

# Youth In Government Supreme Court Component Policies

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## I. General

1. All of the general rules and policies of the Center for Civic Engagement and the Youth in Government conference apply to the Supreme Court as well, but these rules take precedence in the event of a conflict and where they are more specific.
2. The interpretation of these rules is at the discretion of the state director and, in her stead as circumstances require, the component leaders.
3. At all times, every adult and youth participant in the component will act in such a way as to promote a friendly and respectful atmosphere of debate and learning.
4. The functions of the Model Supreme Court are:
  - (a) to conduct an appellate moot court competition among lawyer teams in two divisions, novice and senior, and to choose two finalist teams, and one winner team in each; and
  - (b) at the court's discretion, to conduct oral judicial review proceedings to determine the constitutionality of a bill where there is a disagreement between the bill's sponsors and the Attorney-General about its constitutionality.
5. The Supreme Court is presided over by the Chief Justice within the parameters set forth by the Center for Civic Engagement and the component leaders. In particular, the Chief Justice
  - (a) sets the court docket, presides over all oral argument sessions and all other sessions and meetings of the justices and the court, and bears overall responsibility for the main mooting competition; and

(b) decides which bills, if any, over which to hear judicial review proceedings and when these hearings will take place.

6. The component leaders have overall responsibility for the component, particularly

(a) supervision of the component participants;

(b) assistance with the cases and the law; and

(c) the selection of award winners for the best written pleadings, the outstanding justice award, and, at their discretion and subject to the approval of the state director, a delegate and/or alternate to the National Affairs conference.

7. The Supreme Court Bar consists of the Attorney-General, the Solicitor-General, and all the lawyers participating in the conference in both divisions.

8. No money should ever change hands in the Supreme Court component. This includes but is not limited to bill sponsors' retainer of attorney teams. Candidates may not spend any money on their election campaigns.

## **II. Election rules**

### **A. Offices**

9. The officers of the Supreme Court are the Chief Justice, four Associate Justices, the Attorney-General, the Solicitor-General, the Clerk of the Court, and the Marshal of the Court.

10. In addition to the responsibilities set out in rule 5 above, the Chief Justice represents the component as a whole at the conference, administers the oath of office to conference officers, and performs such other duties as the conference or the CCE may require.

11. The Associate Justices assist the Chief Justice in the conduct of oral hearings, and, at the direction of the Chief Justice, the administration of the court and the assistance of bill sponsors and members of the Supreme Court Bar. They participate in the scoring process that determines the finalists in each division of the mooted competition, and vote in all decisions of the Court in cases where they have sat on the bench for the oral argument. If the Chief Justice is prevented from presiding over an oral hearing, she will designate an Associate Justice to preside in her place.

12. The Attorney-General forms part of the lawyer team representing the State of Tennessee in judicial review proceedings. She advises conference participants in any component about the constitutionality of proposed legislation or Governor's Cabinet initiatives. If she disagrees with the sponsors of a bill about the constitutionality of that bill and the matter is set for oral hearing

in the Supreme Court, she assists the Solicitor General in the preparation and delivery of that argument.

**13.** The Solicitor-General forms part of the lawyer team representing the State of Tennessee in judicial review proceedings. She bears primary responsibility for the preparation and argument of judicial review proceedings before the Supreme Court, and serves as leading counsel in these hearings.

**14.** The Clerk of the Court prepares public notice of the court docket, serves as the liaison between the Supreme Court and the Supreme Court Bar, and bears general responsibility for the administrative management of the Supreme Court, including the preparation and delivery of written communications to other components as to the Court's decision in judicial review proceedings. The Clerk also assists the component leaders in the preparation of election materials. She also assists the Marshal during oral arguments as necessary.

**15.** The Marshal of the Court ensures the smooth conduct of oral hearings. She announces the opening of proceedings and the entrance of the justices (along with appropriate gavel-banging), and keeps and notifies counsel of time during oral argument. She assists the Clerk in the administration of the court as necessary.

## **B. Conduct of elections**

**16.** The component leaders will make written nomination forms (Appendix C) available at the start of the conference. These nomination forms must be completed and returned to the component leaders by the end of the Saturday lunch break. No candidate may stand for election who has not turned in a completed nomination form in good time.

**17.** Elections are conducted in the last hour of business on Saturday as scheduled in the conference bill book. The election session is presided over by the component leaders.

**18.** The Chief Justice, the Associate Justices, the Clerk, the Marshal, and the members of the Supreme Court Bar are eligible to vote. No one who is participating in a component other than the Supreme Court at the current conference is eligible to stand or vote in the election.

**19.** Elections to the offices of the Supreme Court are free, fair, equal, and conducted in secret.

**20.** Voting is done on the ballot papers provided in the election session (Appendix D).

(a) Voters may vote for as many candidates as there are officer positions to fill. For the Chief Justice race, they may mark one choice; for Associate Justice, four; for Attorney-General/Solicitor-General, two; for Clerk/Marshal, two.

(b) A ballot paper that does not clearly indicate any choice or indicates too many candidates is not valid and not counted in respect of that race.

**21.** The component leaders count the votes cast and communicate the result to the State Director. Results are not released until the closing session of the YIG conference on Sunday. The results and the original ballot papers are kept by the CCE until the close of the following conference.

**22.** At the election session, each candidate will have the opportunity to make a one-minute speech for each race in which she is running. The component leaders may intervene to end a speech prematurely or disqualify a candidate if the content of the speech is inappropriate.

**23.** Neither speeches nor votes may be made by proxy, but a candidate may stand for election without being present at the election session itself.

**24.** The winner of each election is as set out in Appendix A. In the event of a tie, the component leaders will hold an impromptu runoff election between the candidates involved in the tie. No runoff will be held for a tie in the Associate Justice race where it is not necessary to resolve the tie in order to determine the top four vote totals. In the event of a tie between two candidates where there are only two candidates in the race, the tie will be resolved by sortition using a method prescribed by the component leaders.

### **C. Special situations, dispute of elections**

**25.** In general, if an officer withdraws from the conference, resigns, or is declared ineligible to participate before the start of the conference at which she was to have been an officer, she will be replaced with the candidate who received the next-highest number of votes at the election or, at the discretion of the state director, with someone elected to that position at another conference as outlined in (b) and (d) below.

(a) If the name of the runner-up cannot be determined or is not contained in the election records, the state director will fill the office using her discretion.

(b) If more than one candidate received the next-highest number of votes and there are fewer vacant positions than candidates who received the next-highest number of votes, the state director will fill the office using her discretion in consultation with the component leaders.

(c) As a rule, there should never be more than one chief justice or more than four associate justices at any one conference.

(d) If a student is elected to office for a given conference and her school later chooses not to participate in that conference or to attend Youth in Government at a different conference in the same year, that student may nevertheless serve in the officer position to which she was elected. Special arrangements for such circumstance will be made directly with the State Director as the case arises.

**26.** If there is any dispute about the conduct of the election, the filling of vacant offices after the election, or the interpretation of these rules, the state director has discretion to finally and bindingly settle the matter in the manner she sees fit.

### **III. Court procedure**

#### **A. The main moot court competition**

##### *Written pleadings*

**27.** The preparation of written pleadings ("briefs") is a critical step in the preparation for oral argument, and a mandatory task for all lawyer teams wishing to participate in the competition.

**28.** Each participant lawyer team must hand in briefs for both sides of the moot court case by the deadline set by the state director. The Chief Justice may disqualify teams who have not submitted briefs by the start of the conference.

**29.** The briefs are to conform to the guidelines set out in the YIG Delegate Manual and the Model Supreme Court Lawyer Packet.

**30.** If a team intends to rely on any authorities other than those handed out with the case by the CCE, they must provide copies of these authorities per the instructions in the lawyer packet.

##### *Assignment of teams to divisions*

**31.** The Chief Justice will, with the advice and consultation of the Associate Justices, assign each team to either the Novice or the Senior division. In doing so, she must take the following factors into consideration:

- (a) The quality of the team's written pleadings;
- (b) The YIG and MUN court experience of the teams as stated on their registration forms;
- (c) The grade level of the team participants.

**32.** She may also take the following factors into consideration:

- (a) The overall size of the competition and the relative size of the novice and senior divisions;
- (b) Law-related experience other than in a MUN or YIG conference (e.g. mock trial), or non-law public speaking experience (e.g. debate team, forensics, or other YIG or MUN experience).

**33.** She may not take into consideration any personal information about the lawyer participants other than their grade level, including (but not limited to) their school or town of origin.

### *Oral arguments*

**34.** Each team has an overall total of thirty minutes to present their argument at oral hearing. There is no obligation to use all of this time, and teams may apportion it between their main argument and (re-)rebuttal however they wish.

(a) The Chief Justice may equally reduce the time allotted to both teams at her discretion, but not to less than ten minutes for each side.

(b) The order of arguments is:

- (1) Main argument by the Appellant
- (2) Main argument by the Appellee
- (3) Rebuttal by the Appellant (subject to time remaining)
- (4) Re-Rebuttal by the Appellee (subject to time remaining)

**35.** No team is entitled to rebuttal or re-rebuttal if they have used all of their time for their main argument.

**36.** The Appellant may not raise any issue during rebuttal not addressed by the appellee in their main argument; the appellee may not raise any issue during re-rebuttal not raised by the appellant on rebuttal.

**37.** Counsel should be prepared to be interrupted by questions from the bench. Time continues to run while these questions are being asked and answered.

**38.** This rule does not apply to statutes, general doctrines of the common law, or the constitutions of the United States or the State of Tennessee, but no team may cite or rely on a case which does not appear either:

(a) in the standard table of authorities provided by the CCE in the lawyer packet,  
or

(b) in their written pleadings.

**39.** A complete round of senior division cases will be called before any novice division rounds are called.

**40.** Each team must argue the appellant side at least once and the appellee side at least once.

**41.** At the conclusion of oral argument, the court will issue a ruling on the merits of the case and feedback about the lawyers' performance. They may take time for deliberation before doing so. The verdict and feedback will be delivered in a manner designated by the Chief Justice.

### *Selecting finalists*

**42.** The Chief Justice will set and adhere to a consistent scoring system for the selection of a finalist appellant team and a finalist appellee team in each division of the competition. The system for selection must be fair, transparent, appropriate, documented, and decipherable and reviewable by the component leaders and the state director, all of whom reserve the right to

reject it and replace it with a different system. This also applies to the selection of a winner in each division in the final round.

**43.** Once the court has made its decision, the finalists will be announced at the close of the election session on Saturday, or, at the discretion of the component leader, earlier. They are excused from all conference activities following the announcement, subject to the supervision and guidelines of the component leaders and the teams' advisors.

#### *The final round*

**44.** The general procedure for oral arguments in rules 34-37 applies to the final round as well.

**45.** External authorities beyond those handed out in the final case pack are not permitted in the final round.

**46.** The court will reserve judgment at the end of the final round and give neither a verdict nor feedback; the winners will be announced as the outstanding attorney team for their respective divisions at the closing session of the conference.

### **B. Judicial review**

#### *Initiation of judicial review proceedings*

**47.** The Attorney-General may challenge the constitutionality of any bill or Governor's Cabinet proposal by bringing a judicial review action in the Supreme Court. She brings the action by notifying the Clerk of the Court and the sponsors of the bill or cabinet proposal at the earliest possible time.

**48.** The Chief Justice may grant oral argument of judicial review proceedings once she is satisfied that the bill sponsors have been given notice of the proceedings. She will communicate to the sponsors and the Attorney-General and Solicitor-General the day and time of the oral hearing and summon them to appear.

**49.** Leading counsel for the State of Tennessee in judicial review proceedings will be the Solicitor-General, with the assistance of the Attorney-General.

**50.** The sponsors of the bill may argue the case themselves, or they may retain an attorney team from the Supreme Court Bar to represent them.

**51.** The Chief Justice shall not set an oral hearing for judicial review proceedings in respect of a bill or proposal if the sponsors are unwilling to appear and no advocates can be found to represent them.

#### *Judicial review hearing procedure*

**52.** Rules 34-37 about oral argument apply to judicial review proceedings.

**53.** Counsel must advise their opponent team fairly and in good time of the authorities on which they intend to rely. If at all possible, they must provide their opponents and the Court with copies of these authorities.

**54.** The Court must rule on the merits of the case, but need not give feedback on the lawyers' performance. The Clerk will communicate the verdict to any relevant conference component as mandated by the Chief Justice.

**APPENDIX A: TABLE OF OFFICERS**

<b>Office</b>	<b>Voting system</b>	<b>Experience required</b>	<b>Dual candidacy?</b>
Chief justice	Most votes wins	current conference on bench, as AG or SG, as clerk/marshal, or as senior attorney	can also run for Associate Justice
Associate justice	Four candidates with highest vote totals elected	current conference on bench, as clerk/marshal, or at bar (including AG/SG)	can also run for Chief Justice
Attorney-General	Most votes in combined AG/SG race	current conference YIG bench, clerk/marshal, or bar	AG/SG combined race; cannot run for anything else
Solicitor-General	Second-most votes in combined AG/SG race	current conference YIG bench or bar	AG/SG combined race; cannot run for anything else
Clerk of the Court	Most votes in combined clerk/marshal race	current YIG conference bench, clerk/marshal, or bar	Clerk/marshal races combined; cannot run for anything else
Marshal of the Court	Second-most votes in combined clerk/marshal race	current YIG conference bench, clerk/marshal, or bar	Clerk/marshal races combined; cannot run for anything else

### APPENDIX B: TABLE OF AWARDS

Award name	Winner chosen by	Award given...
Outstanding attorney team (senior)	Justices	at every conference
Outstanding attorney team (novice)	Justices	at every conference
Outstanding briefs (senior)	Component leaders	at the component leaders' discretion
Outstanding briefs (novice)	Component leaders	at the component leaders' discretion
Outstanding justice	Component leaders	at every conference
National Affairs delegate and/or alternate	Component leaders	at the component leaders' discretion



## TENNESSEE YMCA MODEL SUPREME COURT OFFICER CANDIDATE NOMINATION FORM

**Attention all potential officer candidates:** this form is to be completed and returned to the Supreme Court component leaders at the conference by the end of the lunch break on Saturday. Failure to hand in a completed form by this time will mean that you are not eligible to run for office.

### CANDIDATE INFORMATION

Name:

School:

Grade:

Name of advisor signing this form below:

DECLARATION OF CANDIDACY: I am running for the following office(s): *check one only; the form is not valid otherwise*

- Chief Justice ONLY
- Associate Justice ONLY
- Chief Justice AND Associate Justice
- Attorney-General / Solicitor General
- Clerk / Marshal

DECLARATION OF EXPERIENCE: At the **current conference**, I am:

- Chief Justice or Associate Justice
- Attorney-General, Solicitor-General, or senior division attorney
- Clerk or Marshal
- Novice division attorney

APPROVAL OF CANDIDACY: I, the undersigned candidate, certify that all of the information on this form is true and correct. I, the undersigned advisor, support this student's candidacy for the above office.

\_\_\_\_\_  
CANDIDATE

\_\_\_\_\_  
ADVISOR

TENNESSEE MODEL SUPREME COURT  
SUPREME COURT ELECTION BALLOT  
2057 CONFERENCE C

CHIEF JUSTICE (vote for one):

- Thurgood MARSHALL
- Antonin SCALIA

ASSOCIATE JUSTICE (vote for up to four):

- William Howard TAFT
- Louis BRANDEIS
- Clarence DARROW
- Sonia SOTOMAYOR
- Benjamin CARDOZO

ATTORNEY GENERAL / SOLICITOR GENERAL (vote for up to two):

- Janet RENO
- Theodore OLSON
- Alberto GONZALES

CLERK OF THE COURT / MARSHAL OF THE COURT (vote for up to two):

- David BOIES
- Marcia CLARK
- Nancy GRACE