

# PRELIMINARY DRAFT

CONSTANCE FAIN, EARL CARL PROFESSOR  
OFFICE NO. 221-F  
OFFICE TELEPHONE NO: (713) 313-7393  
E-Mail: fainconstance@att.net

FALL, 2017

## LAW 540 CONSTITUTIONAL LAW I SYLLABUS

### REQUIRED TEXTS:

- (1) Barron, Dienes, McCormack & Redish, Constitutional Law: Principles and Policy, Lexis Nexis Group (8<sup>th</sup> edition 2012)
- (2) Supplement text to Constitutional Law: Principles and Policy (2017) (Contains Supreme Court Cases that were decided after the main text above was printed)

### REFERENCE TEXTS:

- (1) Tribe, American Constitutional Law, Foundation Press (latest edition)
- (2) Nowak & Rotunda, Constitutional Law, West Group (latest edition)

### COURSE CONTENT AND OBJECTIVES

Students will be introduced to basic theories of Constitutional Law, including policy considerations. There will be an in-depth study of judicial review, limitations on judicial review, national powers, state powers, executive and congressional relations, procedural due process, and substantive due process. Equal protection, state action and First Amendment topics (freedom of expression and freedom of religion) will be covered in Constitutional Law II (Spring Semester).

### COURSE REQUIREMENTS

Each student is required to have read the assigned materials before they are discussed in class. Some of the cases will be assigned to individual students in advance. In addition, students are required to read all of the Notes following the cases and the 2017 Supplement cases. (See the 2017 Supplement Table of Contents as the class discusses the chapters in the main text so that you will know which pages you are required to read from the Supplement). Students are required to attend class on a regular basis. The grade of any student who has been absent from class more that ten (10) times during the semester may be lowered (by the professor or Law School Administration) one (1) two (2) or three (3) grades depending on the number of excess absences.

## **GRADING CRITERIA**

There will be one or two interim exams and a final exam at the end of the semester. Practice multi-state exams will be distributed or administered during the semester to aid in preparing students for the multi-state component of the Bar Exam. Extra class meetings will be scheduled for all Real Exams and Practice Exams unless otherwise informed. Hypothetical problems and newspaper articles containing Constitutional Law-related topics may be distributed and discussed in class periodically. Excess absences and unpreparedness will result in the course grade being lowered. Class participation will be considered in arriving at your final grade. If you are unprepared for class, inform me orally or in writing at the beginning of class, and you will be excused from participation on that day.

## **EXAMS AND REVIEWS**

Exams and reviews will be scheduled at times other than the regular class time. There will be 2 or 3 exams including the final exam. Exams (real and practice ones) are mandatory. Reviews are not mandatory; however, students are strongly urged to attend these sessions if they enhance your understanding of the subject matter. Class participation will be given to those persons who attend tutorial sessions conducted by the Tutor.

## **FIREARMS**

- My office is a gun-free zone; therefore, guns are banned in my office (Room 221-F).

## **CLASS AND TENTATIVE OFFICE HOURS**

- Class meets on Monday, Wednesday and Friday from 10:00am to 10:50am. You are expected to be in your seats and ready to participate when the professor arrives.

- OFFICE HOURS

- Monday and Wednesday: 2:00<sup>PM</sup> to 3:30<sup>PM</sup>

- Tuesday: By Appointment

- Friday: 2:00<sup>PM</sup> to 3:30<sup>PM</sup> (This time will change on those days that I schedule Practice Exams for either the Constitutional Law or Torts class)

- Other times by appointment

**CONSTITUTIONAL LAW I**

**TOPICS AND ASSIGNMENTS**

**WEEK I (Aug. 21-25)**

- Roman numeral pp. XVII to XXXIII
- pp.1-46 & 2017 Supplement

- The Constitution
  - Brief Overview of American Constitutionalism (Introduction)
  - Judicial Review & Limitations on Judicial Review (Chap. 1)
- 

**WEEK II (Aug. 28-Sept. 1)**

- pp. 46-59 & 1607-1655 & 2017 Supplement

- Limitations on Judicial Review (Chap.11)
- 

**WEEK III (Sept. 4-8)**

- pp. 1656-1698 & 2017 Supplement

- LABOR DAY HOLIDAY (Sept. 4<sup>th</sup>)
  - Limitations on Judicial Review (Chap.11)
- 

**WEEK IV (Sept. 11-15)**

- pp. 61-104 & 2017 Supplement

- National Powers and Federalism (Chap. 2)
- 

**WEEK V (Sept. 18-22)**

- pp. 104-151 & 2017 Supplement

- National Powers and Federalism (Chap. 2)
- 

**WEEK VI (Sept. 25-29)**

- pp. 151-188 & 2017 Supplement

- National Powers and Federalism (Chap. 2)
- 

**WEEK VII (Oct. 2-6)**

- pp. 189-217 & 2017 Supplement

- National Powers and Federalism (Chap. 2)
- 

**WEEK VIII (Oct. 9-13)**

- pp. 219-249 & 2017 Supplement

- State Power in American Federalism (Chap. 3)

**Week IX (Oct. 16-20)**

• pp. 250-285 & 2017 Supplement

- State Power in American Federalism (Chap. 3)
- 

**Week X (Oct. 23-27)**

• pp. 287-367 & 2017 Supplement

- Executive and Congressional Relations: Separation of Powers (Chap. 4)
- 

**Week XI (Oct. 30-Nov. 3)**

• pp. 367-446 & 2017 Supplement

- Executive and Congressional Relations: Separation of Powers (Chap. 4)
- 

**Week XII (Nov. 6-10)**

• pp. 447-505 & 2017 Supplement

- Limitations on Governmental Power (Chap. 5)
  - Procedural Due Process (Chap. 5)
- 

**Week XIII (Nov. 13-17)**

• pp. 507-561 & 2017 Supplement

- Forms of Substantive Due Process (Chap. 6)
- 

**Week XIV (Nov. 20-24)**

• pp. 561-621 & 2017 Supplement

- Forms of Substantive Due Process (Chap. 6)
  - **THANKSGIVING DAY HOLIDAY (Nov. 23-24)**
- 

**Week XV (Nov. 27-Dec. 2)**

• pp. 621-691 & 2017 Supplement

- Forms of Substantive Due Process (Chap. 6)
  - **TSU Hurricane Harvey Makeup Days: Dec. 1 & 2 (Fri. & Sat.)**
- 

**Week XVI (Dec. 4-8)**

- **TSU Hurricane Harvey Makeup Days: Dec. 4 & 5 (Mon. & Tues.)**
  - **Final Exams (Dec. 7 & 8)**
- 

**Week XVII (Dec. 5-9)**

- **Final Exams (Continued)**