

This lesson is provided by Dwight Groce, Ohio Department of Education

MOOT COURT ISSUES SIMULATION

by

**Dwight C. Groce
Social Studies Curriculum Coordinator (Retired)
Columbus City Schools**

The Ohio Center for Law-Related Education is pleased to make this lesson available to you. OCLRE does not endorse any of the views expressed in the lesson nor does OCLRE control or guarantee the accuracy, relevance, timeliness, or completeness of this lesson which has been provided to OCLRE by a third party.

MOOT COURT ISSUES SIMULATION

INTRODUCTION

A moot court simulation is an exciting and engaging way to help students examine, analyze and take positions on historical or current issues. In a moot court, two sides present to a panel of justices arguments related to a case appealed from a local court. The *Moot Court Issues Simulation* uses the same format, but with the argument centering on issues from the past or present.

The teacher can use several moot court configurations to cover one or more issues. The first would focus on one issue. This would model an appeals court or Supreme Court. The second calls for groups of five students with each group focusing on the same or several related issues. The teacher provides the information to be debated. This activity can be used for middle and high schools, and will prepare students for the Eighth Grade Achievement Test and Ohio Graduation Test.

MOOT COURT: SINGLE ISSUE ACTIVITY

PROCEDURE

Select an issue. Divide the class into three groups. The first group will be the justices. The justices need to be an odd-numbered panel (i.e., five, seven, or nine). The rest of the class will be divided evenly into those in support and those opposed to the question at issue.

The students should be provided time to research the issue and help prepare their arguments. The groups in support and in opposition should research information they can cite in their presentations. They will select two from their group to be the lawyers representing their positions. The justices need to conduct their own research to develop questions they will ask the opposing attorneys. You can abbreviate the activity by providing the documents, statistics, articles, etc. for the students to use for reference.

Distribute **Handout 1** and follow the procedures on the day of the activity. **Handout 2** can be used to record the role assignments.

The Ohio Center for Law-Related Education is pleased to make this lesson available to you. OCLRE does not endorse any of the views expressed in the lesson nor does OCLRE control or guarantee the accuracy, relevance, timeliness, or completeness of this lesson which has been provided to OCLRE by a third party.

Justices

The justices are to study the issue, outline what they think the lawyers for each side will argue, and prepare a list of questions for the attorneys to answer during oral arguments. They will also select a chief justice from among their group. During the actual activity, the justices will adjourn after hearing oral arguments. They should weigh how well each side presented their arguments, not on their own personal views of the issue. Their decision will be based on majority vote.

Lawyers

The opposing groups will meet separately. When their research has been completed (or if the teacher provided the information), briefs (position statements) will be produced from each group. Two lawyers from each group will be selected to present the arguments to the justices.

Bailiff

This person will say “All rise” whenever the justices enter the court (see Handout 1). He/she will also serve as timekeeper.

MOOT COURT: MULTI ISSUES ACTIVITY

PROCEDURE

Select the issues to be debated. Divide the class into groups comprised of five students each. Assign three students in each group to be justices. The two remaining students will be opposing attorneys--one arguing in support of the issue and the other arguing against. Provide the same information on the issue to each member of the group.

Each student in a group should receive the same information about their issue. Give about twenty minutes for everyone to prepare. Have the justices read over the information and decide questions they want the attorneys to answer. Each attorney should prepare a statement for his or her respective positions.

Have each group come together with the three justices facing the two attorneys. Use the same procedures outlined in “**Handout 1**”. When the two attorneys have finished, the justices should adjourn (preferably outside of the classroom) and reach a decision. When they have finished, have them return to the group. Tell them not to disclose their decision until all of the other groups have finished.

The Ohio Center for Law-Related Education is pleased to make this lesson available to you. OCLRE does not endorse any of the views expressed in the lesson nor does OCLRE control or guarantee the accuracy, relevance, timeliness, or completeness of this lesson which has been provided to OCLRE by a third party.

This lesson is provided by Dwight Groce, Ohio Department of Education

Start with the first group. Have one of the justices explain the issue and the arguments. Then, have the justices of the group give their decision and explain their reasoning. Follow this procedure until all of the groups have explained their decisions.

Handout 1

MOOT COURT

Opening of Moot Court

The bailiff enters and says: *Please rise. The Honorable Chief Justice and Associate Justices* (Everyone remains standing until the justices are seated.)

The Chief Justice will then say: *Today's issue is* (state the issue—e.g., “The United States should adopt English as its official language”). *Are both sides prepared to present their case?*

(Attorneys for both sides will answer *We are your honor.*)

Support (Three-five minute presentation followed with five minutes for questions from the Justices)

One of the attorneys for the supporting side will move to the podium and present his/her arguments. When he/she is finished, the justices may ask him/her questions.

Opposed (Three-five minute presentation followed with five minutes for questions from the Justices)

One of the attorneys from the opposition will move to the podium and present his/her arguments. When he/she is finished, the justices may ask him/her questions.

Rebuttal (One minute maximum)

Attorneys for both sides have the opportunity for a one-minute rebuttal on any points made by the other side. The remarks must be made directly to the justices and not to the other attorneys.

Decision

The justices will retire from the room to deliberate. When they return, they will each have the opportunity to discuss the arguments as presented. The Chief Justice will go last, then he/she will announce their decision.

The Ohio Center for Law-Related Education is pleased to make this lesson available to you. OCLRE does not endorse any of the views expressed in the lesson nor does OCLRE control or guarantee the accuracy, relevance, timeliness, or completeness of this lesson which has been provided to OCLRE by a third party.

Handout 2

MOOT COURT
Role Assignments

SUPPORT

Attorney #1 _____

Attorney #2 _____

OPPOSED

Attorney #1 _____

Attorney #2 _____

JUSTICES

(Chief Justice) _____

MOOT COURT ACTIVITY

ISSUES

Current

1. Should the government raise the minimum wage?
2. Do gun control laws reduce violent crime?
3. Should juveniles be tried as adults?
4. Should doctor-assisted suicides be allowed?
5. Should the United States adopt English as its official language?
6. Should U.S. foreign policy focus on protecting human rights?
7. Should the United States economically punish nations that do not practice religious tolerance?
8. Should the United States support a permanent international court to try human rights violators?
9. Should world nations build more nuclear power plants?
10. Should Congress reauthorize the Endangered Species Act?
11. Does free trade harm the U.S. economy?
12. Should the United States change its policy toward Russia?
13. Should the United States lift the economic embargo against Cuba?
14. Should the United States end economic sanctions against Iran?

The Ohio Center for Law-Related Education is pleased to make this lesson available to you. OCLRE does not endorse any of the views expressed in the lesson nor does OCLRE control or guarantee the accuracy, relevance, timeliness, or completeness of this lesson which has been provided to OCLRE by a third party.

This lesson is provided by Dwight Groce, Ohio Department of Education

15. Should we save animals from extinction at the cost of American jobs?
16. Should immigration to the United States be drastically reduced?
17. Should voting be limited to those who can read and write?
18. Should military and community service be a requirement?
19. Should we have term limits? (presidential, congressional)

Historical

1. Did Europeans (or the United States government) have the right to claim land that was occupied by Native Americans?
2. Were the British justified instituting a series of taxes on the American colonists?
3. Was President Lincoln justified in suspending habeas corpus?
4. Was the United States justified invading Cuba in 1898?
5. Should the United States have joined the League of Nations?
6. Was the United States justified in the internment of Japanese Americans during World War II?
7. Should the United States have dropped the atomic bombs on Japan?

The Ohio Center for Law-Related Education is pleased to make this lesson available to you. OCLRE does not endorse any of the views expressed in the lesson nor does OCLRE control or guarantee the accuracy, relevance, timeliness, or completeness of this lesson which has been provided to OCLRE by a third party.

MOOT COURT SIMULATION

Possible Topics Aligned to the Content Standards

Grade 7

1. Should there be a state religion?
2. Which civilization after 1000 B.C. had the greatest impact on Western culture today (choose two): India, China, Egypt, Greece, or Rome?
3. Which European country had the best explorers?
4. Which kind of democracy is better: direct or representative?

Grade 8

1. Which colonial power best managed their colonies: France, Spain, and England?
2. Which colonial power (American or European) had the best alliances with the American Indians?
3. What was the most serious problem faced by leaders under the Articles of Confederation (choose two: national security, dealing with war debts, creating a stable economy, collecting revenue, defining authority of the central government)?
4. Who was right? The Federalist/Anti-Federalist debates.
5. Issues debated during the Constitutional Convention including the Great Compromise, 3/5ths Compromise, slave issues, and the Bill of Rights.
6. Do we need a national bank?
7. Civil War issues including: state rights, slavery, Dred Scott decision, the Kansas-Nebraska Act.
8. Did the trade barriers and tariffs work during the Civil War?

Grade 9

The Ohio Center for Law-Related Education is pleased to make this lesson available to you. OCLRE does not endorse any of the views expressed in the lesson nor does OCLRE control or guarantee the accuracy, relevance, timeliness, or completeness of this lesson which has been provided to OCLRE by a third party.

This lesson is provided by Dwight Groce, Ohio Department of Education

1. Progress and the few getting rich compared to the lives of the working poor in the factories.
2. Indigenous peoples perspectives versus the colonizers.
3. Using new technologies of war during WWI: poison gas, machine guns, airplanes, etc.
4. Should the Allied powers appease Hitler?
5. Should the United States drop the atomic bomb?
6. Do we need a United Nations?

Grade 10

1. Does the United States need child labor laws?
2. Does the federal government need to regulate the workplace?
3. Was the United States an imperialistic power in the Far East? South Pacific? Caribbean? South Pacific?
4. Should the United States have entered WWII?
5. Should the United States have participated in the League of Nations?
6. Did the United States. need immigration restrictions in the 1920s?
7. Should the United States have interred Japanese-Americans during WWII?
8. Do we really need the 19th and 26th Amendments?

Grades 11 and 12 provide many opportunities to engage students in Moot Court simulations. However, the standards are written in a very open ended way that allows for teachers and students to define the questions to be debated.

Grade 11

1. Does the United States need the Electoral College?
2. Does the United States need the income tax?
3. Do individuals really need to vote?

Grade 12

1. Challenge arguments of historical inevitability (e.g., choices made during the Civil War, choices relating to immigration policy, or choices made during the Cuban Missile Crisis).
2. Identify the perspectives of diverse cultural groups when analyzing current issues.

The Ohio Center for Law-Related Education is pleased to make this lesson available to you. OCLRE does not endorse any of the views expressed in the lesson nor does OCLRE control or guarantee the accuracy, relevance, timeliness, or completeness of this lesson which has been provided to OCLRE by a third party.