

Welcome to CNMI Moot Court Workshop 2

BRIEF

WRITING



Please sign in

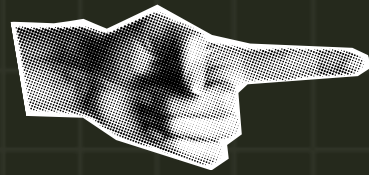
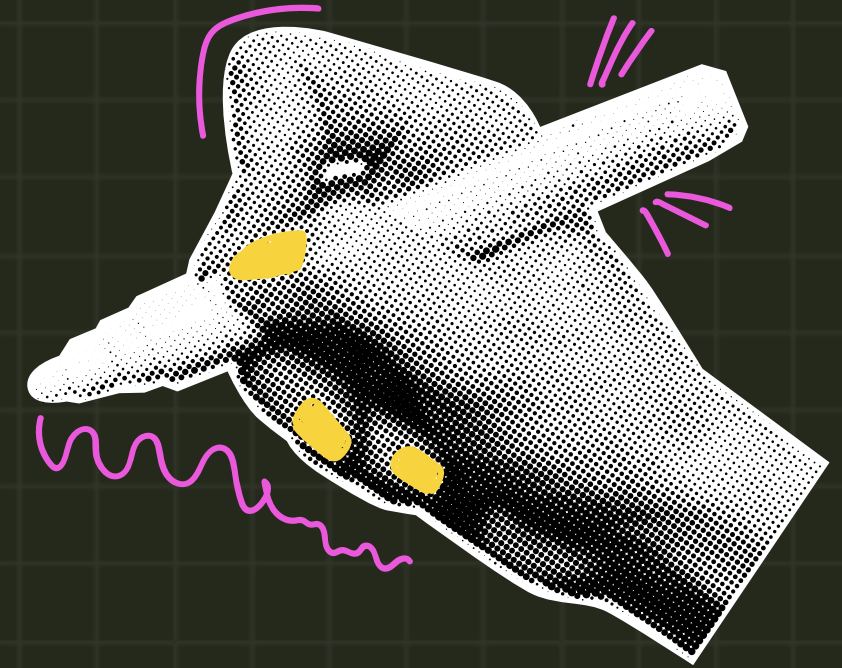


"Writing is thinking. To write well is to think clearly. That's why it's so hard."

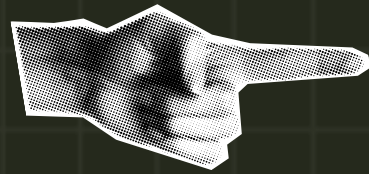
---David McCullough



Updates and Reminders

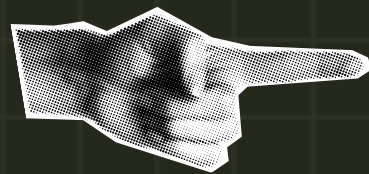


Registration is **CLOSED!** We will be posting team assignments tomorrow

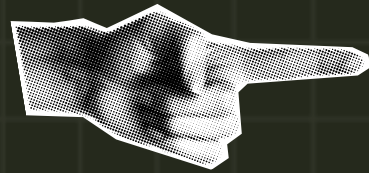


Each team will be assigned to represent Appellant or Appellee

Whoever tackles each issue is up to you!



Briefs are due Nov. 14 at 11:59 pm by email to mootcourt@nmijudiciary.com



Any questions?

Appellant Advocates

Mary Amog	Snyder Henry
Seunghee "Sunny" Jeon	William Cano
Alif Papel	Branred Pamintuan
Chanwoong Yeom	Sarah Lim
Yujie Zhang	Xyris Ellazar
Montrey Germance	Ainsley Ancheta
Irene Park	Asa Backe
Andre Guerrero	Matthew Sze fler
Landon Pudney	Ian Ahn
Neil Santos	Nash Santos
James Xiong	Ryan Kim
Alleena Villaluz	Qihan Wang
Kate Manglona	Faith Arriola
Marissa Munos	Jamie Whang
Vanna	Yiming

Appellee Advocates

Jude S. Burgos	Annabella M. Tudela
Carlos Calvo	Rianna Barcinas
Jeffrey Atalig	Monica Mangarero
Cyrena Ada	Jesse Lin
Carly Dela Cruz	Christopher Dela Cruz
Ricky Tang	Steven Lian
Jim Sison	Seano Pangilinan
Danice Fernando	Frances Licda
Eunho Park	Alice Moon
Grant Li	Mihhran Ahmed
Olivia Zhang	JiaYi Li
Eunchan Ko	Tony Xiao
Ashlynn Han	Selina Santiago
Jebro Leon	Michael Guintu
Bentley Castro	Kyle Cho

***Note: This is a random order and does not reflect your opponent for oral arguments

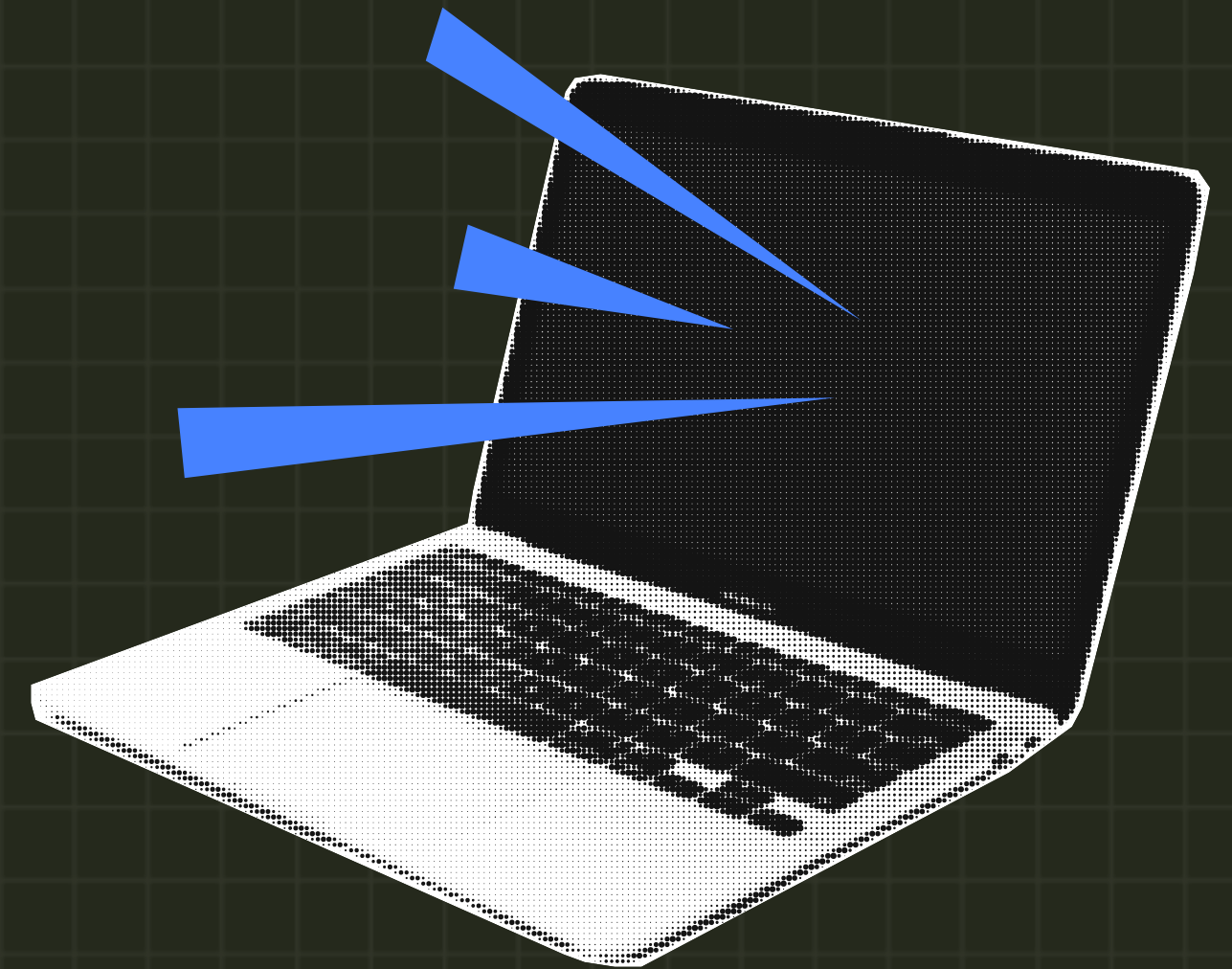
Brief Overview

Format:

- **12 pt Times New Roman**
- **Double Spaced**
- **1-inch Margins**
- **3 to 5 pages**
- **No more than 12 pages**

Structure:

- **Use headings to state your points**
- **Each paragraph should make one main point – like a building block in your argument.**
- **The first paragraph states your core claim (your answer to the issue).**
- **The next few develop that claim using rules, cases, and facts.**
- **The last one wraps it up and transitions to the next issue.**



-1,250 words of argument

**You already have plenty of material–
keep it tight, clear, and persuasive**

Longer $\neq$ Better

Parts of an Appellate Brief

Imagine the facts and
issues have already been
summarized here



I. Introduction

II. Jurisdictional Statement

III. Statement of the Issues

IV. Facts and Procedural History

V. Argument



VI. Conclusion

No need for a conclusion
paragraph for all of your
arguments

YOUR BRIEF:

A. Issue #1

1. Subheading

2. Subheading

--OR--

B. Issue #2

1. Subheading

2. Subheading

The Basics

Brief writing can be broken down into 3 parts:

1

Planning

Read everything
Decide your argument
Choose your cases
Organize your points

2

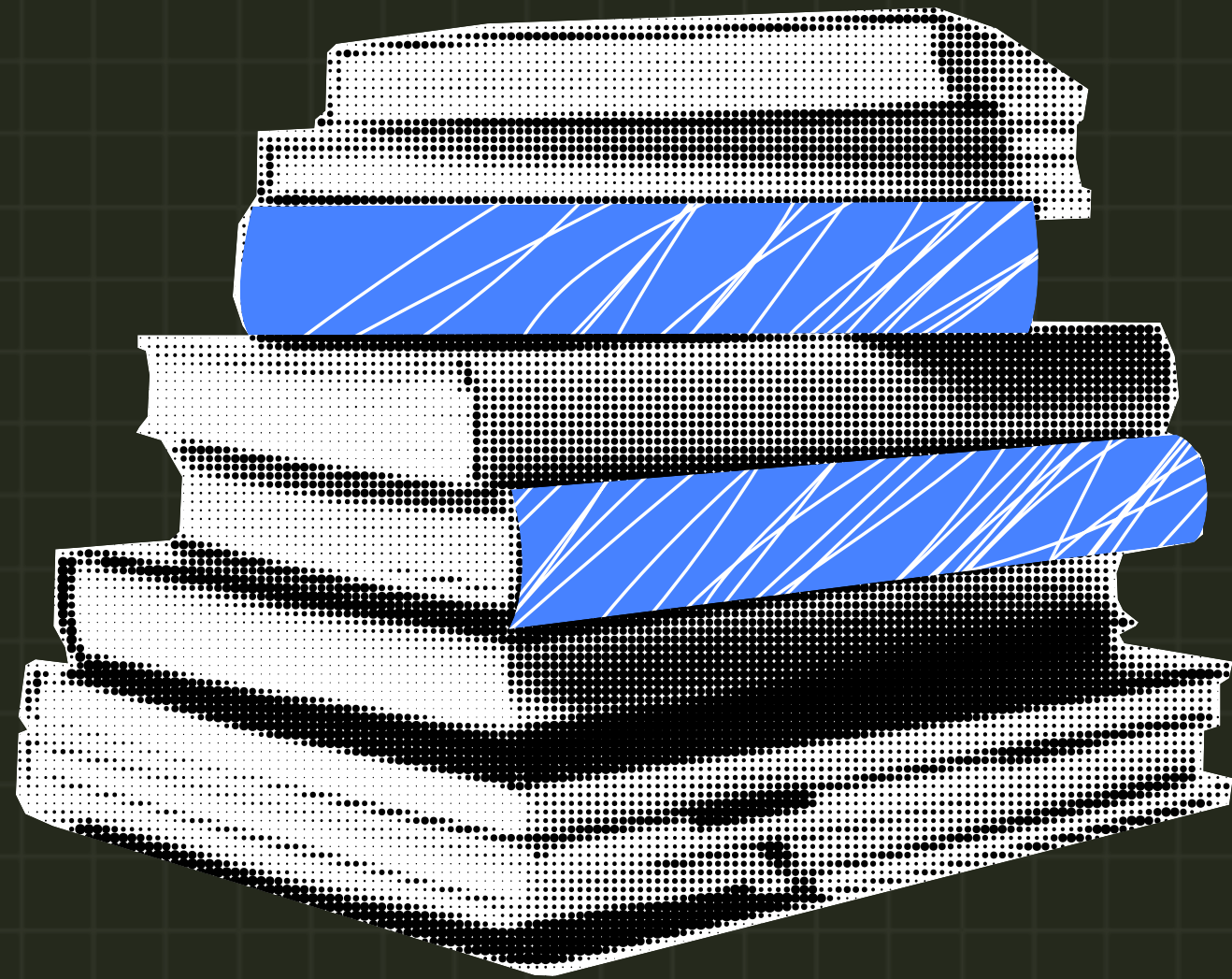
Drafting

Write persuasive sentences
Weave in facts and cases
Use headings that argue
Cite your sources

3

Editing

Read through critically
Check your structure
Cut out the fluff



Part 1

Planning

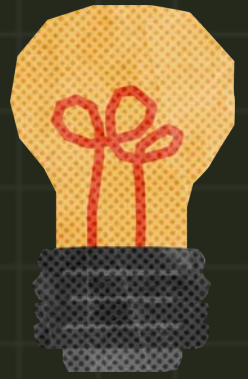
1.1 Finding your main argument

1.2 Organizing cases around that argument

1.3 Outlining different points



Framing your Argument



Issue 1: Does Tinker apply off-campus?

- Appellant: No — off-campus posts are private expression
- Appellee: Yes — online speech reaching school counts as school speech

Issue 2: Did the punishment violate the First Amendment?

- Appellant: Yes — harmless satire, no real disruption
- Appellee: No — posts were disruptive and threatening

Organizing Your Research

Why is this important?

- **To see the big picture.** It helps you understand how the facts, issues, and cases fit together.
- **To find things fast.** You don't waste time flipping through 40 pages of highlights.
- **To build stronger arguments.** You can spot patterns—what facts help you, what cases hurt you.
- **To stay focused.** Organization keeps your argument clear and on track to avoid repetition or contradiction

Organization Methods

Issue Outline – Arrange your notes under each legal issue so you can see which facts and cases belong where.

Case Chart – Make a table for each case with columns for facts, holding, reasoning, and how it supports or hurts your side.

Sticky Notes or Index Cards – Write one idea or case per note; move them around until your argument flows naturally.

Different tools, same goal: turning chaos into clarity.

There is no right or wrong way to organize. Choose whatever method helps you break complex ideas into smaller, movable pieces.

See how the facts, cases, and issues fit together to form a cohesive argument.

**Now that you know your case law you
can form your argument:**

Issue

Rule

Analysis

Conclusion

**This is the structure of your ENTIRE
argument section.**

**It is not how each paragraph should be
structured**

**The majority of your brief will be
analysis...**

How to analyze an issue

Claim – your main point

Reason – why that claim is true

Evidence – authority, precedent, or facts

Refute – address and neutralize the opposing argument

Conclude – return to your theme (the larger issue)

CRERC

Example: 4th Amendment Analysis

A vice principal searches a student's backpack after overhearing a rumor that "someone might have vape pens." No one names the student, no one reports danger, and the search turns up nothing.

Here's how you'd build the argument using CRERC:

Claim: The search of the student's locker violated the Fourth Amendment.

→ This is your main point – the conclusion you want the court to reach.

Reason: Because school officials didn't have any specific reason to think the student did something wrong.

→ Here you explain why your claim should win.

Evidence: The Supreme Court has said that searches at school must be based on "reasonable suspicion," not just a hunch. (New Jersey v. T.L.O.) In this case, the principal only searched the locker because someone "looked nervous," which isn't enough.

→ This is where you bring in law and facts that prove your reason true.

Refute: The school might argue that it needed to act quickly for safety, but there was no emergency or threat – just a random check.

→ Good lawyers don't ignore the other side; they face it and show why it's weak.

Conclude: Since the search had no specific cause and uncovered nothing dangerous, it violated the Fourth Amendment's protection against unreasonable searches.

→ End by circling back to your main claim so the reader remembers your position.

Each paragraph in your brief should follow this rhythm: make a point, explain it, prove it, handle the other side, and wrap it up.

Other Possible Fourth Amendment Claims

1. **No reasonable suspicion:** The official acted on a rumor, not specific facts.
2. **Excessive scope:** Even if suspicion existed, the search went too far (like dumping out the backpack, scrolling through a phone).
3. **Lack of immediacy:** There was no threat or urgency justifying skipping a narrower step, like asking questions first.
4. **Expectation of privacy:** Students still have a legitimate expectation of privacy in personal items like phones, bags, and lockers.

Do you see how these claims reinforce the larger argument?

Issue: The school violated the Fourth Amendment

Claim 1: There was no reasonable suspicion.

Claim 2: The search was excessively intrusive.

Claim 3: Students retain a reasonable expectation of privacy in personal belongings.



**See you have at least
4 paragraphs of
analysis here**

The Outline

Likely can be
combined into your
opening paragraph

1. ISSUE

2. RULE

3. ANALYSIS

a. **Claim 1**

i. Reason

ii. Evidence

iii. Refute

iv. Conclude

b. **Claim 2**

i. Reason

ii. Evidence

iii. Refute

iv. Conclude

c. **Etc...**

4. CONCLUSION

a. One sentence tying it all together

This stage is a good
time to decide on
persuasive headings

You are free to write as much or as
little as you want here. The rules
are flexible, don't feel you have to
fit it all into one paragraph



Part 2

Drafting

1.1 Good v. Bad Argumentative Writing

1.2 Persuasive Headings

1.3 Case Citations

What **good** argumentative writing looks like

- **Makes a clear claim – the reader knows your side immediately.**
- **Uses authority as proof, not decoration.**
- **Connects law to facts in every paragraph.**
- **Anticipates the other side and dismantles it.**
- **Ends each section with a confident conclusion, not a shrug.**

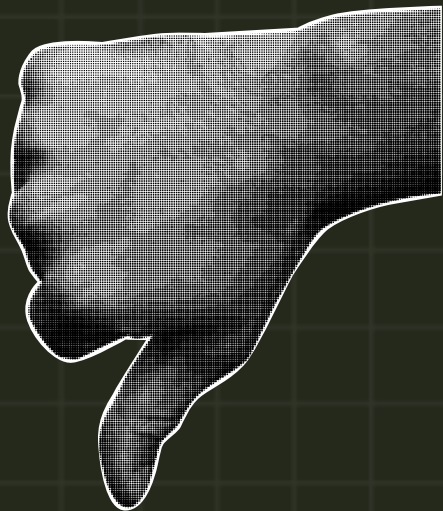


Example:

The officer's warrantless search violated the Fourth Amendment because it lacked both probable cause and any recognized exception. Under the Supreme Court's decision in *Riley v. California*, 573 U.S. 373 (2014), even a limited search of a cell phone requires a warrant absent an exigent circumstance. Here, the officer searched the phone after the defendant was already in custody and posed no threat to public safety. No evidence risked destruction, and no emergency justified the intrusion. Because none of the narrow exceptions to the warrant requirement applied, the search was unreasonable.

What **bad** argumentative writing looks like:

- Summarizes cases without purpose.
- Lists facts but never explains why they matter.
- Avoids taking a stance (“It could be argued that…”).
- Copies legal rules with no application.
- Ends with filler (“Therefore, the student’s rights might have been violated.”)



Example:

The officer’s search was unreasonable under the Fourth Amendment because students still have privacy rights at school. In *New Jersey v. T.L.O.*, the Supreme Court said school officials need “reasonable suspicion” before searching students. That standard is lower than probable cause, but it still protects privacy. Here, the vice principal may have been trying to protect safety, but he didn’t follow procedure. Therefore, the search violated the Fourth Amendment.

(This looks polished and cites law correctly, but it fails to **argue**—the writer never links the rule to facts, hedges instead of taking a stand, and ends with a vague procedural complaint instead of clear constitutional reasoning.)

Headings as Persuasive Tools

Back to the Fourth Amendment Example:

- **The Search Violated the Fourth Amendment Because It Was Based on a Mere Rumor, Not Reasonable Suspicion.**
- **The Search Was Reasonable Because a Credible Report Gave School Officials Specific Grounds for Suspicion.**

Quick rules

- **Start with your conclusion. (“The search violated...” not “Whether the search violated...”)**
- **Add the legal standard. (Reasonable suspicion, scope, privacy, etc.)**
- **End with the reason. (“Because it was based on a rumor,” “Because safety justified it,” etc.)**

So your outline might look like this:

I. The Search Violated the Fourth Amendment Because School Officials Lacked Reasonable Suspicion.

- **Dive straight into legal rule**
- **Support with specific claims that tie into your facts**

II. Even If There Was Suspicion, the Search Was Excessively Intrusive and Therefore Unreasonable.

- **Legal Rule for “excessively intrusive”**
- **Claim → Reasons → Evidence → Refute → Conclude**

How to Cite Cases

- **U.S. Supreme Court Citation**

- **[(Case Name), [(Reporter Volume Number) U.S. Initial (Page Number)] Pincite, (Year)].**

- **Example: *TWA v. Hardison*, 432 U.S. 63 (1977).**

- **Short Citation**

- **[Distinct Party's Name], [(Reporter Number) U.S. at Pincite].**

- **Example: *TWA*, 432 U.S. at 81.**

- **Repeating Citations**

- ***Id.* at 85.**



Your Case Citations

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

***Bethel Sch. Dist. N. 403 v. Fraser*, 478 U.S. 675 (1986)**

***Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988)**

***Wynar v. Douglas Cty. Sch. Dist.*, 728 F.3d 1062 (9th Cir. 2013)**

***Bell v. Itawamba Cty. Sch. Bd.*, 799 F.3d 379 (5th Cir. 2015)**

***Dunkley v. Bd. of Ed.*, 2016 U.S. Dist. LEXIS 145389 (N.J. Dist. Oct. 20. 2016)**

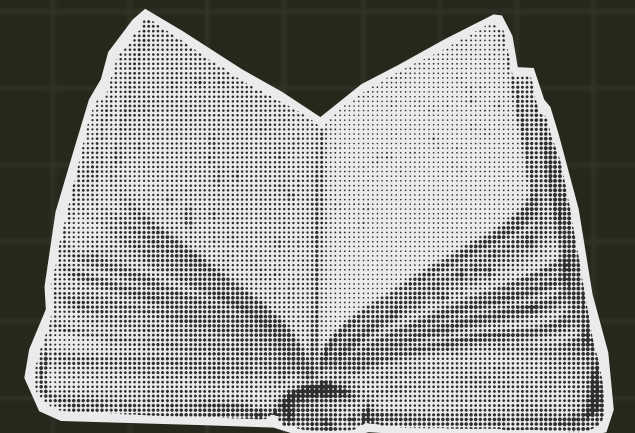
***Doninger v. Niehoff*, 527 F.3d 41 (2d Cir. 2008)**

***Thomas v. Bd. of Ed.*, 607 F.2d 1043 (2d Cir. 1979)**

***Kowalski v. Berkeley Cty. Sch.*, 652 F.3d 565 (4th Cir. 2011)**

***S.J.W. v. Lee's Summit R-7 Sch. Dist.*, 696 F.3d 711 (8th Cir. 2012)**

*****Be sure to cite to the correct page number of your case, not the pdf page number*****



Order of Citations

- **When you introduce a case, write out the entire citation.**
- **For example: The court found a "thirty-five mile radius and a two-year time frame from last day of employment" was reasonable. Cedar Valley Med. Specialists v. Wright, 2019 Iowa App. 938 *13 (2019).**
- **When you cite it again, you can just say id.**
- **For example: The clause was not unenforceable on public policy grounds. Id. at *16.**
- **When you cite the case later, you can use the short form.**
- **For example: Cedar Valley held that a similar contract clause was completely reasonable. Cedar Valley, 2019 Iowa App. at *16.**

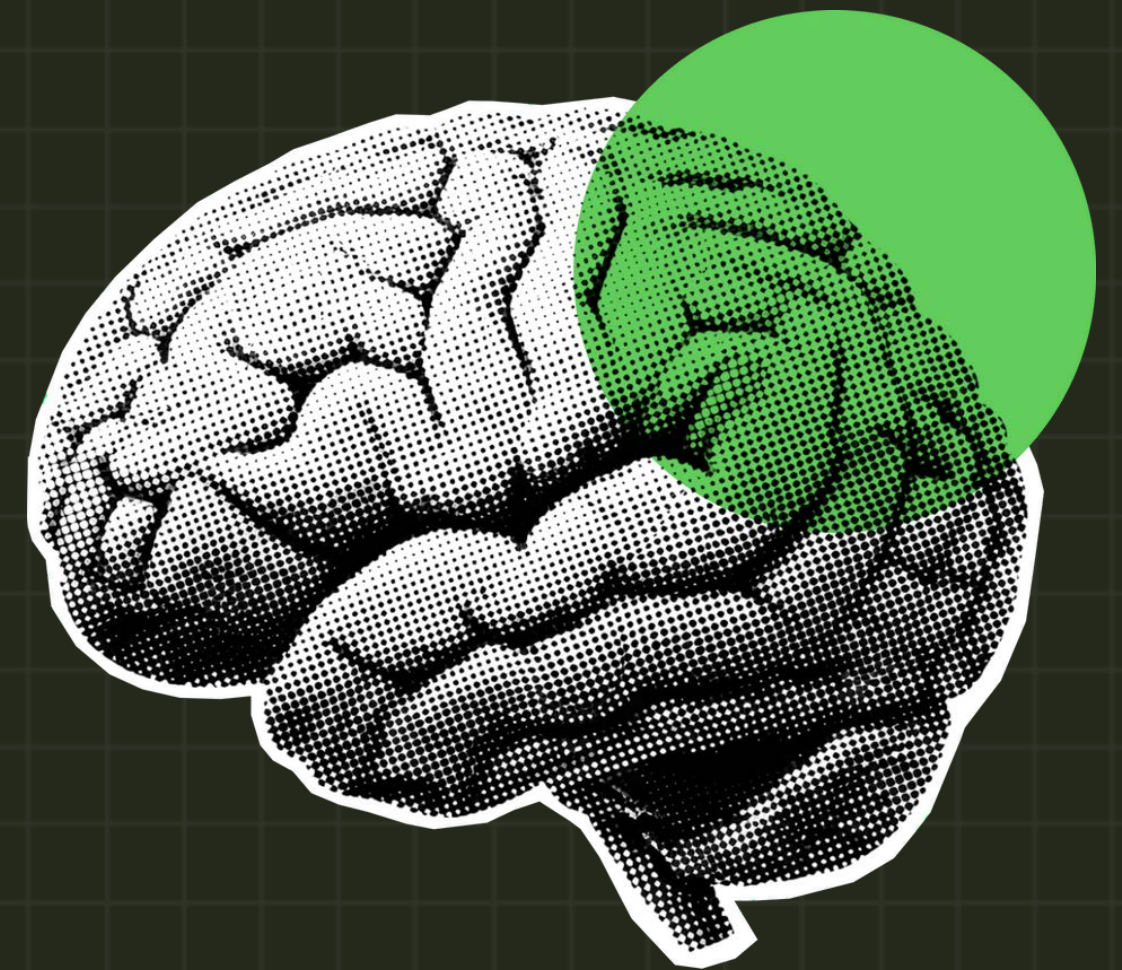


Part 3

Editing

The Editing Mindset

- **Good writers cut, not decorate.**
- **The goal is clarity and force, not length.**
- **Ask yourself after each sentence:**
- **Does this prove something?**
 - **If not, delete it.**





What to Cut:



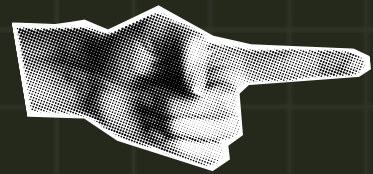
Fluff words: clearly, important to note, in conclusion, therefore it is evident that.

Case dumps: long quotations when one sentence would do.

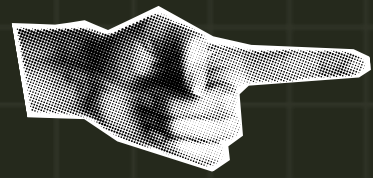
Repetition: saying the same rule in new words.

Hedging: “it could be argued,” “it seems,” “possibly.”

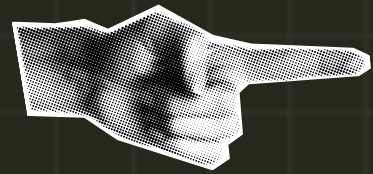
What to Add



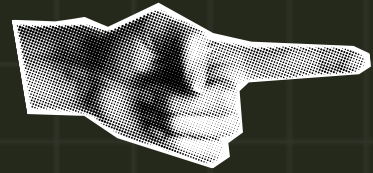
Transitions that show logic: because, therefore, however, even if, by contrast.



Precise language: use strong verbs and nouns like search, punish, violate, protect.



Application: every rule must connect to a fact.



Active voice: “The search violated the Fourth Amendment,” not “The Fourth Amendment was violated by the search.”

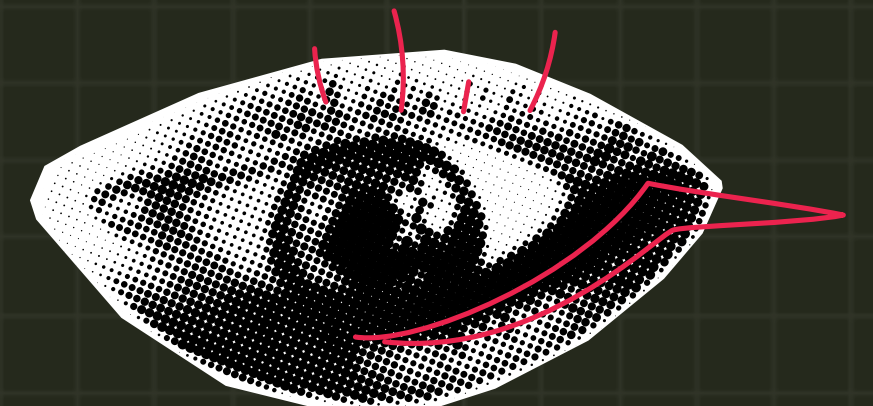
Examples of Before and After Editing

Before:

- It is important to note that the principal's search may have violated the Fourth Amendment because the law requires searches to be reasonable, as seen in T.L.O., which held that searches must be based on reasonable suspicion.

After:

- The search violated the Fourth Amendment because the principal acted on rumor, not reasonable suspicion, as T.L.O. requires.



Final Editing Checklist

- **Does each paragraph make a clear claim?**
- **Does every sentence earn its place?**
- **Is every quote necessary?**
- **Does it sound confident, not cautious?**
- **Are there any spelling/grammar errors?**

That's all for today!

**We will be holding office hours anytime by appointment and
by a schedule set a week before the brief is due.**

**Please email mootcourt@nmijudiciary.com to schedule a
time to speak with us or with any questions!!**

Next Workshop: Oral Arguments is Nov. 17