

Student Handout: Preparing the Case Study

Overview: In this case study, your group will review the issues surrounding the exercise of free speech. The attorney groups will argue their case on its constitutional merits before the three-judge panel. Follow the attorneys' guide below to prepare for your case. Judges will also prepare for the case by becoming familiar with the issues involved. Follow the judges' guide below.

Guide to the Attorneys Role:

The Quran burning case: Though no book burning occurred, participants in this case study are to treat the case as if the respondents actually did burn copies of the Quran. "The "petitioners" who bring this case to court are from an anti-defamation coalition of different religious organizations that argue the burning of the Qurans constitutes an act of religious harassment bordering on a hate crime. The "respondents" are members of the Dove World Outreach Center who contend they are only exercising their right to free speech.

Protests at a military funeral case: The "petitioners" are family members of fallen U.S. soldiers who have had their funerals attended by the anti-gay protesters. The "respondents" are members of the Westboro Baptist Church who contend their protests at the funerals are protected by First Amendment right of free speech.

Guide to the Judges Role: Pick one of you to be the lead judge. You will monitor the attorney's presentation time and make sure all judges get to ask questions. You will also report to the class the findings of your court at the end of the activity.

Preparation for each Attorney Group:

- How does your side (petitioner or respondent) want the case to be decided?
- What are the arguments that favor your side?
- What are the arguments against your side? (Anticipating the opposition can strengthen your argument.)
- What's at stake here for your side and for society?

Preparation for Judges:

- Before attorney presentations, preview the details and issues of the case.
- As a group, develop 5-7 questions to ask the attorneys regarding the facts of the case, the constitutional basis for their position, and the potential impact on society of a decision either way on this case.
- Take notes during the oral arguments to assist you in delivering your decision (step three, below)

Case Study Schedule:

1. Each attorney group has five minutes to present their arguments. Judges can ask relevant questions at any time during or after the presentations.
2. After both attorneys have presented their cases, the judges convene in “closed door” session for five minutes to arrive at a decision. During your deliberations, discuss the following:
 - Review the basic facts of the case.
 - How did each side want the case to be settled?
 - Review the arguments for each side. Which attorney group was the most persuasive and why?
 - Which side (petitioner or respondent) will you decide for? (You don’t all have to agree. The decision is based on majority vote, but there can be dissenting opinions.)
 - What do you believe is the impact of your decision? How will your ruling impact the litigants of the case and society?
3. The judges’ decision should contain all the information from the list of deliberation topics above.