Government

Mrs. Stafstrom

Supreme Court Cases – Mock Arguments

Final Exam Experience

We will re-argue six real Supreme Court cases. Each case will have five to six students: two attorneys for the petitioner (side appealing to the Supreme Court), two for the Respondent (side defending the lower court ruling), and one or two justices.

Here are the instructions:

1. Form six groups, five or six in each
2. Research the cases listed below and then select the case you want to work on. First come, first pick.
   1. Using the resources listed below, research the case. At minimum this means:
      1. Reading the majority and dissenting opinions in the case.
      2. Reviewing other sources such as articles about the case
      3. Listening to the oral arguments in the case.
3. Determine your roles on the case (Petitioner, Respondent or Justices). Let me know.
4. Prepare for your presentation
   1. The entire argument will be a maximum of 24 minutes long ( see procedure handout)
   2. Justices Role – introduce yourself and present the following
      1. Facts of the case
      2. How the lower courts ruled on the case (do **NOT** disclose how the Supreme Court ruled)
      3. *Legal Question to be decided* in the case (easy to find at [www.oyez.org](http://www.oyez.org)). Write it and the case name on the board behind you.
      4. After the arguments you will leave the room and decide the case. When you return you will discuss your reasoning with the class as well as share the actual Supreme Court’s ruling in the case.
      5. Written work: create an outline of the introduction and a list of questions to ask the attorneys during opening arguments.
   3. Petitioner’s Role/ Respondent’s Role
      1. Prepare written outline of opening arguments and rebuttal arguments
      2. Deliver opening argument and rebuttal (split roles)
   4. All attorneys and justices must come dressed up on their presentation day.
   5. Some cautionary notes
      1. If absent on presentation day (excused or unexcused), inform group members or receive a zero on assignment.
      2. A group might have to go even if there is an absence
      3. Know your case!

**Our schedule**

Monday, 1/4 – classroom: introduce assignment; pick groups

Tuesday, 1/5 – Friday, 1/8 – Media Center: research cases

Friday, 1/8 – Media Center: last work day. Quiz on court vocabulary.

**All written work is due Friday at end of class**

Monday, 1/11 – review procedures - Arguments (1)

Tuesday, 1/12 – Arguments (2)

W, Th or Friday – exam period Arguments (3)

**Grading 115 total points (10% of semester grade)**

Written work (group) 26 points

Individual 75 (quality argument/ contributions/ knowledge)

Daily participation 14 (2 points per day in attendance – 7 days, excluding exam period)

Possible Cases:

1. Harmelin V. Michigan (1991) 8th Amendment Cruel and Unusual Punishment

2. Texas v. Johnson (1989) 1st Amendment; flag burning

3. Hazelwood School District v. Kuhlmeier (1988) 1st Amendment; censorship of a school newspaper

4. Board of Education v. Earls (2002) – 4th Amendment; drug test of high school students

5. Kyllo v. United States (2000) – 4th Amendment search; thermal imaging

6. New Jersey v. T.L.O. (1985) – 4th Amendment- search of a student’s purse in high school

**7**. Morse v. Frederick **(**2007) – 1st Amendment in a high school

8. Sante Fe School District v. Jane Doe (2000) – establishment of religion in school

9. Stafford United School District v. April Redding (2009) strip searches in school

­10. Grutter v. Bollinger and Gratz v. Bollinger (2002) – affirmative action in higher education

### To Find a Case

Go to [http://www.oyez.org/](http://www.oyez.org/oyez/frontpage) and search under CASES by **name** AUDIO and transcript of the oral arguments is available.

### Others resources

<http://www.law.cornell.edu/supct/-> An excellent place to find opinions

<http://www.streetlaw.org/en/landmark/home>

<http://www.findlaw.com/casecode/index.html> - another easy place to find the opinions and sometimes the briefs

Georgetown University Law Center <http://www.ll.georgetown.edu/lib/guides/supremecourt.htm>

<http://www.scotusblog.com/> -- Supreme Court blog

ALL these links are on my website

Court Terminology

*petitioner* – party bringing the appeal to the Supreme Court. This may or may not be the party that filed the lawsuit in the trial court. It is always the party that LOST at the lower appellate court level (usually the Court of Appeals).

*respondent* –party responding to the petitioner’s appeal. The respondent WON at the lower appellate level.

*affirmed* – Supreme Court agrees with the appellate court below.

*reversed* – Supreme Court disagrees and reverses the appellate court below.

*majority opinion* – the written decision of the Supreme Court that represents the viewpoint of the greatest number of the justices. The winners!

*minority or dissenting opinion* – the written decision of those Supreme Court justices who are in the minority (and thus the losing side) of a case. The losers!

*concurring opinion* – the written decision of justices who agree with the outcome of the majority opinion but for different or additional reasons.

*precedent* – earlier cases decided by the Supreme Court. The Court prefers to follow precedent see *stare decisis* below.

*stare decisis* – The doctrine that justices will follow the Court’s earlier rulings unless there’s a good reason to change.

*briefs* – written arguments filed with the court prior to oral argument

*amicus curiae* – friends of the court briefs; in very important far reaching cases, the Supreme Court will allow groups not party to the case to file briefs

*Your Honor* - this is how you address the justices! Always address them with this title or else

*grant of certiori* – this is what the Supreme gives when it agrees to hear a case

*syllabus* – an outline of the opinion(s); it often comes after the heading but before the opinion itself