

Political Science 4120

Civil Rights: A Moot Court Seminar

McGannon Hall, Room 122
MW 3:10-4:25

Instructor Information

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Office Hours: Monday, 10:30 - 11:30; Wednesday, 2:00 - 3:00; or, by appointment.

Catalog Course Description

This course examines civil rights law in the U.S. since mid-20th century. Students serve as lawyers and justices and retry Supreme Court cases on school desegregation, the Civil Rights Act of 1964, affirmative action, school busing, sex discrimination, and sexual orientation discrimination.

Additional Course Description

What role has the Supreme Court played in defining conflict related to religion in the United States? To what extent was this role dictated by other branches and public opinion? How has the Court's definition of equality changed over time, and why did it change? How has society's understanding of civil rights developed and changed? How should conflicts between religious rights and civil rights be resolved? How are arguments formed and presented in appellate courts? How do appellate courts decide matters and communicate those deci-

Furthermore, we will study these protections in a variety of contexts, including speech and civil liberties. Students in this class will be called upon to act in the roles of attorneys and justices in historic and recent cases regarding civil rights.

Course Objectives

This course is designed to help students broaden their knowledge, skills, and values so that they will be able to:

- SLO 4. Communicate effectively in writing, speech, and visual media.

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Coyne, Marley. Oct. 6, 2023. "Civil Liberties vs. Civil Rights: What Is the Difference?" U.S. New & World Reports. Link. (Coyne)

Dunlap, Joshua D. 2006 "When Big Brother Plays God: The Religion Clauses, Title VII, and the Ministerial Exception." *Notre Dame Law Review* 82: 2005.

Gedicks, Frederick and Michael McConnell. "The Free Exercise Clause." The Constitution Center. Link. (Gedicks)

Gittinger, Ted and Allen Fisher. 2004. "LBJ Champions the Civil Rights Act of 1964." *Prologue* 36(2). Link. (Gittinger)

Graber, Abigail A. 2022. "The Americans with Disabilities Act: A Brief Overview." *Congressional Research Service*. Link. (Graber 1)

Graber, Abigail A. 2023. "Reasonable Accommodations for Employees with Disabilities." *Congressional Research Service*. Link. (Graber 2)

Hamilton, Marci A. and Michael McConnell. "The Establishment Clause." The Constitution Center. Link (Hamilton)

LII Legal Information Institute. "Relationship Between the Establishment and Free Exercise Clauses." Link (LII)

Kerr, Orin S. 2007. "How to Read a Legal Opinion: A Guide for New Law Students." *The Green Bag* 11(1): 51-63. (Kerr)

McGreevy, Nora. 2020. "The ADA Was a Monumental Achievement 30 Years Ago, but the Fight for Equal Rights Continues." *Smithsonian Magazine*. Link.

Peters, Shawn Francis. 2000. "Judging Jehovah's Witnesses : Religious Persecution and the Dawn of the Rights Revolution." *Kansas*. (Peters)

Rosenzweig, Sidney A. 1996. "Restoring Religious Freedom to the Workplace: Title VII, RFRA and Religious Accommodation." *University of Pennsylvania Law Review* 144(6): 2513-2536. (Rosenzweig)

Schmidt, Christopher W. 2016. "The Civil Rights-Civil Liberties Divide." *Stanford Journal of Civil Rights & Civil Liberties* 12: 1-41. (Schmidt)

Weizer, Paul I., Kimi Lynn King, Lewis Ringel, Nicholas D. Conway, Andrew B. Sommerman & McKinzie Craig Hall. 2019. *How to Please the Court*. West. (Weizer)

When appropriate, I will supplement the text with additional readings.

Class Participation & Attendance

means at least one hour before the missed class whenever possible). The most important factor is communicating to me your need for an excuse. If you have more than two unexcused absences, your class participation grade, which is **worth 15% of your final grade**, will be lowered by 2% for each additional day. For example, if you have three total unexcused absences, your class participation grade will be no more than 9% (of the total 15%) and your overall grade in the class can be no more than 94%.

Students are expected to be prepared to discuss the assigned materials every class. Additionally, students will be assigned on-call days on which they will be expected to act as experts on the material - this will include answering in-depth questions about the material and leading class discussion and group work. The following schedule regarding the material may change. Thus, it is very important that you stay abreast of what material will be covered on your on-call days. When in doubt, ask. On-call days will collectively be **worth 15% of your final grade**.

Discussion is an essential part of the learning process during which we deepen our understanding of the material, draw conceptual connections, and apply theoretical and legal frameworks to new scenarios. You are expected to be prepared to discuss the assigned materials every class. Students will be graded on their participation based on well reasoned answers, taking part in conversations, thoughtfulness in comments, and active listening. Disagreement and debate is a part of healthy intellectual discourse, and is strongly encouraged. Students must, however, remain civil with and respectful to all members of the class at all times.

Assignments

In this course, there will be four moot courts. Students will be assigned roles as attorneys and justices for each exercise on the first day of class. In conjunction with the moot courts, there are the following assignments:

1. **Briefs** (2) (20% of your final grade): When acting as an attorney, you and your fellow attorneys will be responsible for producing a brief setting forth legal arguments on behalf of your client. These briefs may be no longer than 15 pages. The briefs are due before oral arguments as set forth in this syllabus. You will submit and make the briefs available to the other students via Canvas.
2. **Oral Arguments** (2) (20% of your final grade): Each team of attorneys will be allotted 30 minutes for oral arguments. Each attorney must participate in oral arguments for at least four (4) minutes. Otherwise, the teams may divide the time as they see fit. Attorneys for the appellants may (and likely should) reserve time for rebuttal. Additionally, justices may interrupt oral argument to ask questions.
3. **Opinions of the Court** (2) (30% of your final grade): After oral arguments, the members of the court will produce a written decision on the matter. This decision will consist of at least one opinion. Concurring and dissenting opinions may also be produced. Each justice must author or sign onto an opinion.
4. **Contribution Report** (4): To allow me to assess individual contributions to the

collective products (briefs, opinions, etc.), each student will fill out a report which describes the work they did. The form of the report will be provided to you. I cannot assign a grade for your contribution to you without a report.

Policies

All assignment should be in 12-point font, double spaced with 1-inch margins. The assignments for this class should be submitted to me via Canvas unless otherwise instructed in class. Blue Book citation form should be used.

Students will be penalized 10% per day on late assignments. For an example, a brief that would normally receive a 91% would be recorded as 71% if the student turned it in two days late. Late penalties are capped at 50%. Due to the nature of oral argument, students who have unexcused absences on the days they are assigned to act as attorneys in a moot court

Grades will be assigned by the following scale:

Percent of Pts	Letter Grade
93	A
90	A-
87	B+
83	B
80	B-
77	C+
73	C
70	C-
60	D
< 60	F

The above scale represents the highest requirements for a particular letter grade. That is, I may, at my discretion, alter the grading scale to require fewer percentage points to obtain a particular letter grade. If you are taking the course on a pass/fail basis, please see me to discuss the requirements for a passing grade. Students auditing the course are expected to attend class and participate in our discussions. Grades of "Incomplete" will only be given after extensive consultation with a student and only in the most exceptional of circumstances.

Important Matters

Academic Integrity and Honesty

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is "the pursuit of truth for the greater glory of God and for the service of humanity." Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service via which SLU embodies its mission. The University strives to prepare students for lives of personal and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern. The full University-level Academic Integrity Policy can be found on the Provost's Office website at: <https://www.slu.edu/provost/policies/academic-and-course/academic-integrity-policy.pdf>.

Additionally, each SLU College, School, and Center has its own academic integrity policies, available on their respective websites.

Disability Services Academic Accommodations

Students with a documented disability who wish to request academic accommodations must formally register their disability with the University. Once successfully registered, students

also must notify their course instructor that they wish to use their approved accommodations in the course.

Please contact the Center for Accessibility and Disability Resources (CADR) to schedule an appointment to discuss accommodation requests and eligibility requirements. Most students on the St. Louis campus will contact CADR, located in the Student Success Center and available by email at accessibility_disability@slu.edu or by phone at 314.977.3484. Once approved, information about a student's eligibility for academic accommodations will be shared with course instructors by email from CADR and within the instructor's official course roster. Students who do not have a documented disability but who think they may have one also are encouraged to contact CADR. Confidentiality will be observed in all inquiries.

Title IX

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination, and harassment. If you have encountered any form of sexual harassment, including sexual assault, stalking, domestic or dating violence, we encourage you to report this to the University. If you speak with a faculty member about an incident that involves a Title IX matter, that faculty member must notify SLU's Title IX Coordinator that you shared an experience relating to Title IX. This is true even if you ask the faculty member not to disclose the incident. The Title IX Coordinator will then be available to assist you in understanding all of your options and in connecting you with all possible resources on and off campus.

Anna Kratky is the Title IX Coordinator at Saint Louis University (DuBourg Hall, room 36; anna.kratky@slu.edu; 314-977-3886). If you wish to speak with a confidential source, you may contact the counselors at the University Counseling Center at 314-977-TALK or make an anonymous report through SLU's Integrity Hotline by calling 1-877-525-5669 or online at <http://www.lighthouse-services.com/slu>. To view SLU's policies, and for resources, please visit the following web addresses: <https://www.slu.edu/about/safety/sexual-assault-resources/index.php>.

Student Success Center

The Student Success Center (SSC) supports students in reaching their goals in and out of the classroom. Providing a variety of resources, the Student Success Center houses both the Center for Accessibility and Disability Resources (CADR) and Academic Support, which includes Tutoring, Supplemental Instruction, University Writing Services, and Student Success Coaching. The Student Success Center is located in the Busch Student Center, Suite 331, and students can make an appointment with any SSC resource via EAB Navigate. To learn more about the Student Success Center and its resources, please visit: <https://www.slu.edu/life-at-slu/student-success-center/index.php>.

Basic Needs Security

Students experiencing food insecurity, housing insecurity, and any other challenges that are impacting their personal and/or academic wellbeing are encouraged to contact the Dean of Students Office for support. Students can submit an intake form, email deanofstudents@slu.edu, or call 314-977-9378 to connect with their office. Students may also communicate directly with their instructors about any challenges they are experiencing to receive support and resource referrals.

Course Schedule

What follows is a *tentative*

Week	Dates	Topic	Assignments
Week 1	Jan. 17	Introduction	Syllabus Begin Reading Peters
Week 2			

Week	Dates	Topic	Assignments
Week 7	Feb. 26	Americans with Disabilities Act	McGreevy Graber 1 Graber 2
	Feb. 28	Skills: Extemporaneous Speaking Group Meetings	Appellant Brief Due Appellee Brief Due
Week 8	Mar. 4	Moot Court	<i>Hosanna-Tabor</i>
	Mar. 6	Skills: Legal Reasoning Group Meetings	
Week 9	Mar. 11	Spring Break	No Class
	Mar. 13	Spring Break	No Class
Week 10	Mar. 18	Group Meetings <i>Gro Case Packet Released</i>	

Week	Dates	Topic	Assignments
Week 13	Apr. 8 Apr. 10	Skills: Fielding Questions Group Meetings Group Meetings	
Week 14	Apr. 15 Apr. 17	Easter Break Religion as an Exception <i>303 Creative Case Packet Released</i>	No Class Brannon Opinion(s) Due
Week 15	Apr. 22 Apr. 24	Religion vs. Civil Rights Group Meetings	Individual Articles Appellant Briefs
Week 16	Apr. 29 May 1	Skills: Body & Voice Group Meetings Moot Court	Appellee Brief <i>303 Creative LLC v. Elenis</i>
Week 17	May 6	Group Meetings	
Week 18	May 10	Opinions Due	