

DRAFT SYLLABUS:
The U.S. Supreme Court

Fall Quarter: September 26 – December 8, 2017
Fall Semester: August 29 – December 8, 2017*

Instructor: Jessica Gresko

Email: Jessica.Gresko@gmail.com

Twitter: @JessicaGresko

Class Time & Room: Thursday 6:30 p.m. to 9:30 p.m. in Room 1104

Office & Office Hours: Please e-mail me if you would like to schedule a time to meet. I am generally at UCDC from 6 p.m. until class time and also available earlier or after class. I will make every effort to meet with students who want to.

Course Description: Gay marriage. The death penalty. Abortion. Health care. Cell phone privacy. The U.S. Supreme Court has heard cases on all of these topics in recent years, and its decisions ultimately touch the lives of all Americans. In this class we will study the Supreme Court's place in the U.S. legal system. Topics we will cover include: how a case gets to the court, the justices, the role of lawyers before the court, the purpose of oral argument, the court building and its symbolism, and media coverage of the court. At least once during the semester students will attend an oral argument, and cases currently before the court will be used as a reference point for class discussion. This class is geared not only toward anyone who is interested in the law or government service but also toward anyone interested in working on or being informed about the biggest issues of the day.

About Your Instructor: For the last decade I have been a reporter for The Associated Press, first in Miami and now in Washington. As a legal reporter, I have covered court cases at all levels, both local and federal (District, Appeals and U.S. Supreme Court). I have been at the Supreme Court for many recent high-profile decisions including cases on gay marriage, healthcare and the death penalty and now cover the court full-time. I earned my B.A. from Columbia University in New York and a M.S.L. (Master's in the Study of Law) from Georgetown University Law School. I grew up in Southern California and took my first journalism class at UCLA.

Goals for Student Learning: By the end of this course you will understand the process of how a case comes to be accepted and decided by the Supreme Court. You will have studied some of the Court's most important decisions as well as some of its most recent ones. And you will have a background that makes you more informed when reading news stories about the court as well as the tools to read Supreme Court orders and opinions.

In addition, consistent with The Washington Center's mission for learning and goals for all classes, this class has the following goals:

Goal #1: Students will be able to relate their internship experience with the skills and substance learned in their course.

Achieving that goal: Students with internships in the legal world should be prepared to talk about those experiences during class as part of class discussion. All students will practice writing and analysis in two 5-page papers.

Goal #2: Students will experience a cultural, historical, policy or other event in the District of Columbia that relates to their course.

Achieving that goal: Students will attend a Supreme Court oral argument and a lecture by a Supreme Court justice.

Goal #3: Students will be able to communicate persuasively in writing and orally.

Achieving that goal: Students will complete two 5-page assignments and several 1-page reflections. All students will be expected to contribute to class discussions.

Goal #4: Students will be able to critically examine competing arguments, and use empirical evidence to research and apply theory to practice.

Achieving that goal: In their major written assignments students will: (A) dissect why they believe the Supreme Court agreed to take a case it is hearing this term (B) after listening to an oral argument and discussing oral arguments generally, analyze how they believe the court will rule on the case they heard.

Course Materials and Accessibility:

The required textbook for this class is:

The Supreme Court by Lawrence Baum, 12th edition (2015) ISBN: 1483376117

A copy of the book will be “on reserve” at the 4th floor desk. Community assistants in residential services will sign this book in and out.

In addition to reading assignments from the Baum text and handouts, students are expected to keep up with major news about the court including cases that have been accepted by the court or are being argued. There are a number of ways to do this.

Students may want to make a habit of reading SCOTUS Blog (www.scotusblog.com) which has a daily post aggregating much of the day’s Supreme Court stories.

Students may also want to follow Supreme Court journalists using Google alerts or Twitter (where the hashtag #scotus is also helpful). Journalists covering the court include: Robert Barnes (Washington Post), Jess Bravin (WSJ), Lawrence Hurley (Reuters), Adam Liptak (NYT), Tony Mauro (National Law Journal), Mark Sherman (AP), Jeffrey Toobin (New Yorker/CNN) and Nina Totenberg (NPR).

Assignments: Students will complete a number of assignments over the course of the semester. They will count toward the student's grade as follows:

Quarter Students	Semester Students*
Short paper #1.....35 percent	Short paper #1.....30 percent
Short paper #2.....40 percent	Short paper #2.....35 percent
Presentation.....15 percent	Presentation.....10 percent
Class participation.....5 percent	Class participation.....5 percent
1-page responses.....5 percent	1-page responses.....5 percent
	Four week module.....15 percent

* **Semester Students:** Please note that 15 percent of your final course grade will be earned in the four-week module at the start of the term. I will not teach the module, but will remain your instructor of record and will get that grade from Professor Diascro, factor it into your overall grade and submit the final course grades at the end of the term.

Assignment Preparation: Assignments are due at the beginning of class and will be considered late if they are not turned in at that time. Please use Times New Roman 12-point type, 1 inch margins and double space to allow for comments. Please staple the pages of your assignment together. All assignments are expected to be spellchecked and proofread carefully. Failing to adhere to these rules will negatively affect your grade.

Class Participation: Class participation will be an integral part of this course. You should expect to be called on and, if asked, to present your work to the class.

Grading Scale:

A	93%+	C+	77 - 79%
A-	90 - 92%	C	73 - 76%
B+	87 - 89%	C-	70 - 72%
B	83 - 86%	D	60 - 69%
B-	80 - 82%	F	0 - 59%

* In rare circumstances and at the instructor's discretion, the overall grade of A+ may be awarded for work that is truly extraordinary. This grade will not be awarded every term.

Extra credit: There will not be any opportunities for extra credit in this class. With this in mind, I would urge you to put forward your best effort on papers and presentations.

Late Work: Due dates in this class are firm deadlines. Late work will be penalized one letter grade (10 points) for every week the assignment is late. Work that is five weeks or more late will get a 50 if satisfactorily completed. If you are having difficulty with an assignment, I urge you to speak with me ahead of the deadline.

Attendance: Students are expected to attend all classes. Failing to attend class will

affect your participation grade.

Policy on Academic Misconduct: UCDC has a zero-tolerance policy for cheating, plagiarism, and any other form of dishonesty. Students should refer to their home campus Student Code of Conduct for the regulations that apply to them. The burden is on each student to know what behaviors constitute cheating and plagiarism. Ignorance of these behaviors is not an adequate defense.

Classroom Etiquette: Students should arrive prepared to begin coursework promptly and are expected to turn off cell phones while in class. Kindles, nooks, music devices and iPads are also required to be off and out of sight. I would prefer you take notes longhand as I have found (and research has shown) laptops are distracting to students. That said, this is your class and you should do what works for you.

I recognize that this class meets after a long day and during a dinner hour. You are welcome to bring food to class or get some during break.

This class will sometimes involve the discussion of cases that provoke great feeling. During these and all discussions students are expected to offer their opinions in a respectful and thoughtful manner.

E-mail policy: I make it a priority to respond to e-mails from students as quickly as possible. I expect students will also check their e-mail regularly for messages from me.

Weekly Agenda: The syllabus below is a guide and subject to change. Additional weekly assignments may be given to supplement the current syllabus. All listed homework assignments are to be completed **AFTER** the class on which they are listed and **DUE** the following Thursday.

Policy on Weather Emergencies: In the event of a weather emergency, UCDC follows the federal government's decisions about delays and closures, which means that the offices are closed and staff are unavailable during those times. Do not assume, however, that class will be canceled. In some instances, it may make more sense to hold a make-up class at a later date. In others, it will be easier and more expedient to hold class as scheduled. We will cross that bridge if and when we come to it. In the event of a weather emergency, you will get e-mail notice of how we will handle the situation at least an hour before class.

Accommodations: In compliance with the Federal Rehabilitation Act of 1973, as amended (Public Law 93- 112) and the Americans with Disabilities Act of 1990 (Public Law 101-336), University of California policy prohibits unlawful discrimination on the basis of disability in its programs, services, and activities.

If you require accommodation for class, please let me know at our first meeting (if not earlier) so the necessary arrangements can be made.

Statement on Sexual Harassment and Sexual Violence: The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence.

Students who wish to speak confidentially about an incident of sexual misconduct should contact UCDC’s Counseling Services at UCDCcounseling@gmail.com. To report sexual misconduct to ask questions about UCDC policies and procedures regarding sexual misconduct, please contact the UCDC Title IX administrator, Josh Brimmeier (202-974-6214 or josh.brimmeier@ucdc.edu). Because the University of California is legally obligated to investigate reports of sexual misconduct, the confidentiality of reported misconduct cannot be guaranteed.

UC Policy on Sexual Harassment: <http://policy.ucop.edu/doc/4000385/SHSV>

<p>Court Visit</p>	<p style="text-align: center;">COURT VISIT</p> <p>In lieu of class one week during the quarter you will be asked to visit the Supreme Court to watch an oral argument. Oral arguments begin promptly at 10 a.m. and last two hours, one hour each for the two cases the court generally hears on one day. We will discuss the logistics of the visit in class. Following the visit you will be responsible for completing...</p> <p><u>SHORT PAPER #2:</u> Before attending oral argument, read the main briefs relevant to the oral arguments you plan to attend. Given what you read and heard, explain in a paper of up to five pages how you believe the court will rule in the case you observed. Be specific about which justices’ votes you believe you could “read” as well as those you could not. You should discuss the questions the justices asked and how those should be interpreted. Do not forget to begin your paper with a brief explanation of what the case is about. Further instructions follow later in the syllabus.</p>
<p>Week 1: Getting Started</p>	<p style="text-align: right;">9/28</p> <p><u>Class Discussion:</u> Assessment: what does the average American know about the court? How does the Supreme Court fit in the US legal system? Mini bio: Chief Justice John Roberts</p> <p><u>Assignment for week 2:</u> * <u>Reading:</u> Baum, Chapter 1 “The Court,” pp. 1-21. * <u>RESPONSE #1:</u> Watch the opening statement given by Justice Neil Gorsuch</p>

	<p>during his 2017 Senate confirmation hearing. Available at C-Span: http://cs.pn/2rplyvq (Begins at 3:42:00). Write a response (1 page max) to turn in about what you took away from the statement. You might consider addressing: How did he frame his biography? How did he talk about the court? What did he say to attempt to get ahead of potential concerns of the senators?</p> <p style="text-align: center;">Supreme Court Sitting October 2, 3, & 4</p>
<p>Week 2: The Justices</p>	<p style="text-align: right;">10/5</p> <p style="text-align: center;">RESPONSE #1 DUE</p> <p style="text-align: center;">During class this week we will be attending a special program:</p> <p style="text-align: center;">Women and the Supreme Court at The National Archives</p> <p style="text-align: center;">The program begins at 7 p.m. Please do not be late! William G. McGowan Theater</p> <p><u>Assignment for week 3:</u> * RESPONSE #2: Write a 1-page response in which you reflect on the night's discussion. What answers interested you? Surprised you? What did you come away thinking about and why?</p> <p style="text-align: center;">Supreme Court Sitting October 10 & 11</p>
<p>Week 3: The Cases</p>	<p style="text-align: right;">10/12</p> <p style="text-align: center;">RESPONSE #2 DUE</p> <p><u>Class Discussion:</u> Characteristics of individuals selected as justices The confirmation process Leaving the court Mini bio: Justice Anthony Kennedy</p> <p><u>Assignment:</u></p>

	<p>* <u>Reading</u>: Baum, Chapter 2, “The Justices,” p. 28-65.</p> <p>* RESPONSE #3: Eight of the nine current justices have been interviewed by C-Span. Pick and watch ONE of these interviews (Available at: http://cs.pn/1Mjb6pi). (Each interview ranges in length from about 35 minutes to 1 hour.) After watching, write a 1-page response to what you saw. What answers interested you? Surprised you? What did you come away thinking about the justice and why? Note: Justices Ginsburg and Breyer spend part of their interviews touring their chambers.</p>
<p>Week 4: Oral Argument & Decision Making</p>	<p style="text-align: right;">10/19</p> <p style="text-align: center;">RESPONSE #3 DUE</p> <p><u>Class Discussion</u>:</p> <p>Number and type of cases the Supreme Court hears The role of the Solicitor General’s office Novice v. Experienced advocates Pool memos Amicus briefs Mini bio: Justice Clarence Thomas</p> <p><u>Assignment</u>:</p> <p>* <u>Reading</u>: Baum, Chapter 3, “The Cases,” p. 69-100.</p> <p><i>Begin...</i></p> <p>SHORT PAPER #1: Take any case the justices will hear this term. Read the cert petition and reply (Available on Scotus Blog). Explain in a paper of up to five pages why you believe the court granted cert in the case you chose. You should discuss the cert factors we cover in class. Do not forget to begin your paper with a brief explanation of what the case is about.</p>
<p>Week 5: Media & the Court</p>	<p style="text-align: right;">10/26</p> <p><u>Class Discussion</u>:</p> <p>The role (or not?) of oral argument Aggressive questioners, silent partners & laughter from the bench The decision process (the post-argument conference, assignment of opinions and dissents, circulation of drafts) 9-0 decisions and 5-4 decisions Mini bio: Justice Ruth Bader Ginsburg</p>

	<p>* <u>Reading</u>: Baum, Chapter 4, “Decision Making”</p> <p><i>Finish...</i> <u>SHORT PAPER #1</u></p> <p style="text-align: center;">Supreme Court Sitting October 30, 31 & November 1</p>
<p>Week 6: Current Issues: Gay Marriage</p>	<p style="text-align: right;">11/2</p> <p style="text-align: center;">SHORT PAPER #1 DUE</p> <p><u>Class Discussion</u>: Media coverage & the court Mini bio: Justice Stephen Breyer & Samuel Alito</p> <p><u>Assignment</u>: Prepare for your justice presentation. There will be no class on 11/9 and instead we will meet at Arlington on Saturday 11/11.</p> <p style="text-align: center;">Supreme Court Sitting November 6, 7 & 8</p>
<p>Week 7: Cemetery visit</p>	<p style="text-align: right;">11/11</p> <p style="text-align: center;">ARLINGTON NATIONAL CEMETERY VISIT & JUSTICE PRESENTATIONS</p> <p><u>Assignment</u>: Gay Marriage reading packet (handout)</p> <p><i>Begin...</i> <u>SHORT PAPER #2</u></p>
<p>Week 8: Current Issues: The Death Penalty</p>	<p style="text-align: right;">11/16</p> <p style="text-align: center;">MOVIE NIGHT!</p> <p><u>Class Discussion</u>: Bowers v. Hardwick Romer v. Evans Lawrence v. Texas The 2013 cases: Windsor and Perry The 2015 cases: Obergefell et al. Mini bio: Justice Sonia Sotomayor</p>

	<u>Assignment:</u> * Finish Short Paper #2	
	<p style="text-align: right;">11/23</p> <p style="text-align: center;">THANKSGIVING: NO CLASS</p> <p style="text-align: center;">Supreme Court Sitting November 27, 28 & 29</p>	
Week 9: Current Issues: Affirmative Action	<p style="text-align: right;">11/30</p> <p style="text-align: center;">SHORT PAPER #2 DUE</p> <p><u>Class Discussion:</u> Capital cases & the Supreme Court Furman v. Georgia (moratorium) Gregg v. Georgia (reinstatement) Roper v. Simmons (young people) Baze v. Rees (lethal injection) Hall v. Florida (IQ) Mini bio: Justice Elena Kagan & Justice Neil Gorsuch</p> <p style="text-align: center;">Supreme Court Sitting December 4, 5 & 6</p>	
Week 10:	<p style="text-align: right;">12/7</p> <p style="text-align: center;">NO CLASS</p>	

Short Paper #2: Supreme Court Visit

OVERVIEW: For your second short paper you will need to visit the U.S. Supreme Court. You should plan out when you intend to do this as the court only sits on certain days in red...

OCTOBER							NOVEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30		

GETTING TO THE COURT:

By Metro (Subway):

The closest Metro stops are:

Capitol South (Orange & Blue Lines, 0.3 miles)

Union Station (Red Line, 0.5 miles).

By Metro Bus:

The **Circulator** (Navy Yard Line), **96**, **97**, and **A11** buses all stop in front of the Supreme Court Building. The **32**, **34**, **36**, and **39** buses stop at First Street and Independence Avenue, a two-block walk from the building.

ATTENDING AN ORAL ARGUMENT: (*adapted from www.supremecourt.gov*)

All oral arguments are open to the public, but seating is limited and on a first-come, first-seated basis. Before a session begins, two lines form on the plaza in front of the building. One is for those who wish to attend an entire argument, and the other, a three-minute line, is for those who wish to observe the Court in session only briefly.

Seating for the first argument begins at 9:30 a.m. You should be aware that cases may attract large crowds, with lines forming before the building opens. Court police officers will make every effort to inform you as soon as possible whether you can expect to get a seat. Students have generally found that getting to the court around 6 a.m. - 7 a.m. was early enough to secure a seat inside if the case was not a blockbuster.

You will go through a security checkpoint as you enter the building and again as you enter the Courtroom. Weapons or other dangerous or illegal items are not allowed on the grounds or in the building. You will not be allowed to take the following items into the Courtroom when Court is in session: cameras, radios, pagers, tape players, cell phones, tape recorders, other electronic equipment, hats, overcoats, magazines and books, briefcases and luggage. Sunglasses, identification tags (other than military), display buttons and inappropriate clothing may not be worn. A checkroom is available on the first floor to check coats and other personal belongings.

Coin operated (quarters only) lockers for cameras and other valuables are available. The checkroom closes 30 minutes after Court adjourns.

ORAL ARGUMENTS FOR OCTOBER:

* = case will likely be popular

*** = case will likely be very popular

Monday, Oct. 2

* 10 a.m. *Ernst & Young v. Morris etc.*: Three consolidated arbitration cases.

<http://bit.ly/2w1CZp4>

* 11 a.m. *Sessions v. Dimaya*: About a provision of immigration law and whether it is unconstitutional because it is too vague. <http://bit.ly/2hUZ1DB>

Tuesday, Oct. 3

*** 10 a.m. *Gill v. Whitford*: About partisan gerrymandering. <http://nyti.ms/2sOkIJI>

* 11 a.m. *Jennings v. Rodriguez*: About the detention of immigrants. <http://bit.ly/2vxJpct>

Wednesday, Oct. 4

10 a.m. *DC v. Wesby*: About arrests at a house party at a vacant house in DC.

<http://wapo.st/2wEUFna>

11 a.m. *Class v. US*: About whether a guilty plea waives the person's rights to challenge the constitutionality of the conviction. <http://bit.ly/2fDn1Kw>

Tuesday, Oct. 10

*** 10 a.m. *Trump v. IRAP*: About President Donald Trump's travel ban. <http://nyti.ms/2rTTBt3>

11 a.m. *Hamer v. Neighborhood Housing Services of Chicago*: About a potentially improper extension in time for a woman to file her age and gender bias lawsuit. <http://bit.ly/2uRsNdn>

Wednesday, Oct. 11

* 10 a.m. *National Association of Manufacturers v. DOD*: A complicated case involving the Clean Water Rule. The case isn't about the merits but who has jurisdiction. <http://bit.ly/2wERagF>

* 11 a.m. *Jesner v. Arab Bank*: About whether corporations can be sued in American courts for being complicit in human rights abuses abroad. <http://nyti.ms/2n5f97N>