

**WESTERN STATE UNIVERSITY
COLLEGE OF LAW**

CONSTITUTIONAL LAW I – Fall 2015

SYLLABUS AND COURSE POLICIES

Professor Todd Brower
e-mail: tbrower@wsulaw.edu
(714) 738-1000

Office hours:
Tuesday: 9:30 AM – 11:30 AM and 30 mins. before class

I will also be in class approximately 30 minutes before the starting time. These are office hours created especially for this class.

Syllabus

Texts

Required Text: Chemerinsky, Constitutional Law, (4th Edition 2013).
Recommended Text: Chemerinsky, Constitutional Law Principles & Policies (2015) (hornbook).

There is a required course webpage available at <http://webcourses.lexisnexis.com/> You will need a password to access it. The password is “password”.

The required text is to be brought to all classes. The reading assignments listed below refer to the Chemerinsky casebook. *Students should also read the corresponding pages in the Chemerinsky hornbook. This is very important, as not all materials will be discussed in class.* You may chose to buy the hornbook or read it in the library, as you prefer - but you will be responsible for that material. I strongly suggest that you read the accompanying pages in the Chemerinsky hornbook before class and with your required reading. Additional handouts may be assigned at the professor's election.

You are also responsible for checking the course webpage and doing assignments online in the time allotted. Online assignments have deadlines for completion. Once assignment and submission deadlines have passed, you will not be able to submit or access those materials.

Course Coverage

The purpose of the course is to explore the constitutional structure of the federal government and state governments within the federal constitutional structure. We will cover such topics as Judicial power, Congressional power and Executive power, and the interaction of those branches with state governmental powers. We will also consider the Fourteenth Amendment protections of Equal Protection, and the State Action doctrine.

Examinations and Grading

Each student will receive a numeric grade for the course. Course grades will be based on possible midterms and a final examination and successful completion of other exercises given throughout the semester.

Midterms: There will be two (2) midterms that together will count 25% of the final grade. The first is an essay with multiple assignments online. It will be only available and due online and on specific dates. The second will be a multiple-choice midterm based on assigned material. *The dates for those midterms are listed at the end of this syllabus in the schedule of classes. Please familiarize yourself with those dates; they are important.*

Additionally, there are required assignments/lectures that will be available online. You must complete/access these assignments in the time allotted. The first such assignment is a Pass-Fail quiz on the text of the Constitution and Amendments pp. xli-lvii. The quiz is available online on the course webpage beginning on August 9, 2015 at 12:59 pm and is due online at 12:59 pm on August 16, 2015 before the first class. There is a required course webpage available at <http://webcourses.lexisnexis.com/>. The password is "password". You will need to sign up for the course webpage and access the course webpage to take that online quiz.

The dates of supplemental lectures and assignments, if any, will be determined throughout the semester.

The midterm(s) will count 25% of the final grade. I will inform you whether there will be more than one and what format they will take. *You will definitely have 2 different midterms this semester, one essay and one multiple choice.*

There are required assignments/lectures that will be available online. You must complete/access these assignments in the time allotted. The first such assignment is a Pass-Fail quiz on the text of the Constitution and Amendments pp. xli-lvii. The quiz is available online on the course webpage beginning on

August 10, 2014 at 1:00 pm and is due online at 12:59 pm on August 17, 2014 before the first class. There is a required course webpage available at <http://webcourses.lexisnexis.com/> The password is "password". You will need to sign up for the course webpage and access the course webpage to take that online quiz.

The dates of supplemental lectures and assignments, if any, will be determined throughout the semester.

Quizzes: There may be on-line quizzes for pass-fail credit. Each quiz may be repeated until you pass, but you must pass within 2 weeks of the original date of the quiz. Failure to pass the quizzes will result in a one-step (e.g., from B+ to B or from B- to C+) reduction of the final grade.

Final Exam: The three-hour final examination will count 75% of the course grade. The final exam will consist of a multiple-choice section that counts for 25% of the course grade, and an essay section that counts for 50% of the course grade. It is closed-book.

Class Participation: Normally, class participation will not count towards the overall course grade. However, consistent lack of preparation over the semester may result in a reduction of up to 10% of the overall course grade.

Copies of my previous examinations will be available in the library on reserve. Students are encouraged to take practice examinations. I will be happy to review practice examinations in my office during office hours.

Office Hours

I will be available for office hours by appointment. Please make appointments with the receptionists on the Third Floor. Please do not contact me to schedule appointments. If you have scheduled an appointment and need to cancel, please do so in person or call the faculty secretaries as soon as possible. Other students may be waiting for appointments and may be able to take your slot.

I will also be in class approximately 30 minutes before the starting time. There are part of office hours created especially for this class. This is an open session in which you can always ask questions. There are no appointments needed; first-come, first-served.

Attendance and Participation

Legal Education is a cooperative venture. My commitment to you is to be as prepared as possible for every class session, to have read and thought about the material in advance of the class, and to participate fully in the classroom. I expect

no less of you than I do of myself. I do not expect you to know the answer to every question; I do expect that you will use your best efforts.

A seating chart will be distributed at the beginning of the first class. Please print your name legibly in the seat you choose for your permanent seat. If you wish to change your seat, please notify me so that the seating chart can be adjusted accordingly.

I strongly encourage you to choose a seat near the front of the classroom. Educational studies show that students sitting near the front benefit most from the classroom experience. Because all students will be required to participate, your seat choice will not enhance or reduce the likelihood of your being chosen to recite in class. Because I make every effort to learn the names of each student in my classes, your choice of seat will not assure you of anonymity either.

Classes begin promptly at the scheduled time. Please be in your seat for the start of class. Students who arrive late disrupt the learning process for others. If you are unavoidably late, please enter quietly through the rear entrance and take your assigned seat.

Attendance and participation are required for all classes. There are no excused or unexcused absences. In accordance with the WSU student handbook, if you miss more than four (4) daytime classes or two (2) nighttime classes, you will be academically dismissed from the course. Additionally, if you arrive late or depart early without permission, you may be marked absent for the entire session.

Reading Assignments: TOPIC and PAGES

(All pages are for the text. Pages in parentheses are recommended, not required. *Please read the accompanying material in the hornbook.*)

The Constitution, Articles I - VII, and Amendments: Pass-Fail quiz on the text of the Constitution and Amendments pp. xli-lvii. The quiz is available online on the course webpage beginning on August 9, 2015 at 12:59 pm and is due online at 12:59 pm on August 16, 2015 before the first class. *There is a required course webpage available at <http://webcourses.lexisnexis.com/> The password is "password". You will need to sign up for the course webpage and access the course webpage to take that online quiz.* There is a required course webpage available at <http://webcourses.lexisnexis.com/> The password is "password". You will need to access the course webpage to take that online quiz.

Congressional Power and Limitations. The Commerce Clause and Federalism: 115-129, 151-159, 161-184; 190-207, 210-220

Congressional Power and Limitations 185-190, 220-241

Congressional Power and Limitations, Section 5 of the XIV Amendment (Eleventh Amendment and Sovereign Immunity: 251-266, (lecture on the Eleventh Amendment and sovereign immunity (mandatory reading of hornbook sections))

Judicial Power and Limitations, including Standing: 1-13, 33-52, 59-65, 66-84, 86-89

Executive Power and Limitations: 317-331, 381-393, 419-429

State Powers & Federalism

Preemption, Dormant Commerce Clause, Article IV Privileges & Immunities: 431-434, 441, 442, 446-447, 455-461; 469-476, 480-495, 496-504, 504-516

Civil Rights and Individual Liberties: Structure: 517-518, 536-548

State Action: 548-562, 565-570, 573-580, 582-585

Equal Protection: Rational Basis review: 711-740

Equal Protection: Race: 740-742, (742-745), 745-758, (758-760); 760-775, 785-792, 824-826, 838-855

Equal Protection: Gender: 866-880, 884-898

Equal Protection: Alienage and Non-Marital Children in Hornbook; Others: 924-931

MIDTERMS: Cumulative from beginning of semester to that point in the course.

FINAL EXAM: Cumulative from beginning of semester

Schedule of classes Monday/Wednesday 10:45-12:15

8/17
8/19
8/24
8/26
8/31
9/2
9/7 Labor day (No class)
9/9 No class
9/14
9/16
9/21
9/23
9/28
9/30
10/5 No class/ work on online midterm 1A
10/7 No class/ work on online midterm 1A
10/12
10/14
10/19
10/21
10/26
10/28
11/2 Midterm 2
11/4
11/9
11/11
11/16
11/18
11/23

Midterm schedule.

- **Midterm 1.A Available online: Mon. 10/5/15 @ 1PM**
 - **Due online: Mon. 10/12/15 @ 12PM**
- **Midterm 1.B Available online: Mon. 10/12/15 @ 1PM**
 - **Due online: Mon. 10/19/15 @12PM**
- **Midterm 1.C Available online: Mon. 10/19/15 @ 1PM**
 - **Due online: Mon. 10/26/15 @12PM**

- **Midterm 2 Monday class: 11/2/15**