

LEH355/PHI370 – LEGAL REASONING – FALL 2017

MOCK TRIAL

	same sex marriage Nov 20	rights of suspects Nov 27	boyfriend Dec 4
Justices	Diana (D) Roseline (R) Danysha (N)	Sonia (D) Amado (R) Anthony (N)	Oscar Shanice Lauren Kenia
Petitioner or prosecutor	Tashana Karina	Anamil Huntley	Crystal Jessica
Respondent or defense	Lindsay Frederick	Arielle Jonathan	Nicole Dennis

Each Justice will impersonate a political ideology, loosely identifiable with the Republican Party (R), the Democratic party (D) or neutral (N). In the “boyfriend case”, such distinctions are less clear, so no ideological affiliation is specified. Note that in cases before the US Sup. Ct. the two parties are called “petitioner” and “respondent”, while in a criminal trial they are called “prosecution” and “defense”.

Preparation Start early! This requires significant amount of reading and thinking.

Stage 1: Read the majority opinion; concurring opinions; and dissenting opinions. Identify the questions at issue, governing law and precedents, the decision of the court and the supporting arguments.

Stage 2: Listen to the oral argument, preferably in its entirety or at least to significant portions of it. Take notes of the petitioner’s and respondent’s arguments. Keep track of the questions posed by the Justices. If available, you should look at petitioner’s and respondent’s briefs. (This last point applies especially to the “boyfriend case” for which there is no written opinion at the trial stage.)

Stage 3: Gather your thoughts. As a Justice, you will ask difficult questions to the lawyers in the case. As a lawyer, you will make a convincing case for either party and answer questions by the Justices. Prepare your arguments together with the lawyer in your team.

Legal Arguments Only You should elaborate legal arguments, based on text, precedent, history, tradition, purpose and precedent. If the matter at issue is both factual and legal—such as the question of guilt in the “boyfriend” case—make sure your argument are also based on evidence and inferences drawn from the evidence. Use the course readings as sources of inspiration.