

Northwestern University
Topics in Social Policy: Supreme Court Seminar
Social Policy 351
Spring 2010

Class meets in Annenberg G01
Monday, 11 am to 1 pm

Instructor: Cynthia Conlon, J.D., Ph.D.
Cell: 262-206-1329
Email: cindykconlon@gmail.com
Office hours: on Monday afternoon, by appointment

“In an age of tell-all memoirs and reality television, the Supreme Court remains the last institution of government to sustain an Olympian sense of mystery.”
-Jeffrey Rosen

“Much of the justices’ work is done in secret, and they keep themselves out of the way of pressure from lobbyists and ordinary citizens. But there are ways to learn what the Court is up to...: you can pay a visit to the Court building and, if you choose the right day, hear oral arguments...”
-Ellen Greenberg

“The architect Cass Gilbert had grand ambitions for his design of a new home for the Supreme Court....How could Gilbert convey to visitors the magnitude and importance of the judicial process taking place within the Court’s walls? The answer, he decided, was steps....The walk up the stairs would be the central symbolic experience of the Supreme Court, a physical manifestation of the American march to justice.”
-Jeffrey Toobin

This class will give students the opportunity to walk up the steps designed by Cass Gilbert and look behind the closed doors of the Supreme Court. Students will learn about the traditions and procedures of the Court and then visit the Court itself. Students will also learn how interest groups such as the National School Boards Association (NSBA) work to shape educational policy by filing amicus briefs with the Supreme Court. Finally, students will have the opportunity to conduct research for the NSBA, an advocacy organization that represents the interests of the nation's 95,000 local school districts and files more amicus briefs to the Supreme Court each year than all education associations combined.

Required materials:

The Supreme Court Explained by Ellen Greenberg

The Nine by Jeffrey Toobin

Course packet available at Quartet Copies (825 Clark Street)

Course requirements:

Attend all classes and participate in trip to visit the Supreme Court

Complete all oral argument coding assignments

Assessment:

Class participation: 50%

Coding assignments: 50%

Class assignments:

March 29th: Introduction to course

April 5th: Supreme Court operation

Questions to consider: Who are the players at the Supreme Court, both on stage and behind the scenes? How do cases get to the Court? What rules govern the operation of the Supreme Court?

Readings: The Supreme Court Explained by Ellen Greenberg, excerpt from Oral Argument and Decision Making on the United States Supreme Court (pp. 21-56 and 134-135; in course packet)

April 12th: Overview of Fourth Amendment and Quon case
Questions to consider: What are the issues in the case?
What is the petitioner's argument? What is the respondent's argument?

Readings: briefs in *City of Ontraio, CA, v. Quon* and transcript of oral argument in Redding, pp. 1-37 (in course packet)

April 19th: Visit to the Supreme Court
Questions to consider: What did you observe that is consistent or inconsistent with information in the readings? What did you observe that was surprising? Most interesting? What specific impressions about the Court did you form as a result of this visit?

Readings: *The Nine* by Jeffrey Toobin, Visitor's Guide to the Supreme Court, background material on the National School Boards Association (NSBA) and amicus brief filed by NSBA in Quon case (in course packet)

April 26th: Debriefing Visit to the Supreme Court/The Current Justices
Conversation with Kent Richland about Quon case (11:30 am)
Questions to consider: What personal traits and professional experience does each justice bring to the Court? Which approach to interpreting the Constitution? What do you predict will be each justice's position in Quon ? Why?

Readings: transcript of oral argument in Redding case, pp. 37 to end (in course packet)

Assignment for 5/3: code first transcript

May 3rd: Becoming a Justice
Questions to consider: What are the requirements to become a justice? By what process are justices selected? Is the process working effectively?

Readings: background on the Senate Judiciary Committee and Elena Kagan bio (in course packet)

Assignment for 5/10: code second transcript

May 10th: The Role of Law Clerks

Conversation (via phone) with Tacy Flint, clerk to Justice Stephen Breyer (2006-2007) and Judge Richard Posner of the Seventh Circuit (2005-2006). Tacy is a graduate of the University of Chicago Law School and currently working as an associate at Sidley & Austin in Chicago.

Questions to consider: What roles do law clerks play at the Court? How much influence do they wield? Who serves as clerks and how are clerks selected?

Readings: Excerpt from *The Supreme Court* by William H. Rehnquist and 2007 Survey of Books Related to Law: Supreme Court Clerks (in course packet)

Assignment for 5/17: code third and fourth oral arguments

May 17th: the Role of Interest Groups

Questions to consider: How do interest groups attempt to influence the Court? In what ways are they most effective?

Readings: NSBA Win-Loss Record in filing Amicus Briefs and amicus briefs in *Quon* (in course packet)

Assignment for 5/24: code fifth and sixth oral arguments; enter data on coded cases

May 24th: Reporting on the Supreme Court

Questions to consider: How do average citizens learn about the Supreme Court? How do they learn about recent decisions?

Readings: *The High Court Goes Courting* and *Let the Sun Shine on the Supreme Court* (in course packet); examine each of the following websites:

www.scotusblog.com
www.supremecourtus.gov
<http://volokh.com>
www.ourcourts.org
<http://abcnews.go.com/Video/playerIndex?id=2651301>
(interview with Chief Justice Roberts)

May 31st: Memorial Day-no class

Assignment for June 3rd: enter final data on coded cases

June 7th: Analysis and discussion of data

(NOTE: class meets from 9 to 11 am, during the scheduled exam period)