

**GOV3022: SIM SCOTUS**

Fall 2018

Druckenmiller 24

W 1.15-4.10

**Professor Maron W. Sorenson**

Office: 301B Dudley Coe

Office Hours: T/Th 2.30-3.30; W 11.00-12.00

Email: msorenso@bowdoin.edu

**COURSE DESCRIPTION**

Decisions issued by the United States Supreme Court have enormous implications for the litigants in the case, lower courts, the U.S. government, and society as a whole. Thus, it is important to analyze and understand the process by which the Court makes its decisions and policies. This simulation is designed to teach students about the roles of attorneys and justices in crafting legal arguments and ultimately legal opinions that carry the weight of law. During the course of the simulation, students will be assigned two separate roles to play. First, students will be placed into groups that will act as legal counsel for either the petitioner or respondent in one of two cases. In this capacity students will write legal briefs and present oral arguments in an effort to win their client's case. Second, students will behave as a justice on the United States Supreme Court. In this role, students will be asked to read the briefs submitted by counsel, preside over their oral arguments, sit at conferences, and write an opinion deciding that case. The success of these simulations depends upon active participation. By successfully completing this course, students will be able to:

1. Analyze judicial scholarship, decision-making strategies, and constitutional philosophies.
2. Craft legal arguments tailored to a specific set of case facts.
3. Prepare and execute an oral argument strategy, as both a justice and a litigant.
4. Conduct independent legal research.

**REQUIRED TEXT:**

- None. All readings are located on Blackboard or will be emailed/made electronically available.

**GRADES:**

**Grading Scale.** The course will follow a standard grading scale:

97-100	A	87-89	B+	77-79	C+	67-69	D+
93-96	A	83-86	B	73-76	C	63-66	D
90-92	A-	80-82	B-	70-72	C-	60-62	D-

**Class Participation [10% of course grade]** Presence in class is a minimum requirement for class membership. You are expected to read and understand the assignments and contribute to class discussions. For some, constructive participation will mean speaking more than you are naturally inclined to do. For others constructive participation may mean speaking a bit less than usual and encouraging others to contribute. Participation in class might involve any of these things:

- Answering questions posed in class,
- Challenging or distinguishing points made by others,
- Offering textual evidence for or against a claim.

One final point - tardy arrivals are distracting and disruptive; promptness is appreciated.

**Statement of Judicial Philosophy [10% of course grade]** A paper explaining the background, values and attitudes, philosophies, and role conception in your assigned justice ideology. Since justice ideologies and philosophies are known to their brethren as well as to the litigants who argue before them, copies will also be circulated to all members of the class.

**Brief on the Merits [25% of course grade].** Litigant briefs will be planned as a team (5%), but then each student will be responsible for specific arguments (20%).

**Reply Brief [10% of course grade].** This is the only assignment that is a pure group grade. Each team will compose a 3-page response to their opposition's Brief on the Merits.

**Oral Arguments [25% of course grade].** During oral arguments, both the attorneys and the justices will be assessed. Specifics to follow, but know that each student attorney will argue for approximately 10 minutes and may be asked questions pertaining to the portion of the brief they authored. To help prepare for arguments, students will compose and turn in a strategy memo.

**Judicial Opinion and Bargaining Behavior [20% of the course grade].** Each student will be responsible for some opinion, whether it's a majority, dissenting, concurring, etc.

## CLASS EXPECTATIONS

**Integrity.** One of the great goals of education is to learn to conduct oneself honorably in intellectual affairs. This means you are responsible for understanding and following Bowdoin's Academic Honor Code. Plagiarism, the unacknowledged appropriation of another person's words or ideas, is a serious academic offense. It is imperative that you hand in work that is your own, *and that you cite or give credit to others whenever you draw from their work*. If you have questions concerning plagiarism please ask me or consult [Bowdoin's Academic Honor Code](#).

**Engagement.** Come to class ready to discuss readings and engage in discussion. Since good discussions require a variety of voices, I expect all participants to be present both physically and mentally. *Because of this, the use of electronic devices will not be allowed during lectures. Students should turn off and put away all electronic devices, including cell phones, tablets, and laptops.*

**Communication.** Class announcements may be sent out via email, and you are therefore expected to use your Bowdoin email account, or to have email from that account forwarded to the account that you use on a regular basis. Also make sure to check the blackboard site on a regular basis in case of changes. I can be reached via email or during office hours. I generally check my email three times a day: morning, early afternoon, and evening. I will respond to emails within 24 hours on weekdays and 36 hours on weekends. If I do not respond in that time period, please resend your email as it might have been inadvertently missed.

**Changes.** I reserve the right to make reasonable alterations to the syllabus and the class policies during the semester. I will email you an updated syllabus as appropriate.

## COURSE OUTLINE/READING ASSIGNMENTS

Class	Date	Topic	Assignment(s) Due
1	29-Aug	Intro/Background Lecture	
2	5-Sep	Legal Brief Writing/Research: Foundations	
3	12-Sep	Judicial Ideology and Philosophy	
4	19-Sep	Legal Brief Writing: Analysis	
5	26-Sep	Caselaw	Justices: Statement of Judicial Philosophy
6	3-Oct	Caselaw	Litigants: Outline of Argument
7	10-Oct	TBD	
8	17-Oct	Reply Briefs: Foundations and Analysis	
9	24-Oct	Oral Arguments: Foundations	Litigants: Brief on the Merits
10	31-Oct	Oral Arguments: Analysis	
11	7-Nov	Opinion Writing and Bargaining: Foundations	Litigants: Reply Brief
12	14-Nov	Opinion Writing and Bargaining: Analysis	
	21-Nov	NO CLASS	
13	28-Nov	Oral Argument Day	Litigants: OA Strategy Memo
14	5-Dec	Opinion Announcements	Justices: Syllabi of Opinions
	11-Dec	Last day of Reading Period	Justices: Opinions

**\*\* NOTE THAT** readings are not on this version of the syllabus. Updated syllabus with readings to come shortly.