

SUPREME COURT SUMMER INSTITUTE FOR TEACHERS

Georgetown University Law Center
June 25 - 30, 2009

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
- competing philosophies used by the justices to decide cases
- selected cases from the 2008 - 09 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 new 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

**UNLESS OTHERWISE NOTED, SESSIONS ON THURSDAY & FRIDAY WILL TAKE PLACE IN
MCDONOUGH 203: 600 NEW JERSEY AVE, NW.
SESSIONS FROM SATURDAY THROUGH TUESDAY WILL TAKE PLACE IN THE 12TH FLOOR
CONFERENCE ROOM OF THE GEWIRZ BUILDING: 120 F STREET, NW.**

THURSDAY, JUNE 25

Today's sessions will be in McDonough 203

- 3:30 - 4:00 **Registration and Refreshments**
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 2008 - 2009 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 from Akin Gump (and founder of SCOTUSblog) will lead the session.
- 7:00 - 8:30 **Dinner Reception**
We will leave the hotel at 6:40 and walk over to the offices of Washington Gas, one of our local utility companies, at 101 Constitution Avenue, NW, (the intersection of Louisiana and Constitution Avenues). 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, JUNE 26

Today's sessions will be in McDonough 203

8:30 - 9:00

Join us for Breakfast

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. Lee Arbetman will facilitate this session.

10:15-10:30

Break

10:30-11:45

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 assistance from Richard Katskee, assistant legal director for 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.

11:45-12:15

Lunch in McDonough.

12:15-1:30

Nominating a Justice to the Court: the Process and Politics

Panelists representing the legislative and executive branches as well as the media who are involved in judicial nominations will help us understand the process and the politics. 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 Elizabeth K. Hays, Chief Republican Nominations Counsel, U.S. Senate Judiciary Committee.

1:30-2:00

Walk to the Supreme Court

2:30-3:00

Public Lecture in the Courtroom

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, JUNE 27

Today's sessions will be in Gewirz 12th Floor

8:00 – 8:30

Join us for Breakfast

8:30 – 10:15

Ricci v. DeStefano

This case examines affirmative action and reverse discrimination. Can an employer refuse to use results of an employment test because one racial group scored substantially higher than another? Hien Tran from Wilmer Hale will be our content expert in this session which will feature the Structured Academic Controversy (SAC) teaching methodology. Megan Hanson will facilitate.

10:15 – 10:30

Break

10:30 – 12:00

Safford Unified School District #1 v. Redding

This case, argued at the very end of this term, asks whether public middle school officials can strip search a student suspected of carrying a prescription strength ibuprofen pill. We'll also use this session to take a broader look at search and seizure law and to focus on using case studies with high school students. Our resource person for this session will be Jeffrey Wall from the Solicitor General's Office. Lee Arbetman will facilitate.

12:00 - 1:00

Buffet Lunch

1:00 - 4:30

Moot Court: *Morse v. Frederick*

This case involves school-imposed discipline for offensive speech delivered by a student beyond the schoolhouse gate. After an overview of the steps in a moot court and a review of the Supreme Court's key student speech precedents, we will divide into three groups: petitioner (the high school principal and school board), respondent (the student), 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.

Beth Brinkmann, United States Department of Justice, Civil Division, will train the teachers who will serve as justices. Naomi Gittins, deputy general counsel for the National School Boards Association (NSBA) will train the petitioners and Jeff Bucholtz of King & Spalding will train the respondents.

5:00-

DINNER ON YOUR OWN

SUNDAY, JUNE 28

Today's sessions will be in Gewirz 12th Floor

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

1:00 - 3:45

You be the Justice

In this session, participants will be divided into small groups to discuss and analyze six cases, three from the current term as well as three cases from earlier terms. Megan Hanson will facilitate this jigsaw activity. Lee Arbetman, Maureen Stoneman, summer law student in residence, and Jessica Ellsworth, Hogan and Hartson, will provide assistance to the groups. The cases for the jigsaw are:

- *Caperton v. Massey Coal Company* (2009)
- *Negusie v. Holder* (2009)
- *Arizona v. Gant* (2009)
- *D.C. v. Heller* (2008)
- *Santa Fe Independent School District v. Doe* (2000)
- *Yarborough v. Alvarado* (2004)

4:00 - 6:15

Online Resources for Teaching about the Supreme Court & Supreme Court Book Club

Half of the group will work in the computer lab with Megan and Amaly. The session will include an introduction to www.landmarkcases.org, developed by Street Law and the Supreme Court Historical Society, as well as other Internet sites that provide useful information about the Court for teachers and students. The session includes an online scavenger hunt.

The other half will meet with Lee for an informal “book club” session, where we’ll discuss the books that you read to prepare for participation in this program. For each of the books, we’ll look at a popular misconception about the Court that was corrected (hopefully) in the book.

6:30 - 7:00

Pizza and Salad at Gewirz

7:00 - 8:00

Media Coverage of the U.S. Supreme Court

Most Americans learn about the Supreme Court from what the media presents. 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 covers 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, JUNE 29

Today's sessions will be in Gewirz 12th Floor

- 7:30 - 8:45 **Breakfast on Your Own**
We recommend eating 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**
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 Gewirz.**
- 10:45 - 11:45 **Reflections on the Court's Decisions**
Facilitated by Lee Arbetman and Megan Hanson.
- 12:00 - 1:15 **Lunch with a Clerk**
Small groups of teachers will eat with a lawyer who has 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. Meaghan McLaine, Emily Henn, Chris Landau, Ann O'Connell and Mark Mosier will join us for this session.
- 1:15 - 1:30 **Break**
- 1:30 - 3:15 **Competing Judicial Philosophies**
In this session we will learn about the two basic competing judicial philosophies - "the living Constitution" and "originalism." After an overview of these competing philosophies, we will work in groups to decide cases based on these philosophies. Lee Arbetman will facilitate the session. American University Law Professor Amanda Frost will be our resource expert.
- 3:15 - 3:30 **Preparing for Tonight's Reception at the Court**
- 3:30 - 5:45 **Break**
- 5:45 - 7:30 **Reception at the 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, JUNE 30

Today's sessions will be in Gewirz 12th Floor

- 8:30 - 9:00 **Check out and Breakfast**
Check out of the hotel and store your luggage with the concierge. Then walk over to Gewirz 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 **The Art of Training Teachers**
We will explore a variety of options for conducting effective staff development. Amaly Snowdon will explain the process for obtaining your stipend. We'll also learn about a few additional resources available from the Street Law organization. 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**