

# RULES OF PROCEDURE



# SCOTUS

SUPREME COURT OF THE UNITED STATES

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## AGENDA

*Masterpiece Cakeshop vs Colorado Civil Rights  
Commission*

EDITION XII

**CHIREC  
MUN '24**

Represent • Reason • Resolve



# NOTE & BRIEF

## Note

It is not feasible for us to adopt the rules of procedure of the actual Supreme Court of the United States for this simulation for multiple reasons. We shall therefore be following the *ad-hoc* rules of procedure detailed in this document.

## Brief

All delegates – be they an agent, co-agent, counsel, advocate, or amicus – must prepare and submit a brief before they come to the first session on day one of the conference.

The brief is a document containing in it all the arguments that the representative wishes to present to the Court.

The format and content of the brief shall be explained in detail in a separate document that shall be shared along with this one. However, an important point to note is that the brief shall be the basis for the oral proceedings on all three days of the conference. **No argument or authority/ instrument of law that is absent in one's brief can be used by that person in their oral arguments**



# SCHEDULE

For the sake of order and convenience, the following schedule shall be followed for the proceedings during the conference:

- Day 0: (or any day before the conference): Submission of the brief
- Day 1: Oral proceedings over the issue of jurisdiction of the Court and the admissibility of questions or claims before the Court
- Day 2: Oral proceedings over the claims or questions admitted on day one
- Day 3: Presentation of the final written submissions and concluding remarks



# ORAL PROCEEDINGS

## All of the oral proceedings shall occur in the following manner:

### Argument:

1. 5 minutes: Agent of Petitioner – Agent of Respondent – Amicus 1
2. 5 minutes: Co-agent 1 of Petitioner – Co-agent of Respondent – Amicus 2
3. 5 minutes: Co-agent 2 of Petitioner – Co-agent of Respondent – Amicus 3
4. 5 minutes: Counsel 1 of Petitioner – Counsel 1 of Respondent – Amicus 4
5. 5 minutes: Counsel 2 of Petitioner – Counsel 2 of Respondent – Amicus 5
6. 5 minutes: Advocate 1 of Petitioner – Advocate 1 of Respondent – Amicus 6
7. 5 minutes: Advocate 2 of Petitioner – Advocate 2 of Respondent

### Rebuttals:

1. 5 minutes: Agent of Petitioner – Agent of Respondent – Amicus 1
2. 5 minutes: Co-agent 1 of Petitioner – Co-agent of Respondent – Amicus 2
3. 5 minutes: Co-agent 2 of Petitioner – Co-agent of Respondent – Amicus 3
4. 5 minutes: Counsel 1 of Petitioner – Counsel 1 of Respondent – Amicus 4
5. 5 minutes: Counsel 2 of Petitioner – Counsel 2 of Respondent – Amicus 5
6. 5 minutes: Advocate 1 of Petitioner – Advocate 1 of Respondent – Amicus 6
7. 5 minutes: Advocate 2 of Petitioner – Advocate 2 of Respondent

The order above, if described in words, would work as follows:

First, the agent of Petitioner will be given 5 minutes to present Petitioner's arguments. This will be followed by a period of 5 minutes where the agent of Respondent will have the opportunity to present Respondent's case. Finally, any of the amici will be able to present their case. The cycle goes on until everyone has spoken. Then the cycle repeats for a round of rebuttals.

During the first round of arguments, no representative is allowed to present a rebuttal. Rebuttals shall only be reserved to the rebuttal round. If any representative spots another attempting to present a rebuttal in the round of arguments, they may raise an objection by raising their placard. This objection shall be noted by the Justices. All frivolous and incorrect objections shall not just be disregarded but subject to reprimand and/or censure.



There is no strict requirement that everyone has to speak during their turn. One can chose to yield their time to another representative belonging to the same party as them (respondent or petitioner) id est Petitioner's co-agent can yield their time to Petitioner's advocate or counsel, not anyone representing the Respondent.

Amici can have time yielded to them by either party id est either petitioner or respondent unless they are supporting a particular party. Similarly, they can also yield their own time to any representative of either party unless they are supporting a particular party. They can also yield or receive yields from fellow amici.

If a representative chooses to, that representative can yield their time to the Justices as well. Time yielded in that manner shall be deemed elapsed by the Justices by default.

The cardinal rule for all the yields is this: the person yielding the time to another must have informed and gotten explicit consent from the person they are yielding their time to



# ROLES

1. Agent/Co-agent/Counsel/Advocate: all of them have, in essence, the same rights and duties - presenting the case of the party they are representing in the strongest form. The difference in title was created for the sake of making allotment procedure easier for the Secretariat. All representatives must individually prepare and submit briefs, participate in oral proceedings, and make final written submissions.
2. Amici - (singular amicus) the amici are those representatives that may speak in their personal capacity - in favour of one party or the other or against both parties. Amicus are usually those personages of high repute who have qualifications that make them fit to speak authoritatively on the matters in front of the Court. In this case, the amici are those reputed scholars of American Constitutional law or lawyers representing organisations that are concerned with the outcome of the case who have been invited to the Court to present arguments on the matters before the Court based on their scholarship and understanding of the law or their legal concerns regarding the outcomes of the case.

The amici are expected to prepare and submit their own briefs, participate in the oral proceedings, and even make their own final written submission too.



# POINTS

Every representative before the Court has recourse to certain points that the representative may exercise for redressing any issue they might be facing. The points available to the representatives under this simulation are:

- **Clarification:** In case of inaudibility or incomprehensibility, this point may be raised at the end of a representative's speech for the purpose of requesting an oral reiteration or written clarification.
- **Order:** This point may be raised if there has been any error committed by the Justices of the Court in the facilitating the proceedings of the Court. Upon taking the point to cognisance, the Court shall rule on the point and grant a redressal, if any.
- **Recess:** After every two rounds of arguments, representatives may raise this point requesting the Justices for recess. The decision to grant or deny such a request is upto the discretion of the Justices.

