MC Guidance for Oral Arguments

Below is general advice for lawyers and justices to succeed in the oral arguments:

1. When the instructor indicates that he is ready to begin, the Chief Justice will call the name of the case: "The Court will now hear oral arguments in Case MC1 [or 2], [*Party 1 vs. Party 2*]. Counsel for the petitioner [or appellant]."

2. One of the lawyers for the petitioner [or appellant] will then walk to the podium and begin their oral argument with the words: "Mr. [or Madam] Chief Justice and may it please the Court."

3. Each side has 30 minutes total to present their oral argument. At any time during the oral argument, any lawyer may end their presentation by yielding to a co-counsel ("At this time, I would like to yield to my co-counsel") or reserving time for rebuttal ("I would like to reserve the rest of my time for rebuttal"). Each team is free to divide the oral argument time in any manner they see fit. However, experience has proven that, by far, the most successful division of time is as follows:

    - 10 minutes for the first lawyer
    - 10 minutes for the second lawyer
    - Reserve time for rebuttal (other side goes)
    - 10 minutes for the third lawyer

4. After the petitioner reserves time for rebuttal, one of the lawyers for the respondent will go to the podium and also begin their oral argument with the words: "Mr. [or Madam] Chief Justice and may it please the Court." The counsel for the respondent should then proceed in the same manner described in point 3.

5. Justices may interrupt any lawyer at any point in the oral argument to ask a question.

Always remember:

- Lawyers should be aware of their time. Lawyers very frequently report that the 10 minutes flew by more quickly than they realized, and they wish they had more time.

- Lawyers should not go over their time. If you cut into another student's time, they will not be penalized—you will.

- Justices should always ask questions, not make arguments. The justices' questions are often aimed at making a point or highlighting a weakness in a lawyer's argument. And justices can ask follow up questions in order to clarify their point or force a lawyer to answer. However, once the point is made and an answer is given, justices should allow the lawyer to continue. Justices should never keep arguing once a lawyer has clearly stated their view on the matter. If a justice is unfairly monopolizing the conversation, the Chief Justice can intervene ("Counsel, please proceed with your argument").

MC Guidance for Justices in the Conference

Below is general advice for justices to succeed in the conference discussion:

1. At the start of the conference, the justices will go around the table, in order of descending seniority, and share their initial views on the case, including how they plan to vote.

2. The justices will then discuss the case among themselves, with the Chief Justice acting as the moderator. Of particular importance, the justices should clarify disagreements and—if possible—try to organize themselves into groups that agree on how to resolve the case.

3. At the end of the discussion, the justices will cast their final votes and break into coalitions to write the opinions.

Always remember:

- Maintain decorum (this is primarily the job of the Chief Justice, but the responsibility is shared by all justices).

- Be clear and organized with your criticisms and critiques (name specific justices, lawyers, or either the petitioner or respondent you are commenting on/speaking to).

- Make sure that you all speak (if you say nothing, you will receive a 0).

- Be cognizant that the TA is taking notes, so the faster you rush, the more likely it is that the TA will miss something you said.