

ACADEMIC COURSE SYLLABUS

COURSE TITLE:	CONSTITUTIONAL LAW	
COURSE NUMBER:	LAW 700A	Constitutional Law - 1st semester of two-semester course*
	LAW 700B	Constitutional Law - 2nd semester of two-semester course*
	LAW 700A/B*	Constitutional Law
	* Denotes all non-severable, two semester courses. Both semesters must be successfully completed to receive final A/B course grade.	
UNITS:	3 Units/Semester (must complete both for one 6-Unit final grade at the end of both semesters)	
COURSE TYPE:	Required	
PROFESSOR(S) NAME:	Rex Grady	
PROFESSOR CONTACT INFO:	jrg@classattorneys.com	
SCHEDULE:	Two-semester class: Fall 2013, Thursdays 6-9:00pm, Room # 103 and Spring 2014, Thursdays 6-9:00pm, Room # 103	
PREREQUISITES:	Successful completion of first- and second-year course work	
COREQUISITES:	None	
TEXTS AND MATERIALS: (Identification of any texts, materials and references used throughout the course.)	<p><i>Modern Constitutional Law: Cases & Notes 10th ed.</i>; by Rotunda West Group ISBN-13: 9780314276469</p> <p>Occasionally, handouts consisting of new cases on relevant points will be distributed for reading and discussion.</p>	
COURSE DESCRIPTION:	Participants in the course will study the constitutional, historical and policy basis for the federal structure, Judicial review, congressional powers, state powers and federalism, individual liberties, due process, equal protection, and state action doctrine.	
COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.)	<p>To acquire a rudimentary understanding of the Constitution of the United States and the jurisprudence arising from it, with a primary focus on the doctrines devised to interpret and construe <i>Articles I, II, III, IV, and VI</i>, the <i>Bill of Rights</i> and the <i>Thirteenth, Fourteenth</i> and <i>Fifteenth Amendments</i>.</p> <p>Specifically, students must demonstrate the minimum level of competency for an attorney in California in the subject matter of the Constitution of the United States, including doctrines of and related to Justiciability and Judicial Review, Federalism, Separation of Powers, the Powers and Privileges of the Legislative and Executive Branches of Government, Privileges and Immunity, Federal Supremacy, Procedural and Substantive Due Process, Equal Protection, Powers of the Federal Government and limitations thereon, Freedom of Speech, the Religion Clauses and other elements of the Bill of Rights.</p> <p>Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For</p>	

	<p>example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p>
<p>FORMAT OVERVIEW / METHOD OF INSTRUCTION (Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p>	<p>Approximately sixty pages of reading from the required text will be assigned each week. Students must be prepared for presentations and be able to articulate issues, respond to questions and take part in general discussions related to the assigned material. Occasionally, handouts consisting of new cases on relevant points will be distributed for reading and discussion.</p> <p>Course material will be presented in a lecture-discussion and Socratic method format.</p>
<p>EXAMS:</p>	<p>Exams begin promptly at 6 p.m. All students must take examinations as scheduled. It is recognized that in special circumstances and due to emergencies, it may be necessary to schedule delayed examinations. An emergency is defined as a serious illness or injury to the student or a member of his or her immediate family. Special Circumstances are defined as other situations that, in the opinion of the Dean, are sufficient to warrant delay in taking examinations. Any student taking delayed examinations <u>must have the prior written approval of the Dean.</u> No examination may be taken <u>prior</u> to the day of the regularly scheduled examination. If delayed examinations are approved by the Dean, a fee of \$75 will be charged for each such exam taken. Failure to complete an exam is not sufficient reason for a late or retake exam.</p> <p>The midterm exam will be cumulative for the first semester. The final exam will be cumulative, covering all course material from both semesters, but focusing primarily on material covered during the second semester.</p>
<p>GRADING / ASSESSMENT CRITERIA/CLASS POLICIES:</p>	<p>Grading will be based on exams and participation. Five percent of a student's grade will be based on participation, which itself will be determined at the Professor's discretion, relying on attendance and apparent preparedness to discuss assignments. Thirty percent of a student's grade will be based on performance on the mid-term's three essay questions. Sixty-five percent of a student's grade will be based on performance on the final exam's three essay questions.</p> <p>A student must receive no less than sixty-five percent of all points possible, once all calculations have been made, to receive unit credit for the course.</p> <p>Empire College uses the following grading system: <u>Numerically graded classes:</u> 90 – 100 A Outstanding 80 - 89 B Superior 70 - 79 C Satisfactory 65 - 69 D Unsatisfactory 64 and Below Failing/No Credit</p>

	Only numeric grades in Required courses are used to calculate grade point average.
ATTENDANCE:	<p>Regular and punctual attendance is essential for the successful completion of the course. Students should plan to attend every class. Students must attend a minimum of 80% (36 hours — 12 of 15 classes) of the class sessions during each semester. Roll will be taken at each class. Class attendance is of particular importance in learning the language and concepts of the law. Make-up classes will be scheduled on evenings when classes are not usually held or on weekends or made up on another night by staying longer. Class sessions which are delayed or canceled because of holidays or policy of Empire College School of Law, and which are re-scheduled for a different date are considered regularly scheduled class sessions, not make-up classes. A student who has exceeded the absence limits outlined will be automatically dropped from the course. A student who is dropped from a course will be required to repeat the course at its next offering in order to meet graduation requirements.</p> <p>Attendance has further significance in that it is an opportunity to reinforce understanding of readings and to acquire <i>additional</i> knowledge from lectures and discussions that may prove useful and necessary at the time of examination and beyond.</p>
ASSIGNMENTS: FALL 2013	
Week 1: 9/5/13	The Origin and Nature of the <i>Constitution of the United States</i> , and the Meaning of <i>Article III</i> , including a Discussion of the Doctrines of Justiciability Assigned reading: pp. li-lxxiv (<i>The Constitution</i>), and pp. 1-69
Week 2: 9/12/13	<i>Article III</i> and the Doctrines of Justiciability; and <i>Article I</i> and the 10 th Amendment: the Doctrines of Implied and Enumerated Powers. Assigned reading: pp. 1410-1477 and 70-97
Week 3: 9/19/13	<i>Article I, Article VI</i> and the <i>Tenth Amendment</i> : limitations on State Power-- the “Dormant Commerce Clause,” the Privileges & Immunities Clause, and the Supremacy Clause. Assigned reading: pp. 97-173.
Week 4: 9/26/13	<i>Article I</i> : Modern Development of the Commerce Power. Assigned reading: pp. 174-209 and 226-255.
Week 5: 10/3/13	<i>Article I</i> and the <i>Tenth Amendment</i> : the Taxing and Spending Powers, and Federalism and the Clash of Concurrent Sovereignties. Assigned reading, pp. 209-226 and 256-289.
Week 6: 10/10/13	<i>Article I</i> and <i>Article II</i> : Separation of Powers between Congress and the Executive— Foreign Relations (War Powers & Treaty Power). Assigned reading: pp. 290-305 and 342-368
Week 7: 10/17/13	<i>Article I</i> and <i>Article II</i> : Separation of Powers between Congress and the Executive— Naturalization Power, Citizenship & Alienage Assigned reading: pp. 305-342 and 368-383

Week 8: 10/24/13	<i>Article I and Article II: Separation of Powers Between Congress and the Executive—the Control Over the Executive Departments, Executive Privilege and the Appointment and Removal Powers.</i> Assigned reading: pp. 394-423 and 437-461
Week 9: 10/31/13	<i>Article I, Article II, and Article V: Separation of Powers between Congress and the Executive—the Control Over Legislation, the Legislative Power (Presentment, Veto and Qualification of Members), Congressional Privilege, and Term Limits.</i> Assigned reading: pp. 52-58, 383-394, 424-437, and 462-478.
Week 10: 11/7/13	Civil Rights Under the Original Constitution: <i>Article I, Sections 9 and 10, Article IV</i> , and the <i>Fifth Amendment</i> —Bills of Attainder, Contract Impairment, Ex Post Facto Laws, Habeas Corpus, Privileges and Immunities, Takings and Due Process of Law, with Special Consideration of the Bill of Rights & the Second Amendment. Assigned reading: pp. 534-595
Week 11: 11/14/13	<i>The Civil War Amendments: Precedents, Framing and Early Jurisprudence</i> , with Special Consideration of the Emergence of Substantive Due Process and the Incorporation Doctrine. Assigned reading: pp. 479-503
Week 12: 11/21/13	Procedural Due Process under the <i>Fifth</i> and <i>Fourteenth Amendments</i> . Assigned reading: pp. 503-534
Week 13: 11/28/13 – Thanksgiving – No School	<i>(Make-Up Class with be Scheduled due to Thanksgiving)</i> <i>The Fourteenth Amendment: the Necessity of State Action</i> Assigned reading: pp. 596-656
Week 14: 12/5/13	Review: The Constitution as a Grant of Power by the People and a Statement of Limitations on the Exercise of Power by the Government
Week 15: Midterm date TBA	
ASSIGNMENTS: SPRING 2014	
Week 1: 1/9/14	Introduction to Equal Protection: History and Early Jurisprudence—the emergence of Suspect Classes Assigned reading: pp. 657-698
Week 2: 1/16/14	Equal Protection: Discrimination, Reverse Discrimination and Special Classifications Assigned reading: pp. 698-737
Week 3: 1/23/14	Equal Protection: Special Classifications Continued, including a discussion of <i>deFacto v. deJure</i> discrimination Assigned reading: pp. 737-785
Week 4: 1/30/14	Equal Protection: Fundamental Rights (justice, voting, candidacy, travel) Assigned reading: pp. 785-843
Week 5: 2/6/14	Equal Protection: Fundamental Rights Continued (privacy) Assigned reading: pp. 843-902
Week 6: 2/13/14	Equal Protection: Fundamental Rights Continued (privacy) <i>Fourteenth</i> and <i>Thirteenth Amendments</i> -based Statutes Assigned reading: pp. 902-954.
Week 7: 2/20/14	<i>Fifteenth Amendment</i> -based Statutes Introduction to the <i>First Amendment</i> : the Establishment, Free Exercise, Speech, Press, Assembly and Petition Clauses, with Some Consideration of the <i>Amendment's</i> History and Early Jurisprudence Assigned reading: pp. 955-1000

Week 8: 2/27/14	The <i>First Amendment</i> Speech Clause: Time, Place and Manner Restrictions on Speech Assigned reading: pp. 1000-1048
Week 9: 3/6/14	The <i>First Amendment</i> : Fighting Words and the Press Clause Assigned reading: pp. 1048-1098
Week 10: 3/13/14	The <i>First Amendment</i> : Protection of Commercial Speech and Constitutional Limitations on Tort Law— Defamation and Privacy Assigned reading: pp. 1098-1146
Week 11: 3/20/14	The <i>First Amendment</i> : Symbolic Speech and Obscenity. Assigned reading: pp. 1195-1218 and 1260-1306
Week 12: 3/27/14	The <i>First Amendment</i> : Political Campaigns as Speech, and the Implied Freedom of Association Assigned reading: pp. 1218-1260 and 1147-1195
Week 13: 4/3/14	The <i>First Amendment</i> : The Establishment Clause Assigned reading: pp. 1307-1378
Week 14: 4/10/14	The <i>First Amendment</i> : The Free Exercise Clause & Review Assigned reading: pp. 1379-1409
Week 15: Final Exam date TBA	3-hour Final Examination – The final exam will be cumulative, covering all course material from both semesters, but focusing primarily on material covered in the second semester.