

Supreme Court Seminar
Fall 2020
University of Iowa College of Law
Professor Todd Pettys (Room 472, 335-6814, todd-pettys@uiowa.edu)
Administrative Assistant: Melanie Stutzman (Room 433, 335-9055)
Wednesdays, 3:10-4:50 (alternating between Zoom in odd-numbered weeks and
Room 285 in even-numbered weeks)

Required Materials

You will find all of the required course materials on the “Courses” page of my website, www.todd-pettys.com.

Office Hours

In addition to teaching this course, I teach on Mondays, Tuesdays, and Wednesdays at varying times until 12:30. On those days, the best times to speak with me will be after lunch. On Thursdays and Fridays, my schedule will be more flexible. During any periods when we are permitted to be in the building at the same time, please come see me whenever you would like, other than M/T/W mornings. During any periods when we are *not* permitted to be in the building at the same time, I can readily meet on Zoom, talk on the telephone, or exchange emails.

Attendance and Participation

During each of our class sessions, you will be discussing cases on which each of you, as individual justices, will be required to vote. You also will be discussing your and your colleagues’ drafts of opinions. As a result, you must arrive for each class session on time and attendance at each class session is mandatory, without exceptions. If you foresee any conflicts on your calendar, please make alternative arrangements now so that you will be able to join us each time we meet throughout the semester. If you have one or more unavoidable conflicts, please drop the course now—unfortunately, we will need to bring in a person from the waiting list to replace you, so that the class can function as a full “Court” each time we meet.

Grading

One-fourth of each student’s grade will be based on the quality of his or her first draft, one-fourth will be based on the quality of his or her second draft, one-fourth will be based on the quality of his or her final draft, and one-fourth will be based on the quality of his or her contributions to our weekly discussions and his or her timeliness in meeting the deadlines described in this syllabus. Failure to attend a substantial part of any class session will result in a 1.0-point grade reduction in the student’s final course grade (e.g., a student who otherwise would have received a 4.0 would receive a 3.0). Failure to attend a substantial part of a second class session will result in a failing final course grade. I will use my discretion, based on the circumstances, to determine what counts as “substantial.”

Course Overview and Learning Objectives

In this course, you will study nine cases that are pending before the United States Supreme Court. You will be reading the briefs, researching the law, debating the merits, and writing opinions that reflect how you believe those cases should be decided. My chief learning objectives for you this semester are that, by the end of the semester, you will be able to produce a professional-quality judicial opinion, offer insightful feedback on other students' drafts of judicial opinions, and be able to discuss your disagreements with one another in an efficient, productive, and professional manner.

As you will see on the schedule below, we will divide the nine cases into groups of three ("Set One," "Set Two," and "Set Three") for purposes of discussing the cases' merits and circulating drafts of opinions. Each student will write one opinion.

There are several websites that you might find particularly useful. The first is <http://www.scotusblog.com/>. That website gathers all of the briefs filed in the U.S. Supreme Court's cases (the original petitions for and against certiorari, the parties' briefs on the merits, and the amicus briefs). SCOTUSblog also provides commentary about many of the Court's pending cases. The second is <http://www.supremecourtus.gov/>, which contains information about the Court. The third and fourth (which will become relevant only if we do cases pending before the Iowa Supreme Court) are [http://www.iowacourts.gov/About the Courts/Supreme Court/](http://www.iowacourts.gov/About%20the%20Courts/Supreme%20Court/), which (among other things) contains video recordings of oral arguments, as well as a few other resources, and <https://www.iowaappeals.com/>, which is a blog covering the Iowa Supreme Court.

Doing Business in the COVID-19 Era

When circumstances compel us to meet on Zoom, please be sure to type your first and last name—using your preferred first name—in the appropriate display box, so that those who don't already know you can readily address you. Also, during any class sessions we hold on Zoom, please be sure you are in a private location where (1) you can have your video on, (2) background noises won't be distracting when your microphone is on, and (3) our class sessions will not be overheard by others. Regarding the third item in that list, please remember that having one's writing and reasoning critiqued by others can sometimes feel quite personal and can produce feelings of discomfort. To minimize some of those difficulties, we will want to ensure that all of our class discussions are heard only by me and by the students enrolled in this course. Also, with those same privacy concerns in mind (and also bearing in mind that all students are required to attend all class sessions), I will not be recording any of our class sessions.

Throughout much of the semester, you will be providing one another with both oral and written feedback on drafts. Under ordinary, non-COVID circumstances, students and I typically provide the written feedback in the form of handwritten comments on hard copies. Under our current circumstances, however, we will want to avoid passing materials to one another when we meet in person—and, of course, when we are *not* meeting in person, passing hard copies to one another would not be an option anyway. When providing written feedback, we thus will be emailing marked-up drafts to

authors. We will email those marked-up drafts during or at the conclusion of the class sessions in which those drafts are discussed.

Accommodations

Please contact Dean Carin Crain directly for accommodation requests that arise during the semester: carin-crain@uiowa.edu or 319-335-9648.

Schedule and Assignments

As you will see below, there are designated Wednesdays throughout the semester when you will be required to submit drafts of your opinions via email. On those Wednesdays, you will be emailing your drafts to me *and* to all of the other students in the class, so that the entire group will have a sufficient period of time to read the drafts and to prepare to discuss them at the following week's class session. As you also will see, the deadlines are set for 11:00 p.m. on the designated Wednesdays. Those 11:00 p.m. deadlines are mandatory. They are written in stone. They are not to be missed.

When completing the writing assignments, please adhere to the rules of citation described in *The Bluebook: A Uniform System of Citation*.

Please prepare your drafts in Word, using 12-point Times New Roman font and double spacing the lines. Also, to facilitate group discussion of your drafts' contents, *please number your pages*.

Week One

August 26: Discuss and cast votes for Set One.

Week Two

September 2: Discuss and cast votes for Set Two.

Week Three

September 9: Discuss and cast votes for Set Three.

Week Four

September 16: Class discussion; no preparation required.

Week Five

September 23: No class today. No later than 11:00 p.m., distribute via email all opinions for Set One, being sure to include me and all of your eight colleagues.

Week Six

September 30: Discuss all opinions for Set One. No later than 11:00 p.m., distribute via email all opinions for Set Two, being sure to include me and all of your eight colleagues.

Week Seven

October 7: Discuss all opinions for Set Two. No later than 11:00 p.m., distribute via email all opinions for Set Three, being sure to include me and all of your eight colleagues.

Week Eight

October 14: Discuss all opinions for Set Three.

Week Nine

October 21: No class today. No later than 11:00 p.m., distribute via email all revised opinions for Set One, being sure to include me and all of your eight colleagues.

Week Ten

October 28: Discuss all revised opinions for Set One. No later than 11:00 p.m., distribute via email all revised opinions for Set Two, being sure to include me and all of your eight colleagues.

Week Eleven

November 4: Discuss all revised opinions for Set Two. No later than 11:00 p.m., distribute via email all revised opinions for Set Three, being sure to include me and all of your eight colleagues.

Week Twelve

November 11: Discuss all revised opinions for Set Three.

Week Thirteen

November 18: No class today.

Week Fourteen

November 25: No class today. Happy Thanksgiving!

Week Fifteen

December 2: No class today. No later than **4:00 p.m.**—**note the earlier time of day!**—distribute via email *all final opinions* for Sets One, Two, and Three, being sure to include me and all of your eight colleagues. Congratulations on finishing!

Syllabi Contents Mandated by the University of Iowa

(1) University Sexual Misconduct/Sexual Harassment Policy

The University of Iowa prohibits sexual misconduct, dating/domestic violence, and stalking in any form, including sexual assault or sexual harassment, and any form of nonconsensual sexual conduct. Incidents of sexual misconduct can be reported to the Office of Sexual Misconduct Response Coordinator (OSMRC) or to the Department of Public Safety. The Sexual Misconduct, Dating/Domestic Violence, or Stalking Involving Students policy governs actions by students, and the Sexual Harassment policy governs actions by faculty/staff.

(2) Classroom Expectations

Students are expected to comply with University policies regarding appropriate classroom behavior as outlined in the Code of Student Life. This includes the policies and procedures that all students have agreed to regarding the Steps Forward for Fall 2020 in response to the COVID-19 pandemic. Particularly, all students are required to wear a face covering when in the building, including the classroom. In addition, we have reduced the density of our classrooms. In some instances, this will be 6 feet or more of distance. In others it may be less. Regardless, wearing face coverings and maintaining as much distance as is possible are vital to helping slow the spread of COVID-19. In the event that a student disrupts the classroom environment through their failure to comply with the reasonable directive of an instructor or the university, the instructor has the authority to ask that the student immediately leave the space for the remainder of the class period. Additionally, the instructor is asked to report the incident to the Office of Student Accountability for the possibility of additional follow-up. Students who need a temporary alternative learning arrangement related to COVID-19 expectations should contact Student Disability Services (<https://sds.studentlife.uiowa.edu/fall-2020/covid-19-temporary-learning-arrangements/>; 3351462).

(3) Nondiscrimination

The University of Iowa is committed to making the classroom a respectful and inclusive space for people of all gender, sexual, racial, religious, and other identities. Toward this goal, students are invited in MyUI to optionally share the names and pronouns they would like their instructors and advisors to use to address them. The University of Iowa prohibits discrimination and harassment against individuals on the basis of race, class, gender, sexual orientation, national origin, and other identity categories set forth in the University's Human Rights policy. For more information, contact the Office of Equal Opportunity and Diversity (<https://diversity.uiowa.edu/eod>; 335-0705 or diversity.uiowa.edu).