SYLLABUS
SENIOR SEMINAR: RELIGION AND THE LAW
(Law 590-3 §201)
Professor Valerie J. Munson
Spring 2013

Office: Room 212
618-453-8658
vmunson@siu.edu

Required reading:
All required reading will be posted on the TWEN page for the course.

Individual Conferences:
I am happy to make myself available to you for individual conferences as much as possible. There will be no mandatory individual conferences. If you wish to schedule a conference, please contact me by phone or email. It is best not to attempt to schedule a meeting with me in person right before, during, or after class as I generally do not have full scheduling information available to me at those times.

Class time and place:
Some Mondays and Wednesdays 12:00 – 1:15
See weekly schedule below for information regarding when class meets.

Course description:
This senior writing seminar provides a basic understanding of the key legal doctrines emanating from the religion clauses in the First Amendment of the United States Constitution: “Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.” Class discussion and writing assignments will consider current issues which may include religion in public schools, religious accommodation in the workplace, the applicability of federal laws to religious institutions, the constitutionality of specific federal statute provisions, and religion and politics. The seminar includes substantial instruction in advanced legal writing and the opportunity to improve the skills of legal analysis, legal research and legal writing in a small group environment with substantial one-on-one feedback from both peers and the professor. Students will write several short papers in the course of the semester.

Attendance:
You are expected to attend all class meetings. Only two absences will be allowed. Your absence from more than two class meetings will result in a reduction in your final course grade, and possibly a failing grade. In case of an unforeseeable, genuine emergency that requires you to exceed the two-absence limit, please contact me so that we may meet to determine whether you can complete the requirements of the class, and, if so, how.
Attendance will be taken daily by means of an attendance sheet. Your signature on the attendance sheet constitutes your representation that you have read the assigned material for the day and completed any assigned writing, and that you are prepared to fully engage in class discussion in the manner set forth below. If you are unprepared for class but would like to take an absence and still attend, do not sign the attendance sheet and leave me a note on the lectern before class begins with your name, the date and the notation “attending unprepared”.

You are expected to arrive on time to class. If you are tardy and arrive after class has begun, please feel free to join the class, but do not sign the attendance sheet. A day on which you are tardy will count as an absence.

**Class Discussion and Participation:**
You are expected to fully participate in class in a manner becoming future members of the bar. Such participation consists of considered comments or questions that are relevant, contribute to moving discussion and analysis forward, build on the comments of others, include support from the readings or other relevant authority, and reflect an understanding of the basic concepts in the readings, raise questions for study, or integrate experiences, other readings, or other reflections. **THE SIMPLE EXPRESSION OF PERSONAL FEELINGS AND OPINIONS OF THE “TALK RADIO” OR “LUNCH CONVERSATION” VARIETY DOES NOT CONSTITUTE APPROPRIATE CLASS PARTICIPATION.**

We will be discussing topics that are of considerable significance to many people and about which reasonable people may have differing beliefs and views. Consistent with your role as a future member of the bar, you are expected to conduct yourself at all times with the utmost courtesy and civility, according your classmates and professor respect, listening to them with an open mind, and thinking critically about your own point of view and that of others.

**Plagiarism:**
Plagiarism is a clear violation of both the SIU School of Law Honor Code [http://www.law.siu.edu/Current%20Students/PDF/SOL%20Honor%20Code-Revised%2011-13-08.pdf](http://www.law.siu.edu/Current%20Students/PDF/SOL%20Honor%20Code-Revised%2011-13-08.pdf) and the SIU Legal and Ethical Conduct Requirements [http://bot.siu.edu/leg/policies.htm1#7F](http://bot.siu.edu/leg/policies.htm1#7F). Plagiarism will be treated severely and the penalties for any student who plagiarizes will include receipt of an “F” for the course and referral for formal academic misconduct proceedings which may result in expulsion from the law school. If you are unsure what constitutes plagiarism, refer to the definition in the SIU Legal and Ethical Conduct Requirements at the above link.

**Use of Devices in the Classroom**
The only appropriate use of devices such as laptop computers in the classroom is note taking or accessing information at my request or with my permission. All cell phones must be turned off (not to “vibrate”) during class. If emergency circumstances require that you be available by telephone during class, respect and courtesy dictate that you notify me of that fact before the start of class. Video recording during class is not permitted without my prior, written consent. Audio recording during class is not permitted without my prior, written consent. Use of any
device for any purpose other than those referenced above is not permitted, without my prior, written consent. **Use of any device during class for communication, entertainment, or any purpose whatsoever other than those set forth above may well result in immediate expulsion from the course and/or a failing grade.**

**Emergency procedures:**
As required by the campus-wide SIU administration, I am providing the following information to you:

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency response plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, on BERT’s website [www.beret.siu.edu](http://www.beret.siu.edu), on the Department of Safety’s website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down), and in the Emergency Response Guidelines pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

**Assignments, Deadlines, and Grading:**

1. Bench memo – 35 points. Due Friday, February 21 by 10:00 a.m. by emailing to Professor Munson at vmunson@siu.edu.

2. Peer review of bench memo – 10 points. Due Friday, February 28 by 10:00 a.m. by emailing to Professor Munson at vmunson@siu.edu and to student author at agreed-upon email address.

3. Op. Ed. – 20 points. Due Friday, March 28 by 10:00 a.m. by emailing to Professor Munson at vmunson@siu.edu.

4. Client letter – 30 points. Due Friday, April 18 by 10:00 a.m. by emailing to Professor Munson at vmunson@siu.edu.

5. Professionalism - 5 points (timely submission of assignments, level of preparedness for class discussion (as measured by adequacy of response to questions by professor) and quality of class participation (as measured by quality of voluntary participation in class discussion).
**Week 1**
**Monday, January 13**
Class Topic: **Overview of semester**
- Subject matter content
- Writing content
- Assignments, evaluation, and grading
- First Amendment Religion Clauses - General Background

Note: No advance preparation is required for this class.

**Wednesday, January 15**
Assigned Class Preparation: Read/watch/listen to materials posted on TWEN for this class.

Class Topic: **History of First Amendment Religion Clauses**
- Establishments
- Intellectual Influences
- The First and Fourteenth Amendments

**Week 2**
**Monday, January 20 [No Class]**

**Martin Luther King Day**

“Make up Class” – Read/watch/listen to materials posted on TWEN for this class.

**Wednesday, January 22**
Assigned Class Preparation: Read/watch/listen to materials posted on TWEN for this class.

Class Topic: **Overview of Basic First Amendment Standards**
- Free Exercise
- Establishment

**Week 3**
**Monday, January 27**
Assigned Class Preparation: Read/watch/listen to materials posted on TWEN for this class.

Class Topic: **Overview of Subjects of First Amendment Litigation**
- Definition of Religion
- Religion in Government Institutions and Activities
- Governmental Assistance to Religious Institutions and Activities
- The Ministerial Exception

**Wednesday, January 29**
Assigned Class Preparation: Read/watch/listen to materials posted on TWEN for this class.
Class Topic: Overview of International Human Rights Perspectives on Freedom of Religion or Belief
      Universal Declaration of Human Rights (1948)
      The International Covenants
          - The International Covenant of Civil and Political Rights and the Optional Protocol
          - The 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief
      UN Monitoring Institutions
      Regional Human Rights Regimes
      Implementation of International Norms in National Legal Systems

Week 4
Monday, February 3
Assigned class preparation: (1) Familiarize yourself with the legal issues in Sebelius v. Hobby Lobby Stores, United States Supreme Court Docket No. 13-354, Conestoga Wood Specialists v. Sebelius, United States Supreme Court Docket No. 13-356, and Little Sisters of the Poor Home for the Aged v. Sebelius, United States Supreme Court Docket No. 13A691 (cases involving the Affordable Care Act’s Contraceptive Mandate) in preparation for writing bench memo. (2) Read/watch/listen to materials posted on TWEN for this class.

Class Topic: How and why to write a bench memo. (You will be given the specific case for which you are writing a bench memo and the specific legal issues which you are to cover in that memo at this class.)

Wednesday, February 5  [No Class]
Assignment:
Work on bench memo due on Friday, February 21.

Week 5
Monday, February 10 [No Class]
Assignment: Work on bench memo due on Friday, February 21.
Professor Munson will be available in her office during normal class time to address any questions you may have about your bench memos.

Wednesday, February 12 [No Class]
Assignment: Work on bench memo due on Friday, February 21.

Week 6
Monday, February 17 [No Class]
Assignment: Work on bench brief due on Friday, February 21.

Wednesday, February 19
Assigned class preparation: Come prepared to discuss any questions you have about your bench memo and to help answer the questions other students have about theirs.

Class Topic: Q&A on bench memo.

**Friday, February 21**
Turn in bench memo by 10:00 a.m. by emailing it to Professor Munson at vmunson@siu.edu. (Professor Munson will distribute memos for peer review by 10:00 a.m. on Monday February 24.)

**Week 7**
**Monday, February 24**
Assigned Class Preparation: Read/watch/listen to materials posted on TWEN for this class and work on peer review of bench memo due on Friday, February 28.

Class Topic: How to effectively critique legal writing and give feedback to legal authors.

**Wednesday, February 26 [No Class]**
Assignment: Work on peer review of bench memo due on Friday, February 28.

**Friday, February 28**
Turn in peer review of bench memo by 10:00 a.m. by emailing it to Professor Munson at vmunson@siu.edu and to its author at agreed-upon email address.

**Week 8**
**Monday, March 3**
Assigned Class Preparation: None

Class Topic: Discussion of bench memos (peer-to-peer and general).

**Wednesday, March 5**
Assigned Class Preparation: None

Class Topic: Q&A on substantive legal issues involved in bench memo.

Q&A on writing issues relative to bench memo.

**SPRING BREAK**
**Monday, March 10 – Friday, March 14**

**Week 9**
**Monday, March 17 [No Class]**
Assignment: (1) Read ten Op Eds in national newspapers (e.g. The New York Times, The Washington Post) including the two posted on TWEN and analyze their tone, structure, and the
nature of their content. Come to class on March 20 with a list of the Op Eds you have read and ready to discuss your analysis of their tone, content and structure.

**Wednesday, March 20**
Assigned Class Preparation: Same as March 17 and read/watch/listen to materials posted on TWEN for this class.

Class Topic: How and why to write op. Eds. At this class you will be asked to tell me what subject you intend to write an Op Ed about. You may choose any Religion and Law topic you like, including any arising under the Affordable Care Act’s Contraceptive Mandate.

**Week 10**
**Monday, March 24 [No class]**
Assignment: Work on Op Ed due on Friday, March 28.

**Wednesday, March 26**
Assignment: Come prepared to discuss any questions you have about your Op Ed and to help answer the questions other students have about theirs.

Class Topic: Q&A on writing Op Ed

**Friday, March 28**
Turn in op. ed. by emailing it to Professor Munson at vmunson@siu.edu by 10:00 a.m.

**Week 11**
**Monday, March 31**
Assigned class preparation: None


**Wednesday, April 2**
Assigned Class Preparation: Read/watch/listen to materials posted on TWEN for this class.

Class Topic: How and why to write client letters on substantive law issues. You will be provided with an overview of your client’s questions to be answered in your client letter due Friday, April 18. The subject matter, again, will be issues arising under the Affordable Care Act’s Contraceptive Mandate, although the issues may differ from those covered in your bench memo.

**Week 12**
**Monday, April 7 [No Class]**
Assignment: Work on client letter due on Friday, April 18.
Wednesday, April 9 [No Class]
Assignment: Work on client letter due on Friday, April 18.
Professor Munson will be available in her office during normal class time to address any questions you may have about your bench memos.

Week 13
Monday, April 14 [No Class]
Assignment: Work on client letter due on Friday, April 18.

Wednesday, April 16
Assignment: Come prepared to discuss any questions you have about your client letter and to help answer the questions other students have about theirs.

Class Topic: Q&A on writing client letter.

Friday, April 18
Turn in client letter by emailing it to Professor Munson at vmunson@siiu.edu by 10:00 a.m.

Week 14
Monday, April 21
Assigned Class Preparation: None

Class Topic: Discussion of client letters turned in on April 18.

Wednesday, April 23
Assigned Class Preparation: None

Class Topic: Overview of types of legal writing common in practice and how they compare to those written for this class.