

## **SYLLABUS:**

The U.S. Supreme Court: Conflict, Change and the Court

FALL 2022

Fall Quarter: September 20 – December 2, 2022

Fall Semester: August 23 – December 2, 2022\*

**Instructor:** Jessica Gresko

**email:**

**phone:**

**Class Time:** Thursday 6:30 p.m. Eastern

**Office Hours:** Let's talk! Please e-mail me if you would like to schedule a time to talk via phone or Zoom. Please let me know a range of times that works for you. I am personally a night owl so the best time to meet with me on non-class days is after 8:30 p.m. However, I will absolutely work with your schedule.

**Course Description:** Abortion. Immigration. LGBT rights. Healthcare. The death penalty. Cell phone privacy. The U.S. Supreme Court has decided 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.

Students will listen to arguments in Supreme Court cases currently before the court. In papers, students will be asked to rigorously explain why the justices likely took current cases and how they will come out based on what they hear at oral argument. 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.

**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 papers.

**Goal #2:** Students will be able to communicate persuasively in writing and orally.

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

**Goal #3:** 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.

### **About Your Professor:**



Hi, I'm Jessica Gresko and for more than 15 years I've been a reporter for The Associated Press, first in Miami and now in Washington, where I cover the Supreme Court. As a legal reporter, I have covered court cases at all levels, both local and federal. I earned my B.A. in history and political science 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. I have taught at UCDC since 2014. I look forward to getting to know you.

### **Course Materials and Accessibility:**

The required textbook for this class is:  
The Supreme Court by Lawrence Baum, 14<sup>th</sup> edition (2021)  
You do need the 14<sup>th</sup> edition and not another edition of this text.

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](http://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), Mark Sherman (AP), Ariane de Vogue (CNN) and Nina Totenberg (NPR).

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

Quarter Students	Semester Students*
Short paper #1.....45 percent	Short paper #1.....35 percent
Short paper #2.....45 percent	Short paper #2.....40 percent
Class participation.....5 percent	Class participation.....5 percent
1-page responses.....5 percent	1-page responses.....5 percent
	Four week module..... 15 percent

**UC San Diego students:** UC San Diego has in the past required that students return to campus with 20 pages of written work. Please connect with me to ensure you’re returning with everything you need.

**UCI students:** There has been some question whether this class counts toward the Upper Division Writing requirement. Please DO NOT count on that. Talk to me if you have questions.

**Assignment Preparation:** Assignments are due in paper form **at the beginning of class** and will be considered late if they are not turned in at that time. I do want a **printed copy** please. Please use Times New Roman 12-point type, 1-inch margins and double space to allow for comments. All assignments are expected to be spellchecked and proofread carefully. Failing to adhere to all of these rules will negatively affect your paper 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 urge you to put forward your best effort on papers and your presentation.

**Late Work:** Due dates in this class are firm deadlines. As noted above, assignments are due at the start of class. 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 or with keeping up with class for any reason, I urge you to speak with me ahead of the deadline.

**Attendance:** Students are expected to attend all classes. That said, we are still in the midst of a pandemic and life is what it is. Please know you have my support and my encouragement to

be exceedingly cautious with your health (physical and mental) and the health of others. If you won't be able to attend class, please email me to let me know. Students isolating for COVID reasons should be in touch with me. Being chronically late or absent without cause or without alerting me will affect your grade.

**Policy on Academic Misconduct:** UCDC has a zero-tolerance policy for cheating, plagiarism, and any other form of dishonesty and sanctions for plagiarism include immediate failure of the course. 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 in the era of COVID:**

- **HANDS:** Please raise them (and wash them, given the pandemic!). I love participation. Be aware that voices don't carry as well while you are masked, so speak loudly so your classmates and I can hear you.
- **PHYSICAL SPACE:** When you are in the classroom, please stay in your seats. You should sit in the same seat for every class. That will help me identify who is present and also help me remember names (when I can't see your whole face it's harder!). Please don't approach me or other students to talk in the classroom. If you want to talk to me one-on-one, please reach out via email and ask your question that way or set up a Zoom time.
- **DISTRACTIONS:** Please refrain from doing other things on the computer during class (ie. instant messaging, checking email, shopping, etc.) You will not retain information if you are distracted.
- **NOTES:** I encourage but do not require students to take notes with paper and pen. Studies show that students who take notes longhand have a better retention of material. In addition, taking notes longhand will keep your fingers from doing other things (like instant messaging) and keep your mind engaged in the material we are working on.
- **RESPECT:** 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.

**OTHER NOTES ON COVID:**

- **ILLNESS:** UCDC has policies on testing and masking which I will follow and which I expect you to follow.
- **ZOOM:** We are beginning this class in person. However, circumstances may require we use Zoom either occasionally or routinely for any number of reasons. I appreciate your understanding and flexibility.

**E-mail policy:** I encourage students to email and make it a priority to respond to student emails as quickly as possible. I do, however, expect that before emailing you will check this syllabus or Canvas for an answer to your question and/or consult a classmate to see whether your question was answered in class. Part of what we do in college is prepare students for the "real world." I therefore expect that before emailing students will consider whether (1) the question they are asking is something they can figure out themselves and (2) their email is written in the manner one would write his or her internship supervisor. I expect students will

also check their e-mail regularly for messages from me. Repeatedly failing to do the above can negatively affect your participation grade. After reading this section of the syllabus please send me an email where the subject lists your favorite candy to eat while watching a movie.

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

UC Policy on Nondiscrimination on the Basis of Disability:

<http://policy.ucop.edu/doc/2710534/PACAOS-140>

**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](mailto:UCDCCounseling@gmail.com). Students who wish to report sexual misconduct or to ask questions about UCDC policies and procedures regarding sexual misconduct may do so with any UCDC faculty or staff, or contact Debbie Deas, Acting Director of Student Services ([debbie.deas@ucdc.edu](mailto:debbie.deas@ucdc.edu), 202-872- 8937). ***Please note that because the University California is legally obligated to investigate reports of sexual misconduct, the confidentiality of reported misconduct cannot be guaranteed.***

<p>Week 1: <b>Getting Started – The American Legal System</b></p>	<p style="text-align: right;">9/20</p> <p><u>Class Discussion:</u> What does the average American know about the court? How does the Supreme Court fit in the US legal system?</p> <p><i>Postgame (30 min)...</i> <b>READ:</b> the biographies of the current justices available at: <a href="https://www.supremecourt.gov/about/justices.aspx">https://www.supremecourt.gov/about/justices.aspx</a> <b>WRITE:</b> On a single page: (1) A list of what you see as common characteristics many of the judges share and (2) a single, short paragraph about why you think this is the case. Submit this to me via Canvas by midnight.</p> <p><i>Homework for week 2:</i> <b>READ:</b> Baum, Chapter 1 “The Court,” p. 1-26 <b>READ:</b> Please read the syllabus closely. This is an actual assignment. Please read the full syllabus! <b>WATCH:</b> the opening statements given by Amy Coney Barrett and Ketanji Brown Jackson gave at their Senate confirmations. Barrett: <a href="https://www.youtube.com/watch?v=Lzl0n5Tsg4I">https://www.youtube.com/watch?v=Lzl0n5Tsg4I</a> Jackson: <a href="https://www.youtube.com/watch?v=H_XC5y3RziE">https://www.youtube.com/watch?v=H_XC5y3RziE</a> <b>WRITE:</b> A 1-page, double-spaced response to turn in on your reaction to what you saw. This will be <b>RESPONSE #1</b></p>
<p>Week 2: <b>The Court</b></p>	<p style="text-align: right;">9/27</p> <p style="text-align: center;"><b>RESPONSE #1 DUE</b></p> <p><u>Class Discussion:</u> Characteristics of individuals selected as justices The confirmation process Oral argument</p> <p><i>Postgame...</i> <b>WATCH:</b> Georgetown Law’s Supreme Court term preview. I will email a link after the event which takes place on 9/21. The event tends to be long but a particularly helpful overview of the court term. You do not need to watch it all in one sitting.</p> <p><i>Homework for week 3:</i> <b>WRITE:</b> A 1-page double-spaced response <b>RESPONSE #2</b> reflecting on what you heard in the Georgetown event. What interested you about the coming term? What surprised you? <b>READ:</b> Baum, Chapter 2, “The Justices,” p. 27-69</p> <p style="text-align: center;"><b>Supreme Court sitting Oct. 3 &amp; 4</b></p>
<p>Week 3:</p>	<p style="text-align: right;">10/4</p>

<p><b>The Cases</b></p>	<p style="text-align: center;"><b>RESPONSE #2 DUE</b></p> <p><u>Class Discussion:</u>  Discuss Paper #1: Why is the Supreme Court hearing this case?  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</p> <p><i>Postgame...</i>  <b>READ/SKIM:</b> The cert petition in <i>Sackett v. EPA</i>. Your goal is to try to figure out why SCOTUS agreed to hear this case. You should look at:  <i>The SCOTUSblog page for the case:</i> <a href="https://www.scotusblog.com/case-files/cases/sackett-v-environmental-protection-agency/">https://www.scotusblog.com/case-files/cases/sackett-v-environmental-protection-agency/</a>  <i>The cert petition:</i> <a href="https://www.supremecourt.gov/DocketPDF/21/21-454/193450/20210922172208802_2021.09.22%20-%20Sackett%20Cert%20Petition.pdf">https://www.supremecourt.gov/DocketPDF/21/21-454/193450/20210922172208802_2021.09.22%20-%20Sackett%20Cert%20Petition.pdf</a>  <i>The response:</i> <a href="https://www.supremecourt.gov/DocketPDF/21/21-454/201324/20211124133353006_21-454%20Sackett%20Opp.%20-%20final.pdf">https://www.supremecourt.gov/DocketPDF/21/21-454/201324/20211124133353006_21-454%20Sackett%20Opp.%20-%20final.pdf</a>  <b>WRITE:</b> A 1-page double-spaced response <b>RESPONSE #3</b> briefly outlining why you think SCOTUS took this case given the factors we discussed in class.</p> <p><u>Homework:</u>  <b>READ:</b> Baum, Chapter 3, “The Cases,” p. 69-111  <b>LISTEN:</b> To the oral arguments in <i>Sackett v. EPA</i> from 10/3. They will be available on the court’s website under the “oral arguments” tab.  <b>WRITE:</b> One paragraph at the end of <b>RESPONSE #3</b> in which you react in some way to what you heard. What interested or surprised you?</p> <p><i>You should also begin...</i>  <b>SHORT PAPER #1:</b> See instructions at the end of the syllabus. This will be due in two weeks so get started now!</p> <p style="text-align: center;"><b>Supreme Court sitting Oct. 11 &amp; 12</b></p>
<p>Week 4:  <b>The Supreme Court building</b></p>	<p style="text-align: right;">10/11</p> <p style="text-align: center;"><b>RESPONSE #3 DUE</b></p> <p><u>Class Discussion:</u>  Continuation of last week’s topics: what kind of cases are Supreme Court cases  The <i>Sackett</i> case  The Supreme Court building</p> <p><u>Homework:</u>  <b>READ:</b> Baum, Chapter 4, “Decision Making,” p. 111-161  <i>Finish...</i> <b>SHORT PAPER #1</b></p>
<p>Week 5:</p>	<p style="text-align: right;">10/18</p>

<p><b>Oral Argument &amp; Decision Making</b></p>	<p style="text-align: center;"><b>SHORT PAPER #1 DUE</b></p> <p><u>Class Discussion:</u>  Paper #2 discussion  The role (or not?) of oral argument  Aggressive questioners, silent partners &amp; 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</p> <p><u>Homework:</u>  <b>LISTEN:</b> <i>Dobbs argument</i> (2 hours):  <a href="https://www.supremecourt.gov/oral_arguments/audio/2021/19-1392">https://www.supremecourt.gov/oral_arguments/audio/2021/19-1392</a>  <b>WRITE:</b> A 1-page response <b>RESPONSE #4</b> in which you explain what clues you got at argument to the case's ultimate outcome. You may also share your thoughts on what you heard though you should not do this exclusively.</p> <p>If you want to start on Paper #2, you should be ready to!</p>
<p>Week 6:  <b>Big Issues: Abortion</b></p>	<p style="text-align: right;">10/25</p> <p style="text-align: center;"><b>RESPONSE #4 DUE</b></p> <p><u>Class Discussion:</u>  Paper #2 discussion continued  <i>Roe, Casey, Dobbs</i></p> <p><u>Homework:</u>  <b>READ:</b> Any one news story about the <i>Students for Fair Admissions</i> case.  <b>LISTEN:</b> To the oral arguments in <i>Students for Fair Admissions</i> taking place 10/31 at 10 a.m. You do not have to listen live but may choose to.  Note: you only have to listen to the first case (against North Carolina). You do not also have to listen to the Harvard case but may if you wish.  <b>WRITE:</b> A one-page <b>RESPONSE #5</b> in which you predict who will win using the tools we discussed in class.</p> <p style="text-align: center;"><b>Supreme Court sitting Oct. 31 &amp; Nov. 1 &amp; 2</b></p>

<p>Week 7:  <b>Big Issues:  Affirmative  Action</b></p>	<p style="text-align: right;">11/1</p> <p style="text-align: center;"><b>RESPONSE #5 DUE</b></p> <p><u>Class Discussion:</u>  Paper #2 prep  <i>Bakke, Grutter, Gratz</i>  <i>Students for Fair Admissions</i></p> <p><u>Homework:</u>  Prepare for our next class by reading the following two stories and the instructions under the 11/8 class  <b>READ:</b> “A Risky Proposal” in The New Yorker from Jan. 18, 2010:  <a href="https://www.newyorker.com/magazine/2010/01/18/a-risky-proposal">https://www.newyorker.com/magazine/2010/01/18/a-risky-proposal</a>  <b>READ:</b> “The Perfect Wife” in The New Yorker from Sept. 30, 2013:  <a href="https://www.newyorker.com/magazine/2013/09/30/the-perfect-wife">https://www.newyorker.com/magazine/2013/09/30/the-perfect-wife</a></p> <p style="text-align: center;"><b>Supreme Court sitting Nov. 7, 8 &amp; 9</b></p>
<p>Week 8:  <b>Big Issues:  LGBTQ  Rights</b></p>	<p style="text-align: right;">11/8</p> <p style="text-align: center;"><b>*** SPECIAL INSTRUCTIONS ***</b></p> <p style="text-align: center;"><i>Pre-pandemic I showed the movie <b>The Case Against 8</b> during class. Because I still want you to watch this but it doesn't make sense to have everyone sit in class uncomfortably with masks on for 2 hours (and unable to eat popcorn and candy) you should spend the first part of class watching this movie on your own. Or, do it in advance of class. We will re-convene as a class via Zoom at 8:45 to discuss. Expect to get the zoom link via email.</i></p> <p><b>WATCH:</b> The Case Against 8 (2 hours)  Streamable if you have HBO:  <a href="https://www.hbo.com/documentaries/the-case-against-8">https://www.hbo.com/documentaries/the-case-against-8</a>  Rentable for \$3.99 on Amazon:  <a href="https://www.amazon.com/Case-Against-8-Ben-Cotner/dp/B00S4P27OA">https://www.amazon.com/Case-Against-8-Ben-Cotner/dp/B00S4P27OA</a></p> <p><u>Class Discussion:</u>  <i>The Case Against 8</i>  Bowers v. Hardwick  Romer v. Evans  Lawrence v. Texas  The 2013 cases: Windsor and Perry  The 2015 cases: Obergefell et al.</p> <p><u>Homework:</u>  Finish Paper #2</p>

<p>Week 9: <b>Big Issues: The Death Penalty</b></p>	<p style="text-align: right;">11/15</p> <p style="text-align: center;"><b>SHORT PAPER #2 DUE</b></p> <p><u>Class Discussion:</u> The death penalty</p> <p><u>Homework:</u> <b>WATCH:</b> Several of the nine current justices have been interviewed by C-Span. Pick and watch ONE of these interviews of a current justice (Available at: <a href="http://cs.pn/1Mjb6pi">http://cs.pn/1Mjb6pi</a>). (Each interview ranges in length from about 35 minutes to 1 hour.) After watching, write a response (1-page, double spaced max) to what you saw. What answers interested you? Surprised you? What did you come away thinking about the justice and why? This will be <b>RESPONSE #6.</b></p> <p><b>PLAN TO VISIT SCOTUS</b> to attend oral argument if you haven't already. Write your 1-page response reacting to what you saw. This will be <b>RESPONSE #7.</b></p>
<p>Week 10: <b>Thanksgiving</b></p>	<p style="text-align: right;">11/22</p> <p style="text-align: center;"><u>THANKSGIVING: NO CLASS</u></p> <p style="text-align: center;"><b>Supreme Court sitting Nov. 28, 29 &amp; 30</b> <b>This is your last opportunity to attend argument if you have not already!</b></p>
<p>Week 11: <b>SCOTUS Visit</b></p>	<p style="text-align: right;">11/29</p> <p style="text-align: center;"><b>RESPONSE #7 Due</b></p> <p style="text-align: center;">WRAPUP CLASS</p>

## Short Paper #1

# Cert Petition Reading Assignment

**INSTRUCTIONS:** Read both the cert petition and reply in *Students for Fair Admissions v. Harvard*, currently set for argument on Halloween. Write a paper of **four to six pages** explaining why you believe the court agreed to hear the case.

To explain why the court agreed to hear the case, use the factors discussed in class and your reading. Be sure to begin your paper with an explanation of the case as you see it.

**THE DUE DATE:** Paper is due 10/18 6:30 p.m. Eastern.

**CITATIONS:** You do not need to use any material beyond the briefs and textbook to complete your paper. If you want to cite outside sources, however, it does not matter to me what format you use. If you are going to cite, please use footnotes rather than in text citations or end notes.

**WRITING STYLE:** While I will be reading and grading your assignment, don't assume I know anything about the Supreme Court. You should write your paper so that if a friend who knows nothing about the court picked it up, they could read it and understand your argument. This will allow me to see that you understand the material, but it will also allow you to use the paper as a writing sample for internships and potential employers.

### **MUST READ INSTRUCTIONS:**

- In this paper, do not assume your reader knows anything about the Supreme Court. Explain any required terms or principles as if you were explaining to someone learning about the court.
- Please **DOUBLE SPACE** your paper, use **1-inch margins** and **Times New Roman size 12**.
- Please use footnotes, not in-text citations. It does not matter to me in which format you cite.
- Spellcheck and check your grammar
- Adhere to the four to six page limit
- To turn your paper in, it needs to be printed
- Failing to do any of the above will negatively affect your grade

### **LINKS:**

*SCOTUSBlog page for the case:* <https://www.scotusblog.com/case-files/cases/students-for-fair-admissions-inc-v-president-fellows-of-harvard-college/>

*Cert petition:* [https://www.supremecourt.gov/DocketPDF/20/20-1199/169941/20210225095525027\\_Harvard%20Cert%20Petn%20Feb%2025.pdf](https://www.supremecourt.gov/DocketPDF/20/20-1199/169941/20210225095525027_Harvard%20Cert%20Petn%20Feb%2025.pdf)

*Response:* [https://www.supremecourt.gov/DocketPDF/20/20-1199/179362/20210517111311678\\_20-1199%20Brief%20in%20Opposition.pdf](https://www.supremecourt.gov/DocketPDF/20/20-1199/179362/20210517111311678_20-1199%20Brief%20in%20Opposition.pdf)

**NOTE ON GRADING:** Students sometimes ask me to share the rubric for this assignment and for paper #2. Both papers are analysis. So if I told you what factors to analyze, you would have to do no thinking and everyone would get 100%. I want you to do that deep thinking! So while I can't tell you what factors to analyze, here are some general rules you may find helpful.

- (1) You need to address the factors discussed in class and the reading as applied to this case
- (2) You will lose points for many spelling and grammar errors:

## Short Paper #2

# Oral Argument Assignment

**OVERVIEW:** For your second paper you will be writing about *National Pork Producers Council v. Ross* (a case from California!). You will read the merits briefs in the case and listen to the oral argument.

**After you have read the briefs and listened to the argument...** write a paper of 4 to 6 pages (max) explaining how you believe the court will rule in the case. You should use the factors we discussed in class and those discussed in the reading to help you with your analysis. Beyond that, you should be sure to be specific about which justices' votes you believe you could "read" as well as those you could not. You should do this, among other things, by discussing the specific questions the justices asked. Do not forget to begin your paper with a brief explanation of what the case is about.

### MUST READ INSTRUCTIONS:

- In this paper, do not assume your reader knows anything about the Supreme Court. Explain any required terms or principles as if you were explaining to someone learning about the court.
- Please **DOUBLE SPACE** your paper, use **1-inch margins** and **Times New Roman size 12**.
- Please use footnotes, not in-text citations. It does not matter to me in which format you cite.
- Discuss each justice and how you believe they will vote or whether you couldn't tell
- Adhere to the four to six page limit
- Spellcheck and check your grammar
- Failing to do any of the above will negatively affect your grade

### LINKS:

- *SCOTUSBlog* page for the case: <https://www.scotusblog.com/case-files/cases/national-pork-producers-council-v-ross/>
- *Side 1*: [https://www.supremecourt.gov/DocketPDF/21/21-468/227679/20220610132221228\\_Natl%20Pork%20Producers%20v%20Ross%20No.%2021-468%20Brief%20for%20Petitioners.pdf](https://www.supremecourt.gov/DocketPDF/21/21-468/227679/20220610132221228_Natl%20Pork%20Producers%20v%20Ross%20No.%2021-468%20Brief%20for%20Petitioners.pdf)
- *Side 2*: [https://www.supremecourt.gov/DocketPDF/21/21-468/232996/20220808154802887\\_National%20Pork%20Producers%20Council%20v%20Ross%20-%20Brief%20for%20the%20State%20Respondents.pdf](https://www.supremecourt.gov/DocketPDF/21/21-468/232996/20220808154802887_National%20Pork%20Producers%20Council%20v%20Ross%20-%20Brief%20for%20the%20State%20Respondents.pdf) (Note: the humane society attorney will also argue in this case on this side. You do not need to read their brief.)

**THE DUE DATE:** Paper is due (printed) in class on 11/15 at 6:30 p.m. Eastern

**HOW CAN I REVIEW WHAT WAS SAID AT ORAL ARGUMENT?:** Transcripts of oral argument are available on the same day the case was argued. They are available on the court's website.

Audio of arguments is also available on the court's website. You can also hear it live (or recorded) on. Or, you can hear it sooner using C-SPAN. The link to audio on the court's website.

# Supreme Court Visit

**OVERVIEW:** Before class ends, you will need to visit the U.S. Supreme Court to hear an argument or part of one. You should plan out when you intend to do this as the court only sits on certain days in red. You will have one week off of class time in compensation for your time spent here. You will need to write a 1-page response about the experience.

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

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

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

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

The following is guidance from before the pandemic began. The court has not released details of its current plan to open to the public, though the Chief Justice has said the court will be open. You should expect... 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. You should plan to attend a full argument unless you get shut out of doing so.

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 particularly interesting one. Please don't ask your professor to predict what arrival time will work. It is truly something that cannot be predicted.

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.