

# WHAT TO EXPECT AT ORAL ARGUMENTS

## Lesson Plan Summary



### OBJECTIVE

- Students will be able to describe appropriate behavior in a courtroom in preparation for hearing Oral Arguments.
- Students will be able to identify key elements of Oral Arguments in preparation for hearing Oral Arguments.

### INQUIRY QUESTIONS

- Is it important or necessary for everyone to present themselves professionally in a courtroom?
- Should observers have a right to share their opinions during court proceedings?
- In what ways do the structure of Oral Arguments help or hinder the judicial process?

### COLORADO ACADEMIC STANDARDS

**SS.HS.4.2.EOf.** Evaluate the role of the judicial system in protecting life, liberty, and property for all persons in the United States

### ACTIVITIES

Proper Etiquette Scenarios, lecture/reading

### MATERIALS

“What is Proper Etiquette?” Scenarios sheet,  
“Courtroom Rules” and “Oral Program Process and Schedule” readings

### GRADE LEVEL

High School

### TIME

One class period, designed to be done a day or two before Oral Arguments.

### KEY TERMS

**Appellant:** Party appealing the lower court’s decision

**Appellee:** Party prevailing in the lower court and arguing, on appeal, against setting aside the lower court’s decision

**Appellate Brief:** Establishes the legal argument for the party, explaining why the reviewing court should affirm or reverse the lower court’s judgment based on legal precedent and citations to the controlling cases or statutory law.

**Oral Arguments:** Spoken presentation of a case before a court. Lawyers or parties representing each side in a dispute have 30 minutes to make their case and answer questions from Supreme Court justices and 15 minutes in the Court of Appeals.

**Civil Case:** A legal dispute between two or more parties, typically involving a claim for money or other compensation, rather than criminal charges.

**Criminal Case:** A legal proceeding where the government accuses an individual of committing a crime and seeks to punish them.

**Etiquette:** Set of customary and accepted rules for behavior within specific groups. It’s a code of conduct that dictates how people should interact with each other, promoting respect, consideration, and a polite environment.

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## Lesson Plan Instructions



### LESSON BACKGROUND

The goal of this lesson is to prepare students for Court of Appeals Oral Arguments, so they understand how the arguments are structured and how to behave in the courtroom. Compliance with rules of behavior and etiquette in the courtroom reflect respect of the panel of three judges from the division, the law itself and justice system that holds fairness and equality of treatment as its ideals. Common courtesy and politeness are sound guides for how to act in the courtroom.

### CLASS PREPARATION

- Write lesson objectives and key terms on the board or on the screen.
- Review Tips for Diverse Learners on p. 6 to determine the best way to engage your students with the materials.
- Make copies of the “What is Proper Etiquette? Scenarios,” enough for a pair of students.
- Make copies of “Courtroom Rules” and “Oral Argument Process and Schedule” readings, if necessary. You can also project on the screen.

### INTRODUCTION

Begin by reviewing the lesson objectives and key terms and then say: *“Today we are going to review the structure of Oral Arguments and proper etiquette during Oral Arguments. We will begin by reviewing some scenarios about proper behavior.”*

### WARM UP Etiquette Scenarios (10 minutes)

Divide students into pairs. Hand the “What is Proper Etiquette? Scenarios” sheet to each pair. Have the students quickly review the scenarios and decide whether each shows proper behavior or not.

Then ask, by a show of hands, whether the students think the scenario exhibits proper courtroom behavior. Discuss if there are any disagreements.

### DIGGING IN

#### Lecture/Reading 25 minutes

Use the scenarios as a segue into the “Courtroom Rules” and “Oral Argument Process and Schedule” readings. You can project on the screen and review together. Or, you can divide students into small groups and distribute readings. Have them do a read aloud. Ask if students have any questions.

#### **Important: Explain how you expect your students to dress for Oral Arguments.**

#### Discussion 10 minutes

After reading or reviewing the material, discuss the following:

- Is it important or necessary for everyone to present themselves professionally in a courtroom? Why or why not?
- Should observers have a right to share opinions during proceedings?
- In what ways does the structure of Oral Arguments help or hinder the judicial process?

### EXIT TICKET

As they leave, ask students what they are going to wear to Oral Arguments.

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## Activity: What is Proper Etiquette? Scenarios



### Scenario #1:

While they are waiting for Oral Arguments to begin, the appellee asks her attorney questions.

***Is this proper etiquette in a courtroom?***

### Scenario #2:

Students walk into the auditorium on the day of Oral Arguments wearing t-shirts and hats that align themselves with a certain political position.

***Is this proper etiquette in a courtroom?***

### Scenario #3:

The appellant yells out his disagreement with the opposing lawyers' argument during Oral Arguments.

***Is this proper etiquette in a courtroom?***

### Scenario #4:

A student has a question during Oral Arguments about the judges' line of questioning. She leans over to ask another student to clarify what is happening.

***Is this proper etiquette in a courtroom?***

### Scenario #5:

A student suddenly feels ill during Oral Arguments and rushes out of the auditorium.

***Is this proper etiquette in a courtroom?***

### Scenario #6:

A group of students are sitting in the back of the auditorium sleeping.

***Is this proper etiquette in a courtroom?***

### Scenario #7

Two teachers are sitting next to each other during Oral Arguments discussing what they are seeing.

***Is this proper etiquette in a courtroom?***

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## Reading: Courtroom Rules



The rule of law and respect for the judicial system are hallmarks of our American system of government. Compliance with rules of behavior and etiquette in the courtroom reflect our respect, as citizens, of not only the judge, but, more importantly, of the law itself and our justice system, whose ideals are fairness and equality of treatment. By their codes of ethics, lawyers are required to be respectful of not only the judicial officers, but also the opposing attorneys and parties (as well as the witnesses and jurors who are not part of an appeals case.)

As spectators, you are expected to show respect for the judges and justices who have earned the right to rule on certain matters, and for the lawyers and parties who are arguing before the court. It is important to behave respectfully in any kind of courtroom so the proceedings are not unnecessarily disrupted.

Interrupting the court process could find you in contempt of court. If necessary, you will be removed from the auditorium for violating these rules.

### Courtroom Rules

- Come into and leave the courtroom or auditorium quietly.
- Listen and watch carefully; focus on the details.
- Talking, whispering, giggling, shuffling papers and using your phone are prohibited.
- Photography (except by approved people) is prohibited.
- Don't embarrass yourself by yelling out, whistling, or making any other inappropriate noises.
- Don't bring food, gum, or anything to drink.
- Don't talk to your friends during the court session. If you don't understand something or wish to say something, please save your comments for the break.
- Don't leave the auditorium, unless you feel ill. Please find an adult to help you.
- Don't throw anything.
- Don't bring backpacks or bulky jackets into the courtroom or auditorium.
- Don't bring cell phones (or turn them off).
- Bring your Oral Arguments worksheets and writing implement so that you may take notes.
- Dress professionally as though you were going to court yourself. No hats are allowed.
- A bailiff in an appellate court is a court employee whose job it is to keep order in the courtroom. The bailiff will bang the gavel to begin the court proceedings. Participants and observers are required to stand when court is called to order. The bailiff will tell you when you may be seated. You are also required to stand when court is called into recess.
- Members of the media are required to follow additional rules that regulate their use of cameras.

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## Reading: Oral Argument Process and Schedule



Colorado Court of Appeals decisions are made by a process similar to the one we did during our shortened mock trial, except for the following:

- Lawyers for the petitioner (appellant) and respondent (appellee) must give the court detailed written arguments, called briefs, before the case is heard. Because decisions of the Colorado Court of Appeals can set precedents that affect the entire state, other interested parties can present their views about a case in “friend-of-the-court” (amicus curiae) briefs.
- During Oral Arguments, each side is allowed 15 minutes to argue, including judges’ questions. This time limit is strictly enforced. However, the appellant (the party appealing the lower court’s decision) argues first and may “reserve” some time to use after the appellee has argued. For example, an appellant can use 10 minutes in the initial presentation, reserving the remaining five minutes to summarize or to address anything that arose during the appellee’s 15-minute presentation. The appellee cannot reserve any time. Any party may make a motion to be granted additional time for argument, but such a motion must be filed within 10 days after the final deadline for briefs to be filed and must show good cause for the additional time for argument. The Court of Appeals may terminate Oral Arguments if it believes further argument is unnecessary.
- Colorado’s appellate rules contain certain requirements concerning the content of Oral Arguments. First, the appellant must include a “concise statement of the case.” Second, the lawyers are forbidden to read “at length” from briefs, from the record, or from authorities. Third, lawyers are limited to arguments raised in the briefs, unless permitted by the court. Fourth, when multiple parties urge the same result, lawyers are directed to avoid duplication of argument.
- Before Oral Arguments, one of the three Court of Appeals judges in the division will have distributed a draft opinion, also called a pre-disposition memorandum (PDM), based on the briefs, the pertinent law, and the case record, for each case. After Oral Arguments, the judges meet to discuss their views on, comments about, and suggest edits to each of the PDMs. If the three judges reach consensus on a case, they confirm authorship and the final version of the opinion, and the case continues toward announcement. If they cannot reach a consensus, the three judges may decide to discuss again at a later division conference. Or, a judge may decide to specially concur (meaning they agree with the result of the opinion but not the rationale the other two judges use to get to that result), or dissent (meaning they disagree with the other two judges).

### Courts in the Community Schedule

<b>10–10:15 a.m.</b>	Intro remarks
<b>10:15–10:45 a.m.</b>	Civil Case Oral Arguments
<b>10:45–11 a.m.</b>	Judges conference; Question and answer session, attorneys and students
<b>11–11:30 a.m.</b>	Criminal Case Oral Arguments
<b>11:30–11:45 a.m.</b>	Judges conference; Question and answer session, attorneys and students
<b>11:45 a.m.–12 p.m.</b>	Question and answer session: Judges and students



# TIPS FOR DIVERSE LEARNERS



- Post key terms on the board or on the screen for students to revisit.
- Introduce key vocabulary the day before the lesson and review before teaching the content, either through a handout or a document you create using your school's virtual classroom tool.
- Consider having students make a drawing or sketch about the concepts being taught, which could be posted in the room to add with learning. Prompt students to use these drawings and other visuals to remember vocabulary words or skills that have been taught.
- Combine students with varying learning abilities, interests, language proficiencies, or other skill strengths into groups of two or more for the reading activity to provide peer support throughout a lesson. You may want to alter the makeup of working groups according to the activity at hand, e.g. sometimes heterogeneous grouping is appropriate, where at other times, same-language or more homogenous groups may work best.
- Provide a T-chart or graphic organizer for note taking, or project one as you are teaching the content to help students track on the content.
- Allow students to demonstrate their knowledge through a range of options, such as written responses, presentations, projects or oral assessments.
- Empower students to share their thoughts and experiences about how the concept being taught has impacted Americans throughout history.
- Work with a partner or in a small group.
- Assign roles to students to help them in completing activities.
- Add pictures, photos or other visual aids to help explicitly teach skills.
- Try different discussion techniques, including jigsaw, fishbowl or wrap around.

# EDUCATIONAL RESOURCES



## COLORADO JUDICIAL DEPARTMENT RESOURCES

Lesson Plans: [coloradojudicial.gov/community-and-educational-resources/lesson-plans](https://coloradojudicial.gov/community-and-educational-resources/lesson-plans)

Supreme Court or Court of Appeals tours: [cjlccolorado.gov/book-a-tour-of-the-ralph-l-carr-judicial-center](https://cjlccolorado.gov/book-a-tour-of-the-ralph-l-carr-judicial-center)

Visit the Judicial Learning Center: [cjlccolorado.gov](https://cjlccolorado.gov)

## JUDICIAL DEPARTMENT INFORMATION

Colorado Supreme Court: [coloradojudicial.gov/supreme-court](https://coloradojudicial.gov/supreme-court)

Colorado Court of Appeals: [coloradojudicial.gov/court-appeals](https://coloradojudicial.gov/court-appeals)

Map of Colorado Judicial Districts: [coloradojudicial.gov/colorado-judicial-district-map](https://coloradojudicial.gov/colorado-judicial-district-map)

Supreme Court Library: [cjlccolorado.gov/colorado-supreme-court-library](https://cjlccolorado.gov/colorado-supreme-court-library)

## OTHER EDUCATIONAL RESOURCES

Glossary of Legal Terms: [uscourts.gov/glossary](https://uscourts.gov/glossary)

Ben's Guide to the U.S. Government: [bensguide.gpo.gov](https://bensguide.gpo.gov)

Bill of Rights Institute: [billofrightsinstitute.org](https://billofrightsinstitute.org)

Center for Civic Education: [civiced.org](https://civiced.org)

Digital Civics Toolkit: [digitalcivicstoolkit.org](https://digitalcivicstoolkit.org)

iCivics: [vision.icivics.org](https://vision.icivics.org)

Colorado Council for the Social Studies: [coloradocouncilforthesocialstudies.org](https://coloradocouncilforthesocialstudies.org)

Annenberg Guide to the Constitution: [annenbergclassroom.org/constitution](https://annenbergclassroom.org/constitution)

Constitution Annotated: [constitution.congress.gov](https://constitution.congress.gov)

The Constitutional Sources Project (ConSource): [consource.org](https://consource.org)

Teach Democracy: [teachdemocracy.org/curriculum](https://teachdemocracy.org/curriculum)

The Rendell Center for Civics and Civic Education: [rendellcenter.org](https://rendellcenter.org)