



Law 225: Current Court Cases
Units: 2 (Credit/No Credit)
Spring 2022, TBD

Location: Musik Building – USC Gould School of Law - Room 3

Instructor: Sam Erman
Office: Law 438
Office Hours:
Contact Info: serman@law.usc.edu

Grader: Kira Patterson
Office Hours: TBA
Contact Info: kira.patterson.2023@lawmail.usc.edu

Assistant: John Lee
Contact Info: johnlee@law.usc.edu

Academic Calendar Spring 2022

Classes Begin	Mon	January 10
Martin Luther King’s Birthday	Mon	January 17
President’s Day	Mon	February 21
Spring Recess	Sun-Sun	March 13-20
Classes End	Fri	April 29
Study Days	Sat-Tue	April 30-May 3
Exams	Wed-Wed	May 4-11
Commencement	Fri	May 13

Full Course Description

This course will expose students to the process by which cases are litigated, including litigation at all levels of the federal system. The bulk of the course will address cases that are being decided in the current year, including cases at the Courts of Appeals and the Supreme Court. Students will review cases on a variety of issues, including separation of powers, criminal justice reform, police violence, big-tech, public corruption, and religious freedom. Students will read decisions and background information to understand the political climate in which the court is making these contemporary decisions. In addition to learning about the basic elements of a legal opinion (procedural history, issue, holding) and the role of concurrences and dissents, students will explore the actual legal issues discussed in each case. The focus will be on understanding the precise issue that the court is addressing and the scope of the court's ultimate decision. These cases will range across a number of areas to expose the student to the broad impact of litigation on American society.

Learning Objectives

1. Students will read a survey of current opinions on pending or recent controversies. Through this, students will become familiar with current trends and patterns in Supreme Court jurisprudence, how this affects lower federal courts and develop an understanding of why the Supreme Court chooses certain legal issues to resolve over others.
2. Students will gain an understanding of the extent to which courts influence public policy. They will be able to articulate ideas and arguments about this issue, and the degree to which the court *should* be involved in public policy in both writing and discussion.
3. Students will be able to engage meaningfully in discussion and debate about the role of courts in the United States, and in topics including immigration, criminal justice reform, public corruption, economic activity and religious discrimination.
4. Through exploring the background to current cases, students will be informed of political context and pressures under which the court issue decisions. Students will also gain insight into with current ideological controversies in the Supreme Court, likely directions in which the court's jurisprudence is moving, and how political pressures play a role (if at all) in the court's decisions.

Prerequisite(s): None

Co-Requisite(s): None

Concurrent Enrollment:

Recommended Preparation: None

Course Notes

This courses is graded as credit /no credit

Required Readings and Supplementary Materials

The bulk of the readings will be taken from current events/court cases, and will change from semester to semester. The materials will be distributed via Blackboard prior to each class.

A Note on the file names for the readings. Each file name begins with a number that indicates the week to which the reading corresponds. In some instances, the letters "GD" immediately follow the number. This indicates that the reading provides an opportunity to "go deeper." Such readings are recommended, but not required.

Overview of the Class

Students will be divided into stable discussion groups of 5-10 members. Each week, each group will be assigned a different lens through which to look at the litigation being studied that week. A typical class will focus on a particular instance of litigation with readings that provide an overview that litigation and a guest speaker involved in litigating the case(s).

By 8 AM the Monday before class, students will be expected to complete the week's readings and submit a discussion question with explanation. The discussion question with explanation should be submitted twice on Blackboard, once via TurnItIn to be graded and once via the appropriate discussion board to be shared with other group members. The question should be directed at the guest speaker and address the topic that the student's group is assigned that week. Each student should then bring to class either: (1) a device on which to read the questions with explanation that their fellow group members have posted to the group's Blackboard discussion board; or (2) a hard copy of the same.

Once during the term, each group will be asked to introduce the litigation for the week. This presentation must be at least 5 minutes long and no more than 10 minutes long. It should be based on additional research into the case and seek to build on and supplement the assigned readings. It should neither repeat the assigned readings nor be unrelated to them, and it should concern at least one of the lenses that I ask students to use when formulating their questions with explanations. It is recommended that groups create a brief media presentation (e.g., PowerPoint) to accompany their remarks.

A typical class will proceed as follows:

12-12:10: Introduction of the litigation (by group or instructor)

12:10-12:30: Groups review and discuss members' questions with explanations, choose (or develop) one to ask the guest speaker, and choose a backup one

12:30-12:50: Subset of groups summarize their discussions and answer questions

12:50-1:10: Guest speaker provides overview of case

1:10-1:40: Groups ask their questions (via their spokespeople) and guest speaker responds

The lenses through which students and groups will be asked to formulate questions are as follows:

1. Procedure: Procedure is the rules of the road for litigation. Rules of procedure determine how crimes are charged, when lawsuits may be brought, what evidence can or must be produced, how disputes will be decided, and what will happen along the way. Questions under this category should consider how the general rules for litigation matter in the case being studied.
2. Doctrinal Stakes: When trial court decisions get appealed to higher courts, the decisions that those higher courts render create binding legal doctrine. That court and those that it reviews are supposed to abide by the decision and reasoning of the appellate court. As a result, some litigation matters more because of the rule that the appeals court may lay down than because of how the actual case will be decided. Under this category, the focus should be on what sorts of doctrinal questions are at play in the case, what results are possible, and how such results might shape the doctrine going forward.
3. Economic and/or Policy Stakes: While we are accustomed to thinking of litigation in terms of two parties settling private differences, litigation can also have profound economic and policy stakes. Some lawsuits demand billions and billions of dollars. Others seek to invalidate major pieces of legislation. Much litigation has the potential to redistribute wealth in consequential ways, shape how policymakers go about their work, and alter the regulatory landscape that all of us inhabit. Questions under this category should think about the relationship of the lawsuit to money, the economy, legislation, administration, and the myriad other forces that structure social life.
4. Litigation Strategy: Litigating a case involves any number of decisions. Is it better to make one's case publicly to the media or hold back key information? Should one's client testify? Would a judge or a jury be more sympathetic? Better to settle or plea, or better to go to trial. Litigation also involves broad strategic questions. What is the overarching theory of the case? What are each side's goals? How might they be achieved? What are the most likely reasons that the other side will win? Under this category, the goal is to get into the litigating lawyer's head and think about the key concerns and pressure points in the case. Questions should build on such an understanding and aim to go deeper.
5. Disempowered Groups: Law is sometimes defined as the legitimate use of violence and coercion. Unsurprisingly, official violence and coercion has often been directed at the more vulnerable among us. Under this category, consider whether the litigation has stakes for any groups or communities or individuals that might be thought of as outsiders, underprivileged, discriminated against, stigmatized, disadvantaged, or the like. Frame questions that explore such potential stakes of the litigation.
6. Cultural Meaning and Media Representations: Litigation has long been a form of public spectacle. Newspapers, news programs, youtubers, twitter, and many other platforms devote tremendous space to legal proceedings and questions. Questions in this category will consider how the litigation being studied interacts

with media, cultural productions, and the broader culture. Among many possibilities, questions might involve the meaning that others have assigned to the litigation, media coverage of the proceedings, the ways in which those driving the litigation have sought to harness such processes.

7. Human stakes: Questions in this category will focus on who will be affected by the proceedings and outcomes in the particular case being studied. Here, the focus is not on how the case will establish a rule or create a precedent that will be useful to others. Rather, pay attention to individual people who will be affected. Frame questions that explore why people became involved in the case, how the case has altered them and their lives, and how it might do so going forward. Such people could include litigants, lawyers, witnesses, among many others.

Description and Assessment of Assignments

Assignments will include reading case-related materials, producing weekly questions with explanations, participating actively and meaningfully in class, participating in a group presentation of an instance of litigation, performing the spokesperson role for one's group, and attending one or more class-relevant campus events.

For all assignments that must be submitted, students will receive 0% for non-submission. If any submitted assignment is unacceptable, the grader will inform the student within one week of submission. If the student has heard nothing after one week, that means that the assignment was acceptable and counts toward passage of the course.

The expectations for each assignment that contribute to the final grade in the class are, respectively:

Discussion participation assessment

- Attendance is required.
- Each week, each student should speak within their discussion group and substantively contribute to its deliberations.

Weekly questions with explanations

- The aim of each question should be to reveal new insights concerning the assigned lens. To gain credit for a question with explanation, the question must be relevant to the litigation and the lens, the explanation must demonstrate that the student has thoughtfully applied the lens to the reading, and the question must be one calculated to advance the class's understanding of the relationship between the lens and the litigation.

Acting as spokesperson

- Each time that a student is the group's spokesperson, the student should be prepared to summarize the group's discussion for the entire class and to ask the group's questions to the guest speaker.

Group Presentation

- Complete additional research into the litigation for the week that builds on the assigned readings without duplicating them.
- Identify new information about the litigation that sheds new light on one or more of the interpretative lenses above
- Create a presentation script and accompanying multi-media presentation that conveys the key additional information to the class
- Ensure that the presentation takes no less than 5 minutes and no more than 10 minutes
- It is not expected that each group member will speak during the presentation. Indeed, it is anticipated that this generally will not be the case.

Class-Relevant Campus Event

- Each student must identify and attend a campus event of relevance to this class. Afterward the student, the student must write and submit via TurnItIn on blackboard a 500 word response to the event. The response should: (1) summarize the event (including date, time, place, and hosting organization of the event), (2) explain the relevance of the event to the class, and (3) give the student's critical response to the event. A critical response may include what the student learned, what the student thought the event got wrong, what the event illuminates about some aspect of the course, how the event resonated with a course-relevant event in the students' life, etc.

Grading Breakdown

Assessment Tool (assignments)	% of Grade
Questions with Explanations	60
Litigation Overview	10
Presentations as group spokesperson	10
Campus Event	5
Participation	15

Assignment Submission Policy

All assignments should be submitted via TurnItIn on Blackboard. Questions with explanations are due by 8AM Monday each week prior to class. Papers responding to class-relevant campus events are due within one week of the event.

Attendance Policy

Regular attendance at class is a mandatory requirement. Students will be removed from the class for excessive, unexcused, absences.

Course Schedule: A Weekly Breakdown

	Topics/Daily Activities	Readings/Preparation
1: Jan. 12	Introduction to the course; goals and objectives	Course Syllabus
2: Jan. 19	Introduction to the Federal Court System in the U.S.	None
3: Jan. 26	Rob Johnson: Predictive policing	
4: Feb. 2	TBD	
5: Feb. 9	Steve Horowitz: Death Penalty	
6: Feb. 16	Clare Pastore	
7: Feb. 23	Jeff Kessler: NCAA and Antitrust	
8: Mar. 2	TBD	
9: Mar. 9	TBD	
10: Mar. 23	TBD	
11: Mar. 30	TBD	
12: Apr. 6	TBD	
13: Apr. 13	TBD	
14: Apr. 20	TBD	

Statement on Academic Conduct and Support Systems

Academic Conduct:

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in SCampus in Part B, Section 11, “Behavior Violating University Standards”

policy.usc.edu/scampus-part-b. Other forms of academic dishonesty are equally unacceptable. See additional information in SCampus and university policies on scientific misconduct, policy.usc.edu/scientific-misconduct.

Support Systems:

Counseling and Mental Health - (213) 740-9355 – 24/7 on call

studenthealth.usc.edu/counseling

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call

suicidepreventionlifeline.org

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

Relationship and Sexual Violence Prevention Services (RSVP) - (213) 740-9355(WELL), press “0” after hours – 24/7 on call

studenthealth.usc.edu/sexual-assault

Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

Office of Equity and Diversity (OED) - (213) 740-5086 | Title IX – (213) 821-8298

equity.usc.edu, titleix.usc.edu

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

Reporting Incidents of Bias or Harassment - (213) 740-5086 or (213) 821-8298

usc-advocate.symplicity.com/care_report

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office of Equity and Diversity | Title IX for appropriate investigation, supportive measures, and response.

The Office of Disability Services and Programs - (213) 740-0776

dsp.usc.edu

Support and accommodations for students with disabilities. Services include assistance in providing readers/notetakers/interpreters, special accommodations for test taking needs, assistance with architectural barriers, assistive technology, and support for individual needs.

USC Campus Support and Intervention - (213) 821-4710

campussupport.usc.edu

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

Diversity at USC - (213) 740-2101

diversity.usc.edu

Information on events, programs and training, the Provost’s Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

dps.usc.edu, emergency.usc.edu

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call
dps.usc.edu

Non-emergency assistance or information.