SUPREME COURT SEMINAR
McKenzie, Dubin, Feigenbaum
Spring 2018

Each week, you will be asked to read the parties’ briefs and the lower court opinion in cases currently pending before the Supreme Court. Where the United States has filed an amicus brief, you will be expected to read that brief as well. You are welcome, but not required, to read other amicus briefs or background materials that help you to form a better understanding of the cases.

Over the course of the semester, each student will be expected to write at least one majority opinion and at least one concurrence or dissent. Students may write and submit up to three additional concurrences or dissents as they wish. Grades will be based on the quality of the student’s opinions and contributions to class discussions. The course will be taught by Professor Troy McKenzie and two recent Supreme Court clerks, Yaira Dubin and Jeremy Feigenbaum, who clerked for Justice Kagan during the October 2015 Term.

Week 1 (Introduction; The Supreme Court in American Life)

Gill v. Whitford, No. 16-1161

Week 2 (Agenda Setting and the Court’s Docket)

Supreme Court Rule 10 and Rule 18

Supreme Court Procedure, SCOTUSBlog,


Week 3 (Immigration)

Sessons v. Dimaya, No. 15-1498

Jennings v. Rodriguez, No. 15-1204

Week 4 (Civil Litigation, Part I)

Epic Systems Corp. v. Lewis, No. 16-285
(together with Ernst & Young LLP v. Morris, No. 16-300, and NLRB v. Murphy Oil USA, Inc., No. 16-307)

Week 5 (Civil Litigation, Part II)

Jesner v. Arab Bank, PLC, No. 16-499

Ohio v. American Express Co., No. 16-1454

Week 6 (Supreme Court Advocacy)

Richard J. Lazarus, Advocacy Matters Before and Within the Supreme Court: Transforming the Court by Transforming the Bar, 96 Geo. L.J. 1487 (2008).


Week 7 (Federalism)

New Jersey Thoroughbred Horsemen’s Association v. National Collegiate Athletic Association, No. 16-477

Wilson v. Sellers, No. 16-6855

Week 8 (Statutory Interpretation)

Murphy v. Smith, No. 16-1067

Digital Realty Trust v. Somers, No. 16-1276

Week 9 (The Death Penalty)

McCoy v. Louisiana, No. 16-8255

[and Hidalgo v. Arizona, No. 17-251, if cert is granted]
Week 10 (Government Structure and Separation of Powers)

*Oil States Energy Services, LLC v. Greene’s Energy Group, LLC*, No. 16-712

*Lucia v. SEC*, No. 17-130

Week 11 (The Tenth Justice—The Solicitor General)


Week 12 (Criminal Law and Criminal Procedure, Part I)

*Byrd v. United States*, No. 16-1371

*Collins v. Virginia*, No. 16-1027

Week 13 (Criminal Law and Criminal Procedure, Part II)

*Carpenter v. United States*, No. 16-402

*Class v. United States*, No. 16-424

Week 14 (The Supreme Court in American Life; Conclusion)

*Janus v. American Federation of State, County, and Municipal Employees*, No. 16-1466

*Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, No. 16-111