

NOTE how:

- she stops when a question is ask
- she attempts to begin answers with yes or no
- this is more of a discussion with the judges than a presentation
- many of the questions are hypothetical in nature. The Court is trying to figure out how far the ruling she wants it to make could be pushed.
- Many of her answers are not so much legal based as they are situational or fact based

Legal English

- FACTS – one recites facts
  - Recitation of the facts = to explain the facts
  - When we talk about facts during the case, we can refer to “the record”
    - “Is there anything in the record that indicates that Mr. Fredrick was under the supervision of the school?”
- What you want the Court to do:
  - The lower court decision should be overturned, reversed, affirmed, upheld
- Referring to Precedent (can use names of both parties or only one):
  - As set forth in Lee v. Weismann
  - As the Court said in Lee
  - In County of Allegheny vs. ACLU the Court found
  - In Marsh v. Chambers the Court held
  - You can refer to cases by one party name (Lynch, Lee, etc.)
- Referring to the Supreme Court
  - The Court = Supreme Court
- Referring to something a specific Justice said
  - as Justice Brennan said in his dissent in Lynch
  - as Justice O'Connor said in her concurring opinion in Lynch
- Talking about Tests
  - a test must be satisfied - “The test can be satisfied upon a showing that . . . “
  - a test is broken into prongs - “The second prong of the Lemon tests requires . . . “
- Talking about History
  - The Framers
  - The Framers of the Constitution
  - The Founding Fathers
- Talking about the making of law = promulgate

Observations

- NOTE the use of transitions . . . Therefore, furthermore, etc.
- Note how both were asked how to define prayer. There are some basic questions that apply to both arguments.