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Recommended Citation

Roger Williams University School of Law, "Dean Logan's Blog: Supreme Court Visit" (2012). *Law School Blogs*. 162.

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Dean Logan's Blog

Supreme Court Visit

Posted by David Logan on 05/07/2012 at 11:42 AM

On April 16 and 17, seventeen students joined Professors Diana Hassel and Jared Goldstein on a visit to the Supreme Court, the Justice Department, and Congress.



On Monday morning the group heard the arguments in *Christopher v. SmithKline Beechum* at the Supreme Court. The question presented was whether pharmaceutical company “detailers,” who visit physicians to encourage them to prescribe the company’s medications, are covered by the overtime provisions of the Fair Labor Standards Act. Briefs and arguments centered on how much deference the federal courts should give to the Department of Labor’s interpretation of the Act. The argument was lively with clear disagreements apparent among the justices.

After a tour of the Supreme Court building, the group met with Justice Ruth Bader Ginsburg. Justice Ginsburg talked about the experience of women in the legal profession, the relationships among the justices, how she perceives her role on the Court, and the role politics plays in Court decisions. She believes that the Court is to some extent responsive to political opinion and cited as an example the inclusion of gender as a suspect classification under the equal protection clause. This change in the law would not have happened without the women’s movement and

the change in the role of women in the society. When asked how many women should be on the court, Justice Ginsburg responded – "nine."

We then visited with Sri Srinivasan, the Principal Deputy Solicitor General at the Justice Department. He spoke with the students about the role of the SG's office in Supreme Court litigation and about his experience in arguing many cases before the Court. When asked by a student how to deal with the questions posed by the justices, Srinivasan responded that his *only* job in argument was to answer questions; the questions are not a distraction but actually the whole point of the oral argument.

On Tuesday morning, we visited Senator Sheldon Whitehouse at his Capitol office. In a candid session, he told us about his current work of the Judiciary Committee – particularly the Violence Against Women Act. We also discussed the role partisan politics plays in the decisions of the Supreme Court and discussed the Senator's prediction that the Affordable Care Act would be upheld.

