CONSTITUTIONAL LAW I

LAW 540

FALL SEMESTER, 2019

PROFESSOR CONSTANCE FAIN

COURSE SYLLABUS
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THE PROFESSOR

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LOCATION: ROOM 221-F

OFFICE HOURS: • MONDAY, WEDNESDAY & FRIDAY
(TENTATIVE) • 2:05PM TO 3:00PM
• OTHER TIMES BY APPOINTMENT (MON, TUE, WED & FRI)
• TIMES MAY CHANGE IF NECESSARY
COURSE BOOKS & MATERIALS

REQUIRED TEXTS:


(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 10:00am to 10:50am. 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 “Reference Texts” 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  
- **Labor Day (No Classes)**: Monday, September 2, 2019  
- **Purge of all unpaid course selections**: 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  
- **Purge of all unpaid course selections**: 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 (tentative)  
- **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)

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)

WEEK III (Sept. 2-6)  
- pp. 1624-1683 & 2019 Supplement (Check Supplement pages)  
- LABOR DAY HOLIDAY (Sept. 2nd)  
- Limitations on Judicial Review (Chap. 11)

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)

WEEK V (Sept. 16-20)  
- pp. 96-151 & 2019 Supplement (Check Supplement pages)  
- National Powers and Federalism (Chap. 2)

WEEK VI (Sept. 23-27)  
- pp. 151-188 & 2019 Supplement (Check Supplement pages)  
- National Powers and Federalism (Chap. 2)

WEEK VII (Sept. 30-Oct. 4)  
- pp. 189-217 & 2019 Supplement (Check Supplement pages)  
- National Powers and Federalism (Chap. 2)

WEEK VIII (Oct. 7-11)  
- pp. 219-249 & 2019 Supplement (Check Supplement pages)  
- State Power in American Federalism (Chap. 3)
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| State Power in American Federalism (Chap. 3)                                |
| Week X (Oct. 21-25) | pp. 287-367 & 2019 Supplement (Check Supplement pages)  
|----------------------|------------------------------------------------------  
| Executive and Congressional Relations: Separation of Powers (Chap. 4)    |
| Week XI (Oct. 28-Nov 1) | pp. 367-446 & 2019 Supplement (Check Supplement pages)  
|----------------------|------------------------------------------------------  
| Executive and Congressional Relations: Separation of Powers (Chap. 4)    |
| Week XII (Nov. 4-8) | pp. 447-505 & 2019 Supplement (Check Supplement pages)  
|----------------------|------------------------------------------------------  
| Limitations on Governmental Power (Chap. 5)  
| Procedural Due Process (Chap.5)                                        |
| Week XIII (Nov. 11-15) | pp. 507-561 & 2019 Supplement (Check Supplement pages)  
|----------------------|------------------------------------------------------  
| Forms of Substantive Due Process (Chap.6)                                |
| Week XIV (Nov. 18-22) | pp. 561-621 & 2019 Supplement (Check Supplement pages)  
|----------------------|------------------------------------------------------  
| Forms of Substantive Due Process (Chap.6)                                |
| 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)                |
| Week XVI (Dec. 2-6) | Final Exam Period                                      |
| Week XVII (Dec. 9-13) | Final Exam Period                                     |