

IDAHO YMCA



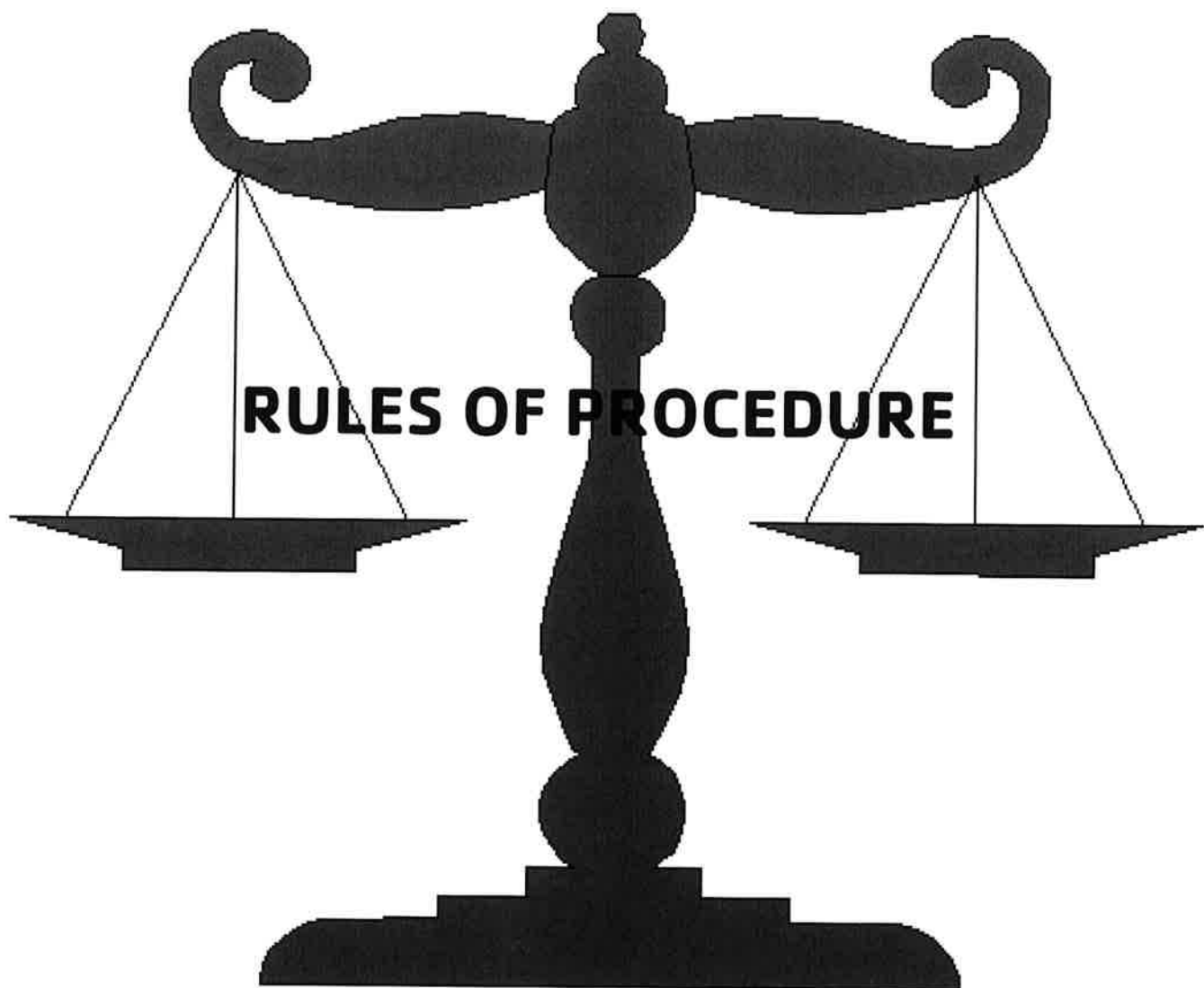
YOUTH IN GOVERNMENT

JUDICIAL PROGRAM

MOOT COURT HANDBOOK



REVISED SEPTEMBER 2015



RULES OF PROCEDURE

RULES OF PROCEDURE YMCA YOUTH SUPREME COURT STATE OF IDAHO

Rule 1. Application and Designation of Rules - These rules shall govern the procedure in the YMCA Youth Supreme Court of the State of Idaho. These rules shall be called the Rules of Procedure ("RP").

Rule 2. Definitions - As used in these rules unless the context requires otherwise:

- (a) Party shall mean appellant, respondent or amicus curiae.
- (b) Chief Justice shall mean the Chief Justice of the YMCA Youth Supreme Court.
- (c) The Court shall mean the YMCA Youth Supreme Court.

Rule 3. Legal Research - Appellate attorneys should not only rely upon legal jurisprudence, but are encouraged to consider the social and philosophical implications of the case. The legal research should focus on cases issued by the U.S. Supreme Court, Federal Courts, the Idaho Supreme Court and the Idaho Court of Appeals.

Rule 4. Condition of Participation - Each party is expected to rely upon their own resources and the materials obtained by independent resources. Parties may contact faculty members, attorneys, or judges for guidance.

Rule 5. Oral Argument

- (a) **Time:** Each party shall give oral argument in the case on the date scheduled by the Court. Oral argument time shall be allocated and shall proceed as follows:
 - a. Appellant's Statement - 15 minutes, less any time reserved for rebuttal.
 - b. Respondent's Statement - 15 minutes.
 - c. Attorney General's Amicus Curiae Statement - 10 minutes.
 - d. Appellant's Rebuttal Statement - up to 5 minutes.
- (b) **Division of Argument Time:** Co-counsels may divide the time between them in any manner they choose for oral argument. The Attorney General and the Assistant Attorney General may also divide the time between themselves. The appellate attorneys must submit to the Clerk of the Court a schedule of how argument time is to be divided 10 minutes prior to Oral Argument. The schedule of argument will outline which counsel will be arguing and the time allotted for the argument.
- (c) **Scope of Rebuttal:** During rebuttal, the appellant shall not raise any new issues. The appellant shall be limited to responding to the arguments raised by the respondent and the attorney general during their oral arguments.
- (d) **Attorney General:** The Attorney General shall appear in person and/or through an Assistant Attorney General.
- (e) **Schedule of Argument:** Six (6) oral arguments will be heard by the Youth Supreme Court. The parties will be notified prior to arrival in Boise of the scheduled argument time.

Rule 6. Protocol of Court

(a) Court sessions: The YMCA Youth Supreme Court shall conduct each court session as follows:

- (i) Clerk of the Court shall state upon signal from Justices, "All rise for the Court." All persons seated in the courtroom shall stand. Justices shall enter courtroom and shall take their seats on the bench.
- (ii) Clerk of the Court shall then state "Hear Ye, Hear Ye, Hear Ye, The Honorable YMCA Youth Supreme Court of the State of Idaho is now in session. You may be seated." Everyone shall then take their seats.
- (iii) The Chief Justice shall then call the session to order by stating, "This is the time set for the hearing of _____ versus _____, case number _____. Mr./Ms. _____ you represent appellant? Mr./Ms. _____ you represent respondent? Appellant and Respondent have each been allotted 15 minutes, which may be divided with co-counsel if the Clerk of the Court has been so advised. The Attorney General has been allotted 10 minutes. Appellant may reserve up to 5 minutes for rebuttal. Are there any questions? If not, appellant you may proceed." Upon which the co-counsel for appellant shall approach the podium and begin oral argument.
- (iv) After oral argument is completed, the Chief Justice shall state, "The case will be taken under advisement. The Court will recess and an opinion will be rendered tomorrow morning." The Justices shall leave the courtroom, after which the audience is free to leave.
- (v) After the recess, the Clerk of the Court shall state upon signal from Justices, "All rise for the Court" and proceed with the next case. All persons seated in the courtroom shall stand. Justices shall enter courtroom and shall take their seats on the bench.

(b) Rendering of the Opinion:

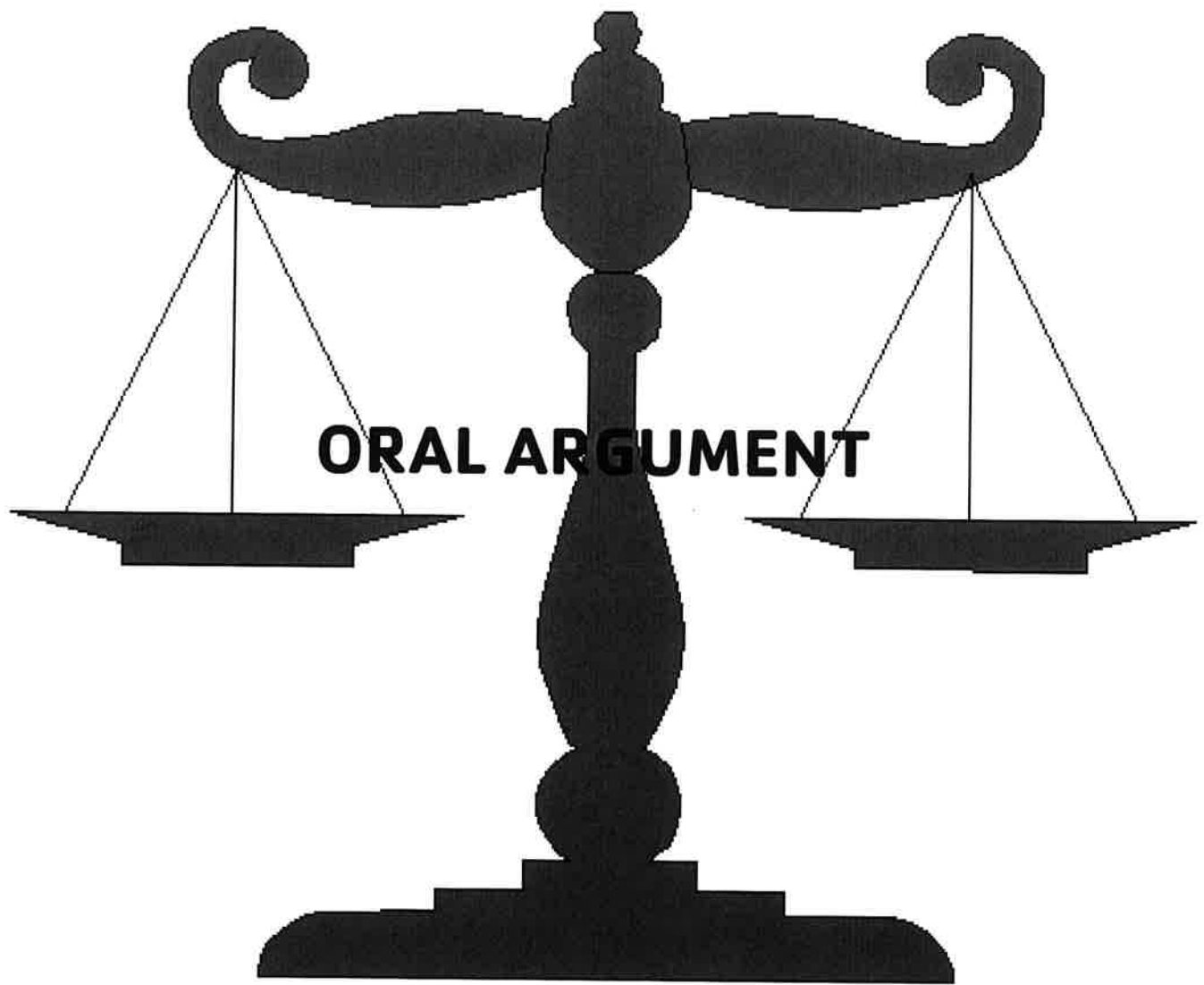
- (i) Clerk of the Court shall then state "Hear Ye, Hear Ye, Hear Ye, The Honorable YMCA Youth Supreme Court of the State of Idaho is now in session. You may be seated." Everyone shall then take their seats.
- (ii) The Chief Justice shall then call the session to order by stating, "This is the time set for the rendering of decisions The Court will then render its decision.
- (iii) The Chief Justice shall then call the first case, "in the case of _____ versus _____, case number ____" and the Clerk of the Court shall state:
"For the appellant, Justice _____, Justice _____, etc.
For the Respondent, Justice _____, Justice _____, etc.
The decision of the Court is ___ to ___ for the (appellant or respondent)."
- (iv) The assigned Justice will then render the majority opinion. A Justice will then render a dissenting opinion, if any.
- (v) Upon rendering the decision, the Chief Justice shall state, "Mr./Ms. Clerk, do you have any further business?"
- (vi) The Clerk of the Court shall then inform the court of the next item of business.

- (vii) After the last item of business has been completed, the Chief Justice shall state, "The Court is adjourned." The Court will then rise and all others will rise. The Justices shall leave the courtroom, after which the audience is free to leave.

Rule 7. Judicial Decisions - General provisions. The Court will render all of its decisions on Saturday morning.

- (a) **Court Conferences:** The Chief Justice may schedule Court conferences as necessary for the benefit of the Court. The Chief Justice shall chair the conferences. Only Justices shall be allowed in a conference. The purpose of the conference is to discuss the oral argument and to resolve any conflicts concerning the cases.
- (b) **Voting:** Each Justice shall have one vote. A Justice may either concur or dissent. In case a Justice is unable to participate in hearing a case and a tie decision results, the decision of the lower court shall be deemed affirmed.
- (c) **Oral Decisions:** The Court shall render an oral decision. Upon receiving the votes from the Justices, the Court shall convene in session to render the oral opinion. The Court shall choose one justice to deliver the opinion. Any dissenting Justices shall be allowed to render their oral dissent. The dissenting Justices may choose one Justice to deliver the dissenting opinion.

Rule 8. Disqualification of Supreme Court Justice: A Justice shall be disqualified from participating in any case which involves appellant or respondent co-counsel, the Attorney General or an assistant attorney general from the same school or Y group as the Justice.



ORAL ARGUMENT

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Oral argument gives the appellate attorney the opportunity to explain the arguments set out in the brief. The term oral argument is misleading, argument usually denotes hostility. Actually, the argument should be more of a conversation; you should try to help the court in understanding the issues and the law. You should remember that you are an advocate for your client not a warrior.

The following guidelines will help in preparing for oral argument.

A. Respect the Court. You must have respect for the court and the Justices. When addressing the court, do not think of the justices as enemies, but as friends who are seeking advice.

B. Personal Manner. As an appellate attorney you should be respectful and friendly. You must be confident in your knowledge and skill, but remember to refrain from acting hostile or overzealous. The goal is to help the court understand the problem and offer a logical solution. Remember to speak boldly, in a voice loud enough to be heard, but not boisterous and overbearing. Try to avoid acting nervous or speaking in a monotone. Use hand gestures to emphasize, too many can be extremely distracting.

C. Manner and Appearance. You should dress appropriately. As an appellate attorney, you should dress professionally and not as you would for going to school. You should not dress in a bizarre or offensive manner, this includes hairstyle. You should be groomed neatly and refrain from wearing anything (such as jewelry) that detracts from this appearance. You should be careful of detracting mannerisms. Be careful not to pace, put hands in pockets, cover the mouth while speaking, or drum the fingers nervously against the table. Avoid using the terms er, ah, well, etc... when pausing to think. These habits detract from the oral presentation.

Remember to be polite, but not submissive. Be diplomatic.

D. Mode of Address. You should speak respectfully of the justices, opposing counsel and the Attorney General. Justices should be addressed as "Your Honor," "Judge," or "Mr. Chief Justice. Questions should be answered as "Yes, your Honor" or "No, your Honor." Never address a justice by Mr. or Ms.

You speak respectfully of opposing counsel and should address the opposing counsel as "my Colleagues," "opposing Counsel," or by "Mr. ___" or Ms. ___." Never speak disrespectfully or sarcastically of opposing counsel. Address your own co-counsel by name or as "my associate."

To begin oral argument, counsel should follow the following outline:

1. Walk slowly to the podium and wait for signal to begin.
2. Address the Court by saying "May it please the Court."
3. Address the members of the court: i.e., Mr. Chief Justice, Associate Justices, opposing counsel, and the Attorney General.
4. Introduce yourself and your co-counsel. If you are dividing your argument between the two counsels, inform the court of the division. Let the court know who will be speaking for how long and on what issues. Then begin your argument.

REMEMBER THE FOLLOWING ESSENTIALS TO ORAL ARGUMENT:

1. Be thoroughly prepared. Know the important facts and your argument by heart. Although notes are necessary for organization, don't rely totally on notes or canned statements. Don't forget to "look up", "speak up" and "be natural."
2. Opening statement should be clear and concise. State necessary facts and state the issues. Inform the court of what you want them to do.
3. The argument should be specific and concrete. Be forceful in your presentation. Focus on the issues upon which the appeal turns. Don't be afraid to admit the weaknesses of your position, but don't concede your case away.
4. The Justices often ask questions during oral argument to explore the case. The questions usually explore the issues and authorities that apply to the case. Make sure you listen to the questions and carefully answer them, if you don't understand what the Justice is asking, ask them to repeat or rephrase the question. This is the perfect time to emphasize your best arguments and clarify any misconceptions that the Justices may have.
5. Rebuttal is used to clarify points, reinforce your argument and to respond to the argument of opposing counsel. To be effective, rebuttal is to serve a purpose. Don't just argue because you have the time; make sure you use it to make specific points.
6. Closing statement should be sharp and emphatic. State the law on your side and remember, **TELL THE COURT WHAT YOU WANT THEM TO DO**. Tell them you want them to affirm or reverse, why and with what law. Don't expect the court to know what you want, be specific in your request.

Following these guidelines should help you be successful in your presentation. Good Luck!