



APPEALS ATTORNEY PREPARATION TIPS

I. Preparation Tips:

You have been provided with several cases on the subject matter of the Youth in Government appellate cases. Some of the cases may be abridged, and others are provided in their entirety. This is a closed packet, so only the cases provided may be used in arguments. You and your partners will develop arguments for both sides of the case.

II. Constructing Your Argument

- A. You will use the cases in “Appeals Case Law 2022” to construct your arguments. You should use the brief assigned to your side of the case to help you understand the case law, and how it applies to the argument you will make to the justices.
- B. Appellant side will argue that the actions of Abercrombie and Fitch were allowed because Samantha Elauf failed to notify the company of her religious beliefs that would have required an exemption in their “look policy”
- C. Attorneys on the Respondent side will argue that Abercrombie and Fitch violated Samantha Elauf’s rights..

III. Suggested Outline for Oral Arguments

1. A single, memorized presentation will succeed no more in the Youth and Government competition than it would in the actual presentation of a case to a real appellate court. The presentation will be interrupted by questioning from the court and it is critical to success that these questions be clearly addressed, turned to the advantage of the advocate and then used as a transition back into the argument that the speaker wishes to make. This is the flexibility that must be built into the initial presentation.



2. A successful competitor should be so well prepared that he need not take a bundle of papers and notes to the podium when it is time to speak. The universal suggestion is that no more than a single file folder for Appellant and a single file folder for Respondent be taken to the podium. As a practical matter, with the limited time frame given to each speaker, there is not much time for a speaker to be shuffling through notes and trying to find case references and answers to questions. If you practice the basic outlines of your presentation beforehand, you should be ready for any question that comes your way and you will not need to rely heavily on your notes.
3. In the event that you represent the Appellant, your team will need to reserve time for rebuttal. All attorneys must open their presentations with "May it please the Court," and identify themselves by name. You should begin your argument with "May it please the Court . . ." and then identify who you are, and who you represent.
 - a. "May it please the Court. My name is _____, and along with my co-counsel, _____, we represent the Appellant in this case
 - b. Or if you are the second speaker on your team: "May it please the Court. My name is _____, and I too represent the Appellant in this case.
4. Next tell the Court what issue you will be addressing:
 - a. "In my time before the Court, I will demonstrate that _____ My co-counsel will demonstrate that the lower court erred by _____."
 - b. Or if you are the second speaker on your team: "As my co-counsel has just demonstrated, the lower court erred by _____. In my time before the Court, I will demonstrate that _____"
5. Offer to give the Court a brief overview of the facts



- a. If you are the Appellant, this is an opportunity to spin the facts to your advantage. But, you have limited time for your arguments so be brief. You should first ask the court if they would like a brief recitation of the facts. If the court says no, move on to your argument. If the court says yes then keep it short but use the facts most beneficial to you.
 - b. If you are the Respondent, it is not necessary for you to give a statement of facts. However, if the Appellant gave wrong facts or left out facts that you believe are important, then before you start your argument, you might say “before I begin my argument, I would like to clarify the following facts that the Appellant did not give you.”
6. Next should be your argument.
- a. Roadmap: When you begin your argument, you may wish to clearly set out the various points that you intend to make during your. For example, say “I will make three points _____.”
 - b. Be clear and concise. Be assertive. Do not use words and phrases like “I believe” or “I feel.” What you believe or feel is not important and those phrases weaken your argument.
 - c. Keep your presentation organized
 - d. Argue the heart of the matter adequately and be selective in discussing issues?
 - e. Emphasize the important issues
 - f. Use case law to support your arguments
 - g. Use the facts from the trial case to support your arguments
 - h. Tie your case law and the facts of the trial case together. Distinguish cases that are different from your facts. Draw comparisons with cases that are similar to your facts
 - i. When you are the Respondent, respond to the Petitioner’s argument during your time. Do not just stick to a canned speech
7. When you conclude your argument make sure you tell the court what you want it to do.
- a. For example: “For these reasons, your honors, we respectfully request that you find in favor of the Appellant and reverse the decision of the court of appeals.”



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- b. Or if you are Respondent, "For these reasons we respectfully request that you uphold the decision of the court of appeals and find in favor of the Respondent

IV. Pointers and Courtroom Demeanor

1. Always rise when the justices enter and exit the courtroom. Remain standing until you are permitted to sit.
2. Try to avoid talking with your partner while sitting at the counsel table. You may communicate by exchanging notes, but do not be distracting.
3. Keep your counsel table neat. Shuffling papers can also be distracting to the judges.
4. You can take notes, cases or your summary to the podium. However, the less paper that you carry to the podium, the more likely that you are going to be able to give an effective presentation. Having too many notes or documents only increases the likelihood that you are going to simply read from them, as opposed to maintaining good eye contact and a conversational tone to your presentation.
5. Do not point or look to your opponents during oral argument. Your argument is to be strictly made to the Court. Refrain from making any personal remarks or attacks upon your opponent.
6. When a judge begins asking you a question, stop speaking immediately. It is considered disrespectful for the attorney to attempt to talk over the judge.
7. Be mindful of the time limitations. Depending upon the number of questions that you may be required to answer during the round, you may not actually be able to give your entire argument. Try to remember the key points of your argument, and attempt to make those points in responding to questions that may be relevant to them.



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8. If you run out of time while giving your argument, you should stop immediately, and request the Court to allow you to conclude your sentence. If the Court grants you permission to conclude, you must promptly conclude.
9. Try to set up your arguments in a logical, easy-to-follow manner. Practicing your argument before your partner, team members, friends, teachers or attorneys will vastly improve your ability in the competition.
10. Keep your voice loud enough to be heard, and remain confident of your position.
11. The evaluator's impression of the competitors is formed from the moment that they enter the courtroom. Remember that even before the judges enter the room and while the judges are out deliberating, the evaluator may be in the courtroom and evaluating you on your demeanor.
12. Be respectful to the court. Do not begin speaking until signaled by the court to do so.
13. Think about the question you are being asked by the judge. If a question requires a "yes or no" answer, the speaker should answer in that manner and then explain further if indicated.
14. Don't get distracted by the judges' questions. One of the most difficult parts of appellate is the ability to stop your argument to answer a question from the judge and to then return to your presentation of a cohesive argument. You have to be flexible in your presentation but you must also know your argument well in order to do this.