Syllabus—Supreme Court Seminar
Law 590-3, Section 001
Professor Dawson

Course Time and Room:  Monday And Wednesday, 9:30-10:45, Room 164

Office Hours Time and Room:  Monday-Thursday 11:00-12:00, Office 252

Professor’s Contact Information and Availability:

Professor Edward Dawson
Office #252
Office Phone: 618-453-8735
email: edawson@siu.edu

You are welcome to come by during office hours with questions without making an appointment. You may also request an appointment outside office hours by email. You can also send me questions by email, but I may ask you to come by my office if the question is better answered in person. I check my email regularly during business hours (9 am-6 pm) during the week; outside of those times I may not respond the same day.

Required Course Materials:

- Rather than a required textbook, this seminar makes use of available online materials about the current docket of the Supreme Court. This syllabus includes links to these materials, which you are required to read for this class. The links should be clickable if you download this syllabus and open it using Word. You will also be required to find and read materials relating to the case you choose as the topic for your seminar paper (“Your Case”).
- You must be able to regularly access the Internet and TWEN to complete this course.

Course Overview and Learning Objectives:

This course focuses on the United States Supreme Court and the cases the Court is considering this Term. The course has five learning objectives:

1. Understand and be able to describe the role of the Supreme Court and its Justices in the American legal system.
2. Learn how the Supreme Court selects, hears, and decides cases, and be able to explain your own views about how the Court should decide cases.
3. Choose a pending case on the Supreme Court docket and become an expert on that case. (When this syllabus says “Your Case,” it refers to the case you choose.)
4. Learn how to write a legal academic research paper by writing an academic paper that explains Your Case and makes an argument about the right result in the case.
5. Practice and improve legal writing through submitting and getting feedback on shorter memo and general-interest writing assignments.
Reading and Other Assigned Media:

Assignments for class will include reading, videos, and audio. For each class, you are expected to do any assigned reading listed on the syllabus, and watch or listen to any media assigned on the syllabus. You will also, for many classes, be assigned to find and read a document (like a brief) or listen to argument audio relating to Your Case. The assigned readings and media will generally be online; when I assign reading in this syllabus I include a clickable hyperlink to the material. You must be able to open the links in this syllabus; if there are any non-working or dead links it is your responsibility to let me know before class that you could not access the material. Materials relating to Your Case will also be available online; I will spend some time in class showing you how to access these materials.

Writing Assignments:

You will have several short writing assignments over the course of the semester, and one long assignment to write a research paper, which will be due at the end of the semester. The requirements for the research paper are described the next section. The short writing assignments are also connected to Your Case and will be designed to help you understand your case, as well as different types of writing related to the work of the Court. The writing assignments are described on the weekly schedule below with the heading “Writing Assignment.” These short writing assignments will be graded on a satisfactory/ unsatisfactory basis; if what you turn in is unsatisfactory you will have the option to 1) rework and resubmit or 2) receive no points for that assignment.

Paper:

Most of your grade will be determined by your seminar paper. This section describes the content of and requirements for your seminar paper.

a) Content:

Your paper will be about a single case that is currently pending before the United States Supreme Court (Your Case). You will choose Your Case early in the semester, and during the semester you will become an expert on Your Case. Each student will write about a different case.

Your paper will be about Your Case; and it will either make an argument about how Your Case should be decided or provide a critique of how the Court decided Your Case. At least half of your paper should be analysis/ argument about how the case should be or was decided.

If your case is decided before March 11, your paper will give background on the case and provide a critique of the decision (whether you think it was right or wrong). If Your Case has not been decided by the end of the semester, your paper will give background on the case and provide both a prediction about how you think it will be decided and an argument about how you think it should be decided. If your case is decided between March 11 and the date the final paper is due, you can choose whether to submit the paper as though the case hadn’t been decided yet or to revise your paper to analyze the Court’s actual decision.
b) Requirements:

Your paper **must** have:

1. At least 15 pages, and no more than 20 pages, double spaced.
2. At least 50 footnotes
3. Citations to at least 10 different cases
4. Citations to at least 5 different secondary sources (books, treatises, journal articles)
   a. Note: news articles don’t count as secondary sources; blog posts may count if they are substantive posts analyzing Your Case
5. Uniform cite form for footnotes
   • you may follow the ALWD guide, or the Bluebook for citations

“Must have” means you cannot pass the course without meeting these requirements; to do well in the class you will need to exceed these minimum requirements.

In addition, over the course of the semester you will have to turn in several different assignments relating to the process of researching and drafting your paper. Those assignments are described below on the weekly schedule, under the heading “Paper Assignment.”

**Presentation:**

You will be required to give a presentation on your chosen case. Presentations will last roughly 20 minutes—15 minutes of speaking time and 5 minutes for questions. I will give you more information about presentations and scheduling for them later in the semester.

**Attendance:**

**You are allowed two absences for this seminar.** The number of absences is limited because, as described below, there are three weeks when we will not meet as a group, and instead you will use that time to work on your paper or for a conference with me about your paper.

**Workload Expectations:**

As a reminder, ABA and SIU standards define a “credit hour” as one hour of direct instruction, and at least two hours of out-of-class student work. This means that for a three-hour class, like this class, you should expect to spend six hours on class preparation, which includes reading and preparing any required writing assignments.

**Recording Policy:**

The course sessions will not be recorded, unless required for a disability accommodation.
Call and Participation Policy:

This course is a seminar, which means our class sessions will be driven mainly by student discussion. The syllabus provides discussion subjects for each class session; which should lead to discussion among the group. Your participation in class sessions will affect your grade. In addition, your class presentation on Your Case will count towards your final grade.

Grades:

Your grade will be determined by 1) 15% for class attendance and participation, 2) 15% for the three short writing assignments you complete over the semester (graded on a satisfactory/unsatisfactory bases), and 3) 70% for your research paper. Participation includes engaging in class discussion, demonstrating preparedness, and giving a presentation on Your Case. Grades for the course will be assigned based on the law school grading policy, which is available at http://www.law.siu.edu/_common/documents/rules-code/grading.pdf

TWEN Page:

There is a TWEN page for this course, and you should sign up for it. On that page I will post course documents such as this syllabus, handouts, assigned readings, and useful links to web sources relating to the Supreme Court.

Emergency Procedures:

Emergency Procedures. Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Disability Support Services:

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.
Saluki Cares:

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.
Weekly Schedule and Outline

Below is a list of the assignments and topics for each course session. The assignments for each session are organized with these headings:

- **“Substantive Topic”** means the topic about the Court we will be discussing for the class session.
- **“Discussion Subjects”** are questions about the substantive that we will discuss in class, based on the assigned reading/media assignment. You should be prepared to and expect to speak in every class session.
- **“Reading/Media”** tells you what you are required to read, watch, or listen to for the class session. For most class sessions, there are links to reading, audio, or video that are part of the assignment for the class. The links should be clickable if you download this syllabus from TWEN and open it as a Word document on your computer. In addition, for many sessions you’ll be required to find and read documents relating to Your Case; usually these can be found on the SCOTUSblog page for Your Case.
- **“Writing Topic”** means a topic relating to paper writing or shorter writing assignments we will cover during the class session.
- **“Paper Assignment”** tells you when you need to prepare and turn in an assignment relating to your seminar paper.
- **“Writing Assignment”** tells you when you need to prepare and turn in one of the three shorter writing assignments for the semester.

**WEEK 1**

1. **Wednesday January 20**

**Substantive Topic:** Introduction to Course and the Court  
**Reading:**
- Read this syllabus carefully. If you have any questions about the course schedule or requirements, bring them to class for our first meeting. You’re bound by anything that is in the syllabus that you do not raise at the first class meeting.
- “A Brief Overview of the Supreme Court”
- Access and browse these three websites. To complete the seminar you will need to be able to use and find information on these websites about Your Case:
  - www.supremecourt.gov
  - www.scotusblog.com
  - www.oyez.org

**Discussion Questions:** Based on what you already know about the Supreme Court, what is the role of the Supreme Court in our legal system? In our democracy? What types of cases does the Court decide?

**Writing Topic:** Overview of the seminar paper, class schedule, and requirements.  
**Strongly Recommended:** Look at the assignment for next class, and begin looking at and thinking about cases you may be interested in writing about.
WEEK 2

2. **Monday January 25**

   **Paper Assignment:** Bring to class a written list of 3-4 cases that interest you as the subject of your seminar paper, with short explanations of what interests you about each case. At our first class I will hand out a list of cases from which you should pick your “short list.” Turn in a copy of the list at the beginning of class, and have an additional copy or electronic copy for use in class discussion. Be prepared to discuss in class what interests you about each case on your list.

   **Substantive Topic:** Role of the Supreme Court in the American Legal System  
   **Discussion Subjects:** What functions does the Supreme Court perform in our legal system? What should the Court’s role be in interpreting or creating law?

   **Reading/ Media:**
   - United States Constitution, Article III (link)
   - “The Court and Constitutional Interpretation,” (link)
   - About the Supreme Court, (link)
   - Video discussion with Chief Justice John Roberts on the role of the Supreme Court: (link)

3. **Wednesday January 27**

   **Paper Assignment:** Bring to class, written down, the name of the case you would like to be Your Case, as well as the names of two alternates. In class, we’ll have a random draw to pick cases (because only one student may write on any particular case). The order will be inverted for picking presentation slots (so, the student who picks their case last will have first choice for presentation slots). By the end of class, everyone will know which case is their assigned case for the semester (“Your Case”).

   **Substantive Topic:** History of the Supreme Court; Evolution and Criticisms of Court’s Role  
   **Discussion Subjects:** Identify a Supreme Court case that you think is a “landmark case” in U.S. history, and come to class able to explain why you think it was an important case. Identify a case you believe was wrongly decided, and be able to explain why. Finally, be prepared to discuss what you think the proper role of the Court is in our legal system, and whether you think that the Court has been more of a force for good or for ill in American history and politics.

   **Reading/ Media:**
   - Federal Judicial Center brief overview of Court history: (link)
   - Supreme Court history, the first hundred years: (link)
   - Book Review, “The Case Against the Supreme Court” (criticism of the Court from a leftist academic): (link)
   - Book Review, “Radicals in Robes” (liberal critique of the Court): (link)
   - Scalia dissent in Obergefell (criticism of the Court from a right-wing Justice): (HTML link) or (pdf link)
   - To find a landmark case for our class discussion, you could simply pick a case you already know about, or you could look at one of these lists. (But, you don’t have to read all the info about each case on each list):
To find a “bad” case for our class discussion, you could choose a case you already know about, or you could look at these lists (each of these lists are biased, but I’ve tried to include lists from both sides):

- Law professors’ (left-leaning) list of “worst cases”: [link]
- Right-wing list of “worst cases”: [link]
- Right/ libertarian list of “worst cases”: [link]
- KY atty’s list of “worst cases”: [link]
- Far-left list of “worst cases”: [link]

**Writing Topic:** Assigning cases; finding resources and materials on Your Case.

**WEEK 3**

4. **Monday, February 1**

**Substantive Topic:** The Justices, Then and Now

**Discussion Subjects:** Come to class prepared to discuss at least one of the current Supreme Court justices, and what you think of them as a judge, by watching at least one of the interviews with a justice linked to below. Also come to class prepared to discuss at least one Justice who sat on the court in the past and why you think they were significant, by reading biographical information about that justice. Finally, come prepared to discuss changes in the composition of the Court over time.

**Reading/ Media:**
1) Watch at least one video interview with a sitting Supreme Court Justice, from the videos available at the links below.
2) Read the biography of at least one justice from the past, using the links below.
   - C-SPAN interviews with each of the justices: [link]
   - Bryan Garner interviews with several of the Justices (if you choose these, watch all of the videos on your chosen Justice; the interviews are broken up into shorter clips): [link]
   - Interview with Justice Ginsburg: [link]
   - Long interview with Justice Thomas: [link]
   - Biographies of current Justices, [link]
   - Chart of all Justices over Time, [link]
   - List of all Justices of the Court, with links to bios and opinions by each, [link]
   - Biographies of select Justices throughout the Court’s history, [link]
   - Another list of short biographies of selected Justices, [link]

**Writing topic:** Reading and taking notes for the paper; preparing a sources list for assignment due Mon. Feb. 8
5. **Wednesday, February 3**

**Substantive Topic:** Nomination, Confirmation, and Appointment of Justices

**Discussion Subjects:** What qualities should a President look for in choosing a Justice? Should Presidents screen candidates for politics? Should they screen based on race, gender, religion, geographic home, or law school attended? What role should the Senate play—should they screen for politics, or only for competence? How do you know someone is “competent” to be a Supreme Court Justice? How has the confirmation process changed over time? How will the upcoming election affect the composition of the Court? Should there be a “retirement age” for Justices?

**Reading/ Media:**
- Overview of selection process for Supreme Court Justices: [link]
- Read pages 1-15 of this Congressional Research Service Report on the Supreme Court appointment process: [link]
- Article about average age of Justices, [link]
- Watch this short video (10 mins.) criticizing the modern trend in nomination hearings: [link]
- Watch excerpts from the confirmation hearing of at least one Justice. Here are links to clips from the confirmation hearings of:
  - (Chief Justice Roberts)
  - (Justice Ginsburg)
  - (Justice Kennedy)
  - (Justice Alito)
  - (Justice Sotomayor)
  - (Justice Breyer)
  - (Justice Thomas) (the most contentious modern hearing; contains sexual terms)

**Writing Topic:** How to prepare an outline of your paper for assignment due Mon. Feb. 8

---

6. **Monday, February 8**

**Paper Assignment:** Turn in at or before beginning of class outline and sources list for your paper.

**Substantive Topic:** Jurisdiction of the Supreme Court

**Discussion Subjects:** What is “jurisdiction”? What types of jurisdiction does the Court have? What cases in the American legal system are outside the Court’s jurisdiction? Why does the Court care so much about making sure it has jurisdiction over a case before deciding the case? Which category of the Supreme Court’s jurisdiction does Your Case fall under?

**Reading/ Media:**
- Article III of the United States Constitution, available at this link: [link]
- Statutes on Supreme Court Jurisdiction, available at the following links:
  - (Link to 28 U.S.C. 1251--original jurisdiction)
  - (Link to 28 U.S.C. 1254--Certiorari to federal courts of appeals)
  - (Link to 28 U.S.C. 1257 -- certiorari to state courts)
• Listen to the first 12 minutes of oral argument in *Montgomery v. Louisiana*, available here: (link) (note that the lawyer arguing was appointed by the court to argue that the Court lacked jurisdiction over the case)
• Listen to the first 5 minutes of oral argument in *Madigan v. Levin*, available here: (link)
• Excerpt from *Marbury v. Madison*: (link)
• Read the jurisdictional statement from the certiorari petition in Your Case; the jurisdictional statement should be on page 1 or 2 of the petition. The petition will be linked to from the SCOTUSblog page for your case, an example page is here: (link)

**Writing Topic:** Description and overview of cert. pool memo assignment (due Friday, Feb. 19); how to find briefs in Your Case

7. **Wednesday, February 10**

**Substantive Topic:** Certiorari process and criteria (“Deciding to Decide” pt. I)

**Discussion Subjects:** What factors does the Court consider in trying to decide whether to hear a case? Which factors did the petitioner’s lawyers in Your Case emphasize? Come prepared to discuss how the lawyers in Your Case tried to convince the Court to hear their case, and why you think they succeeded.

**Reading/ Media:**
• **Read the Petition in Your Case, which will be available on SCOTUSblog, and could also be found on Westlaw, Lexis, or Bloomberg.**
  o At this link, you will see an example of a SCOTUSblog page for a case that includes links to the petition-stage and merits briefing in a case: (link)
• Short article on certiorari process and criteria applied by the Justices: (link)
• Short commentary on the “cert pool” used by most Justices: (link)
• Supreme Court Rule 10 on criteria for granting certiorari, (link)
• Supreme Court Rule 14 on contents of a cert. petition, (link)

**Writing Topic:** Working from your outline to write your paper; different approaches to drafting the paper.

**WEEK 5**

8. **Monday, February 15**

**Substantive Topic:** Why the Court takes cases, and why it denies most cases (Deciding to Decide, pt. II)

**Discussion Subjects:** Why does the Court take so few cases each Term? Should it take more? In Your Case, how did the Respondents try to convince the Court not to take the case? Why do you think they were unsuccessful?

**Reading/ Media:**
• **Read the Respondents’ Brief and Reply brief in Your Case, which you may find on SCOTUSblog or using an online database**
• Two short summaries of recent statistics on grants of certiorari: (link) (link)
• Opinion dissenting from certiorari denial in *Jones v. U.S.*: (link)
• Opinion dissenting from certiorari denial in *Jackson v. City of San Francisco*, (link)

**Writing Topic:** Review of an example of a case note.
9. **Wednesday, February 17**

**Substantive Topics:** How the Court schedules cases; Modes of Argument in constitutional cases

**Discussion Subjects:** What are the different “modalities” of constitutional argument? Should there be a hierarchy of the modalities (some modalities carry more weight than others)? Consider how the different modalities of argument could be applied to the pending case of *Fisher v. University of Texas*—we will have a class exercise where we try to come up with arguments in that case based on each modality. You should try to come up with an argument for each modality on *both sides* of that case (not just the side you favor).

**Reading/ Media:**
- Short document discussing “modalities” of constitutional interpretation: (link)
- Short summary of *Fisher v. University of Texas* for use in considering different modalities of argument: (link)
  - As an alternative, you can also, if you like, listen to the oral argument in *Fisher*, which is available here (but is 90 minutes long): (link)
- Supreme Court Term calendar: (link)
- Supreme Court oral argument calendars: (link)
- Supreme Court Rule 3 on the Court’s Term (link)
- Supreme Court Rule 25 on time to file briefs, (link)
- Docket of filings in Your Case; which can be accessed either on SCOTUSblog or on the Supreme Court’s own website. Examples of each are here:
  - (link)
  - (link)

**Writing Topic:** Questions about “cert memo” assignment (due Fri. Feb. 19); description of “bench memo” assignment; how to use weeks off.

**Friday, Feb. 19: Writing Assignment #1 is Due:** Turn in your “cert memo” assignment (3 page memo). You can turn it in either by email to me, or by dropping a copy with my assistant, Susan McLaren.

**WEEK 6 (Mon., Feb. 22 & Wed., Feb. 24)**

**WEEK OFF:** Use this week to read the petition-stage briefs and merits briefs in Your Case; to make notes on the briefs, and to use the briefs to compile lists of cases and sources for further reading.

**WEEK 7**

10. **Monday, February 29**

**Substantive Topic:** Briefs on the Merits pt. 1

**Discussion Subjects:** Come prepared to discuss petitioner’s brief in Your Case, both as to substance and persuasion. What are the main substantive arguments petitioners make to
convince the Court? Which of the “modalities” of argument, that we discussed previously, do the petitioners rely on? If the case is a statutory case, which tools of statutory interpretation do they rely on? What are the different parts of the brief and what is the function of each one?

Reading/ Media:
• **Read the Petitioner’s Opening Merits Brief in Your Case, which is available among other places on the SCOTUSblog page for Your Case**
• Supreme Court Rule 24—rules on merits briefs, [link]

11. Wednesday March 2

Substantive Topic: Briefs on the Merits, pt. II.

Discussion Subjects: Come prepared to discuss the respondent’s brief in your case, both in terms of substance and persuasion. What are the main substantive arguments the respondents make to convince the Court? Which of the “modalities” of argument, that we discussed previously, do the respondents rely on? If the case is a statutory case, which tools of statutory interpretation do they rely on? What are the different parts of the brief and what is the function of each one? How does the petitioner’s reply try to rebut what the respondent says? Having read all the merits briefs, who do you think should win Your Case?

Reading/Media:
• Read the Respondent’s Opening Merits Brief in Your Case, which is available among other places on the SCOTUSblog page for Your Case
• Read the Petitioner’s Reply Merits Brief in Your Case, which is available among other places on the SCOTUSblog page for Your Case

WEEK 8 (Mon. Mar. 7 & Wed. Mar. 9)

Monday March 7: Writing Assignment #2 is due. Turn in your “bench memo” (4-5 page memo); either by emailing it to me or dropping it off during my office hours.

WEEK OFF:

Between your week off and spring break, you will have two weeks in a row with no classes. Use this time to turn in your “bench memo” (on Monday, March 7) and then work on your draft paper; your draft paper will be due soon after we return from break. I am available during our week off to discuss your questions about your paper.

Mar. 14-Mar. 18 SPRING BREAK
WEEK 9

12. Monday, March 21

**Substantive Topic:** Amicus Practice at the Court

**Discussion Subjects:** What is an amicus brief? Why do groups and organizations file amicus briefs with the Court? Do you think amicus briefs have any effect on the Justices? What organizations or entities filed amicus briefs in your case? Why? Did you find their amicus briefs effective?

**Reading/ Media:**
- **Read at least one amicus brief on each side of Your Case.** If there are no amicus briefs in your case (which is unlikely), pick another case and read amicus briefs in that case.
- Review the amicus briefs that have been filed in Your Case; these will be listed (and linked to) on the SCOTUSblog page for your case. Make a list of all the organizations or persons who filed a merits-stage amicus brief in Your Case and bring the list to class. Be prepared to explain why you think each amicus filed a brief in the case.
- Read the following two news articles about the use (and abuse) of amicus briefs at the Court:
  - [New York Times link](New York Times link)
  - [ABA Journal Link](ABA Journal Link)
- Read Supreme Court Rule 37 on amicus briefs, [link](link)
- Read blog post, “Who Speaks for Illinois,” about dispute between Illinois Governor and Attorney General over who gets to file an amicus for Illinois [link](link)

**Writing Topic:** Explanation of “news report” in-class speaking exercise, and “news report” writing exercise, for next class.

13. Wednesday, March 23

**Substantive Topic:** The Supreme Court and the Media.

**Discussion Subjects:** Do you think the press/media does a good or bad job of reporting on the Supreme Court? What do news reporters tend to focus on about the Court? How is it different from what lawyers, or the Court itself, focuses on? Should Supreme Court oral arguments be televised live? Would this increase transparency and public awareness, or allow the media to distort what actually goes on at the Court?

How has the press reported on Your Case? Now that you are an expert on that case, do you think the media’s coverage of Your Case is accurate/focused on the right things, or misleading? **Finally, be prepared to give a “reporter-style” 2-3 minute summary of your case, as though you were speaking about it on a TV or radio program.

**Reading/ Media:**
- Find and read news articles about your case—news pieces about your case that are written for an audience of non-lawyers. You may find these by searching on
www.news.google.com (almost every case will have some sort of news story about it); Bloomberg Law and LEXIS also have good news databases. If you can’t find any news about your case, let me know and I’ll help.

- Interview with Nina Totenberg, NPR’s Supreme Court reporter, (link)
- Stephen Colbert interview with Justice Breyer, (link)
- Article about legislation to introduce cameras at the Supreme Court, (link)
- Supreme Court rules on Journalist credentials, (link)
- Short article about the Court denying a press pass to SCOTUSblog (link)

Writing Topic: Writing time to work on “news report” writing assignment; explanation of oral argument assignment.

Friday, March 25 Writing Assignment #3 is due: Turn in “news report” on your case (1,000 words), either by emailing it to me or dropping it off with my assistant, Susan McLaren.

WEEK 10

14. Monday, March 28

Substantive Topic: Oral Arguments, pt. 1

Discussion Subjects: After a brief introduction to how oral argument works at the Supreme Court, we will spend most of the class listening to clips from the oral arguments in Your Cases, as picked out by you and sent to me before class. In addition, be prepared to give a short summary of how the oral argument went in your case. Which advocate seemed better? Do you think you can tell from the argument how the justices will rule in Your Case? Do you think the argument changed any Justice’s mind?

Reading/ Media:

- Listen to the oral argument in your case. Pick one or two shorter (<5 minute) clips that you find the most interesting from the argument, and send me the “timestamps” for those clips.
- Be prepared to “set up” your clip and also to give a short summary of how the argument went.
- You can find the oral argument in your case linked to on the SCOTUSblog page for your case, or directly on oyez.org at this link: (link)
- Short article on the current Court’s “hot bench” and humor at argument (link)
- If you have trouble understanding something said at the argument, there are likely to be oral-argument write-ups available on SCOTUSblog, other blogs, and in the news media.
- Read Supreme Court Rule 28 on Oral Arguments, (link)

15. Wednesday, March 30

Substantive Topic: Oral, Arguments, pt. 2

Discussion Subjects: After a brief further discussion about how oral argument works at the Supreme Court, we will spend most of the class listening to clips from the oral arguments in Your Cases, as picked out by you and sent to me before class. In addition, be prepared to give a short
summary of how the oral argument went in your case. Which advocate seemed better? Do you think you can tell from the argument how the justices will rule in Your Case? Do you think the argument changed any Justice’s mind?

**Reading/ Media:**
- Article on using oral argument, and specifically data analysis of argument transcripts, as a predictor of how a case will come out: (link)
- Short article on whether oral argument matters to judges: (link)

**FRIDAY, APRIL 1 -- Draft of Paper Due:** You should turn in a full draft of your paper by emailing it to me, or dropping it with Susan McLaren.

**WEEK 11**

**16. Monday, April 4**

**Substantive Topic:** Supreme Court decisionmaking and opinions  
**Discussion Subjects:** Are there “right answers” under the law in most cases heard by the Supreme Court? If the existing law doesn’t compel an answer in a case before the Court, what should a Justice use to decide how to vote? Are the Justices influenced by political considerations in deciding how to vote? Is there a difference between saying a decision of the Court is “right” under law and saying that you like the result in the case? Do you think there is a “right answer” in Your Case under current law? If not, what do you think should determine the result in Your Case?

**Reading/ Media:**
- Article on trends in Supreme Court opinion-writing, (link)  
- Discussion of recent political trends at the Court,  
  - (Politico link)  
  - (New York Times link)  
- Chart of political tendencies of Justices over time, (link)  
- Short introduction to concept of legal indeterminacy, (link)

**Writing Topic:** Discuss case presentations and set schedule for presentations (in reverse order from order of choosing cases).

**17. Wednesday, April 6**

**Substantive Topic:** N/A  
**Writing Topic:** This session will be devoted to instruction about organization, editing, writing, and citation, based on my review of your draft papers. It will serve as a general preview to the more specific comments and discussion in our conferences the following week.
WEEK 12 (Mon. Apr. 11 & Wed. Apr. 13)

WEEK OFF—This week will be devoted to one-on-one conferences about your paper. We will set the schedule for these conferences a few weeks in advance of this week off.

WEEK 13

The final two weeks of class will consist of your presentations about Your Cases. Each presentation will take roughly 20 minutes, with 15 minutes of talking time and 5 minutes for questions.

18. Monday, April 18

• Presentations

19. Wednesday, April 20

• Presentations

WEEK 14

20. Monday, April 25

• Presentations

21. Wednesday, April 27

• Presentations

Final Paper Due: Your Final Paper will be due some time after the last day of classes, and before the end of the Exam period. I will set the specific due date some time early in the semester.