

**CONSTITUTIONAL LAW II**  
**Section 202B & C**

Western State College of Law  
Professor Stacey Sobel  
Spring Semester 2020

**Course Information**

Online Course Materials: TWEN, sign up by January 30  
Office: 714-459-1186  
Email: ssobel@wsulaw.edu

Office hours: **Tuesdays and Thursdays, 12:15-1:15; Thursdays, 3:00-6:15; and by appointment.** **Day students should sign-up for office hours prior to 5:00PM.** Meetings during office hours should be scheduled in the book maintained by the faculty staff assistant on the 2nd 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 may not be available to meet. If you need to cancel a meeting or if you will be late, please contact me. I may schedule additional office hours during the semester. You will be notified in class and/or via TWEN of when those hours will occur.

**Required Text**

Chemerinsky, *Constitutional Law* (5th ed. 2017)  
Online reading material as assigned (via TWEN)

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

**Learning Goals** – After completion of this course, students should be able to:

- Understand the constitutional concepts related to fundamental rights, substantive and procedural due process, and First Amendment rights.
- Identify the factual and constitutional issues implicated by a fact pattern.
- Apply and distinguish cases, including the ability to identify the salient features of an appropriate precedent case, to identify legally significant similarities between the precedent case and a fact pattern, and explain why the similarities are legally significant, and also to identify legally significant differences between the precedent case and a fact pattern, and explain why the differences are legally significant.
- Apply constitutional standards to facts, including the ability to correctly articulate the constitutional analysis implicated by the issue, to identify legally significant facts in a fact pattern, and to explain why the facts are significant by connecting the facts to the Court's analytical requirement(s).
- Evaluate legal arguments, and identify the strengths and weaknesses of the argument.

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

**Reading and Class Participation** – Students are expected to complete the assigned reading prior to class. You should engage in approximately six hours in course preparation per week. 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. All students are expected to engage in professional and respectful discussion of the case materials and subject matter. All views are welcomed. 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. A consistent lack of preparation or professionalism 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 class 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 WSCL policy on required attendance at all classes will be followed: students enrolled in one and a half hour classes may be absent no more than four (4) classes. Students who miss more classes than permitted may be dismissed from the class, thus receiving a “0” for the course absent extenuating circumstances. See the WSCL Attendance Policy, reprinted in the Student Handbook. Students are expected to be in class at the time the course begins. 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 is an essay exam and comprises 20% of your grade. The mid-term covers the assigned readings from the beginning of the semester until the mid-term. The final examination accounts for 80% of your grade and covers all materials for the semester. The final exam contains 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.

**Disabilities Services Statement** – Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law. To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite 119. Dean Espinoza’s phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at [aeasley@wsulaw.edu](mailto:aeasley@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law’s “Policy against Discrimination and Harassment.”

## **COURSE READING**

January 21-23: 949-954, 1005-1011, 1084-1097, 955-981

January 28-30: 990-1005, 1012-1054

February 4-6: 1054-1084, 1107-1131

February 11-13: 1134-1139, 1162-1172, 1178-1213

February 18-20: No class 2/18, 1213-1226, 1235-1237, 1244-1255, Practice Exam and Review (evening class)

February 25-27: Practice Exam and Review (2/25 day class), Mid-term 2/27

March 3-5: 1265-1301, 1310-1321, 1324-1326, 1332-1337

March 10-12: 1351-1360, 1373-1376, 1385-1399, 1411-1432

March 17-19: Spring Break

March 24-26: 1432-1480, 1487-1493

March 31-April 2: 1496-1500, 1538-1581, 1588-1598

April 7-9: 1603-1634, 1642-1648, 1649-1668

April 14-16: 1668-1690, 1721-1754

April 20-22: 1756-1782, 1782-1809

April 27-29: 1810-1841, Review

May 5: Review

Final Exam – TBA

## Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

**1. Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

**2. Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

**3. Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

**4. Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**5. Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker’s ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author’s ideas).

**6. Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**7. Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

**8. Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.