

## COURSE SYLLABUS

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### CONSTITUTIONAL LAW

Professor Loren Jacobson

UNT Dallas College of Law

Spring 2021

Tuesdays & Thursdays, 6:15 PM – 8:15 PM

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### PLAN FOR INSTRUCTION

Constitutional Law will be taught as a hybrid class this semester, meaning that it will be given by providing both synchronous and asynchronous learning. The main substance of the course will be provided through asynchronous learning—recorded lectures done on Panopto that will be made available on Canvas. During each class period, I will also provide a short, synchronous session that will include a brief summary of the substantive law, one or more practice questions, and an opportunity for questions.

Prior to each synchronous class session, students are expected to (1) do the reading assigned in the syllabus; (2) watch the relevant Panopto recording; and (3) complete a worksheet that will tie in with the Panopto recording and upload the worksheet, which will also contain an affirmation that you have watched the recording, in Canvas. While I can't ensure you have done the reading, in order to get credit for being present (and therefore to be considered to have attended a class), you must watch the Panopto recording and upload the worksheet **prior to** the class period (by 6:00 PM the day of the synchronous lecture). Untimely submission of a worksheet, via for example, email, will NOT be counted towards attendance. If you fail to watch the recording and upload the worksheet timely, but attend the synchronous lecture for a class, you will have 5 points taken off for attendance. Conversely, if you watch the Panopto recording and upload the worksheet, but do not attend the synchronous lecture, you will have 5 points taken off for attendance. All Panopto recordings and worksheets will be available well in advance of the day by which they must be viewed and completed. Please note that in order for a worksheet to be counted towards attendance, the affirmation at the bottom of the worksheet that you watched the lecture must be signed. I reserve the right to ignore or otherwise not count an unsigned worksheet for attendance purposes. You can handwrite your signature or type it. Whatever the case, that signed affirmation is an oath that you did, in fact, watch the entire recorded lecture. If I find that you have uploaded a worksheet with a signed affirmation and you did not watch the entire recorded lecture, I will consider this a violation of the Honor Code and I will refer you to the Honor Council. Panopto provides reports showing whether users have watched recordings and indicating how long they watched. I reserve my right to spot check using Panopto to verify that you are, in fact, watching the recorded lectures.

Attendance of synchronous lectures will be accomplished in cohorts. You—the students in the class—will be broken up into three cohorts: one cohort of individuals who have chosen to attend the synchronous session in person and two cohorts of individuals who have chosen to attend the synchronous session virtually. The cohorts will be named after four ground-breaking Supreme Court justices: Marshall (after the first Black Supreme Court justice and my favorite Chief Justice, Chief Justice John Marshall); O'Connor (after the first female Supreme Court justice); Sotomayor (after the first Latina Supreme Court justice). Those of you who have elected to attend the synchronous lectures in person will be in the Marshall cohort. Those of you who have elected to attend the synchronous lecture virtually will be placed in the O'Connor and Sotomayor cohorts. Students will be assigned to their respective cohorts randomly (I use a computer program that randomizes selection). You may not ask to be in a specific cohort and you cannot change from one cohort to another, with the exception that those of you who have elected to attend in person but switch to virtual instruction during the semester will also be placed into one of the virtual cohorts. Once you have elected virtual instruction and are placed in a virtual cohort, you may not revert back to in-person instruction. Cohort assignments will be published on Canvas shortly before the first day of class and will be updated as necessary throughout the semester.

The Marshall cohort will attend their in-person lecture from 6:15 – 6:50 PM on Tuesdays and Thursdays in Room 310 at the law school. The O'Connor cohort will attend their virtual lecture from 7:00 PM – 7:35 PM on Tuesdays and Thursdays on Zoom and the Sotomayor cohort will attend their virtual lecture from 7:40 - 8:15 PM on Tuesdays and Thursdays on Zoom. Links to all Zoom classes are available at the Zoom tab on Canvas.

The synchronous lecture for each day of class will be the same for all cohorts. In other words, cohorts will all be getting the same information from me and will be working through the same problems. There is no benefit to being in a particular cohort. You **MUST** attend the synchronous lecture with your assigned cohort to get attendance credit. You **MAY NOT** attend a lecture for a cohort to which you are not assigned, absent extenuating circumstances and specific authorization from me. Should we have to quarantine during any period in the semester, all cohorts will attend the synchronous lectures via Zoom. In those circumstances, you will still attend your synchronous lecture at the time assigned to your cohort, it will just be on Zoom instead of in person. This allows me to teach to smaller sections and hopefully will be a more personable experience for all of us.

## HOW TO CONTACT ME

Office location: 413

Office Hours: Wednesdays, 4 – 7 PM\*

All office hours this semester will be virtual, via Zoom. I am not going to sit on Zoom for three hours. Instead, my office hours are a time when you can be guaranteed that I will be available to meet. If you would like to visit with me during office hours, send me an email beforehand, and I'll set up a Zoom meeting with you. I am also available to meet outside of office hours. Thus, if my office hours are inconvenient for you, please email me, and I'd be happy to set up a Zoom meeting at a mutually convenient time.

*\*These hours are subject to change upon reasonable notice*

Telephone: 214-571-2412

Email: Loren.Jacobson@untDallas.edu

Please **do not** rely on communications via Canvas. Email is a reliable way to contact me. Please also refer to the section below entitled "COMMUNICATIONS."

## COURSE PREREQUISITES

This course is LAW 7414-501 (1803). There are no prerequisites for this course.

## CREDIT HOURS

This course is worth four semester credit hours. This course also includes one research segment.

Please note that the College of Law's accrediting body, the American Bar Association, requires that the amount of instructional time provided in a course must be equal to one hour of instructional time per each unit awarded. Thus, in this course, we must have four hours of instructional time, which usually is given as two, two-hour in-person lectures a week. In this course, given its hybrid nature, the instructional time will be an aggregate of (1) the pre-recorded lectures; (2) the amount of time it takes to complete the worksheets that go along with the pre-recorded lectures; and (3) live, synchronous lectures. Most pre-recorded lectures are between an hour and an hour and fifteen minutes long. Most worksheets should take between 10-30 minutes to complete. Live, synchronous lectures last 35 minutes. Thus, on average, the amount of time you should be spending on watching the pre-recorded lecture, completing the worksheet, and attending the live synchronous lecture for each class is 2 hours—the same amount of time we would normally have spent in class for any given day. Some pre-recorded lectures—particularly the first one—are longer than an hour and 15 minutes, but some are also significantly shorter (around 45 minutes). Thus, although on some days you may have a bit more than two hours of instructional time, on other days,

you will have significantly less, and thus, it will all average out. I have made a conscious effort to ensure this is so.

## **COURSE DESCRIPTION AND GOALS**

This course is a survey course on Constitutional Law. It is a four-credit course and covers most, but not all, of the Constitutional Law subjects that are tested on the UBE. Specifically, we will cover the power of the judiciary and limits to that power, the presidential power and its limits, federal legislative power and its limits, constitutional limits on state action, substantive due process and equal protection. The course does not cover all of the fundamental rights (e.g. it covers the right to marry, but not the right to contraception and abortion), it does not cover some of the justiciability doctrines (e.g. the political question doctrine, mootness, and ripeness), and it does not cover procedural due process or any of the rights protected by the bill of rights such as the First Amendment (e.g. religious liberty, free speech) and Second Amendment.

The course will present each topic historically, so that students understand how the Supreme Court's current jurisprudence in each area of coverage has changed throughout time. In addition to the objective of learning the substantive law taught in this course, other course objectives include: critical reading and analysis of cases; ability to synthesize different areas of the law; understanding different theories of Constitutional interpretation; understanding our federal system; understanding the relationship between the three branches of government as set out in the Constitution and as affected by Constitutional jurisprudence; and understanding the relationship between the federal government and the states and how it is affected by Constitutional jurisprudence. Students will also practice answering multiple choice questions to practice for the Multistate Bar Exam and essay questions for the Multistate Essay Exam.

## **REQUIRED CASEBOOK**

Erwin Chemerinsky, *Constitutional Law* (5<sup>th</sup> ed. 2017) ("Casebook").

N.B. We are using the FIFTH EDITION of this Casebook, not the older Fourth Edition or the newer Sixth Edition.

## **CLASS WEBSITE AND OTHER SOFTWARE AND TECHNOLOGY**

Core course information will be posted on Canvas. To get to the UNT Dallas College of Law Canvas site, go to: <https://untdallaslaw.instructure.com>. You will need your EIUD and password. If you haven't already, I strongly suggest that you set up notifications in Canvas. Also, while I will try to ensure I use announcements to direct you to posted material, if you are looking for a worksheet, a PowerPoint, or something else, please check the Files or the Modules if you don't see it in an announcement.

All assignments, including the worksheets and research segment, will be provided and submitted through Canvas. Any worksheets that will accompany Panopto recordings and the problems we will be using during synchronous class time will be posted on Canvas prior to class. Please check either the appropriate folder or module **prior to class** so that you can have any worksheets handy and ready to go.

Other teaching and learning methods that will be used:

- Pre-recorded video lectures will be posted on Canvas under Panopto recordings. I will not be breaking up the videos into 15-20 minute increments. I find this breaks the flow and also can be overwhelming for some students, since it would mean for one class, I might have to post four or five videos instead of one. If you are someone who does not like long pre-recorded videos, feel free to press pause as you are watching and take a break or even note where you are, push stop, and come back to it. In other words, you may decide not to watch a pre-recorded video all in one go, and that's all right. You must, however, watch the entire video prior to the beginning of the related synchronous lecture. Thus, if you are someone who wants to watch in broken up intervals, plan accordingly.
- Recordings of in-person and virtual synchronous classes will be posted on Canvas after the class.
- Zoom will be used for synchronous class lectures and appointments (all Zoom links and relevant information will be posted on Canvas).
- Quizzes and exams will be administered through ExamSoft.

## **COURSE POLICIES**

In addition to the policies set forth in this Syllabus, the policies applicable to you and your performance and participation in this course are set forth in the separate document entitled “Course Policies,” which is incorporated within this document by reference. This separate “Course Policies” document is posted on Canvas with this Syllabus.

## **ATTENDANCE**

Under College of Law policy and consistent with Standard 304(d) of the ABA Standards, the College of Law requires regular and punctual class attendance. You will receive attendance credit for a class by watching the relevant Panopto recording, timely uploading a worksheet/affirmation, and then attending the short synchronous class session on Zoom or in person for that class. I will take attendance during the class session, whether it is in person or on Zoom.

**In order to be considered “present” for class and therefore be considered to be attending a class, you must attend synchronous lectures in real time, rather than viewing recordings of these synchronous lectures. Recordings of synchronous lectures are provided in case you miss a lecture or wish to review a particular concept, but viewing a recording does not count towards attendance without special permission. See the section below entitled “RECORDINGS” for more information on recording of synchronous Zoom lectures. Also, pursuant to COL policy, if you are attending the synchronous portion of class virtually (whether because you have elected to do so for the entire semester, or because we are forced**

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to do so due to a quarantine), in order to be considered present for class, you must attend synchronous Zoom lectures with your video on (i.e. you must be “live”—no blank screens or “glamour shots”). If you do not have access to a webcam or you are unable to participate via video for another reason, please contact me. Otherwise, I will NOT count you as present if I see a blank screen or glamour shot. If you are attending a synchronous lecture via Zoom, please also ensure that your full name (first name and last name) appears on Zoom, rather than your email address, student ID, a nickname or some other moniker. Finally, students are encouraged to attend synchronous lectures via computers rather than phones or tablets. If you do not have regular access to a computer for class, please notify me. Please see “Zoom/online etiquette” below for further information on my requirements for attendance via Zoom.

Under College of Law policy, at a minimum, students must attend 80% of class sessions, excluding absences that are excused. We will have 27 classes. This means you can miss no more than 5 classes. If you are diagnosed with COVID-19 and cannot participate in class for an extended period, please let me know. If this situation unfortunately arises for you, I will work with you, Dean Robinowich, and Dean Alexander.

For more information on attendance, see the Course Policies document. For the impact on unexcused absences and partial absences on your grade, please see the GRADING section below.

### **RECORDING OF LECTURES/CLASSES**

The Sotomayor cohort synchronous class sessions will be recorded and placed on Canvas. These recordings are made available for anyone who misses class or wishes to view a lecture to review a concept. Watching a recording of a synchronous class is not a substitute for attending synchronous classes, whether live or virtually, and will not be counted as attendance without express permission (and such permission will be given only under narrow and exigent circumstances). Generally, recordings of live classes may include student voices, but do not include student-identifying information. Recordings of Zoom classes necessarily include such information, including images and names. Students who participate in class via Zoom are consenting to have their video or image recorded. Students who participate in class are also consenting to have their voices recorded. Pursuant to FERPA regulations, these recordings will be posted only on the course Canvas page and thus can be viewed only by current students enrolled in the course. Sharing any live class recording with anyone other than a student currently enrolled in the course may constitute a FERPA violation and is strictly prohibited.

### **ACADEMIC PERFORMANCE & PROFESSIONAL BEHAVIOR EXPECTATIONS**

- **Be Punctual.** I will take attendance for all cohorts at every synchronous session, whether in person or virtual. I will also always start class on time. I would appreciate you not only being punctual, but being a bit early. Our synchronous class sessions are very short, and I hate for us to be distracted by latecomers. For those attending synchronous sessions virtually on Zoom, I will use the waiting room function on Zoom. Thus, I will need to let you into the lecture. Please log in a few minutes early so that you do not cause unnecessary distraction during class.

- **Be Prepared.** Students are expected to come to class fully prepared to discuss all readings, and to participate actively in class sessions. Doing the assigned reading and watching the Panopto recordings are absolutely necessary to not only being prepared for synchronous class sessions, but for doing well in this class.
- **Do Your Own Work.** Students must complete all assignments individually without assistance from other students, faculty, or anyone else unless you have received express permission from me to get such assistance or unless I otherwise assign collaborative work. That being said, I do encourage you to form study groups, study, and work on outlines together. **Please also note that I consider it a violation of the Honor Code if you distribute my class slides (Powerpoint presentations), Panopto recordings, or any other class materials to anyone outside of your class or if you receive, review, rely on, or in any way use my Constitutional Law class slides or other class materials provided by someone who has already taken this class at UNT Dallas College of Law.**
- **Complete All Assignments on Time.** Students are expected to complete all assignments—whether graded or not—by their assigned due date. A key part of learning to be a lawyer is to meet deadlines. If you fail to meet a deadline as a practicing lawyer, your client and you may suffer serious consequences. Thus, late work will detrimentally affect your grade—the later the submission, the more it will detrimentally affect your grade. Specifically, the following chart provides the consequences for late-submitted **graded** assignments:

DELIVERY TIME	DEDUCTION OF RAW SCORE ON GRADED ASSIGNMENTS
Delivered more than 15 minutes late, but less than, or up to, one hour late	5%
Delivered more than one hour late but less than, or up to, 12 hours late	15%
Delivered more than 12 hours late but less than, or up to, 24 hours late	35%
Delivered more than 24 hours late, but less than, or up to 36 hours late	50%
Delivered more than 36 hours late	No credit

If you anticipate, due to an emergency or other exigent circumstances, that you will have trouble completing an assignment on time, please let me know *beforehand*—come see me, call me or email me. If you have a good reason for submitting something untimely, I will factor that into the final grade. Moreover, you may “petition” me to either give you extra time to do an assignment or accept an untimely submitted assignment by establishing “good cause.” To do so, you must establish—and the burden is on you—that the failure to timely submit an assignment should be excused and that it was not due to inadvertence or negligence. Factors I may take into account in determining whether you’ve met the good cause standard, among others, are (1) whether you notified me prior to the assignment deadline; (2) whether the circumstances surrounding the failure to meet the deadline would also qualify you for an excused absence from class; (3) whether and to what extent you attempted to submit the

assignment in a timely manner via multiple or alternative methods; and (4) whether the failure to meet the deadline was the result of circumstances beyond your control. Note that if you have an excused absence, this is not alone an automatic excuse not to meet a deadline. Instead, you must be able to show “good cause” as set forth above, with appropriate documentation if necessary. If I permit additional time to complete the assignment, the amount of additional time will be the amount that I determine, in my discretion, to be the minimum. Finally, you must complete all required assignments to receive credit for the course.

Please also note that **ungraded** assignments must be turned in on time, or they will not be counted at all. In other words, when it comes to ungraded assignments, such as ungraded writing assignments and Panopto worksheets, you do not get some sort of lower score if you turn them in late. You get a zero. If you fail to submit an ungraded assignment on time, you will get no credit for it.

- **Cell-phones.** Whether you are attending class in person or you are engaging in online learning, please *turn off your cell phones and put them away* during class. Do not check your phone during class. **Do not text your classmates or others during class.** Do not leave your cell phone on the desk or table in front of you or in your lap. It will tempt you to check it or to text. If you have an urgent family matter, health care matter, or other exigent matter that may require a text or call during class, you may take your phone out for that purpose—but be sure to either leave the classroom or mute your microphone. I reserve the right to dismiss any student from class who violates this policy and to count the student as having an unexcused absence for the day the student is dismissed.
- **Laptops, tablets, computers, and other devices.** Laptops, tablets, computers and other electronic devices are NOT permitted in in-person lectures, and smartphones/cell phones are only permitted as set forth above. I expect that when you attend a synchronous lecture in person, you will take notes using an old-fashioned pen and paper. Again, I reserve the right to remove any student from class who violates this policy and to count the student as having an unexcused absence for the day the student is removed. I have given considerable thought to this policy, including by reading literature that supports the use of technology in the classroom and literature that shows that it harms student outcomes. After reviewing it all, and after teaching with this policy in place for several years, I have concluded that the harms and distractions of technology outweigh the benefits, and I therefore prohibit laptops, tablets, computers and other electronic devices in my in-person classes. That being said, I will make exceptions to this rule. If you have an accommodation, you must and should use a computer in my class. Also, even if you do not have an official accommodation, but have some sort of physical disability or other genuine issue that prevents you from taking hand-written notes, I may provide an exception. Finally, if you have a tablet that allows you to take hand-written notes with a stylus, I will allow you to use that in class. If you have an accommodation, please submit a form to me per the COL’s normal procedures. If you do not have an accommodation, but have a tablet or a real difficulty taking hand-written notes, you must email me or make an appointment to come and see me in order for me to grant you permission to use a device in class. Do not come and discuss this with me right before or after class! An appointment or email is necessary. If you are attending synchronous lectures virtually via Zoom, I obviously cannot prevent you from using a computer to take notes, but I strongly suggest that you take



notes by hand, as my experience and all of the studies I have consulted indicate that it really assists learning and retention.

- **Eating.** Generally, eating during class is discouraged, especially since our synchronous class periods are very short. If you do decide you need to eat during class, please limit it to a small, quiet, neutral-smelling snack (especially if you are attending in-person lectures). If your eating is disruptive, I reserve the right to dismiss you from the class and to count your dismissal as an unexcused absence.
- **Leaving the room or turning off your video during class.** Very rarely, it may be necessary for you to briefly leave the room where you are attending a synchronous class and return or to briefly turn off your video (I get it—kids and dogs can be a problem), but I highly discourage it. Your synchronous class time with me is very, very brief. You should not need to use the restroom or go and get a snack or drink (however close the refrigerator is to you and however often it may call to you) during a synchronous lecture. Instead, I expect you to use the restroom and get your coffee/water/beverage of choice prior to class. I consider this a serious matter of respect not only to me, but to yourself and your ability to learn. Therefore, you may leave the room/turn off your video only if absolutely necessary, and make it quick. If a student routinely abuses this policy, I reserve the right to dismiss the student from one or more classes and to count the dismissal(s) as an unexcused absence.
- **Attire.** Please follow the attire guidelines of the UNT Dallas COL and be appropriately dressed when you attend synchronous lectures.
- **In-person class etiquette.** If you are attending the synchronous part of class in person, please note that you are required to wear a mask. This of course is not only for your safety, but for all of our safety. I want the classroom to be a place where we all care about each other, and part of showing that care and consideration is wearing a mask. You will also be required to sit six feet apart, and I ask you to please sit in the same seat for every class.
- **Zoom/online etiquette.** If you are attending the synchronous part of class via Zoom, you must do so with your video on (i.e. you must be “live”—no blank screens or “glamour shots”). If you do not have access to a webcam or you are unable to participate via video for another reason, please contact me. If you are attending a synchronous lecture via Zoom, please also ensure that your full name (first name and last name) appears on Zoom, rather than your email address, student ID, a nickname or some other moniker. Students are encouraged to attend synchronous lectures via computers rather than phones or tablets. Unless you are speaking, please ensure you are muted and all notifications on your device are turned off. Please note that the chat feature will be disabled in Zoom. If you are participating via Zoom and have a question, please use the “raise your hand” feature and I will call on you.

**When you attend a synchronous lecture virtually, you are required to do so from a workspace conducive to learning.** A workspace conducive to learning is a workspace that is similar to the classroom environment. It is a workspace where (1) there are no expected distractions; (2) you can concentrate; (3) you can take notes; and (4) you could answer questions if you were called on and ask questions if you were inclined to do so. Because a synchronous lecture should mimic the classroom environment to the greatest extent possible, a workspace conducive to learning also means you are in a place that will not cause your classmates or me to be distracted. This means, as an example, that walking outside or around your home while attending a lecture is not being in a workspace conducive to learning. Being in a car, in your bed, or in a float in the pool is also not a workspace conducive to learning. Attending class from a public space, such as a restaurant, coffee shop, or cafe is also not a workspace conducive to learning. I understand that because you are attending class on a screen for only 35 minutes, that it can seem more like a YouTube video or a podcast. It's not. It's a classroom environment, and although it may not feel that way, I expect you to treat it that way. The benefit of being able to take class virtually means that you can attend even under circumstances where if we were in person, you would not be able to attend. But if those circumstances do not conform with my requirements of being in a "workspace conducive to learning," that means you cannot get credit for attendance. So, for example, if you, for some reason, must be traveling by car during the lecture, you may attend with a black screen with my permission, if you still want to watch or listen in. But you cannot get attendance credit for it. I don't think this is unfair, given that if you were taking my course under normal circumstances and had to be in a place outside of the classroom, you would miss class and not get attendance credit. Under our current circumstances, you can get the benefit of still being able to watch or listen in, but you cannot get attendance credit unless you are in a workspace conducive to learning.

To make clear, then, if you attend a synchronous class from a place that is not a workspace conducive to learning, you will not get attendance credit for that day. Moreover, students are expected to devote their entire attention to class. Thus, cooking dinner, cleaning the house, gaming, or engaging in other activities during class time is not appropriate. Finally, I expect you to be appropriately dressed when you attend online synchronous lectures just as you would an in-person class. That means, for example, no pajamas or bath robes. Please follow the attire guidelines of the UNT Dallas COL.

## COMMUNICATIONS

- **Communicating with me.** Email is a very useful tool, but the best form of communication is in person, even if it is virtually. If you have a question about any class materials or an issue that you need resolved, please make an appointment to see me virtually via Zoom during office hours or any other time that may be convenient for you. Please email me to make an appointment.

Though this should be very rare, if you have not received an answer from me via email in 24 hours, please email me again. I do not regularly check other programs that may have an email or message interface. For example, I do not regularly check Canvas for messages, so please email me directly.

I really want to get to know you and do not believe in stupid questions. So, please ask questions and please make an appointment to meet with me via Zoom.

- **Communicating with you.** I will make all important course announcements via Canvas. I will also likely send such important announcements via email. I apologize if this means that sometimes you are getting multiple announcements. Unfortunately, in my experience, some students do not sign up for Canvas announcements and therefore in order to ensure everyone gets the information they need from me, I use multiple ways to communicate. That being said, please sign up to receive Canvas announcements!

## GRADING

I will be using a 40-point grading scale in this class. All number grades will be rounded pursuant to the normal rules of math. So, if you get a 96.7, that will be rounded up to a 97. If you get a 96.4, that will be rounded down to a 96. This is the 40-point grading scale:

Letter Grade	Number Grade
A+	97-100
A	93-96
A-	90-92
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D	60-69
F	<60

There is no curve in this class, but I do occasionally—although not always—add a multiplier to the final grades at the end of the semester. So that you understand, a “curve” means that the grades fall on a bell curve. In many law schools, there is a required curve. This can help some students, but it can also hurt students by lowering their grades, depending on where the curve is set

and where each student falls. We are not required to use a curve. Instead, I sometimes choose to use a multiplier because it helps all students and also tends to better account for the difficulty of the course. With a multiplier, if the highest raw grade in the class is an A-, I will calculate a multiplier so that the highest final grade is an A. The multiplier is applied to everyone's grades, meaning it pulls up all grades.

Your grade in this course will be based on the following:

Graded multiple-choice quizzes	5%
Ungraded writing assignments	5%
Graded research segment	5%
Participation (includes attendance, timely watching Panopto recordings and completing worksheets, and active participation in synchronous classes)	15%
Mid-term examination	25%
Final examination	45%

A note on anonymity: I grade midterms and finals on ExamSoft anonymously. I send the anonymous grades to LET, so that they have a record of the grades prior to anonymity being lifted. After I am finished grading and have sent the anonymous grades to LET, I ask LET to lift anonymity, and then I add the grades to my gradebook. I NEVER change midterm or finals grades after I have completed anonymous grading. However, because I input the grades into my gradebook myself, this means that while I grade all exams anonymously, the grading in this course is not entirely anonymous, and I can see how you did on the quizzes, midterm, and the final after I have finished grading them anonymously. I do this so that I can track how my students are faring in class and can reach out to help students who struggle. I believe that this system prevents bias, ensures fair grading, but also allows me to assist students who appear to be having a hard time in class.

## QUIZZES

Quizzes will be given on a regular basis to ensure that you are comprehending the material as we go along and also because they are good practice for the MBE. There will be 4 quizzes during the course of the semester. Quizzes are given over weekends via ExamSoft. The first three quizzes will open at 1 PM on Friday and must be completed and uploaded no later than 11:59:00 PM on Sunday. The fourth quiz will open at 1 PM on Saturday and must be completed and uploaded no later than 11:59:00 PM on Monday. Quizzes will be graded and will comprise 5% of your final grade. If I make changes to the quiz policy or the way grading will occur, I will let you know.

## RESEARCH ASSIGNMENT/SEGMENT

There is a research segment required for this course. The assignment will involve using KeyCites in Westlaw and Shepardizing in LexisNexis. You will get more information about the assignment about 2-3 weeks into the course, when Professor Caton will provide a Panopto recording on Canvas that will explain the research assignment and will give you a refresher on the tools you need to master in order to complete the assignment. The research segment is worth 5% of your grade and is due **Sunday, March 21st at 11:59 PM**. You will have approximately six weeks between the time Professor Caton posts the materials and the due date. However, I strongly suggest you do the assignment as soon as possible after the materials are released. The assignment is based on a case, and it will be easier to do when the case is fresh in your mind (we cover it the second week of class). Moreover, the semester tends to get busier and busier as it progresses, and thus, I think it's better to get the assignment done early.

## PARTICIPATION

Participation is measured by attendance and participation, and is broken into two categories:

- (1) **Attendance.** Each student is given 100 points for attendance. Each student is allowed one unexcused absence with respect to attending synchronous classes that will not count against the participation grade. This is not to encourage you to miss class; it is an acknowledgment that life happens. After the first unexcused absence, every unexcused absence after that will result in a deduction of points from this 100. Excused absences do not count against this part of your participation grade. You will be marked present for each class and get attendance credit for the class if you watch the relevant Panopto recording for the class, timely upload the worksheet and affirmation, and you attend the entire synchronous class session for that class. If you do not do all three of these things, you will have 10 points deducted from your participation grade. If you watch the Panopto recording and timely turn in the worksheet and affirmation, but you do not attend the entire synchronous session, you will be accorded a “half absence” (minus 5 points). If you do not watch the relevant Panopto recording and timely upload the worksheet/affirmation, but you attend the entire synchronous session, you will also be accorded a “half absence” (minus 5 points).
- (2) **Preparedness for class and voluntary participation.** You must be prepared for class every day or you will not do well in this class. I will not, however, be cold calling or relying on panels, but will rely on voluntary participation. Those who actively participate and volunteer will be eligible for an “upscore,” meaning bonus points will be added to your participation grade, based on the level of your participation.

## **UNGRADED WRITING ASSIGNMENTS**

You will be given four short writing assignments throughout the course. I will not be grading these assignments. Instead, you will get credit for completing them, I will provide you model answers, and then you will get credit for analyzing and grading your own work.

The purpose of these assignments is three-fold. First, they are meant to help you process and synthesize certain concepts to help you solidify your understanding of certain subject matter areas. Second, they are meant to help you practice your legal writing skills, specifically writing in an IRAC/CRAC format. Finally, the assignments are sample UBE (MEE) essay questions and will look very much like the essays you will see on the midterm and final in this class. Thus, they will help you prepare for the tests in this class and for the UBE.

The writing assignments should not take longer than an hour each, and will probably take you significantly less time. You will be accorded 10 points for turning in each of these assignments on time. You will get zero points for turning in an ungraded assignment late (even one minute late) or for not turning in a writing assignment.

Each of the assignments is due on a Monday. The Tuesday after the assignment is due, I will release a model answer for the assignment, so that you can see what an “A” response would look like. You will also be provided a grading rubric (a self-assessment rubric) that you will be asked to fill out to assess your own work. The grading rubric will be due the following Friday. In order to get points for the grading/self-assessment rubric, you must fill in the rubric and submit it, along with your marked up essay, on time. You will be accorded 10 points for turning in on time a grading rubric and marked up essay for each writing assignment. You will get zero points for turning in a grading rubric late, for not turning one in at all, or for failing to turn in the marked up essay along with the rubric. You will also not get feedback from me if you fail to turn in the rubric and marked up essay on time.

Altogether you will get 40 points for turning in all ungraded writing assignments on time and 40 points for turning in a grading rubric for each of your assignments on time, for a total of 80 points.

## **HONOR CODE**

By enrolling at the UNT Dallas College of Law, students accept and agree to abide by the College of Law Honor Code. The Honor Code requires that students behave with academic integrity. This requirement of academic integrity means that a student shall not cheat, plagiarize, or falsify in any academic matter. The full Honor Code is available in the COL Student Handbook and on the COL website.

## **DISABILITY ACCOMMODATIONS**

The UNT Dallas College of Law provides accommodations to qualified students with disabilities in accordance with state and federal laws. Any student requesting academic accommodations based on a disability is required to register with Disability Services each semester. Approved accommodations will be set forth in a letter of verification from Disability Services. Please be sure this letter is delivered to me as early in the semester as possible. To initiate the process of seeking accommodations, you should contact Assistant Dean of Student Affairs Kevin Robinowich, at

[kevin.robinowich@untDallas.edu](mailto:kevin.robinowich@untDallas.edu). For further information about disability accommodations, please see the Course Policies document.

### **COURSE SCHEDULE AND ASSIGNMENTS**

- Reading Assignments. Signaled by the word **READ**, reading assignments are drawn from the casebook, with some extra readings posted on Canvas.
- Watching Assignments. Signaled by a **W**, watching assignments involve watching pre-recorded Panopto video lectures on Canvas.
- Attendance Assignments: Signaled by an **AA**, attendance assignments are the worksheets and affirmations that must be completed along with the watching assignments. They are intended to help you make sure you are adequately grasping the material being covered during a given class and to ensure you are watching the required videos. They must be uploaded prior to the class period (by 12:55 PM on the class day). They will be made available on Canvas along with the Panopto recording prior to class.

This syllabus may be further revised during the course of the semester. If I make changes in daily assignments, I will provide an update on Canvas.

**INTRODUCTION &  
UNIT I - SEPARATION OF POWERS IN THE FEDERAL GOVERNMENT**

Date	Topic	Assignment (Complete Before Class Unless Otherwise Noted)
Class No. 1 T, Jan. 19	<p>A. Introduction to the Constitution and the Course</p> <p>B. The Role of the Judiciary</p> <p>1. The authority for judicial review <i>Marbury v. Madison</i> <i>Martin v. Hunter's Lessee</i> <i>Cobens v. Virginia</i></p> <p>2. Limits on Federal Judicial Power</p> <p>a) Congressional Limitations <i>Ex Parte McCardle</i> <i>United States v. Klein</i></p>	<p><b>READ</b> Casebook pp. xli-lviii</p> <p><b>READ</b> pp. 1 – 11</p> <p>Recommended listening: Radiolab's <i>More Perfect</i>, "Kittens Kick The Giggly Blue Robot All Summer": <a href="http://www.wnyc.org/story/giggly-blue-robot">http://www.wnyc.org/story/giggly-blue-robot</a></p> <p><b>READ</b> Casebook pp. 33 - 40</p> <p><b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation</p> <p><b>*Please review and sign the Policies for this Course and submit on Canvas</b></p>
Class No. 2 Th, Jan. 20	<p>B. The Role of the Judiciary</p> <p>3. Justiciability Limits</p> <p>a) Advisory Opinions <i>Plaut v. Spendthrift Farm, Inc.</i></p> <p>b) Constitutional Standing <i>Allen v. Wright</i> <i>Massachusetts v. EPA</i> <i>City of Los Angeles v. Lyons</i> <i>Lujan v. Defenders of Wildlife</i></p> <p>c) Prudential Standing <i>Singleton v. Wulff</i> <i>United States v. Richardson</i> <i>Flast v. Coben</i></p>	<p><b>READ</b> Casebook pp. 40 – 80</p> <p><b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation</p>



Date	Topic	Assignment (Complete Before Class Unless Otherwise Noted)
Class No. 3 T, Jan. 26	C. Executive Power 1. Division of Power Between the Executive and Legislative a) Inherent Presidential Power <i>Youngstown Sheet &amp; Tube Co. v. Sawyer</i> b) Executive Privilege & Limits on Inherent Power <i>United States v. Nixon</i> c) Congressional Authority to Increase Executive Power <i>Clinton v. City of New York</i>	<b>READ</b> Casebook pp. 321 – 341  <b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation
Class No. 4 Th, Jan. 28	2. Executive Power - Administrative Power & the Constitution a) The Non-Delegation Doctrine <i>A.L.A. Schechter Poultry Corp. v. United States</i> <i>Panama Refining Co. v. Ryan</i> <i>Whitman v. American Trucking Association, Inc.</i> b) The Legislative Veto <i>Immigration &amp; Naturalization Service v. Chadha</i> c) The Appointment Power <i>Morrison v. Olson</i> <i>NLRB v. Noel Canning</i> d) The Removal Power <i>Myers v. United States</i> <i>Humphrey's Executor v. United States</i> <i>Wiener v. United States</i> <i>Bowsher v. Synar</i> <i>Morrison v. Olson</i> <i>Free Enterprise Fund v. Public Company Accounting Oversight Board</i> <i>Seila Law LLC v. Consumer Financial Protection Bureau</i> (available on Canvas)	<b>READ</b> Casebook pp. 341 – 381 and case available on Canvas  <b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation
F, Jan. 29	QUIZ #1 THIS WEEKEND	

Date	Topic	Assignment (Complete Before Class Unless Otherwise Noted)
Class No. 5 T, Feb. 2	3. Allocation of Power in Conducting Foreign Policy <ul style="list-style-type: none"> <li>a) Presidential Power and Foreign Affairs <i>United States v. Curtiss Wright Export Corp.</i> <i>Zivotofsky v. Kerry</i></li> <li>b) Treaties and Executive Agreements <i>Dames &amp; Moore v. Regan</i></li> </ul> 4. Checks on Executive (Presidential) Power <i>Nixon v. Fitzgerald</i> <i>Clinton v. Jones</i> <i>Trump v. Vance</i> (available on Canvas) <i>Trump v. Mazars USA</i> (available on Canvas)	<b>READ</b> Casebook pp. 381 - 397  <b>READ</b> pp. 438 – 449 and <i>Trump v. Vance</i> and <i>Trump v. Mazars USA</i> available on Canvas  <b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation
Class No. 6 Th, Feb. 4	D. Legislative Powers <ul style="list-style-type: none"> <li>1. The Scope of Congressional Authority               <ul style="list-style-type: none"> <li>a) Historical Approach to Congressional Power <i>McCulloch v. Maryland</i></li> <li>b) Recent Application of Congressional Power <i>National Federation of Independent Business (NFIB) v. Sebelius</i></li> <li>c) Necessary and Proper Clause <i>United States v. Comstock</i></li> </ul> </li> </ul>	<b>READ</b> Casebook pp. 115 – 156  <b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation
M, Feb. 8	UNGRADED WRITING ASSIGNMENT #1 DUE TODAY AT 11:59 PM	

Date	Topic	Assignment (Complete Before Class Unless Otherwise Noted)
Class No. 7 T, Feb. 9	2. Congressional Power – Congressional Regulation of Interstate Commerce until 1991 <ul style="list-style-type: none"> <li>a) Historical Approach to the Commerce Clause <i>Gibbons v. Ogden</i></li> <li>b) Commerce Clause Power from 1937 to 1995 <i>NLRB v. Jones &amp; Laughlin Steel Corp.</i> <i>United States v. Darby</i> <i>Wickard v. Filburn</i></li> <li>c) The Meaning of “Commerce Among the States” <i>Heart of Atlanta Motel, Inc. v. United States</i> <i>Katzenbach v. McClung (Ollie’s Barbecue Case)</i></li> </ul>	<b>READ</b> Casebook pp. 156 - 182  <b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation  Recommended listening: Radiolab’s <i>More Perfect</i> , “One Nation, Under Money”: <a href="https://www.wnycstudios.org/story/radiolab-presents-more-perfect-one-nation-under-money/">https://www.wnycstudios.org/story/radiolab-presents-more-perfect-one-nation-under-money/</a>
Class No. 8 Th, Feb. 11	3. Congressional Power - Congressional Regulation of Interstate Commerce Since 1995 <i>United States v. Lopez</i> <i>United States v. Morrison</i> <i>Gonzales v. Raich</i> <i>NFIB v. Sebelius (review Insurance Mandate/ Commerce Clause part of the decision)</i>	<b>READ</b> Casebook pp. 188 -216  <b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation
F, Feb. 12	SELF-ASSESSMENT OF UNGRADED WRITING ASSIGNMENT #1 DUE TODAY AT 11:59 PM	
Class No. 9 T, Feb. 16	4. Congressional Power and the Tenth Amendment <i>Garcia v. San Antonio Metro. Transit Auth.</i> <i>New York v. United States</i> <i>Printz v. United States</i> <i>Reno v. Condon</i> <i>Murphy v. Nat’l Collegiate Athletic Ass’n</i> (available on Canvas)	<b>READ</b> Casebook pp. 182 – 188; 217 – 237; and <i>Murphy v. NCAA</i> available on Canvas  <b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation

Date	Topic	Assignment (Complete Before Class Unless Otherwise Noted)
Class No. 10 Th, Feb. 18	<p><b>5. Congressional Power: Taxing &amp; Spending</b></p> <p>a) Limits on the Taxing and Spending Power <i>United States v. Butler</i> <i>NFIB v. Sebelius</i> (<b>review Insurance Mandate/Taxing Power part of the opinion</b>) <i>Sabri v. United States</i></p> <p>b) Congressional Conditions on Federal Monies <i>South Dakota v. Dole</i> <i>NFIB v. Sebelius</i> (<b>review Medicaid Expansion/Tenth Amendment part of the opinion</b>)</p>	<p><b>READ</b> Casebook pp. 237 – 245</p> <p><b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation</p>
F, Feb. 19	<b>QUIZ #2 THIS WEEKEND</b>	
Class No. 11 T, Feb. 23	<p><b>6. Congressional Power Under the Reconstruction Amendments</b></p> <p>a) Matters Covered by the Post-Civil War Amendments <i>Civil Rights Cases</i> <i>United States v. Morrison</i></p> <p>b) The Scope of Congressional Power <i>Katzenbach v. Morgan</i> <i>City of Boerne v. Flores</i></p>	<p><b>READ</b> Casebook pp. 245 – 261</p> <p><b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation</p>

Date	Topic	Assignment (Complete Before Class Unless Otherwise Noted)
Class No. 12 Th, Feb. 25	<p>7. Congress’s Power to Authorize Suits Against State Governments (Section 5 of the Fourteenth Amendment and the Eleventh Amendment) – Part I</p> <p>a) The Fourteenth Amendment as a Means for Congress to Authorize Suits Against the States <i>Fitzpatrick v. Bitzer</i> <i>Seminole Tribe of Florida v. Florida</i></p> <p>b) Limits of the Applicability of the Fourteenth Amendment to Authorize Suits <i>Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank</i> <i>Kimel v. Florida Board of Regents Board of Trustees, University of Alabama v. Garrett</i></p>	<p><b>READ</b> Casebook pp. 272 – 295</p> <p><b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation</p>
M, Mar. 1	UNGRADED WRITING ASSIGNMENT #2 DUE TODAY AT 11:59 PM	
Class No. 13 T, Mar. 2	<p>8. Congress’s Power to Authorize Suits Against State Governments (Section 5 of the Fourteenth Amendment and the Eleventh Amendment) – Part II</p> <p>a) Congress to Authorize Suits Against the States Based on Rights Warranting Heightened Scrutiny <i>Nevada Department of Human Resources v. Hibbs</i> <i>Tennessee v. Lane</i></p> <p>b) Congress Cannot Authorize Suits Against States in State Court <i>Alden v. Maine</i></p>	<p><b>READ</b> Casebook pp. 295 – 307; 308-319</p> <p><b>W</b> Panopto recording <b>AA</b> Worksheet/affirmation</p>

Date	Topic	Assignment (Complete Before Class Unless Otherwise Noted)
Class No. 14 Th, Mar. 4	A. Federal Limitations on State Authority 1. Preemption a) Express Preemption <i>Lorillard Tobacco Co. v. Reilly</i> b) Implied Preemption: Conflicts Preemption <i>Florida Lime &amp; Avocado Growers v. Paul</i> c) Implied Preemption: Impeding Federal Objective <i>Pacific Gas &amp; Electric v. State Energy Resources Conservation</i> d) Implied Preemption: Field Occupation <i>Arizona v. United States</i>	<b>READ</b> Casebook pp. 451 – 476  <b>W</b> Panopto recordings on Preemption & Midterm Review  <b>AA</b> Worksheet/affirmation
F, Mar. 5	SELF-ASSESSMENT OF UNGRADED WRITING ASSIGNMENT #2 DUE TODAY AT 11:59 PM	
T, Mar. 9	<b>NO CLASS TODAY</b>	
Th, Mar. 11	<b>MIDTERM</b>	
T, Mar. 16	<b>NO CLASS TODAY – A SHORT CON LAW SPRING BREAK!</b>	

**UNIT II – FEDERALISM: THE DIVISION OF POWERS BETWEEN THE NATIONAL GOVERNMENT & THE STATES**

Date	Topic	Assignment (Complete before class unless otherwise noted)
Class No. 15 Th, Mar. 18	<p>A. Federal Limitations on State Authority</p> <p>2. Dormant Commerce Clause</p> <p>a) Defining the Dormant Commerce Clause <i>H.P Hood &amp; Sons v. Du Mond</i></p> <p>b) The Dormant Commerce Clause Before 1938 <i>Cooley v. Board of Wardens of the Port of Philadelphia</i></p> <p>c) The Modern Approach: Balancing <i>South Carolina Highway Department v. Barnwell Bros., Inc.</i> <i>Southern Pacific Co. v. Arizona</i></p> <p>d) Facially Discriminatory Laws <i>City of Philadelphia v. New Jersey</i> <i>Hughes v. Oklahoma</i> (available on Canvas)</p> <p>e) Facially Neutral Laws <i>Hunt v. Washington State Apple Advertising Commission</i> <i>Exxon Corp. v. Governor of Maryland</i> <i>West Lynn Creamery, Inc. v. Healy</i> <i>Minnesota v. Clover Leaf Creamery</i></p>	<p><b>READ</b> Casebook pp. 476 – 502 and <i>Hughes v. Oklahoma</i> available on Canvas</p> <p><b>W</b> Panopto recording</p> <p><b>AA</b> Worksheet/affirmation</p>
Sun., Mar. 21	<b>RESEARCH SEGMENT DUE AT 11:59 PM</b>	

Date	Topic	Assignment (Complete before class unless otherwise noted)
Class No. 16 T, Mar. 23	<p>A. Federal Limitations on State Authority</p> <p>2. Dormant Commerce Clause – cont.</p> <p>f) Analysis of Discriminatory Laws <i>Dean Milk Co. v. City of Madison, Wisconsin</i> <i>Maine v. Taylor</i> (<b>read version on Canvas</b>)</p> <p>g) Analysis of Non-Discriminatory Laws <i>Pike v. Bruce Church, Inc.</i> <i>Bibb v. Navajo Freight Lines, Inc.</i> <i>Consolidated Freightways Corp. v. Kassel</i></p> <p>h) Exceptions to the Dormant Commerce Clause</p> <p>i. Congressional Approval <i>Western &amp; Southern Life Insurance v. State Board of Equalization of California</i></p> <p>ii. Market Participant <i>Reeves, Inc. v. Stake</i> <i>South-Central Timber Development, Inc. v. Commissioner</i></p>	<p><b>READ</b> Casebook pp. 503 – 523; <i>Maine v. Taylor</i> available on Canvas</p> <p><b>W</b> Panopto recording</p> <p><b>AA</b> Worksheet/affirmation</p>
Class No. 17 Th, Mar. 25	<p>A. Federal Limitations on State Authority</p> <p>3. Privileges &amp; Immunities Clause of Article IV <i>Toomer v. Witsell</i> <i>United Building &amp; Construction Trade Council of Camden County</i> <i>Baldwin v. Fish &amp; Game Commission</i> <i>Supreme Court of New Hampshire v. Piper</i></p>	<p><b>READ</b> Casebook pp. 523 - 535</p> <p><b>W</b> Panopto recording</p> <p><b>AA</b> Worksheet/affirmation</p>



**UNIT III – THE STRUCTURE OF THE CONSTITUTION’S PROTECTION OF CIVIL RIGHTS & CIVIL LIBERTIES**

Date	Topic	Assignment (Complete before class unless otherwise noted)
M, Mar. 29	UNGRADED WRITING ASSIGNMENT #3 DUE AT 11:59 PM TODAY	
Class No. 18 T, Mar. 30	<p>A. The Application of the Bill of Rights to the States (Incorporation)</p> <ol style="list-style-type: none"> <li>1. Application of the Bill of Rights Before the Civil War <i>Barron v. Mayor &amp; City Council of Baltimore</i></li> <li>2. Application of the Bill of Rights to the States Based on the Privileges or Immunities Clause <i>Slaughter-House Cases</i></li> <li>3. Application of the Privileges or Immunities Clause Today <i>Saenz v. Roe</i></li> <li>4. Incorporation of the Bill of Rights</li> <li>5. The Extent of Incorporation of the Bill of Rights <i>Duncan v. Louisiana</i> <i>Timbs v. Indiana</i> (available on Canvas)</li> </ol>	<p><b>READ</b> Casebook pp. 537 – 552 (read up to <i>Palko v. Connecticut</i>, but don't read that case or <i>Adamson v. California</i>); 556-559; <i>Timbs v. Louisiana</i> available on Canvas</p> <p><b>W</b> Panopto recording</p> <p><b>AA</b> Worksheet/affirmation</p>

Date	Topic	Assignment (Complete before class unless otherwise noted)
Class No. 19 Th, Apr. 1	B. Application of the Bill of Rights to Private Conduct <ol style="list-style-type: none"> <li>1. The Requirement for State Action <i>Civil Rights Cases</i></li> <li>2. The Public Functions Exception <i>Marsh v. Alabama</i> <i>Jackson v. Metropolitan Edison</i> <i>Terry v. Adams</i> <i>Evans v. Newton</i></li> <li>3. The Public Functions Exception and the First Amendment <i>Hudgens v. NLRB</i></li> </ol>	<b>READ</b> Casebook pp. 567 - 582  <b>W</b> Panopto recording  <b>AA</b> Worksheet/affirmation
M, Apr. 5	SELF-ASSESSMENT OF UNGRADED WRITING ASSIGNMENT #3 DUE AT 11:59 PM TODAY	
Class No. 20 T, Apr. 6	B. Application of the Bill of Rights to Private Conduct <ol style="list-style-type: none"> <li>4. Entanglement Exceptions               <ol style="list-style-type: none"> <li>a) Judicial and Legal Enforcement Actions <i>Shelley v. Kraemer</i> <i>Lugar v. Edmondson Oil Co.</i> <i>Edmonson v. Leesville Concrete Co.</i></li> <li>b) Government Regulation <i>Burton v. Wilmington Parking Authority</i> <i>Moose Lodge No. 107 v. Iris</i></li> <li>c) Government Subsidies <i>Norwood v. Harrison</i> <i>Rendell-Baker v. Kohn</i> <i>Blum v. Yaretsky</i></li> </ol> </li> </ol>	<b>READ</b> Casebook pp. 582 - 604  <b>W</b> Panopto recording  <b>AA</b> Worksheet/affirmation

**UNIT IV – THE CONSTITUTION’S PROTECTION OF CIVIL RIGHTS & CIVIL LIBERTIES:  
DUE PROCESS & EQUAL PROTECTION**

Date	Topic	Assignment (Complete before class unless otherwise noted)
Class No. 21 Th, Apr. 8	<p>A. Due Process Protection for Economic Rights</p> <ol style="list-style-type: none"> <li>1. Substantive Due Process in the <i>Lochner</i> Era               <ol style="list-style-type: none"> <li>a) Freedom of Contract <i>Allgeyer v. Louisiana</i></li> <li>b) Maximum Hours Laws <i>Lochner v. New York</i> <i>Muller v. Oregon</i></li> <li>c) Minimum Wage Laws <i>Adkins v. Children’s Hospital</i></li> <li>d) Consumer Protection Laws <i>Weaver v. Palmer Bros. Co.</i> <i>Nebbia v. New York</i></li> </ol> </li> <li>2. Substantive Due Process after the <i>Lochner</i> Era               <ol style="list-style-type: none"> <li>a) The End of <i>Lochner</i> <i>West Coast Hotel Co. v Parrish</i> <i>United States v. Carolene Products Co.</i></li> <li>b) Economic Substantive Due Process Today <i>Williamson v. Lee Optical of Oklahoma</i></li> </ol> </li> </ol>	<p><b>READ</b> Casebook pp. 613 - 642</p> <p><b>W</b> Panopto recording</p> <p><b>AA</b> Worksheet/affirmation</p>
F, Apr. 9	QUIZ #3 THIS WEEKEND	
Class No. 22 T, Apr. 13	<p>B. Modern Substantive Due Process</p> <ol style="list-style-type: none"> <li>1. The Concept of Fundamental Rights</li> <li>2. The Framework for Analyzing Fundamental Rights</li> <li>3. Constitutional Protection for Family Autonomy: The Right to Marry <i>Loving v. Virginia</i> <i>U.S. v. Windsor</i> <i>Obergefell v. Hodges</i> <i>Pavan v. Smith</i></li> </ol>	<p><b>READ</b> Casebook pp. 949 – 981; <i>Pavan v. Smith</i> available on Canvas</p> <p><b>W</b> Panopto recording</p> <p><b>AA</b> Worksheet/affirmation</p>

Date	Topic	Assignment (Complete before class unless otherwise noted)
Class No. 23 Th, Apr. 15	<p>C. Equal Protection &amp; the Rational Basis Test</p> <ol style="list-style-type: none"> <li>1. Assessing the Law’s Legitimate Purpose <i>Romer v. Evans</i></li> <li>2. Underinclusiveness <i>Railway Express Agency, Inc. v. New York</i></li> <li>3. Overinclusiveness <i>New York City Transit Authority v. Beazer</i></li> <li>4. Laws That are Arbitrary and Capricious or Motivated by Animus <i>U.S. Department of Agriculture v. Moreno</i> <i>City of Cleburne v. Cleburne Living Centers</i></li> </ol>	<p><b>READ</b> Casebook pp. 725 - 754</p> <p><b>W</b> Panopto recording</p> <p><b>AA</b> Worksheet/affirmation</p>
M, Apr. 19	UNGRADED WRITING ASSIGNMENT #4 DUE TODAY AT 11:59 PM	
Class No. 24 T, Apr. 20	<p>D. Equal Protection &amp; Strict Scrutiny: Racial Classifications</p> <ol style="list-style-type: none"> <li>1. Racial Classification Prior to the Civil War <i>Dred Scott v. Sandford</i></li> <li>2. The Development of Strict Scrutiny <i>Korematsu v. United States</i> Coda: <i>Trump v. Hawaii</i> (available on Canvas)</li> <li>3. Classifications Affecting Both Whites and Blacks <i>Loving v. Virginia</i> <i>Palmore v. Sidoti</i></li> <li>4. Laws Promoting Racial Separation <i>Plessy v. Ferguson</i> <i>Brown v. Board of Education</i> <i>Johnson v. California</i></li> </ol>	<p><b>READ</b> Casebook pp. 754 – 781; <i>Trump v. Hawaii</i> available on Canvas</p> <p><b>W</b> Panopto recording</p> <p><b>AA</b> Complete worksheet/affirmation</p> <p>Recommended listening: Radiolab’s <i>More Perfect</i>, “American Pendulum I” and “American Pendulum II”:</p> <p><a href="https://www.wnycstudios.org/story/american-pendulum-fred">https://www.wnycstudios.org/story/american-pendulum-fred</a></p> <p><a href="https://www.wnycstudios.org/story/american-pendulum-ii-dred-scott">https://www.wnycstudios.org/story/american-pendulum-ii-dred-scott</a></p>

Date	Topic	Assignment (Complete before class unless otherwise noted)
Class No. 25 Th, Apr. 22	5. Neutral Laws with a Discriminatory Impact <i>Washington v. Davis</i> <i>McCleskey v. Kemp</i> <i>City of Mobile v. Bolden</i> 6. Laws with a Discriminatory Effect <i>Palmer v. Thompson</i> 7. Proof of Discriminatory Purpose <i>Personnel Administrator of Massachusetts v. Feeney</i> <i>Village of Arlington Heights v. Metropolitan Housing Development</i>	<b>READ</b> Casebook pp. 781 – 801  <b>W</b> Panopto recording  <b>AA</b> Worksheet/affirmation
F, Apr. 23	SELF-ASSESSMENT OF UNGRADED WRITING ASSIGNMENT #4 DUE TODAY AT 11:59 PM	
Sat., Apr. 24 – Mon., Apr. 26	QUIZ #4 THIS WEEKEND (SAT – MON)	
Class. No. 26 T, Apr. 27	D. Equal Protection & Strict Scrutiny 8. Racial Classifications Benefitting Minorities <i>Richmond v. J.A. Croson Co.</i> <i>Grutter v. Bollinger</i> <i>Gratz v. Bollinger</i> <i>Fisher v. Univ. of Texas at Austin</i>	<b>READ</b> Casebook pp. 833 – 877  <b>W</b> Panopto recording  <b>AA</b> Worksheet/affirmation
Class No. 27 Th, Apr. 29	E. Equal Protection & Intermediate Scrutiny: Gender Classifications 1. The Development of Intermediate Scrutiny <i>Frontiero v. Richardson</i> <i>Craig v. Boren</i> <i>United States v. Virginia</i> 2. Proving the Existence of a Discriminatory Gender Classification <i>Geduldig v. Aiello</i> 3. Gender Classifications Benefitting Women Based on Biological Differences <i>Nguyen v. Immigration &amp; Naturalization Service</i>	<b>READ</b> Casebook pp. 882 – 900; 914 - 922  <b>W</b> Panopto recording  <b>AA</b> Worksheet/affirmation  Recommended listening: Radiolab’s <i>More Perfect</i> , “Sex Appeal”: <a href="https://www.wnycstudios.org/story/sex-appeal/">https://www.wnycstudios.org/story/sex-appeal/</a>
T, May. 4	NON-MANDATORY REVIEW SESSION	