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## How to do a legal case summary

Decision Date: February 24, 1969 Background At a public school in Des Moines, Iowa, students planned to wear black armbands at school as a silent protest against the Vietnam War. When the principal became aware of the plan, he warned the students that they would be suspended if they wore the armbands to school because the protest might cause a disruption in the learning environment. Despite the warning, some students wore the armbands and were suspended. During their suspension, the students' parents sued the school for violating their children's right to free speech. The U.S. District Court for the Southern District of Iowa sided with the school's position, ruling that wearing the armbands could disrupt learning. The students appealed the ruling to the U.S. Court of Appeals for the Eighth Circuit but lost and took the case to the Supreme Court of the United States. Decision and Reasoning In a 7-2 decision, the Supreme Court's majority ruled that neither students nor teachers "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The Court took the position that school officials could not prohibit only on the suspicion that the speech might disrupt the learning environment. The dissent argued that the First Amendment does not grant the right to express any opinion at any time. Students attend school to learn, not teach. The armbands were a distraction. School officials, acting on a legitimate interest in school order, should have broad authority to maintain a productive learning environment. Following is the case brief for *Roper v. Simmons*, 543 U.S. 551 (2005).Case Summary of *Roper v. Simmons*:Simmons, age 17, planned and committed a capital murder. He was sentenced to death. His direct appeal and petitions for relief were rejected.When the Supreme Court decided *Atkins v. Virginia* in 2002 (barring executions for the mentally disabled), Simmons filed a new petition. He argued that the Eighth Amendment rationale of *Atkins* should also bar the execution of juveniles.The Missouri Supreme Court agreed and changed Simmons's sentence to life without parole.The U.S. Supreme Court affirmed. It held that executing juvenile offenders under the age of 18 violates the Eighth and Fourteenth Amendments.Statement of the Facts:In 1993, Christopher Simmons, age 17, devised a plan to burglarize a woman's home and then murder her. He brought two younger friends into the plot. On the night of the murder, one friend opted out of the plan. Simmons and the remaining friend broke into the victim's home, bound her with duct tape, drove to a bridge, and threw her over the bridge into the river below.Simmons confessed to the police. He also gave a videotaped reenactment of the murder. Evidence at Simmons's trial established that Simmons planned the murder ahead of time and bragged about it afterwards. The jury found Simmons guilty and recommended the death penalty, which the trial court imposed.Procedural History:After exhausting his direct appeals and other petitions for relief, Simmons filed a new post-conviction relief petition in Missouri state court after the U.S. Supreme Court decided *Atkins v. Virginia*, 536 U.S. 304 (2002), which overturned the death penalty for the mentally disabled. The Missouri Supreme Court applied the reasoning in *Atkins* to offenders under age 18, and changed Simmons's sentence to life in prison without parole. The State of Missouri appealed to the U.S. Supreme Court. The Court granted certiorari.Issue and Holding:Is it constitutionally permissible to impose the death penalty on a juvenile offender who was under the age of 18 when he committed a capital crime? No.Judgment:The judgment of the Missouri Supreme Court is affirmed.Rule of Law or Legal Principle Applied:It is unconstitutional to sentence someone to the death penalty for a crime committed when that person was under the age of 18.Reasoning:In previous cases, the Court barred executions for criminals under the age of 16, and for the mentally disabled. Now, the Court finds that the evolving standards of decency demonstrate that the execution of criminals younger than 18 years old would constitute "cruel and unusual punishment" under the Eighth Amendment. Here are the main reasons:National consensus indicates that executions for juvenile offenders under 18 are rare. Also, most states already reject imposition of the death penalty for those under 18.Three general differences between juvenile and adult offenders show that juveniles should be treated differently with regard to the ultimate punishment of death: (i) juveniles display a lack of maturity and responsibility compared to adults; (ii) juveniles are more susceptible to negative influences and pressures; (iii) a juvenile's character is not as well formed as an adult's.The goals of retribution and deterrence do not provide adequate justification for imposing the death penalty on juveniles.The United States is the only country in the world that gives official sanction to the execution of juvenile offenders. Although international norms do not govern our laws, they are instructive to the Court.Concurring and Dissenting Opinions:Concurring Opinion (Stevens):Justice Stevens applauds the Court's reaffirmation that the evolving standards of decency should drive the interpretation of the Bill of Rights.Dissenting Opinion (O'Connor):Justice O'Connor does not find that there is a national consensus with regard to imposing the death penalty on juveniles.Dissenting Opinion (Scalia):Justice Scalia takes fundamental issue with the notion of "evolving standards of decency." He cannot see how the U.S. Constitution could have changed since the Court decided that age 16 would be the bar to executions.Significance:*Roper v. Simmons* is a landmark decision because it bars the use of the death penalty on juveniles in the United States. It also sparked controversy with regard to (i) the continued use of the "evolving standards of decency" and "national consensus" rationales to re-interpret previous rulings, and (ii) the use of foreign laws and norms to interpret U.S. law.Student Resources: //www.law.cornell.edu/supct/html/03-633.ZO.html A motion is a request for a judge to do something. A Motion to Dismiss asks the judge to dismiss the plaintiff's case. The plaintiff's case is within the complaint, which is considered a pleading. A pleading is a formal document that starts or defends a lawsuit. The defendant's answer is also considered a pleading. A Motion to Dismiss is often filed by the defendant right after the plaintiff serves the defendant with the complaint. Many of the reasons for dismissing a case may only be argued at the beginning of the case before the defendant answers the complaint or files any other motion. However, a motion to dismiss sometimes may be filed for some reasons at other times during the case, such as if the plaintiff amends the complaint to add a new claim. If a Motion to Dismiss is granted on all claims, the case is ended, and the defendant wins. A case can be dismissed with prejudice or without prejudice. When a case is dismissed with prejudice, it means the plaintiff cannot file the same case against the same defendant again. When a case is dismissed without prejudice, the plaintiff is allowed to start over and file the lawsuit again. Reasons to file a Motion to Dismiss When a Motion to Dismiss is filed, the defendant must include information that explains their request. If the defendant's reasons are not listed in the pleadings, the defendant must attach an affidavit. There are two different ways that a Motion to Dismiss can attack the plaintiff's case and lead to the case being dismissed: Even if everything in the complaint is true, the plaintiff should lose the case which means the pleading is defective from the start, or Something outside of the complaint prevents the plaintiff from winning and requires the case be dismissed which is known as "affirmative defenses." Some reasons that a Motion to Dismiss can be filed include: The pleading does not have all of the required parts. For example, the plaintiff did not attach a copy of the contract to the complaint; The complaint needs more detail; The complaint contains irrelevant information that should be taken out; Necessary parties should be added; or Unnecessary parties should be dismissed. Usually, if a judge grants a Motion to Dismiss because of one of these types of defects in the complaint, the case will be dismissed without prejudice. This means the plaintiff can amend the complaint and bring the lawsuit a second time. This also gives the defendant some extra time to prepare to defend against the case in other ways. Other defects and defenses that can cause a Motion to Dismiss include: Lack of jurisdiction Lack of legal capacity of plaintiff or defendant Another case is pending between the same parties for the same thing This case was already decided between the parties Statute of limitations Discharge in bankruptcy Satisfied or released judgment The defendant is a minor, or under disability Below are some of the most likely reasons used by a defendant in a Motion to Dismiss. Lack of subject matter jurisdiction If the plaintiff files the case in the wrong court, then the court doesn't have the authority to handle the lawsuit. For example, a lawsuit asking for enforcement of a child support order cannot be filed in a bankruptcy court. Lack of personal jurisdiction If the plaintiff files the case in a state where the defendant has never lived, the court might not have authority over that person. For example, a plaintiff lives in Illinois, and a defendant lives in California. They get in a car accident in Texas. The plaintiff can't file the case in Illinois because the court doesn't have personal jurisdiction over the defendant. Failure to state a claim If the plaintiff's complaint does not clearly say something that the defendant did that is actionable/ the court can't give the plaintiff a judgment, so the case doesn't need to be heard. For example, Joe files a lawsuit claiming that Bob didn't say hello at work. Bob can file a Motion to Dismiss the case because failing to say hello is not illegal. In the complaint, the plaintiff must also allege all of the elements of the claim. Failure to allege all elements of the claim is a reason for a Motion to Dismiss. For example, in a car accident, the plaintiff may claim that the defendant was negligent. The plaintiff would need to allege all elements of a negligence claim, including that the defendant had a duty to the plaintiff, which the defendant breached that duty, which the defendant's breach of duty caused the plaintiff harm and damages.;If the plaintiff's complaint does not allege any damage, then the plaintiff has not alleged all elements of the claim, and the defendant may move to dismiss because the complaint fails to state a claim.; Bad service of process The plaintiff has to make sure that a copy of the summons and the complaint are given to the defendant. This is called service of process. If the plaintiff does not serve the defendant in the right way, the defendant can file a Motion to Dismiss based on insufficient service of process. Learn more about Serving a summons and Motion to Quash. Passing of statute of limitations A statute of limitations sets a period in which the plaintiff has to file a lawsuit. The period depends on the type of case. If the statute of limitations has expired, the plaintiff cannot sue the defendant. For example, say a plaintiff was injured 5 years ago. The plaintiff files a negligence case against the defendant 5 years after the defendant injured the plaintiff. The statute of limitations requires a plaintiff to bring a negligence case within 2 years of the injury. The defendant can file a Motion to Dismiss and ask the court to throw out the entire case. The defendant's motion would be granted because the plaintiff failed to file the lawsuit within the 2-year statute of limitations. How to file a Motion to Dismiss Learn more about Preparing, filing, and presenting motions in court.



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