

Common Law-Related Education Strategies

Mock Appellate Argument

Teacher Instructions

In appellate arguments, lawyers present their sides of a case to a panel of judges who will consider the issues and write an opinion that states the decision of the court and explains the court's reasoning.

In presenting their case, the lawyers review the facts, discuss the issues, and present prior cases, laws, and public policies that support their position. The judges may stop the lawyers at any time to ask questions.

Each side has a limited amount of time in which to make their argument. When the arguments are completed, the judges meet and discuss the issues and then issue an opinion.

Procedure:

1. Petitioner presents his or her argument (5 minutes). The Petitioner is the party asking the court to review his or her case.
2. Judges ask questions (2-3 minutes).
3. Respondent presents his or her argument (5 minutes).
4. Judges ask questions (2-3 minutes).
5. Judges meet in front of class:
 - Discuss strongest points made by petitioner
 - Discuss strongest points made by respondent
 - Discuss weak points on both sides
 - Issue the opinion
6. Alternative Procedure: divide students into groups of 5-7. Within each group, two students will act as petitioner's lawyers, two as respondent's lawyers, and the remaining students will act as judges. The groups conduct their hearings simultaneously, sharing and comparing the judges' decisions at the end of the activity.