

**SYLLABUS**

**Texts:** Susan Low Bloch, Vicki Jackson, & Thomas G. Krattenmaker, Inside the Supreme Court: The Institution and its Procedures (2d ed. 2008). The university bookstore has limited copies of this text, which may require you to find a copy, most likely used, on Amazon or some other online bookstore. If you are unable to secure a copy of the text at a reasonable price, we will discuss other options to obtain the relevant readings.

- I. Supreme Court Politics and Procedures
  - A. Appointing Supreme Court Justices
    - 1. The History of the Process 88-113
    - 2. Modern Confirmation Hearings 154-176, 233-252
    - 3. The Senate, the Filibuster, and Other Problems 252-274, 305-308, 327-348
  - B. Setting the Court's Agenda: The Mechanics of the Certiorari Process 362-390, 449-476, 527-559
  - C. Collegial Decisionmaking 560-634
  - D. Judicial Independence and the Future
    - 1. Public Access 1004-1049
    - 2. Reconsidering Life Tenure 1063-1121
- II. Current Cases Pending Before U.S. Supreme Court
  - A. New York State Rifle Ass'n v. Bruen  
Issue Presented: Whether New York's denial of applications for concealed-carry licenses for self-defense violates the Second Amendment?
  - B. Dobbs v. Jackson Womens' Health Organization  
Issue Presented: Whether all pre-viability prohibitions on elective abortions are unconstitutional?
  - C. Carson v. Makin  
Issue Presented: Whether a state violates the religion clauses or equal protection clause by prohibiting students participating in an otherwise generally available student-aid program from choosing to use their aid to attend schools that provide religious, or "sectarian," instruction?

**GRADING:** This is a paper/seminar course, so there is no final exam. Instead, students will be expected to write a 15-25 page paper on a topic of their choice. The grade on the paper will account for 80% of your final grade. The topic must involve the U.S. Supreme Court as an institution (i.e., something about its rules or decision-making process) or a current issue of constitutional law. Students are encouraged to consult with the professor in the first week or two of class regarding their proposed topic to ensure that it fits the course and can be done in a successful manner. The paper will be due no later than **Noon on Friday, December 3<sup>rd</sup>**. Students who wish to use their paper in this course to satisfy the Graduation Writing Requirement must submit a paper that

satisfies the additional GWR requirements (as listed in the Student Handbook) and should meet with the professor to discuss possible topics early in the semester.

Lastly, participation in classroom discussions account for 20% of your final grade. Students will be assessed on both the quantity (did you speak in every class session) and quality (did your comments demonstrate that you had read and critically thought about the readings, did your comment advance the class discussion and contribute to other students' perspective, etc.) of their participation.

**LEARNING OUTCOMES:** Students are expected to be able to learn the rules regarding how the U.S. Supreme Court operates as an institution (how are Justices selected, how does the certiorari process work; how are cases decided; how are opinion authorship determined; what reforms are under consideration, etc.). Students are also expected to be able to critically assess the normative validity of those rules and processes and to consider possible reforms to those rules or processes.

**ATTENDANCE/PARTICIPATION:** Pursuant to the College of Law's attendance policy, attendance will be required for students. Applying the 75% rule to this course means that you cannot miss more than 3 class sessions.