

# Oral Arguments at High Schools

California Court of Appeal,  
Third Appellate District



Stanley Mosk Library and Courts Building  
914 Capitol Mall  
Sacramento, California 95814

# Justices of the Court of Appeal, Third Appellate District

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See <http://www.courts.ca.gov/3dca.htm>

In 2001, this program was honored with the Ralph N. Kleps Award, the California Judicial Council's award for innovative programming in the administration of justice.

See <http://www.courts.ca.gov/15569.htm>

Since 2000, oral argument sessions have been conducted in 24 high schools in 20 counties.

OOO

In 2014, the court added a classroom component to its award winning program. The classroom component is partially based on the Appellate Court Experience program created by the Constitutional Rights Foundation and the Court of Appeal, Second Appellate District. Our thanks to the creators of that program.

# **Court of Appeal Third Appellate District Oral Arguments at High Schools**

## **Overview**

The Oral Arguments at High Schools program provides students with an opportunity to deepen their understanding of the judicial system by observing oral argument in actual cases at a school site and also provides an opportunity to hear from justices of our court about their jobs and career paths.

Attorneys from the local bar prepare students for the oral argument session, using a PowerPoint presentation on the California court system. Additionally, they discuss the case(s) students will observe, prepare the students for what they will see from the advocates and justices, and assist the students in formulating and asking appropriate questions of the justices in the question and answer session that follows the oral arguments.

## **Objectives and Goals**

Students will be able to:

- Identify the organization and jurisdiction of federal and California courts and the interrelationships among them.
- Understand the difference between how federal and California judges are selected and their terms of office.
- Explain the differences between appellate courts and trial courts, particularly that trial courts are responsible for findings of fact and appellate courts only deal with issues of law.
- Identify basic parts of the appellate court process: the filing of briefs, oral arguments, majority and minority decisions, and appeals to higher courts.
- Identify the participants in an appellate case and understand their roles: the justices, appellant, respondent.
- State the facts and issues of one of the cases to be heard at the school site by the California Court of Appeal, Third Appellate District.

# Session 1: Preparing for the Oral Argument

## Overview

In this session, students are prepared for the oral argument. An attorney from the local bar gives students an overview of the program, presents a PowerPoint presentation on the California court system, discusses the case(s) the students will observe, helps them brainstorm and choose appropriate questions for the justices and explains how to ask those questions of the justices, and briefs them on proper decorum during and after the oral argument.

## Attorney Preparation

This lesson has a PowerPoint presentation on the California court system. A copy of the PowerPoint slides is attached to these materials as Appendix A.

A handout entitled *The Third Branch of Government* will be provided to the students by the teachers. A copy of the handout is attached as Appendix B. The bullet points in the PowerPoint are discussed in more detail in the handout, so attorneys should review the handout in preparation for the classroom presentation.

The court will provide a summary of the case(s) to be heard at oral argument. Attorneys will also be provided with copies of the briefs on the feature case to be discussed with the students. Do not worry if you are unable to review the briefs in detail. The case summary provides enough information for your interaction with the students. Case summaries are attached as Appendix C.

## The Class Session

### **A. Introduction**

1. Ask students whether they have visited a courtroom or seen one portrayed on television or in the movies. Ask them to describe the courtroom. (Most will probably describe a trial court.) Tell students that another type of court is an appellate court. Explain that these courts determine whether a mistake of law was made in the trial court after the opposing attorneys present written and oral arguments to the justices. No witnesses or other evidence is presented. There are no juries. Cite the U.S. Supreme Court as an example of an appellate court.
2. Tell students about the program.
  - They will learn about the California court system.

- They will observe oral argument in real cases to be held at a school in their school district heard by justices on the Court of Appeal, Third Appellate District.
- The Court of Appeal, Third Appellate District sits in Sacramento and hears cases from 23 counties.
- After the oral arguments, justices of the court will talk about their jobs and career paths.
- Some students will have the opportunity to ask the justices questions.

**B. PowerPoint Presentation and Discussion**

1. Tell students that before the court visits the school, you would like to give them some information about the courts.
2. Give the PowerPoint presentation.

**C. Preview of the Case**

One of the cases the court will hear will be designated the feature case. This will be the case upon which the students will focus. Distribute the summary of the feature case to the students and discuss the case with them.

Discuss legal vocabulary in the case. A glossary attached as Appendix D will be provided to the students prior to your visit.

**D. Questions for the Justices**

1. Explain that after the oral arguments, the justices will talk to the students about their jobs and their career paths. Some students will be allowed to ask questions. Explain that the students should address the justices as “Your Honor” or “Justice” and the justice’s name, e.g., “Justice Smith.”

Ask students to brainstorm questions that they would like to ask. If time permits, write the questions on the board. If necessary, use these prompts to elicit questions:

- Education of judges
- Appointment and election of judges
- Number of judges and appellate courts
- The process of judging a case
- The appellate process
- Grounds for appeal
- Careers in law
- Qualities of a good judge

2. After brainstorming, ask students to select five of the best questions. Have students write these questions down so that they can refer to them when meeting the justices.

3. Report the questions to the court via email in advance of the oral argument.
4. Student ushers will take the students to a microphone or bring a microphone to the students.
5. Because there will be multiple classes from multiple schools at the oral argument session, students from other classes may ask questions on your class's list. Tell the students to be prepared to ask backup questions from their list of five questions.
6. **Explain that court rules prohibit justices from discussing the cases before them, other pending cases and any event that might become a case, even cases in other courts and other states.**

**E. Proper Behavior**

Explain that certain behavior will be expected during the visitation and that students will be required to go through weapons screening.

Distribute the handout *Rules of Decorum and Security Screening Procedures* to students. A copy is attached as Appendix F. Review the decorum section and answer any questions that students may have.

# Session 2: The Oral Argument

## Overview

In this session, justices of the Court of Appeal, Third Appellate District, conduct oral arguments at a school site. In preparation for the visit, teachers review with the students their prepared questions and the Court's Rules of Decorum and Security Screening Procedures.

## Teacher / Class Preparation

### **A. Proper Behavior**

Review the *Rules of Decorum and Security Screening Procedures* handout with the students.

### **B. Handout**

Have the students read the *Third Branch of Government*, attached as Appendix B, if they have not done so before the attorney visit.

### **C. Oral Argument**

Students will listen to oral arguments in two cases, including the arguments in the feature case upon which they will focus.

### **D. Q & A with the Justices**

Following the oral argument, the justices will talk with the students and some students will be able to ask the justices questions. Teachers might consider identifying the specific students who will ask questions.

### **E. Suggested Post-Oral Argument Activities**

1. Consider assigning the students to write a summary of the oral argument in the feature case. The questions in Appendix E could be used as prompts.
2. Hold a discussion about the facts, issues, and arguments in the feature case.
3. Review from the handout, *Third Branch of Government*:
  - What bodies make the law in California?

[Make sure to include the fact that the voters enact laws by the initiative process.]

- What are the three levels of courts in the federal court system? What are the levels of courts in the California court system?

[Illustrate the levels of court systems side by side on the board:

U.S. Supreme Court	California Supreme Court
U.S. Courts of Appeals	California Courts of Appeal
District Courts (the trial courts)	Superior Courts (the trial courts)]

- What are the differences between appellate courts and trial courts?

[Among other differences, students should note that trial courts are responsible for findings of fact and appeal courts only deal with issues of law.]

- How are judges selected in the federal and California court systems?

[Emphasis should be placed on the appointment and election process for California judges]

#### 4. Evaluation of Program


We ask that the students and teacher to fill out an evaluation of the two sessions. The evaluation form will be provided.

Teachers fill out the teacher evaluation form, collect the evaluations filled out by the students, and submit them to a representative in the school office. Court of Appeal staff will send a postage-paid, self-addressed envelope to return the completed forms.




# **Appendix A**

## **PowerPoint Slide Presentation**



# CALIFORNIA'S THIRD BRANCH OF GOVERNMENT



California Court of Appeal, Third Appellate District  
Oral Argument in High Schools Program

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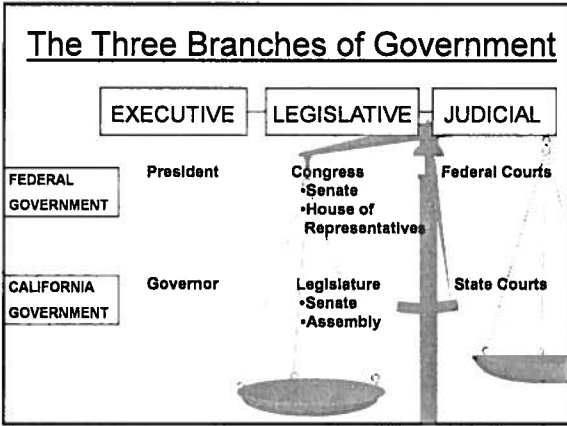
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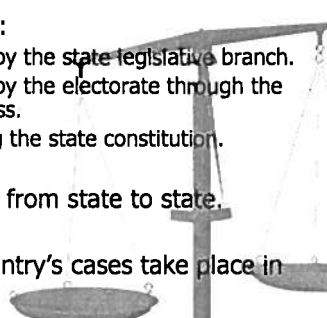
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### State Court Cases

- > Cases involving:
  - > Laws enacted by the state legislative branch.
  - > Laws enacted by the electorate through the initiative process.
  - > Cases involving the state constitution.
- > State laws vary from state to state.
- > 95% of the country's cases take place in state courts.




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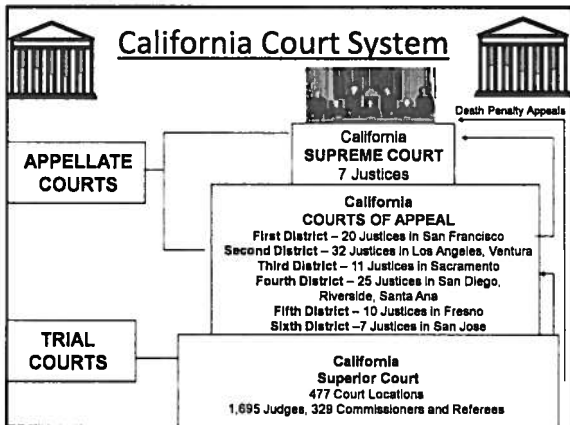
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**Chief Justice of California**



“I am reminded that what justice means to the public is that courts right the wrongs, vanquish the indignities, and provide a forum for everyone to be heard.”

The Honorable Tani Cantil-Sakauye is the 28th Chief Justice of California, lead justice on the California Supreme Court, and Chair of the state Judicial Council.

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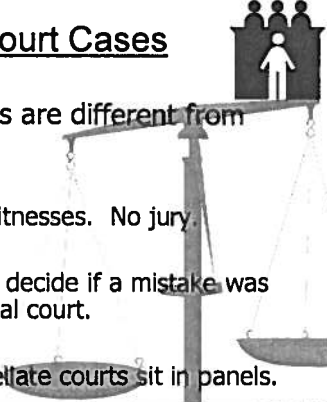
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**Appellate Court Cases**



- > Appellate courts are different from trial courts.
- > No trial. No witnesses. No jury.
- > Appeals courts decide if a mistake was made in the trial court.
- > Judges of appellate courts sit in panels.

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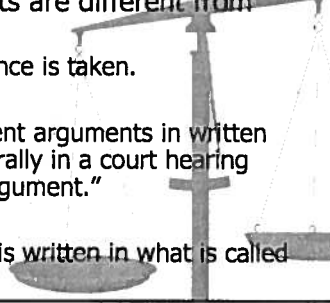
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## Appellate Court Cases



- Appellate courts are different from trial courts.
  - No new evidence is taken.
- Lawyers present arguments in written "briefs" and orally in a court hearing called "oral argument."
- The outcome is written in what is called an "opinion."



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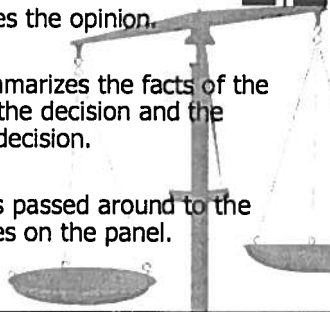
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## Appellate Court Cases



- One justice writes the opinion.
- The opinion summarizes the facts of the case, sets forth the decision and the reasons for the decision.
- The opinion gets passed around to the other two justices on the panel.



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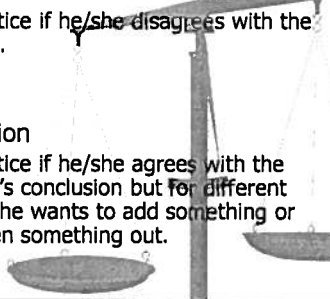
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## Appeals Court Cases



- Dissenting Opinion
  - Written by a justice if he/she disagrees with the majority opinion.
- Concurring Opinion
  - Written by a justice if he/she agrees with the majority opinion's conclusion but for different reasons, or he/she wants to add something or would have taken something out.



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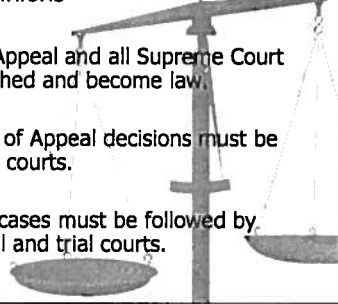
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## Appeals Court Cases



### > Precedent of Opinions

- > Some Court of Appeal and all Supreme Court cases are published and become law.
- > Published Court of Appeal decisions must be followed by trial courts.
- > Supreme Court cases must be followed by Courts of Appeal and trial courts.



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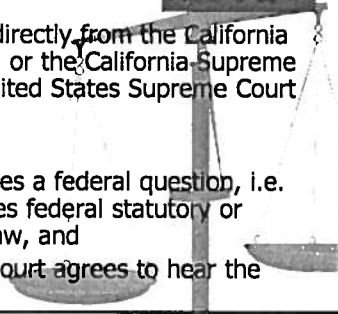
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## California Cases in the U.S. Supreme Court



Cases may go directly from the California Court of Appeal or the California Supreme Court to the United States Supreme Court if:

- ❖ The case involves a federal question, i.e. the case involves federal statutory or constitutional law, and
- ❖ The Supreme Court agrees to hear the case.



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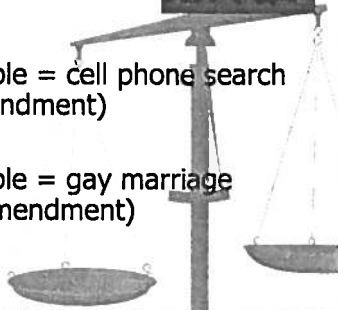
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## California Cases in the U.S. Supreme Court



- > Recent example = cell phone search case (4<sup>th</sup> Amendment)
- > Recent example = gay marriage cases (14<sup>th</sup> Amendment)



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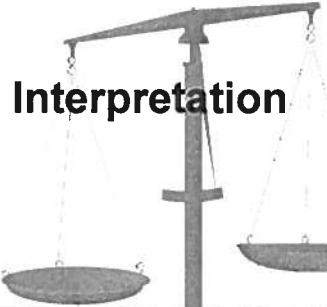
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**Statutory Interpretation**

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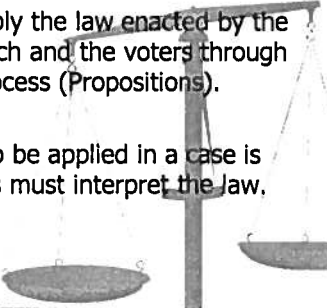
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**Statutory Interpretation**

- > Courts must apply the law enacted by the Legislative Branch and the voters through the initiative process (Propositions).
- > When the law to be applied in a case is not clear, courts must interpret the law.

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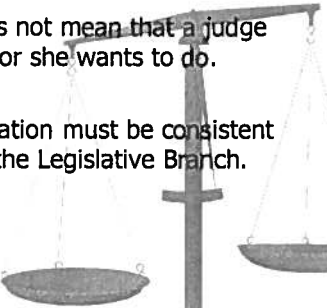
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**Statutory Interpretation**

- > Interpretation does not mean that a judge does whatever he or she wants to do.
- > Statutory interpretation must be consistent with the intent of the Legislative Branch.

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**Selection of  
California Judges**



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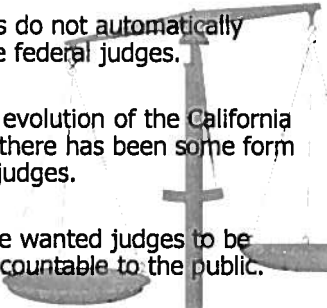
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**California Judges**

- > California judges do not automatically serve for life like federal judges.
- > Throughout the evolution of the California judicial branch, there has been some form of elections for judges.
- > Californians have wanted judges to be more directly accountable to the public.



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**Superior Court Judges**

- > Selection - Elected / Appointed by the Governor to fill vacancy
- > Removal
  - > Commission on Judicial Performance
  - > Elections
  - > Recall election



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### **Elections For Superior Court Judges**

- > Every 6 years.
- > Non-partisan.
- > If unopposed – name does not appear on ballot.



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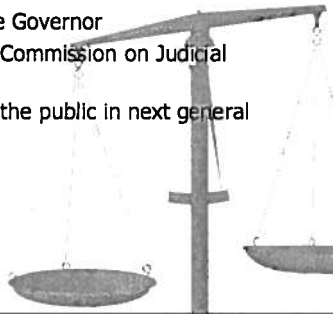
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### **Appellate Court Justices**

- > Selection
  - > Appointed by the Governor
  - > Confirmation by Commission on Judicial Appointments
  - > Confirmation by the public in next general election.
- > Term – 12 years



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### **Retention Elections for Appellate Court Justices**

- > Every 12 years
- > During general election
- > Not a contested election
- > Should the justice be retained? – Yes / No



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# **Appendix B**

**Class Handout**

## ***The Third Branch of Government***

**Court of Appeal, Third Appellate District  
Oral Arguments at High Schools Program**



## **The Third Branch of Government**

### **The Federal Courts**

In writing the U.S. Constitution, the founders of our country created an independent judicial branch. Our country is the first in the world to have a judiciary that does not answer to some other part of the country's government. One way the founders of our country insured judicial independence was by giving federal judges life terms in office.

Alexander Hamilton noted in Federalist No. 78 that, "nothing can contribute so much to [judicial] firmness and independence as permanency in office . . ." He called life terms an "indispensable ingredient" to the judiciary and said they helped protect "public justice and the public security."

Judicial independence means that the judiciary is free to decide cases impartially, based on the rule of law, without influence from the other branches of government, political parties, and special interest groups. The term "rule of law" means that there is a preexisting legal framework for regulating the conduct of all people and deciding disputes. Disputes are decided by a system of laws rather than by the arbitrary decrees or decisions of those in power or the majority rule.

In the federal court system, the president appoints the judges and justices. The Senate must vote to confirm the appointment. Once appointed, the judges serve life terms. Judges in the federal system do not stand for election by the voters.

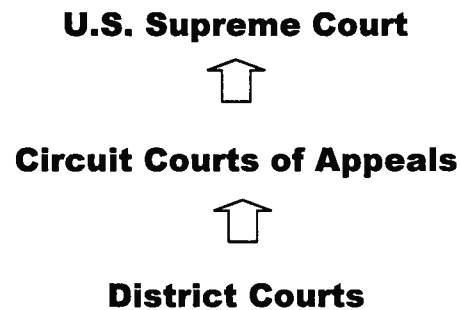
The United States Constitution does not specify qualifications for federal judges. In fact, there is no formal requirement that the judge is a lawyer, but it would be unheard of for the president to nominate someone who is not a lawyer or for the Senate to confirm a non-lawyer.

Although federal judges are appointed for life, they can be removed from office through the impeachment process.

The federal court system has three levels. On the lowest level are the District Courts. There are 94 District Courts—at least one in each state. These are the trial courts in the federal system. One judge presides over the case in the District Court. After a trial in the District Court, a case may be appealed to a U.S. Court of Appeals. There are 13 Circuit Courts of Appeals. The Ninth Circuit hears appeals from District Courts in California, the other western states and United States territories in the Pacific. Generally, a panel of three judges will hear and decide the appeal in the Circuit Court of Appeals, but on some occasions, a larger group of the judges in the circuit will decide the case.

After the Circuit Court decides, the case may be appealed to the U.S. Supreme Court. Nine justices sit on this court, the highest court in the country. This court does not hear every case, but rather only the cases that have important national implications or cases in which the Circuit Courts of Appeal disagree about the law. The decisions of the U.S. Supreme Court are final, unless the court itself overrules an earlier decision. One example of when the U.S. Supreme Court overruled an earlier decision is *Brown v. Board of Education*. In *Brown*, the court overruled an earlier case, *Plessy v. Ferguson*, in which the court had approved of the doctrine of separate but equal.

The chart below shows the appellate process for the federal courts:



The following is a general description of the types of cases heard by the federal courts:

- Cases involving the United States Constitution and laws enacted by Congress. Federal crimes are an example of laws enacted by Congress.
- Cases in which the United States government or an officer of the United States government is being sued or suing someone.
- Cases involving disputes between two or more states.
- Cases involving a dispute between residents of different states and the amount in dispute is over \$75,000.
- Cases involving interstate commerce.
- Cases involving United States treaties.

Most cases, however, are handled in state courts. Each state has its own court system.

### **California Courts**

The California court system is the largest court system in the world. California's court system, like the federal system, has three levels.

Cases begin in the Superior Courts. These courts are California's trial courts. Each of California's 58 counties has a Superior Court. In some counties, there are multiple courthouses for the Superior Court. One judge presides over the case in the Superior Court.

After the decision in the Superior Court, a party can appeal the case to the Court of Appeal. There are six districts of the Court of Appeal and they are located in different regions of the

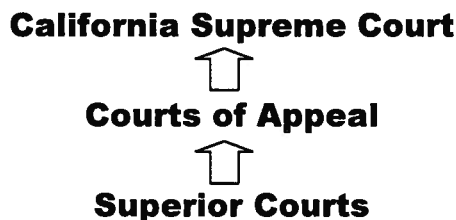
state. In the Court of Appeal, panels of three justices decide the cases. The Third Appellate District covers 23 northern California counties. Geographically, it is the largest.

After the decision in the Court of Appeal, a party may seek to appeal the case to the California Supreme Court—the highest California court. However, the California Supreme Court does not have to hear every case. Generally, it grants review of only those cases that have significant statewide implications and those cases where the Court of Appeal districts may have disagreed about the law.

Seven justices sit on the California Supreme Court. The decisions of the California Supreme Court are final unless they involve questions of federal law.

If a case has a federal issue, it can be appealed from the Court of Appeal (if the California Supreme Court has declined to hear the appeal) or from the California Supreme court to the U.S. Supreme Court. A recent California example is the United States Supreme Court case prohibiting police from viewing the contents of a person’s cellular phone without a search warrant (4th Amendment prohibition against unreasonable searches and seizures) (*Riley v. California* (2014) 134 S.Ct. 2473).

Below is chart showing the appellate process for most cases in the California courts. One exception is death penalty cases. Appeals in death penalty cases are not heard in the Court of Appeal. All death penalty cases are appealed automatically and directly from the Superior Court to the California Supreme Court.



Like other state courts, California courts handle the following kinds of cases:

- Criminal cases – felonies, misdemeanors, and infractions
- Juvenile delinquency
- Juvenile dependency
- Family law (divorce, child custody, child support)
- Torts (lawsuits involving harm caused intentionally or by negligence)
- Contract disputes
- Landlord-tenant cases
- Probate cases (wills, trusts, and inheritances)

All judges in the California courts must be licensed to practice law in California for 10 years before being appointed. There are no other formal qualifications.

The governor appoints all the appellate justices who sit on the California Court of Appeal and the

California Supreme Court. The California Commission on Judicial Appointments must approve the selections. (The commission has three members: the chief justice of the state, the attorney general, and the administrative presiding judge of the district where a Court of Appeal nominee will sit or the senior presiding justice of the Court of Appeal when the nominee is for the California Supreme Court.) California voters vote to confirm the justices at the next general election.

Justices serve 12-year terms. When a justice's term ends, the justice must be confirmed again by voters for another 12-year term. This is called a retention election. In a retention election, the justice does not run against another person. Rather, the voters vote on whether the justice should be retained in office - yes or no. These elections are non-partisan. That means that justices do not run as members of a political party.

Superior Court judges may be appointed by the governor when there is a vacancy or may run in a contested election against a sitting judge or for an open seat. Superior Court judges serve six-year terms. These elections are also non-partisan. When nobody runs against a sitting judge, the judge's name does not appear on the ballot.

California judges can be removed from office by a recall election by the voters. If the judge violates the California Code of Judicial Ethics, the judge can be removed from office by the Commission on Judicial Performance (CJP). CJP consists of one justice of the Court of Appeal, two judges of the Superior Court, two attorneys appointed by the Governor and six lay citizens - two appointed by the Governor, two appointed by the State Senate and two appointed by the State Assembly. For more information, see <http://cjp.ca.gov/>.

### **Trial and Appellate Courts**

It is important to understand the differences between trial courts and appellate courts.

Cases begin in trial courts. In the federal system, these courts are called the Federal District Court. In California, these courts are called the Superior Court.

In a trial court, one judge presides. Lawyers present evidence. The evidence comes from witnesses lawyers examine and cross-examine. In many kinds of cases, a jury hears the evidence and gives a verdict. The parties can waive the right to a jury trial and let a judge decide the case. In California, there are some cases that juries do not hear, e.g. family law, probate law, juvenile delinquency and dependency cases.

After the trial, a party may appeal the case. The appeal must claim that there was an error of law. For example a party might claim: the judge made a mistake instructing the jury; the judge misapplied the law or misunderstood the applicable law; a law is unconstitutional; the judge allowed evidence that should not have been let in or refused to allow evidence that should have been allowed; or the evidence was legally insufficient to support the verdict.

Appellate courts do not hold trials. No evidence is introduced. A panel of justices hears the appeal. Lawyers on each side submit written arguments, called "briefs." The lawyers use prior

court cases, existing statutes and the facts of the case to argue their cases. At oral argument, the lawyers orally present arguments and the justices question them about the arguments.

In the California Court of Appeal, three justices sit on the panel that will decide the case. Before oral argument, one justice is chosen to write the opinion of the court. A draft opinion is prepared based on the justice's review of the briefs, the record from the Superior Court, and the law. The draft is then circulated to the other two justices before oral argument. After oral argument, the justices finalize the opinion. Similarly, in the Supreme Court, one justice is assigned to be the author. A draft of the opinion is circulated to the other six justices for their review and comment before the oral argument. The justices discuss the case after oral argument and arrive at a final decision.

The written opinion of the court outlines the important facts of the case, the issues raised in the appeal, the decision, and the reasons for the decision. In the Court of Appeal, at least two of the three justices on the panel must agree on the result. In the California Supreme Court, at least four of the seven justices must agree. If a justice disagrees with the result, he or she may write a dissenting opinion. If a justice agrees with the majority's result, but for different reasons, he or she may write a concurring opinion.

Some of the written opinions of the Court of Appeal are published and become law the Superior Courts must follow and that the other Court of Appeal districts must consider. All opinions of the California Supreme Court are published and must be followed by the Court of Appeal districts and the Superior Courts.

### **The Enactment of Laws, Statutory Interpretation and Constitutionality**

In California, the equivalent of Congress is the State Legislature. The California State Legislature consists of two houses, the Assembly and the State Senate. The Legislature enacts laws in California. If the governor agrees, he or she signs the bill into law. If the governor disagrees, he or she can veto the law.

The voters also enact laws in California through what is called the initiative process. Anyone can get a proposed law or an amendment to the state constitution placed on the ballot for consideration by the voters if they can get a specified number of registered voters to sign a petition for the measure. If the idea is placed on the ballot, it is called a proposition and given a number. See the following website for more information:  
<http://www.sos.ca.gov/elections/ballot-measures/initiative-guide.htm>

Sometimes the law written by the Legislature or the voters is not clear or the factual scenario in which the law might be applied in a given situation was not contemplated when enacted. In these situations, the courts must engage in "statutory interpretation." There are rules that courts use to interpret statutes; the main rule is that the court's interpretation must be consistent with the intent of the Legislature or the voters when the law was enacted.

Occasionally, a party to a case will contend that a law enacted by the Legislature or the voters is unconstitutional because the law is not consistent with or violates the California or federal

Constitution. When a constitutional claim is made in court, the court must decide the issue and could strike down the law as unconstitutional, even though it was enacted by a legislative body or the voters.

### **Internet Information**

Additional information about California's courts can be found at:

<http://www.courts.ca.gov>

Additional information about the Court of Appeal, Third Appellate District and the justices who sit on that court can be found at:

<http://www.courts.ca.gov/3dca.htm>

Former Supreme Court Justice Sandra Day O'Connor is featured in a video entitled *Hard But Fair Calls* found at:

<http://ivp.nawj.org/>

### **For Class Discussion or a Test**

1. What is the difference between an appellate court and a trial court?
2. A case beginning in a Sacramento County Superior Court could reach the U.S. Supreme Court. What courts would it go through before it reached the U.S. Supreme Court?
3. What is the rule of law? What is judicial independence? Why are those things important?
4. How are federal judges selected? How are California judges selected?
5. What is statutory interpretation? In California, what bodies make laws courts may be called upon to interpret?
6. What is the term of office for a federal judge? What is the term of office for California judges and justices?



**Appendix C**

**Case Summaries**

Cases have not yet been selected

# **Appendix D**

## **Glossary**

Glossary will be provided after the cases are selected.

**Appendix E**

**Essay Prompts**

**Oral Argument  
Essay Questions for the Featured Case**

1. What were the facts of the case?
  2. What issue or issues did the court have to decide?
  3. What arguments did the appellant make?
  4. What arguments did the respondent make?
  5. How should the court rule and why?
  6. What did you learn from the visit by the California Court of Appeal?
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# **Appendix F**

## **Rules of Decorum & Security Screening Procedures**

## Rules of Decorum and Security Screening Procedures

### Proper Behavior

- Be polite and courteous to the justices, to court personnel, and to those around you.
- When the court is in session, be silent. A court session begins when the justices enter and take their seats and a court official announces that the court is in session.

### Security Screening

The purpose of the security screening procedure is to create a safe and secure courtroom for all attendees. Following these guidelines will allow security personnel to process attendees in an expeditious manner. Please disseminate this information to all attendees.

Thank you for attending this session of the Court of Appeal, Third Appellate District. As always, every person will be screened prior to entering the courtroom. This process includes walking through a magnetic metal detector and/or manual screening through a magnetic hand held metal detector. Any personal item you carry into the courtroom (bags, purses, wallets) will be hand searched. In order to expedite your entrance, we request the following:

1. **No electronic devices of ANY KIND are allowed in the courtroom.** These items include but are not limited to cellular phones, pagers, palm pilots/PDAs, remote control car door openers and recording devices.
2. **Please do not bring any backpacks or large bags to the session.** If you are planning to take notes, it is recommended that you bring **only** a note pad and a pencil or pen.
3. **Any items that would be construed as a weapon will not be allowed into the courtroom.** This includes but is not limited to pocketknives, letter openers, mace or pepper spray, or any other item that can be used as a weapon.
4. Depending on the weather, it is recommended that students refrain from wearing large coats or layered clothing to the session. Each item of clothing will have to be searched prior to entering the courtroom.
5. Please remove hats before entering the courtroom. **No hats** are to be worn during the court session. **No food or drinks** are allowed in the courtroom.
6. **Remove any metal on your person** and have them in your hand prior to walking through the metal detector. (i.e. keys (without the car openers), change, etc.)