
TEACHING CONSTITUTIONAL LAW TO UNDERGRADUATES

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INTRODUCTORY ESSAY

Constitutional Law is a face-to-face upper-division course in an undergraduate political science program at a liberal arts college. It is a small class with 20-25 students. As an elective, it attracts a variety of students. Though most students who enroll have a general interest in law and courts, their reasons for taking the course and their expectations of it vary. Some seek to learn about the judiciary, while others want to learn more about landmark Supreme Court cases. Some are interested in particular issue areas, such as civil rights or the 1st amendment, and others are aspiring lawyers who seek a taste of law school. As such, Constitutional Law, like other undergraduate law courses, presents instructors with the unique challenge of balancing and satisfying different, and sometimes competing, constituencies (Woessner, Winters, Kopko 2016). This course is designed to satisfy and meet students' needs and expectations while also maintaining the standards and integrity of a typical undergraduate law course.

Constitutional Law uses the case law method of legal instruction, a standard practice in many undergraduate law courses. Introduced in 1870 by Dean Christopher Columbus Langdell at the Harvard Law School, the case law method entails studying judicial opinions to discover the law (Rozinski 2017). In other words, reading judicial opinions is the method by which students learn constitutional law. Cases, edited and compiled in textbooks, serve as the text in constitutional law courses (Rozinski 2017). This course uses *Constitutional Law for a Changing America: Rights, Liberties, and Justice* by Lee Epstein and Thomas Walker. A one-semester class, Constitutional Law focuses on civil liberties and civil rights, topics most appealing to this institution's students (compared to, say, the commerce clause or eminent domain). The course makes good use of the textbook's instructor resources, discussed in further detail below.

While some students are familiar with the case law method and expect its use in Constitutional Law, most are ill-prepared and caught off-guard. Students who take the course because they have a general interest in the Supreme Court or landmark cases or a particular legal issue, not because they have law school aspirations, expect to read secondary sources. Oftentimes, they are surprised when they realize learning constitutional law involves reading primary sources—judicial opinions. For most students, even the aspiring lawyers, the case law method is intimidating, difficult, and challenging. Judicial opinions are especially difficult for students to grasp because they are dense and filled with legal jargon and unfamiliar language. They are unlike the primary sources students are accustomed to reading in other upper-division political science courses. As such, the case law method sets Constitutional Law apart from other classes.

Understanding judicial opinions is critical to students' satisfaction and success. With regard to the former, if students do not understand opinions, they do not learn constitutional law. If students do not learn anything, they will likely be dissatisfied with the course. Regarding the latter, it is imperative that students understand judicial opinions so they can successfully complete the course requirements. Satisfaction and success, of course, are intertwined, with the latter helping to produce the former.

To learn and master the case law method, students summarize cases in case briefs, a standard assignment in law courses at the undergraduate level and law school. Aspiring law students get a preview of law school, but all students benefit from briefing cases. Case briefs hold students accountable for reading and help them understand opinions. Without a firm knowledge of judicial opinions, students are ill-equipped and ill-prepared to successfully complete the course requirements. To put it another way, case briefs serve as the building blocks and foundation for all other assignments. Students brief cases prior to every class, and while case briefs increase students' workload, they are an invaluable assignment.

The structure, design, and course requirements of Constitutional Law are meant to appeal to, satisfy, and meet the needs of various constituencies. As mentioned, students enroll for a variety of reasons. Using the case law method, briefing cases, and writing judicial opinions (another standard assignment in law courses) maintain the integrity of a constitutional law course. Resolving hypothetical cases by writing judicial opinions introduces students to legal writing, legal reasoning, and constitutional interpretation. While the exercise is designed to appeal to those pursuing legal careers, most students embrace the challenge of demonstrating their knowledge of constitutional law, making logical legal arguments, and thinking through the limits of the law.

Constitutional Law culminates in a Supreme Court of the United States (SCOTUS) in-class simulation, a capstone project with a semester-long build up. Role-playing activities and simulations are increasingly recognized as valuable pedagogical tools for engaging students and enhancing their learning (Fliter 2009; Baranowski and Weir 2015; Woessner, Winters, Kopko 2017). Preparing students for the SCOTUS simulation involves a substantial amount of time and preparation, a process starting the first class and continuing thereafter. As laid out in the course schedule, students begin learning the skills that lay the groundwork for a successful simulation early in the semester.

The simulation and its related assignments draw on the course textbook's instructor resources (Epstein and Walker 2016) and Fliter's work on simulations in constitutional law classes (Fliter 2009). At the end of the semester, students assume the roles of Supreme Court justices and attorneys (randomly assigned) and simulate oral argument and conference in a hypothetical case. Simulations include a petitioner attorney, respondent attorney, and nine justices.* To prepare for the simulation, students complete a number of assignments. The first is a short research paper on a Supreme Court justice, and the second is an amicus brief. Students playing an attorney in the simulation write merits briefs. Following the SCOTUS simulation, students playing a justice write judicial opinions.

The SCOTUS in-class simulation is designed to appeal to a variety of students. Those interested in attending law school get a taste of what it is like to be a lawyer or judge, as well as an interest group advocate. For those who take Constitutional Law because they have a general interest in law and courts, a SCOTUS simulation offers insight into Supreme Court procedures, the actors involved in cases, and judicial decision-making.

As mentioned, Constitutional Law uses many of the instructor resources provided by the course textbook. For the take-home exams, in-class final exam, and SCOTUS simulation, the course uses the hypothetical cases written by the textbook authors. Instructions for the SCOTUS simulation and assessment for various assignments are adapted from the instructor resources. These are just a few of the resources and tools available to help instructors successfully teach Constitutional Law and the ones used in this course.

* Depending on the number of students enrolled, instructors might need to make adjustments. Larger classes may need to run multiple simulations. Other alternatives include adjusting the size of the Supreme Court, assigning a student to play the role of Solicitor General, or assigning more than one student to represent the petitioners and respondents.

Teaching Constitutional Law presents a host of unique, but manageable, challenges. The design, structure, and course requirements of Constitutional Law are meant to appeal to various constituencies and satisfy students' needs and expectations. At the same time, it maintains the standards and integrity typical of undergraduate law courses.

SYLLABUS

ABOUT THE COURSE

- This course examines the development of constitutional law across a variety of issue areas in the Supreme Court of the United States (SCOTUS), focusing on civil liberties and civil rights.
- It adopts norms and practices typical of law classes at the undergraduate level and law school. It uses the case law method, meaning the cases are the course reading. Instead of reading secondary sources, or books and articles about Supreme Court cases, we read primary sources—judicial opinions written by the justices. Among other course requirements, this course adopts some assignments typical of any law class at any level. For instance, students will brief cases for every class and write judicial opinions resolving hypothetical cases.
- Classes are three hours and meet once a week. Each class is divided roughly in half, with the first half being primarily lecture-based and the second half being primarily student-driven with opportunities for students to interact with me and each other on class discussions, writing exercises, and various activities.

LEARNING GOALS

Constitutional Law satisfies the following learning goals established by this institution's political science program. Each course requirement, as well as in-class activities and discussions, helps students develop and hone these goals.

Students will have:

- knowledge of and ability to analyze U.S. government institutions, political processes, and behavior
- an ability to evaluate political institutions and processes from the perspective of democratic principles, including majority politics, the protection of minority rights, and the value of due process
- an ability to think critically and a capacity to use political science research and the ability to use professional resources such as journals, indexes, and government documents
- an ability to qualify for graduate study in political science, public policy, public administration, law or related fields
- an ability to write clearly and effectively

REQUIRED READINGS

Epstein, Lee and Thomas G. Walker. 2016. *Constitutional Law for a Changing America: Rights, Liberties, and Justice* (9th edition). Thousand Oaks, CA: CQ Press.

Kerr, Orin S. "How to Read a Legal Opinion" *The Green Bag: An Entertaining Journal of Law* 11: 1 (2007), 51-63.

COURSE REQUIREMENTS

<u>ASSIGNMENT</u>	<u>POINTS</u>	<u>PERCENT OF FINAL GRADE</u>
Attendance & In-class Participation	13 points (14 classes x 1 point each, 1 "buffer" class)	13%
Case Briefs	26 points (13 case briefs x 2 points each)	26%
Take-Home Exams	16 points (2 take-home exams x 8 points each)	16%
SCOTUS Oral Argument & Conference Simulation	30 points	30%
• Justice research paper	(5 points)	5%
• Amicus brief	(5 points)	5%
• Merits brief (attorneys only) OR Judicial opinion (justices only)	(10 points)	10%
• In-class simulation	(10 points)	10%
In-class Final Exam	15 points	15%

OVERVIEW OF COURSE REQUIREMENTS

Attendance & In-Class Participation (1 point each class)

- Overview: In-class participation consists of in-class activities, writing exercises, small-group and large-group discussions, and active listening. Students must come to class prepared to participate—read the assigned readings before class and bring case briefs, notes, and readings to class.
- Assessment: Attendance and in-class participation are tracked in various ways depending upon the day's activities (i.e., in-class writing, sign-in sheet). Students earn up to 1 attendance and in-class participation point each class for a total of 14 points (excluding the first class). Assessment rests on attending the entire class and quality of participation. There is 1 built-in "buffer" class in which students may miss 1 class (or earn up to 1 extra credit point). As such, students may not make up attendance and in-class participation points under any circumstance.

Case Briefs (2 points each)

- Overview: Case briefs are brief case summaries, or "crib sheets," commonly used in undergraduate law classes and law school. To help us make sense of judicial opinions, remember what we read, and prepare for class (indeed, it is difficult to understand, let alone participate, in discussions about cases if we have not read in advance), we will brief cases.
- Instructions: Read the assigned reading and then brief each case containing judicial opinions. For each case, summarize the facts of the case, major question, holding, and legal reasoning. Include summaries of concurring and/or dissenting opinions, if applicable. Lastly, identify your favorite quote and key words to tag or organize the case so you can quickly find it, reference it, and use it in future assignments.

- Assessment: Each week's set of case briefs (regardless of the number of cases briefed) is worth two points. Case briefs are graded holistically, based on the quality of responses, understanding of the opinions, and quality of the writing.

Take-Home Exams (8 points each) and In-Class Final Exam (15 points)

- Overview: There are two take-home exams and one in-class final exam, all of which involve resolving hypothetical cases and writing judicial opinions. Resolving hypothetical cases is a staple of law classes at the undergraduate level and law school. This is because applying existing law to a new fact pattern and using it to make a legal argument is what lawyers and judges do. We will write judicial opinions to test and assess our ability to do just that, as well as our knowledge and understanding of the course material. In some instances, students write judicial opinions in take-home exams, but with the in-class final exam, students practice thinking on their feet and under a time constraint to resolve hypothetical cases. All exams, take-home and in-class, are open-note and open-book.
- Instructions: You are a Supreme Court justice preparing an opinion for announcement. Read the hypothetical case and write a majority opinion resolving the major legal question, in light of the facts of the case, Constitution, and case law.
- Assessment: Strong opinions will be well organized, logically argued, and well supported through reference to and explanation of Supreme Court decisions and legal principles. Assessment rests on how well you make use of, identify, and explain relevant course material.

SCOTUS Oral Argument and Conference Simulation (30 points)***Simulation Overview***

- Students participate in a SCOTUS in-class oral argument and conference simulation, acting as attorneys and justices in a hypothetical case. Roles in the simulation (i.e., petitioner attorney, respondent attorney, Chief Justice Roberts, Justice Ginsburg, etc.) are determined at random. The simulation is open to the public.
- Student attorneys: In oral argument and when writing their merits brief, student attorneys are in character and faithfully represent their client. Attorneys may not agree with their client's position or the arguments made on their behalf, but they must set aside their personal beliefs and preferences.
- Student justices: During oral argument, conference, and when writing their judicial opinion, student justices are in character and behave like their assigned justice. In other words, students assume the persona, political ideology, and judicial philosophy of their justice. During oral argument and conference, they conduct themselves as their assigned justices conduct themselves. They are also addressed as their assigned justices (by each other and the attorneys). When writing their judicial opinion, student justices write it from the perspective of their assigned justice.
- Simulation Assignments: To prepare for the simulation, students complete various assignments discussed in detail below.

Justice Research Paper (5 points)

- Overview: Student justices write a research paper on their assigned justice, and student attorneys write a research paper on a justice selected at random.
- Instructions: You are a United States Supreme Court justice and have been asked to write your biography. Begin by discussing your personal and professional background. Some ideas for discussion include but are not limited to: your childhood and upbringing, where you grew up, family, education, clerkship experience, prior careers, judicial service. Next, move on to explain your political ideology, judicial philosophy, and personality and behavior, particularly how you conduct yourself during oral argument and conference. Lastly, briefly discuss your judicial legacy, or instances in which you wrote particularly influential or important opinions.

- Assessment: Strong biographies will be rich and detailed, providing numerous examples and illustrations. They will demonstrate a firm understanding of the justice.

Amicus Brief (5 points)

- Overview: All students step out of character and assume the role of amici. For this part of the simulation and this part only, they are not petitioner or respondent attorneys or justices. As amici, students are interest group advocates.
- Instructions: You are an attorney for an interest group of your choice. Read the case hypothetical and write an amicus brief developing a written argument based on that group's (likely) position in the case.
- Assessment: Strong amicus briefs will be well organized, logically argued, and well supported through reference to and explanation of Supreme Court decisions, legal principles, and interest group research. Assessment rests on how well you make use of, identify, and explain relevant course material.

Merits Brief—attorneys only (10 points)

- Overview: Attorneys write merits briefs, drawing on case law and the facts of the case as well as their opponent's merits brief (drafts are circulated before final drafts are due).
- Instructions: You are an attorney representing your client in a Supreme Court case. Read the case materials: case hypothetical and opposing attorney's merits brief draft. Write a merits brief developing a written argument on behalf of your client's position. Merits briefs must support an argument, refute counterarguments, and respond to your opponent's arguments.
- Assessment: Strong briefs will be well organized, logically argued, and well supported through reference to and explanation of Supreme Court decisions and legal principles. They will also anticipate and refute counterarguments, particularly those raised in the opposing attorney's merits brief. Assessment rests on how well you make use of, identify, and explain relevant course material. It also rests on staying in character and advocating for your client even if you disagree with their position and the argument you make.

In-class Oral Argument and Conference Simulation (10 points)

- Overview: Oral argument and conference are simulated in class. Each attorney has 12 minutes to address the Supreme Court and answer questions from the justices. Following oral argument, justices take a 10-minute break and convene in conference. The Chief Justice oversees oral argument and conference.
- Instructions for attorneys: Read all case materials: the hypothetical, merits briefs (yours and your opponent's), and amicus briefs. Prepare your arguments and a rebuttal to your opponent's arguments. More importantly, be ready to field questions from the justices. They have already read your merits brief so they know your position and arguments. Prepare as though you are going to have a conversation with the justices, not as though you are going to give a speech. You may bring written materials with you to oral argument.
- Instructions for justices: Read all case materials: the hypothetical, merits briefs, and amicus briefs. Be well-prepared with respect to the case facts, the arguments raised by each side, and relevant precedents, judicial tests, and legal doctrines. You may bring written materials with you to oral argument and conference. Your main role during oral argument is to ask strong substantive questions. During conference, be prepared to state your position on which side should win (petitioner or respondent) and why. Be prepared to justify your decisions and to engage your colleagues respectfully during the open discussion segment of conference.

- Assessment for attorneys: Assessment rests on the quality of the attorney's argument, rebuttal, and responses to the justices' questions. It also rests on their presentation skills and staying in character and faithfully representing their client.
- Assessment for justices: Assessment rests on the quality of the justice's oral argument questions, conference statement, and engagement with the attorneys and fellow justices during oral argument and conference. It also rests on staying in character and assuming the persona, political ideology, and judicial philosophy of their justice.

Judicial Opinion—justices only (10 points)

- Overview: After the simulation, justices write judicial opinions in reaction to the oral argument, merits briefs, amicus briefs, conference, and draft opinions as well as the facts of the case, Constitution, and case law. Justices circulate drafts so they know how their colleagues plan to rule and why, and so they can respond to one another in their final judicial opinion draft.
- Instructions: You are a Supreme Court justice preparing an opinion for announcement. Read the case materials: case hypothetical, merits briefs, amicus briefs, and judicial opinion drafts of your colleagues, and review your notes from oral argument and conference. Write a majority opinion resolving the major legal question in light of the facts of the case, Constitution, and case law, as well as all case materials: merits briefs, amicus briefs, oral argument, and the views of your colleagues (in conference and draft opinions). Opinions must support an argument, refute counterarguments, and respond to attorneys (oral argument and/or merits briefs), amici (amicus briefs), and fellow justices (conference and/or draft opinions).
- Assessment: Complete opinions must support an argument, refute counterarguments, and respond to attorneys (oral argument and/or merits briefs), amici (amicus briefs), and fellow justices (conference and/or draft opinions). Strong opinions will be well organized, logically argued, and well supported through reference to and explanation of Supreme Court decisions and legal principles. Assessment rests on how well you make use of, identify, and explain relevant course material. It also rests on staying in character and not diverging from your justice's political ideology and/or judicial philosophy.

COURSE SCHEDULE

The following course schedule includes various components. First are the assignments students complete prior to each class. Next, I discuss specific in-class activities, if applicable. While lecture and in-class discussion (both small-group and large-group) are staples of every class, I make special note of any activity or discussion designed to achieve a specific purpose. Lastly, I mention handouts prepared by the instructor, which are given to students and explained in class.

WEEK 1: INTRODUCTION AND UNDERSTANDING THE SUPREME COURT

Assignments:

- Read Epstein and Walker, pgs. 10-22
- Read SCOTUSblog Supreme Court Procedure:

<http://www.scotusblog.com/reference/educational-resources/supreme-court-procedure/>

- Read Kerr, "How to Read a Legal Opinion"

In-Class Activities:

- How to read judicial opinions: The instructor introduces students to the case law method, and they begin learning to read judicial opinions. Students learn to identify the parts of a case, including the

disputants, procedural history, facts, major question, holding, and legal reasoning. They also learn concepts such as precedent and reasoning by analogy.

- How to brief cases: Students learn to write case briefs. They practice the skill by briefing the 2006 Massachusetts court case, *White City Shopping Center v. PR Restaurants*.
- How to write judicial opinions and in-class discussion: Students begin learning to write judicial opinions. As judges in *White City Shopping Center v. PR Restaurants*, they must decide whether a burrito is a sandwich—and why. After deciding the case, writing an opinion, and discussing their ruling, students practice reasoning by analogy by facing new fact patterns. They must decide whether pizzas are sandwiches, if ice cream sandwiches are sandwiches, and whether hamburgers are sandwiches. Again, after each hypothetical, students write an opinion and discuss their decision.

Handouts:

- Writing Judicial Opinions
- Case Brief Assignment

WEEK 2: FREE EXERCISE OF RELIGION

Assignments:

- Review Epstein and Walker, pgs. 10-17
- Read Epstein and Walker, pgs. 91-131
- Submit case briefs: *Cantwell, Sherbert, Yoder, Smith, City of Boerne*

In-Class Activities:

- In-class discussion: Students practice reasoning by analogy and distinguishing cases in a discussion on *Braunfeld v. Brown* and *Sherbert v. Verner*.

WEEK 3: RELIGIOUS ESTABLISHMENT

Assignments:

- Read Epstein and Walker, pgs. 131-153, 169-189
- Submit case briefs: *Everson, Schempp/Murray, Lemon/Earley, Town of Greece, Van Orden*

In-Class Activities:

- How to write judicial opinions: Students continue to practice writing judicial opinions. In an in-class simulation, they play Supreme Court justices who must decide whether a college professor at a public university may celebrate Rosh Hashanah with her students in class.
- In-class discussion: Students discuss their decision and legal reasoning in the aforementioned hypothetical religious establishment case.

WEEK 4: FREEDOM OF SPEECH

Assignments:

- Read Epstein and Walker, pgs. 191-221
- Submit case briefs: *Schenck, Abrams, Gitlow, Dennis, Brandenburg*

WEEK 5: FREEDOM OF SPEECH

Assignments:

- Read Epstein and Walker, pgs. 221-253, 258-267
- Submit case briefs: *O'Brien, Johnson, Chaplinsky, Cohen, McCullen, Snyder, Tinker, Morse*

In-Class Activities:

- SCOTUS simulation preparation and oral argument: To prepare for the SCOTUS simulation, students learn about the purpose of oral argument and its procedures. They listen to oral argument excerpts from *Texas v. Johnson*.
- Oral argument simulation: In a hypothetical case involving hate speech on college campuses, the instructor and students simulate oral argument. The instructor plays the roles of petitioner attorney and respondent attorney, and students are Supreme Court justices. Playing the petitioner attorney first and respondent attorney second, the instructor argues the case and answers justices' questions.
- How to write judicial opinions: Students continue to practice writing judicial opinions. They write an opinion resolving the aforementioned hypothetical hate speech case.
- In-class discussion: Students discuss their decision and legal reasoning in the aforementioned hypothetical hate speech case.

Handouts:

- Take-Home Exam #1 instructions

WEEK 6: RIGHT TO PRIVACY

Assignments:

- Read Epstein and Walker, pgs. 390-427
- Submit case briefs: *Griswold*, *Roe*, *Casey*

WEEK 7: RIGHT TO PRIVACY

Assignments:

- Read Epstein and Walker, pgs. 427-459
- Submit case briefs: *Lawrence*, *Obergefell*, *Cruzan*
- Submit Take-Home Exam #1

In-Class Activities:

- Short in-class video: After spending nearly half the semester immersed in case law and analyzing opinions, students are eager to learn about the people involved in landmark Supreme Court cases. Here, students learn about James Obergefell and John Arthur and their story behind *Obergefell v. Hodges*.
- In-class discussion: Using *Cruzan v. Director, Missouri Department of Health* as a springboard for discussion, students practice reasoning by analogy, distinguishing cases, and resolving hypothetical cases with new fact patterns.

WEEK 8: INVESTIGATIONS AND EVIDENCE

Assignments:

- Review Epstein and Walker, pgs. 17-22
- Read Epstein and Walker, pgs. 463-498
- Submit case briefs: *Katz*, *Jones*, *Gates*, *Jardines*, *Redding*, *Terry*

In-Class Activities:

- SCOTUS simulation preparation and oral argument: The instructor reviews SCOTUS procedures (learned earlier in the semester), focusing on oral argument and conference. Students continue preparing for the SCOTUS simulation and listen to oral argument excerpts from *Safford Unified School District v. Redding*.

Handouts:

- Take-Home Exam #2 instructions

WEEK 9: ENFORCING THE 4TH AND 5TH AMENDMENTS

Assignments:

- Read Epstein and Walker, pgs. 22-32, 498-533
- Submit case briefs: *Mapp*, *Leon*, *Hudson*, *Escobedo*, *Miranda*, *Seibert*

In-Class Activities:

- SCOTUS simulation preparation: Students prepare to think like their assigned justice by learning various methods of constitutional interpretation.

Handouts:

- SCOTUS simulation assignment overview
- SCOTUS simulation oral argument and conference instructions
- SCOTUS simulation hypothetical cases

WEEK 10: RIGHT TO COUNSEL AND 8TH AMENDMENT

Assignments:

- Read Epstein and Walker, pgs. 32-43, 536-547, 568-593
- Submit case briefs: *Powell*, *Gideon*, *Gregg*, *Atkins*
- Submit Take-Home Exam #2

In-Class Activities:

- SCOTUS simulation preparation: Students prepare to think like their assigned justice by learning how justices decide cases and the factors influencing judicial behavior.
- Oral argument simulation: Students continue preparing for the SCOTUS simulation by simulating oral argument. The instructor plays the attorney and students are the justices in a light-hearted exercise in which all consider whether a fish is a pet. The instructor first argues that a fish is a pet before arguing that a fish is not a pet. Students learn to test the limits of an argument by questioning the instructor. They also learn to use oral argument strategically, using their questions to persuade and challenge their peers.

Handouts:

- SCOTUS simulation justice research paper instructions

WEEK 11: RACE DISCRIMINATION

Assignments:

- Read Epstein and Walker, pgs. 601-626, 637-640, 644-648
- Submit case briefs: *Plessy*, *Sweatt*, *Brown I*, *Brown II*, *Loving*
- Submit SCOTUS simulation justice research paper

In-Class Activities:

- In-class video: Students learn more about Mildred and Richard Loving, the petitioners in *Loving v. Virginia* by watching the movie *Loving*.

Handouts:

- SCOTUS simulation merits brief instructions (attorneys only)

WEEK 12: RACE DISCRIMINATION

Assignments:

- Read Epstein and Walker, pgs. 648-669
- Submit case briefs: *Bakke*, *Grutter*
- Submit SCOTUS simulation merits brief draft (attorneys only)

In-Class Activities:

- SCOTUS simulation preparation: Students continue learning about merits briefs and amicus briefs (learned earlier in the semester) by reading excerpts of the merits briefs and selected amicus briefs from *Fisher v. University of Texas*. This exercise introduces students to the structure and purpose of each type of brief and prepares them to write their amicus brief for the SCOTUS simulation.
- SCOTUS simulation preparation and how to write judicial opinions: Students continue to practice writing judicial opinions. This time, they make use of merits briefs and amicus briefs in addition to case law (something they will need to do in the simulation) when resolving *Fisher*.
- In-class discussion: Students discuss their decision and legal reasoning in *Fisher*.

Handouts:

- SCOTUS simulation amicus brief instructions

WEEK 13: GENDER DISCRIMINATION

Assignments:

- Read Epstein and Walker, pgs. 669-688
- Submit case briefs: *Reed*, *Craig*, *U.S. v. Virginia*
- Submit SCOTUS simulation amicus brief
- Submit SCOTUS simulation merits brief final draft (attorneys only)

In-Class Activities:

- Oral argument: Students continue preparing for the SCOTUS simulation and listen to oral argument excerpts from *U.S. v. Virginia*.

Handouts:

- SCOTUS simulation judicial opinion instructions (justices only)

WEEK 14: SCOTUS IN-CLASS ORAL ARGUMENT AND CONFERENCE SIMULATION

Assignments:

- Prepare for the SCOTUS in-class oral argument and conference simulation

In-Class Activities:

- Attend and participate in the SCOTUS in-class oral argument and conference simulation

Assignments (complete 3 days after the simulation):

- Submit SCOTUS simulation judicial opinion draft (justices only)

WEEK 15: SEXUAL ORIENTATION DISCRIMINATION

Assignments:

- Read Epstein and Walker, pgs. 688-694
- Submit case briefs: *Romer*

- Submit SCOTUS simulation judicial opinion final draft (justices only)

In-Class Activities:

- In-class discussion: Students discuss how they would rule and why in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, a case pitting free exercise, free speech, and equal protection against one another.

WEEK 16: IN-CLASS FINAL EXAM

Assignments:

- Prepare for the in-class final exam

In-Class Activities:

- Take the in-class final exam

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