The purpose of the seminar is to analyze and come to understand better the justices who will be the subject of our attention -- their doctrinal tendencies and their philosophies -- in light of each justice’s personal history and early career. We will consider what are a justice’s core values and whether (and how) they play an influential role in certain cases; whether the justice’s opinions are consistent; to what degree a justice’s personal history and early career contributes to product, etc.

At each session of the seminar a student will lead discussion on a justice based on materials the student assembles that will be circulated beforehand. The presenter should speak 20-30 minutes. In doing this, it would be helpful if the student has at least a tentative “thesis” about the justice, including an evaluation of his career, and whether this is accord with other views about the justice. I will work individually with each student on the presentation and on the materials for class.

After the presentation, members of the seminar will ask questions and make comments, and a general discussion should ensue with the presenter at the nucleus. It is essential that everyone reads the distributed material and participate in the dialogue if the seminar is to be a success. In the past I have invited some faculty colleagues who have clerked with the justice being discussed to join us.

Students who enroll will be asked to send me their first, second and third choices of a Supreme Court justice to which they would like to be assigned (limited to 20th century justices, with a strong preference for those no longer on the Court). I will be happy to discuss with students some justices who may be appropriate. A course in American constitutional law is a prerequisite or at least a co–requisite for the seminar.

The first seminar meeting will be organizational, and the last meeting will be an opportunity for joint reflections and conclusions.

There is no required coursebook. Useful material is contained in the June 1995 issue of the NYU Law Review, which is devoted entirely to judicial biography, with essays and discussion by many of the country’s prominent judicial biographers and constitutional law professors. Students may also want to read parts of Edward White’s excellent book, The American Judicial Tradition (expanded edition 1988), which discusses prominent chief justices and justices.

There will be no examination. A B level paper will be required, to be handed in at the end of the examination period. The paper should go beyond the seminar presentation and take account of the discussion during the presentation. It should consider some of the questions mentioned earlier in this memorandum and other relevant issues, all designed to illuminate the justice’s philosophy and contribution to the jurisprudence of the Supreme Court.

One last point. Because it is desirable, if the seminar is to work, to know which students will be attending and with which justice, I hope students who decide to enroll will not change their minds. If more that 12 enroll, barring something unusual students will be selected first come-first served.

If anyone has a question about the seminar that is not answered above, please drop by my office VH 308, telephone me at 212-998-6233 or email me at norman.dorsen@nyu.edu

Norman Dorsen