

The Tenth Justice Seminar

Professor Zanita E. Fenton

LAW 506-A

Thur. 3:30PM - 6:20PM

Rm F300

Have you ever read a Supreme Court opinion and thought, “boy, did they get that wrong!” or “gee, I could write a better opinion than that!” Well here’s your chance. You get to choose your (least) favorite Supreme Court decision to write an opinion, more consistent with your own views.

In this seminar, you will have three objectives: 1) write clearly and concisely; 2) research relevant information to support your opinion; and 3) present original, clear arguments, supported by your research. To accomplish these objectives, you will a) write an opinion as part of an existing Supreme Court decision and b) make an oral presentation of your main arguments to the class.

During the course, we will focus on writing techniques, using the required text for the course, Richard C. Wydick, *Plain English for Lawyers* (5th ed.) (available at: <https://xa.yimg.com/kq/groups/23360004/2145670173/name/R>). We will use the exercises in this book to write more concisely. The most accomplished writers continually seek ways to improve. Part of concise writing forces you to be more precise in your arguments while still being comprehensive. Organization of the order and flow of your arguments is an element that contributes to the ability to be concise. We will also discuss method and argument structure.

Opinions

You must select an existing, published Supreme Court decision for which you will write a full opinion, either as the primary opinion of the Court or as a strong dissent. You should choose the case for which you wish to write your opinion as soon as possible. Your opinion must be part of a United States Supreme Court decision, already decided and published. You may not choose a case granted certiorari, awaiting its grant, or otherwise pending before the Court.

Your opinion must reference and integrate the arguments made by the Justices in your case. As part of your research, you will read the case briefs, background and supplemental information referenced in the case. You may research relevant information, not included in the published opinion. However, for any information you cite or discuss that was not cited or available at the time of the original case, you must note and submit in an attached file.

The last page of this syllabus includes a list of resources you may consult in writing your opinion. The books listed, noted with an asterisk (*), are available at the library reserve desk for this course.

To ensure your facility with case background research, librarian Robin Schard will make a presentation to the class on **January 24**.

Oral arguments

One of your objectives is to formulate one or more original arguments in furtherance of your position in your selected case. You will present oral arguments to your fellow justices (the other

members of the seminar) to elicit feedback for the arguments in your opinion. I will have sign-ups available for two oral presentations from **January 31 through March 7**. Each presentation should be between ½ hour and forty-five minutes in length. Students not making a presentation will be prepared by closely reading the opinion and preparing germane questions to assist the presenter.

Rough drafts of your opinions are due: **March 21**. You must both e-mail (camador@law.miami.edu) and deliver a hard copy to Ms. Claire Amador (G387). I will create a *mandatory* sign-up for individual sessions with me to discuss your rough drafts.

Final drafts are due **April 18**. You must both e-mail (camador@law.miami.edu) and deliver a hard copy to Ms. Claire Amador (G387).

Classes are scheduled for: January 17; 24; 31;
 February 7; 14; **21**; 28;
 March. 7; 21; 28;
 April 4; 11; **18**

[Spring break is March 11-15]

January 24: Robin Schard lecture
March 21: rough draft due
April 18: final draft due

Your grade will be based on your written **twenty-five page** opinion, the originality of your arguments, pertinent supplemental research, oral argument to the class, and participation in discussions and oral arguments.

Disability Assistance

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact The Office of Disability Services for information about available opportunities, resources, and services. You may also visit the Office of Disability Services website at www.law.miami.edu/disability-services .

Religious Holy Days

The University of Miami, although a secular institution, is determined to accommodate those students who wish to observe religious holy days. Classes missed due to observances of religious holy days will count as excused absences only if you provide written notice of your intended absence(s) to me no later than the end of the first three meetings of our class.

Office Hours: by Appointment via e-mail **e-mail:** zfenton@law.miami.edu

Rm: G378

Course page: <http://faculty.law.miami.edu/zfenton/seminars.htm>

Faculty Assistant: Claire Amador (G387)