

Spring 2007 Moot Court Competition



IN THE OKLAHOMA INTERCOLLEGIATE LEGISLATURE SUPREME COURT

Petitioner)	
Oklahoma State)	
Election Board)	No. 2007 - 169
)	
V.)	
)	
Respondent)	
Justin Biassou)	

PETITION FOR REVIEW:

The following question has been certified on appeal to this court:

- 1) Did the Oklahoma Photo ID Requirement Act disproportionately burden Oklahoma voters' fundamental right to vote therefore violating the Equal Protection Clause of the Fourteenth Amendment?
- 2) Did the Oklahoma Photo ID Requirement Act impose a poll tax equivalent on Oklahoma voters' in violation of the Fourteenth and Twenty-Fourth Amendments due to the cost associated with obtaining documents?
- 3) Should the State of Oklahoma's law requiring a registered voter to produce photo identification in order to vote in person, enacted for the specific purpose of preventing voter fraud at the polls, be analyzed under the "Strict Scrutiny Standard" of *Dunn v. Blumstein*, 405 U.S. 330 (1972), or the more flexible "Burdick Test" of *Burdick v. Takushi*, 504 U.S. 428 (1992)?

FACTS OF THE CASE:

Justin Biassou is an 85 year old African American World War II Veteran who lives on a farm 10 miles from the rural community of Crappo, Oklahoma. He does not own a car and has very limited access to any forms of transportation. His granddaughter, Honey Ryder Biassou, visits him and brings him supplies every two weeks. Mr. Biassou honorably exercised his Constitutional right to vote for over 60 years until 2005 when the Oklahoma Legislature passed the Photo ID Requirement Act. With the passage of this act, Mr. Biassou now finds himself unable to vote due to his lack of a Photo ID. Mr. Biassou does not have easy access to all documents necessary to receive a government-issued Photo ID. Additionally, he is substantially constrained financially and is concerned about the cost associated with obtaining a government-issued Photo ID. Furthermore, the nearest Oklahoma Department of Motor Vehicles where Mr. Biassou can obtain his Photo ID is located 10 miles away in Crappo, Oklahoma. Due to his transportation limitations, he feels that this provision is burdensome and unnecessarily.

The Oklahoma Photo ID requirement Act of 2005 is an amendment to a law which had previously allowed any of Seventeen other forms of identification:

- (1) A valid Oklahoma driver's license;
- (2) A valid identification card issued by a branch, department, agency, or entity of the State of Oklahoma, any other state, or the United States authorized by law to issue personal identification;
- (3) A valid United States passport;
- (4) A valid employee identification card containing your photograph and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid employee identification card containing your photograph and issued by your employer in the ordinary course of such employer's business;
- (6) A valid student identification card containing your photograph from any public or private college, university, or postgraduate technical or professional school located within the State of Oklahoma;
- (7) A valid Oklahoma license to carry a pistol or revolver;
- (8) A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States;
- (9) A valid United States military identification card;
- (10) A certified copy of your birth certificate;
- (11) A valid social security card;
- (12) Certified naturalization documentation;
- (13) A certified copy of court records showing adoption, name, or sex change;
- (14) A current utility bill, or a legible copy thereof, showing your name and address;
- (15) A bank statement, or a legible copy thereof, showing your name and address;
- (16) A government check or paycheck, or a legible copy thereof, showing your name and address; or
- (17) A government document, or a legible copy thereof, showing your name and address.

Under the newly enacted Oklahoma Photo ID Requirement Act, voters are required to present a 1) Oklahoma Driver's License, 2) a State Identity Card, 3) a passport, 4) a Government Employee ID card, 5) a military ID card, or 6) a tribal ID card in order to vote. This statute was enacted specifically to increase the integrity of the voter system by preventing voter fraud during elections. The Oklahoma Legislature has made available the provision of Photo ID's gratis. The Photo ID's may only obtain at the Oklahoma Department of Motor Vehicles and must be presented at the polls in order for an individual to cast their vote.

Mr. Biassou feels that the Oklahoma Photo ID Requirement Act imposes an undue burden on his right to vote, thereby violating the Fourteenth and Twenty-fourth Amendments. In addition, Mr. Biassou believes that the Act establishes a modern day poll tax equivalent that violates the twenty-fourth Amendment.

PROCEDURAL HISTORY:

Oklahoma District Court Justice Robin Feathers, ruled on March 12, 2006 that the Oklahoma Photo ID Requirement Act violates the Fourteenth and Twenty-Fourth Amendments, and ruled the Act unconstitutional. The Oklahoma State Election Board appealed the ruling and was granted cert by the Oklahoma Appeals Court. On August 10, 2006, Appeals Court Justice Tom Freeball upheld the District Court ruling. The Oklahoma State Election Board appealed again and a cert was granted by the Oklahoma Intercollegiate Supreme Court.

AUTHORITIES:

- 1) Indiana Democratic Party v. Rokita, Case No. 06-2218 (2006)
- 2) Burdick v. Takushi, 504 U.S. 428 (1992)
- 3) Anderson v. Celebrezze, 460 U.S. 780 (1983)
- 4) Dunn v. Blumstein, 405 U.S. 330 (1972)
- 5) United States Constitution, Article 1 Section 4, Amendment XIV (14) and Amendment XXIV (24)
- 6) Help America Vote Act of 2002 (HAVA), Title 3 Section 303 Subsection (b) (2002)
- 7) Harman v. Forssenius, 380 U.S. 528 (1965)
- 8) Voting Rights Act of 1965

COMPETITION RULES AND REGULATIONS

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- A. The court will assign your side (Petitioner/ Respondent) for all rounds excluding finals. Parties for the final round will be determined by a coin toss.
- B. All information regarding specific times and locations will be posted on the Supreme Court hotel room and the House and Senate Chambers.
- C. Only authority cases listed on the problem may be used. All cases have equal weight and all cases need to be cited during the round. You can not cite to a case discussed in one of the authority cases.
- D. A general court meeting will be held on Wednesday, April 11th, 2007 at 11:30 P.M. in the Supreme Court Hotel Room. The location of the Hotel Room will be announced during opening session. The meeting is not mandatory; however anyone wishing to compete must provide their name to Chief Justice Andrew Hawkins no later than 1:00 a.m., Thursday, April 12th, 2007.
- E. An undergraduate competition and graduate competition will take place. Graduate students are required to argue in the graduate competition, yet undergraduate students may request to argue in the graduate competition. No leniency will be granted based on the fact that the student is an undergraduate arguing against graduate students.

General Procedure

- A. Arrive at your designated courtroom 10 minutes early. Court will begin on time. If a competitor is not present at his or her argument time, the competitor will forfeit the round and be disqualified from the competition. Any exceptions to these rules are at the sole discretion of the chief justice.
- B. Petitioner will sit to the right of the bench. Respondent will sit to the left of the bench. Stand when the judges enter the room. Sit when the judges give you permission to sit.
- C. Each Competitor will receive ten minutes to present his or her argument. The competitors in the final round will receive 15 minutes each.
- D. The Chief Justice will ask if the petitioner has any announcements. The appropriate reply is to stand and say, "yes" and then state your name, school and who in the case you represent. If you are the petitioner this is also when you reserve your time for rebuttal. The petitioner may reserve up to three minutes for rebuttal. The Chief Justice will then ask the respondent if he has any announcements and again the respondent needs to give his/ her name, school and who they represent.
- E. The Chief Justice will then say, "Petitioner you may begin." The Petitioner then should approach the podium and begin his or her argument.
- F. Be courteous to the other competitor. Remain quiet while they are speaking and do not shuffle papers, taking notes is appropriate.
- G. Dress in courtroom attire. Men should wear suits and women should wear Jackets and skirts or slacks. No jeans, caprice, shorts, t-shirts or hats allowed.
- H. A justice will be keeping time and will hold up time cards when there are five minutes, two minutes and one minute left. Do not exceed your allocated speaking time without the justice permission.
- I. Sit down immediately after your conclusion. The next competitor should then approach the bench and wait a signal from the judges to begin.

J. Each competitor will receive oral critiques about their argument, either immediately following the round or when all rounds are completed.

Argument: Petitioner

A. Begin by saying, "May it please the court, my name is _____ and I represent _____."

B. State all of your issues and the primary arguments you will use to address your issues.

C. Move directly into the facts of the case. The judge may interrupt you and state they are familiar with the facts and ask you to move directly into your issues.

D. At this point move directly into issue's points and sub points and the authority cases you can use to substantiate your arguments.

E. Expect to be interrupted with questions. Answer the questions clearly and concisely, and then transition back into your argument.

F. As time remaining decreases move into a conclusion and sum up your argument.

G. If you have reserved no rebuttal time, end with a prayer for relief, otherwise do not give it until the end of your rebuttal.

Respondent

A. Begin with same opening as the petitioner. The layout of your presentations should be similar to the petitioners. Be sure to also rebut the petitioner's argument as well as provide your own.

B. Respondent's prayer for relief is much the same as Petitioner's. "For these reasons the Respondent respectfully requests that this court affirm the decision of the District Court." Then he/she should say "Thank You" and return to his/her seat.

Petitioner: Rebuttal

A. As stated above, the Petitioner may reserve rebuttal time. This gives him/her an opportunity to rebut specific issues addressed by the Respondent and reiterate his/her strongest arguments. Petitioner can reserve a maximum of three minutes for rebuttal. This time may include questions from the judges

B. Petitioner should close with a request for relief. "For these reasons the Petitioner respectfully request that this court reverse the decision of the District Court" (or whatever action you would like the court to take) and then say thank you and return to his/her seat.

General Tips

A. Be prepared to argue the full ten minutes, in case you have a cold bench.

B. Signpost. Introduce your issue with signpost, then signpost as you reach these issues in the body of your argument. If you are interrupted in your listing, answer the judge's question and then finish listing.

C. Always address the court as "Your Honor(s)."

D. If a judge asks you a question stop speaking immediately and answer the question. Let the judge finish asking the question before answering. Try to begin your answer with yes your honor or "No, Your Honor." Never say I will address that issue later

E. Turn off your cell phones in the courtroom. If your cell phone goes off during the round you will be disqualified from the competition.

F. The entire purpose of oral arguments in an appellate setting is to address the concerns of the Court, not to completely rehash what you would have put in your brief. Questions mean the Court is interested and open to persuasion. Listen to the questions, identify the underlying concern and try to answer both.

G. Do not refer to yourself as "I" or "We". Use only "Petitioner, Respondent, or the Client's name.

H. Do not read or rely too heavily on your notes. Maintain eye contact. Project your voice. Speak at a deliberate pace. Although Hand gestures strengthen your persuasive argument, they can also be distracting if over-used.

I. As a final note, have fun. After you have completed your first round the rules and procedures will come more naturally to you. Just listen to the judges, the first time, and learn from your mistakes.

Scoring

A. As a competitor you will be scored on Logical Argument (20pts), ability to answer questions (10pts), Legal Reasoning (10 pts), speaking ability (5 pts) and courtroom demeanor (5 pts).

B. The logical argument points are based upon how each judge views your argument as a whole: its logic, its completeness, its coherency, its accuracy, and its structure.

C. The ability to answer questions points are based upon how well the competitor answers the questions, how complete and accurate they are in their answers.

D. The Legal Reasoning points are given for how many cases are cited and how well they are used in the arguments.

E. The speaking ability points depend upon the competitor's posture, eye contact, assertiveness and overall speaking ability.

F. Finally, the courtroom demeanor points are based on how courteous, polite and professional the competitor is in the courtroom.