

CONSTITUTIONAL LAW I 201A

Professor Stacey Sobel
Fall Semester 2013

Course Information – Section 201 A

Meeting times: Tuesday and Thursday, 10:45-12:15

Online: via TWEN (TWEN registration is MANDATORY)

Office: 714-459-1186

Email: ssobel@wsulaw.edu

Office hours: Tuesdays, 12:45-2:00; Thursdays 1:00-4:30 and by appointment. I may schedule additional office hours at particular times during the semester. You will be notified in class and/or via TWEN of when those hours will occur. Meetings during office hours should be scheduled in the book maintained by the faculty staff assistant on the 3rd floor. If you cannot make an appointment during regular office hours, please email me to schedule a meeting. Meetings should be scheduled at least 24 hours in advance. If they are made less than 24 hours in advance, I may make alternative plans and might not be available to meet. If you need to cancel a meeting or if you will be late, please contact me.

Required Text – Chemerinsky, *Constitutional Law* (4th ed. 2013)

Online reading material as assigned (via TWEN)

Recommended Text – Chemerinsky, *Constitutional Law Principles & Policies* (4th ed. 2011)

I do not recommend commercial briefs and they are not permitted in class.

Reading and Class Participation – Students are expected to complete the assigned reading prior to class. All students are expected to engage in class discussion. Participation is key to making this class enjoyable, so I expect everyone to be prepared to intelligently discuss and critically evaluate that day's assignment in class. In particular, be prepared to discuss the pertinent facts, issues, law and court findings and rulings of each case. I use a combination of cold-calling and volunteers for class discussion. For volunteer participation, I value quality over quantity, but being an active participant is important. All views are welcomed. A consistent lack of preparation may result in a grade reduction of up to .3 (e.g., from 3.3 to 3.0) on a student's course grade. Exemplary performance may result in a grade increase of .1 (e.g., from 3.0 to a 3.1) on a student's course grade.

Attendance – The WSU policy on required attendance at all classes will be followed: attendance under 85% of scheduled classes during a semester will result in a failing grade absent extenuating circumstances. Students who are late may be considered absent at the discretion of the professor. Students who know that they will be late or absent should email me prior to class if possible.

Examinations and Grading – The course grade is based on one mid-term and a final exam. The mid-term will be an essay exam and will comprise 20% of your grade. The mid-term will cover the assigned readings from the beginning of the semester until the mid-term. The final examination will count 80% of your grade and cover all materials for the semester. The final exam will contain both essay and multiple-choice questions. There may be occasional on-line quizzes for pass-fail credit. Failure to complete or pass a quiz may result in a grade reduction of up to .3.

Ethics – Ethics are an important part of the practice of law. All students should be familiar with WSU’s Honor Code. Any violation of law school rules and regulations relating to cheating, plagiarism, or other ethical matters address in the Honor Code will be vigorously enforced.

COURSE READING

Aug. 22: Introduction to the Constitution; Judicial Review; and Constitutional Interpretation
xli-lvii, 1-33

Aug. 27 & 29: Congressional and Justiciability Limits
33-53, 59-86

Sept. 3 & 5: Standing (cont.); Congress and the States; and Necessary and Proper Clause
86-96, 104-113, 115-151, 151-158

Sept. 10 & 12: Commerce Power
161-163, 168-184, 190-220

Sept. 17 & 19: 10th Amend.; Taxing and Spending; Post-Civil War Amendments; and 11th Amend.
184-190, 220-241, 241-245, 248-255, 260-266

Sept. 24 & 26: Inherent Presidential Power; Congress’ Power to Increase; Administrative State; and Checks on the President
317-333, 338-339, 342-369, 419-422

Oct. 1 & 3: War on Terrorism; and Review
381-393, 411-418; Practice Exam

Oct. 8 & 10: Mid-Term; and Preemption
431-455

Oct. 15 & 17: Dormant Commerce Clause; and Privileges and Immunities Clause
455-461, 469-472, 484-487, 472-480, 487-496, 496-516

Oct. 22 & 24: Civil Rights and Liberties Structure; State Action; and Economic Liberties
517-518, 536-570, 575-580, 601-604, 623-630

Oct. 29 & 31: Equal Protection, Rational Relationship, and Race
711-740, 740-742, (742-745), 745-758, (758-761), 761-765, (794-798)

Nov. 5 & 7: Equal Protection, Race (cont.)
771-775, 785-792, 824-861, *Fisher v. University of Texas* (TWEN)

Nov. 12 & 14: Equal Protection, Gender
866-905

Nov. 19 & 21: Equal Protection, (cont.)
905-931, *United States v. Windsor* (TWEN)

Nov. 25 & 28: No class (Make-up TBA, Thanksgiving)

Final Exam – Thursday, December 19