

WHAT TO EXPECT AT COURT OF APPEALS 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.
- Students will be able to identify the Court of Appeals judges who will hear Oral Arguments at their school.

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, extension activity

MATERIALS

“What is Proper Etiquette?” Scenarios sheet, “Courtroom Rules” and “Oral Program Process and Schedule” readings, Court of Appeals judges’ bios, worksheet.

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 Oral Arguments, so they understand how the arguments are structured, how to behave in the courtroom and are familiar with the Court of Appeals judges who will be at their school. Compliance with rules of behavior and etiquette in the courtroom reflect respect of not only the judge, but, more importantly, of the law itself and our 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. 7 to determine the best way to engage your students with the materials.
- Make copies of “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.
- Project bios for three Court of Appeals judges. Distribute copies for Extension Activity: www.coloradojudicial.gov/court-appeals/court-appeals-judges-and-staff
- Make copies of “Colorado Court of Appeals Judges” worksheet, if using.

INTRODUCTION

Begin by reviewing lesson objectives and key terms. Then say: *“We are going to review the structure of and proper etiquette during Oral Arguments and “meet” the Court of Appeals judges who will be visiting. Let’s first look at proper etiquette.”*

WARM UP Etiquette Scenarios (10 minutes)

Divide students into pairs. Hand the “What is Proper Etiquette? Scenarios” sheet to each pair. Have 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 divide students into small groups, distribute readings, and have them read aloud in groups. Ask students if they have any questions.

Judges’ bios 10 minutes

Project three judge bios on the screen. Review names and key facts.

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

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?
- How 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.

EXTENSION ACTIVITY

Hand out the attached worksheet and have students find three facts for the three judges using the bios you distribute (or they can visit the judicial website.) Discuss the next day.

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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?

WHAT TO EXPECT AT COURT OF APPEALS ORAL ARGUMENTS

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

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

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Worksheet: Colorado Court of Appeals Judges



Read the biographies of the three Court of Appeals judges who will be at your school. Write down three facts that are mentioned in each judge's bio. Then explain why this experience or situation might be beneficial for an appellate judge. For example: if it says that a judge was in private practice, how might this help this person while serving on the bench of the Court of Appeals?

Judge _____

FACT No. 1: _____

Why is this beneficial? _____

FACT No. 2: _____

Why is this beneficial? _____

FACT No. 3: _____

Why is this beneficial? _____

Judge _____

FACT No. 1: _____

Why is this beneficial? _____

FACT No. 2: _____

Why is this beneficial? _____

FACT No. 3: _____

Why is this beneficial? _____

Judge _____

FACT No. 1: _____

Why is this beneficial? _____

FACT No. 2: _____

Why is this beneficial? _____

FACT No. 3: _____

Why is this beneficial? _____

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

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

Visit the Judicial Learning Center: cjlccolorado.gov

JUDICIAL DEPARTMENT INFORMATION

Colorado Supreme Court: coloradojudicial.gov/supreme-court

Colorado Court of Appeals: coloradojudicial.gov/court-appeals

Map of Colorado Judicial Districts: coloradojudicial.gov/colorado-judicial-district-map

Supreme Court Library: cjlccolorado.gov/colorado-supreme-court-library

OTHER EDUCATIONAL RESOURCES

Glossary of Legal Terms: uscourts.gov/glossary

Ben's Guide to the U.S. Government: bensguide.gpo.gov

Bill of Rights Institute: billofrightsinstitute.org

Center for Civic Education: civiced.org

Digital Civics Toolkit: digitalcivicstoolkit.org

iCivics: vision.icivics.org

Colorado Council for the Social Studies: coloradocouncilforthesocialstudies.org

Annenberg Guide to the Constitution: annenbergclassroom.org/constitution

Constitution Annotated: constitution.congress.gov

The Constitutional Sources Project (ConSource): consource.org

Teach Democracy: teachdemocracy.org/curriculum

The Rendell Center for Civics and Civic Education: rendellcenter.org