# Presentation Outline

* Each side gets the following
* 3 minute intro
* 15 minute argument
* 5 minute rebuttal
* 2 minutes conclusion

# Legal brief outline

1. Statement of contents
2. Statement of authorities: judicial decisions
3. Statement of the case
   1. Factua: what happened
   2. Statutory: why did what happen violate the law
   3. Procedural: how did the case make it to the supreme court? What happened in the lower court?
4. Summary of argument
   1. Heightened scrutiny: may not apply for the rape case
   2. Rational basis: may not apply for the rape case
   3. This section is all about framing your argument and basing it on law
5. Conclusion

# Group info

* The two were at a bar 21+ both had enough drink (.08-2.0) not blacked-out.
* Guy claims rape after having sex.
* The girl says its consensual
* Both agree they had sex
* She takes him home in a taxi
* There are bodily fluids, emptyalcohol bottles & witness who saw them leave together.

## Other notes

Groups for Drafts/Outlines of Briefs (Due 11/17/14) - NEXT MONDAY

Girl’s Side:

Noah

Morgan

Cameron

Nikki

Erin

Alex

Guy’s Side:

Shelly

Maddy

Karen

Manuel

Ashlee

DJ

# My assignment

* Each student in class must write an argument supporting one of his/her side’s legal claims
  + 5-7 pages in length
  + Double spaced
  + Write
    - 1: why your argument is valid
    - 2: why the opposite of your argument is invalid
* Based on:
  + Legal arguments: earlier court decisions which are in some espect through to be ecisions made in situations analogous to the present case
  + Moral arguments: appeals to extra-legal equity, fairness, or justice
  + Policy arguments: appeals to utilitarian or economic efficiency considerations

# Group Assignment due nov 17 and dec 1

* Create an appellate brief
  + This will be the basis of the argument your group makes orally In your mock trial
* Turn in
  + A written outline/rough draft of the appellate brief by November 17
  + A final draft of an appellate brief, December 19
    - In hard copy & turnitin
* Paper characteristics
  + 6 pages from each member
  + Double spaced
* Parts of a legal brief
  + Table of contents
  + Table of authorities cited in the brief
  + Brief statement of the issues or issues the court is being asked to decide
  + Brief introduction
  + Statement of the factual basis of the case/description of the underlying conflict between parties which led to a civil lawsuit or a criminal prosecution
  + Statement of the history of the case:
    - What the lower courts did about the case
    - Statement of the courts jurisdiction over the case
      * How the case is legitimately being heard by the court
  + The argument about the law is th heart of the appellate briefs
    - Petitioner: the party which lost in the lower court
    - Respondent: the party which won in the lower court
  + A very short (a page/less) conclusion
* Adittional notes
  + The facts: are decided at the trial court level except in very extraordinary circumstances
    - Your group will decide, by mutual agreement, what the factual elements of your case will be
    - Flibrary.sfsu.edu
    - [www.un.org](http://www.un.org)
    - Whitehouse.gov
    - House.gov
    - Senate.gov
    - Fas.org/sgp/crs/index.html
    - State.gov/www/global/human\_rights/hrp\_Reports\_mainhp.html
    - Ilo.org/global/lang
    - Hdr.undp.org/en/
    - Gpoaccess.gov/constitution/index.html
    - Uscode.house.gov
    - Leginfo.ca.gov/calaw.html
    - Supremecourtus.gov
    - Uscourts.gov
    - Findlaw.com
    - Law.cornell.edu