A Case in Point
Instructions for Hearing Moot Court Oral Arguments

After reviewing the case, the members of the class will serve as Supreme Court justices and petitioners. The Supreme Court's procedures are simplified to the following steps:

1. Attorney teams (4-6 people) for the Petitioner (the party making an appeal) and for the Respondent (4-6 people) prepare arguments to support their positions and make a presentation (no more than four minutes long) to a court of nine justices. Each side is allowed four minutes for its presentation.
2. As the court (nine justices) hears the arguments, any justice can interrupt to ask questions. After all have spoken, the chief justice moderates a five-minute conference in which justices try to change each others' minds. At the end of the conference, the justices take a final vote.

Time Needed

- Petitioner's Argument - 4 to 5 minutes, including time for Justices' questions.
- Questions/Answers - 2 to 3 minutes
- Respondent's Argument - 4 to 5 minutes
- Questions/Answers - 2 to 3 minutes
- Justices' Discussion/Ruling - 4 to 5 minutes
- Class Discussion - 20 to 25 minutes

The Judgment

- What were the strongest arguments presented by the attorneys for the petitioners? What information or argument would have improved their case?
- What were the strongest arguments presented by the attorneys for the respondent? What information or argument would have improved their case?
- What were the key questions asked by the justices? What other questions, if any, should they have asked? During their conference, what arguments did they consider? Did they ignore any important arguments? Does the justices' decision expand or restrict the exclusionary rule? Why? Do you agree with their decision?

U.S. Supreme Court decisions are made by a process similar to one you just tried, except:

- Attorneys for the Petitioner and Respondent must give the Court detailed written arguments, called briefs, before the case is heard. Because Supreme Court decisions set precedents which affect the entire nation, other interested parties can air their views about a case in Friend-of-the-Court briefs.
- During oral arguments, each side is allowed one half hour which includes questioning by the Court. This time limit is strictly enforced.
- When the Court reaches a decision, the Chief Justice assigns one of the judges to write an explanation of that decision called the majority opinion. Justices who support the decision but differ with the majority's reasoning may write a concurring opinion. At least one of the judges who disagree with the decision will write a dissenting opinion.
- Do you think this process is fair? Why or why not?

Your teacher will explain the Supreme Court's decision in the case. Compare both the judgment and the reasoning behind it with your own.

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