

CONSTITUTIONAL LAW 509-4 (§ 001)
PROFESSOR CINDY G. BUYS
FALL 2020

Meeting Place and Times:

Tuesdays and Thursdays, 8:45-10:00 am (Auditorium - 120)

Wednesdays, 8:45-9:35 am (online)

Contact Info: Office 238

Office phone: 453-8743

E-mail: cbuys@siu.edu

Virtual Office Hours: MW 2:30-3:30 p.m. or by appointment (email is the best way to set up an appointment to talk by phone or Zoom).

Teaching Assistant: Nicole Mannen (nicole.mannen@siu.edu)

Course Description and Objectives:

The U.S. Constitution is not only the basis for our legal system, but is part of our culture as well. In this course, students will become familiar with the structure and text of the Constitution of the United States and how the U.S. Supreme Court interprets it to resolve some of the most difficult legal questions over our history. During the first part of the course, we will concentrate on the respective powers of the three branches of the federal government, the Legislature, the Executive, and the Judiciary, as well as the division of power between the state and federal governments. During the second part of the course, we will focus on some of the individual rights protected by the U.S. Constitution, particularly equal protection and due process.

When you have completed this course, you should be able to:

1. Identify the respective powers of the three branches of federal government, the areas of overlap between these powers, and the resulting tensions;
2. Analyze whether particular governmental actions violate principles of separation of powers or federalism;
3. Identify and analyze the scope of many of the individual rights protected by the Fourteenth Amendment to the U.S. Constitution;
4. Construct a constitutional law argument using various sources and doctrines common to U.S. Supreme Court jurisprudence; and
5. Intelligently discuss some of the political or policy considerations that drive the development of constitutional law and the decision-making of the U.S. Supreme Court.

Required Reading:

Most of the reading assignments for this course will be drawn from Erwin Chemerinsky, CONSTITUTIONAL LAW (6th ed. 2020) [hereinafter Chemerinsky]. Other reading assignments and activities for the course will be posted on the class TWEN page at appropriate times.

The Chemerinsky book is a Connected Casebook meaning that there are many helpful resources available online to students who have purchased the book, including practice multiple-choice (MC) questions. I encourage you to register for this online resource and complete those practice questions to help assess your learning.

Reading Assignments:

Your first reading assignment for Tuesday, Aug. 18 is to read this syllabus, the U.S. Constitution, preamble, art. I-VI, and Amendments I-X, and to read Chemerinsky, Chapter One: The Federal Judicial Power, pp. 1-11.

You should also complete the MC quiz on the U.S. Constitution on the TWEN page.

There is a schedule of reading assignments and activities for approximately the first half of the semester posted on the class TWEN page. I have provided you with several weeks of material so you can plan; however, the schedule may change somewhat depending on developments during the course of the semester. I will announce any changes and will post the remainder of the reading assignments, PowerPoint presentations, and activities at appropriate times.

Course Structure and Expectations:

For each class, you are expected to have carefully read the assigned cases and other material outside of class in preparation for in-class discussions and work on applying what you have learned to hypothetical problems that I have designed to test your understanding of the material and its application to new fact patterns.

I will sometimes take volunteers in response to my questions. Other times, I will call on you randomly using a card deck. If your name is drawn from the deck and you have participated in class, your name will be removed from the deck for the next class. Otherwise, you will not know in advance which day you will be on call. If I judge that you are not well prepared, I reserve the right to mark you absent for the day.

If you are unprepared for class but would like to attend and receive the benefit of the class discussion, let me know at the start of class that you wish to count the class as one of your permitted absences and I will not call on you that day.

Grading and Evaluation:

Your grade will be based on three components: (1) your combined score on several online multiple choice (MC) quizzes (approximately one quiz per chapter; lowest two scores dropped); (2) your score on 1-2 mid-term MEE-style essays; (3) your score on an online non-cumulative timed final essay exam that will be administered after the Thanksgiving break (details TBA). You will also be expected to complete other quizzes and writing assignments, most of which will be graded on an S/U basis. You must receive an "S" on these assignments to receive credit for the assignment, which may entail re-writing the assignment until satisfactory. Any late assignment may result in a deduction of points from the final examination score. Failure to follow class rules may result in a reduction in your grade or withdrawal from the course.

The relative weight of the graded components will be as follows:

MC Quizzes and other short graded assignments	30%
Performance on mid-term essays	30%
Final Exam	40%

Some quizzes are given as formative quizzes closer to the beginning of a unit and are intended to gauge your understanding of the material you have read and prepared for class on your own. Because one of the goals of this course is to prepare you to be a life-long, independent learner, this is a good way for you to assess your ability to learn new legal material on your own and to develop needed skills. Quizzes will primarily test the assigned readings for the current unit, but may include material from previous units to help you integrate and build on prior learning. However, some quizzes may be given later in the unit. This will allow assessment of how well you understand the material and are able to apply it to new fact patterns after having spent some time studying and working with it. Towards the end of each unit, I will provide you with a “Concept Review” which I hope will help you in organizing your notes and outlines.

As a general rule, multiple choice quizzes and other short graded assignments will be timed and will be taken online through the TWEN page, usually as part of the Wednesday online class activities.

Application Activities:

The class will frequently engage in one or more application activities that will allow you to further apply the material you have read to new factual scenarios and deepen your understanding of the material for that unit. You will likely be assigned material to prepare outside of class, but some of these activities will be done together in class. I will give feedback on these activities, but most of them will not be graded.

Attendance Policy:

You are expected to attend class regularly and to be on time. Being on time demonstrates respect for the professor and your classmates and minimizes disruptions to the class. If for some unavoidable reason you are late to class, you will be asked to sing a ditty or recite a short poem, so you may wish to have something prepared just in case.

In accordance with the law school rules, you may be absent up to eight times in a four-credit-hour class without a grade or other penalty by the professor (including both in-person and online classes and activities).

Attendance will be taken each day of class. Absences in excess of the allowable number will be dealt with in accordance with the law school rules and may include a grade reduction or withdrawal from the course.

Make-up Classes

To ensure compliance with ABA Standard 304, this class is required to hold additional class sessions or to engage in out-of-class assignments to make up for holidays on Election Day and Veterans’ Day. Online class materials and activities will be assigned to account for these sessions.

Workload Expectations:

The American Bar Association (ABA) standards for accrediting law schools contain a formula for calculating the amount of work required to earn one hour of law school credit. Pursuant to these standards, each credit hour should reasonably approximate one hour of in-class instruction and two hours of out-of-class work per week for fifteen weeks. Accordingly, for this four-credit-hour class, you should spend four hours per week in class in person or online and at least eight hours per week preparing for class or engaging in other class-related activities.

Class Recordings

The class will be recorded but watching a recording of a live class does not count as class attendance unless arrangements are made with the professor in advance. If you wish to make an audio recording of the class using your own recording device, you may do so as long as you obtain the advance permission of the professor.

TWEN (The West Education Network) and ZOOM:

You should register for this course on TWEN no later than the first week of classes. I will post the syllabus and reading assignments on TWEN, as well as other relevant class readings and material. Most quizzes and assignments will be administered through the TWEN page. Therefore, you are expected to check TWEN regularly and are responsible for any materials posted on TWEN. I send class-related e-mails to the address you list on TWEN, so be sure you list an e-mail address that you check regularly.

Online classes will be conducted through Zoom. I will post Zoom links on the class TWEN page at appropriate times.

Classroom Etiquette and Professional Expectations:

Please be courteous and respectful to the others in the classroom by keeping distractions to a minimum, turning off any noise-making devices, and giving the class your full attention. Unless otherwise instructed, you may use laptops in the classroom for note-taking and class-related tasks. However, other uses of technological devices are likely to be distracting and possibly even offensive to other persons in the classroom and are therefore prohibited. If I believe there is a problem with improper laptop usage in class, I reserve the right to ban the use of laptops in class.

I consider it part of my responsibility as a professor to address the learning needs of all of the students in this course. I will do my best to present materials in a manner that is respectful of diverse viewpoints and personal characteristics. I also believe that the diversity of student experiences and perspectives is essential to the deepening of knowledge in a course. A good attorney must learn to listen carefully to what others say without interrupting even if they disagree with the viewpoint being expressed. During this class, we will discuss many topics on which personal and political views are likely to vary greatly. In order to test ideas, I strongly encourage open discussion and the expression of different viewpoints. Keep in mind that successful attorneys make statements and arguments based in facts and case law, not based on generalizations, assumptions, or stereotypes. The goal of class discussion is not that everyone agree, but that everyone in the class gain new insights and experiences. In sum, I expect professional, respectful, and courteous behavior and commentary at all times that would be appropriate in a courtroom, legislative hearing, or public meeting. Students whose behavior is disruptive to the class or that violates the rules may be asked to leave the classroom or may face other consequences based on the circumstances.

Statement on Collaboration and Plagiarism:

In this class, there will be some assignments where collaboration is allowed and even encouraged and others where it is not. It is your responsibility to pay strict attention to the professor's instructions regarding whether and what form of collaboration is allowed.

Violating classroom rules or plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

Emergency Procedures:

We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

Disability Policy:

SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed.

Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation [request](#) and [renewal](#) forms can be found here: <https://law.siu.edu/academics/>.

Saluki Cares:

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618- 453-3135.

COVID-19:

As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow physical or social distancing guidelines by keeping at least 6 feet from others, and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the [SIUC COVID-19 response](#).