

Wabash College Moot Court Competition

person identified as male at birth for traits and actions it tolerates in a person identified as female at birth. For example, a person identified as male at birth could receive testosterone therapy to conform to a male identity, but a person identified as female at birth could not. That the Act prevents minors of both sexes from receiving gender affirming care is no defense because the Act still classifies on the basis of sex. In short, as the U.S. Supreme Court explained in *Bostock v. Clayton County*, it is impossible to discriminate against a person for being gay or trans without discriminating against that person based on sex. ___ U.S. ___, 140 S. Ct. 1731(2020).

important government objectives, and the discriminatory means employed must be substantially related to those objectives. The state must also demonstrate an exceedingly persuasive justification for the classification; it cannot be based on assumptions about the proper roles of

true purpose is to force boys and girls to look and live like boys and girls. In addition, the evidence establishes that gender affirming care works. It reduces rates of depression, anxiety, and suicide, which trans adolescents suffer at disproportionately higher rates. And it is not experimental: while it has evolved over time, gender affirming care has been prescribed for years, and all major medical associations agree it is appropriate care for trans and gender unconstitutional because it allows minors to use puberty blockers and hormones for some purposes but not for gender transition.

2. The Due Process Clause requires the Court to apply its highest level of scrutiny, strict scrutiny, when government violates fundamental rights. Fundamental

Court has long recognized that parents have a fundamental right to direct the care and upbringing of their children. This fundamental right includes the high duty of parents to recognize symptoms of illness and seek and follow medical advice. The Act violates this

jeopardized, it may not supplant parents merely because the decision involves risks. The Act

test. Strict scrutiny requires a higher level of proof than intermediate scrutiny. Strict scrutiny

My name is _____,
and I represent _____, the [Petitioners or Respondents
allowed rebuttal and MUST reserve rebuttal time. Unless a judge asks you prior to the start of the
round, you ask for rebuttal immediately after your introduction

excellent command of the relevant facts to make the most effective arguments. DO NOT MAKE UP FACTS. YOU MUST STAY WITHIN THE PROBLEM ITSELF.

Road map your argument. State the issues for the court to consider in clear, concise terms. For example There are three reasons our client should prevail. First, . . . BE PERSUASIVE. That is the whole object of an appellate argument. Tell the Court why Court of Appeals erred in finding for the Respondents Court of Appeals

for argument, go back to point one and begin your analysis of each point/reason why you should win.

When you end, offer a Prayer/Request: Tell the Court in one sentence what you want them to do t

For rebuttal, do not be verbose. Only one of Petitioners attorneys gives a rebuttal. Your rebuttal should include one or two strong points. Listen to the Respondents argument closely to pick up on what the judges are questioning him about. If it favors your side, hit it hard in your rebuttal. An example might be the correction of a case that the Respondents did not analyze or apply correctly. Rebuttal is very important because it is a great way to win points.

EYE CONTACT IS VERY IMPORTANT! Look directly at the judges as much as possible, especially when answering questions. This will also help you appear confident in your argument and enhance your overall advocacy style.

The most important thing to keep in mind is that you are very familiar with your case, and you know what you are talking about. The best way to avoid feeling nervous is to prepare your argument well, think clearly, and HAVE FUN!

The judges will give you oral feedback after the entire argument, including rebuttal, is complete. These helpful hints and comments will be invaluable in the next round.

VII. WHY SO MANY QUESTIONS?

The judges will ask EVERYONE questions about the case. The purpose is not to humiliate or confuse you. To the contrary, the judges need your help in figuring out how to decide this case. That is why they ask questions. Also, in a moot court competition, they want to determine how well you know your material, how well you can think on your feet, and how well you respond and return to the flow of your argument.

Remember to listen to EACH question before you answer it. The question may not be as difficult as you think or even may be friendly to your side. If you do not hear or do not understand what a judge is asking, it is acceptable to ask him/her to repeat the question so long as you do so politely and on a limited basis. In general, however, frequent requests for repetition harm your credibility.

Anticipate the questions you might hear and prepare for and read them back. Answer the question briefly, and then get back into your argument.

up to distractions and interruptions by fumbling around trying to figure out what to say next.