

Supreme Court Simulation (Fall 2024) - Syllabus

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Fall 2024

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Classroom: TBD

Office: 623

Syllabus: <https://bit.ly/SCOTUSSeminar2024>

Overview:

Welcome to the Supreme Court Simulation. This course will allow students to argue pending Supreme Court cases, and ask questions as if they were the Supreme Court justices. Students will also be able to receive feedback from Supreme Court advocates. This course will be capped at eleven students: nine justices and two advocates for each case. This course will give students a unique perspective of cutting-edge issues at the Supreme Court.

Structure:

This semester, we will focus on four pending Supreme Court cases. And for each case, we will devote three classes: (1) a case preview, (2) the moot oral argument, (3) and the review after the case is argued at the Supreme Court with an advocate from the case.

Attendance:

Attendance is mandatory for the oral arguments and the day on which you are “on call.” If you *must*, due to a true emergency, miss a class for which you have an assigned role, you *must* notify the professor and you must arrange for a colleague to play that role in your stead.

Evaluation:

During the semester, each student will argue one case, and serve as a Justice in three cases. Moreover, there will be short written assignments before and after each case is argued. All assignments should be prepared with Times New Roman, 12-point font, single-spaced, with one-inch margins.

Students will be graded with the following rubric based on their participation in the case previews, moot courts, and case reviews.
(The case numbers will vary by student.)

Case Preview: 30%

- “On Call” for Case: 15% - **Write two-minute opening statement (approximately 250 words)**
- 5 Questions and proposed answers, with explanation of *why* you asked that question
 - Case A: 5%
 - Case B: 5%
 - Case C: 5%

Moot Oral Argument: 50%

- Advocate for Case: 35%
- Serve as Justice
 - Case A: 5%
 - Case B: 5%
 - Case C: 5%

Oral Argument Guide:

<https://docs.google.com/document/d/1jSZKM8ci4HdhIhV2eO0h3PfB4YCjMaNH8BFV9iW-R5U/edit>

Case Review: 20%

- One-page reaction paper after the actual oral argument
 - Case #1: 5%
 - Case #2: 5%
 - Case #3: 5%
 - Case #4: 5%

Samples of Submissions from Fall 2022:

Questions and Proposed Answers:

<https://drive.google.com/drive/folders/1JlCgJOY16dxOgEHWOEZ0nL14k7E922Tg?usp=sharing>

Videos of Moots:

https://drive.google.com/drive/folders/1s-WEm1OLO3ufbCM Cp3-E01GGjv51sZ7x?usp=drive_link

Photos of Moot: <https://photos.app.goo.gl/a9fQJTfwmxfvNhvZ8>

Case Reviews:

<https://drive.google.com/drive/folders/19MEYQcRh3gS3PDHZAfrnG6mpFg0nncl?usp=sharing>

Guide for Oral Argument:

<https://docs.google.com/document/d/1NPr6RxXot-V-RPfMp8mPNf5vES2UFJmT3q8RdaL03MQ/edit>

Samples of Submissions from Fall 2023:

Fall 2023 Syllabus:

<https://docs.google.com/document/d/1uUB1nyfZTGksN4if0nK4SM-0P2-w7dpPBGy0emJ-Lvw/edit#heading=h.hgafskz15ga4m>

Questions and Proposed Answers:

<https://drive.google.com/drive/folders/1-UqaNd6gHtBJ-NIPFLLykazP5h02VEcc?usp=sharing>

Videos of Moots:

<https://drive.google.com/drive/folders/1TqadLnGWqWQEGq0fKTdlg3K7D363m5qp?usp=sharing>

Case Reviews:

https://drive.google.com/drive/folders/1-f51vGV_OQxww0FcFiB0NeeUb7__fsKT?usp=sharing

Guide for Oral Argument:

<https://docs.google.com/document/d/1NPr6RxXot-V-RPfMp8mPNf5vES2UFJmT3q8RdaL03MQ/edit?usp=sharing>

Office Hours

I will hold office hours on Mondays before and after class, and at other times by appointment.

Cases

Case #1

[Garland v. VanDerStock](#)

- Preview: 8/26/24
- Moot Oral Argument: 9/23/24
- Actual Oral Argument: 10/8/24
- Review: 11/4/24

Questions Presented

(1) Whether “a weapon parts kit that is designed to or may readily be completed, assembled, restored, or otherwise converted to expel a projectile by the action of an explosive” under 27 C.F.R. § 478.11 is a “firearm” regulated by the Gun Control Act of 1968;

(2) whether “a partially complete, disassembled, or nonfunctional frame or receiver” that is “designed to or may readily be completed, assembled, restored, or otherwise converted to function as a frame or receiver” under 27 C.F.R. § 478.12(c) is a “frame or receiver” regulated by the act.

Submitted Questions:

https://drive.google.com/drive/folders/1Af2XILfRFjhVI1ybEY76Rxxaz1sRyJeX?usp=drive_link

Case #2

Glossip v. Oklahoma

- Preview: 9/9/24
- Moot Oral Argument: 9/30/24
- Actual Oral Argument: 10/9/24
- Review: 11/25/24

Questions Presented

- (1) Whether the state's suppression of the key prosecution witness' admission that he was under the care of a psychiatrist and failure to correct that witness' false testimony about that care and related diagnosis violate the due process of law under Brady v. Maryland and Napue v. Illinois;
- (2) whether the entirety of the suppressed evidence must be considered when assessing the materiality of Brady and Napue claims;
- (3) whether due process of law requires reversal where a capital conviction is so infected with errors that the state no longer seeks to defend it;
- (4) whether the Oklahoma Court of Criminal Appeals' holding that the Oklahoma Post-Conviction Procedure Act precluded post-conviction relief is an adequate and independent state-law ground for the judgment.

Submitted Questions:

https://drive.google.com/drive/folders/1Qhm1znUxHT0By2QCLxCVb4wahMbZnDXZ?usp=drive_link

Case #3

Medical Marijuana v. Horn

- Preview: 9/16/24
- Moot Oral Argument: 10/7/24
- Actual Oral Argument: 10/15/24
- Review: 10/28/24

Question Presented

Whether economic harms resulting from personal injuries are injuries to "business or property by reason of" the defendant's acts for purposes of a civil treble-damages action under the Racketeer Influenced and Corrupt Organizations Act.

Submitted Questions:

<https://drive.google.com/drive/folders/1hUIhH9NTXTbQ1aysua3ZVWF5Z6epyKJq?usp=sharing>

Case #4

[NVIDIA Corp. v. E. Ohman J:or Fonder AB](#)

- Preview: 10/14/24
- Moot Oral Argument: 11/11/24
- Actual Oral Argument: 11/13/24
- Review: 11/18/24

Questions Presented

(1) Whether plaintiffs seeking to allege scienter under the Private Securities Litigation Reform Act based on allegations about internal company documents must plead with particularity the contents of those documents; and (2) whether plaintiffs can satisfy the Act's falsity requirement by relying on an expert opinion to substitute for particularized allegations of fact.

Submitted Questions:

https://drive.google.com/drive/folders/1FPtG0cY_2q8FcFKChF3S-CC-2WixrrWG?usp=drive_link

Schedule

The course calendar is available [here](#).

Week 1 – 8/19/24

Introduction to Supreme Court Advocacy

Guest Speaker

[Aaron Streett](#)

Baker Botts

Practice Group Chair - Supreme Court and Constitutional Law

Mr. Streett argued and won a unanimous victory in *Groff v. DeJoy* (2023)

- [Guide for Supreme Court Advocates](#) (Updated October Term 2023):
 - Read Parts I and II, skim the rest
- Listen to Oral Argument: <https://www.oyez.org/cases/2022/22-174>
- Read *Groff v. DeJoy*:
https://www.supremecourt.gov/opinions/22pdf/22-174_k536.pdf

No Submissions

Week 2 – 8/26/24

Preview Case #1: Garland v. VanDerStock

Special Guest (over Zoom): [Pete Patterson](#), Counsel for VanDerStock

Materials:

- Fifth Circuit Oral Argument ([YouTube Part I](#), [YouTube Part II](#), [Audio Part I](#), [Audio Part II](#), [Transcript Part I](#), [Transcript Part II](#))
- [Fifth Circuit Opinion](#)
- Docket: <https://www.supremecourt.gov/docket/docketfiles/html/public/23-852.html>
- [Petitioners Brief](#)
- Respondents Brief - [VanDerStock](#)
- Respondents Brief - [Defense Distributed](#) (Blackman is co-counsel on this brief)
- Petitioner Reply Brief - TBD
- Amicus Brief in Support of Petitioners - [American Medical Association](#)
- Amicus Brief in Support of Respondents - [NRA](#)

On Call:

- Petitioner: Student 1
- Respondent: Student 2
- Amicus (American Medical Association): Student 11

Justices:

- Roberts: Student 3
- Thomas: Student 4
- Alito: Student 5
- Sotomayor: Student 6
- Kagan: Student 7
- Gorsuch: Student 8
- Kavanaugh: Student 9
- Barrett: Student 10
- Jackson: Guest Judge

Submission:

- 8/25/24 at 5:00 p.m.
 - Students 3-10: Submit five prepared questions and sample answers in Case #1 based on Justice Assignments

Week 3 - Labor Day - 9/2/24

No Class

Week 4 – 9/9/24

Preview Case #2: Glossip v. Oklahoma

Materials:

- [Opinion of the Oklahoma Court of Criminal Appeals](#)
- Docket:
<https://www.supremecourt.gov/docket/docketfiles/html/public/22-7466.html>
- [Brief of Petitioner Richard Glossip](#)
- [Brief of Respondent in support of Petitioner](#)
- [Brief of Court-appointed amicus in support of judgment below](#)
- [Brief of Victim Family Members Derek van Treese](#)
- [Reply of Petitioner Richard Glossip](#)
- [Reply of Respondent Oklahoma](#)

On Call:

- Petitioner (Glossip): Student 7
- Respondent (Oklahoma): Student 8
- Court-Appointed Amicus: Student 9
- Amicus - Victim Family Members: Student 10

Justices:

- Roberts: Student 11
- Thomas: Student 4
- Alito: Guest Judge 1
- Sotomayor: Student 5
- Kagan: Guest Judge 2
- Gorsuch: Student 3
- Kavanaugh: Student 2
- Barrett: Student 1
- Jackson: Student 6

Submission:

- 9/8/24 at 5:00 p.m.
 - Students 7, 8, 9, 10: Submit two-minute opening statement

- Students 1, 2, 3, 4, 5, 6, 11: Submit five total prepared questions and sample answers in Case #2 based on Justice Assignments

Week 5 – 9/16/24

Preview Case #3: Medical Marijuana v. Horn

Special Guest (over Zoom): [Jonathan Urick](#), Associate Chief Counsel for U.S. Chamber of Commerce

Materials:

- [Second Circuit Opinion](#)
- Docket: <https://www.supremecourt.gov/docket/docketfiles/html/public/23-365.html>
- [Brief of Petitioners](#)
- [Amicus Brief of Chamber of Commerce in support of Petitioner](#)
- [Respondent Brief](#)
- [Amicus Brief - Human Trafficking Legal Center](#)
- Reply Brief - TBD

On Call:

- Petitioner: Student 5
- Respondent: Student 6

Justices:

- Roberts: Student 2
- Thomas: Student 8
- Alito: Student 9
- Sotomayor: Student 7
- Kagan: Student 1
- Gorsuch: Student 10
- Kavanaugh: Student 11
- Barrett: Student 3
- Jackson: Student 4

Submission:

- 9/15/24 at 5:00 p.m.
 - Students 5 and 6: Submit two-minute opening statement.
 - Students 1, 2, 3, 4, 7, 8, 9, 10, 11: Submit five prepared questions and sample answers in Case #3 based on Justice Assignments.

Week 6 – 9/23/24

Moot Case #1: Garland v. VanDerStock

Advocates:

- Petitioner: Student 1
- Respondent: Student 2
- Amicus (American Medical Association): Student 11

Justices:

- Roberts: Student 3
- Thomas: Student 4
- Alito: Student 5
- Sotomayor: Student 6
- Kagan: Student 7
- Gorsuch: Student 8
- Kavanaugh: Student 9
- Barrett: Student 10
- Jackson: Guest Judge

No Submissions

Week 7 – 9/30/24

Moot Case #2: Glossip v. Oklahoma

Advocates:

- Petitioner (Glossip): Student 7
- Respondent (Oklahoma): Student 8
- Court-Appointed Amicus: Student 9
- Amicus - Victim Family Members: Student 10

Justices:

- Roberts: Student 11
- Thomas: Student 4
- Alito: Guest Judge 1
- Sotomayor: Student 5
- Kagan: Guest Judge 2
- Gorsuch: Student 3
- Kavanaugh: Student 2
- Barrett: Student 1

- Jackson: Student 6

No Submissions

Week 8 – 10/7/24

Moot Case #3: Medical Marijuana v. Horn

Advocates:

- Petitioner: Student 5
- Respondent: Student 6

Justices:

- Roberts: Student 2
- Thomas: Student 8
- Alito: Student 9
- Sotomayor: Student 7
- Kagan: Student 1
- Gorsuch: Student 10
- Kavanaugh: Student 11
- Barrett: Student 3
- Jackson: Student 4

Submission:

- 10/11/24 at 5:00 p.m. Reaction paper to Case #1: Garland v. VanDerStock

Week 9 – 10/14/24

Preview: NVIDIA v. Ohman

Special Guest Speaker: Professor Brian Fitzpatrick (Vanderbilt)

Materials:

- [Ninth Circuit Opinion](#)
- Docket: <https://www.supremecourt.gov/docket/docketfiles/html/public/23-970.html>
- [Brief of Petitioners](#)
- [Brief of Respondents](#)
- [Amicus Brief of Professor Brian T. Fitzpatrick](#)
- Reply Brief

On Call:

- Petitioner: Student 3
- Respondent: Student 4

Justices:

- Roberts: Student 1
- Thomas: Student 2
- Alito: Student 11
- Sotomayor: Student 5
- Kagan: Student 6
- Gorsuch: Student 7
- Kavanaugh: Student 8
- Barrett: Student 9
- Jackson: Student 10

Submission:

- 10/13/24 at 5:00 p.m.
 - Students 3 and 4: Submit two-minute opening statement
 - Students 1, 2, 5, 6, 7, 8, 9, 10, 11: Submit five prepared questions and sample answers in Case #2 based on Justice Assignments

Week 10 – 10/21/24

Review: Medical Marijuana v. Horn - Part I

Special Guest (Zoom): Easha Annand, Counsel for Horn

Submission:

- 10/25/24 at 5:00 p.m.
 - Reaction paper to Case #3: Medical Marijuana v. Horn

Week 11 – 10/28/24

Review: Garland v. VanDerStock - Part I

Special Guest (In Person): Chad Flores, Counsel for Defense Distributed

Review: Medical Marijuana v. Horn - Part II

Special Guest (Zoom): Lisa Blatt, Counsel for Medical Marijuana (3-4)

Submission:

- 11/1/24 at 5:00 p.m.
 - Reaction paper to Case #2: Glossip v. Oklahoma

Week 12 – 11/4/23

Review: Garland v. VanDerStock

Special Guest (Zoom): Pete Patterson, Counsel for Van Der Stock

No Submissions

Week 13 – 11/11/24

Moot Case #4: NVIDIA v. Ohman

On Call:

- Petitioner: Student 3
- Respondent: Student 4

Justices:

- Roberts: Student 1
- Thomas: Student 2
- Alito: Student 11
- Sotomayor: Student 5
- Kagan: Student 6
- Gorsuch: Student 7
- Kavanaugh: Student 8
- Barrett: Student 9
- Jackson: Student 10

Submission:

- 11/15/24 at 5:00 p.m.
 - Reaction paper to Case #4: NVIDIA v. Ohman

Week 14 – 11/18/24

Review: NVIDIA v. Ohman

Special Guest (Zoom): Deepak Gupta, Counsel for Ohman (2-3)

Special Guest (Zoom): Nina Totenberg, National Public Radio (3-4)

Class 15 – 11/25/24

Review: Gossip v. Oklahoma

Special Guest (Zoom): Paul Clement, Counsel for Oklahoma; Chris Michel, Counsel for Court-Appointed Amicus

Learning Outcomes.

By the end of the course, students will be able to:

1. Present appellate arguments in similar fashion as Supreme Court advocates.
2. Ask questions in the personas of Supreme Court justices
3. Predict outcomes of Supreme Court cases based on briefing and questions asked during oral argument.
4. Interact with Supreme Court advocates.

Accommodations for Disabilities

The Americans with Disabilities Act Amendment Act (ADA) is federal anti-discrimination legislation providing comprehensive civil rights protection for persons with disabilities. South Texas College of Law Houston is committed to providing a learning environment meeting the needs of all students. It provides reasonable accommodations to otherwise qualified students who are classified as disabled under the ADA including students who have physical, learning, psychological, or other disabilities. If you believe you have a disability requiring an accommodation, please contact the Office of Student Support (Disability & Accessibility Services) at studentsupport@stcl.edu to discuss how your need for support services may be met. All discussions will remain confidential. Accommodations cannot be provided retroactively. Students may use this link here to access information:

https://cm.maxient.com/reportingform.php?STCLHouston&layout_id=12

This information can also be found in the Office of Student Support, located in Room 255, on the Office of Student Support (Disability & Accessibility Services) webpage, and in the Student Handbook.

STCLH's Title IX Policy

STCLH prohibits sex discrimination against any applicant or participant in its education programs or activities. Incidents of Sexual Misconduct should be reported to the Title IX Coordinator at TitleIXCoordinator@STCL.edu or by phone at 713-646-1709. Your reports may also be submitted 24 hours/day through Maxient (conduct management system) at https://cm.maxient.com/reportingform.php?STCLHouston&layout_id=40

Assistant Dean and Title IX Coordinator Donna Davis (713-646-1709) is the administrator designated as the primary Title IX contact for the law school. You may contact her with any questions or to report information.