

CONSTITUTIONAL LAW

LAW 540-1

FALL 2021

MARTIN LEVY

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THE PROFESSOR

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(All other times by appointment only)

NOTE FROM THE PROFESSOR:

Web Sites for course: TSU Blackboard

COURSE BOOKS & MATERIAL

REQUIRED MATERIALS:

1. Levy, Jackson, *Constitutional Law, Cases and Materials, 2nd Edition*, ASPEN (2017) ISBN: 9781454839057*
2. Levy, Jackson, *2021 Supplement.*, ASPEN (2021) This will be published and made available Online, by the start of class. You will be informed as to how to download and print it, please remember that it is copyright material. The Casebook should be updated wherever the Supplement so instructs.

*These materials will be available from the TSU Bookstore. This was a **brand new 2017 2nd edition** of this book, replacing the previous edition . Please note, as per ASPEN: **This is a hardbound book with print ISBN 978-1-4548-3905-7. When students purchase the book, they also receive a free download of the book through a free software called Adobe Digital Editions. Digital access codes will be included in the book shrink wrap.**

SUGGESTED MATERIALS:

1. Tribe, *American Constitutional Law*, Foundation.
2. This subject matter abounds with numerous and specific articles detailing most every aspect of the field. From time to time I will be suggesting several articles in class for your individual exploration. Should you feel the need for further insight "let your mind do the walking" in the library, for this mental "exercise" will be quite rewarding.

COURSE DESCRIPTION, LEARNING OBJECTIVES & STUDENT LEARNING OUTCOMES

A study of the United States Constitution including judicial review, national power, state power, executive and congressional relations, substantive due process, procedural due process and equal protection..

This is the initial offering of this course with 2ND Edition of a Casebook I have published with ASPEN. Any publication of this kind is truly a work in progress. As with the West editions, this edition allows me to add text and background materials to support the cases presented in the 1st Edition. If the cases are the “heart” of the materials, I have hopefully added the “soul.” I have also been able to update the materials with cases from the intervening Supreme Court terms. **This ASPEN edition is updated by a 2021 Supplement. These materials are available for download at my TSU Blackboard. You may print them and should automatically insert them into the Casebook wherever the Supplement so indicates.** This process allows updating without any additional student cost, so please remember that the materials are copyrighted.

A word of explanation concerning this effort and these materials is appropriate. I am committed to this work in order to unify classroom presentation with materials that reflect my approach to this subject matter. My in-class presentation and this book might be considered unique, for example, in commencing the course with a study in constitutional decision making before coverage of the conventional case law. These materials, including several significant law review articles, are detailed in the syllabus below as “Constitutional Interpretation: A Head Start.” Though the book is and will be available to the market as a whole, my commitment to this endeavor is based upon my hope that the integration provided by such will be beneficial to my students. Let me thank you in advance for working with me on developing this casebook. I think you will find the coordination of materials and class discussion of significant benefit. Feel free to provide open and robust feedback in regard to your opinions of the materials and my design of the course. One luxury of having a casebook published by your Instructor is that the Table of Contents automatically becomes your syllabus, though I do repeat it below for your convenience.

The student should be advised that because of the voluminous materials and ever expanding nature of the field known as "Constitutional Law," inclusion of all materials that could be covered in the course is extremely difficult, if not impossible. Thus, the present four hour course will provide a broad survey offering that will prepare students for the numerous law school courses which benefit from a background in this subject matter, while also allowing the students additional time (three semesters) to take other necessary offerings in the area. (i.e., The “First Amendment”) The student should consequently be put on notice that additional course offerings and/or private study may be necessary to attain a working knowledge in this area. The materials listed below have been selected with a goal of providing the student with the best possible background to achieve these objectives. Particular attention should be paid to further study in regard to the First Amendment and civil rights enforcement legislation. Coverage or deferral of the same in these areas speaks more to their importance, rather than appearances to the contrary. It underscores the need for further exploration in additional course offerings where time will permit adequate coverage.

As you might well assume by now, the course as presently structured will carry a substantial reading load for the student, and it is expected that this will be handled in a professional manner.

GRADING

There will be a comprehensive final examination. The instructor reserves the right to have a "mid-term" examination, with its relative weight to be announced at that time. Please note that the Instructor reserves the right to hold additional examinations as may be deemed necessary. Students will be notified of the value of these exams at said time.

ACCOMMODATIONS

Accommodation will be provided and administered as dictated by the Dean's office. If you require accommodation please provide approval and guidelines from the Dean's office.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Because verbal articulation of ones' ideas is an essential commodity in the practice of law, class participation is encouraged. With such in mind both the quality and quantity of class participation will be evaluated and applied as an *added* value of up to **two (2)** points in determination of your final grade. Further to such, the Instructor may assign specific class sessions for students participation, which may be applied as up to 10% of the "Professor's" final grade.

ATTENDANCE: Will be applied as required for a 3 hour class via a sign-in roll sheet disseminated at the commencement of class.

POLICIES & PROCEDURES

All policies and procedures relative to this course are articulated in the Law School Student Rules. All such rules will be complied with by both students and the Instructor.

**TEXAS SOUTHERN UNIVERSITY THURGOOD MARSHALL SCHOOL OF LAW
ACADEMIC CALENDAR FALL 2021**

FALL SEMESTER 2021 FALL SEMESTER 2021 (SEVENTY DAYS OF CLASSES) Orientation Monday-Friday August 9-13, 2021 First Day of Class Monday August 16, 2021 Last Day to ADD/DROP Wednesday August 18, 2021 Labor Day (NO CLASSES) Monday September 6, 2021 Purge of all unpaid course selections Wednesday September 15, 2021 Mid Term Examinations Mon – Fri October 11-15, 2021 Last Day to Drop a Class Friday November 5, 2021 Last Day of Classes Tuesday November 23, 2021 First Year Professors' Grades due Tuesday November 23, 2021 Reading Period Wed November 24, 2021 Thanksgiving Holiday Thurs – Fri November 25-26, 2021 Reading Period Sat- Sun November 27-28, 2021 Final Examinations Monday - Friday November 29-Dec. 10, 2021 Commencement Exercises Saturday December 11, 2021

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*Wherever an assignment is preceded by an (R), for READ ONLY, the student will be held responsible for only those items concerning said assignment that are discussed in class. The purpose of such is to facilitate and expedite material coverage.



THURGOOD MARSHALL SCHOOL OF LAW

COVID-19 INFORMATION SHEET

HEALTH AND SAFETY ON CAMPUS

1. Students are expected to continuously self-screen for the symptoms of COVID-19. The Center for Disease Control has a list of COVID-19 symptoms: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. If you begin to show symptoms, notify your professor and leave the classroom. Limit contact with other individuals on campus and contact your healthcare provider for further guidance.
2. If, before coming to campus, a student starts exhibiting any symptoms of COVID-19 or does not feel well, the student should not attend class in person. The student should immediately notify the Assistant Dean for Student Development (virgie.mouton@tmslaw.tsu.edu) and attend classes online.
3. Students who have been sick with COVID-19 symptoms, tested positive for COVID-19, or have been potentially exposed to someone with COVID-19 should attend classes online until they are cleared by their healthcare provider. The following is taken from the TSU & Coronavirus FAQs, <http://www.tsu.edu/about/administration/marketing-and-communications/coronavirus/faqs.html>:

Those who have recently traveled internationally or believe they have been exposed to the virus and are experiencing influenza-like illness, with fever greater than 100.3, and symptoms, including cough, body aches, severe sore throat or runny nose, should seek medical attention, especially if symptoms worsen.

Students should contact TSU Health Services (713-313-7173) and identify themselves as having flu-like symptoms to obtain further recommendations and guidance. Students should also consult with their regular health care provider or seek treatment at a local health center if they are overseas. Please call ahead to your health care provider to notify them of the reason for your visit.

For additional information about COVID-19, including signs and symptoms, transmission and risk of exposure, and what to do if you are exhibiting symptoms, please refer to the resources section. The CDC's website and Texas Department of State Health Services (DSHS) will also issue guidance for those planning to travel or who have recently returned.

4. While on campus and in classrooms, students should observe the rules for social distancing, social health etiquette, and general cleanliness.
 - a. Students should practice hand hygiene, cough etiquette, and general cleanliness.
 - b. Students should maintain at least 6 feet separation in all directions from other individuals.
 - c. Face coverings (over the nose and mouth) are required for all students. Students without a face covering will not be allowed to enter the classroom. Students with an approved exemption and who notify their professor before the start of class may be allowed to wear a face shield instead of a face mask.
 - d. Students should wash or disinfect their hands before each class and after any physical interaction with other persons in the classroom.
 - e. Students should maintain classroom cleanliness. Students should create a clean classroom environment by putting away unnecessary personal items and cleaning their seating area intermittently.
 - f. Students should not expect to enter the Law Building on a day other than the designated day for in-person attendance for an enrolled course. Entry will be permitted only if administration can determine that the maximum occupancy for COVID-19 social distance protocol has not been exceeded.
 - g. Students who do not comply with the rules for social distancing, social health etiquette, and general cleanliness may be subject to discipline up to expulsion from law school.

ATTENDANCE POLICY

5. Students are required to attend classes consistent with the format of the enrolled course.
 - a. Hybrid – instruction for courses in this format is delivered in person and simultaneously online. Enrolled students are divided into groups and required to attend weekly in-person classes on the weekday(s) predetermined by administration for the designated group. Students may only attend in-person classes on the administration-determined day to ensure that all enrolled students are guaranteed a physical seat for the class. Other class days for the week are to be attended online.

Students who have COVID-related health and safety concerns in attending in-person classes must obtain a remote-instruction waiver from the Office of Student Affairs. The waiver can be requested for the entire semester or temporary, based upon the personal circumstance of the affected student.

- b. Online – instruction for courses in this format is delivered 100% online.
 - c. For the 100% online course and the hybrid course online instruction component, both the American Bar Association and the Law School rules obligate the professor to obtain assurance that the person who logs into the course online, participates in class, takes quizzes and exams, and engages in collaborative exercises, is the student enrolled in the course. Without being limited to the following methods of attendance verification, professors may require attendance to be contingent upon confirmation of identity via webcam or require webcams to remain on for the entire class period.
-