recommended that you prepare a draft of your brief or case analysis in order to make it easier to get feedback from peers and leaders. Compose your brief or case analysis in your word processing program of choice, referencing the template at the end of this section. Once you have completed your first draft, pass it along to some peers, your Delegation Director, and/or your advisors. Ask them to edit it and give you feedback. The more people who can read your materials and give you suggestions, the clearer it will be for Youth in Government!

After gotten feedback on a draft, you should write your final draft and submit it on Regy. You have been assigned a template on Regy. 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.



Regy has the capabilities for back-and-forth editing. It is possible for your materials to be reviewed by your Delegation Director and you may be given additional instructions/conditions to fulfill before the materials can be submitted to the State Office for distribution to the courts Officers, Officials, and Program Specialists.

Please be prompt in completing your court materials so you and the entire courts team can be well-prepared for Youth in Government. Plan ahead in case of technical difficulties.



**IF YOU DO NOT 'FINALIZE' YOUR MATERIALS AND SEND IT TO YOUR DELEGATION DIRECTOR, IT WILL NOT MAKE IT TO THE CONFERENCE.**

Please take care that you fully complete the process.

It is strongly encouraged that you bring a printed and digital version of your court materials with you to Youth in Government, just in case something goes wrong.

# CASE ANALYSIS WORKSHEET



Case Name:  
Partner name:  
Partner name:

Case #:  
Delegation:  
Delegation:

## INTRODUCTION

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?

## PROCEDURAL HISTORY

By the time the case gets to the Court of Appeals, the questions in this case have already been addressed by the trial court. Answer the following questions about the trial court's decision.

At the trial court, who won? (Appellant) or (Respondent)

On Issue 1, what did the trial court decide? Why?

On Issue 2, what did the trial court decide? Why?

## ISSUES

What is the question that the court must answer for Issue 1? (rephrase Issue 1 from your case file in the form of a "yes or no" question)



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) \_\_\_\_\_

What is the question that the court must answer for Issue 2? (rephrase Issue 2 from your case file in the form of a “yes or no” question)

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) \_\_\_\_\_

## **THE RULE OF LAW**

Each issue in this case is governed by a basic “rule of law.” The rule of law is the basic law that the court must apply to the facts of your case. This is sometimes referred to as the “test” a court must apply in order to respond to an issue in a case. After reading the “Summary of the Issues and Legal Background,” respond to the following prompts with respect to each issue.

For Issue 1, summarize the “rule of law” in 1-3 sentences.

For Issue 2, summarize the “rule of law” in 1-3 sentences.

## **THE PRIOR CASE LAW – ISSUE 1**

Although we have a “rule of law” for each issue in this case, you might have realized by now that the rule of law does not exactly answer the question given the facts of this particular case. Each of the three prior cases, or “legal precedents,” provided for each issue interprets or expands on the basic rule of law in some way. The way that those cases interpreted the law may help or hurt your case, depending on how well the prior cases “fit” your case in terms of the reasoning and the facts. The following prompts will help you decide whether the prior cases help or hurt the Appellant or the Respondent, and this will help you use these cases in your argument.

Does **PRIOR CASE 1** help the Appellant, Respondent, or neither? Explain why in 3-5 sentences.

Does **PRIOR CASE 2** help the Appellant, Respondent, or neither? Explain why in 3-5 sentences.

Does **PRIOR CASE 3** help the Appellant, Respondent, or neither? Explain why in 3-5 sentences.

## **THE PRIOR CASE LAW – ISSUE 2**

Although we have a “rule of law” for each issue in this case, you might have realized by now that the rule of law does not exactly answer the question given the facts of this particular case. Each of the three prior cases, or “legal precedents,” provided for each issue interprets or expands on the basic rule of law in some way. The way that those cases interpreted the law may help or hurt your case, depending on how well the prior cases “fit” your case in terms of the reasoning and the facts. The following prompts will help you decide whether the prior cases help or hurt the Appellant or the Respondent, and this will help you use these cases in your argument.

Does **PRIOR CASE 1** help the Appellant, Respondent, or neither? Explain why in 3-5 sentences.

Does **PRIOR CASE 2** help the Appellant, Respondent, or neither? Explain why in 3-5 sentences.

Does **PRIOR CASE 3** help the Appellant, Respondent, or neither? Explain why in 3-5 sentences.

## **THE FACTS**

Based on your understanding of the rule of law and the prior cases, you should now understand that certain facts as described in your case file will be helpful to the Appellant, and some will be helpful for the Respondent.

Based on your understanding of the law for **ISSUE 1**, what facts of this case will be helpful for the **APPELLANT**?

Based on your understanding of the law for **ISSUE 1**, what facts of this case will be helpful for the **RESPONDENT**?

Based on your understanding of the law for **ISSUE 2**, what facts of this case will be helpful for the **APPELLANT**?

Based on your understanding of the law for **ISSUE 2**, what facts of this case will be helpful for the **RESPONDENT**?

## **ARGUMENTS**

Your argument for each issue in this case will have three components: (1) your interpretation of the law (the basic rule + interpretations provided by prior cases), (2) the application of your interpretation of the law to the facts of this case, and (3) your argument about how the appeals court should rule based on your interpretation of the law and the facts.

Appellant's Argument for **ISSUE 1** – Summarize the law in the way most favorable to the **APPELLANT**.

Appellant's Argument for **ISSUE 1** – Describe why the law as applied to the facts of the case means that the **APPELLANT** should win.

Appellant's Argument for **ISSUE 1** – In one sentence, explain what the **APPELLANT** wants the appeals court to do (i.e. "Overturn the trial court's decision because...").

Respondent's Argument for **ISSUE 1** – Summarize the law in the way most favorable to the **RESPONDENT**.

Respondent's Argument for **ISSUE 1** – Describe why the law as applied to the facts of the case means that the **RESPONDENT** should win.

Respondent's Argument for **ISSUE 1** – In one sentence, explain what the **RESPONDENT** wants the appeals court to do (i.e. "Uphold the trial court's decision because...").

Appellant's Argument for **ISSUE 2** – Summarize the law in the way most favorable to the **APPELLANT**.

Appellant's Argument for **ISSUE 2** – Describe why the law as applied to the facts of the case mean that the **APPELLANT** should win.

Appellant's Argument for **ISSUE 2** – In one sentence, explain what the **APPELLANT** wants the appeals court to do (i.e. "Overturn the trial court's decision because...").

Respondent's Argument for **ISSUE 2** – Summarize the law in the way most favorable to the **RESPONDENT**.

Respondent's Argument for **ISSUE 2** – Describe why the law as applied to the facts of the case mean that the **RESPONDENT** should win.

Respondent's Argument for **ISSUE 2** – In one sentence, explain what the **RESPONDENT** wants the appeals court to do (i.e. "Uphold the trial court's decision because...")

# PRESENTING YOUR 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 Youth in Government, you and your partner(s) will present your argument in front of a bench of judges or justices multiple times throughout the weekend. Each time, you may be arguing a different side of the case and you may be arguing against completely different legal teams, so the outcome may be completely different each time you present your case. You need to prepare for anything the judges 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.

As such, it is important that you and your partner(s) prepare your argument in advance and practice it! If your team is all from the same delegation, ask your delegation for time to present your argument to fine-tune it and make it MAGNIFICENT! If you have other delegates in the same program area as you, even better! You may have the same case and can practice arguing against each other. Usually, most delegations will have time set aside for this, but you may need to talk to your Delegation Director or Chair. When you do this, keep a few things in mind:

- You are looking for weak points in your argument, so be open for arguments against it.
- Deliberating it with your peers can help you clean up any last messy sections.
- Write down areas that you may need to address as you go along.

If your partner(s) are not in your delegation, use online collaboration tools to prepare your argument. You may be able to FaceTime or Skype to practice. If so, try inviting parents or friends to join so they can give you feedback.

## TIPS FOR PREPARING YOUR ARGUMENT:

1. Your argument should be written out in detail for your presentation at Youth in 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. 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.
6. Divide your time between the two layers (look back to Step 1 – Know the Facts). Most cases are easily divided by arguments.
7. Always cite the Authorities – they are your argument's base and support. In YIG, you may not introduce any outside authorities aside from those included in the case materials. This is done so that the arguments are balanced.

**OKAY! YOU'VE DONE YOUR RESEARCH AND WRITTEN YOUR PRESENTATION  
NOW ON TO THE COURT HEARING!**

# AT THE CONFERENCE

## TRAINING

The first day of Youth in Government is devoted to the final preparation of youth lawyers and case preparation. The Supreme Court and Court of Appeals procedures and the appellate process are explained 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 the judge. 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.

## THE LAW LIBRARY

Located in the Minnesota Judicial Center, the Law Library is led by volunteers and available to delegates who need help honing their arguments and preparing for cases in-the-moment.

## A NOTE ON FACILITIES

We are the first teen program to be permitted to use the prestigious chambers and our relationship with the courts and the Capitol are very important to the future of the program. We expect that all property the YMCA is allowed to use during the course of the program will be treated with respect. The YMCA has always been known as a great organization to work with because of the caliber of its participants. Keep up the great work and thanks for your cooperation!

## 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 judges 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 judges 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!

## APPELLATE COURT HEARING PROCEDURE:

1. Presentation of the judges – the judges will be announced and enter the room. Follow the administrator’s instructions.
2. Introductions
3. The presiding judge 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 judges 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, “Thank you your honor, may I address the court?” 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 judges **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.
  - Judges 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 judge 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 judge this. Never argue with the judge, simply “respectfully disagree” and listen to what they have to say.
5. The Respondent attorneys deliver their arguments.
  - The process is the same. See #4 for details.
6. The appellant attorneys deliver rebuttal statements (if they have any **AND** if they have any time left).
7. The presiding judge or justice thanks the attorneys and the panel of judges/justices leaves the chamber to deliberate the case in private.
  - The judges/justices will argue the case among themselves to determine points of law and how it should be interpreted and applied.

- The judges/justices base their decision on both the authorities/case law, and the persuasiveness of the arguments of the attorneys.
  - Often times, the judges and justices cannot agree on a decision and they will have “majority” and “minority” opinions (you see this A LOT with the Supreme Court). Or they will agree with the result, but not the reasoning. In these cases, each side of the ruling will write an opinion (a paper that states how they came to their conclusion). The reasons are very important since they will be the authority, or precedent, for later cases. The opinions are posted.
8. At the designated time in the conference schedule, the court will reconvene for the verdict. Everyone sits where they did for the hearing, but the procedure is just to read the ruling of the court.

# COURT SCRIPT

Below is an example of what a Court Hearing will look like. Though this is a sample of a Court of Appeals script, it is largely the same for Supreme Court.

## COURT OF APPEALS SCRIPT

1. CALL TO ORDER Administrator/Bailiff  
  
"ALL RISE FOR THE HONORABLE JUDGES OF THE  
**MINNESOTA COURT OF APPEALS, THE HONORABLE  
JUDGE \_\_\_\_\_ PRESIDING"**
2. "YOU MAY BE SEATED" Presiding Judge
3. "ARE THE APPELLANT'S READY?" Presiding Judge
4. "YES, YOUR HONOR" Appellant's Attorneys
5. "ARE THE RESPONDENT'S READY?" Presiding Judge
6. "YES, YOUR HONOR" Respondent's Attorneys
7. "APPELLANTS, DO YOU WISH TO RESERVE TIME FOR  
REBUTTAL?" Presiding Judge
8. "YES YOUR HONOR, WE WISH TO RESERVE FIVE MINUTES  
FOR REBUTTAL." Appellant's Attorneys
9. "APPELLANTS, YOU MAY BEGIN" Presiding Judge
10. "MAY IT PLEASE THE COURT, MY NAME IS \_\_\_\_\_ AND  
MY PARTNER'S NAME IS \_\_\_\_\_. WE 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).

11. **JUSTICES/JUDGES ASK QUESTIONS** Justices/Judges  
(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 Judge

- 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/JUDGES ASK QUESTIONS**
- Justices/Judges
- (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 Judge
- 19. “ALL RISE”**
- Administrator/Bailiff
- 20. JUDGES ADJOURN TO DISCUSS CASE IN DELIBERATION AND DRAFT COURTS OPINION.**

# RESOURCES

If you would like to read some more information about Minnesota's Judicial System before the conference, some online resources are listed below, simply click the heading to navigate to each page or document.



## GENERAL INFORMATION

### **I'll See You in Court**

Provides basic information about the structure and procedures of the state court system.

### **The Minnesota State Law Library**

A variety of legal resources from across the country, as well as Minnesota appellate court and other records dating back to territorial days. It is located on the ground floor of the Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul.

### **Crash Course US Government**

Crash Course offers several videos for you. Although none of them are Minnesota specific they can also explain a lot of the concepts that can help you draft your argument.

## MINNESOTA SUPREME COURT

### **Supreme Court**

Learn about the Supreme Court, its justices, and how they do their work.

### **Supreme Court Guide to Oral Arguments**

Read about what happens during oral arguments, learn how the justices go about making their decisions, and review information you'll want to know before observing a court session. The public is also invited to attend oral arguments in St. Paul. Check the Supreme Court calendar for oral argument times and locations. The Supreme Court is in session September - June.

## MINNESOTA COURT OF APPEALS

### **Minnesota Court of Appeals**

Learn about the Court of Appeals, its judges, and how they do their work.

### **Court of Appeals Guide to Oral Arguments**

Court of Appeals Guide to Oral Arguments Read about what happens during oral arguments, learn how the judges go about making their decisions, and review information you'll want to know before observing a court session. The public is invited to attend oral arguments in St. Paul or at locations across the state. Check the Court of Appeals calendar for oral argument times and locations. The Court of Appeals is in session year-round.

# JUDICIAL TERMS

**ACQUITTED:** Found by a jury to be cleared from a charge of a crime.

**ACTUAL OR CONSTRUCTIVE:** Actual implies a real and concrete existence: one which can be directly experienced; Constructive implies a secondhand experience established in the mind of the law through arrangement, interpretation and inference.

**ADJUDICATE:** To settle or determine the outcome of something through the use of the judicial authority; to litigate.

**ADMISSION:** A Statement made by a person affirming a fact or circumstances from which guilt may be concluded.

**ADVERSE RULING:** An order made by a court, which is contrary to your interests.

**ADVOCACY:** The art of pleading or defending a case.

**AFFIDAVIT:** Sworn, written statement.

**AFFIRM:** Generally, an affirmation is an approval of something. In the appellate court, to affirm a judgment is to declare that it is correct and that the decision of the lower court is still in effect.

**AMBIGUOUS:** Capable of being understood in two or more possible ways.

**ANSWER:** To answer is an attempt to resist a set of alleged facts introduced by Plaintiff.

**APPEAL:** The complaint made to an appellate court of an error committed by a lower court whose judgment the appellate court is called upon to reverse or affirm.

**APPEAR:** To be physically before the court, to be in evidence.

**RESPONDENT:** The party who won in the trial court or lower court who is answering a petition or appellant's case in the appellate court.

**APPELLANT:** The party who brings an appeal to a higher court because they lost in the lower or trial court.

**ARBITRARY:** An action not based on any rational factors.

**ARRAIGNMENT:** The arraignment of an accused consists of calling the prisoner by name, reading the charge and asking for the entry of a plea.

**ARGUE:** To debate on a side of a case before the court.

**AUTHORITIES:** The body of works, statutes, precedents, judicial decisions or textbooks of the law which deal with questions of law.

**CIVIL LAW:** That branch of law that relates to private rights as opposed to public wrongs.

**CLAIMANT:** One who claims or asserts.

**COERCION:** To be compelled in action or thought against one's will.

**COMPLY:** To obey or act within the boundaries of a law.

**CONCLUSIVE:** Beyond question or further inquiry.

**CONCUR:** To agree; to act together. In the appellate courts, a concurring opinion is one filed by a justice who agrees with the decision stated in the majority opinion but wishes to set forth a separate view of the case.

**CONSENT:** Implies a voluntary agreement in which one party accepts an action of another.

**CONTENTION:** Something that is maintained or asserted as truth.

**CONTRACT:** An agreement between two or more parties.

**CONTRAVENES:** To oppose or to counter.

**CONVICT:** To be found guilty.

**DECISION:** Finding made by a court.

**DEFENDANT:** The party who stands accused of a civil or criminal wrong.

**DISSENTING OPINION:** An opinion filed by a justice which disagrees with the majority opinion and sets forth that justice's differing points of view.

**DOCTRINE:** A rule or well-established principle.

**ENACT:** To establish by law.

**EN BANC:** The entire court sitting.

**ESTOPPEL:** Estoppel is an action that bars a person from saying or doing something because in the past that person had said or done something which contraindicates the new action or words.

**EVIDENCE:** Anything that is introduced to a court to establish something as a fact.

**EVIDENCE, DIRECT:** Proof of facts by a witness who saw or heard something relevant to the case, such as an eyewitness.

**EVIDENCE, CIRCUMSTANTIAL:** Evidence based on a presumption an inference.

**EXIGENCY:** Calling for immediate action.

**EXTRINSIC:** From outside sources.

**FELONY:** A crime punishable by imprisonment in the state prison.

**FINDING:** After deliberation, the result decided upon.

**FINDING OF FACT:** A conclusion based on evidence arrived at.

**FRAUD:** An intentional action done by one party against another which deceived the party.

**FUNDAMENTAL LAW:** The basic law, like the constitution.

**GENERAL LAW:** Laws that affect the community at large.

**HABEAS CORPUS:** A formal writ aimed at stopping an illegal detention.

**HYPOTHETICAL:** A made up set of facts.

**IMMUNITY:** A privilege that exempts a person from a charge.

**IN RE:** Concerning the affair.

**INAPPLICABLE:** Not suitable; cannot be applied.

**INCORPORATE:** To write or make a part of.

**INDICIA:** Signs or indications.

**INFERENCE:** To draw conclusions from already established facts.

**INHERENT:** Involved with the essential character of something.

**INTEND:** To plan on something but not to have yet completed it.

**INTERALIA:** Among other things.

**INTRODUCED INTO EVIDENCE:** Presented to a court for finding of fact.

**IPSO FACTO:** By the fact itself.

**JUDICIAL NOTICE:** Official recognition of certain facts which are universally accepted.

**NEXUS:** Latin for the link or band.

**OBJECTION:** The act of a party taking exception to a matter.

**OBJECTION OVERRULED:** The courts ruling considering an objection insufficient.

**OBJECTION SUSTAINED:** To consider the objection sufficient and grant it.

**OPINION:** Written explanation filed by the court at the close of a hearing listing the reasons and authorities used.

**ORDINANCE:** An enactment by a city or country of a law.

**OVERRULED:** To void judgment or decision.

**PER SE:** By himself, taken alone.

**PETITIONER FOR CERTIORARI:** Bring the records of a trial court before the appellate court for review by special writ.

**PETITIONER:** The party presenting the request stated in a petition.

**PRESUMPTION:** An assumption that something is true without proof.

**PREVAIL:** To win.

**PRIMA FACIE:** Latin for a first sight.

**PROBABLE CAUSE:** A reasonable belief that an allegation is probably true.

**PRO SE:** By himself.

**PROCEEDINGS:** The general format used to conduct judicial business.

**PROSECUTE:** To charge an individual with a crime and follow the case through to end.

**QUASH:** To make void.

**RATIONALE:** An explanation of how an opinion was arrived at based upon authorities.

**REMAND:** To send a case back to the court of origin.

**RENDER:** To render judgment is to announce the decision.

**Response:** An allegation made by a defendant in which certain facts are admitted to be true, but are considered by the defendant to be insufficient enough to stop plaintiff from continuing his action.

**REVERSE:** to overrule; to make void.

**SHOW CAUSE:** To present a court with reasons why any intended course of action should not be carried out.

**SUBPOENA:** A command to appear before a court.

**SUPRA:** Latin for above.

**SUSTAINED:** A judgment made in a superior court that maintains the decision of a lower court to uphold.

**TENET:** A principle.

**TO WIT:** That is to say.

**TRIBUNAL:** A judicial court; fact finder.



# NEXT YEAR

Before you pack up the cases and put the legal pads into storage, you should think about next year and what you might want to do.

*If you really enjoyed the debate part of being an attorney or judge...*

## **YOU MAY WANT TO CONSIDER BEING A LEGISLATOR.**

Legislators are the people who are in the forefront of the legislative process. They represent the people of the state and try to come up with ways that the government can serve them better – they make, change or get rid of laws. You get a chance to come up with your own good ideas for legislation and use all your debating skills to get your bills passed. Your primary focus is legislation, but you get to speak and debate in groups more, like on the floor of the house and in committee. If you like coming up with new ideas, enjoy debating and speaking in public and want to improve our society, being a legislator may be right for you!

*If you liked the debate, but you're interested in national issues...*

## **YOU MAY WANT TO CONSIDER BEING IN THE NATIONAL ISSUES FORUM**

Like the legislature, the National Issues Forum debates and discusses issues, and members work to pass proposals through. However, the National Issue Forum focuses on issues related to the federal government, while the legislature works on state issues.

*If you are interested in fighting for a cause...*

## **YOU MAY WANT TO CONSIDER BEING A LOBBYIST.**

A lobbyist is the person behind the scenes who pushes the legislative process. You probably had some experience with them in committees or debate this year, and hopefully you got to talk to your own teammates. Lobbyists represent clients, and they try and get certain bills to pass or fail depending on how it affects their client's interests. You can use all your debating and negotiating skills to convince legislators to think your way one-on-one, or you can organize campaigns about legislation to reach whole groups. Your primary focus is still legislation and you also get to use your debating skills. If you like networking, have a cause you believe in passionately, and love to convince others to join your cause, being a lobbyist might be right for you!

*If you didn't really enjoy the judicial aspect of government...*

## **YOU MAY WANT TO CONSIDER BEING IN THE MEDIA.**

The media plays a vital role in the way the government runs, and there are a variety of jobs to choose from. You could be the journalist that discovers the big scoop about a controversial bill, or you may want to run a feature on personalities or social aspects of YIG. You could be a photographer or a layout editor, or even try your hand at advertising. You could interview legislators on a particular bill for a television or radio broadcast. The Media is a great place to be, plus you get a great picture of all the different parts of Youth in Government!

*If you loved being a part of Youth in Government...*

## **YOU MAY WANT TO BECOME AN ELECTED OFFICER OR APPOINTED OFFICIAL**

### **YOUTH OFFICERS – GRADES 9 – 12**

Officers for the program are elected by participants in each program area at Youth in Government, to take office at the conclusion of the conference and complete their leadership the following January. Youth Officers preside in the program areas during YIG.

### **APPOINTED OFFICIALS – GRADES 9 – 12**

Shortly after Youth in Government, the newly elected Youth Officers appoint delegates to assist in the leadership of their program area. Some appointed positions include: Floor Leaders, Committee Chairs, Administrators, Press Secretaries, and Presiding Judges/Justices.