COURSE: The Missouri Supreme Court and Constitution
PROFESSOR: David Achtenberg

PREREQUISITES: ESSENTIAL None DESIRABLE: None

METHOD OF GRADING AND APPRAISAL OF STUDENT FOR GRADE:

Grades will be based on class participation and either on a short paper or a one-hour take-home exam.

COURSE BOOKS:

1. Required: Materials prepared by Professor Achtenberg
   To the extent possible, materials will be posted on the web.
   The materials will consist primarily of the actual briefs in the cases we will study

2. Recommended: None

RELEVANCY OF COURSE FOR CAREER PURPOSES:

A knowledge of the Missouri Supreme Court and the Missouri Constitution are fundamental for anyone who will practice in Missouri.

RELEVANCY OF COURSE FOR BAR EXAMINATION PREPARATION:

The Missouri Bar Exam regularly tests on the sort of Missouri Appellate Procedure issues which will always be covered in the course. The issues involved in the cases we study in a particular year will often also be important for bar purposes.

SUMMARY DESCRIPTION OF COURSE:

In four of the five sessions, students will study a single case that is currently pending before the Missouri Supreme Court or has very recently been decided by it. Each case will be selected because it raises important issues under the Missouri Constitution or because it illustrates an important aspect of the Supreme Court’s function in our judicial system. The students will read the briefs and (in some cases) a small amount of related material before the class session. The class will discuss the issues raised by the briefs and listen to the actual oral argument of the case. As part of the discussion, students will be introduced to the way the Supreme Court functions.

One session will ordinarily consist of a trip to the Supreme Court in Jefferson City to observe the Court (if it is in session) and to meet with one or more its members. This session will be scheduled on whichever day best fits with the Court’s schedule. This class session will be mandatory and students will be excused from it only because of unexpected verifiable good cause.
SYLLABUS

The course operates on two tracks. One track – dealing with the nature of the Court and appellate practice – will be similar each year. The other track – the substantive Constitutional or other issues with which the cases deal – will vary from year to year depending on the cases to be covered. The basic structure of the course and the first track will be as follows, but the Constitutional or other substantive issue covered in each session will depend on the cases available:

- Session 1: Introduction to the Court and Constitution – First Case
- Session 2: Appealability – Second Case
- Session 3: Extraordinary Writ Practice – Third Case
- Session 4: Review – Fourth Case
- Session 5: Court Visit

The Court Visit session may be earlier in the week depending on availability.