Youth & Law Final

**Part 1: Moot Court**

A. Supreme Court Justices

Your job is to:

1. Review the case and think of questions to ask the attorneys. The nine justices should have one question each; discuss this so no question is repeated. Consider the five factors listed above when doing this:

* The text and structure of the Constitution.
* The intentions of those who drafted, voted to propose, or voted to ratify the provision in question.
* Prior precedents (past decisions of the Supreme Court on similar matters).
* The social, political, and economic consequences of their interpretations.
* The future: What precedent will this decision have on future cases with similar facts?

2. Select a student to serve as Chief Justice. He or she will be in charge of the hearing and call on the attorneys to present their arguments.

3. During the oral arguments, listen carefully and take notes on the presentation; you will be asked to integrate your reaction to these presentations into your papers. Ask one relevant question of each team of litigants regarding the issues in the case. Remember, it is their job to convince you. Don’t get into an argument with the attorneys. The questions you ask, along with the notes you turn in will be worth 50 points.

4. Discuss the case with the other justices and decide whether you think the decision of the lower court should be upheld or overturned. You do not have to agree. The decision will be based on the majority vote. There can be dissenting opinions. You will then announce your decision and your reasoning. Justice partial group rubric!

**Supreme Court Justice Rubric**

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| **Questioning** | **20-16 points**  Asks at least two questions. Questions are well thought out and challenge the legal knowledge of the attorneys. | **15-11 points**  Asks at least two questions. One question is well thought out and challenges the legal knowledge of the attorneys. | **10-6 points**  Asks at least two questions. Questions are either irrelevant or do not adequately challenge attorneys. | **5-1 points**  Asks only one question. | **0 points**  Does not ask any questions. |
| **Notes** | **15-13 points**  Takes careful notes on the attorney’s presentation. Includes main points, reasoning, case law, and thoughts on their presentation. | **12-10 points**  Takes notes on the presentation. Includes main points, reasoning, or case law. | **9-6 points**  Takes notes on the main points of the presentation. | **5-1 points**  Note sheet is turned in but there is little evidence of effort or engagement. | **0 points**  Does not turn in note sheet. |
| **Speech/ Demeanor** | **15-13 points**  Clear speech; easily understandable. Sitting up straight, and clearly engaged in the discussion.  Professional dress. | **12-10 points**  Mostly understandable. Easily heard most of the time. Looks at lawyers and other justices most of the time. | **9-6 points**  Difficult to understand what is being said. Looks at lawyers and other justices most of the time. | **5-1 points**  Somewhat distracted or not fully engaged in the discussion. | **0 points**  Not engaged in discussion. |

B. Attorneys for the Appellant/Appellee

Your job is to:

1. Discuss the case and develop arguments to persuade the Supreme Court. Be prepared to answer any questions the justices may ask you. In preparing your arguments, you should think about the following questions:

* What decision do you want?
* What are the arguments in favor of and against each side? (Anticipating the opposition can strengthen your argument.) (Consider the five factors listed above under number one of Justices).
* Which arguments are the most persuasive? Why?
* What are the precedents and how do they influence this case?
* What might be the consequences of each possible decision? To the parties? To society?

2. Take notes during your discussions so you can write something that addresses the points listed above and the arguments of the other side.

3. Split your presentation so that each lawyer is able to explain the facts or argue some relevant legal position. Anyone in the group may answer questions from the justices.

3. Present your arguments in the time allowed. Answer all questions from the justices. Your presentation will be worth 50 points. Remember to be respectful towards the justices. Answer their questions using precedent when you can. Be sure to respond in a clear and concise manner. Don’t answer their questions with a question.

Attorney Rubric (Scale 1-5)

1. Quality of arguments reflects knowledge, understanding and sophistication: \_\_\_\_\_\_\_\_
2. Effective application of relevant legal tests: \_\_\_\_\_\_\_\_
3. Strong use of precedent to support arguments: \_\_\_\_\_\_\_\_
4. All attorneys work as a collaborative team: \_\_\_\_\_\_\_\_
5. Professional attire, decorum, and attitude: \_\_\_\_\_\_\_\_
6. Forceful, articulate, and confident delivery: \_\_\_\_\_\_\_\_
7. Respectful during opposition’s hearings \_\_\_\_\_\_\_\_
8. Effective Response to questions by the Supreme Court: \_\_\_\_\_\_\_\_
9. Strong Transitions between ideas \_\_\_\_\_\_\_\_
10. Overall persuasiveness of argument: \_\_\_\_\_\_\_\_

**Total \_\_\_\_\_\_\_\_/50**

**Part 2: Paper**

After we have completed our moot court you will be required to write your final LEGAL opinion for this case. This should be written as if it were a majority, concurring, or dissenting opinion from the court. Answer the following questions in complete sentences. Remember to USE THE LAW, don’t write a journal. You will not be graded on which side you agree with, but rather your ability to build support for your arguments using reason and precedent (BE SPECIFIC). Remember to consider and address the following points:

* Text of the Law
* Precedent (Past and Future)
* Tests we have covered in class
* Impact on Society
* The Founder’s intent and principles of the Constitution

Don’t forget, there are two key issues to address in this case, the religious exemption and corporate personhood. Due to the complexity of this case, you need to give some thought on how to best structure your paper. It might be a good idea to create an outline first. However, the only thing that I will be grading is the final paper. The paper will be worth 50 points.

Paper Requirements

* At least 3 pages
* Times New Roman
* 12 pt. font
* Double-Spaced
* Submitted to turnitin.com by 12/14

Moot Court Final Paper Rubric

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| --- | --- | --- | --- | --- | --- |
| Thesis | 10-9 points  Thesis statement is clear, well-developed and relevant to the topic. | 8-7 points  Thesis statement is clear, and relevant to the topic. | 6-5 points  Thesis statement is somewhat relevant to the topic and somewhat clear. | 4-3 points  Thesis statement is not clear. | 2-0 points  Thesis statement is missing or off topic. |
| Argument | 10-9 points  All commentary synthesizes concrete details and supports the thesis statement. | 8-7 points  All commentary explains concrete details and supports the thesis statement. | 6-5 points  Some or most commentary explains the concrete details and supports the thesis statement. | 4-3 points  Some or all commentary is unclear or irrelevant and does not support thesis. | 2-0 points  No commentary included. |
| Support | 20-18  All relevant legal tests are applied to the case and all relevant case law is carefully explained. | 17-14  All relevant legal tests are applied to the case and most relevant case law is explained. | 13-10  Most relevant legal tests are applied and some relevant case law is explained. | 9-6  Most relevant legal tests are applied and some relevant case law is mentioned but not explained. | 5-0  Missing majority or all of relevant legal tests. No case law is mentioned. |
| Structure | 5  Paper is well organized and ideas flow logically. Smooth transitions between paragraphs. | 4  Paper is well organized and ideas flow logically. | 3  Paper shows organization but some ideas are disjointed. | 2  Paper is either lacking paragraphs or flow of ideas. | 1  Paper lacks organization. |
| Spelling and Grammar | 5  Paper contains few, if any errors in spelling and grammar. | 4  Paper contains some errors in spelling and grammar but does not distract reader’s attention. | 3  Paper contains several errors which at times, may distract the reader. | 2  Paper contains enough grammatical or spelling errors to distract the reader’s attention. | 1  Paper is incomprehensible because of number of convention errors. |

Total \_\_\_\_/50