

## Arguing: Group Oral Arguments & Graded Individual Paper

Purpose: To allow you to practice, and then be formally assessed, on your ability to use the facts, the topoi and your own critical thinking abilities to craft strong and comprehensive arguments in a legal case.

Assignment: As a group, prepare for oral arguments in two separate cases. As an individual, prepare a written version of your own argument for a decision in a third case.

### Details:

1. We will assume that the Defender in the *Would You Convict?* case lost at trial, and is now appealing to the Supreme Court of the State of Nita to overturn the decision. At the hearing, all those not advocating will participate as Justices of the Supreme Court, although only one group will actually have to write a decision. The trial schedule will be as follows:

### PLEASE NOTE SYLLABUS CHANGE

day/date	<i>Would You Convict?</i> chapter	Case	Case type	Defender group	Accuser group	Writing group (Justices)
<b>6T Feb 14</b>	---	---		<b>NO CLASS</b>	<b>GROUP</b>	<b>PREP DAY</b>
6R Feb 16	3	<i>Green</i>	Justification	2	1	3
6R Feb 16	4	<i>Kingston</i>	Excuse No capacity	4	3	1
<b>7T Feb 21</b>	---	---		<b>NO CLASS</b>	<b>GROUP</b>	<b>PREP DAY</b>
7R Feb 23	2	<i>Marrero</i>	Excuse Ignorance	3	2	4
7R Feb 23	5	<i>Sandifer</i>	Excuse No capacity	1	4	2
8T Feb 21				<b>ALL</b>	<b>PAPERS</b>	<b>DUE</b>

2. The trial days will start precisely on time. Each group will get 13 minutes to speak, divided as follows:

- 10 minutes Defender oral argument
- 13 minutes Accuser oral argument
- 3 minutes Defender oral argument
- 3 minutes Justices' decision

At the end of the trials, we will pause for collective feedback on our efforts.

3. Advocates should focus on *arguing* their case, and avoid story-telling. In fact, you don't know many facts about the cases, so can't really tell detailed stories. Here is a test: if you have two sentences in chronological order (first one thing happened, then another...), stop. You are telling a story. Try arranging them in a different order, and *drawing the conclusion*.

4. At the oral arguments, the Justices are free to interrupt *at any time* to ask questions or make statements. It will be polite, but not required, to allow the advocates to speak uninterrupted for the first 5 minutes.

5. On the day of the trial, each advocate will hand in to the Chief Justice (in their folder) a statement of their theory of the case and an outline of the main topoi they plan to be arguing.
6. Advocates may rely on all facts of the case that occurred at any time up to and including the first trial. Please note that the Supreme Court of Nita is *not* bound to follow the law or decisions of any other state. The laws of other states and the other cases discussed in the relevant chapter of *Would You Convict?* may be *persuasive* to the Justices, but they do not *have* to follow them.
7. Advocate groups can distribute responsibilities in any manner they deem fit, although I do encourage everyone to undertake some important responsibility. For example, groups may decide to split into two, with each subgroup taking total responsibility for one case.
8. No objections claiming that your opponent violated the Rules will be allowed on the days of the hearings. However, any member of an opposing advocate group can submit an objection by email within 24 hours of the trial, for extra credit. The objection should identify precisely what the opposing advocate said, and argue why it was impermissible under the Rules.
9. Your individual paper should represent your own best efforts to decide the case. *You should NOT judge the debate.* It is irrelevant who "won" or "lost". It is your job as Justice of the Supreme Court of Nita to *decide the case itself*, stating whether the Defendant is guilty or not guilty, and justifying your decision. The debates are meant to *educate* you; you should aim to learn from both the successes and failures you have seen and experienced in class. At the top of your paper, state the theory of the case you are trying to support. Then argue for your decision. All papers are due Monday, 1 March, in class.
10. If you hate the case you have been assigned to judge, ask *in advance* for permission to switch. If you need help, again—*ask*, in advance.

Rules:

Rule 3. In the closing argument, the advocate may not assert facts that cannot be shown by the evidence available in the case.

Assessment: A good argument:

Is CLEAR:

- explicitly announces the theory of the case at the beginning and end
- previews all arguments in advance, and summarizes them at the end
- announces the conclusion of each argument as it begins and ends

Is well SUPPORTED:

- uses the topoi appropriate to the type of case to develop *many* arguments
- supports each point with *reliable premises* drawn from the facts of the case
- is *strong*, answering all reasonable doubts and objections
- avoids storytelling

Deadlines: See the Schedule for the trial dates. Individual papers are due in class, Tues 28 Feb, in class.