

SYLLABUS
SENIOR SEMINAR: RELIGION AND THE LAW
(Law 590-003)
Professor Valerie J. Munson
Summer 2019

Office: Room 212
618-453-8658
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Required reading:

Required reading assignments are set forth in the body of this syllabus, by reference to postings on the TWEN page for the course and sections of the required text, Richard C. Wydick and Amy E. Sloan, *Plain English for Lawyers* (6th ed.)

Individual Conferences:

I am happy to make myself available to you for individual conferences as much as possible. There will be one mandatory individual conference. If you wish to schedule an additional 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:

Tuesdays, Wednesdays and Thursdays, 11:00 – 12:40
Room 206

Course objectives:

In this course students will learn:

1. 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.”
2. How to write:
 - a. a legal memo concerning a matter involving complex analysis;
 - b. a letter to a client involving complex analysis;
3. How to facilitate a constructive discussion of a topic of religion and law in the news.

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 other assigned task, 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.

Workload Expectations:

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1) “a ‘credit hour’ is an amount of work that reasonably approximates (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. or (2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.”

The SIU School of Law Rules provide “All Senior Writing Seminars and elective courses designated under this rule as meeting the Senior Writing Requirement shall meet on a regular basis to focus on either the substantive law or the specific skills to be taught or both, with the opportunity to forgo up to four weeks of class meetings for intensive research, writing, and individual conferences on writing projects.”

This is a 3-credit senior writing seminar, meaning that we will spend three 100-minute blocks of time together most weeks. The amount of assigned reading and out of class preparation should take you a minimum of 3.5 hours for each class session and 10.5 hours for the week during the weeks that class meets. Your research and writing on your writing projects should take you a minimum of 15.5 hours per week during the weeks that class does not meet. If you do not spend at least the minimum amount of time expected on the course, you should not anticipate receiving a good grade in the course and should not be surprised if you do not pass the course.

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> and the SIU Legal and Ethical Conduct Requirements

<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.

Accommodations and Support:

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must go to DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. <http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

Saluki Cares is a university-wide program of care and support for students in any type of distress – physical, emotional, financial, or personal. You can reach Saluki Cares at (618) 453-5714, 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.

Emergency procedures:

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, you should 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.bert.siu.edu, and in the Emergency Response Guidelines pamphlet. You should know how to respond to each type of emergency.

Instructors will guide and direct students in the classroom if an emergency affects your location. Follow their instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will assist your instructor if you need to evacuate or shelter in the building.

Assignments, Deadlines, and Grading:

1. Memo (5,000 – 5,500 words) – 55 points. Friday, July 5 - Due by 12:00 noon by emailing to Professor Munson at vmunson@siu.edu.
2. Re-write of Memo – 20 points Friday, July 19 Due by 12:00 noon by emailing to Professor Munson at vmunson@siu.edu.
3. Presentation on “Religion and the Law in the News” – 5 points – Date to be assigned.
4. Client letter (2,500 – 3,000 words) – 20 points. Monday, July 29 - Due by 12:00 noon by emailing to Professor Munson at vmunson@siu.edu.

Week 1

Tuesday, June 11

Class Topic: Overview of semester
 Subject matter content
 Writing content
 Assignments, evaluation, and grading
 First Amendment Religion Clauses - General Background
 What is Religion?

Preparation: No advance preparation is required for this class.

Wednesday, June 12

Class Topics: History of First Amendment Religion Clauses
 Establishments
 Intellectual Influences

Legal Research Refresher

Preparation: Witte, Religious Liberty Perspectives (10 pages)
Olson, Handling a Research Project, pages 23-29 (7 pages)

Thursday, June 13

Class Topics: Overview of Basic First Amendment Standards
Free Exercise

Legal Analysis Refresher

Preparation: Witte & Nichols, Free Exercise, pages 117-25 (8 pages)
Shapo, Walter & Fajans, Using the Parts of a Judicial Decision,
Synthesizing Cases, pages 55-76 (21 pages)

Week 2

Tuesday, June 18

Class Topics: Overview of Basic First Amendment Standards
Free Exercise

Memo Writing

Preparation: Witte & Nichols, Free Exercise, pages 126-143 (27 pages)
Sinsheimer, Legal Memoranda, pages 73-84 (11 pages) (Read all examples
carefully. Have pages available during class in either hard copy or on
computer.)

Wednesday, June 19

Class Topics: Overview of Basic First Amendment Standards
Free Exercise

Memo Writing

Preparation: Witte & Nichols, Free Exercise, pages 143-153 (10 pages)
Sinsheimer, Legal Memoranda, pages 84-102 (11 pages) (Read all
examples carefully. Have pages available during class in either hard copy
or on computer.)

Note: The Memo assignment will be given to you during this class.

Thursday, June 20

Class Topics: Overview of Basic First Amendment Standards
Free Exercise

Memo Writing

Preparation: *Trinity Lutheran* case (Read majority opinion carefully, skim others.)
Masterpiece Cakeshop case (Read majority opinion carefully, skim others.)
Come prepared to ask any questions you have about the memo assignment or memo writing in general.

Week 3

Tuesday, June 25 (No Class – Research and Write Memo)

Wednesday, June 26 (No Class – Research and Write Memo)

Thursday, June 27 (No Class – Research and Write Memo)

Week 4

Tuesday, July 2 (No Class – Research and Write Memo)

Wednesday, July 3 (No Class – Research and Write Memo)

Thursday, July 4 (No Class – Holiday/No Make Up Class – Research and Write Memo)

Friday, July 5

Memo due by 12:00 noon by emailing to Professor Munson at vmunson@siu.edu.

Week 5

Tuesday, July 9

Class Topics: Overview of Basic First Amendment Standards
Establishment

Feedback on Memo Assignment

Preparation: Witte & Nichols, Establishment, pages 154-171 (17 pages)

Wednesday, July 10

Class Topics: Overview of Basic First Amendment Standards
Establishment

Writing in Plain English

Preparation: *Maryland-National Capital Park* case (Read majority opinion carefully. Skim others.)
Wydick & Sloan, Chap. 2, Omit Surplus Words, pages 7-21 (14) (Bring book to class.)

Note: Conferences on Memo will be held this day outside of class time.

Thursday, July 11

Class Topics: Overview of Subjects of First Amendment Litigation
Religion and Public Schools

Writing in Plain English

Preparation: Conkle, Religion and Public Schools, pages 156-175 (19 pages)
Wydick & Sloan, Chap. 5, Use Short Sentences, pages 33-38 (5)
(Bring book to class.)

Note: Conferences on Memo will be held this day outside of class time.

Friday, July 12

Note: Conferences on Memo will be held this day outside of class time.

Week 6

Tuesday, July 16

Class Topics: Overview of Subjects of First Amendment Litigation
Religious Symbolism Outside the Public School Context

Writing in Plain English

Preparation: Conkle, Religious Symbolism Outside the Public School Context, pages 175-184 (9 pages)
Wydick & Sloan, Chap. 6, Arrange Your Words Carefully, pages 39-46 (8 pages) (Bring book to class.)

Wednesday, July 17

Class Topics: Overview of Subjects of First Amendment Litigation
Public Aid to Religious Schools, Organizations and Individuals

Writing a Client Letter

Preparation: Conkle, Public Aid to Religious Schools, Organizations and Individuals, pages 184-213 (29 pages)
Shapo, Walters & Fajans, Letter Writing, pages 319-335 (16 pages) (Come prepared to discuss your answers to the questions in Exercise 15-A on pages 333-335.)

Thursday, July 18

Overview of Subjects of First Amendment Litigation
Public Aid to Religious Schools, Organizations and Individuals

Writing a Client Letter

Preparation: Review reading from July 17.
(Come prepared to ask any questions you have about the client letter assignment or letter writing in general.)

Friday, July 19

Re-write of Memo due by 12:00 noon by emailing to Professor Munson at vmunson@siu.edu.

Week 7

Tuesday, July 23

Class Topics: Overview of Subjects of First Amendment Litigation
Church Property Litigation

Writing in Plain English

Preparation: Griffin, Church Autonomy, pages 209-221 (12 pages)
Consider and be prepared to discuss:
Note 2, page 212

Note 4, page 220
Note 6, page 221
Wydick & Sloan, Chap. 6, Arrange Your Words Carefully, pages 46-54 (8 pages) (Bring book to class.)

Wednesday, July 24

Class Topics: Overview of Subjects of First Amendment Litigation
Employment Litigation

Writing in Plain English

Preparation: Read: Griffin, Church Autonomy, pages 222-235 (13 pages)
 Consider and be prepared to discuss:

 Note 2, page 232

 Notes 3,5 &6, page 233

 Note 5, page 235

Wydick & Sloan, Chap. 7, Choose Your Words Carefully, pages 55-70 (15)
(Bring book to class.)

Thursday, July 25

Class Topic: Presentations on “Religion and the Law in the News”

Week 8

Monday, July 29

Client letters due by 12:00 noon by emailing to Professor Munson at vmunson@siu.edu.

Tuesday, July 30

Class Topic: Presentations on “Religion and the Law in the News”