

Readings in Legal Thought Seminar

TO: Seminar students, Fall Semester, 2022, Antonin Scalia School of Law

FROM: Judge Douglas H. Ginsburg

RE: Assignments and Logistics

This seminar will meet four times, during the Fall semester on Tuesdays from 4:00 pm to 5:50 pm.

The dates and readings, subject to change, are as follows:

August 23rd, Organizational Meeting. Come prepared with any questions you may have about the workings of the seminar. This meeting alone will last at most one hour and will be remote, using Zoom.

September 20th, Barry Latzer, *The Myth of Overpunishment: A Defense of the American Justice System and a Proposal to Reduce Incarceration While Protecting the Public*

October 18th, Randy E. Barnett, *The Original Meaning of the 14th Amendment: It's Letter & Spirit* (except Part II, the Due Process Clause)

November 15th, Thomas W. Merrill, *The Chevron Doctrine: Its Rise and Fall, and the Future of the Administrative State*

All books are available on the internet at modest prices. Do not use an ebook. Because the pagination is different from the hard copy, page references in student papers and in class discussions would not be aligned.

Because the dates on which we will meet are subject to change, you should remain available every Tuesday from September 20th through November 22nd. I will release dates as soon as it becomes clear we will not use them. As currently scheduled, you will have four weeks between classes; you will always have at least three weeks between classes.

Prior to 5:00 pm on the Thursday preceding each Tuesday class, you should send me a five to six page "reaction paper" on the book for that class. Your paper should be principally **analytical, not descriptive**. You may, but need not, read beyond the assigned book; you may **not** consult reviews of the book. Each paper must be double-spaced and paginated, and your name must be at the top of every page. Page references should be put in parenthesis in the text, not in footnotes. These requirements will be strictly enforced; non-conforming papers will be returned.

You should submit your paper in the form of an attachment to an email message addressed to me (dginsburg@cad.uscourts.gov), to my assistant, Mrs. Renee Douglas (renee_douglas@cad.uscourts.gov), and to every member of the seminar. If at all possible, do not wait until the last day to send your paper.

Before the seminar meets, you must have read and be prepared to discuss the book and the papers submitted by the other members of the seminar. I will designate in advance two or three students, preferably volunteers, to circulate by 5:00 p.m. on the Monday before each Tuesday class an outline for our discussion, organized around the issues raised in your papers.

Grades for the seminar will be based entirely upon your written submissions and class participation; there is no examination. This seminar qualifies as a “writing” course.

Attendance at every meeting of the seminar is important; timely submission of every paper is imperative and is expected even of a student who will unavoidably miss a particular class.

Be sure to register for this seminar on TWEN so that you receive all necessary communications. Registration is your implicit consent to share your email address with all class participants.

Learning outcomes. By the end of the semester, students will be experienced in (1) critically reading an extended (book-length) thesis with sufficient care to identify problems of commission or omission; (2) writing a succinct critique or commentary on that thesis; (3) presenting their work and defending their position orally to a knowledgeable audience; (4) and expressing disagreement with peers in a vigorous but respectful way.