

SPRING 2008

Course Description – Legal Policy Challenges – 20467-PPAI 1700N S01

Instructor: Judge Robert G. Flanders, Jr. (rflanders@haslaw.com)

This seminar will meet once a week on Tuesdays from 4:00 to 6:20 p.m. in Room 206 of Smith-Buonanno Hall (unless otherwise noted) and it is limited to no more than twenty (20) students.

The course will combine an overview of the current American legal system with an introductory look at the rights protected under the Due Process and Equal Protection Clauses of the United States Constitution, with particular emphasis on privacy, economic rights, abortion, sexual orientation, voting rights, and racial, and gender classifications in United States Supreme Court jurisprudence. Students will be expected to read, analyze, and then be prepared to discuss critically the assigned reading and legal materials for each weekly class. Each class will be conducted as a seminar and taught via the Socratic Method used in many law schools. Some classes may consist, in part, of short tests, spot quizzes, and previously unannounced examinations on the reading material for that week. The readings will come primarily from four required texts:

1. Understanding Supreme Court Opinions, by T.R. van Geel (5th Ed. 2007) (Pearson Education, Inc.);
2. Processes of the Law – Understanding Courts and Their Alternatives, by Judith Resnick (Foundation Press 2004); and
3. Constitutional Law (Second Edition 2005) (Aspen), by Erwin Chemerinsky (Const. Law).

4. 2007 Supplement to Constitutional Law (Second Edition 2005) (Aspen), by Erwin Chemerinisky (Suppl.).

There is also one recommended (but not required) text:

5. Constitutional Law: Principles and Policies (Aspen-2006) (Third Edition) by Erwin Chemerinisky (CL-Principles and Policies.).

Students will be graded as follows:

1. Class participation and attendance (40%).
2. Cumulative scores on any tests, quizzes and/or a final exam (60%), plus an optional 10 to 15 page paper research project on a topic covered by or relevant to the subjects covered in this course.

Attached is the Syllabus for this course.

Legal Policy Challenges

**20467-PPAI-1700N-S01
Syllabus**

For each of the classes, the students shall read the material in the below listed texts and be prepared to discuss, analyze, and apply the same in class:

Class	Text: Understanding Supreme Court Opinions (Fifth Edition – 2007) By T.R. van Geel	Text: Processes of the Law By Judith Resnick	Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2007 Supplement
One January 29 th	Ch. 1, pp. 1-17 (17)		Constitution of the U.S., xxxix-liv (16 pages) <u>CL; Principals and Policies</u> , Ch. 1, pp. 1-32, Historical Background and Contemporary Themes
Two February 5 th	Ch. 2 and Ch. 3, pp. 19- 47 (28)		<u>Const. Law</u> , The application of the Bill of Rights to the states, pp. 445-468 (23) The requirement for state action I, pp. 469-487 (18)
Three February 12 th	Ch. 4, pp. 49-79 (30)		<u>Const. Law</u> , The requirement for state action II, pp. 487-518 (31) The rise of Lochnerism, pp. 519-540 (21)

Class	Text: Understanding Supreme Court Opinions (Fifth Edition – 2007) By T.R. van Geel	Text: Processes of the Law By Judith Resnick	Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2007 Supplement
February 19 th	President's Day	Long Weekend	No Class
Four ¹ February 26 th	Ch. 5 and Ch. 6, pp. 81-115 (34)		<u>Const. Law</u> , The fall of Lochnerism and the protection of economic rights since 1937, pp. 540-564 (24). Supplement, pp. 83-88 (Philip Morris USA v. Williams) (5) The takings clause I, pp. 574-595 (21). Supplement, pp. 88-93 (Lingle) (5)
Five March 4 th	Ch. 7, pp. 177-134 (17)		<u>Const. Law</u> , The takings clause II, pp. 595-616 (21). Supplement, pp. 93-103 (Kelo) (10) Privacy; family autonomy I, pp. 815-847 (32)

¹ Optional Paper Topic Due

Class	Text: Understanding Supreme Court Opinions (Fifth Edition – 2007) By T.R. van Geel	Text: Processes of the Law By Judith Resnick	Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinsky/2007 Supplement
Six ² March 11	Ch. 8, pp. 135-158 (23)		<u>Const. Law</u> , Privacy: contraceptives and abortion I, pp. 847-866 (19) Privacy: contraceptives and abortion II, pp. 867-891 (24). Supplement, pp. 133-149 (Gonzales, Carbart) (16)
Seven March 18 th		Introduction, pp. 1-5 Civil Actions, pp. 5-22	<u>Const. Law</u> , Privacy: contraceptives and abortion III, pp. 891-905 (14). Supplement, pp. 149-152 (Ayotte v. Planned Parenthood) (3) Privacy: medical care decisions, pp. 905-920 (15) Privacy: sexual orientation, pp. 920-932 (12)

² Outline For Optional Paper Due

Class	Text: Understanding Supreme Court Opinions (Fifth Edition – 2007) By T.R. van Geel	Text: Processes of the Law By Judith Resnick	Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2007 Supplement
<p>Eight</p> <p>Saturday, March 22nd</p> <p>9:30 a.m.</p> <p>Taubman Center</p> <p>First Floor Conference Room</p>		<p>Claims for Relief, pp. 22-39</p>	<p><u>Const. Law</u>, The right to travel; voting rights I, pp. 932-960 (28)</p> <p>The right to vote II, pp.960-982 (22)</p>
<p>March 25th</p>	<p>Spring Break</p>	<p>No Class</p>	
<p>Nine³</p> <p>Saturday, April 12th</p> <p>9:30 a.m.</p> <p>Taubman Center</p> <p>First Floor Conference Room</p>		<p>Criminal Actions, pp. 40-56</p>	<p><u>Const. Law</u>, Access to the courts; education, pp. 982-1006 (24)</p> <p>When is due process required? I pp. 1006- 1026 (20). Supplement, pp. 152-161 (Town of Castle Rock v. Gonzales)</p>

³ First Draft Due for Optional Paper

Class	Text: Understanding Supreme Court Opinions (Fifth Edition – 2007) By T.R. van Geel	Text: Processes of the Law By Judith Resnick	Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2007 Supplement
Ten April 15 th		Choosing the Law to Apply, pp. 57-70	<u>Const. Law</u> , When is due process required? II; What process is due?, pp. 1027-1043 (16). Supplement, pp. 161-172 (Wilkinson v. Austin; Jones v. Flowers) (11) Equal protection methodology; Rational basis review, pp.617-646 (29)
Eleven ⁴ April 22 nd		Remedial Powers, pp. 71-80	<u>Const. Law</u> , Race and the Constitution I, pp. 646-666 (20). Supplement, pp. 105-112 (Johnson v. California) (7) Race and the Constitution II, pp. 666- 692 (26). Supplement, pp. 112-132 (20) (Parents v. Seattle School Department)
Twelve April 29 th		Institutional Forms, pp. 81-106	<u>Const. Law</u> , Racial classifications benefiting minorities, pp. 706-751 (45)

⁴ Final Draft Due for Optional Paper

Class	Text: Understanding Supreme Court Opinions (Fifth Edition – 2007) By T.R. van Geel	Text: Processes of the Law By Judith Resnick	Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2007 Supplement
Thirteen May 6 th LAST CLASS		The Litigation Participants, pp. 107-130	<u>Const. Law</u> , Gender classifications I, pp. 752- 768