

COURT OF APPEALS

Wolf v. Storybook County

CIVICS

LAW

LITERATURE

PERSUASIVE WRITING

PUBLIC SPEAKING

AT A GLANCE

GRADES 9-12 (adaptable for younger students)

TIME Four sessions, each 30 minutes long. Designed to follow the Literary Character Mock Trial lesson, so the trial's verdict becomes the case on appeal. The Supporting Documents include a complete case packet if the trial was not held.

HANDOUTS 1. Case Packet: Wolf v. Storybook County; 2. Brief Outline; 3. Oral Argument Order and Justice Bench Card; 4. Opinion Template

THE STORY PROBLEM

The Big Bad Wolf was convicted (or acquitted) in the trial court. Someone is unhappy. The Wolf says the Woodsman's search of his den and his statement at the door of Grandmother's cottage should never have reached the jury. The County says the evidence was fair and the verdict should stand.

► THE PROCESS PRACTICED

The appellate program. The New York YMCA Youth and Government judicial program is a mock Court of Appeals: attorney teams are assigned as Appellant or Respondent, write a brief from a closed set of facts and cases, argue twice before panels of five student Justices who question them from the bench, and the Justices write an opinion. The Attorney General and Public Defender argue the showcase case before the whole conference. Students learn that an appeal is not a second trial; it is an argument about whether the law was applied correctly.

► LEARNING OBJECTIVES:

- Students will be able to explain the difference between a trial (facts) and an appeal (law and procedure), and the roles of Appellant and Respondent.
- Students will be able to write the sections of an appellate brief: Questions Presented, Statement of Facts, Summary of Argument, Argument using the supplied cases, and Conclusion asking for relief.
- Students will be able to present a timed oral argument and answer questions from a hot bench without abandoning the argument.
- Students will be able, as Justices, to ask probing questions, deliberate, and write a short opinion with a holding and reasoning.

► MATERIALS:

- Handout: "Case Packet: Wolf v. Storybook County" (Supporting Document 1), including the facts, the questions presented and the five Storybook County precedents
- Handout: "Brief Outline" (Supporting Document 2)
- Handout: "Oral Argument Order and Justice Bench Card" (Supporting Document 3)
- Handout: "Opinion Template" (Supporting Document 4)
- Timer; five chairs at the front for the bench

► PRE-PLANNING:

- **Assign Roles:**
 - **Appellant Team** (the Wolf) and **Respondent Team** (the County): 2-3 attorneys each. With a large class, form several teams per side ("law firms") and run multiple arguments in Session 4.
 - **Justices** (5 per panel): one designated **Presiding Justice** who runs the argument and one designated **opinion writer**. At the conference a Justice must first have been an attorney; in class, choose students who were strong jurors or attorneys in the trial lesson.
 - **Clerk of the Court** (1): keeps time, calls the case, swears nothing (there are no witnesses on appeal).
 - **Attorney General** and **Public Defender** (optional): if the class wants a showcase, the two strongest attorneys argue a short version for the full class at the end.
- The rule that makes the lesson work: **only the facts in the packet and only the five supplied cases may be used**. No new evidence, no outside law.

SESSION 1 WHAT AN APPEAL IS

30 MINUTES

5 **Hook.** "The jury convicted the Wolf. Can he get a new jury because he thinks they were wrong?" No. Explain that appeals courts do not re-decide facts; they ask whether the law and the procedure were correct. The question is never "Did he do it?" but "Was the trial fair under the rules?"

10 **Read the Packet.** Read the facts and the two Questions Presented aloud. Identify the Appellant (the party appealing) and Respondent (the party defending the result). Explain "relief": what each side is asking the court to do (reverse and order a new trial; affirm).

10 **Ten Facts.** Each team lists the five facts that help them most and the five that hurt them most, the real conference prep exercise. Teams must say out loud what they will do about their worst fact.

5 **Meet the Precedents.** Skim the five case summaries. Each team marks which cases help, which hurt, and which can be distinguished (shown to be about a different situation).

SESSION 2 WRITING THE BRIEF

30 MINUTES

5 **Brief Outline.** Walk through the sections: Questions Presented, Statement of Facts (accurate, but told from your side), Summary of Argument (one paragraph), Argument (one heading per question, each applying at least two precedents), Conclusion (must ask for the relief you want).

20 **Draft.** Teams divide the sections. Justices, meanwhile, read the packet as a court: they write three questions they would ask each side and identify which precedent they find most persuasive.

5

Check. Teams confirm every Argument paragraph cites a case from the packet and that the Conclusion asks for specific relief.

SESSION 3 ORAL ARGUMENT PREPARATION

30 MINUTES

5

The Format. Appellant argues first (6 minutes, may reserve 1 for rebuttal); Respondent argues (6 minutes); Appellant rebuttal (1 minute). Justices may interrupt at any time. Opening line: "May it please the court, my name is _____, and I represent the Appellant/Respondent."

10

Handling the Bench. Teach the three moves for answering a question: answer directly first ("Yes, Your Honor, but..."), return to your argument, never say "I'll get to that." Practice with the teacher throwing questions at volunteers.

15

Moot the Moot. Teams argue to each other with a partner playing a hostile Justice. Justices practice their questions on a teacher or on the Clerk.

SESSION 4 ARGUMENT AND OPINION

30 MINUTES

2

Call the Case. The Clerk: "All rise. The Court of Appeals of Storybook County is now in session, the Honorable Presiding Justice _____ presiding. The court will hear Wolf v. Storybook County."

15

Argument. Full format with timing. Justices question from the Bench Card. The Presiding Justice keeps order and tells counsel when time is up.

8

Deliberation and Opinion. Justices confer at the bench (the class listens; at the conference, deliberation is private, but in class hearing the reasoning is the lesson). They vote. The opinion writer fills in the Opinion Template; a dissenting Justice may give a one-sentence dissent.

5

Announcement and Wrap-Up. The Presiding Justice reads the holding. Discussion: did the better argument win, or the better case? What would the Wolf's lawyers do differently at a new trial?

► ASSESSMENT

Brief

All sections present; facts accurate; each argument applies at least two packet cases correctly; conclusion asks for relief; nothing outside the packet.

35

Oral Argument

Proper opening; organized; answered questions directly then returned to the argument; within time; used rebuttal well.

30

Justices

Questions probed weaknesses on both sides; deliberation applied the precedents; opinion states a holding and the reasoning; dissent, if any, is reasoned.

25

Clerk and Decorum

Case called correctly; time kept; counsel addressed the court properly.

10

► DIFFERENTIATION

Support

Assign one question presented instead of two. Provide a model Summary of Argument for each side. Allow attorneys to argue from notes.

Challenge

Run the double-argument format from the conference: each team argues twice against different opponents, once in the morning pairing and once matched by strength, and the Justices rank Best Brief and Best Attorney. Ask Justices to write a full-paragraph majority and dissent.

CASE PACKET: WOLF V. STORYBOOK COUNTY

Procedural history. The Wolf was tried in the Storybook County Trial Court on charges of unlawful entry and attempted harm to a resident at Grandmother's cottage. The jury convicted. The Wolf appeals. (If the class trial acquitted the Wolf, swap the parties: the County appeals the exclusion of evidence, and the questions below are argued in mirror image.)

Facts. (1) Little Red Riding Hood told the Woodsman she had seen the Wolf at the cottage. (2) The Woodsman, who holds no county office, went to the Wolf's den while the Wolf was out, entered without permission, and found a red hood and a nightcap. (3) The Woodsman brought the items to the Sheriff, who used them at trial. (4) At the cottage door, the Sheriff asked the Wolf, "What are you doing here?" The Wolf said, "Waiting for my dinner." The Sheriff had not told the Wolf he could stay silent. (5) The Wolf was not in custody at the time; the Sheriff had not drawn a weapon or blocked the path. (6) The trial judge allowed both the items and the statement into evidence over objection. (7) The Wolf's lawyer argued the statement was a joke. (8) Grandmother testified that the Wolf "looked hungry." (9) The jury deliberated eleven minutes. (10) The Wolf has no prior convictions under Section 7 of the Building Code or any other law.

Questions presented.

Question 1. Did the trial court err in admitting items taken from the Wolf's den by a private person who entered without permission?

Question 2. Did the trial court err in admitting the Wolf's statement at the cottage door, made before any warning that he could stay silent?

Relief. Appellant asks the court to reverse the conviction and order a new trial without the items and the statement. Respondent asks the court to affirm.

Storybook County precedents (the only cases that may be cited).

- **County v. Goldilocks (Storybook Ct. App.).** Evidence found by the Three Bears in their own home after an uninvited entry by Goldilocks was admissible; the rule against unreasonable searches restrains county officers, not private residents acting on their own.
- **County v. Rumpelstiltskin.** A name discovered by the Queen's messenger, a county employee, who eavesdropped at a private cabin without permission, was excluded; county agents may not do indirectly what they may not do directly.
- **Troll v. County.** The Troll's answer to the Billy Goats' question "Who is that trip-trapping over my bridge?" was admissible because the goats were not county officers and the Troll spoke freely in his own domain.
- **County v. Pinocchio.** A statement obtained by the Fox and the Cat, who were acting at the request of the Sheriff and were therefore county agents, was excluded; a private person acting at an officer's direction is treated as the officer.
- **County v. Rip Van Winkle.** A statement made to a Sheriff on a public path in response to a single ordinary question, with no restraint and no weapon, was admissible; a person who is free to walk away is not in custody, and no warning is required.

BRIEF OUTLINE (TWO TO THREE PAGES)

Cover: Wolf v. Storybook County. Brief for the Appellant / Respondent. Team number.

Questions Presented: Restate both questions in the way most favorable to your side (the Appellant asks whether the court "erred"; the Respondent asks whether the court "properly admitted").

Statement of Facts: Every fact from the packet that matters, accurate and in order, emphasizing what helps you without hiding what hurts.

Summary of Argument: One paragraph: your answer to each question and the one case that most supports each.

Argument: Heading I (Question 1): rule from the cases, applied to these facts, with the hurtful case distinguished. Heading II (Question 2): same.

Conclusion: "For these reasons, the Appellant respectfully asks this court to reverse the conviction and order a new trial" or "...asks this court to affirm."

ORAL ARGUMENT ORDER AND JUSTICE BENCH CARD

Order: Clerk calls the case. Appellant (6 minutes; may reserve 1). Respondent (6 minutes). Appellant rebuttal (1 minute). Deliberation. Announcement.

Bench Card (questions a Justice may ask)

- Counsel, which case is most like ours, and why?
- If the Woodsman had been deputized by the Sheriff, would your answer change?
- Is a wolf at a cottage door with a Sheriff in front of him free to walk away?
- Was "Waiting for my dinner" a confession or a complaint?
- What is the relief you want, exactly, and what happens at a new trial?
- Counsel, your worst fact is _____. What do we do with it?
- If we agree with you on Question 1 but not Question 2, does the conviction stand?

OPINION TEMPLATE

Wolf v. Storybook County. Opinion of the Court by Justice _____.

Holding on Question 1: The items were / were not properly admitted, because (cite the controlling case and the key fact).

Holding on Question 2: The statement was / was not properly admitted, because (cite the controlling case and the key fact).

Disposition: The conviction is affirmed / reversed and remanded for a new trial.

Vote: _ to _. Dissent by Justice _____ (one sentence): _____.

ABOUT THIS SERIES

Storybook County Lesson Plans use public domain stories to practice real YMCA Youth and Government processes: bills, committees, debate, courts, elections, service, and proposals. Every lesson is three or four 30-minute sessions, and all of them live in one folder:

drive.google.com/drive/folders/1MleLDxVzKNq7QTjw2EPFDqgMOaaJ2US. Part of the YMCA Youth and Government Educator Toolkit at nysyag.org. Questions: Drew Caldwell, dcaldwell@ymcanys.org.