

Supreme Court Judge Assignment

Laws matter, and laws are not static. We never think of these things, typically on a daily basis, but there is a major argument to be made that law directly affects culture through its changes over the years. On the opposite end, one could even argue that culture changes law as well. It can help shift public opinion, and it changes our perception on law. For instance, in the 1990s, over half of Americans believed that marriage should only be between a man and a woman, and our laws reflected this. However, that opinion has greatly changed over the past 20 years, and more people support homosexual marriage in today's world, which, in one way or another, correlates with the Supreme Court's decision to knock down DOMA (which regulated marriage as only between man and woman nationally) over the summer. Thus, culture and the Supreme Court go hand-in-hand.

Taking this into consideration, our second major assignment of the semester will center around playing a Supreme Court judge. The student will not by any means need to know the ins and outs of whatever case he or she is arguing for; however, the student should have a basic understanding of the law and the major question(s) before the court. Though public opinions matter, they will not solely be a determining factor in deciding cases.

For this assignment the student will have two choices: (1) to take a present case in front of the Supreme Court and argue as a judge which side you would agree with or (2) take a (recent) historical case and argue as a judge which side you agree with. The term "recent" is very subjective and will be discussed more in class. After researching various cases, the student will then choose a case, and find basic court documents on the case. If it is a historic case, the student should be able to find documents on who agreed and disagreed with the decision and why, and if it is a present case, the student should be able to find documentation on court proceedings or why the case is going in front of the court. Though basic court documents remain primary sources for the student's argument, finding other opinions and outside research will also be key in choosing and arguing for a side.

After researching, the student will write an 8-10 page paper that does the following:

- 1) Demonstrates what the case is and why it is going in front of the court or has been in front of the court. Why is the law in question? What is the background of the law in question?
- 2) Creates an argument for a certain side of the case (this does not always mean there are only two sides to a case. Many times there are various sides that the judge can rule upon)
- 3) Acknowledges and argues against the opposing view's case
- 4) Uses primary and secondary sources in creating his or her case (at least 8 sources)
- 5) Relates the decision to a larger claim about society and culture

Though the style should follow the basics of a court opinion, I do not by any means expect the student to become an expert on legal writing or the law. We will discuss legal terms, legal theories, and legal opinions more in class.

Peer Review: 10/15

Draft Discussion: 10/24

Final Paper Due: 10/29