

Kentucky YMCA Youth Association
Kentucky Youth Assembly



SUPREME COURT
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I. The Kentucky Supreme Court

Structure of the Kentucky Court System

The Kentucky Court System is divided into four tiers. Movement from tier-to-tier is dependent upon the appeals process outlined in subsequent sections.

I. District Court

The District Court is the first level of the court system in Kentucky. Trials are held before a single judge. Among other things, District Courts handle traffic offenses, misdemeanors, juvenile offenses, probate matters and civil cases involving less than \$5000. Decisions of the District Court can be appealed to the Circuit Court.

II. Circuit Court

The Circuit Court is the second level of the Kentucky court system, and it handles all felony matters, civil cases involving more than \$5000, and family law matters like divorce and child custody. It also handles appeals from the District Court. There is a single judge in each circuit courtroom. Circuit Court decisions are appealed to either the Court of Appeals or the Supreme Court, depending on the nature of the judgment.

III. Court of Appeals

The Court of Appeals of Kentucky is the first level of Kentucky's appellate system.

Anyone adversely affected by a Circuit Court decision has a *legal right* to at least one appeal, and most of those appeals are handled by the Court of Appeals. All civil matters are appealed to the Court of Appeals. Only criminal cases in which the defendant was sentenced to *less than* 20 years imprisonment are appealed to the Court of Appeals. The Court of Appeals is composed of 14 Judges (two from each of Kentucky's seven Supreme Court Districts). However, the majority of cases are decided by a three-judge panel of the Court of Appeals.

IV. Kentucky Supreme Court

The Kentucky Supreme Court is the highest level of the court system in Kentucky.

The Supreme Court is the "court of last resort" in Kentucky, and has ultimate authority to declare the law in Kentucky. The Supreme Court does not automatically consider appeals from the Court of Appeals. Instead, the party seeking review must ask the Supreme Court to consider their appeal – and the Supreme Court denies that request in about 85% of the cases. However, there are some appeals that the Supreme Court automatically takes: criminal cases in which the defendant received a sentence of *more than* 20 years imprisonment or the death penalty.

Overview of an Appeal

An appeal is a case in which one party (referred to as the "**Appellant**") asks a higher court to review the trial proceedings. The Appellant cannot simply argue that she does not *like*

the trial court's judgment – she must make a legal argument. Generally, the Appellant can make two basic arguments: (1) the trial court applied the incorrect law to the proceedings, or (2) the trial court applied the correct law to the proceedings, but reached the wrong result. The party who opposes the appeal (in other words, the party who won in the trial court, called the “**Appellee**”) must then rebut the Appellant's argument. In Kentucky, everyone has the legal right to have an appellate court review the judgment. There are two different courts that might consider that appeal: the Court of Appeals or the Kentucky Supreme Court. If the Court of Appeals considers the case, the Kentucky Supreme Court may review the decision.

The Appeals Process

After the verdict and final judgment are handed down in the trial court, the appealing party must notify the court of their intention to appeal. This is called a “notice of appeal”. It must be filed within 30 days of the trial court's judgment. If no “notice of appeal” is filed, the trial court's judgment is final and enforceable.

The Appellant must then file a written “brief” in the court that will be considering the appeal – either the Court of Appeals or the Kentucky Supreme Court – and also send a copy of the brief to the Appellee. The brief is a legal document in which the Appellant states the reasons for the appeal, and explains why the judgment of the lower court should be *reversed (or overturned)*. The Appellee then has the opportunity to file its own brief, called a “response”. In that brief, the Appellee explains to the court why the judgment of the lower court should be *affirmed (or upheld)*. Finally, the Appellant has the chance to address the arguments made in the Appellee's brief. This final brief is called a “reply brief”. The reply brief is very short, and typically is limited to five pages.

Almost every appeal is determined based on the briefs alone. Only some cases are chosen for oral argument, which is discussed below. When no oral argument is conducted, the attorneys never have the opportunity to actually speak to the appellate judges considering the case, or answer questions about the case. For this reason, it is imperative that the briefs are thorough, clear, well-written, and fully explain the case to the judges. Even when an oral argument is being held, the brief is still the most important way for the attorneys to state their case to the court.

Legal Authority & Precedent

When citing legal authority in your oral argument, it is important to understand that there is a hierarchy of legal authority.

The order of authority is as follows:

I. United States Supreme Court

The US Supreme Court has the ultimate authority to say what the U.S. Constitution means, and their rulings apply to the entire country. Therefore, U.S. Supreme Court cases are the highest level of legal authority and must be followed.

II. Kentucky Supreme Court

The Kentucky Supreme Court has the ultimate authority to say what the Kentucky Constitution means. Therefore, Kentucky Supreme Court cases are binding on all Kentucky Courts. Also, the Kentucky Supreme Court has the authority to determine whether or not a state statute is constitutional under the Kentucky Constitution.

III. Kentucky Court of Appeals

Opinions from the Kentucky Court of Appeals are considered "persuasive" authority. However, the Kentucky Supreme Court is not *required* to follow Court of Appeals cases. For this reason, Court of Appeals cases are referred to as "not binding precedent."

IV. Cases From Other States

Cases from other states are not binding on the Kentucky Supreme Court. However, they may be cited and discussed at oral argument. Often, the Court is interested to know how other states have handled similar situations.

Legal Citations

There is a common system of legal citations used by all attorneys, in all U.S. courts. Attorneys use "case names", "reporters", and "volumes" to locate a specific case. Example case citations are below. Follow this format in your written brief.

- U.S. Supreme Court cases: *Upjohn v. U.S.*, 449 U.S. 231, 240 (1983)
- Kentucky Supreme Ct. Cases: *Commonwealth v. Brakes*, 334 S.W.2d 423 (Ky. 1970)
- Kentucky Court of Appeals Cases: *Carter v. Joseph*, 128 S.W.2d 1031 (Ky. App. 1990)

Look at the example U.S. Supreme Court case above. *Upjohn v. U.S.* is the case name, and it must always be italicized. "449" refers to the volume number. "U.S." refers to the reporting series in which the case appears – United States Supreme Court cases appear in the United States Reporter series, abbreviated as "U.S.". (Kentucky cases appear in the Southwest Reporter series, of which there are 3 volumes; e.g. "S.W.", "S.W.2d" or "S.W.3d")

II. The Supreme Court At KYA

Overview of Presiding & Supporting Officer Roles

The Supreme Court program will be led by one (1) Chief Justice, up to eight (8) Justices. Officers exist to *serve* the attorneys, both on and off the bench. Attorneys, use your officers as a helpful resource for the entirety of KYA.

The Chief Justice presides over the Supreme Court, leads fellow Justices on the bench during oral arguments and aids in the selection process for future Justices. This position is elected by justices in the program at the end of each KYA to serve the following year.

Associate Justices will assist in scoring oral arguments for the supreme court as well as aid in the selection process for future Justices. Associate Justices will be selected via application. These applications will be released in the fall semester of each year.

The Attorney General presides over the Constitutionality Room at KYA, working with attorneys to determine the constitutionality of bills passed by the House and Senate. The Attorney General elected by the program to serve the following year.

The Clerk of the Supreme Court calls the court to order, assists in keeping courtrooms on time, signals attorney teams when rounds are to begin, and compiles scoresheet results. This position is appointed by the Chief Justice, and is not eligible for program Presiding Officer positions (if they are a Junior).

Preparing Oral Arguments

Materials

CRITICAL NOTE: This competition has a **CLOSED** docket. When preparing your oral argument outlines & oral arguments themselves, advocates are **STRICTLY LIMITED** to the materials provided in the docket. Even if a case is parenthetically cited within a supporting document but not provided within the closed docket itself, you may **ONLY** use the information provided about the case that is contained within the docket. **NO** outside research is permitted.

Oral Argument Outlines

Attorneys will start their preparations by writing their oral argument outlines. For the purposes of KYA, outlines will not resemble a brief; instead, they will state the main points and sources used. Outlines will be handed in to the Chief Justice, and the opposing counsel during the first day's meeting. *There is an example of an oral argument outlined included in your materials, for reference on how to structure each and how to use your outlines as a guide for your oral argument.*

Be sure to print at least 16 copies of your outlines to provide to the teams you will compete against, as well as the Chief Justice. You will exchange these oral argument outlines at the meeting on the first day, before your case is presented. This will allow each side the opportunity to review the other side's outline. *(Note: no major changes may be made to any outlines or oral argument once outlines have been submitted).*

The Format of Oral Arguments at KYA

You will have 15 minutes to present your case. The Appellant will present first, followed by the Appellee, and then the Appellant may close with a rebuttal. **As the Appellant, you may reserve up to 5 minutes for rebuttal but you must do so before the arguments begin.**

While your presentation should not be a monologue, your preparation should allow you to utilize most of the time available to you without input from the Justices. Generally, Justices will allow at least the first few minutes for opening statements before beginning to interject questions.

Your arguments may take whatever form you prefer, and you may split your time between the Attorneys on your team any way you choose. Each Attorney may take the podium only once over the course of the presentation; *however*, during the course of questioning from the Justices, other Attorneys on your team may respond if the Attorney at the podium is unable to do so.

Many Attorney teams choose to provide a short outline ('roadmap') of their argument in their opening statements (aka a brief version of the oral argument outline), generally provided in a series of questions or points that Justices can easily note. This outline is then followed by an expansion of each of those points, usually set up with the strongest arguments coming first, followed by decreasingly strong points (to ensure that the strongest arguments aren't skipped due to time constraints).

For Example:

"Over the course of my presentation today, I will attempt to show the panel that the Cowbird Baptist Church's actions were legal for the following reasons—first, because the actions in question were done in a public setting, secondly because rhetoric hyperbole disproves actual malice, thirdly because the actions of the Church were indirect. As stated in *Dun & Bradstreet vs. Greenmoss Builders*. . . "

When presented in this format, Justices will typically wait to begin questions until this 'roadmap' outline is complete.

Oral Argument Do's & Don'ts

During your oral argument presentation, **DO:**

- Decide in advance how you will divide the fifteen minutes. If you are the Appellant, how much time will you reserve for rebuttal (up to 5 minutes possible)? For both sides, how will you divide the argument between you and your co-counsel? Who will speak first, and for how long, and on what topics?
- Always stand whenever you address the Court.
- Start your initial argument with, "May it please the Court."
- Address the judges as "Your Honor" or "Justice Jones". Address co-counsel and opposing counsel as "Mr. Dodd" or "Ms. Perkins".
- *Briefly* discuss the facts underlying the case, if you are the Appellant. However, keep in mind that the Justices are familiar with the basic circumstances of the case. You do not need to give them a "blow-by-blow" of every detail of the case.
- Skip straight to your argument if you are the Appellee. The Appellant has the advantage of rebuttal time. But the Appellee has the advantage of going second in the oral argument – so you do not need to repeat the facts of the case to the Court, unless you think that the Appellant has misrepresented an important detail.
- Stop talking immediately when a Justice interrupts you with a question (even if you were in the middle of making a point!).
- Answer the Justices' questions clearly and directly. Often, it is best to begin your response with a simple "yes" or "no", and then explain why.
- Nearing the end of your time, you may not to have had the opportunity to argue every point due to questioning from your justices- having a brief summation statement (no longer than 15 seconds) might be beneficial to end your argument with, asking the court to affirm or reverse the decision of the lower court as necessary.

During your oral argument, **DON'T:**

- Be rude, disrespectful, condescending or uncivil to opposing counsel. Personal attacks have NO place in an oral argument, and will only serve to undermine your credibility with the court.
- Get flustered when the Justices interrupt you. Expect that you will be interrupted while you are speaking. It is best to use your limited time to answer their specific questions.
- Forget to watch the clock! The Chief Justice will give you a one-minute "warning" when your time is about to expire.
- Ignore cases that don't support your argument. Instead, briefly acknowledge those cases, and then carefully explain to the court why they are distinguishable from your client's case.
- Be afraid of silence! It is perfectly fine to take a moment or two to gather your thoughts before answering one of the judge's questions.

- Forget to listen carefully to your opposing counsel's argument. Take notes during their presentation. A good lawyer will directly respond to arguments made by the other side.

Tips for Student Justices

Preparation: As a student Justice, it is your duty to review the case materials and familiarize yourself with all of the supporting case law.

However, Justices are prohibited from making up their mind before hearing the case. Do not decide in advance which side you favor. Be open-minded, and listen carefully to all of the arguments presented. Remember, you are deciding which student attorney is strongest – that is, which side presents the most persuasive and comprehensive argument. You are not deciding which side wins on the legal merits of the case.

Courtroom Procedure: When it appears that all student attorneys are present and ready to begin, the Student Clerk will call the Court to Order by saying, "All Rise". The Student Justices will enter the room and remain standing. The Clerk will then open Court with the following:

Here ye, here ye. Silence is commanded for the Justices of the Model Supreme Court of Kentucky. This Court is now in session. You may be seated.

The Student Justices will take their seats, and the Chief Justice should address the student attorneys:

Today we will hear the case of Commonwealth v. Gaither. As you are aware, each side will be given 15 minutes to present their argument. I will signal you when you have one minute remaining. Attorneys for the Appellant, do you wish to reserve any time for rebuttal?

At this time, we ask the attorneys for the Appellant to introduce yourselves to the Court, and to inform us how you will be dividing your time between your co-counsel?

And, attorneys for the Appellee, please introduce yourselves and let us know how you will be dividing your time?

Okay. Are the parties ready to proceed? [Attorney's Last Name], you may begin.

Questions During Oral Argument: As you know, the student attorneys have worked hard to prepare the case, and are likely nervous to begin their presentation. Allow the student attorneys a few minutes to begin their argument before asking questions. If a student attorney seems flustered or appears to be faltering, ask some questions about the facts of the case to help get them back on track. It is best to prepare your questions for each side in advance, so that they are clear and well-articulated and, therefore, easy for the student attorney to understand. Always use a respectful tone; do not be argumentative with the student attorneys, even when you disagree with the position they are taking.

Time Keeping: It is the duty of the Chief Justice to keep time. Be aware that the format of the program has changed this year, in conformity with the procedure of the Kentucky Court of Appeals and Kentucky Supreme Court. Each side will be given 15 minutes to present their argument. Each side (Appellant and Appellee) has up to three student attorneys, and the attorneys may divide this time between themselves however they see fit. Additionally, the Appellant has the right to reserve up to 5 minutes for rebuttal, which is deducted from their 15 minutes total. It is the Appellant's duty to announce this before the oral argument begins. For example, if the Appellant reserves 3 minutes of time for rebuttal, the oral argument would proceed as follows:

Argument for Appellant: 12 minutes

Argument for Appellee: 15 minutes

Rebuttal by Appellant: 3 minutes

It is very important that the Chief Justice keeps track of the time carefully. Also, the Chief Justice should provide a non-distracting warning that the attorney has 1 minute remaining (quietly raise a finger). It is within the Chief Justice's sole discretion to provide an attorney an extra 30 seconds to complete a thought or to answer a question from the bench.

Procedure In the Courtroom

Interaction With Justices

As an Attorney, your interactions with the Justices should be deferential and polite. Justices should *not* be taking a clear position with regards to your argument, but they may pursue rigorous lines of questioning regarding specific points in your argument. Your responses to Justices should remain polite and deferential at all times; your role is not to debate the Justices, but to provide them with information.

Sample Justice Questions

Attorneys, please note these are several sample, non-specific questions that the Justices are prepared to ask you regarding your case. These questions are meant to clarify your argument and make you articulate your thoughts before the Court. Please prepare accordingly.

- What case law or precedent (supporting materials) is there for your claim, Counselor?
- Counselor, based off of (insert fact from case), is it not reasonable to assume (claim contradictory to their argument)?
- Counselor, it has been stated in the fact pattern that (insert fact). How does this affect your claim?
- Counselor, how does the precedent of (insert precedent) apply to the case at bar?
- Counselor, is it not true that (insert precedent) would lead us to apply the law in this way? How does the knowledge of this case precedent (one that supports the opposing counsel) affect your argument?
- Counselor, do you believe establishment of a new precedent is in order for the case at bar?
- Counselor, how do you justify this action by the (appellee or appellant) with specific precedent?
- Counselor, your opponent contends that (X) against your argument, how do you respond?
- Counselor, the case material (for a specific case) provided this information: (X-info). How do you respond to the idea that this supporting evidence weakens your case?
- What is the limit/boundary to which we can extend this principle? Would this decision set a dangerous precedent?
- How does this difference in the case precedent and the case at hand affect your argument?

Hints from the Bench

- Original arguments come from your own logic being fused with the provided materials. Make it a point to try and make a point that wasn't originally addressed.
- There is no penalty for stopping to think before a question.
- We only know what you tell us. Make sure to litter your arguments and answers to questions with facts and precedent that you find in a case.
- Make all of your words intentional. Having words or phrases that are repeated throughout an argument to make a point can help to make your argument more persuasive and effective.
- This is meant to feel like a conversation! Treat it like one. You have worked hard and we are confident that you know what you are talking about. Just imagine you're having a casual business lunch with friends.
- Strong opening and closing statements can be the difference between a good and great speaker.
- The Justices are your friends. Not sure if something that you are doing is effective? ASK!
- Yielding questions does not mean that you are a subpar advocate. The ability to know your own strengths as well as those of your team is a strength as well as those of your team is a strength in and of itself. You never have to feel flustered answering a question that you don't feel comfortable with.
- Reading from your paper is allowed, but it can take away from your presentation. Keeping just an outline of your argument can just as effectively steer you in the right direction when you lose your words and makes it easier to find your place after answering a question.

III. Scoring, Ranking, Awards, Elections

Scoring

Attorneys of both sides will be scored based on the following criteria:

- Knowledge & Use of Facts
- Knowledge & Use of Case Law
- Effectiveness/ Persuasiveness
- Ability to Respond to Questions
- Demeanor/ Presentation

Sample Scoresheet

Round: 1 2 3

Scorer: Justice / Professional (Circle One)

Attorney Name 1:

Attorney Name 2:

Attorney Name 3:

Team School:

1-Poor 2-Below Average 3-Average 4-Above Average 5-Excellent

			Notes (Optional)
Knowledge and Use of Facts	1 2 3 4 5		
Knowledge & Use of Case Law	1 2 3 4 5		
Effectiveness / Persuasiveness	1 2 3 4 5		
Ability to Respond to Questions	1 2 3 4 5		
Demeanor / Presentation	1 2 3 4 5		
Total Score:			

Appellant Team Total (Total Score Above)		Opposing Team Total (Appellee)	
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Comprehensive Feedback:

Nomination for Outstanding Attorney:

*This is the **one attorney** which best exemplifies the above team criteria and that significantly stood out based on the above criteria. **You may nominate up to one per team per round.**
Note: You may not have a nomination if no advocate in the round qualifies.*

Ranking

To more closely model the YMCA National Judicial Program, teams will be ranked. Your team's rank is determined via the number of points your team accrues throughout the course of three (3) rounds of oral arguments, as determined by student Justices. The total sum of your team's points will determine your ranking within the program (for point criteria, see scoring sheet). The two (2) top ranked teams will be announced after the Outstanding Showcase Round. Your personal ranking will be listed in your score sheet packet to be picked up after the ceremony.

Awards

All Attorneys are eligible for awards, regardless of school grade. You are eligible for nominations in both the first and second rounds.

These awards include:

Outstanding Attorneys (4): Based on their performance and scoring by justices/legal professionals during preliminary rounds of oral arguments, 4 attorneys will be selected as Outstanding Attorneys to participate in our Judicial Showcase on the final morning of KYA.

Outstanding Showcase

The Top **four** (4) attorneys in the program will win Outstanding Attorney Awards. They will also be asked to participate in a final Showcase Round on the final morning. These four students are selected by having received the greatest number of nominations from student Justices during their three (3) rounds of oral arguments.

Supreme Court Showcase Winners: Based on the final opinion and scoring of our KYA Supreme Court, the two Outstanding Attorneys representing one side of the case will be named the winners of the Judicial Showcase.

Outstanding Attorney Team: Awarded to the highest ranking appellate and appellee attorney teams based on scores from 3 rounds of oral arguments as determined by student Justices and legal professionals.

Elections & Appointments

Chief Justice: Election of the Chief Justice will be conducted by secret ballot. Each justice will submit two (2) advocate nominations to the Chief Justice, who will then determine the top nomination for the position of Chief Justice. The pool may possibly come from within the current justice panel (if applicable), or from the participant pool at-large.

- Chief Justice nominees must be in 11th grade.
- The Chief Justice reserves the right to resolve a tie between two or more nominees.

Attorney General: Eligible 11th grade attorneys will have the opportunity to run for the position of Attorney General during the meeting on the final night of the program. Students interested in running for the position must turn in a PO Commitment form prior to running and will give a one minute speech to program attorneys. The attorneys and Attorney

General will then vote for their top candidate. Vote will be decided by simple majority, the Attorney General reserves the right to resolve a tie between two or more nominees.

Associate Justice Appointment: In an effort to continue our commitment to align the Kentucky Model Supreme Court Program with national Youth and Government best practices, the process for selecting Associate Justices is an application process. Selection will be based on strength of written application, previous performance in the program, and ability to complete program requirements.

- Up to eight associate justices will be selected based on blind ranking of student applications
- Six associate justices will serve during the Showcase Round at each KYA to align with the actual KY Supreme Court.
- Applications will be accepted from 11th and 12th grade advocates.
- The Chief Justice reserves the right to resolve a tie between two or more applicants.

Clerk Appointments: The Chief Justice may appoint their own clerk. Selections may be made via direct appointment, or via open application. There is no grade or prior program participation requirement.

IV. GLOSSARY

Attorney/Counselor — The person who is arguing; one who is representing their client before the court

Appeal — A request to a higher court to review a lower court’s decision, put forth by the appellant in hopes of reversing the lower court’s decision.

Appellant — The advocates/side that request an appeal.

Civil Case — A case that usually involves private disputes between persons or entities, where the damage or dispute only pertains to the parties in question.

Criminal Case — A case that usually involves a person or entity committing an illegal action that affects society as a whole, where the damage may pertain to multiple persons.

Co-Council — Partners/Teammates of a counselor. A justice may say “As your co-council mentioned earlier,” when referring to something your teammate previously discussed.

KRS — Short for “Kentucky Revised Statute,” it signifies a law passed by the Kentucky General Assembly, followed by a three-digit chapter number (signifying the broad area that many laws may fall under) and three digits specifying a specific law. If needed, sections and subsections will follow in parenthesis.

- ***KRS 212.230 (1) (c)*** refers to a Kentucky Revised Statute, falling in chapter 212 (laws dealing with Local Health Programs), specifically section 230 (enumerating the powers of city, county, and district Boards of Health), section 1 (defining powers) subsection (c), listing Boards’ power to make and enforce regulations.

Precedent — An earlier action, case, or ruling from any court which may act as a guide to the current case. There are two types of precedent: binding, and non-binding.

- **Binding Precedent-** Precedent that a court must abide by in its adjudication of a case.
- **Non-Binding Precedent-** Precedent that a court may, but is not required to, rely on in deciding a case.

Affirmed/reversed (overturned/upheld) — When a higher court reviews a lower court’s decision, they will either affirm or reverse the decision. Affirming the decision means that the lower court’s ruling will stand. Reversing the decision means that the higher court believes the lower court reached an incorrect decision and sided with the wrong side, and therefore sides with the other party.

- When finishing your argument, it is common practice to end with a statement similar to: “Due to X, Y, and Z, we respectfully request that this court affirm/reverse the decision of the lower court. Thank you.”

Bench — Refers to the justice panel, set of officials, or other presiding persons that judge and hear a case. In the literal sense, if you “approach the bench,” you come forward before the justices to present your case.

Brief — A document consisting of several pages that provides a complete and very thorough description of your argument, including all cases used with complete citations. Theoretically, a judge could read the briefs of both side and come to a decision without ever hearing an oral argument.

Case Law — The rulings, judgements, fact patterns, and all information pertaining to previously argued cases that helps build an argument.

Citation — The specific manner in which all cases argued in the United States must be referred to within briefs and official documents

Claim — An argument or point of contention made by an advocate, based upon facts and information.

Constitutionality — Refers to the legality of a statute or ruling based upon *either* the United States Constitution or Kentucky Constitution. A statute or ruling in violation of the United States constitution is usually also in violation of the Kentucky Constitution.

Contention — an assertion or argument maintained in debate. Usually referred to as a “point of contention.”

Docket — Also known as “the record,” it refers to the cases, laws, facts that are to be utilized in the oral arguments.

Fact pattern — The elements and facts of a case that distinguish it from all other cases. Cases may have similar fact patterns which allow the course to draw upon them for comparison.

Lower court/Higher court — Lower courts are courts that have less power than the court above them. The case gets appealed to a higher court, such as the Kentucky Supreme Court or even the United States Supreme Court.

Outline — Differs from a brief in that an outline is a short overview of all the major points and cases in your argument. It should not be a total word-for-word review of your argument, but it should cover your points well.

Rebuttal — A response to your opponent's argument, that may not be in your original outline. The appellant has time specially set aside for this, but the appellee may also utilize some of their time to respond to points their opponent has made.

Statute — Synonymous with law, it is a piece of legislation passed by the general assembly or other legislative body that provides a rule for a specific topic. They are always binding.

Summary Judgment — After the court has heard a case, they release a summary judgment, listing the reasons for their ruling. The justices that agreed with the finding report the majority opinion, and the justices who disagreed write the dissenting opinion, each providing their reasoning for their findings.

Test — A test may be defined by a certain case to provide a definition. For example, the *Hollins test* lays out the requirements for an entity to be considered a religious institution. A test is usually defined by the summary opinion of a previously decided case.

- **Balancing Test**— a test that weighs two or more competing needs. A court may use a balancing test to weigh the Right of Free Speech with the Right to Privacy. It normally takes two previously mutually exclusive ideas and allows them to exist concurrently, in an effort to provide fairness in a question of law.
- **"At bar"** — Means that something is in question before the court. Most commonly heard in the saying "the case at bar," meaning the case in question.