**CIVICS & ECONOMICS – SUPREME COURT ORAL ARGUMENT**

**PERSUASIVE SPEAKING ASSIGNMENT**

**Background:** Now that we’ve gone over the provisions set forth in the Constitution and

the 27 Amendments thereto, we’re going to spend the next week and half exploring how

courts – specifically, the Supreme Court – have interpreted them. While I will review the

major Supreme Court cases with you in class (and these are the ones you will be tested on

for your exam), I also want you to have a chance to experience what appellate advocacy

is like by exploring Supreme Court cases that address issues pertaining to students.

Specifically, I want to experience having to research and prepare for an oral argument

where you seek to persuade me and the class that the position you have taken is correct.

**Assignment:** You will be assigned a partner. Next, you and your partner will:

1. Decide from the list included on the back of this sheet which Supreme

Court case you want to argue.

2. Decide which side of the case to want to argue (are you the appellant –

the party seeking the appeal or an appellee – the party who won in the

court below).

3. Research your case. Use websites like http://www.law.cornell.edu/

4. to skim the briefs filed by the party you represent and actual opinion of

the court as well as www.oyez.com to get an overview of the major

issues involved in your case, transcripts (and in some cases audio of)

the oral argument) and the outcome. You will have some time in class

to work on this. See the schedule below.

5. From your research, prepare an argument (a written brief) of no more

than four minutes in length (think 2-3 pages of text double spaced)

about why your side should win (i.e., imagine the case hasn’t already

been decided). Each person in the group will need to do this (so there

should be 2 papers and 2 four-minute presentations)

i. **Briefs should be written in the following format:**

1. **Introduction: Mr. Chief Justice, and may it please**

**the Court. My name is \_\_\_\_\_\_\_\_\_ and I am**

**representing \_\_\_\_\_ in the case \_\_\_\_\_\_\_\_\_\_ before**

**this court.**

2. **Issue: Here is where you state the issue of your case**

**(i.e., whether the state’s decision to sentence minors**

**to death violated the cruel and unusual punishment**

**clause of the 8th Amendment).**

3. **Jurisdiction: State why the Court has the authority**

**to hear this case. Note where it is being appealed**

**from and what Federal Question is involved.**

4. **Argument (FIRST) in favor of your desired outcome**

5. **Respond to arguments that the other side will raise**

6. **Argument (SECOND AND BEST) in favor of your**

**desired outcome**

ii. When preparing be sure to anticipate questions that the

Supreme Court may ask you during the course of your

argument

6. Argue your case in front of the class on the day you are assigned to

present in the format used by the Supreme Court.

**Schedule and Due Dates:**

WED 9/11: Get Assignment, Pick Case/Roles/Begin Research

FRI 9/13: Finalize Research, Begin Writing Arguments

TUES 9/17: Finalize Paper/Practice Oral Arguments

WED 9/25: Present Cases. Briefs are due on the day you present.

**Evaluation and Grading:** You will be given two grades (averaged together) for this

assignment. One for your written brief and one for your presentation in class. The brief

must be typed, doubled spaced, written in 12 pt font, no more than 3 pages in length and

include a bibliography. You must cite to the brief of your case as well as TWO outside

sources. Your presentation in class will be limited to 4 minutes. Please note you will be

interrupted during your presentation with questions from the Court so please anticipate

that during your presentations. POINTS WILL BE DEDUCTED from your final score if

you do not use in-class time effectively AND/OR are not attentive and respectful during

presentations.

**Absences and Late Work:** Students not in school on the day of their presentations must

present evidence that the absence excused or they will receive a zero for that portion of

the assignment. Briefs not turned on the day the group presents are considered late and

will be marked down 10 points for each school day (up to three) after the due date that

they are submitted. No briefs will be accepted more than three days after the due date.

**List of cases:**

**1st Amendment Cases**

Elk Grove Unified School Dist. v. Newdow (2004)

Sante Fe Independent School District v. Doe (2000)

Tinker v. Des Moines (1969)

Ginsburg v. New York (1986)

Bethel School Dist. v. Fraser (1986)

Morse v. Frederick (2007)

Hazelwood School Dist. v. Kuhlmeier (1988)

Island Trees School Dist. v. Pico (1982)

Edwards v. Aguillard (1987)

Westside Community Schools vs. Mergens (1990)

**4th, 5th, 6th Amendment Cases**

Board of Education v. Earls (2002)

Safford v. Redding (2009)

Goss v. Lopez (1975)

In re: Gault (1967)

J.D.B. v. NC (2010)

NJ v. TLO (1975)

**8th, 14th Amendment Cases**

Ingraham v. Wright (1977)

Roper v. Simmons (2005)

Miller v. Alabama (2012)

Ohio v. Akron Center for Reproductive Health (1990)

Parents Involved in Community Schools v. Seattle School District No. 1 (2007)