

Supreme Court Mock Trials

AP U.S. Government & Politics

You will be taking a look at landmark Supreme Court cases that have been presented before the Supreme Court, the highest court in the U.S., as it is the final authority in any cases involving questions that arise under the Constitution, an act of Congress or a treaty of the United States. As a lawyer you will be arguing your case before the Supreme Court, and as a justice you will be interpreting the law.

Each case must represent the following roles:

Petitioner – challenging the constitutionality of the law or the lower court decision

Respondent – defending the law as constitutional or the lower court decision

Justice – Interpreting the law

Clerks- Writing an explanation of the case

Petitioner/Respondent/ Clerk

Written Brief: Each will write a 2-3 page, double spaced, 12 point font written brief. These are written arguments that each side presents to the court prior to their actual presentation before the justices. Your brief must include the following elements:

- Name of your case
- Background facts for the case – history of the case to this point
- Constitutional issues involved in the case
- Your position on these issues – why you are appearing before the court (this is not a personal opinion, but a position either defending or challenging the law based on your client)
- Argument of the case – this is the main part of the brief and should include other cases to support what you believe to be the correct interpretation of the Constitution on this issue. You need to explain all facts and legal points to prove why your side is correct.
- Conclusion – what you are asking the court to do if they find you to be correct.
- **Clerks will also be responsible for live tweeting during Court.

Oral Arguments (Petitioner/Respondent): This is your chance to convince the court that the law supports your interpretation of the questions being considered. These arguments should never attack your opponent's case, but should always be focused on using the facts and the law to show why you are correct. The part of the work has 3 pieces:

- Your statement of the issue(s) and the explanation on the Constitutional questions involved
- Your argument of the case. This is the oral version of what you placed in your brief. **DO NOT READ YOUR BRIEF TO THE COURT.** You want to highlight the issue, the facts of the case that support your interpretation of the law and those cases that the court has already decided that show why/how you are correct. Keep this short and to the point. Remember, you will be working with a partner, so you need to corroborate your statements.
- Question and Answer – The court (Justices) will question you about the facts of the case, the previous cases that you have cited or cases you have not mentioned but they deem relevant, the interpretation of the law you are pushing and the remedy you have requested. Anticipate

questions and have possible answers ready (you *really* need to know your stuff for this part).

Supreme Court Justice:

Written Work: You must prepare the following items prior to your hearing of the cases. This will be 2-3 pages, double spaced, 12 point font.

- A statement of the Constitutional and factual questions that are the center of your case
- A summary of cases that the Supreme Court has ruled on that relate to this case. You will need to indicate the basic findings of the court in each case and explain how they relate to the issues of your case
- A listing of questions for both sides. These need to be both factual and legal/Constitutional natures. These questions should be designed to push each side to make their best argument.

Oral Argument: This is where the case will be presented to you and where you will be able to dissect each side's ideas to help you reach a decision. Your responsibilities:

- When you listen to the presentation of each side, you must utilize your questions to prompt them to "make" their case to you – convincing you of the soundness of their arguments. You will need to be ready to expand your questions on the fly, to push for information you need to help you make a decision.
- Find a decision to affirm or overturn the lower court decision with a brief explanation of why.