



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

CONSTITUTIONAL LAW I
LAW 540
FALL SEMESTER, 2019
PROFESSOR CONSTANCE FAIN
COURSE SYLLABUS

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THE PROFESSOR

NAME: CONSTANCE FRISBY FAIN

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LOCATION: ROOM 221-F

OFFICE HOURS:

- **MONDAY, WEDNESDAY & FRIDAY**
- **2:05^{PM} TO 3:00^{PM}**
- **OTHER TIMES BY APPOINTMENT (MON, TUE, WED & FRI)**
- **TIMES MAY CHANGE IF NECESSARY**

(TENTATIVE)

COURSE BOOKS & MATERIALS

REQUIRED TEXTS:

- (1) Barron, Dienes, McCormack & Redish, Constitutional Law: Principles and Policy, Lexis Nexis Group (8th edition 2012)
- (2) Supplement text to Constitutional Law: Principles and Policy (2019) (Contains United States 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 DESCRIPTION & 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).

STUDENT LEARNING OUTCOMES

The following are the analytical skills you are expected to develop and master in order to achieve the course objectives or student learning outcomes for Constitutional Law I. You will continue to sharpen the skills in your study and application of various concepts in your third year as you prepare to take the bar exam.

I. Critical Reading, Case Analysis, And Thinking Skills

Upon completion of Constitutional Law I, these skills will help you to be able to:

- Read, comprehend, analyze, synthesize, and assess court opinions by:
 1. dissecting them into components by identifying such elements as:
 - (a) litigation status of the parties in the trial and appellate court(s); (b) cause(s) of action; (c) defense(s); (d) elements of the cause(s) of action; (e) procedural history of the case; (f) facts; (g) issue(s); (h) holding(s); (i) plaintiff's arguments; (j) defendant's arguments; (k) rule(s) of law; (l) policy rationale; (m) disposition; and (n) add your own commentary;
 2. learning and understanding the meaning of the components of each constitutional law cause of action;
 3. breaking rules of law or legal principles into parts in order to understand what the rules mean and how to apply them;
 4. comparing and contrasting the various cases and philosophies of the U.S. Supreme Court Justices; and
 5. learning and understanding what the relevant provisions of the U.S. Constitution mean as they are interpreted by the U.S. Supreme Court.

II. Problem Analysis And Oral Advocacy Skills

Upon completion of Constitutional Law I, these skills will help you to be able to:

- Read, comprehend, analyze and argue (orally and in writing) Constitutional Law problems by:
 1. identifying the relevant Constitutional Law cause(s) of action;
 2. identifying the relevant issues;
 3. identifying the elements of the relevant cause(s) of action;
 4. identifying the relevant rule(s) of law;
 5. applying the rule(s) of law to the relevant facts completely;
 6. identifying pro-arguments, counter arguments and rebuttal arguments;
 7. identifying relevant policy arguments; and
 8. articulating legal arguments clearly, efficiently, completely, and professionally.

****NOTE: "STUDENT LEARNING OUTCOMES": TO BE MORE FULLY DEVELOPED AND ENHANCED.**

GRADING

There will be approximately two (2) or three (3) cumulative real interim exams (including the midterm-Exam #1) and a final exam at the end of the semester. One of the two or three exams will be a Midterm and another one will be a timed Essay. The exams that are not essays will be multiple choice exams since Constitutional Law is tested as a multi-state subject on the Bar Examination. Since I require that the Tutor administer a minimum number of quizzes, the points you receive on these assessments will be counted as part of your final grade. Therefore, all interim real exams, quizzes, and practice exams are mandatory. Failure to take those exams will result in a lower final score. 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. Avoid entering the classroom after the class begins.

Extra credit opportunities may be available, which could enhance your grade in the course. Extra credit projects will be announced at the appropriate times.

ACCOMMODATIONS

Students that require or feel that they need accommodations must contact Dean Mouton's office as soon as possible to fill out the necessary forms. Your prompt attention to this matter will allow for timely accommodations to be provided by the Law School once you have submitted your application and medical documentation. Your application and other documentation will remain confidential.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

- Class meets on Monday, Wednesday and Friday from 10^{am} to 10:50^{am}. 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 2019 Supplement cases. (See the 2019 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). Read all of the textual information in the textbook. Supplementary material listed under “ReferenceTexts” on page 4 of this syllabus should be helpful in clarifying constitutional law concepts. From time to time other reading materials will be assigned.
- Students are required to attend class on a regular basis and be in your seats and ready to participate when the professor arrives. The grade of any student who has been absent from class more than six (6) 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.

ACADEMIC CALENDAR



TEXAS SOUTHERN UNIVERSITY THURGOOD MARSHALL SCHOOL OF LAW ACADEMIC CALENDAR 2019–2020

FALL SEMESTER ACCELERATED (TURBO) COURSE

First Day of Accelerated Summer	Monday	August 5, 2019
Last Day to Add/Drop Classes	Monday	August 5, 2019
Last Day of Classes	Friday	August 16, 2019

FALL SEMESTER 2019 (SEVENTY-ONE DAYS OF CLASSES)

Orientation	Monday–Friday	August 12–16, 2019
First Day of Class	Monday	August 19, 2019
Last Day to ADD/DROP	Wednesday	August 21, 2019
Labor Day (NO CLASSES)	Monday	September 2, 2019
<i>Purge of all unpaid course selections</i>	Wednesday	September 18, 2019
Mid Term Examinations	Monday–Friday	October 14–18, 2019
Last Day to Drop a Class	Friday	November 8, 2019
Last Day of Classes	Tuesday	November 26, 2019
First Year Professors' Grades due	Tuesday	November 26, 2019
Reading Period (NO CLASS)	Wednesday	November 27, 2019
Thanksgiving Holiday	Thursday–Friday	November 28–29, 2019
Reading Period (NO CLASS)	Saturday–Sunday	November 30–December 1, 2019
Final Examinations	Monday–Friday	December 2–December 13, 2019
Commencement Exercises	Saturday	December 14, 2019

SPRING SEMESTER 2020 (SEVENTY DAYS OF CLASSES)

School Opens	Thursday	January 2, 2020
First Day of Class	Monday	January 13, 2020
Last Day to ADD/DROP	Wednesday	January 15, 2020
M L K Holiday (NO CLASSES)	Monday	January 20, 2020
<i>Purge of all unpaid course selections</i>	Friday	February 7, 2020
Mid Term Examinations	Monday–Friday	March 9–13, 2020
Spring Break	Monday–Friday	March 16–20, 2020
Spring Break (University Closed)	Wednesday–Friday	March 18–20, 2020
Last Day to Drop a Class	Thursday	April 9, 2020
Good Friday (NO CLASSES)	Friday	April 10, 2020
Last Day of Classes	Tuesday	April 28, 2020
First Year Professors' Grades due	Tuesday	April 28, 2020
Reading Period (NO CLASSES)	Wednesday–Thursday	April 29–April 30, 2020
Simulated Bar Exam*	Friday	May 1, 2020 (<i>tentative</i>)
Reading Period (NO CLASSES)	Saturday–Sunday	May 2–May 3, 2020
Final Examinations	Monday–Friday	May 4–May 15, 2020
Hooding Ceremony	Friday	May 15, 2020
Commencement Exercises	Saturday	May 16, 2020

Please note that the calendar events and /or dates are subject to change.

Updated August 6, 2019

POLICIES & PROCEDURES

Please reference the Thurgood Marshall School of Law Student Rules and Regulations Handbook concerning policies and procedures.

EXAMS AND REVIEWS

Real exams and reviews will be scheduled at times other than the times that the class meets unless informed otherwise. Some of the professor's reviews may be held on the weekends or at the end of the school day. Attendance at reviews conducted by the professor is **not** mandatory. Tutorial sessions will be scheduled and conducted by the Student Tutor, who will develop and administer several quizzes during the semester as mandated by the professor. Therefore, these quizzes will count as part of the final grade.

FIREARMS

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

COMPUTERS, ETC.

Cell phones, laptops, tablets and other electronic devices must not be used during class sessions unless you have written permission from Dean Mouton or the Professor asks the class to use them for a particular reason. These devices are also prohibited during exam review conferences.

TOPIC AND ASSIGNMENT ADJUSTMENTS

The professor reserves the right to adjust the schedule, classroom topics, and other activities as needed to achieve course objectives or student learning outcomes.

CONSTITUTIONAL LAW I: TOPICS AND ASSIGNMENTS (FALL, 2019)

WEEK I (Aug. 19-23)

- Roman numeral pp. XVII to XXXIII
 - pp. 1-46 & 2019 Supplement (Check Supplement pages)
 - The U.S. Constitution
 - Brief Overview of American Constitutionalism (Introduction)
 - Judicial Review & Limitations on Judicial Review (Chap. 1)
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WEEK II (Aug. 26-30)

- pp. 46-59 & 1607-1624 & 2019 Supplement (Check Supplement pages)
 - Judicial Review & Limitations on Judicial Review (Chap. 1)
 - Limitations on Judicial Review (Chap.11)
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WEEK III (Sept. 2-6)

- pp. 1624-1683 & 2019 Supplement (Check Supplement pages)
 - LABOR DAY HOLIDAY (Sept. 2nd)
 - Limitations on Judicial Review (Chap. 11)
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WEEK IV (Sept. 9-13)

- pp. 1683-1698 & 61-96 & 2019 Supplement (Check Supplement pages)
 - Limitations on Judicial Review (Chap.11)
 - National Powers and Federalism (Chap. 2)
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WEEK V (Sept. 16-20)

- pp. 96-151 & 2019 Supplement (Check Supplement pages)
 - National Powers and Federalism (Chap. 2)
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WEEK VI (Sept. 23-27)

- pp. 151-188 & 2019 Supplement (Check Supplement pages)
 - National Powers and Federalism (Chap. 2)
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WEEK VII (Sept. 30- Oct. 4)

- pp. 189-217 & 2019 Supplement (Check Supplement pages)
 - National Powers and Federalism (Chap. 2)
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WEEK VIII (Oct. 7-11)

- pp. 219-249 & 2019 Supplement (Check Supplement pages)
 - State Power in American Federalism (Chap. 3)
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- Week IX (Oct. 14-18)** • pp. 250-285 & 2019 Supplement (Check Supplement pages)
• State Power in American Federalism (Chap. 3)
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- Week X (Oct. 21-25)** • pp. 287-367 & 2019 Supplement (Check Supplement pages)
• Executive and Congressional Relations: Separation of Powers (Chap. 4)
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- Week XI (Oct. 28-Nov 1)** • pp. 367-446 & 2019 Supplement (Check Supplement pages)
• Executive and Congressional Relations: Separation of Powers (Chap. 4)
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- Week XII (Nov. 4-8)** • pp. 447-505 & 2019 Supplement (Check Supplement pages)
• Limitations on Governmental Power (Chap. 5)
• Procedural Due Process (Chap.5)
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- Week XIII (Nov. 11-15)** • pp. 507-561 & 2019 Supplement (Check Supplement pages)
• Forms of Substantive Due Process (Chap.6)
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- Week XIV (Nov. 18-22)** • pp. 561-621 & 2019 Supplement (Check Supplement pages)
• Forms of Substantive Due Process (Chap.6)
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- Week XV (Nov. 25-26)** • pp. 621-691 & 2019 Supplement (Check Supplement pages)
• Forms of Substantive Due Process (Chap. 6)
• Makeup or Extra Class on November 26th (Tue) (Time: TBA)
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- Week XVI (Dec. 2-6)**
• Final Exam Period
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- Week XVII (Dec. 9-13)**
• Final Exam Period
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