

SUPREME COURT SUMMER INSTITUTE FOR TEACHERS

Georgetown University Law Center

June 16-21, 2011

AGENDA

OUTCOMES

As a result of this Institute, you will be able to teach about:

- the history and development of the U.S. Supreme Court
- the procedures for a case to be heard before the Supreme Court (the *certiorari* process) as well as the process the Court follows to decide a case
- the process by which Supreme Court justices and other federal judges are nominated
- how the media cover the U.S. Supreme Court
- the impact interest groups have on the Supreme Court
- approaches to constitutional interpretation taken by the justices to decide cases
- selected cases from the 2010 - 2011 term

As a result of this Institute, you will also be able to:

- use a variety of interactive strategies to teach students lessons about the U.S. Supreme Court and its cases
- use print, online, and video media to research and teach about the Supreme Court
- incorporate resource persons into your lessons on the Court
- identify additional resources from Street Law, Inc. and the Supreme Court Historical Society that can strengthen your educational program
- prepare and present professional development activities on the Court for other teachers

**SESSIONS WILL TAKE PLACE IN THE HOTUNG BUILDING UNLESS NOTED
First & F Sts. NW**

THURSDAY

- 3:30 - 4:00 **Registration and Refreshments** **Hotung 2000**
Get to know the other participants!
- 4:00 - 4:30 **Welcome to the Institute**
Lee Arbetman will open the Institute with introductions and a look at the Institute's agenda and outcomes. Jennifer Lowe will provide a welcome from the Supreme Court Historical Society, and we will watch a brief video greeting from Chief Justice John Roberts.
- 4:30 - 5:00 **How Well Do You Know Your Supreme Court?**
As an introduction to the 2010 - 2011 term, Lee Arbetman will conduct an activity that allows you to share your knowledge of the Court.
- 5:00 - 6:15 **Introduction to Supreme Court Practice**
This session will provide an overview of the operation of the Court with a specific focus on the two key decisions the Court makes: the decision to decide a case (i.e., which cases to hear) and the decision in the case. There will be ample time for questions.
Tom Goldstein, partner at Goldstein, Howe & Russell and founder of ScotusBlog, will lead this session.
- 7:00 - 8:30 **Dinner Reception** **Jones Day**
We will leave the hotel lobby as a group at 6:45 and walk over to the Jones Day law firm at 51 Louisiana Avenue, NW. It is a very short walk. This location is also very close to the Union Station Metro stop, for those not staying at the hotel.

FRIDAY

- 8:30 - 9:00 **Join us for Breakfast** **Hotung 2000**
- 9:00 - 10:15 **Deciding Whether or Not to Decide the Case: Granting *Cert***
The Court grants *certiorari* in very few of the cases for which review is sought. Why does the Court take some cases and not others? What factors are important to the justices in setting the Court's agenda? We will review some research that has been done on these questions and then work as groups of clerks to Supreme Court justices to determine whether or not to recommend *cert* for several cases. Megan Hanson will facilitate this session.
- 10:15 - 10:30 **Break**
- 10:30 - 11:45 **Nominating a Justice to the Court: The Process and Politics**
Panelists representing past Republican and Democratic administrations and the Senate Judiciary Committee will help us understand the process and the politics of judicial nominations. While the primary emphasis of the session will be on "nominating a justice to the Supreme Court of the United States," we will also deal with the issue of federal court nominations. Lee Arbetman will open the session by providing the constitutional and historical context for judicial nominations. He will then moderate the panel. Panelists: Cliff Sloan, partner at Skadden Arps and associate counsel to President Clinton from 1993-1995 and Gregg Nunziata, judiciary counsel to the Senate Republican Policy Committee.
- 11:45 - 12:15 **Lunch**
- 12:15 - 1:30 **Interest Groups**
This session explores how interest and advocacy groups are involved with Supreme Court cases. We will focus on why interest/advocacy groups get involved in cases, the criteria they use to determine whether to get involved, the extent to which they coordinate with one another, and whether their involvement enhances the quality of the Court's work.

Megan Hanson will lead this session with expert resource people Richard Katskee, a lawyer at the U.S. Department of Education Office for Civil Rights (and formerly with Americans United for Separation of Church and State), and Robin Conrad, executive vice president of the National Chamber Litigation Center. Both have had extensive involvement in their group's cases before the Court.
- 1:30 - 2:00 **Walk to the Supreme Court**
- 2:30 - 3:00 **Public Lecture in the Courtroom** **U.S. Supreme Court**
This presentation focuses on the history and architecture of the Court.

3:00 - 3:45

Meeting with the Clerk's Office in the Lawyer's Lounge

We'll meet with Cynthia Rapp and Gary Kemp, deputy clerks of the Court, to learn how the Court operates. We'll find out how last minute appeals (emergency stay requests) in death penalty cases are handled. There will be time for questions.

3:45 - 4:15

Supreme Court Gift Shop and Exhibits

The gift shop closes at 4:25.

7:00 - 9:30

Optional Activity

Those who are interested can join us for an evening tour of Washington's monuments. Eat an early dinner at one of the restaurants near the hotel and then meet back at the hotel to take a guided bus tour of the monuments. The bus will depart from the front of the hotel at 7:00 pm.

SATURDAY

8:00 - 8:30 **Join us for Breakfast** **Hotung 2000**

8:30 - 10:00 ***JDB v. North Carolina***

Criminal suspects are entitled to *Miranda* warnings if they are questioned while in police custody. A person generally is considered to be “in custody” if a reasonable person in the same circumstances would believe that he was not free to leave. This case examines whether courts should consider the age of a juvenile suspect in deciding whether he is in custody for *Miranda* purposes. Lee Arbetman will lead this session and introduce case study methods.

Jeff Green, partner at Sidley Austin and lead author of one of the amicus briefs in this case, will serve as our resource person for this session.

10:00 - 10:15 **Break**

10:15 - 12:00 ***Snyder v. Phelps***

This emotionally charged case about picketing at the funerals of military soldiers asks whether speech of this sort is protected by the First Amendment. We will explore this case using a deliberation methodology. Megan Hanson will lead this session. Bob Corn-Revere from Davis Wright Tremaine wrote an amicus brief in this case and will be our resource person for this session.

12:00 - 1:00 **Lunch**

1:00 - 4:30 **Moot Court: *Graham v. Florida***

This case involves the question of whether a sentence of life in prison without possibility of parole for a juvenile is a violation of the Eighth Amendment prohibition on cruel and unusual punishment. After an overview of the steps in a moot court and a review of the Supreme Court’s Eighth Amendment jurisprudence, we will divide into three groups: petitioner (the juvenile), respondent (the state), and justices. A legal expert will work with each group to help us prepare for and then present a moot court of this case in Georgetown’s moot courtroom.

Resource experts are Ed Darden, Director of Education Law and Policy at Appleseed; Hien Tran, counsel at Wilmer Hale (and former clerk to Justice Ginsburg); and Scott Ballenger, partner at Latham & Watkins (and former clerk to Justice Scalia).

5:00- **DINNER ON YOUR OWN**

SUNDAY

Hotung 2000

Sleep in, enjoy a late breakfast, or engage in a little museum-hopping.

1:00 - 2:30

Jigsaw

In this session, participants will be divided into small groups to discuss and analyze three cases from the current term. Megan Hanson will facilitate this activity. Emily Veale, summer law student in residence, and Jessica Ellsworth, from Hogan Lovells, will provide assistance to the groups. The cases for the jigsaw are: *Brown v. Entertainment Merchants Association*, *Chamber of Commerce v. Whiting*, and *Kentucky v. King*.

2:30 - 2:45

Break

2:45 - 4:15

The Commerce Clause

Under our system of limited federal power, the Commerce Clause is the source of much, if not most, federal legislative authority. In some instances, the Commerce Clause also limits the legislative authority of states. In this session we will look at the Commerce Clause's text, history and constitutional values. Former Acting Attorney General and head of the Department of Justice Civil Division, Stuart Gerson (now with Epstein Becker and Green), will help us develop our understanding of the Commerce Clause. Then we'll work together to explore the constitutionality under the Commerce Clause of Congressional mandate that individuals purchase health insurance.

4:15 - 4:30

Break

4:30 - 5:45

Further Resources & Professional Learning Groups

We'll explore web and video resources, learn about the Street Law Teachers Network, and meet in professional learning groups to discuss applications of the Institute material and methods to your classrooms.

5:45- 6:30

Pizza and Salad

6:30-7:30

Media Coverage of the U.S. Supreme Court

Most Americans learn about the Supreme Court from what the media present. However, only a handful of reporters have a full-time beat at the Court (none are television reporters). In this session we will learn how the media cover the Court and what special challenges the Court presents for journalists.

Lyle Denniston, dean of the Supreme Court press corps and SCOTUSblog correspondent, will be featured in this session.

MONDAY

Breakfast on Your Own

You may choose to eat at the Supreme Court cafeteria, which opens at 7:30 am. Use the Maryland Avenue entrance.

8:45 - 10:30

Decisions from the U.S. Supreme Court

U.S. Supreme Court

Meet on the Supreme Court front steps by 8:45 a.m.

PLEASE BE ON TIME!

10:30 - 10:45

Walk from the Court back to Hotung.

10:45 - 11:45

Reflections on the Court's Decisions

Hotung 2000

Facilitated by Lee Arbetman and Megan Hanson.

12:00 - 1:15

Lunch with a Clerk

We will eat with lawyers who have clerked for a Supreme Court justice. This informal session will give you a behind the scenes look at how the Court functions from the perspective of the young lawyers who work directly for the justices. Erin Murphy, Philippa Scarlett, Meaghan McLaine VerGow, and Anton Metlitsky will join us for this session.

1:15 - 1:30

Break

1:30 - 3:15

An Introduction to Constitutional Interpretation

In this session we will learn about some of the basic approaches that the justices use to interpret the Constitution. This session will help us understand why justices come to different resolutions for the same case. An activity will introduce the challenge presented by constitutional interpretation. We will also work in groups to decide several cases using different interpretive approaches. Lee Arbetman will facilitate the session. We will use a short segment of a video of a video conversation with Justices Breyer and Scalia as an introduction to each of their approaches to constitutional interpretation.

3:15 - 3:30

Preparing for Tonight's Reception at the Court

3:30 - 5:45

Break

5:45 - 7:30

Reception

U.S. Supreme Court

The reception will be at the U.S. Supreme Court in the East or West Conference Room. Meet at 5:45 (sharp) on the front steps of the Court for our group photo. You must have a government-issued ID. Please wear your Institute name tags.

TUESDAY

- 8:30 - 9:00 **Check out and Breakfast** **Hotung 2000**
Check out of the hotel and store your luggage with the concierge. Then walk over to Hotung for our final meal together.
- 9:00 - 10:15 **The Morning News**
We will have our coffee with the morning news and review case coverage of this year's decisions. Megan Hanson will facilitate.
- 10:15 - 10:30 **Break**
- 10:30 - 11:30 **Mini-Book Club and the Art of Training Teachers**
We will identify books that were read in preparation for this institute and describe some of the best briefly to help participants plan additional summer reading. We will also explore a variety of options for conducting effective staff development. We will explain the process for obtaining your stipend. Lee Arbetman will facilitate.
- 11:30 - 12:00 **It's a Wrap**
We'll discuss some final paperwork, "likes and wishes," and take some suggestions for strengthening the program next year.

**ADJOURN
HAVE A SAFE TRIP HOME**