

USC Gould

School of Law

Office of Undergraduate Law

LAW 225: Current Court Cases

Fall 2022 Syllabus

Gould School of Law
Musick Building, Room 103
2 Units (credit / no credit)
Tuesdays, 12–1:50 p.m.

Prof. Todd Grabarsky

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Office Hours: Thursdays, 4-5 p.m. (by phone only; must make advance appointment)

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Office Hours: Fridays, 9:00-10:30 a.m. or by appointment

Course Description

This course will expose students to recent decisions of the U.S. Supreme Court and the process by which those cases are litigated. Students will be exposed to the broad impact of litigation on American society, including cases involving voting rights, religious liberties, abortion and reproductive rights, firearms, and criminal justice. Students will read a selection of the Supreme Court's opinions to understand the issues at hand and how those issues are resolved, as well as the greater impact of the Court's decisions. In addition to learning about the basic elements and structure of a legal opinion and the role of concurrences and dissents, students will discuss the political and cultural climate in which the Court is making these contemporary decisions. Students will also gain a practical, behind-the-scenes insight into

Supreme Court litigation by engaging in discussions with attorneys working on these matters who appear as guest speakers.

Learning Objectives

1. Students will gain a working familiarity with the contemporary goings-on of the U.S. Supreme Court.
2. Students will read a survey of major Supreme Court opinions on recent cases. Students will gain an understanding of the structure and rhetoric of Court opinions, how the Court's opinions affect legal issues, how cases are litigated before the Court, and the roles of concurrences and dissenting opinions.
3. Students will engage meaningfully in discussion and debate about the role of courts in the United States, and in topics such as voting rights, firearms, abortion and reproductive rights, religious liberties, and criminal justice.
4. Students will gain insight into current trends and patterns in Supreme Court jurisprudence, and what role (if any) politics and cultural events play in the Court's decisions.

General Expectations

Students are expected to read the assigned readings prior to each class and to complete any assignments by the prescribed due date and time. Assigned readings for each week will be posted on Blackboard. The bulk of the readings will be recent opinions from the U.S. Supreme Court that are abridged to fit the purposes of this course. Some weeks' assignments may include news articles or commentaries about cases.

Regular and punctual attendance at class is a mandatory requirement. Students will be removed from the course for excessive, unexcused absences. In addition, active participation in class discussions, assignments, and activities is expected. If students are experiencing any difficulties in the course or have concerns about the assignments or expectations, they are encouraged to speak with the professor or teaching assistant for help.

Much of the subject matter of this course is often sensitive or controversial and, in fact, concerns some of the most hotly debated political, cultural, and legal issues of the present moment. Students are required to treat one another with the utmost respect and sensitivity, and also to respect classmates' right to privacy. Our goal is to conduct class discussions in an environment that is welcoming, inclusive, respectful, and equitable.

Weekly Schedule

Readings must be completed prior to class each week. Readings for each week will be posted on Blackboard under the “Readings & Content” tab.

Week 1: August 23

Topic: Course introduction, goals and objectives

Week 2: August 30

Topic: Introduction to the U.S. Supreme Court and Federal Judiciary

Reading: *Outline of the U.S. Legal System*, pp. 4-43

Week 3: September 6

Topic: Gun Rights

Case: *New York State Rifle & Pistol Association v. Bruen* (2022)

Week 4: September 13

Topic: Criminal Searches and Seizures

Case: *Torres v. Madrid* (2021)

Week 5: September 20

Topic: Racial Gerrymandering

Case: *Merrill v. Milligan* (2022)

Week 6: September 27

Topic: LGBTQ+ Rights

Case: *Bostock v. Clayton County, Georgia* (2020)

Week 7: October 4

Topic: COVID-19 and Religious Exercise

Cases: *South Bay United Pentecostal Church v. Newsom #1* (2020)

Calvary Chapel Dayton Valley v. Sisolak (2020)

Roman Catholic Diocese of Brooklyn v. Cuomo (2020)

South Bay United Pentecostal Church v. Newsom #2 (2021)

Week 8: October 11

Topic: Religion and School Funding

Case: *Carson v. Makin* (2022)

Week 9: October 18

Topic: Religious Rights and Discrimination

Case: *Fulton v. City of Philadelphia* (2021)

Week 10: October 25

Topic: Political Gerrymandering

Case: *Rucho v. Common Cause* (2019)

Week 11: November 1

Topic: Immigration

Case: *Garland v. Gonzalez* (2022)

Week 12: November 8

Topic: Death Penalty

Case: *United States v. Higgs* (2021)

Week 13: November 15

Topic: Voting Rights

Case: *Brnovich v. Democratic National Committee* (2021)

Week 14: November 22

Topic: Abortion and Reproductive Rights

Case: *Dobbs v. Jackson Women's Health Organization* (2022) – part 1

Week 15: November 29

Topic: The Supreme Court's Authority and Legitimacy

Case: *Dobbs v. Jackson Women's Health Organization* (2022) – part 2

Course Assignments

1. **Reading Responses.** Each week—beginning with the assigned reading for Week 3 and continuing for the remainder of the semester—students must submit short written responses to that week’s assigned reading. Reading responses must reflect on and engage with the Court’s majority opinion and/or concurrences or dissents, or, if assigned, the article or commentary about the relevant Court decision. To give some examples: the reading responses might take the form of a critique of the majority opinion or dissent, a close read of one particular portion of the Court’s reasoning, a reflection on the greater political or cultural context relevant to the case, or a personal writing about feelings evoked by the decision. Reading responses are to be submitted on Blackboard, under the “Assignments” tab.

The mandatory requirements for the reading responses include the following:

- (1) **Due no later than the Monday immediately preceding class at 10 a.m.**
- (2) Must be at least 250 words
- (3) Must include at least one quoted sentence from the majority opinion, concurrence, or dissent
- (4) Although students must read the Court opinions and other assigned readings for each and every class, they are permitted to skip no more than three (3) reading responses; however, students may not skip reading responses on two consecutive weeks
- (5) Students must submit their reading response assignments in PDF format

A note on this assignment: While Supreme Court opinions are issued to resolve legal disputes among the parties to the cases at hand and set forth binding common law, they serve a no less important function of explaining the Court’s rulings to the public at large, including undergraduate students. In that regard, the reading response assignments for this course are meant to allow students to utilize their own critical thinking, analytical skills, emotional resonance, and/or creativity to engage with and respond to the Court’s opinions (and/or concurrences and dissents). Students need not consult outside materials to effectively complete reading response assignments.

2. **Group Case Presentation.** Each week, an assigned group of students will be required to present that week’s case to the rest of the class. Presentations should be approximately 8-10 minutes long, and should summarize the case including the factual background,

procedural history, legal issue, and the Court's holding and reasoning. Presentations should *not* address any concurrences or dissenting opinions (though all students must still read the concurrences and dissents in preparation for class). Presenters also may wish to discuss relevant cultural and political context; the practical, on-the-ground impact they believe the Court's decision will likely have; and/or their own emotional or "gut" reaction to the opinion. Presenters are also encouraged, though not required, to use visual aids to assist their presentation. (If students are using visual aids such as a PowerPoint, it should be emailed to the TA and professor at least one hour before class to prepare to display during class.)

Groups will be assigned randomly at the beginning of the semester, and the presentations will be on the following cases:

- *New York State Rifle & Pistol Association v. Bruen* (Week 3)
- *Torres v. Madrid* (Week 4)
- *Merrill v. Milligan* (Week 5)
- *Bostock v. Clayton County, Georgia* (Week 6)
- *South Bay United Pentecostal Church v. Newsom* #1 & #2; *Calvary Chapel Dayton Valley v. Sisolak*; and *Roman Catholic Diocese of Brooklyn v. Cuomo* (Week 7)
- *Carson v. Makin* (Week 8)
- *Rucho v. Common Cause* (Week 10)
- *Brnovich v. Democratic National Committee* (Week 13)
- *Dobbs v. Jackson Women's Health Organization*, part 1 (Week 14)
- *Dobbs v. Jackson Women's Health Organization*, part 2 (Week 15)

3. **Questions for Guest Speakers.** Weeks 3 through 14 will feature guest speakers. In advance of each of those weeks' class, students must submit at least three (3) questions for the speaker. The questions must engage with that week's Court opinion and/or concern the guest speaker's role in the litigation or similar litigation. Questions for guest speakers are to be submitted on Blackboard, under the "Assignments" tab, and are due **no later than 9 a.m. on the day of the class.**
4. **Class Participation.** Regular and punctual class attendance is mandatory. In addition, students are expected to actively participate in substantive class discussions concerning the cases and class materials.

Grading

This course is 2 units, graded as credit / no credit. Among other reasons, a student may receive “no credit” as their final grade in the course if they “fail” any of the aforementioned course assignments. The course assignments will determine whether credit is to be given based on the following percentage breakdown:

| Assignment | Percent of Grade |
|------------------------------|-------------------------|
| Reading responses | 60% |
| Group case presentation | 15% |
| Questions for guest speakers | 10% |
| Class participation | 15% |

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.symplcity.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.