

Course Description – “Legal Policy Challenges – Individual Rights Under the Federal Constitution” – PPAI 1701N

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

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 educational objectives of this course are to introduce students to the American legal system and to the individual constitutional rights protected by the Due Process and Equal Protection Clauses of the Federal Constitution. Students are expected to develop skills in legal analysis and critical reasoning and an appreciation of the policy implications of constitutional decision-making.

This course will be held on Tuesday afternoons from 4:00 to 6:20 p.m. in Room 202 of the J. Walter Wilson Building.

The readings will come primarily from four required texts:

1. Understanding Supreme Court Opinions, by T.R. van Geel (6th 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 Chemerinisky (Const. Law).

4. 2008 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: Individual Rights Under the Federal Constitution

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 and Date	Text: Understanding Supreme Court Opinions (Sixth Edition – 2007) By T.R. van Geel	Text: Processes of the Law By Judith Resnick	Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2008 Supplement
One January 27 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 3 rd	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 10 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)

<p>Class and Date</p>	<p>Text: Understanding Supreme Court Opinions (Sixth Edition – 2007) By T.R. van Geel</p>	<p>Text: Processes of the Law By Judith Resnick</p>	<p>Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2008 Supplement</p>
<p>February 17th</p>	<p><u>NO CLASS – LONG WEEKEND</u></p>		
<p>Four¹ February 24th</p>	<p>Ch. 5 and Ch. 6, pp. 81-115 (34)</p>		<p><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)</p> <p>The takings clause I, pp. 574-595 (21). Supplement, pp. 88-93 (Lingle) (5)</p>

¹ Optional Paper Topic Due

<p>Class and Date</p>	<p>Text: Understanding Supreme Court Opinions (Sixth Edition – 2007) By T.R. van Geel</p>	<p>Text: Processes of the Law By Judith Resnick</p>	<p>Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2008 Supplement</p>
<p>Five March 10th</p>	<p>Ch. 7, pp. 177-134 (17)</p>		<p><u>Const. Law</u>, The takings clause II, pp. 595-616 (21). Supplement, pp. 93-103 (Kelo) (10)</p> <p>Privacy; family autonomy I, pp. 815-847 (32)</p>
<p>Six² March 14^{th3} Saturday 10:00 a.m.</p>	<p>Ch. 8, pp. 135-158 (23)</p>		<p><u>Const. Law</u>, Privacy: contraceptives and abortion I, pp. 847-866 (19)</p> <p>Privacy: contraceptives and abortion II, pp. 867-891 (24). Supplement, pp. 133-149 (Gonzales, Carbart) (16)</p>

² Outline For Optional Paper Due

³ Make-up Class for Tuesday, March 3rd (this class only will be held in the Taubman Center)

<p>Class and Date</p>	<p>Text: Understanding Supreme Court Opinions (Sixth Edition – 2007) By T.R. van Geel</p>	<p>Text: Processes of the Law By Judith Resnick</p>	<p>Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2008 Supplement</p>
<p>Seven March 17th</p>		<p>Introduction, pp. 1-5 Civil Actions, pp. 5-22</p>	<p><u>Const. Law</u>, Privacy: contraceptives and abortion III, pp. 891-905 (14). Supplement, pp. 149-152 (Ayotte v. Planned Parenthood) (3)</p> <p>Privacy: medical care decisions, pp. 905-920 (15)</p> <p>Privacy: sexual orientation, pp. 920-932 (12)</p>
<p>March 24th</p>	<p><u>NO CLASS – SPRING RECESS</u></p>		

<p>Class and Date</p>	<p>Text: Understanding Supreme Court Opinions (Sixth Edition – 2007) By T.R. van Geel</p>	<p>Text: Processes of the Law By Judith Resnick</p>	<p>Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2008 Supplement</p>
<p>Eight March 31st</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) The right to vote II, pp. 960-982 (22)</p>
<p>Nine⁴ April 7th</p>		<p>Criminal Actions, pp. 40-56</p>	<p><u>Const. Law</u>, Access to the courts; education, pp. 982-1006 (24) When is due process required? I pp. 1006-1026 (20). Supplement, pp. 152-161 (Town of Castle Rock v. Gonzales)</p>

⁴ First Draft Due for Optional Paper

<p>Class and Date</p>	<p>Text: Understanding Supreme Court Opinions (Sixth Edition – 2007) By T.R. van Geel</p>	<p>Text: Processes of the Law By Judith Resnick</p>	<p>Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2008 Supplement</p>
<p>Ten April 14th</p>		<p>Choosing the Law to Apply, pp. 57-70</p>	<p><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)</p> <p>Equal protection methodology; Rational basis review, pp.617-646 (29)</p>
<p>Eleven⁵ April 21st</p>		<p>Remedial Powers, pp. 71-80</p>	<p><u>Const. Law</u>, Race and the Constitution I, pp. 646-666 (20). Supplement, pp. 105-112 (Johnson v. California) (7)</p> <p>Race and the Constitution II, pp. 666-692 (26). Supplement, pp. 112-132 (20) (Parents v. Seattle School Department)</p>
<p>Twelve April 28th</p>		<p>Institutional Forms, pp. 81-106</p>	<p><u>Const. Law</u>, Racial classifications benefiting minorities, pp. 706-751 (45)</p>

⁵ Final Draft Due for Optional Paper

<p>Class and Date</p>	<p>Text: Understanding Supreme Court Opinions (Sixth Edition – 2007) By T.R. van Geel</p>	<p>Text: Processes of the Law By Judith Resnick</p>	<p>Texts: Constitutional Law (Second Edition -2005) By Erwin Chemerinisky/2008 Supplement</p>
<p>Thirteen May 5th LAST CLASS</p>		<p>The Litigation Participants, pp. 107-130</p>	<p><u>Const. Law</u>, Gender classifications I, pp. 752-768</p>