

GEORGE MASON UNIVERSITY SCHOOL OF LAW
SUPREME COURT CLINIC
Law 185

Fall Semester 2023

Adjunct Professors McCarthy, Strawbridge, & Bates

COURSE INFORMATION

Class Meetings: Class will be held through a variety of formats, including professor lectures, guest speakers, smaller group meetings, and trips to the Supreme Court. Below is a tentative schedule with reading assignments, but additional classes, assignments, and events will be added throughout the year.

Course Book: There is no assigned textbook. We will assign chapters and sections of Stern & Gressman: Supreme Court Practice (9th ed.) (available on Bloomberg; to be provided in PDF), the definitive guide on practicing before the Supreme Court. We also will have other reading assignments, such as articles and briefs we use as exemplars of the clinic's product.

Class Structure We will assign readings that we expect you to discuss in class. Most of our readings will cover the logistics, procedure, and strategy of practicing before the Supreme Court. Generally speaking, the first half of class will be dedicated to discussing the clinic's projects, and the second half of class will be devoted to discussing the assigned readings.

Requirements Students will have several opportunities for performance. Each student is expected to work on at least two briefs over the course of the year, preferably one each semester. Under the supervision of the professors, students will research, draft, receive feedback, edit, and prepare briefs for filing. After each filing, the students and professors will debrief about the final work product, during which time the professors will offer feedback and the students will self-evaluate their research and writing. We usually assign three students to each brief. When we find a new matter, we will circulate an email to the class requesting volunteers for that matter. If no one volunteers, we will assign the brief according to relative contributions to date.

We also have two weekly tasks for you to complete. The first is an update of cases where the Supreme Court has called for a response to a petition for writ of certiorari. The second is a circuit report where each student monitors a circuit's new opinions, on a weekly basis, for potential cases

upon which the clinic could contribute. Students are responsible for preparing short memos about relevant cases and should be prepared to discuss them with the professors and other students in class. The professors may follow up with additional short research questions.

Learning Outcomes By the end of the course, students should have acquired an understanding of the nuts and bolts of Supreme Court practice and the ability to draft an effective brief.

SYLLABUS/CALENDAR OF EVENTS

(Additional Classes, Assignments, and Events Will Be Added Later)

Date	Event (Topic)	Reading Assignment
<p>Aug. 23 8:10 pm</p>	<p>Course Procedures, Protocols, and Expectations</p> <p>Weekly Assignment Signup</p> <p>Introduction to the Supreme Court</p>	<p>Stern and Gressman (S&G): Sections 1.1, 1.2, 1.2(A)-(B), 1.2(F), 1.3, 1.4, 1.6, 1.17(B), 1.19, 1.20(A), 1.20(B), 1.20(C).</p> <p>Thompson & Wachtell, <i>An Empirical Analysis of Supreme Court Certiorari Petition Procedures</i>, 16 Geo. Mason L. Rev 237, 239-52 (2009) (Intro and Sections I.A – I.C; ignore Intro’s discussion of CVSGs)</p> <p>Memo on weekly assignments (calls for a response to petitions and circuit reports).</p>
<p>Sept. 6 8:10 pm</p>	<p>How to Write a Supreme Court Brief</p>	<p>Ross Guberman, “Not the Time for an Opus”</p> <p>Ross Guberman, “Why Johnny, Esq. Can’t Write: Ten Causes and Ten Solutions”</p> <p>Ross Guberman, “Five Ways to Write Like John Roberts”</p> <p>The clinic’s merits briefs in <i>Boyer v. Louisiana</i>, No. 11-9953, and <i>Birchfield v. North Dakota</i>, No.</p>

		14-1468
Sept. 20 8:10 pm	Supreme Court's Certiorari Jurisdiction	S&G: Sections 2.I.1, 2.II.2, 2.II.3, 3.I.1, 3.I.1.(B), 3.I.1.(C), 3.I.1.(D), 3.I.1.(D(1)), 3.I.2, 3.I.3, 3.IV.16, 3.V.22
Oct. 4 8:10 pm	The Supreme Court's Criteria for Granting Certiorari	Supreme Court Rule 10 S&G: Sections 4.I.1-3, 4.I.4, 4.I.4(B), 4.I.4(C), 4.I.4(E), 4.I.4(F), 4.I.4(G), 4.I.5, 4.I.9, 4.I.11, 4.I.12-13, 4.I.16, 4.I.17, 4.I.25
Oct. 18 8:10 pm	Strategy for Getting the Supreme Court to Grant a Petition for Writ of Certiorari	S&G: Sections 1.16(C), 5.I.2-4, 5.I.7-10
Nov. 1 8:10 pm	The Solicitor General's Role (Guest Speaker)	Thompson & Wachtell, <i>An Empirical Analysis of Supreme Court Certiorari Petition Procedures</i> , 16 Geo. Mason L. Rev 237, 270-82, 287-90, 295-96 (2009) (CVSG practice)
Nov. 15 8:10 pm	Amicus Briefs	S&G: 6.XIX.40, 13.14 Paul M. Collins Jr., <i>Friends of the Court: Examining the Influence of Amicus Curiae Participation in U.S. Supreme Court Litigation</i> , 38 Law & Soc'y Rev. 807 (2004)