

CONSTITUTIONAL LAW: ADVANCED TOPICS 519
PROFESSOR CINDY G. BUYS
Fall 2025

Class Meeting Place and Times: Room 202
Tuesdays and Thursdays, 3-4:15 p.m.

Contact Info: Office 258
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Office Hours: TTH 1:30-2:30 and by appointment

Course Description and Objectives:

This course involves careful analysis and lively discussion of selected topics in U.S. constitutional law, including recent and pending Supreme Court cases, as well as lower court cases that wrestle with the constitutionality of government actions, recent Supreme Court decisions, or unclear constitutional law tests. We also may explore several areas of constitutional law that are not necessarily in flux but that we did not have time to cover in depth in the required 2L Constitutional Law course (e.g., freedom of the press) or that a significant part of the class believes they would benefit by knowing better. I will seek your feedback during the early weeks of the course regarding possible areas of coverage. After the first couple of weeks, approximately two students will be assigned each week to help prepare for and lead the class discussion on a constitutional law issue of interest to them. More details on this process will be shared in class.

The goals for this course include deepening your understanding of certain constitutional law topics and introducing you to new constitutional law issues; improving your ability to engage in the kinds of arguments most persuasive to courts about how constitutional law tests should be applied, and enabling you to develop well-reasoned personal opinions about areas of constitutional law, especially where serious disagreement or confusion exists. As a result of developing these skills, you will more clearly understand what the current rules are in several selected areas of constitutional law, how these current rules differ from or are consistent with prior approaches to similar issues, where ambiguity might exist under these current rules, and what kinds of debates about these selected constitutional law issues are still on-going within the Court or among legal scholars or are likely to surface in the future. Working with a partner to prepare and present materials will also increase professional skills such as your ability to engage in effective teamwork, and your research and presentation skills.

Required Reading:

You are not required to buy a textbook for this course. Some of the readings will be drawn from the Massey and Denning book, *AMERICAN CONSTITUTIONAL LAW: POWERS AND LIBERTIES* (7th ed.) that several of you used last year in the required 2L Constitutional Law course. If you do not have access to that book, I will try to make excerpts available to you as needed. Other case law and reading materials will be posted on the class D2L page at appropriate times or web links will be provided.

Because we will be covering several cutting-edge and evolving issues in Constitutional Law, the readings for the course will not always be known more than a week or two in advance of the class in which a topic will be covered. I ask for your patience and flexibility as we work together to find and share materials that we believe are timely and most relevant to your learning this semester.

Studying evolving issues in constitutional law also will mean that we must read cases in their original (and often lengthy) versions because there will not be edited versions available. Reading full, unedited versions of cases will increase your skills of skimming through case law and other materials to identify the most relevant sections and arguments in the main opinions as well as in concurrences and dissents.

Some websites that will provide relevant material for this course include:

The official U.S. Supreme Court website: <https://www.supremecourt.gov/>
SCOTUS blog: <https://www.scotusblog.com/>
OYEZ: <https://www.oyez.org/>

The ABA has a [basic guide](#) to reading Supreme Court opinions which you may find helpful. I will also post some other background information on the D2L page.

Class Attendance and Preparation:

You are expected to attend classes on a regular basis and to be on time. Being present on time demonstrates respect for the professor and your classmates. If for some unavoidable reason you are late to class, you will be asked to sing a short song, recite a poem, or contribute \$.50 towards an end-of-the-semester snack.

Absences in excess of six (6) classes will be dealt with by the Associate Dean in accordance with the law school rules. Attendance will be taken each day, but you are responsible for making sure you note your attendance and keep track of your own absences. Your presence in class means that you have read the assigned material and are prepared to discuss it in an intelligent fashion. Being prepared also means that you have completed any written or oral assignments satisfactorily. If I call on you and I judge that you are unprepared, I reserve the right to mark you as absent that class and to deduct points from your grade.

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.

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 at least two hours of out-of-class work per week for fifteen weeks. Accordingly, for this three-credit-hour class, you should spend approximately three hours per week in class and at least six hours per week preparing for class or engaging in other class-related activities.

Make-up Class

To ensure compliance with ABA Standard 304, this class is required to hold an additional class session or engage in an out-of-class assignment to make up for the Veterans Day holiday on Nov. 11. Your make-up class will be to attend the Constitution Day program at Morris Library at noon on Sept. 17.

Evaluation:

Your grade will consist of several parts and percentages as follows:

- (1) A timed, closed book midterm exam that will contain bar-style questions will be administered in class around the midpoint of the semester (20%);
- (2) A timed, closed book final exam that will be administered during the final exam period (50%);
- (3) The quality of your research, preparation, and presentation to the class of a constitutional law topic during your assigned week (20%); and
- (4) Class participation throughout the course. Participation points for above average class participation are awarded in my discretion based both the quality and quantity of a student's participation in the class discussion and activities. I may also take into account participation in online class discussion forums (10%).

More information will be provided regarding these assignments at the appropriate time. I also reserve the right to administer ungraded individual or group assignments throughout the semester.

Class Recordings

This class will be recorded using the university's Echo360 system. If you wish to view a recording of the class, please contact the professor. However, watching a recording does not count as class attendance unless the professor makes an exception due to exceptional circumstances. 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.

Professional Behavior:

While in class, you are expected to keep distractions to a minimum, turn off any noise-making devices, and give the class your full attention. You may use electronic devices in the classroom only for class-related tasks. 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 usage of electronic devices in class, I reserve the right to ban the use of such devices. If it is absolutely necessary for you to enter or leave the classroom while class is in session, please do not disrupt the class upon entering or exiting the room.

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 may discuss topics on which personal and political views 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 on facts and law, not based on generalizations, assumptions, or stereotypes. The goal of class discussion is not that everyone agrees, but that everyone in the class gains 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.

Respectful behavior also includes addressing each person as they prefer to be addressed. I prefer to be called Professor Buys in the classroom setting and I use the pronouns she/her/hers. Please let me know if you prefer to be called by a particular name and the pronouns you prefer to use.

D2L (Desire to Learn):

You should be registered for this course on D2L. I will post the syllabus and reading assignments on D2L, as well as other relevant class readings and information. I also will administer assessments through D2L. Therefore, you are expected to check D2L regularly and are responsible for any materials posted on D2L. I will also communicate with the class via email through D2L so be sure to check that email regularly.

Statement on Collaboration and Plagiarism:

In this class, there will be some assignments where collaboration is allowed and even encouraged or required 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.

Unless otherwise instructed, you are not allowed to obtain help from generative artificial intelligence other than spelling and grammar checking functions (including, but not limited to, ChatGPT) on graded assignments for this course. If collaboration on an assignment is banned, that ban includes obtaining written materials from any other person or generative artificial intelligence and communicating with any other person about an assignment. If you violate the ban on collaboration policy, you will receive a failing grade on that assignment. When in doubt about how to proceed, ask the professor.

The university and School of Law's **Syllabus Attachments for Fall 2025** are incorporated here by reference and are available on the D2L page.