

WELCOME TO MOOT COURT!

Please sign in:



The
JUDICIARY
NORTHERN MARIANA ISLANDS

Workshop Agenda

01

Moot Court Basics

- Overview of competition
- Review of case file
- Explanation of an appellate case

02

How to Read a Case

- Breakdown of appellate opinions
- Critical reading of *Tinker v. Des Moines*

03

Application of Reading Strategies

- Recap of *Tinker* breakdown
- Case excerpt practice
- Questions

What is this Moot Court thing anyway?

Moot Court is a mock appellate court exercise where students take on the role of lawyers, arguing a fictional case while building skills in public speaking, critical thinking, writing, and teamwork.

The CNMI Supreme Court Justices are excited to see you shine in the courtroom!



COMPETITION OVERVIEW...





Pick Your Team

Teams of two students will be randomly assigned to represent the Appellant or Appellee.



Write Your Brief

Each student writes a 3–5 page brief on their assigned issue.



Understand the Case

Read the case file and library thoroughly to grasp all details.



Prepare Oral Arguments

Collaborate with your teammate to articulate your briefs effectively.



Argue!

Arguments will be held in rounds with the semi-finalists in front of the Supreme Court

KEY DATES

MON	TUE	WED	THU	FRI	SAT	SUN

Fri. 10 Oct.

Case Reading Workshop

Fri. 17 Oct.

Registration Deadline

Mon. 20 Oct.

Brief Writing Workshop

Fri. 14 Nov.

Brief Deadline

Mon. 17 Nov.

Oral Argument Workshop

Thur. 4 Dec

Competition Day 1

Fri. 5 Dec.

Competition Day 2 & Celebration

A LOOK INSIDE YOUR CASE FILE



1
2
3
4
5
6
7
8
9
10

IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

RUMI CAZADOR,
Plaintiff,

v.

ANATAHAN SCHOOL DISTRICT, ET
AL.
Defendants.

CIVIL CASE NO. 12-3456

ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

This order is the
starting point of
our case

How did we get
here?

Let's overview the
appellate process...

Mapping an Appellate Case:



First Stop: Trial Court

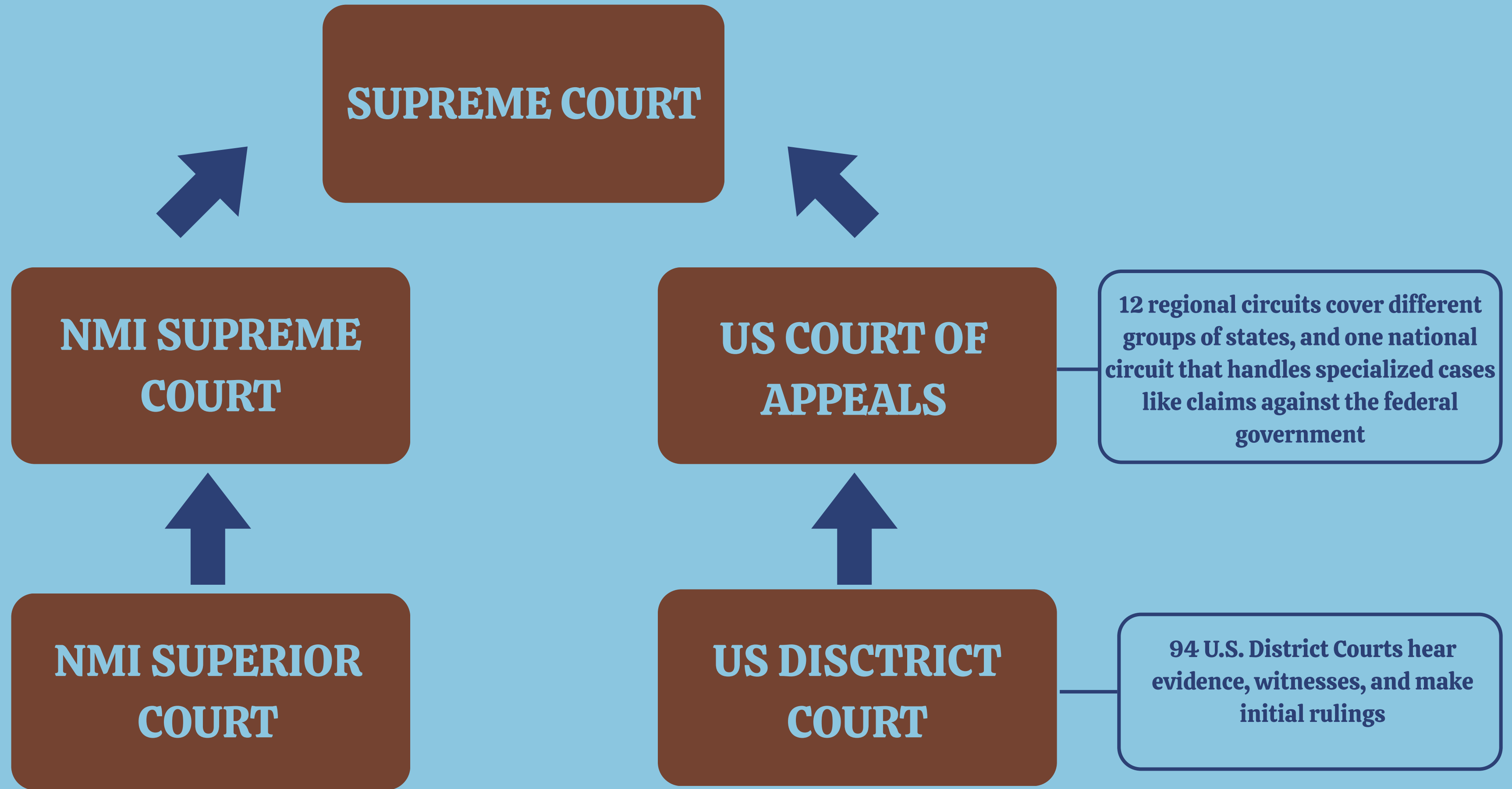
- Plaintiff and Defendant present their evidence and witnesses
- Judge reviews both sides and issues an order with final decision

Next Stop: The Appeal

- A party may file a notice of appeal to a higher court if they believe the judge made a legal mistake
- NOT a new trial – no new witnesses or evidence – limited to reviewing the trial court record for errors in how the law was applied
- Both sides submit written briefs explaining their legal arguments based on relevant case law
- Oral arguments are held for judges to ask questions and allow lawyers to explain key points from their briefs

Final Stop: The Supreme Court

- Can file a petition for certiorari for Supreme Court review
- The Court only takes a small number of cases usually about big constitutional questions or to resolve disagreements between lower courts



Form 1 – Notice of Appeal
IN THE
SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Rumi Cazador,
Plaintiff(s),

v.

Anatahan School District, et al.,
Defendant(s).

SUPERIOR COURT NO. 25-7717

NOTICE OF APPEAL
NMI Sup. CT. R. 3 and 4

Pursuant to Rule 3 of the NMI Supreme Court Rules, notice is hereby given that the appellant listed below appeals to the NMI Supreme Court from the following judgment or order of the NMI Superior Court.

(A) Appellant(s): Rumi Cazador

(B) Appellee(s): Anatahan School District

(C) Judgment or order being appealed: Order Granting Defendant's Motion for Summary Judgment

(D) Date of judgment or order: June 13, 2025

Attached to this notice is a true and correct copy of the final order or judgment being appealed, and a copy of the separate entry of judgment.

Submitted this 12th day of July, 2025

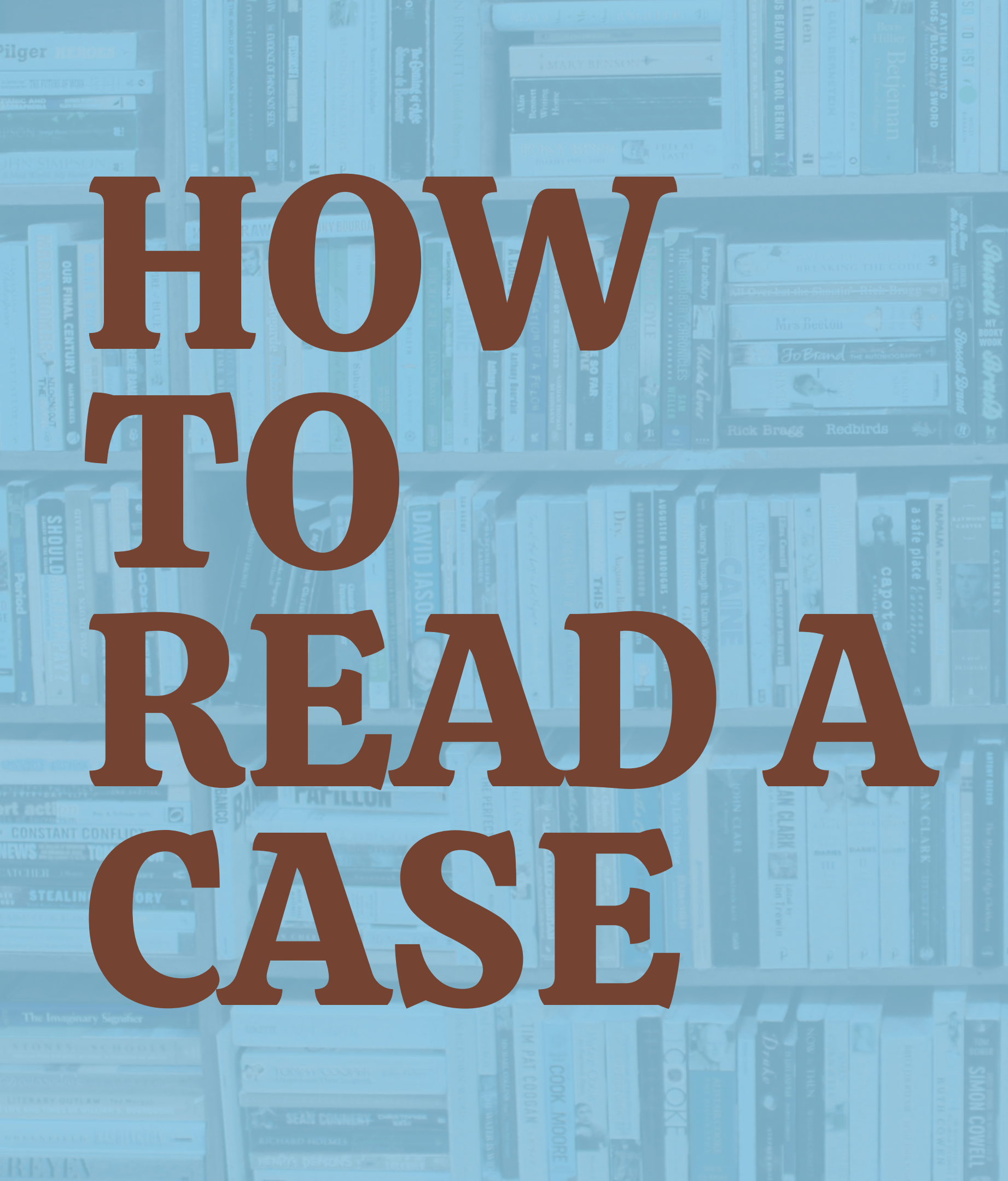
NOTICE OF APPEAL

The Legal Issues

- (1) Whether Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969) applies to students' speech outside of the school environment**
- (2) If Tinker applies to off-campus speech, whether the school's discipline of Rumi's posts violated her First Amendment rights under Tinker**

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)

- **Since understanding Tinker is essential to your case, we'll use it as a how-to guide for reading appellate opinions.**
- **Legal writing can be dense and intimidating — even lawyers often have to read an opinion several times before it fully makes sense. The best approach is to just dive in.**
- **Start with a first read-through to get the overall picture. Don't worry about every unfamiliar word or concept. This first pass should be quick — it helps you see the story, the main question, and the flow of the court's reasoning.**
- **On your second read, slow down. Break the opinion into parts. Pay attention to how the court moves from one part to the next. This is where you start seeing not just what the court decided, but why.**



HOW TO READ A CASE

**Stripping away the legal language to
uncover what really matters — the story,
the question, the answer, and the reason
behind it.**

The text of appellate opinions can be broken down into 5 parts:

(1) The Facts

(2) The Procedural History

(3) The legal issue

(4) The holding

(5) The reasoning

We will address each part in turn.

(1) FACTS: Reading an appellate opinion isn't about collecting every fact — it's about seeing which facts shape the court's reasoning and answer the legal question. On your second read through, highlight what you think is important:

Petitioner John F. Tinker, 15 years old, and petitioner Christopher Eckhardt, 16 years old, attended high schools in Des Moines, Iowa. Petitioner Mary Beth Tinker, John's sister, was a 13-year-old student in junior high school.

In December 1965, a group of adults and students in Des Moines held a meeting at the Eckhardt home. The group determined to publicize their objections to the hostilities in Vietnam and their support for a truce by wearing black armbands during the holiday season and by fasting on December 16 and New Year's Eve. Petitioners and their parents had previously engaged in similar activities, and they decided to participate in the program.

The principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. Petitioners were aware of the regulation that the school authorities adopted.

On December 16, Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day. They were all sent home and suspended from school until they would come back without their armbands. They did not return to school until after the planned period for wearing armbands had expired -- that is, until after New Year's Day.

Instead of this big block of text

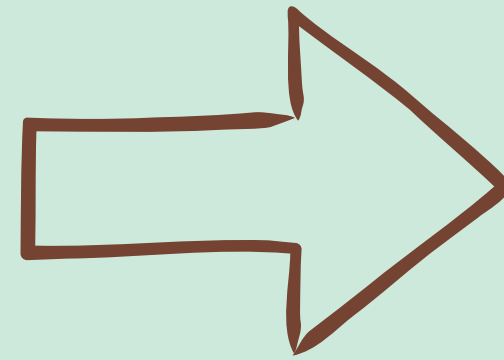
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Keep the facts short and clear, so you can easily remember the heart of the story:



- **Students planned to wear black armbands to protest the Vietnam War**
- **Principals found out about the plan and banned armbands before the protest**
- **Students wore them anyway and were suspended**
- **Protest was peaceful, caused no disruption**

(2) PROCEDURAL POSTURE: how did the lower court rule? You can usually find this at the end of the first section.

It is important to know whether the Supreme Court agrees or disagrees with the reasoning of the lower courts. This sets the stage for the Court's analysis.

AFFIRMED = yes REVERSED = no

This complaint was filed in the United States District Court by petitioners, through their fathers, under § 1983 of Title 42 of the United States Code. It prayed for an injunction restraining the respondent school officials and the respondent members of the board of directors of the school district from disciplining the petitioners, and it

sought nominal damages. After an evidentiary hearing the District Court dismissed the complaint. It upheld [*505] the constitutionality of the school authorities' action on the ground that it was reasonable in order to prevent disturbance of school discipline. 258 F.Supp. 971 (1966). The court referred to but expressly declined to follow the Fifth Circuit's holding in a similar case that the wearing of symbols like the armbands cannot be prohibited unless it "materially and substantially interfere[s] with the requirements of appropriate discipline in the operation of the school." Burnside v. Byars, 363 F.2d 744, 749 (1966).****

On appeal, the Court of Appeals for the Eighth Circuit considered the case *en banc*. The court was equally divided, and the District Court's decision was accordingly affirmed, without opinion. 383 F.2d 988 (1967). We granted certiorari. 390 U.S. 942 (1968).

What we have so far:

- Students planned to wear black armbands to protest the Vietnam War
- Principals found out about the plan and banned armbands before the protest
- Students wore them anyway and were suspended
- Protest was peaceful, caused no disruption
- Students sued in federal court, claiming suspension was a First Amendment violation
- The U.S. District Court ruled for the school, saying the policy was reasonable to prevent disturbance
- The Eighth Circuit Court of Appeals was equally divided, so the District Court's ruling stood
- Students appealed to the U.S. Supreme Court

Opinion by: FORTAS

[*504] MR. JUSTICE FORTAS delivered the opinion of the Court.

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I.

The District Court recognized that the wearing of an armband for the purpose of expressing certain views is the type of symbolic act that is within the Free Speech Clause of the [First Amendment](#). See [West Virginia v. Barnette, 319 U.S. 624 \(1943\)](#); [Stromberg v. California, 283 U.S. 359 \(1931\)](#); Cf. [Thornhill v. Alabama, 310 U.S. 88 \(1940\)](#); [Edwards v. South Carolina, 372 U.S. 229 \(1963\)](#); [Brown v. Louisiana, 383 U.S. 131 \(1966\)](#). As we shall discuss, the wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it. It was closely akin to "pure speech" [*506] which, we have repeatedly held, is entitled to comprehensive protection under the [First Amendment](#). Cf. [Cox v. Louisiana, 379 U.S. 536, 555 \(1965\)](#); [Adderley v. Florida, 385 U.S. 39 \(1966\)](#).

[First Amendment](#) rights, applied in light of the special

(3) LEGAL ISSUE: Most court opinions follow a clear structure. They begin with the facts and procedural history, setting the stage for the appeal. Next, the Court reviews the established law and explains why there's a legal question to resolve — what part of the law is unclear, disputed, or being tested.

characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years. In *Meyer v. Nebraska*, 262 U.S. 390 (1923), and *Bartels v. Iowa*, 262 U.S. 404 (1923), this Court, in opinions by Mr. Justice McReynolds, held that the *Due Process Clause of the Fourteenth Amendment* prevents States from forbidding the teaching of a foreign language to young students. Statutes to this effect, the Court held, unconstitutionally interfere with the liberty of teacher, student, and parent. ****See also *Pierce v.*

On the other hand, the Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools. See *Epperson v. Arkansas*, *supra*, at 104; *Meyer v. Nebraska*, *supra*, at

402. Our problem lies in the area where students in the exercise of *First Amendment* rights collide with the rules of the school authorities.

Tinker's Legal Question:

How should courts balance students' constitutional right to free speech against a public school's authority to maintain order and discipline?

(4) HOLDING: The core legal answer the court gives. It is the rule that decides the case and guides future ones. The holding in Tinker can be found in the first paragraph of page 4:

In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that engaging in the forbidden conduct would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school," the prohibition cannot be sustained. Burnside v. Byars, supra, at 749.

QUESTION: How should courts balance students' constitutional right to free speech against a public school's authority to maintain order and discipline?

ANSWER: Student expression in constitutionally protected unless it materially and substantially disrupts the learning environment or the rights of others.

(5) REASONING: Why did the court reach this decision, and what legal and factual reasons support it? Courts can cite precedent (past cases) and discuss constitutional principles or policy. Understanding the Court's reasoning helps you apply the rule to your case. Here are some examples from Tinker:

The school officials banned and sought to punish petitioners for a silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners. There is here no evidence whatever of petitioners' interference, actual or nascent, with the schools' work or of collision with the rights of other students to be secure and to be let alone. Accordingly, this case does not concern speech or action that intrudes upon the work of the schools or the rights of other students.

Only a few of the 18,000 students in the school system wore the black armbands. Only five students were suspended for wearing them. There is no indication that the work of the schools or any class was disrupted. Outside the classrooms, a few students made hostile remarks to the children wearing armbands, but there were no threats or acts of violence on school premises.

The District Court concluded that the action of the school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of the armbands. But, in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom, or on the campus, that deviates from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk, *Terminiello v. Chicago*, 337 U.S. 1 (1949); and our history says that it is this sort of hazardous freedom -- this kind of openness -- that is

[*509] the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often disputatious, society.

When he is in the cafeteria, or on the playing field, or on [*513] the campus during the authorized hours, he may express his opinions, even on controversial subjects like the conflict in Vietnam, if he does so without "materially and substantially interfer[ing] with the requirements of appropriate discipline in the operation of the school" and without colliding with the rights of others. *Burnside v. Byars, supra*, at 749. But conduct by the student, in class or out of it, which for any reason -- whether it stems from time, place, or type of behavior -- materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech. Cf. *Blackwell v. Issaquena County Board of Education*, 363 F.2d 749 (C. A. 5th Cir. 1966).

A common mistake when reading cases is not connecting them to broader legal themes. It's easy to focus just on the surface details — like students wearing armbands — and miss the bigger picture. Tinker isn't just about one group of students protesting the Vietnam War; it's about how far constitutional rights extend into public schools.

After reading a case, you will apply the Court's holding and reasoning to your particular facts.

RECAP: CRITICAL READING IN 6 STEPS

1. Read the Basics: Do a simple pass through. Note the case name, year, and court.
2. Get the Facts: What happened and who's involved?
3. Find the Issue: What legal question is the court answering?
4. See the Holding: How did the court answer that question?
5. Understand the Reasoning: Why did the court decide that way?
6. Think Big: How does the case connect to your specific legal issue?

READING PRACTICE

This excerpt comes from *Wynar v. Douglas County School District* in your case file, where the court examined an earlier case to guide its decision. Can you look past the legal language to figure out what the court is really saying here?

In *LaVine v. Blaine School District*, our circuit's most analogous precedent, we held that a school did not violate the [*First Amendment*](#) rights of a student who was expelled on a temporary, emergency basis because of a first-person poem he wrote at home about a school shooting and suicide and later showed to his English teacher during class. [*257 F.3d 981, 988 \(9th Cir. 2001\)*](#). Because the poem was neither lewd nor school-sponsored, we applied the *Tinker* test to the school's actions. [*Id. at 989*](#). Under *Tinker*, schools may prohibit speech that "might reasonably [lead] school authorities to forecast substantial disruption of or material interference with school activities" or that collides "with the rights of other students to be secure and to be let alone." [*Tinker, 393 U.S. at 508, 514*](#). Looking to the totality of the circumstances, *LaVine* concluded that the school could have reasonably "forecast substantial disruption of or material interference with school activities—specifically, that [the student] was intending [*1068] to inflict injury upon himself or others." [*LaVine, 257 F.3d at 990*](#). Against "the backdrop of actual school shootings," we considered that the student was involved in a domestic dispute, had recently broken up with his girlfriend and was reportedly stalking her, and had disciplinary problems in the past. [*Id. at 989-90*](#). "[M]aybe most important[] . . . was the poem itself." [*Id. at 990*](#). "At its extreme it can be interpreted as a portent of future violence," and "[e]ven in its most mild interpretation, the poem appears to be a 'cry for help.'" *Id.*

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The main takeaway:

In *LaVine v. Blaine School District*, the court upheld a student's temporary expulsion after he wrote and shared a poem about a school shooting and suicide. Applying the *Tinker* test, the court concluded the school could reasonably foresee substantial disruption or potential violence given the student's past behavior and the rise of real school shootings.

Next step:

Ask yourself why the court is using this example. Use the context of the case--the legal issue and the holding-- to decipher the importance of this passage. Why does this reasoning support the holding? We can't give you the answer here, you have to analyze the reasoning on your own.



QUESTIONS?

Next workshop: Monday, Oct. 20

Remember you can reach out to Kate, Katrina, or Chandler at any time with questions or concerns.

Email: mootcourt@nmijudiciary

See you next time!

