

## March UDL High School Curriculum – The Supreme Court



### **Logistical Things**

Yay for the tournament! Thank you to all of those that were there to judge and help out! Also, we will have spring break right in the middle of March. Please discuss with your fellow coaches to see what that means for coaching schedules! The curriculum is designed for coaches to coach during spring break, but there's a bit of flexibility in the end of the month, so just see what works for you and your students! What else is there to talk about? Hmm... If you have suggestions for topics, please let me know! Either topic areas or particular motions that you would like to see at the tournament! **Our next tournament will be April 1<sup>st</sup>.**

### **Week 1 – Background on the Supreme Court**

#### **1. Debrief from the Tournament (20min)**

- a. Ask your kids how the tournament went for them.
- b. Ask them if they think there's anything that we can approve on.
- c. What did they think about the topics?

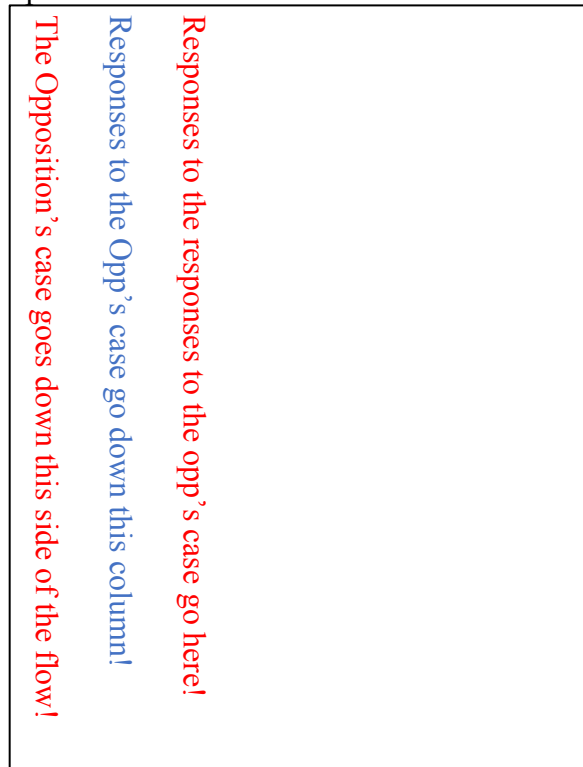
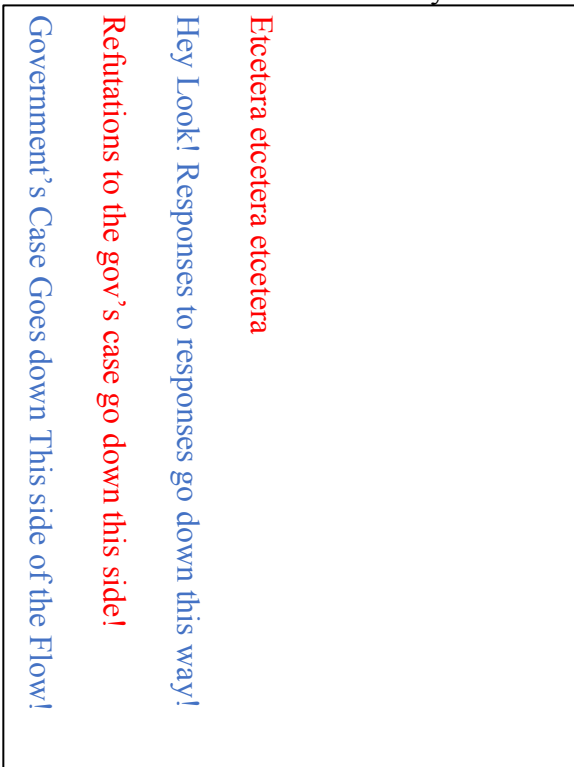
#### **2. Getting into Discussing the Supreme Court (20 min)**

- a. Ask them what pops to mind when they think of the Supreme Court
- b. See what they know in general about the Supreme Court – procedure, decision making capacity, how the law works, etc.

- c. Ask them why the Court is important, what does it do, what impact does it have on our lives
- d. What recent important cases do they remember?
- e. **THBT the Supreme Court is the most politically relevant branch of government in the US.**
- f. **THBT the Supreme Court is the most respected branch of government in the US.**

**3. Flowing Drills (20 min)**

- a. Flowing is important!
- b. Everyone probably has different methods of flowing debate rounds, but I'll show you the one that I prefer and then you can shit on it, change it, and make it your own!
- c. Have two pieces of paper, one piece of paper will have the Gov Case and one will have the Opp Case.
  - i. Flow the Gov case down the left hand side of one of the pieces of paper and the Opp Case down the left hand side of the other piece of paper
  - ii. Next to each of the cases, flow their respective responses, preferably in a different color pen if you have one.
  - iii. Flow responses to responses next to them as well!
  - iv. The diagrams below are kinda jank, but they communicate the idea. Let me know if you need extra explanation!



**Week 2 – What Should the Court Do**

**1. Discussion (40 min)**

- a. Ask the very general question, “What is the Supreme Court’s job and how should they do it?”
- b. The Supreme Court’s job in general is to interpret the Constitution and the laws that are passed by the legislature
  - i. The Supreme Court is charged with determining the constitutionality of laws if the case has sufficient basis to be granted a writ of certiorari, a demand by a higher court to a lower court to send the case to the higher court.
  - ii. The Supreme Court will only take on cases that have sufficient grounds to merit constitutional conflict.
  - iii. The Supreme Court is not supposed to create entirely new pieces of legislation or policies out of a case, rather they are supposed to reject pieces of legislation based on their unconstitutionality.
  - iv. There have been recent cases where people argue that the Supreme Court has been making large logical leaps in order to justify their decisions rather than just interpreting law. (Look at the recent Supreme Court decision on gay marriage: Obergefell v. Hodges)
- c. Standing Explanation
  - i. The Supreme Court and courts in general are supposed to only take cases where both sides have standing.
    1. The individuals on either side of the case must have a vested interest in the outcome of the case
    2. An individual without vested interest in the outcome of the case has no standing and therefore cannot sue in a court of law
    3. Ex: An person who knows a person who is wrongfully imprisoned wouldn’t have standing, but the person who is wrongfully imprisoned would have standing
    4. The Supreme Court has used standing laws to throw out multiple cases
  - ii. The expansion of standing has been correlated with increased litigation over the history of the US and with the empowerment of previously disadvantaged groups
    1. Ex: unions were given standing, individuals of color, etc.

## 2. Argument Generation (20 min)

- a. Do argument generation on the following topics:
  - i. ***THBT standing laws uphold justice.***
  - ii. ***THW give the Supreme Court the power to create policy to right constitutional violations.***
  - iii. ***THBT cases that the Supreme Court should always have original jurisdiction with cases that concern constitutionality.***
    1. Original jurisdiction is the right to hear the case before any other court.



### **Week 3 – Who Should Be on the Court**

#### **1. Discussion (40 min)**

- a. There are a bunch of different processes that go into selecting individuals for the Supreme Court. There are two main issues that are relevant to who should be on the Supreme Court: Term limits and elections.
- b. Term limits
  - i. Currently Supreme Court justices serve for life once they are confirmed to the bench. Most justices refuse to step down despite potentially debilitating diseases. Justices oftentimes fear that when they step down, the current administration (which could be hostile to their political views) will appoint a successor that has opposite political views from the justice.
  - ii. Arguments have been made that the life-time terms for Supreme Court justices allow presidents to exert a disproportionate political influence past their elected term and that as justices get older, they lose touch with the people and the state of their society.
  - iii. ***THBT Supreme Court justices should have 5 year term limits.***
- c. Elections
  - i. In some lower courts, judges and justices are elected to office rather than appointed by an elected official such as the President or a governor. For example, the California Supreme Court has elected justices.
  - ii. Some argue that elected judges are better at keeping in touch with the people that their decisions effect and prevent an abuse of power by elected

officials in appointing justices. Oftentimes term limits and elections go hand-in-hand.

iii. **THBT Supreme Court justices should be elected to the bench by national plebiscite.**

iv. **THW ban the use of elected judges in all courts.**

**2. Play a game (20 min)**

a. Whatever game you think would be fun! Debate baseball, impact weighing, etc.

Week 4 – Practice!

1. Have a practice round! Use one of the topics from the previous weeks.

Week 5 – Practice!

1. Practice! Yay!