CONSTITUTIONAL LAW 509A-3 (§ 001)
POWERS OF GOVERNMENT

PROFESSOR CINDY G. BUYS
FALL 2025

Meeting Place and Times: Room 102
Tuesdays and Thursdays, 11am-12:15 pm

Contact Info: Office 258
Office phone: 618-453-8743
E-mail: cbuys@siu.edu
Office Hours: TTH 1:30-2:30 and by appointment

Teaching Assistants:
Tyffanie Ambrosius (tyffanie.ambrosius@siu.edu) and Stevie Wright (stevie.wright@siu.edu)

Course Description and Objectives:
The U.S. Constitution is not only the foundation for our government and 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 it has been interpreted by the U.S. Supreme Court to resolve some of the most difficult legal questions of the times. During Constitutional Law Part A, we will concentrate on the structure of government and 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.

When you have completed this course, you should be able to:
1. Identify and explain the respective powers of the three branches of federal government in the U.S. Constitution, the areas of overlap between these powers, and the resulting tensions;
2. Articulate the concept of federalism and the source and scope of state power;
3. Analyze whether particular governmental actions violate principles of separation of powers or federalism;
4. Construct a well-reasoned and persuasive constitutional law argument using various sources and doctrines common to U.S. Supreme Court jurisprudence; and
5. Understand and intelligently discuss the values and political or policy considerations that drive the development of constitutional law and who gains and loses as a result of U.S. Supreme Court decisions.

This course will also help you develop other skills necessary to be an effective lawyer, including:
1. Interpersonal skills, such as active listening, empathy, and effective allyship during discussions, necessary to work effectively as a member of a diverse team; and
2. Independent learning skills, such as critical reading and analytical thinking, necessary to success in the practice of law.

Required Reading:
Most of the reading assignments for this course will be drawn from Massey & Denning, AMERICAN CONSTITUTIONAL LAW: POWERS AND LIBERTIES (7th ed. 2022) [hereinafter M&D]. Newer case excerpts, reading assignments, and other assigned activities for the course will be posted on the class D2L page at appropriate times or made available in class.

The M&D book is a Connected Casebook meaning that there are some helpful resources available online to students who have purchased the book, including some practice multiple-choice (MC) questions. I encourage you to register for and utilize this online resource. I also encourage you to take advantage of the BARBRI practice questions for Constitutional Law.

Other Helpful Resources:
Each year, students ask for recommendations of secondary materials to consult to help them understand difficult aspects of constitutional law. Here are a few suggestions:

Erwin Chemerinsky's treatise, CONSTITUTIONAL LAW (Aspen 7th ed. 2023)
Araiza, UNDERSTANDING CONSTITUTIONAL LAW (5th ed. 2020)

For practice questions and answers, students may wish to consult:
Brannon Denning, THE GLANNON GUIDE TO CONSTITUTIONAL LAW
Ides & May, CONSTITUTIONAL LAW EXAMPLES AND EXPLANATIONS
McGreal, Eads & Rhodes, QUESTIONS AND ANSWERS: CONSTITUTIONAL LAW

These resources are completely optional, and you do not need to buy them.

Reading Assignments:
Your first reading assignment for Tuesday, Aug. 19 is to read this syllabus, the U.S. Constitution, preamble and art. I-VI, and to begin reading M&D, Chapter One.

Recommended additional reading: "*Effective vs. Ineffective Teams*" and "*What Really Makes Teams Work*" (on the D2L page).

The schedule of reading assignments and activities for the semester will be posted on the class D2L page at appropriate times.

Course Structure and Teaching Methodology:

TEAM = Together everyone achieves more.

Team-Based Learning:

Lawyers routinely collaborate with others to solve legal problems in both public and private practice. The ability to work well with others is an important skill that leads to successful careers. Moreover, studies have repeatedly shown that higher learning outcomes result when resources are pooled. Accordingly, we will follow a modified version of a teaching method called Team-Based Learning (TBL) this semester to enhance your learning and improve your collaboration skills.

Law Firms:

I will assign you to a "law firm" consisting of 4-5 students. You will work in your law firm throughout the semester. You are each responsible to and for each other and for making the group work effectively.

Class will consist of a mixture of professor-led lectures, questions and answers, and work on application activities that apply the rules we derive from the Constitution and the Supreme Court's case law to new factual scenarios. For each class, you are expected to have carefully read the assigned cases and other material outside of class in preparation for in-class quizzes and work individually and with your group to apply 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 call on you in class by law firms. Most of the time, you will not know in advance which day your law firm will be on call. You may decide among the law firm which members will be responsible for responding on behalf of the firm on any given day. However, I require each member of the firm to substantially participate in the class discussion on behalf of the firm at least once during the semester. Failure to do so will result in a grade reduction.

Grading and Evaluation:

Your grade will be based on several components:

(1) your combined score on three of four timed, closed-book multiple choice (MC) quizzes (approximately one quiz per chapter; lowest quiz score dropped) (25%);
(2) your score on a timed, in-class closed-book midterm exam with one or more bar-style questions administered close to the midsemester point (25%);
(3) your score on a timed, closed-book final exam administered during the final exam period (exact date and time TBA) (50%).

These assessments will be administered through the D2L class webpage.

You also will be expected to complete other writing assignments, most of which will be graded on a satisfactory/unsatisfactory (S/U) basis. If you do not receive an "S" on your first submission, you must re-write the assignment until you receive an "S" to receive credit. Any late assignment will result in a deduction of points from the final examination score. Likewise, failure to follow class, law school, or university rules may result in a reduction in your grade or withdrawal from the course.

Quizzes

Multiple choice quizzes will contain a mix of questions that test new material you have read but we have not yet covered in class, as well as reviewing material we have already covered. Because one of the goals of this course is to prepare you to be a life-long, independent learner, being tested on new material is a good way for you to assess your ability to learn new legal material on your own and to develop needed skills. Other questions or assignments will be given after we have covered the material. 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.

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 individually outside of class, but some of these activities will be done together in your law firm. You will receive feedback on these activities, but most of them will not be graded. However, failure to turn in a satisfactory assignment in a timely manner will result in a grade reduction or loss of credit.

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 "on call" the next class. More than three tardy arrivals will count as an absence.

If you must be absent on a day when a quiz is being given, that quiz normally will be the one that is dropped. However, if extraordinary circumstances are present, you may contact me to discuss whether other arrangements may be made for the quiz.

Attendance will be taken daily. You are responsible for making sure your attendance is registered and keeping track of your absences. Attendance signifies that you have read the assigned material and are prepared to discuss it in an intelligent fashion.

In accordance with the law school rules, you may be absent up to six times without a grade or other penalty by the professor. Absences in excess of the allowable number will be dealt with by the Associate Dean in accordance with the law school rules.

Workload Expectations:
The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work required to earn one credit hour of law school credit. Pursuant to these standards, for this three-credit-hour class, you should spend 150 minutes per week in class (2.5 hours), plus a <u>minimum</u> of six hours of reading, studying, and preparing written assignments for class each week, for a total of at least 8.5 hours per week.

Class Recordings:
The class will be recorded on a regular basis through ECHO360. If you wish to view a recording of the class, please contact me. Absent extraordinary circumstances, viewing a recording does not count towards class attendance. 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 advance permission from me.

D2L:
We will be using D2L as the course webpage. I will post the syllabus, reading assignments, and other materials and information on the course webpage. Assessments will be administered through D2L. Students are expected to check it at least weekly and are responsible for any materials posted there.

Make-up Classes
To ensure compliance with ABA Standard 304, this class is required to hold additional class sessions or engage in out-of-class assignments to make up for the Veterans Day holiday on Nov. 11. More information about make-up classes and/or assignments will be provided later.

Professional Behavior:
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 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, legislative authority, and case 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.

Please be courteous to the others in the class by keeping distractions to a minimum, turning off any noise-making devices, and giving the class your full attention. You are expected to use laptops and other devices only for class-related tasks during class. Other uses of technological devices are likely to be distracting and possibly even offensive to other persons in the class and are therefore prohibited. If I believe there is a problem with improper usage of laptops or other electronic devices during class, I reserve the right to take appropriate disciplinary action including the banning of electronic devices. If it is absolutely necessary for you to leave the class while it is in session, please do so as discretely as possible so you do not disrupt the class.

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.

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.