



# Boot Camp

UNT Moot Court, 2023-24

# The Executives

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# Pop Quiz

Good Luck.



Jenny is a 19 y/o  
undergraduate in good  
academic standing. She is  
flatout broke. Is she eligible  
to join UNT Moot Court?



# Yes!

You do not need to worry about paying any expenses besides the cost of a suit. If you make the team and cannot afford a suit, please reach out to us.

Greg is 26 y/o and double majoring in music education and sociology. He has no experience but is in good academic standing. Is he eligible to join?

# Yes!

Double-majoring is not the same as receiving a second Bachelor's, so you would be eligible to join. We also welcome those who are inexperienced in legal argumentation and public speaking. We will teach you everything you need to know!

Joaquin came back to school to earn another Bachelor's, this time in history. He is in good academic standing. Is he eligible to join the team?



No :(

You must be an undergraduate student working towards your first Bachelor to be eligible to join the team.

Julia is a political science major and mother to two children. She is in good academic standing. Is she eligible to join?



# Yes!

Parents and non-traditional students are  
welcomed on our team.

T/F

You will be assigned a tryout  
slot.



# False!

You must sign-up for a tryout slot and fill out a tryout form. The link is on our website.

T/F

During your interview, we will discuss your experience with argumentation.

# False!

We will only ask questions to verify your eligibility during your interview. We will also not preclude you from the team because you are inexperienced. We all had to start somewhere!

T/F

You are strongly recommended  
to wear a suit to tryouts.



# False!

While you will need a suit for competitions, at tryouts and practices, we encourage you to dress in whatever makes you feel comfortable and confident.

T/F

You will give a 9-minute,  
uninturrupted argument.

# False!

Your argument should be 8 minutes long, and we will ask questions throughout.

T/F

Returning members are  
guaranteed a spot on the team.



# False!

Returning members must try out like everyone else and are held to the same standard, if not slightly higher.

T/F

Returning members are advised  
to sign up for a tryout during  
the first week.

# True!

Returning members are strongly encouraged to lead by example and sign up for a slot during the first week. This will also give newcomers more time to prepare.



# BASIC TRAINING

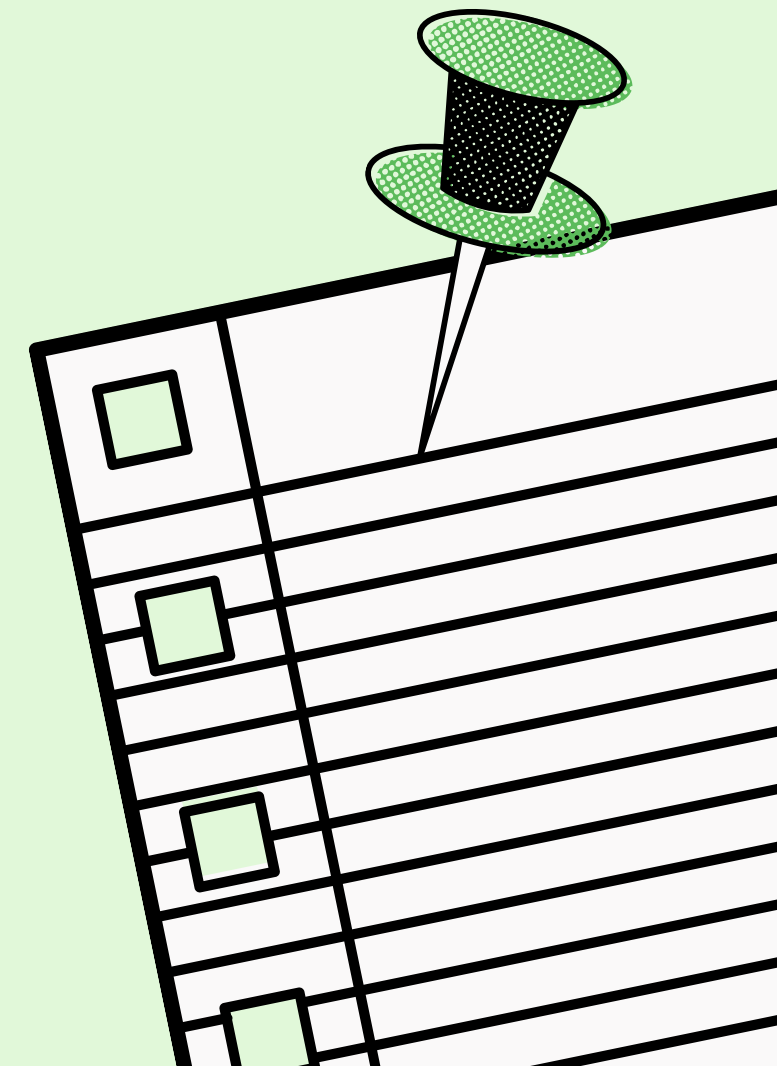
How to Write an Argument



You can do it!

# How to Write an Argument

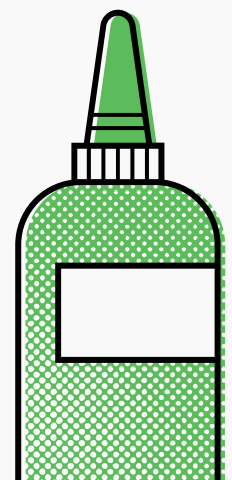
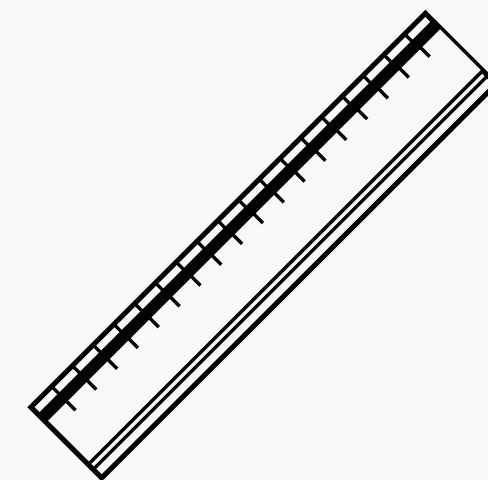
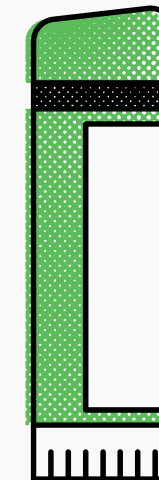
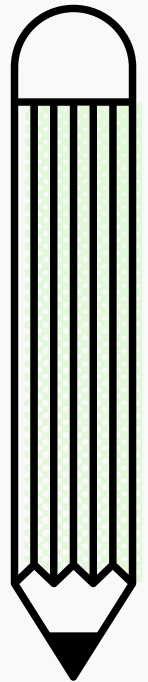
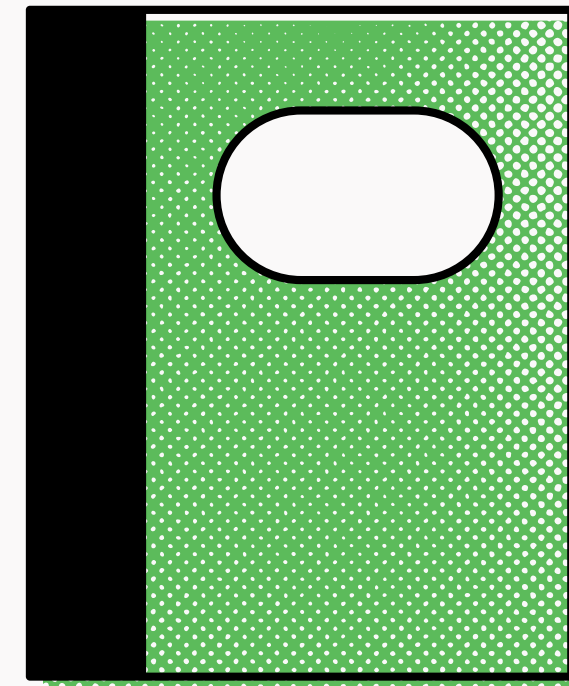
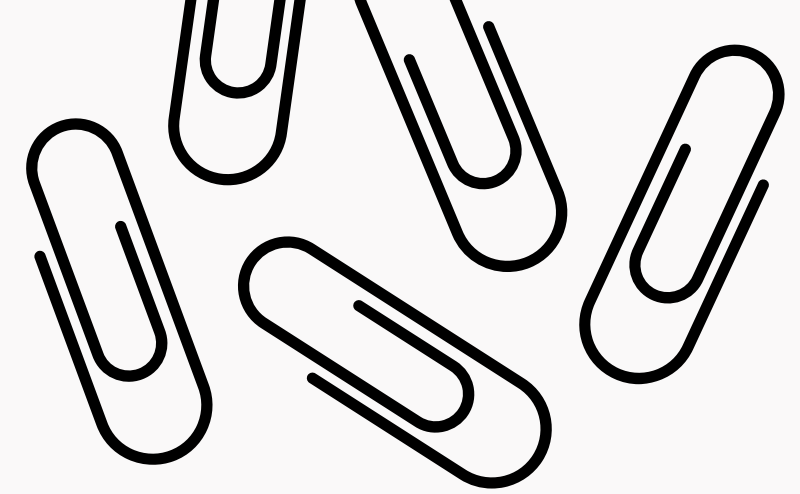
We believe in you!





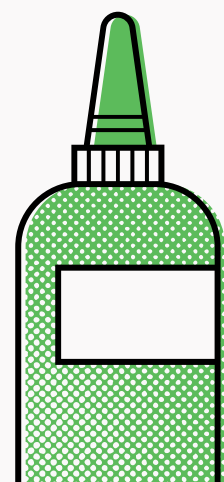
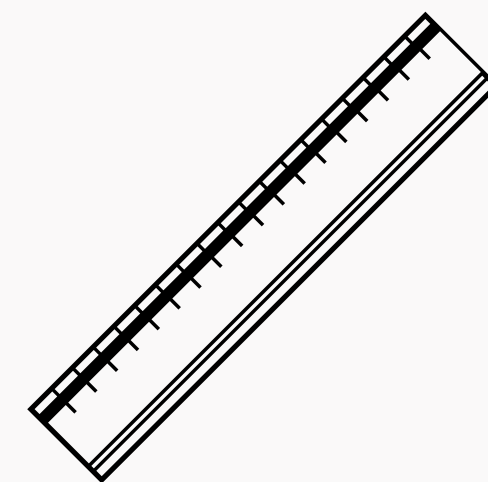
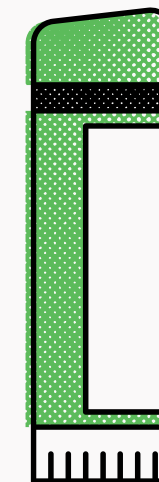
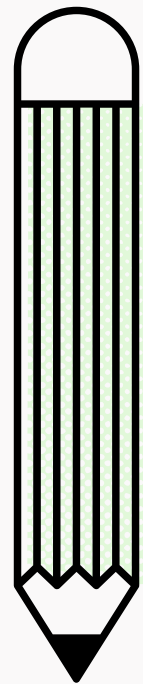
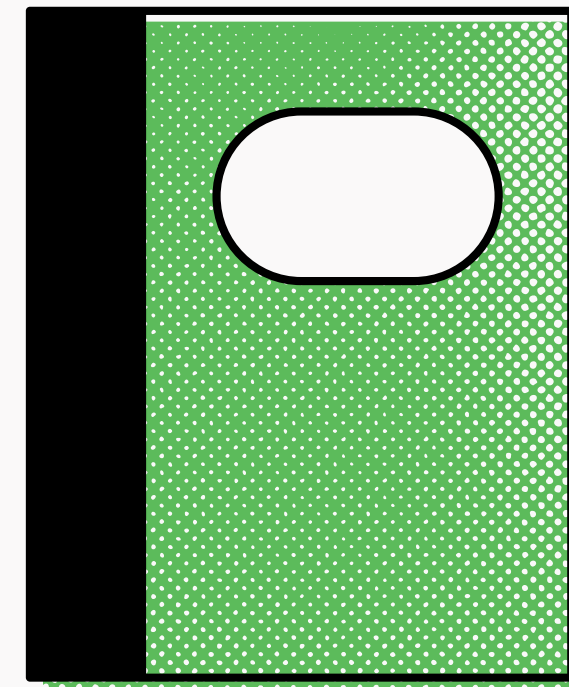
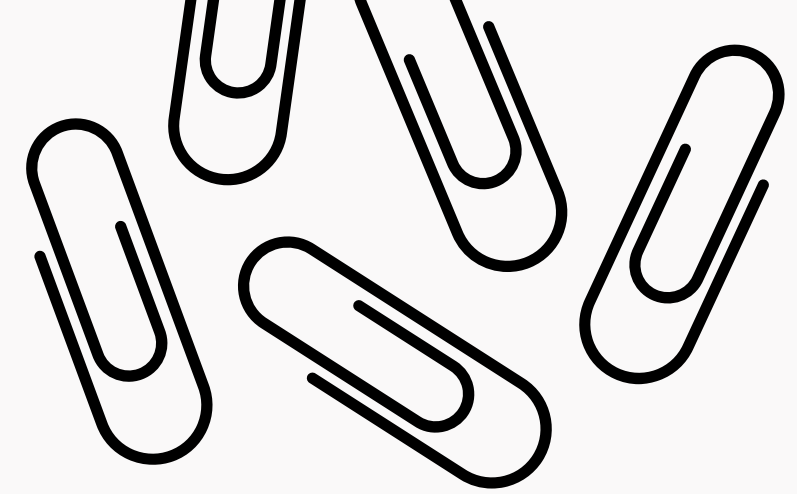
# Prewriting

- read the case problem
- decide on an issue (Right of Privacy or Free Exercise Clause)
- decide on a side (Petitioner or Respondent)



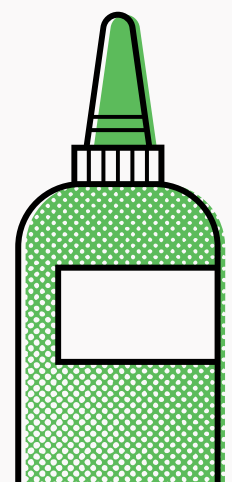
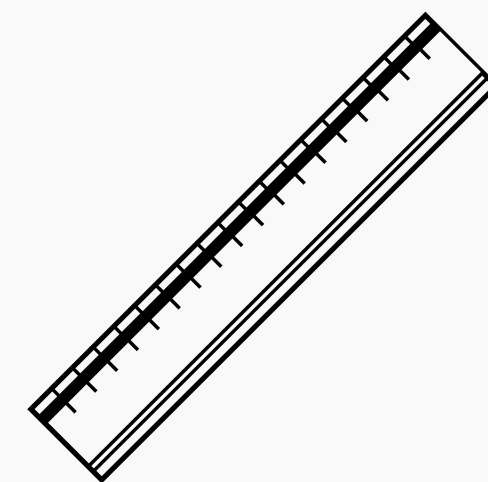
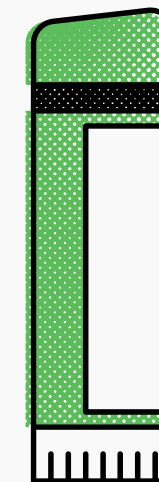
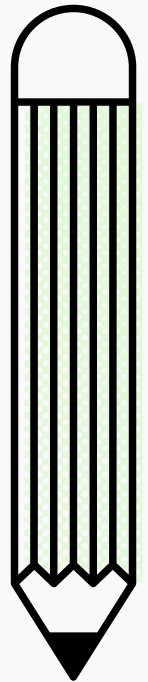
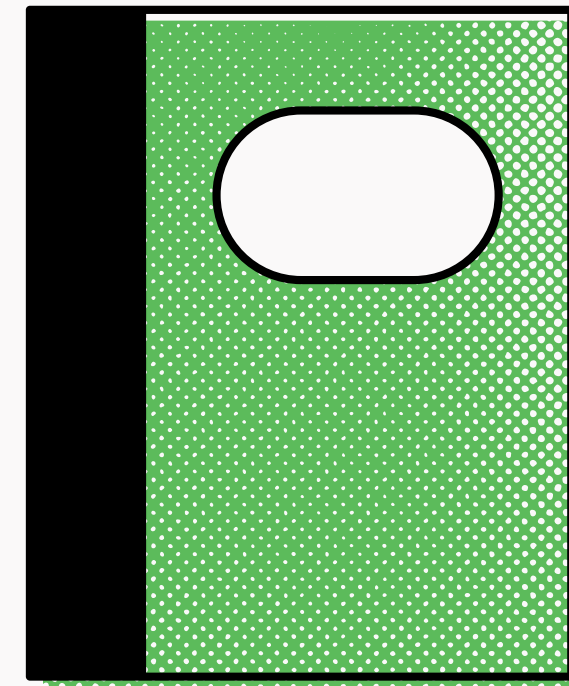
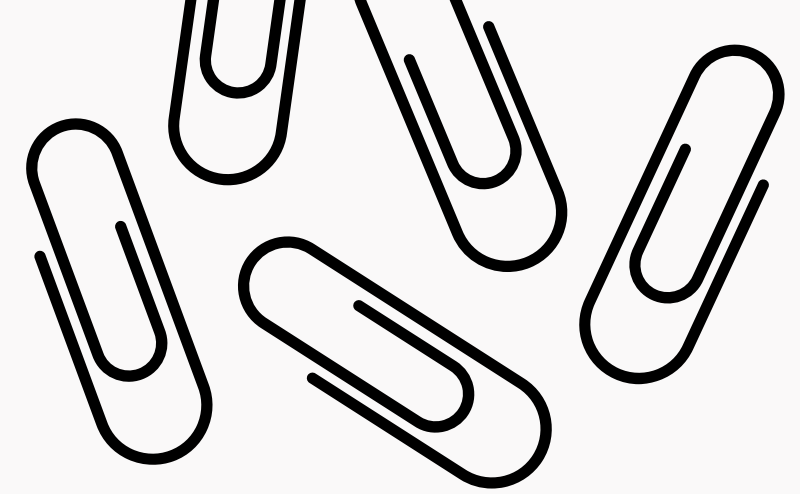
# First Issue

- Ask yourself the following questions:
  - What does the petitioner want to argue?
  - What does the respondent want to argue?
- If you are unsure, check out the Beginning Your Argument presentation on our website.



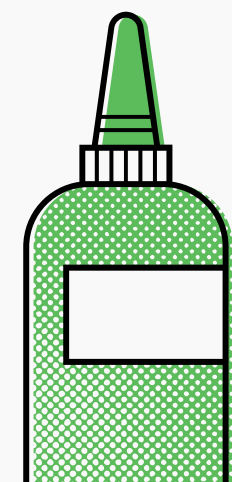
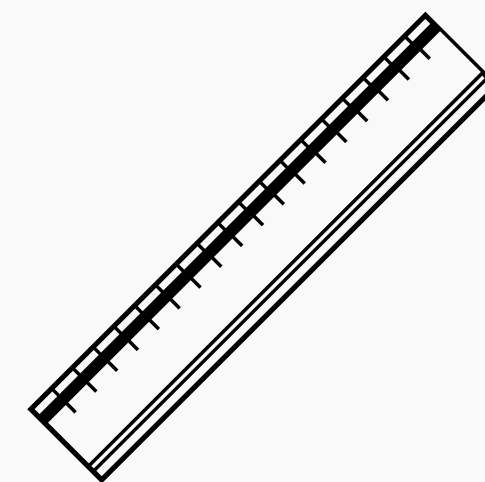
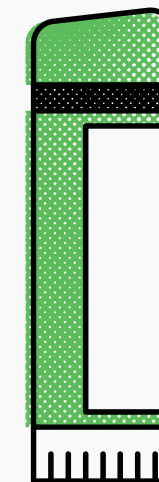
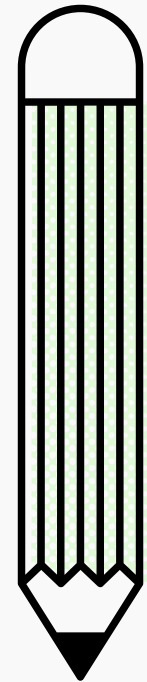
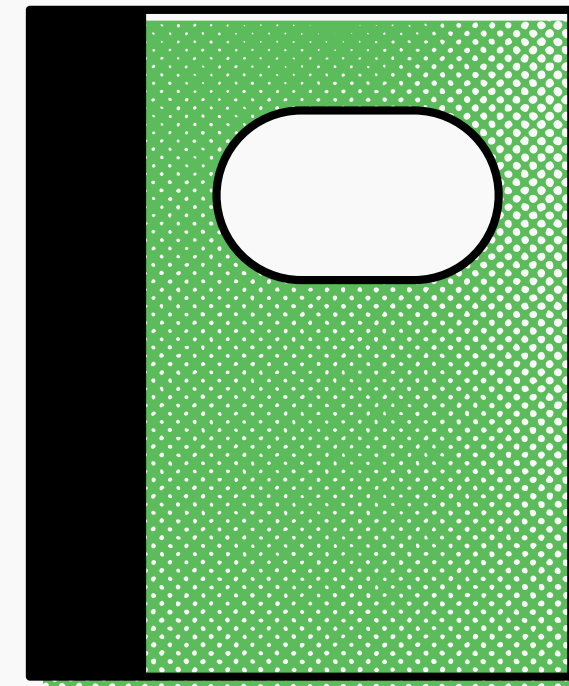
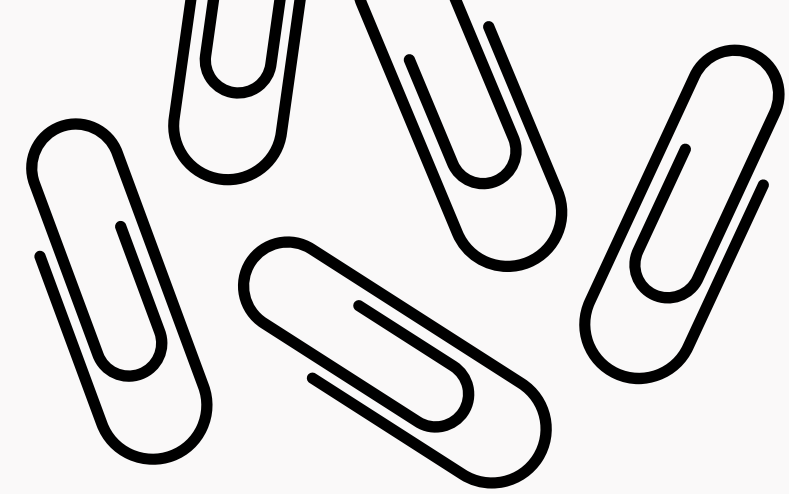
# Second Issue

- Ask yourself the following questions:
  - What does the petitioner want to argue?
  - What does the respondent want to argue?
- If you are unsure, check out the [Beginning Your Argument presentation on our website.](#)



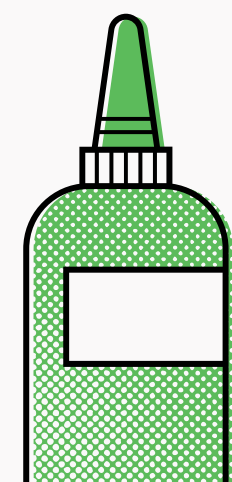
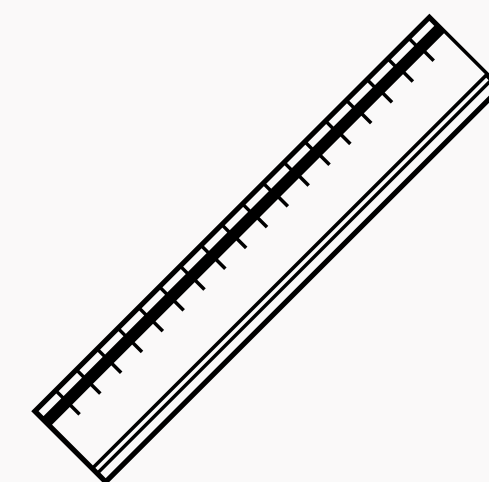
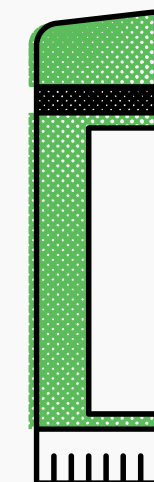
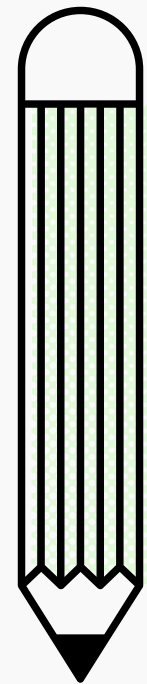
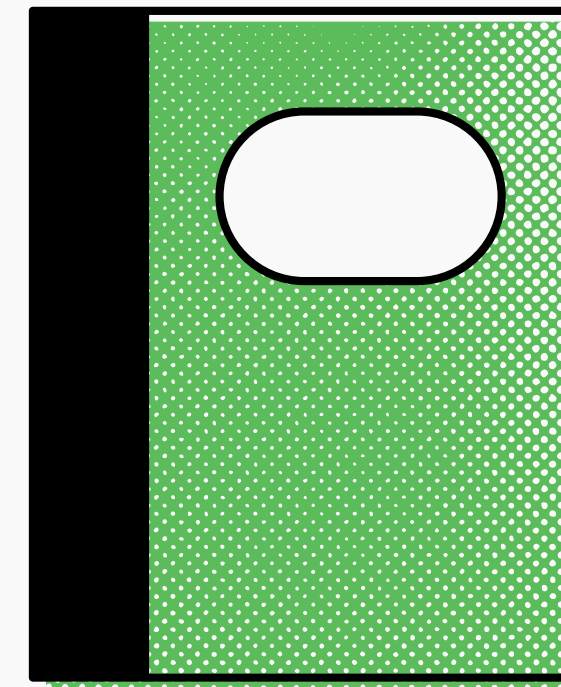
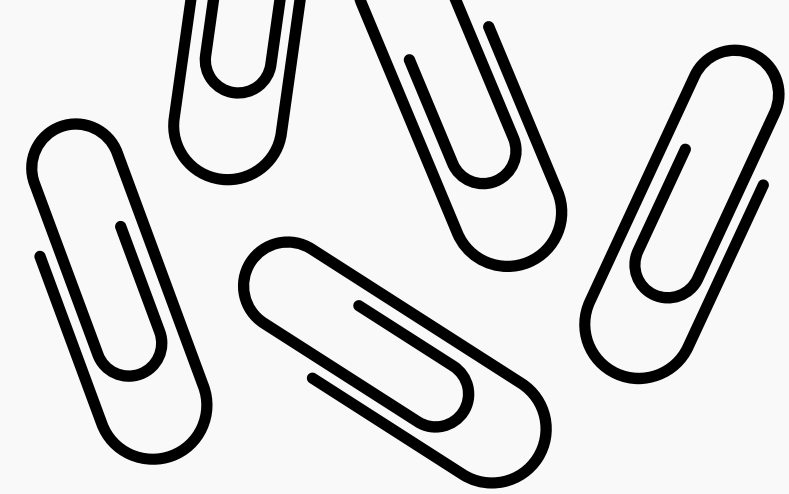
# Tackling Case Law

- Case law must be used to back up your argument
- This is a closed-case competition. You may not use any cases besides those listed in the back of the case problem and secondary cites. You may not do outside research.
- You do NOT need to read all the cases before tryouts
  - Read as much as you can
  - Try summaries (case syllabus, [Oyez.org](http://Oyez.org))



# Reversing and Affirming

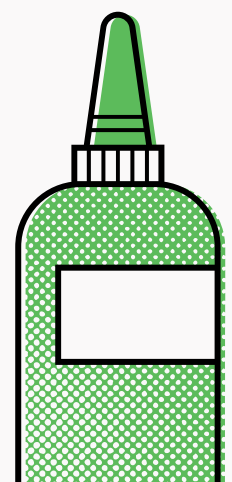
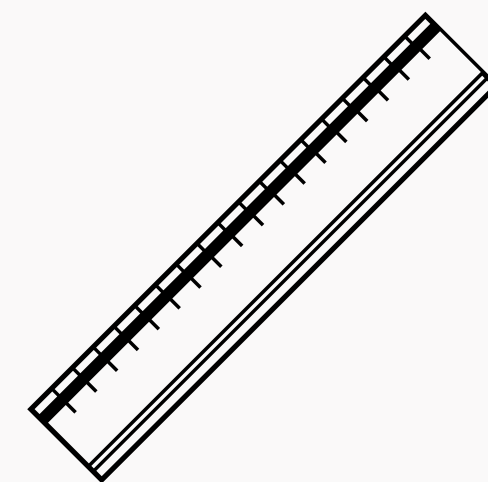
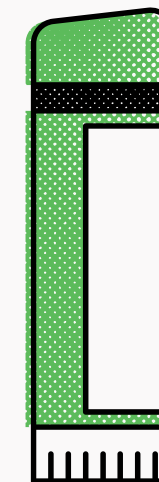
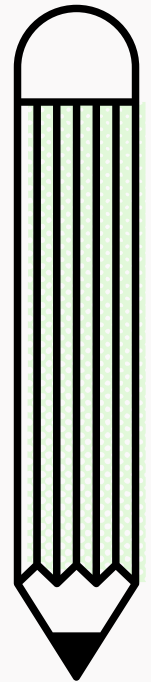
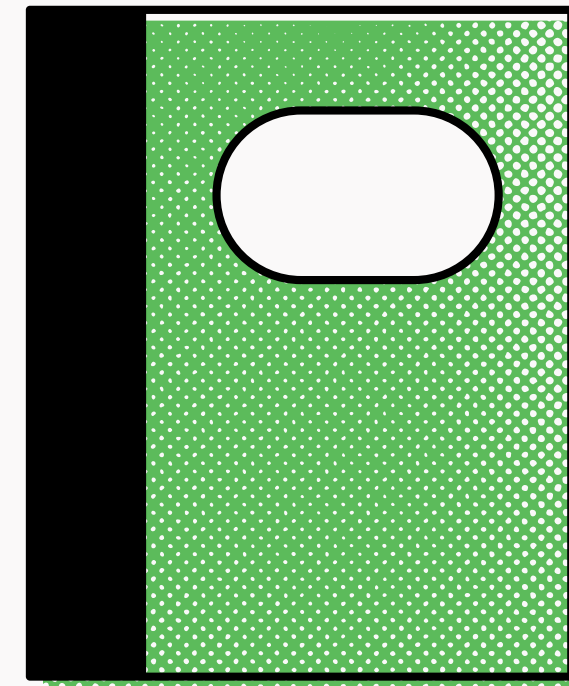
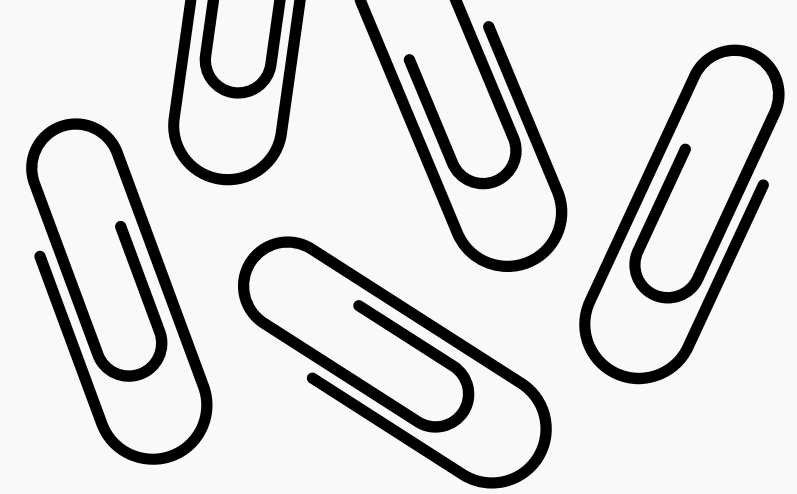
- Ask yourself the following questions:
  - Would the petitioner want to reverse or affirm?
  - Would the respondent want to reverse or affirm?
- If you are unsure, check out the Beginning Your Argument presentation [on our website](#).





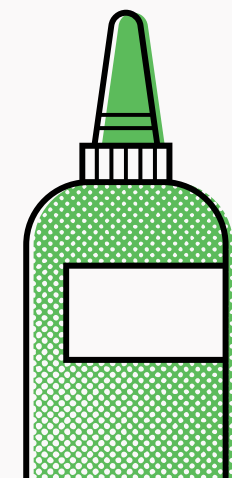
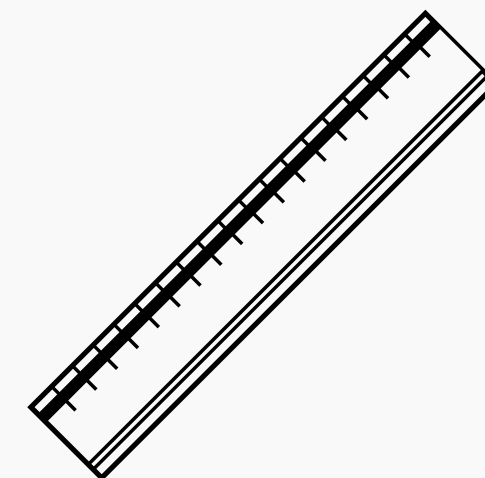
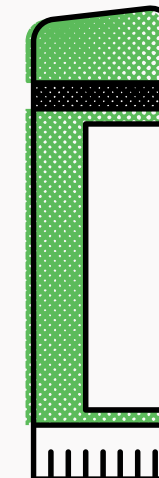
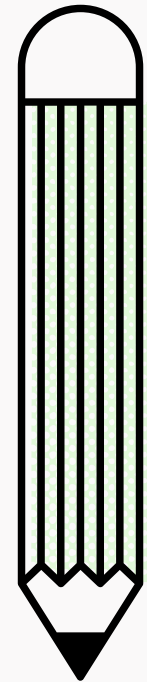
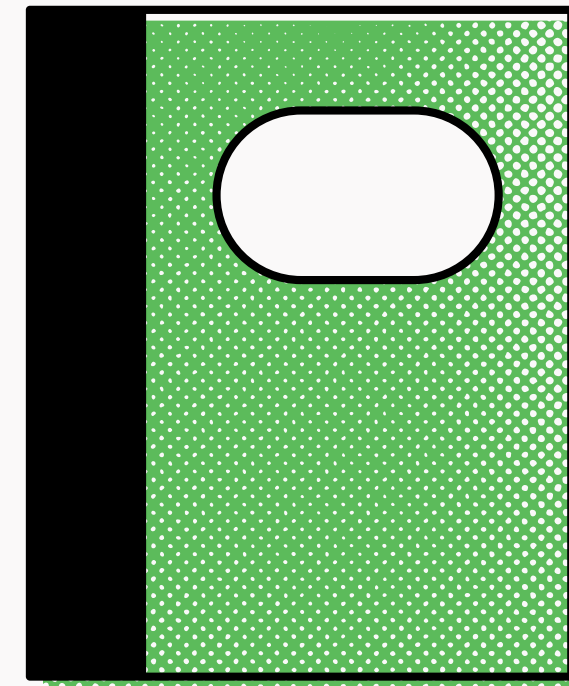
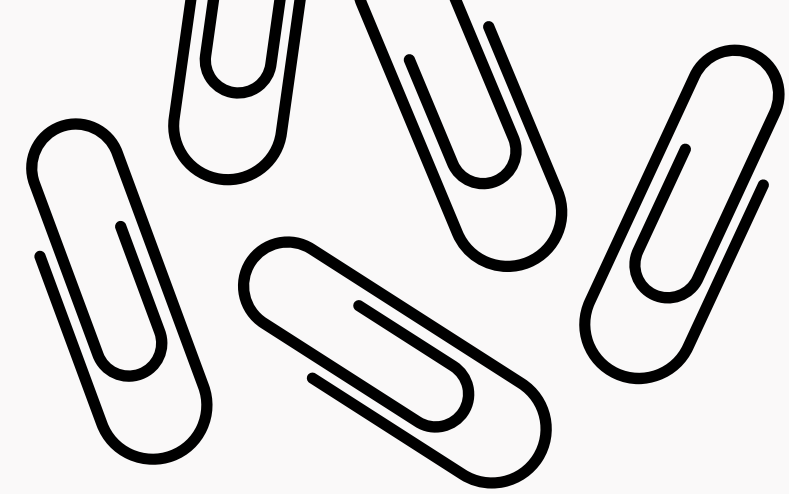
# Preview Statement

- "We ask this court to [**reverse/affirm**] the decision of the lower court for the following [**two or three**] reasons. First, ... Second, ... [**Third, ...**]."
- Consider using tests, like a standard of review, for your main points



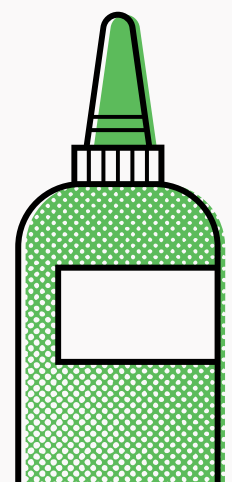
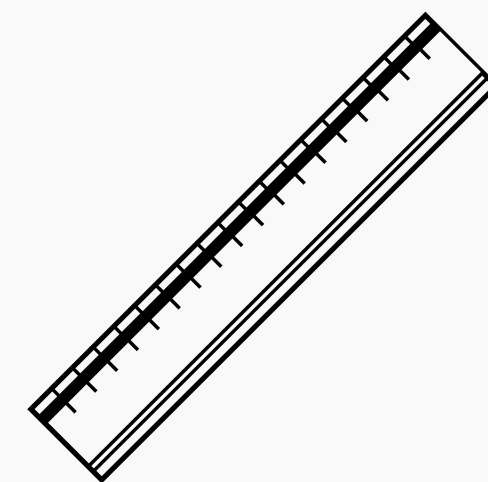
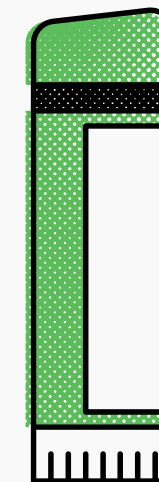
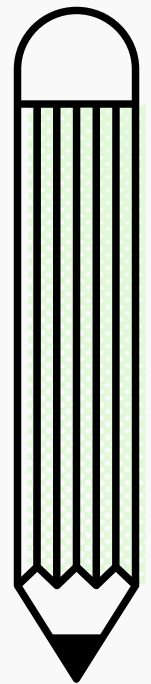
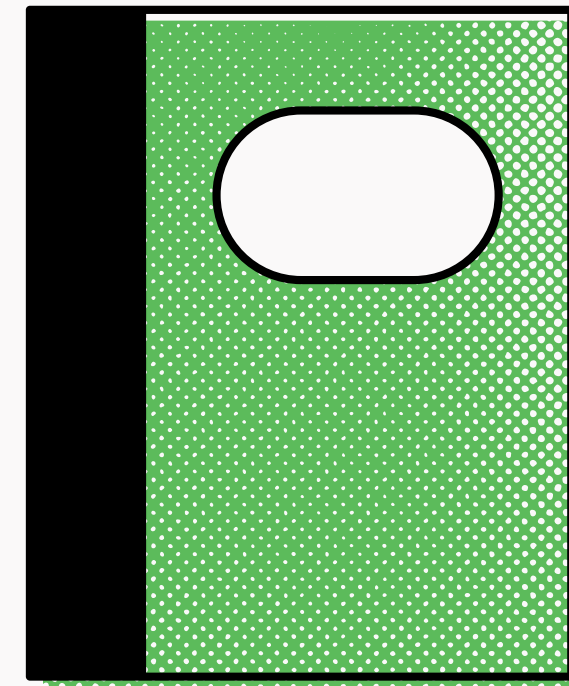
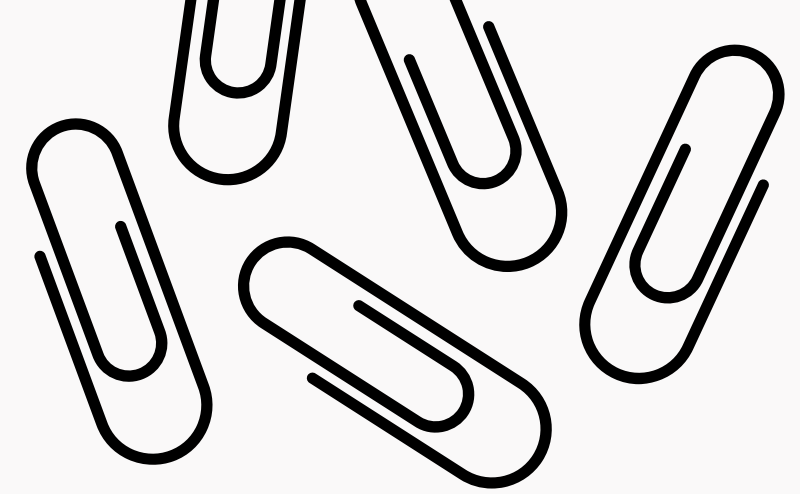
# Your Outline

- Justify main points using case law
  - There is no magic number, but aim for a *minimum* of three for each point.
- Your outline is not set in stone. Play around with it!
- Remember IRAC: each point should include Issue, Rule, Argument, Conclusion/Caselaw



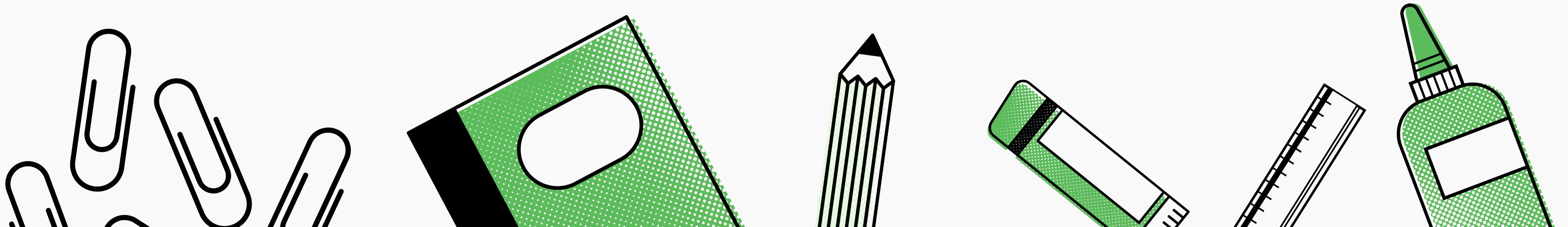
# Your Intro

- Follow the template
- Some personalization is okay
- Your intro should be about 1 minute long



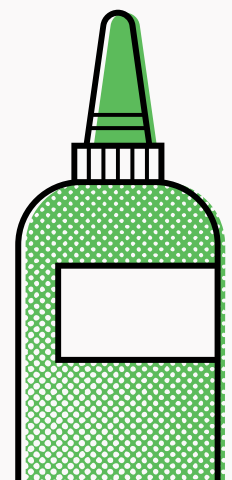
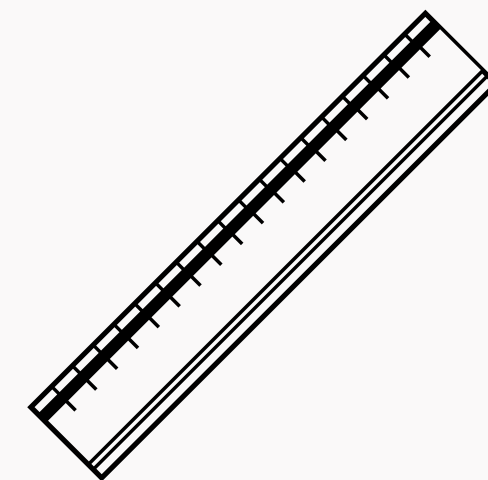
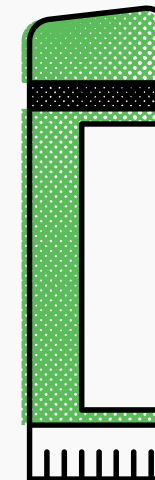
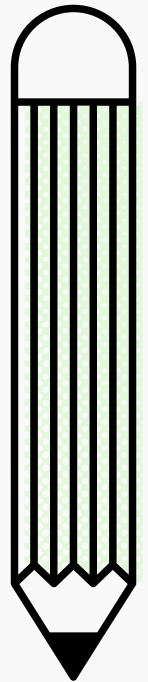
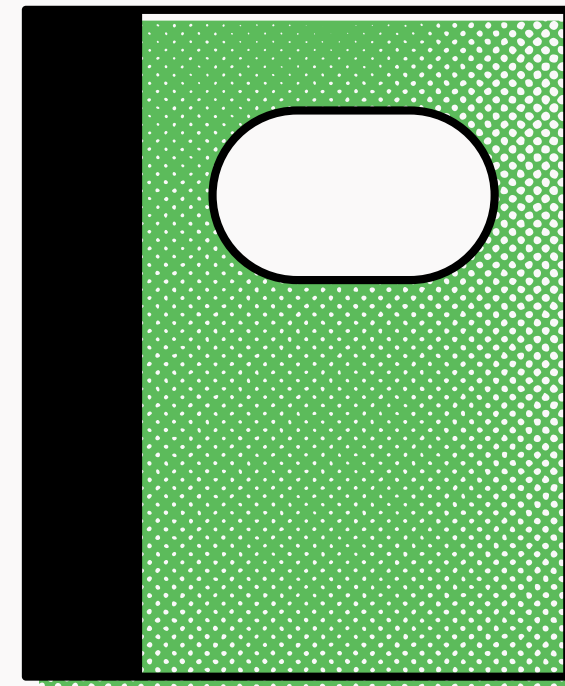
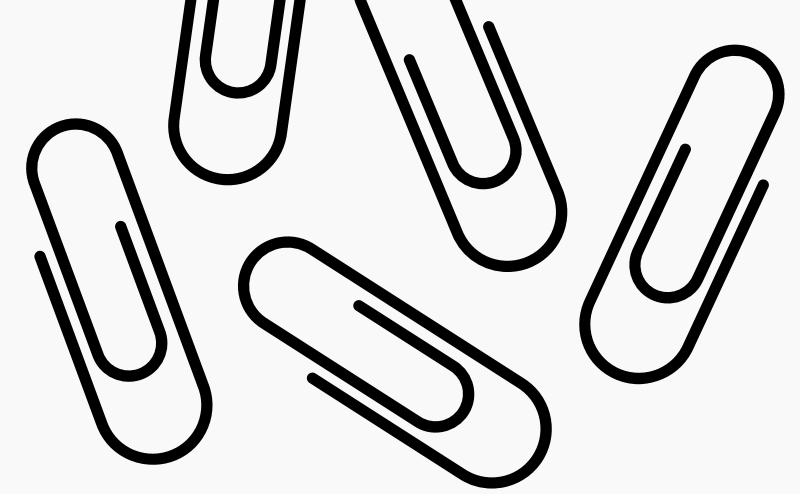
# Intro Template

- "Chief Justice, Associate Justices, and may it please the Court."
  - REQUIRED
- "My name is ... and I address the **[first/second]** issue representing the **[petitioner, The State of Olympus /the respondent, Mindy Vo]**."
  - REQUIRED
- "**[Question before the Court, theory of the case]**"
  - may be personalized
- "We ask this court to **[reverse/affirm]** the decision of the lower court for the following **[two or three]** reasons. First, ... Second, ... **[Third, ...]**."



# Running

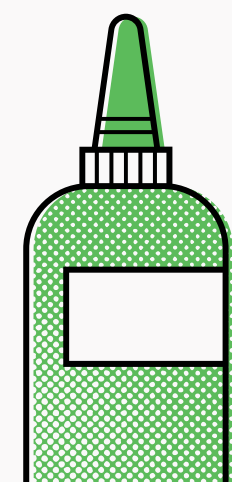
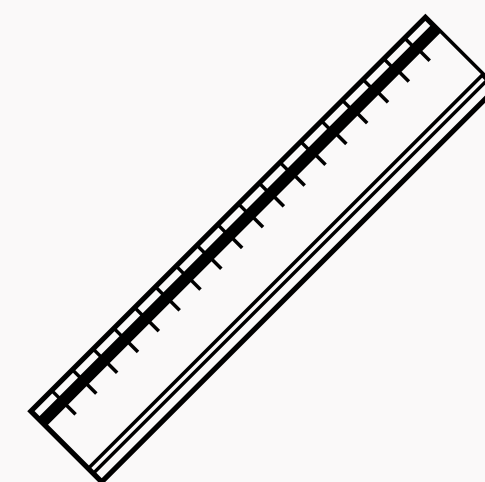
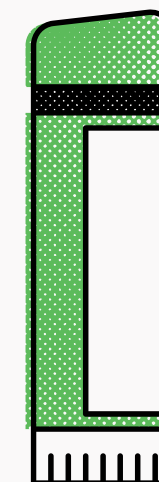
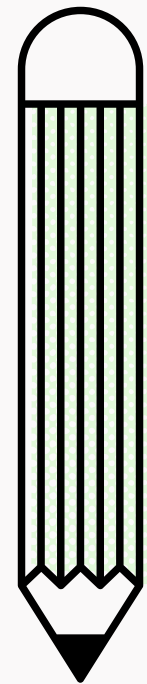
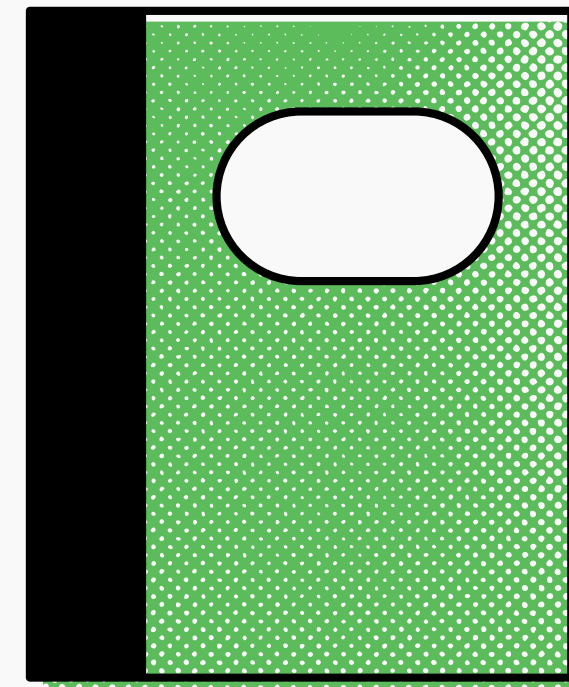
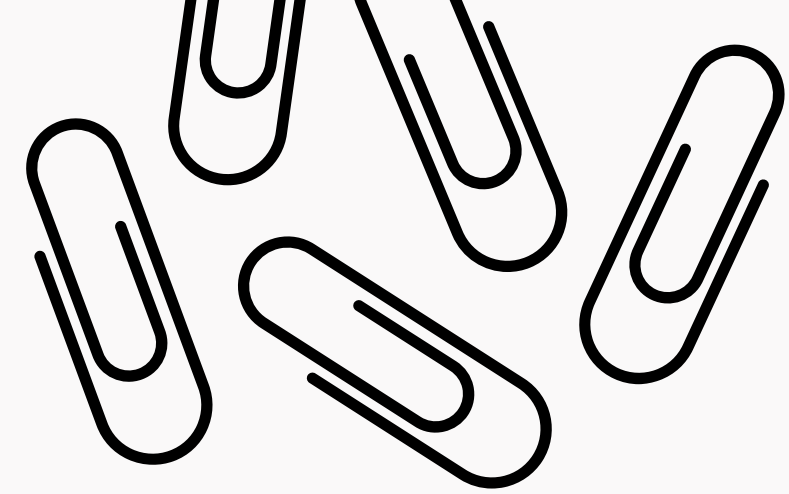
- Aim for 8 minutes
- You may use notes
- You will be asked questions during your time
- Meet with executives!





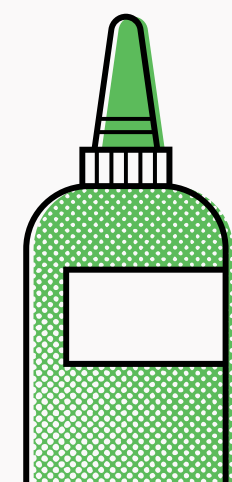
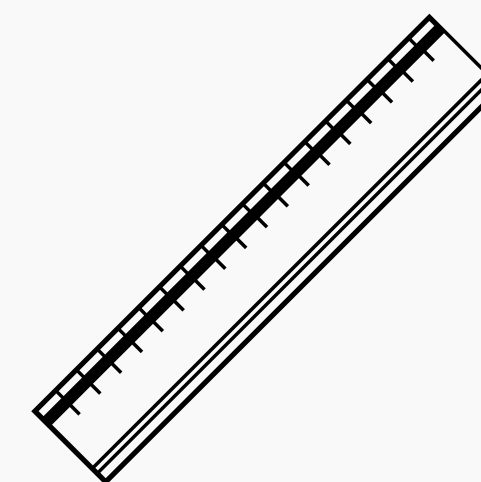
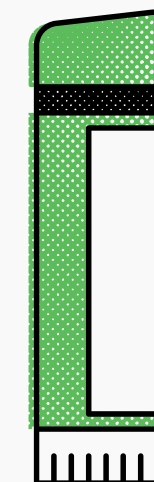
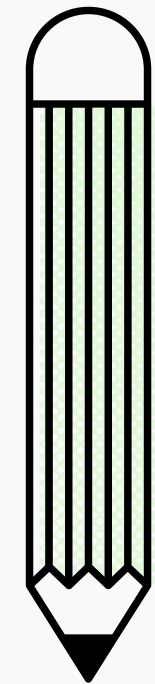
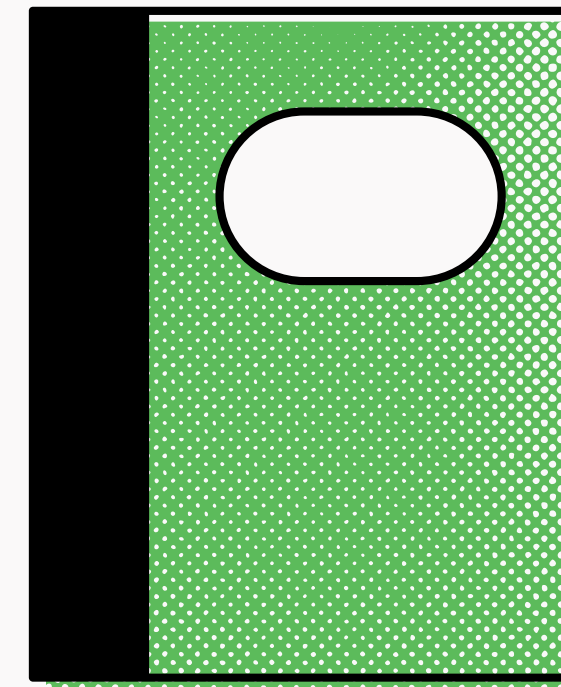
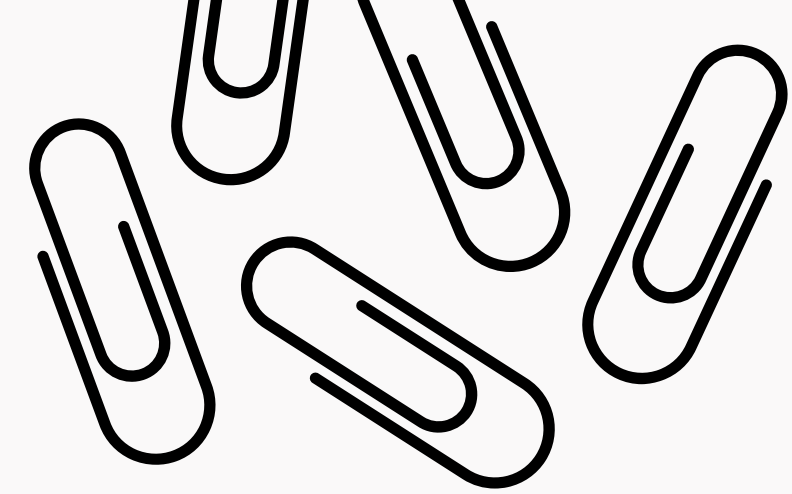
# Answering Questions

- Address the questions as soon as they are asked
- Frontload with a quick answer, usually a yes or no
- Why? Elaborate some.
- Why? Use case law.
- Transition back into your argument
  - No more than 30 seconds per question



# Visualize It

2023 National Tournament Final Round



# Kahoot

Second Issue, Case Problem

# Issue 2

2) Whether Olympus's "REAP WHAT YOU SOW Act" violates the Free Exercise Clause of the First Amendment to the United States Constitution, including whether Employment Division, Department of Human Resources of Oregon v. Smith should be revisited?





# Case Law

Second Issue



## Reynolds v. United States (1878)

- FA: George Reynolds, a member of the Church of Jesus Christ of Latter-day Saints- convicted of bigamy (going through a marriage ceremony while still married) He justified this with his religious practices.
- IS: Is religious duty or belief a defense to a criminal charge?

# No, it's not.

- H0: The Court upheld Reynolds's conviction and Congress's power to prohibit polygamy. The majority reasoned that while marriage is a "sacred obligation," it is nevertheless "usually regulated by law" in "most civilized nations." Finally, the Court held that people cannot avoid a law due to their religion.

-

## Sherbert v. Verner (1963)

- FA: Adeil Sherbert was fired from her job because her belief as a Seventh Day Adventist prevented her from working on Saturdays. She was denied unemployment benefits because under South Carolina unemployment law, people could not receive benefits if they were 'voluntarily' out of work
- IS: Did the denial of unemployment compensation violate the First and Fourteenth Amendments?

# Yes, it did.

- H0: In a 7-2 decision authored by Justice Brennan, the Supreme Court held that the Free Exercise Clause prohibits the government from setting unemployment benefits eligibility requirements such that a person cannot properly observe key religious principles.



## Wisconsin v. Yoder (1972)

- FA: Jonas Yoder was a member of the Amish community who removed his child from school in accordance with the beliefs of the Amish church. For this he was charged under the compulsory school attendance law.
- IS: Did Wisconsin's compulsory school attendance law violate the First Amendment by criminalizing the conduct of parents who refused to send their children to school for religious reasons?



# Yes, it did.

- H0: In a 7-0 decision lead by Chief Justice Burger the court found that the state's interest of education does not outweigh the individual's constitutional right to freedom of exercising their religion.

## Employment Division v. Smith (1990)

- FA: Two individuals of Native American descent were fired from their jobs at a Drug Rehabilitation Center after they tested positive for peyote, a drug used in Native American religious rituals. Peyote is classified as an illicit substance and because they were fired for illegal activity, they were subsequently denied unemployment benefits
- IS: Can a state deny unemployment benefits to a worker fired for using illegal drugs for religious purposes?

# Yes, they can.

- H0: The Supreme Court determined in a 6-3 decision, authored by Justice Scalia, that a law is constitutional under the Free Exercise Clause if it is facially neutral and generally applied.

# Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah (1993)

- FA: The church in question practiced ritualistic sacrifice. After establishing a location in Hialeah the city passed ordinances banning the possession of animals for sacrifice, excluding those for state-licensed activities.
- IS: Did the city's ordinance, prohibiting ritual animal sacrifice, violate the Free Exercise Clause?

# Yes, it did.

- H0: In a 9-0 decision lead by Justice Kennedy the Supreme Court determined that the ordinances lacked neutrality and general applicability (ordinances based on religious suppression and applied exclusively to the church)



## Fulton v. City of Philadelphia (2021)

- FA: Catholic Social Services(CSS) was denied a license renewal for foster child placement by the City of Philadelphia because it refused to certify same-sex couples as foster parents
- IS: Does the refusal of the City of Philadelphia to contract with CSS for foster child placement unless they certify same-sex couples violate the Free Exercise Clause?

# Yes, it does.

H0: In a 9-0 decision authored by Chief Justice Roberts, the Supreme Court determined that the refusal of Philadelphia to contract with CSS for the provision of foster care services unless CSS agrees to certify same-sex couples as foster parents violates the Free Exercise Clause of the First Amendment

## Tandon v. Newsom (2021)

- FA: During Covid, California placed restrictions on different activities. One such regulation prevented at home, Bible studies and prayer meetings, larger than three households. These were considered as more harsh restrictions placed on religious activities compared to secular activities like hair cuts, attending movies, etc.
- IS: Did California's restrictions violate the Free Exercise clause in limiting religious activities more so than secular activities?

# Yes, they did.

- H0: In a 5-4 per curiam decision, the Court ruled that when government regulations treat any secular activity more favorable than religious exercise, they are not neutral or generally applicable, and therefore trigger strict scrutiny under the free exercise clause.



## Kennedy v. Bremerton School District (2022)

- FA: Kennedy lost his job as a high school football coach after he knelt at midfield after games to offer a quiet personal prayer. The Ninth Circuit affirmed the summary judgment rejection of Kennedy's claims against the school district.
- IS: Is a public school employee's prayer during school sports activities protected speech, and if so, can the public school employer prohibit it to avoid violating the Establishment Clause?



Yes, it is protected speech and no, the district cannot prohibit it .

- H0: In a 6-3 decision, the Supreme Court ruled that because Kennedy's prayers did not involve students and the District sought to restrict them because of their religious nature, the District was violating both the Establishment and the Free Exercise Clause by preventing free exercise and showing a preference for no religion over religion

## Carson v. Makin (2022)

- FA: The three families opted to send their children to private schools that are accredited but do not meet the nonsectarian requirement because they are religiously affiliated. The families filed a lawsuit in federal court arguing that the “nonsectarian” requirement violates the Constitution on its face and as applied.
- IS: Does a state law prohibiting students participating in an otherwise generally available student-aid program from choosing to use their aid to attend schools that provide religious instruction violate the Religion Clauses or Equal Protection Clause of the U.S. Constitution?

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# Yes, it is.

- H0: In *Trinity Lutheran Church of Columbia, Inc. v. Comer*, the Court held that the Free Exercise Clause did not permit Missouri to discriminate against otherwise eligible recipients by disqualifying them from a public benefit solely because of their religious character. And in *Espinoza v. Montana Department of Revenue*, the Court held that a provision of the Montana Constitution barring government aid to any school “controlled in whole or in part by any church, sect, or denomination” violated the Free Exercise Clause because it prohibited families from using otherwise available scholarship funds at religious schools. Applying those precedents to this case, Maine may not choose to subsidize some private schools but not others on the basis of religious character.



The background is a camouflage pattern with irregular shapes in shades of olive green, tan, and brown. A solid black rectangular box is centered horizontally and vertically, containing white text.

Questions?

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