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AUG 13 2014

OFFICE OF THE
SENATE COUNCIL**1. General Information**

1a. Submitted by the College of: LAW

Date Submitted: 8/13/2014

1b. Department/Division: Law

1c. Contact Person

Name: Douglas Michael

Email: michaeld@uky.edu

Phone: 71485

Responsible Faculty ID (if different from Contact)

Name:

Email:

Phone:

1d. Requested Effective Date: Semester following approval

1e. Should this course be a UK Core Course? No

2. Designation and Description of Proposed Course

2a. Will this course also be offered through Distance Learning?: No

2b. Prefix and Number: LAW 840

2c. Full Title: Supreme Court Decision Making

2d. Transcript Title:

2e. Cross-listing:

2f. Meeting Patterns

LECTURE: 2-3

2g. Grading System: Letter (A, B, C, etc.)

2h. Number of credit hours: 2-3

2i. Is this course repeatable for additional credit? No

If Yes: Maximum number of credit hours:

If Yes: Will this course allow multiple registrations during the same semester?

2j. Course Description for Bulletin: This course will focus on the mechanics of judicial decision making and opinion writing. Each week, students will read the lower court opinion and merits and selected amicus briefs of selected cases currently pending before the U.S. Supreme Court. The class will focus on these cases and deliberate the merits of each side's arguments, much like the Supreme Court does during its conferences. We will also explore theories of judicial decision making, interpretation and policy. At the end of each class, we will "vote" as to how we think the decision should come out. Students will be expected to write majority and dissenting opinions in one of the cases we discuss, which must include substantial original thought and research. The grade will be based primarily on these judicial opinions.

2k. Prerequisites, if any: LAW 822 - Constitutional Law II

2l. Supplementary Teaching Component:

3. Will this course taught off campus? No

If YES, enter the off campus address:

4. Frequency of Course Offering: Spring,

Will the course be offered every year?: Yes

If No, explain:

5. Are facilities and personnel necessary for the proposed new course available?: Yes

If No, explain:

6. What enrollment (per section per semester) may reasonably be expected?: 16

7. Anticipated Student Demand

Will this course serve students primarily within the degree program?: Yes

Will it be of interest to a significant number of students outside the degree pgm?: No

If Yes, explain:

8. Check the category most applicable to this course: Traditional – Offered in Corresponding Departments at Universities Elsewhere,

If No, explain:

9. Course Relationship to Program(s).

a. Is this course part of a proposed new program?: No

If YES, name the proposed new program:

b. Will this course be a new requirement for ANY program?: No

If YES, list affected programs:

10. Information to be Placed on Syllabus.

a. Is the course 400G or 500?: No

b. The syllabus, including course description, student learning outcomes, and grading policies (and 400G-/500-level grading differentiation if applicable, from 10.a above) are attached: Yes

Distance Learning Form

Instructor Name:

Instructor Email:

Internet/Web-based: No

Interactive Video: No

Hybrid: No

1. How does this course provide for timely and appropriate interaction between students and faculty and among students? Does the course syllabus conform to University Senate Syllabus Guidelines, specifically the Distance Learning Considerations?

2. How do you ensure that the experience for a DL student is comparable to that of a classroom-based student's experience? Aspects to explore: textbooks, course goals, assessment of student learning outcomes, etc.

3. How is the integrity of student work ensured? Please speak to aspects such as password-protected course portals, proctors for exams at interactive video sites; academic offense policy; etc.

4. Will offering this course via DL result in at least 25% or at least 50% (based on total credit hours required for completion) of a degree program being offered via any form of DL, as defined above?

If yes, which percentage, and which program(s)?

5. How are students taking the course via DL assured of equivalent access to student services, similar to that of a student taking the class in a traditional classroom setting?

6. How do course requirements ensure that students make appropriate use of learning resources?

7. Please explain specifically how access is provided to laboratories, facilities, and equipment appropriate to the course or program.

8. How are students informed of procedures for resolving technical complaints? Does the syllabus list the entities available to offer technical help with the delivery and/or receipt of the course, such as the Information Technology Customer Service Center (<http://www.uky.edu/UKIT/>)?

9. Will the course be delivered via services available through the Distance Learning Program (DLP) and the Academic Technology Group (ATL)? NO

If no, explain how student enrolled in DL courses are able to use the technology employed, as well as how students will be provided with assistance in using said technology.

10. Does the syllabus contain all the required components? NO

11. I, the instructor of record, have read and understood all of the university-level statements regarding DL.

Instructor Name:

SIGNATURE[MICHAELD]Douglas C Michael[LAW 840 NEW College Review]20140813

Courses	Request Tracking
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New Course Form

https://myuk.uky.edu/sap/bc/soap/rfc?services=

[Open in full window to print or save](#)

Attachments:

No file selected.

ID	Attachment
Delete 3551	Supreme Court Decision Making Syllabus--spring 2011

First 1 Last

Select saved project to retrieve...

(*denotes required fields)

1. General Information

- a. * Submitted by the College of: LAW Submission Date: 8/13/2014
- b. * Department/Division: Law
- c.
 - * Contact Person Name: Douglas Michael Email: michaeld@uky.edu Phone: 71485
 - * Responsible Faculty ID (if different from Contact) Email: Phone:

d. * Requested Effective Date: * Semester following approval OR Specific Term/Year ¹

e. Should this course be a UK Core Course? Yes No

If YES, check the areas that apply:

- Inquiry - Arts & Creativity Composition & Communications - II
- Inquiry - Humanities Quantitative Foundations
- Inquiry - Nat/Math/Phys Sci Statistical Inferential Reasoning
- Inquiry - Social Sciences U.S. Citizenship, Community, Diversity
- Composition & Communications - I Global Dynamics

2. Designation and Description of Proposed Course.

a. * Will this course also be offered through Distance Learning? Yes ⁴ No

b. * Prefix and Number: LAW 840

c. * Full Title: Supreme Court Decision Making

d. Transcript Title (if full title is more than 40 characters):

e. To be Cross-Listed ² with (Prefix and Number):

f. * Courses must be described by at least one of the meeting patterns below. Include number of actual contact hours³ for each meeting pattern type.

<input type="checkbox"/> 2-3 Lecture	<input type="checkbox"/> Laboratory ¹	<input type="checkbox"/> Recitation	<input type="checkbox"/> Discussion
<input type="checkbox"/> Indep. Study	<input type="checkbox"/> Clinical	<input type="checkbox"/> Colloquium	<input type="checkbox"/> Practicum
<input type="checkbox"/> Research	<input type="checkbox"/> Residency	<input type="checkbox"/> Seminar	<input type="checkbox"/> Studio
<input type="checkbox"/> Other	If Other, Please explain:		

g. * Identify a grading system:

- Letter (A, B, C, etc.)
- Pass/Fail
- Medicine Numeric Grade (Non-medical students will receive a letter grade)
- Graduate School Grade Scale

h. * Number of credits: 2-3

i. * Is this course repeatable for additional credit? Yes No

If YES: Maximum number of credit hours:

If YES: Will this course allow multiple registrations during the same semester? Yes No

j. * Course Description for Bulletin:

This course will focus on the mechanics of judicial decision making and opinion writing. Each week, students will read the lower court opinion and merits and selected amicus briefs of selected cases currently pending before the U.S. Supreme Court. The class will focus on these cases and deliberate the merits of each side's arguments, much like the Supreme Court does during its conferences. We will also explore theories of judicial decision making, interpretation and policy. At the end of each class, we will "vote" as to how we think the decision should come out. Students will be expected to write majority and dissenting opinions in one of the cases we discuss, which must include substantial original thought and research. The grade will be based primarily on these judicial opinions.

k. Prerequisites, if any:

LAW 822 - Constitutional Law II

l. Supplementary teaching component, if any: Community-Based Experience Service Learning Both

3. * Will this course be taught off campus? Yes * No

If YES, enter the off campus address:

4. Frequency of Course Offering.

a. * Course will be offered (check all that apply): Fall Spring Summer Winter

b. * Will the course be offered every year? * Yes No

If No, explain:

5. * Are facilities and personnel necessary for the proposed new course available? * Yes No

If No, explain:

6. * What enrollment (per section per semester) may reasonably be expected? 16

7. Anticipated Student Demand.

a. * Will this course serve students primarily within the degree program? * Yes No

b. * Will it be of interest to a significant number of students outside the degree pgm? Yes * No

If YES, explain:

8. * Check the category most applicable to this course:

- Traditional – Offered in Corresponding Departments at Universities Elsewhere
 Relatively New – Now Being Widely Established
 Not Yet Found in Many (or Any) Other Universities

9. Course Relationship to Program(s).

a. * Is this course part of a proposed new program? Yes * No

If YES, name the proposed new program:

b. * Will this course be a new requirement ⁵ for ANY program? Yes * No

If YES ⁵, list affected programs::

10. Information to be Placed on Syllabus.

a. * Is the course 400G or 500? Yes * No

If YES, the *differentiation for undergraduate and graduate students must be included* in the information required in 10.b. You must include: (i) identification of additional assignments by the graduate students; and/or (ii) establishment of different grading criteria in the course for graduate students. (See SR 3.1.4.)

b. * The syllabus, including course description, student learning outcomes, and grading policies (and 400G-/500-level grading differentiation if applicable, from 10.a above) are attached.

¹¹ Courses are typically made effective for the semester following approval. No course will be made effective until all approvals are received.

¹² The chair of the creating department must sign off on the Signature Routing Log.

¹³ In general, undergraduate courses are developed on the principle that one semester hour of credit represents one hour of classroom meeting per week for a semester, exclusive of any laboratory meeting. Laboratory meeting, generally, represents at least two hours per week for a semester for one credit hour. (from SR 5.2.1)

¹⁴ You must also submit the Distance Learning Form in order for the proposed course to be considered for DL delivery.

¹⁵ In order to change a program, a program change form must also be submitted.

SUPREME COURT DECISION MAKING SPRING 2014

Professor Josh Douglas
University of Kentucky College of Law

Policies and Procedures

Class Schedule: Thursday, 2:00-5:00

Contact Information: Email: joshuadouglas@uky.edu; Twitter: @JoshuaADouglas
I will give you my London cell phone number once I have it

Note: Email is usually the best way to reach me.

Welcome to *Supreme Court Decision Making*! I am excited to have you in this class. PLEASE READ THIS SYLLABUS CAREFULLY as it contains many of the procedures that will govern throughout the semester.

The Course: *Supreme Court Decision Making* is a really fun class. Each week, we will focus on one or two cases that are currently pending before the U.S. Supreme Court this Term or recently heard by the Supreme Court of the United Kingdom. We will discuss in detail each side's contentions and the arguments from selected amicus curie briefs. We will cover the legal and policy implications of various approaches to deciding the case. At the end of the class, we will each explain how we would vote in the case if we were on the Court. In essence, each week we will pretend to be the Supreme Court and will discuss the merits of the case much like the real Court does during its conferences. By the end of the semester you will be a Supreme Court expert, at least for some of the most interesting cases the Court is hearing this year! Many weeks we will also have guest speakers – either in person or via telephone – who are closely involved with the case we are discussing that week or are judges or other experts in judicial decision making.

The other main aspect of the course will be an exploration of what goes into a judicial opinion. To that end, we will talk about strategies and techniques for opinion writing, culled both from the assigned text and from my own experiences clerking for a federal appellate judge. This will help you refine your writing and assist you in any practice that submits written material to a court—because you will have had the experience knowing what was persuasive to your own decision. The class will also be beneficial if you plan to clerk for a judge.

Course Materials: Our materials will consist of three main items:

1. Briefs and lower court opinions in cases pending before the U.S. Supreme Court. Each week I will assign the opinions and briefs that you must read.

You can access all of the briefs at <http://www.scotusblog.com/>. Each case has its own page on SCOTUSBlog that contains all of the briefs (look for the drop-down menu on the upper right of the page to find the page for that case). I encourage you to read additional briefs in the case for that week even if I do not specifically assign them.

2. Materials from the Supreme Court of the United Kingdom, which I will supply to you.
3. *Opinion Writing*, by Judge Ruggero J. Aldisert (2nd ed.). This will be our manual on how to write a judicial opinion.
4. Other materials that I may assign from time to time, which you will be able to find on our Course TWEN page.

Course TWEN Page: I have created a course page on TWEN (The West Education Network) for our course. I will post all assignment sheets and supplementary materials on this page.

Attendance: Attendance at all classes is mandatory. Students who are persistently and excessively absent may receive a low class participation score or a grade of No Credit. **Being unprepared for class counts as an absence.**

Class Management/Participation: You must complete all of the reading. **Every single person in the room is on call for every class.** The class will be heavily discussion-based, and you are expected to participate. At the end of every class, we will go around the room and each student must state how and why he or she would vote in the case under review that day. As noted below, 25% of your grade is based on class participation. Your score for this component of your grade will be dependent on the quality of your comments during class discussion.

Writing Assignment: As you likely know, this course satisfies your school's Upper Level Writing requirement for graduation. Your writing assignment will be to write **both** the majority and dissenting opinion in one case that is pending before the U.S. Supreme Court this Term (you must write the majority and dissent in the *same* case). It may be one of the cases we discuss in class or another case that is currently before the Court for a decision on the merits. You can also write one or more concurrences if you want. The opinions, combined, must total at least **25 pages**.

The opinions must demonstrate significant original thought and research, and must include a policy-type rationale that one would normally see in a Court decision that resolves an unclear area of law. To that end, if you plan to use a case that we have not discussed in class please come to me so we can talk about whether the case you have selected is suitable.

Students must submit a **substantially completed** draft to the Assignment Drop Box by **Friday, April 4, at 5:00 (London time)**. “Substantially completed” means that you have finished most of the research and writing of a good first draft. We will not have class on Thursday, April 10. Instead, I will conduct individual meetings with students that week to go over your draft opinions.

In addition, although it will not be graded, I am happy to go over an outline of your opinion with any of you before you submit the substantially completed draft.

The **final draft** is due to the Assignment Drop Box on the last day of the exam period, **Friday, May 2, at 5:00**. You should format the opinions to look like a Supreme Court opinion. Take a look at a recently issued decision (available on SCOTUSBlog) to see what that looks like. I will also provide you with an opinion template.

Note: If the real Supreme Court issues its opinion in the case before you have submitted your final draft, please refrain from reading it. Of course, I am not expecting you to ignore all coverage of a case, but you may not read the actual Court’s opinion until you have completed your work.

Grade: Your grade in this course will be based on the following:

- 25% – substantially completed draft
- 50% – final draft
- 25% – class participation

Obviously, since I will be going over each opinion with you individually during the semester, I cannot guarantee anonymous grading. That said, I promise that all grading of the opinions will be conducted without any preconceived notions or bias and will be dependent solely on the clarity, quality, and persuasiveness of your writing and analysis. Papers turned in late may result in a reduction of your grade.

Electronic Devices: Because the Supreme Court Justices do not use laptops, cell phones, or other electronic devices during their conferences when they are deciding cases, we too will refrain from having electronic devices in class.

Recording of Classes: As a general rule, I do not allow classes to be recorded. Nor do I know what, if any, the recording capabilities are in the classroom in our facility. But if you need to be absent from a class please come see me and we will try to work something out.

Disability Services: If you have a disability that requires accommodation, please see both myself and Prof. Estin as early in the semester as possible to request the appropriate accommodation(s).

Office Hours: I do not have specific office hours. That said, I plan to be in my office at the LLC (at least) most Wednesdays, Thursdays, and Fridays, and potentially

other days as well. Feel free to stop by whenever you would like. Also feel free to email me to set up a specific time to meet.

Final Thoughts: The goal of this class is to become immersed in some of the most salient issues facing the Supreme Court and to learn what goes into the Court's decisions. To that end, I encourage you to come to class with an open mind about the various issues. I also hope that you will bring a critical eye to your analysis and challenge your colleagues (and me!) to support their views with sound legal and policy rationale. Use this class to push the boundaries of your education – it's probably one of the last times you will be able to engage in these kinds of debates in a rigorous academic setting.