

FALL SEMESTER 2017 CONSTITUTIONAL LAW SYLLABUS THURGOOD MARSHALL
SCHOOL OF LAW

LAW 512 SECTION 2

NAME: Professor L. Darnell Weeden

Telephone: (713) 313-4249

E-mail address: lweeden@tmslaw.tsu.edu

Location: Suite #221J

Office Hours: M W F 11:00 A.M. 1:00 P.M. & 2:00 P.M. - 4:00 P.M. (Other times are available by appointment or walk-in)

Class meets in Room #202 Monday, Wednesday & Friday 10:00 - 10:50 A.M.

Course Book: Constitutional Law Nineteenth Edition (2016) by Kathleen M. Sullivan and Noah Feldman and Latest Available Supplement (2017)

Recommended Reading Material: Case Analysis and Fundamentals of Legal Writing, by Williams P. Statsky & R. John Wernet, Jr. (any available edition). “No one has devised a universally accepted method of acquiring the skill of reading and applying court opinions. ... This book, however, starts with the assumption that much can be learned about opinions and their jurisprudential context before confronting thousands of them in the reporters and casebooks. The beauty of a court opinion is the wealth of learning it can provide about legal analysis and our legal system. This learning is the foundation for the development of the skills of reading and applying opinions.”

Course Description

Students are 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 power, state powers, executive and congressional relations, procedural due process, substantive due process, equal protection, and state action.

Course Objective

The objective of this course as stated by Kathleen M. Sullivan and Noah Feldman, the authors of the casebook, is that any student learning constitutional law in this class will be readily equipped to practice it. This class will pursue Sullivan's and Feldman's goal of uncovering and explaining the rules, standards, and policies that inform practice before the Court as much as it strives to provide an analysis of the Court's evolving constitutional law doctrine.

Student Learning Outcomes

After successful completion of the course, students should be able to competently:

- 1) Analyze appellate opinions involving Constitutional Law in order to extract relevant principles and rules, draw analogies and distinctions, and develop legal arguments
- 2) Articulate important doctrinal rules, standards and principles of Constitutional Law from memory, explain what they mean and provide appropriate examples
- 3) Demonstrate a practical understanding of Constitutional Law by recognizing commonly encountered issues and applying relevant standards and rules when presented in hypothetical and unfamiliar fact patterns

4) Communicate, orally and in writing, appropriate legal and factual arguments in support of each side of controversies involving commonly encountered problems and issues in Constitutional Law

GRADING

The professor will give one mid-semester objective examination on Friday October 20 and a second objective examination at the end of the fall semester. The fall semester score for this course is based on those two examinations. There will be one Midterm 25 objective (multiple choice) questions Exam in October worth 25 points. The second fall semester Exam in December will be 75 objective (multiple choice) questions worth 75 points. A student who takes both the October & December Exams will have an opportunity to earn a total of 100 points during the semester. Exams and reviews may be scheduled throughout the semester at times, other than when the class meets. A separate schedule of dates and times may be announced in the future. Practice exams may be administered throughout the semester to aid you in developing your legal analysis skills. *The mid-semester and the end of semester exam are mandatory. Failure to take a mandatory exam may result in a reduced final grade. Excessive absences and lack of preparations may result in a lower grade in this course.*

ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you, as soon as it has been made aware of your situation.

Please see:

http://www.tsulaw.edu/student_affairs/docs/2011-2012AccommodationsHandbook.pdf

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Class Participation: Each student is required to read the assigned materials before they are discussed in class in order to contribute to the class discussion of the cases and related policy concerns. No points are awarded for the act of participating in the class discussion. Some of the cases may be assigned to individual students in advance. Students are expected to read the notes following the cases in the textbook. Supplementary material listed under “Recommended Reading Material” on page 1 of this syllabus may be helpful in clarifying the process of identifying a specific legal issue. From time to time, other reading material may be assigned.

Attendance Students are expected to attend class on a regular basis. The grade of any person who has been absent from class more than five (5) times during the semester may be lowered one (1), two (2), or three (3) grades depending on the number of excess absences. Excessive absence from class may result in administrative withdrawal from the course. The number of absences a student may accumulate in a semester before the administration withdraws a student from class defines excessive absence. Absence is defined as a failure to attend class, or failure to be present at the start of class. The number of absences permitted in a three-hour course this semester is five.

Professionalism: Students are expected to demonstrate reasonable progress in developing legal skill and competence while participating in class discussions.

TEXAS SOUTHERN UNIVERSITY ACADEMIC CALENDAR 2017

FALL SEMESTER 2017 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 14-18, 2017
First Day of Class	Monday	August 21, 2017
Last Day to ADD/DROP	Friday	August 25, 2017
Labor Day (NO CLASSES)	Monday	September 4, 2017
Purge of all unpaid course selections	Thursday	September 20, 2017
Mid Term Examinations	Mon – Fri	October 16-20, 2017
VETERANS DAY (NO CLASSES)	Friday	November 10, 2017 (tentative)
Thanksgiving Holiday	Thurs – Fri	November 23-24, 2017
Last Day of Classes	Thursday	November 30, 2017
Last Day to Drop a Class	Thursday	November 30, 2017
First Year Professors' Grades due	Thursday	November 30, 2017
Reading Period (NO CLASS)	Friday - Sunday	December 1-3, 2017
Final Examinations	Mon –Fri	December 4 -Dec. 15, 2017
Commencement	Saturday	December 16, 2017

& the Commerce Power and Its Federalism Based Limits

WEEK III (Sept 4-8) pp. 123-177

*No class Labor Day

The Commerce Power and Its Federalism Based Limits

WEEK IV (September 11- 15) pp. 177-247

The National Taxing and Spending Power and Their Federalism Based Limits & Federal Limits on state regulation of Interstate Commerce

WEEK V (September 18-22) pp. 247-314

Federal Limits on state regulation of Interstate Commerce & Separation of Powers

WEEK VI (September 25-29) pp. 314 -390

Separation of powers

WEEK VII (October 2- 6) pp. 391- 456

Separation of powers & The Post Civil War Amendments And the “Incorporation of Fundamental Rights

WEEK VIII (October 9-13) pp. 456-520

Separation of powers, and Fundamental Rights & Due Process

WEEK IX (October 16-20) pp. 520-572

Due Process

***Mid-term Exam Friday October 20 Twenty five percent of final grade**

WEEK X (October 23-27) pp. 572 - 652

Due Process & Equal Protection

WEEK XI (October 30 – Nov 3) pp. 652 - 712

Equal Protection

WEEK XII (Nov. 6-10) pp.712 – 769

Equal Protection Friday Nov. 10 Veterans Day No Class (tentative)

WEEK XIII (November 13-17) pp. 769- 836

Equal Protection

WEEK XIV (November 20- 24) pp. 836-891

Congress's Civil Rights Enforcement Powers

*Thanksgiving Holiday 23 -24

WEEK XV (November 27 – December 1)

Congress's Civil Rights Enforcement Powers pp. 891 - 929

*Last Day of Class Thursday November 30

*Reading Period December 1-3

WEEK XV1 Final Examinations First Week (Dec. 4-8)

WEEK XV11 Final Examinations Second Week (December 11-15)

* Student Semester Ends Dec. 15 *Winter Commencement Saturday Dec.16

WEEK XVIII (December 18 – 22)

WEEK XIX (December 25- 29)

WEEK X *Christmas Holiday Monday December 25

INFORMATION ITEM: Listed Below Are 15 Selected Publications Discussing Issues with Constitutional Implications authored by Professor Weeden Since 2011.

- 1) *In Fisher V. University Of Texas Derrick Bell's Interest Convergence Theory Is On A Collision Course With The Viewpoint Diversity Rationale In Higher Education*, 2016 Utah L. Rev. OnLaw 101. (University of Utah S.J. Quinney College of Law)
- 2) *The Problematic Right to an Abortion Under a Natural Law Perspective*, 2 INDONESIAN J. INT'L & COMP. L. 803 (2015)
- 3) *Good Public Policy Occurs Under Plyler When In-State College Tuition Rates Are Awarded To Undocumented Bona Fide Resident Immigrants*, 25 GEO. MASON U. CIV. RTS. L.J. 191 (2015)
- 4) **Lead Article** *Leadership Matters: Saving Judge Scheindlin's NYPD Racial Profiling Remedy In Floyd V. City Of New York*, 36 WHITTIER L. REV. 95 (2014)
- 5) *May Traditional Deference To State Sovereignty Serve As A Rational Basis To Deny Marriage Equality To Same-Sex Wedding Vows?* 16 LOY. J. PUB. INT. L 201 (2014)
- 6) *The Supreme Court's Rejection Of The Rational Basis Standard In Shelby County V. Holder Invites Voter Suppression*, 33 MISS. C. L. REV. 219 (2014)
- 7) *Medicaid Expansion, The Patient Protection And Affordable Care Act, And The Supreme Court's Flawed Spending Clause Coercion Reasoning In National Federation Of Independent Business V. Sebelius*, 61 CLEV. ST. L. REV. 1051 (2013)
- 8) *The Commerce Clause Implications Of The Individual Mandate Under The Patient Protection And Affordable Care Act*, 26 J.L. & HEALTH 29 (2013)
- 9) *Introduction: Race & Immigration Symposium*, 44 ARIZ. ST. L.J. 1 (2012)
- 10) *The Supreme Court's Treatment Of The Patient Protection And Affordable Care Act*, 12 APPALACHIAN J.L. 49 (2012)

- 11) *The Supremacy Clause Preemption Rationale Reasonably Restrains An Individual State Pursuing Its Own Separate But Unequal Immigration*, 14 SCHOLAR 679 (2012)
- 12) *Commentary on Professor Richards Sander's Class in American Legal Education*, 88 DENV. U. L. REV. 851 (2011)
- 13) *Criminal Procedure And The Racial Profiling Issue For Professor Gates And Sergeant Crowley*, 17 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 305 (2011)
- 14) *Fifty Plus Years After The Start Of The Civil Rights Movement: A Contextual Analysis Of The Freedom Of Association For The National Association For The Advancement Of Colored People's Pursuit Of Reforming The Law*, 12 FLA. COASTAL L. REV. 337 (2011)
- 15) *In Response To The Call For Social Justice Historically Black Law Schools (HBLs) Represent The New Mission Of Educational Diversity In The Legal Profession*, 14 J. GENDER RACE & JUSTICE, 747 (2011) (University of Iowa)