

SUPREME COURT SUMMER INSTITUTE FOR TEACHERS

Georgetown University Law Center
June 12-17, 2008

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 2007 - 08 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

**ALL SESSIONS WILL TAKE PLACE IN THE 12TH FLOOR CONFERENCE
ROOM OF THE GEWIRZ BUILDING – 120 F STREET, NW –
UNLESS OTHERWISE NOTED.**

THURSDAY, JUNE 12

- 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.
- 4:30 - 5:00 **How Well Do You Know Your Supreme Court?**
As an introduction to the 2007 - 2008 term, we will conduct an activity that allows you to share your knowledge of the Court. Lee Arbetman will facilitate.
- 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.

The session will be led by Supreme Court advocate and SCOTUSblog.com developer Tom Goldstein, Akin Gump Strauss Hauer & Feld.
- 7:00 - 8:30 **Dinner at the Jones Day Law Firm**
We will leave the hotel at 6:40 and walk over to Jones Day, which is located at 51 Louisiana Avenue, NW (at the intersection of New Jersey, Louisiana, and "C" Streets, NW). It is a very short walk. The firm is also very close to the Union Station Metro stop (for those not staying at the hotel). We will gather in the lobby of the firm and be taken upstairs together. Many thanks to our hosts Jonathan Rose and Anne Donovan for providing this wonderful facility for our dinner.

FRIDAY, JUNE 13

- 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. Wendy Ewbank 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 Gewirz.
- 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. Professor Barbara Perry will open the session by providing the constitutional and historical context for judicial nominations. She will then moderate the panel.
Panel: Rachel Brand (Counsel, Wilmer Hale), Preet Bharara (Chief Counsel for Senator Charles Schumer).
- 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 Court Cafeteria

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 14

8:00 – 8:30 **Join us for Breakfast**

8:30 – 10:15 **District of Columbia v. Heller**

This test case seeks to determine whether the District of Columbia’s laws (which prohibit hand gun registration and ownership and require other weapons to be disassembled or secured with a trigger lock when in the owner’s home) can survive a Second Amendment challenge. These laws were found unconstitutional by the US Court of Appeals for the District of Columbia. We will analyze this case through a structured academic controversy. Wendy will facilitate the session and Chris Egleson, of the law firm Akin Gump Strauss Hauer & Feld, will serve as our legal resource person.

10:15 – 10:30 **Break**

10:30 – 12:00 **Commonwealth of Virginia v. Moore**

In this case, a person driving on a suspended license was arrested, searched and found to be carrying cocaine. State law where this occurred provides that persons stopped for that traffic offense should be served with a summons and not arrested. The driver was convicted but his conviction was reversed by the state supreme court. The state now argues that the cocaine should have been ruled admissible as a search incident to arrest. We will analyze this case by looking at two precedents cited in the briefs for both parties. Lee will facilitate this session and Nicole Saharsky from the Office of the Solicitor General will serve as our legal resource person. This session will help us learn how to use the case study teaching strategy.

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.

Barbara Perry will train the teachers who will serve as justices. Maree Sneed, a partner at Hogan & Hartson, will train the petitioners and Ed Darden, director of education policy at Appleseed, will train the respondents.

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

SUNDAY, JUNE 15

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, four from the current term as well as two cases from earlier terms. Wendy Ewbank will facilitate this jigsaw activity. Megan Hanson, Lee Arbetman, Jennifer Farrar (summer law student in residence), Erin Taylor (Washington Semester summer intern), and Jason Snyder will provide assistance to the groups. The cases for the jigsaw are:

- *Baze v. Rees* (2008)
- *Crawford v. Marion County Board of Elections* (2008)
- *Boumediene v. Bush* (2008)
- *Kennedy v. Louisiana* (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 & Using Town Meetings to Teach Constitutional Issues

Half of the group will work in the computer lab with Megan. The session will include an introduction to www.landmarkcases.org 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 work with Wendy in a session that will highlight a town meeting approach to both teach and assess important cases. Examples will demonstrate how role-playing in a scored discussion can bring to life the multiple perspectives and issues involved. We will also compare the various methods shared thus far, and what kind of preparation is necessary for students to be successful.

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 contributing writer to SCOTUSblog, will be featured in this session.

MONDAY, JUNE 16

- 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 - 11:30 **Reflections on the Court's Decisions**
Facilitated by Barbara Perry and Lee Arbetman
- 11:45 - 12:45 **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.
- 12:45 - 1:00 **Break**
- 1:00 - 2:30 **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. Tom Krattenmaker, former clerk to Justice Harlan, of counsel for the firm Wilson Sonsini, and former dean of William and Mary Law School, will be our resource person.
- 2:30 - 2:45 **Break**
- 3:00 - 4:00 **Marshalling the Court - How Americans View the Court**
This discussion, led by Barbara Perry, will help us link the views the current chief justice expresses to the way the Marshall Court operated in the 19th century. Is it possible for the Court to speak with a unanimous voice? Is it desirable? Just how do Americans view their High Court? And how does the media's portrayal of the Court shape this view? (Teachers will read Roberts' Rules, by Jeff Rosen in the December 2006 issue of *Atlantic Monthly*, before this session.)
- 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 17

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 breakfast with Institute participants.

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. Wendy Ewbank 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**