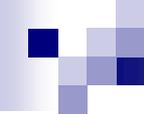


Illinois YMCA Youth & Government

Judicial Program

pre-Pre-Leg 1 2021-2022



“I’m going to do what I’m trained to do. I’m going to lie, grovel, and debase myself until I get what I want. I’m a lawyer, d@*# it.”

- Mitchell, Modern Family
Season 1, episode 17

Agenda

Trial to Appeal Transition

- Differences between Trial and Appeal
- Factual argument vs. Legal argument
- Principle of *stare decisis*

What does the Trial Court do?

Determines what happened:

- Examines the evidence presented
- Determines what evidence gets presented
- Decides who is telling the truth
- Decides what the facts are
- Decides what conclusions can be drawn from those facts

Applies the facts to the law:

- Do the facts as determined add up to a crime?
- Question: Where does the court get these standards?

Imposes a sentence:

- Given what the facts are, what is the punishment?
(this is not part of the Youth & Government experience)

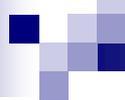
What's this "Appeal" thing?

What is an Appeal?

- A review by Justices (not a jury) of what happened at the trial
- An examination of whether legal error occurred
- An evaluation of whether any legal errors were significant
- A determination of whether the trial was fair

Why have an Appeal?

- To provide an objective review of the trial process
- To build consistency in the system
- To build confidence in the system
- To account for human error (even judges can make mistakes)



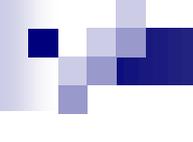
Function of the Appellate Court

What are the functions of the appellate court?

- Must assume facts as determined by trial court
- Determines if trial court made a mistake (based on what?)
- Determines which legal principles will guide decision
- Interpret/expand law to new situations

What are limitations the appellate court?

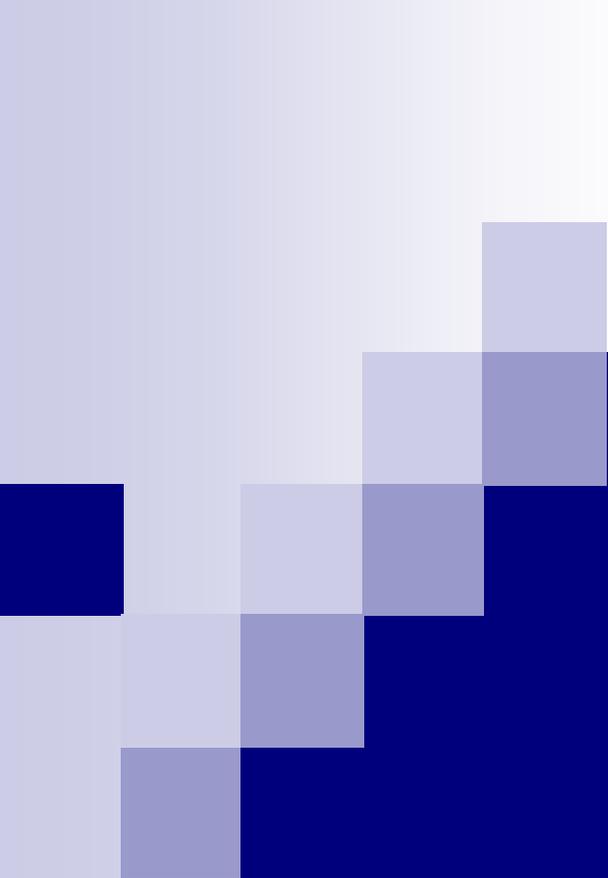
- Does NOT determine what the facts are
- Does NOT disagree with the factual conclusions that the trial court (or jury) determined



Fundamental Question at Appeal

DID THE DEFENDANT

RECEIVE A FAIR TRIAL?



Factual Argument vs. Legal Argument

Legal writing – topic for Pre-Leg II

Oral Advocacy – topic for Pre-Leg II

Factual Arguments

A factual argument is used in the closing argument in Trial Court:

- Argues what the facts should be
- Argues who to believe and who not to believe
- Argues what conclusions should be drawn from the facts

Examples of Factual Arguments:

- My client was not the person at the scene of the crime
- The witness could not see the shooter clearly
- The police failed to investigate another lead
- The defendant is the person who fired the fatal shot
- The defendant had motive to commit the crime

Legal Arguments

Assumes facts and conclusions as the Trial Court found them; instead, it looks to legal rules to analyze whether trial was fair:

- Examines whether proper procedures were followed
- Examines whether Constitutional rights were violated
- Examines whether trial was fundamentally fair

Examples of Legal Arguments:

- My client was deprived of his right to effective counsel
- My client was deprived of due process of law
- Evidence was admitted that should not have been
- The judge was biased against my client
- My client was deprived of a fair trial

So, where do the standards come from, and how are these legal arguments made?

Stare Decisis

“Let the decision stand”

Process involves an analysis of facts and rules

- Attempts to determine if the current case being examined (“the case at bar”) is similar to a previous case
- If the issues considered and the facts around those issues in both cases are the same, result *should* be the same
- If the current case is different, examines if the differences are important or unimportant

Why is this an important principle?

- Consistency breeds confidence in the legal system
- People are supposed to know what the rules are

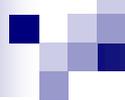
Stare Decisis

Remember:

- Each case will involve its own unique facts (some of which may be immaterial to the issue being considered)
- One must examine the general principle or legal rule that applies to the issue being considered **while looking at the fact pattern surrounding the issue**

Ultimately, there are two arguments for attorneys:

- My case is just like this other case, and this is why.
Therefore, the court must...
- My case is not like this case, and this is why. (In fact, it's more like this other case, and this is why.)
Therefore, the court must...



Y&G Assumptions

- All defendants are found guilty (regardless of what might have happened at a local mock trial)
- All defendants chose to appeal

Why?

- Prosecution cannot appeal acquittals (why not?)
- Defendant does not have to appeal

So What Does This Mean For Us?

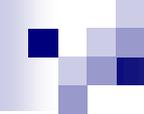
- Defendant and Prosecution (now Appellant & Appellee) present written arguments (bench memos) followed by oral arguments to a panel of justices
 - The Defendant/Appellant raises **legal** arguments to the appellate court that the trial had a significant error (or errors) that resulted in an unfair trial
 - The State/Appellee raises **legal** arguments to the appellate court that the trial had no errors (or insignificant errors)
 - Remember: There are differences between *legal arguments* and *factual arguments*.
- Court issues a written opinion

Prep work for PL1 on Fri/Sat

- **What are the issues you are arguing?**
 - Case A – People v Taylor
 - Case B – People v Fletcher

- **What is the fact pattern that raised each issue?**
 - Case A – People v Taylor
 - Case B – People v Fletcher

- **Where do you get the precedent you will be applying?**



How to Reach Us for Help

easy way:

ILYGJudicial@gmail.com

Judicial Resources - Y & G web-site

www.ilymcayg.org



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NEED HELP?

Student Resources - Handbooks, Forms, Guides

TAKE A LOOK



Who can be an Attorney?

Sophomores, Juniors, Seniors

What do attorneys do?

Attorneys form teams, and through the process of an appellate court case. Each attorney team is required to write a bench memo, and present an oral argument at Assembly. Case materials and resources are provided. Along with the oral argument, each attorney will serve as a justice overseeing a court. Additionally, attorneys participate in a Judicial Review process in which a passed bill from the Youth Legislature is debated as to its Constitutionality.

There is also an opportunity to participate in a Mock Trial, but it isn't required.

Leadership Opportunities

Juniors who have participated a full year in Youth and Government can run for Chief Justice for the next program year. More information can be found [here](#).

Judicial Resources

Most or all of these materials will be distributed to you by your advisor if you are a judicial participant. If this isn't the case, you will want a copy or have an electronic copy of the materials available to you for both Pre-Legislative Sessions. You may download all of your files [here](#). If you have questions or need help, click [HERE](#) to contact a judicial volunteer by email.

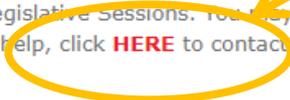
- [Trial Handbook](#) – PDF
- [Appeal Handbook](#) – PDF – Will be updated shortly
- [Clerk Bailiff Handbook](#) – PDF

Trial and Appeal Facts for each case, the cited cases for each case (by issue) and the Trial and Clerk Bailiff Handbooks are updated; Appeal Handbook will be updated shortly.

Case A – People v Taylor

- [Trial Facts](#)
- [Appeal Facts](#)
- Case Law
 - [Issue 1 Cases](#)
 - [Issue 2 Cases](#)

Click here



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Registration for #ILYG2022 opens August 31!

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Judicial – Contact Us

Your Name (required) 

Your Email (required)

Your Delegation

Subject

Your Message

SEND

This will allow you to send a message but will not allow attachments.

Remember...

The email link currently built into the Y&G web-site is for general program inquiries only. It does NOT route out to any specific program area...

Do NOT use this link to reach out with Judicial questions.



Do NOT use the "Contact Y&G" link under the "About Y&G" spot in the web-site top bar for the same reason.

Next Steps For PreLeg 1

- Re-read Trial and Appeal Facts
- See you at PreLeg 1 (Fri, Nov 5th or Sat, Nov 6th)

Be sure to bring:

- copies of the Trial Facts & Appeal Facts
- materials for taking notes
- energy for participating
- your questions, a willingness to share insights, etc.