COURSE DESCRIPTION
In this course, we will confront the following questions: What explains how Supreme Court justices make decisions on the cases that come before them? Are they driven by their ideological leanings? Or do they simply do what the law requires? Are justices strategic in their decision making, anticipating what their colleagues as well as the other branches of government might do as a result of their choices? Political science and legal scholarship provides varying and conflicting responses to these questions. We will address those debates by engaging some of the relevant academic scholarship and by engaging in Supreme Court simulation where students will play the roles of litigants and Supreme Court justices and experience what it is like to argue and decide difficult legal issues. This course is a WID (Writing in the Discipline) course, so there will be several writing assignments directly related to the simulation component of the course.

LEARNING OBJECTIVES
As a result of completing this course, students will:

- possess an in-depth and well-rounded understanding of how the U.S. Supreme Court does its business and how the justices go about deciding cases the way they do.
- have a greater understanding of the inner workings of the Court, as a result of attending the Court’s oral arguments for a case and engaging in the simulation component of the course.

REQUIRED TEXTBOOK
There is one required book for the course, which is available at the Bookstore:


We will also read some articles and excerpts from books. I will post the readings on Blackboard

COURSE REQUIREMENTS

General structure of Supreme Court simulation: Each of you will participate in the role of a Supreme Court justice and a litigant. You will take on the role of one of the current or retired justices. We will talk about role assignments later. There will be four cases in the simulation. In two of the cases, there will be five justices, and in the other two, there will be seven justices. For each case, there will be three litigants: one representing each side of the case, and the Solicitor General, the lawyer representing the U.S. government who frequently takes a role in cases (even those in which the U.S. government is not a direct party, or litigant). Each student will participate
as a justice in two cases. Each student will participate as a litigant in one case. So in total, each of
you will participate in three out of the four cases.
Duties directly related to simulation:

**Litigants**: Prepare a brief designed to persuade the justices to vote in your favor. The brief will
include relevant Court precedents that support your side in the case. The brief will be circulated to
the justices in your case ahead of time. Each litigants will have roughly 20 minutes during oral
argument to present your case.

- *Oral argument*: 10% of your grade

**Justices**: Justices will carefully read through the litigants’ briefs ahead of oral argument. During
oral argument, litigants will present their side, but the justices will ask questions and present
hypotheticals to the litigants to gain clarity on the briefs and the case more generally. After the
case, the justices will conference and cast their votes. Each justice will write an opinion in each
case, depending on whether s/he is in the majority or minority. Justices will circulate opinions
amongst each other so they can respond to each others’ arguments.

- *Oral argument participation*: 5%
- *Written opinions*: 25%; due Wednesday, Dec. 5

In addition to the simulation-based grades, students will also complete the following course
requirements:

1. **Class attendance and participation** (15%): Students are expected to come to class having
done the required reading and/or preparation for simulation. Since we will be engaging in
Supreme Court simulation, coming to class every week is particularly important for the
ultimate success of the simulation. Simulation will ONLY work well if every student is
sufficiently prepared each week. Some of the readings in the first half of the course will be
challenging. But you should work through the hard parts and bring your questions to class.

2. **Oral arguments summary** (10%): You will attend a Supreme Court oral argument. Make
sure you plan ahead for this. Oral argument schedules are available on the Court’s website:
http://supremecourtus.gov. Attending oral argument is an incredible experience. Among other
things, it will give you good preparation for our Supreme Court simulation. You will provide a
short summary of the oral arguments you attend. Include the following information: (1) the
name of the case and what issues and facts are involved in the case, (2) who argued the case
for each side, (3) a brief summary of the arguments each attorney made, (4) a summary of
some of the questions that the justices asked, and (5) a prediction for how you think the case
will be decided.

3. **Midterm paper** (20%): You will write a paper analyzing the personal and professional
background, judicial philosophy, and methods of interpretation of the justice whose role you
will be undertaking during simulation. Students are expected to use primary (opinions and
speeches) and secondary (articles, books, websites) sources in preparing their papers. I will
provide more details on the midterm paper in the beginning of the semester. I have no
requirements for page length, but I envision the paper being roughly 15 pages. If you want to make it longer, that is fine. **Due Wed., October 10.**

**Extra Credit - final paper:** Though not required, you can write a final paper (5-10 pp.) for extra credit that integrates the ideas and information from the course in general, including the readings in the beginning of the course, the oral argument you attended, and the Supreme Court simulation. The paper would be due on our designated date for the final exam (TBA).

**GRADING SCHEME**

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**ACADEMIC INTEGRITY**

I personally support the GW Code of Academic Integrity. It states: “Academic dishonesty is defined as cheating of any kind, including misrepresenting one's own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information.” For the remainder of the code, see: http://www.gwu.edu/~ntegrity/code.html

**SUPPORT FOR STUDENTS OUTSIDE THE CLASSROOM**

**DISABILITY SUPPORT SERVICES (DSS)**

Any student who may need an accommodation based on the potential impact of a disability should contact the Disability Support Services office at 202-994-8250 in the Marvin Center, Suite 242, to establish eligibility and to coordinate reasonable accommodations. For additional information please refer to: http://gwired.gwu.edu/dss/

**UNIVERSITY COUNSELING CENTER (UCC) 202-994-5300**

The University Counseling Center (UCC) offers 24/7 assistance and referral to address students' personal, social, career, and study skills problems. Services for students include:
- crisis and emergency mental health consultations
- confidential assessment, counseling services (individual and small group), and referrals
  - http://gwired.gwu.edu/counsel/CounselingServices/AcademicSupportServices

**SECURITY**

In the case of an emergency, if at all possible, the class should shelter in place. If the building that the class is in is affected, follow the evacuation procedures for the building. After evacuation, seek shelter at a predetermined rendezvous location.

**COURSE SCHEDULE (Subject to change)**
**Week 1, August 29:** Course Introduction

**Week 2, September 5:** *Supreme Court Basics, Part I*
- Baum, Chapters 1-4
Week 3, September 12: Supreme Court Basics, Part II
• Baum, Chapters 5-6

Week 4, September 19: Explaining Supreme Court Decision Making: Law versus Politics

Week 5, September 26: Supreme Court Basics and Constitutional Law, Part I
Excerpts from:

Week 6, October 3: Supreme Court Basics and Constitutional Law, Part II

Week 7, October 10: Litigant Briefs and Oral Arguments; Simulation Cases
**Midterm paper due October 10**

Week 8, October 17: Simulation Cases; Litigant Briefs

Week 9, October 24: Litigant Briefs Due; Discuss Cases

Week 10, October 31: ORAL ARGUMENTS, DAY 1 (Cases 1 and 2)

Week 11, November 7: ORAL ARGUMENTS, DAY 2 (Cases 3 and 4)

Week 12, November 14: Conference Discussion of Cases; Discuss Written Opinions

Week 13, November 21: NO CLASS, THANKSGIVING BREAK

Week 14, November 28: Circulation of Opinions, Discussion of Oral Arguments and Opinions

Week 15, December 5: Opinions Due; Final Discussion of Simulation
**FINAL PAPER DUE DURING FINALS WEEK (on the day designated for our final exam)**