



Indiana YMCA Youth and Government Supreme Court Overview

Attorneys make oral arguments in court when the issues are legal. That is, they do not rely on a determination of fact, like what happened to whom and when or which witness is telling the truth. In reality, attorneys can make oral arguments at several stages of a case: before trial, during trial (away from the hearing of jurors), after trial, and on appeal. These arguments can be about the entire case or about a very narrow set of issues. Most cases in front of the U.S. and Indiana supreme courts include oral arguments.

In Indiana YMCA Youth and Government, oral arguments follow the same procedural rules as a typical case before the Indiana Supreme Court. Each side gets twenty minutes, and the Appellants (in some cases the Petitioner) gets the right to use some of that time for rebuttal.

Case Assignments

Youth and Government attorneys receive their assignments shortly after the Organizational Meetings conclude. Students rank the cases in the order of their preferences (1–4), and these preferences are granted roughly based on seniority, although other considerations, like delegation, are also included in these assignments. Seniority is based on the following, in order: (1) Attended this year’s Organizational Meeting, (2) Number of years participated in the Court program, (3) Number of years participated in Indiana YMCA Youth and Government, (4) High school graduation year, and (5) Age. The Court Director will attempt to place students from the same delegation on the same side (Appellant or Appellee).

Justice Assignments

Assignment to serve as Association Justices follows the same order of seniority, minus attendance at the Organizational Meetings. No student has to serve as Associate Justice. Justices sit in order of seniority, with the Chief Justice sitting in the middle. The most senior Associate Justice sits on the Chief Justice’s right, and the most junior Associate Justice sits on the Chief Justice’s left. In other words, the justices sit in this order, with Associate 1 being the most senior Associate Justice: Associate 2—Associate 1—Chief Justice—Associate 4—Associate 3. Seniority within each panel is similarly determined by criteria (2) through (4) above.

Oral Argument

During oral argument, the Court places a timer on the podium. The timer shows twenty minutes minus the amount of time the Appellant seeks for rebuttal at the beginning of the Appellant’s argument. At the beginning of Appellee’s time, it reads “20:00.” At this point, the green light is on. When two minutes or less remains, the yellow light replaces the green light. When time is up, the red light begins flashing, and the time begins to run into negative numbers (e.g., it will read -2:30 when the attorney goes 2.5 minutes over). If the Appellant’s attorneys go over their stated time during their opening argument, the timekeeper will deduct that time from their rebuttal. If the red light flashes during either Appellee’s time or the Appellant’s rebuttal, they are over time and



should finish immediately. If this is more than finishing the present sentence, it is a good idea to ask the Court for permission to finish. If the Court grants permission, this should be no more than a sentence or two to summarize the argument. The Chief Justice may politely inform the attorney that the attorney has used up the allotted time and signal that the attorney has overused any additional time given by the Court. This might sound something like, “Counsel, your time has elapsed. Thank you for your efforts.” The attorney may say “Thank you,” but should return to counsels’ table.

Appellants have a right to rebuttal. Youth and Government attorneys may request no rebuttal time or up to eight minutes for rebuttal (leaving twelve minutes for the opening argument).

In summary, Oral Arguments follow this format:

- Each side gets 20 minutes
- Appellant argues first, reserving time (up to 8 minutes) from 20 minutes for rebuttal
- Appellee argues second for up to 20 minutes
- Appellant argues last, in a rebuttal, with remaining time (up to 8 minutes)

Amici Curiae

If a student attorney wishes to participate in the preparation or argument for a case other than the one assigned for attorney or justice, the student must ask permission from the assigned attorneys. Assigned attorneys may decline the offer, accept help with preparation, or give time at oral argument. No student has a right to participate in oral argument in a case other than that assigned.

If a student who seeks to help attorneys who then decline the assistance, the student may file with the Court a motion to participate in oral argument as *amicus curiae* (Latin for “friend of the court”). This motion must be filed, with signatures from attorneys assigned to the case indicating whether or not they object, with the Court Director before curfew on Friday night and must include a statement of the party the attorney seeks to represent (the student can use an existing organization or other interested entity or may make one up), a statement of which party the *amicus* aligns with, and an explanation of why *amicus* would be helpful in the case. The assigned attorneys may, but are not required to, file a response to the motion within one hour of the motion’s filing with the Court. The Court will rule on the motion before the first Oral Argument at the Conference. If the Court grants the motion, the order must include the amount of time the *amicus* will receive at oral argument, up to five minutes. This time comes out of the aligned party’s argument time. If the Court grants the motion, the *amicus* attorney will receive the same amount of time in both sessions, so both teams lose the same amount of argument time.

Justices Voting

After the first session’s oral argument, the justice retire to the Robing Room, where they discuss the case and share their thoughts. The Chief Justice presides over this meeting. They do not yet vote on the outcome of the case. Discussion is structured in the



following manner: Each justice speaks in turn. The most junior Associate Justice speaks first, and the other justices speak in order of reverse seniority with the Chief Justice speaking last.

Opinion Assignment

After the second session's oral argument, the justices again retire to the Robing Room. This time, the justices discuss and vote. Again, the Chief Justice presides, and again, the order of speaking is in reverse order of seniority. Each justice should first state the justice's vote and explain the decision. The justice may also state how strongly the justice feels about the vote to signal to the other justices how likely it is they can persuade the justice to change the vote. After all the justices have spoken once, the discussion can be less formal or can continue into one or more additional rounds of discussion in reverse order of seniority, depending on how the Chief Justice wishes to proceed. Once the Chief Justice thinks the discussion is over and no votes will change, the Chief Justice asks for a volunteer to write the majority opinion. The Chief Justice or another justice may nominate another justice if someone seems to articulate the reasons of the majority especially well. Any justice wishing to write separately from the majority may do so, and when there is at least one dissenting justice, at least one dissenting opinion must be written.

Opinion Writing (and another round of Voting)

The Associate Justices assigned to write the opinions must work with the volunteer attorneys to write them. Opinions must be circulated to the other four justices by curfew Saturday night for all cases in which argument is complete. When reviewing each opinion, the justices have the following options to vote: Read, Concur, Concur in Result, Dissent, Join in Dissent, or a combination of these (e.g., Concur in Part and Dissent in Part).

Opinion Publication

Copies of these opinions will be distributed to the Conference before or at the Celebration Banquet and included in the Conference records compiled by the Secretary of State.