

## CONSTITUTIONAL LAW II

Professor Stacey Sobel  
Spring Semester 2016

### **Course Information**

Meeting times: Monday and Wednesday 11:30-1:00  
Online: via TWEN (TWEN registration is MANDATORY)  
Office: 714-459-1186  
Email: ssobel@wsulaw.edu

Office hours: Tuesdays TBD; and by appointment. I may schedule additional office hours at particular times during the semester. You will be notified in class and/or via TWEN of when those hours will occur. Meetings during office hours should be scheduled in the book maintained by the faculty staff assistant on the 3<sup>rd</sup> floor. If you cannot make an appointment during regular office hours, please email me to schedule a meeting. Meetings should be scheduled at least 24 hours in advance. If they are made less than 24 hours in advance, I may make alternative plans and might not be available to meet. If you need to cancel a meeting or if you will be late, please contact me.

**Required Text** – Chemerinsky, *Constitutional Law* (4th ed. 2013)  
Online reading material as assigned (via TWEN)

**Recommended Text** – Chemerinsky, *Constitutional Law Principles & Policies* (4th ed. 2011)

I do not recommend commercial briefs and they are not permitted in class.

**Reading and Class Participation** – Students are expected to complete the assigned reading prior to class. All students are expected to engage in class discussion. Participation is key to making this class enjoyable, so I expect everyone to be prepared to intelligently discuss and critically evaluate that day's assignment in class. In particular, be prepared to discuss the pertinent facts, issues, law and court findings and rulings of each case. All students are expected to engage in professional and respectful discussion of the case materials and subject matter. All views are welcomed. I use a combination of cold-calling and volunteers for class discussion. For volunteer participation, I value quality over quantity, but being an active participant is important. A consistent lack of preparation may result in a grade reduction of up to .3 (e.g., from 3.3 to 3.0) on a student's course grade. Exemplary performance may result in a grade increase of .1 (e.g., from 3.0 to a 3.1) on a student's course grade.

**Attendance** – The WSU policy on required attendance at all classes will be followed: : students may be absent no more than four (4) class periods. Students who miss more than four (4) classes may be dismissed from the class, thus receiving a "0" for the course absent extenuating circumstances. See the WSCL Attendance Policy, reprinted in the Student Handbook. Students are expected to be in class at the time the course begins. Students who are late may be considered absent at the discretion of the professor. Students who know that they will be late or absent should email me prior to class if possible.

**Examinations and Grading** – The course grade is based on one mid-term and a final exam. The mid-term will be an essay exam and will comprise 20% of your grade. The mid-term will cover the assigned readings from the beginning of the semester until the mid-term. The final examination will accounts for 80% of your grade and covers all materials for the semester. The final exam will contain both essay and multiple-choice questions. There may be occasional on-line quizzes for pass-fail credit. Failure to complete or pass a quiz may result in a grade reduction of up to .3.

**Learning Goals** – After completion of this course, students should be able to:

- Understand the constitutional concepts related to fundamental rights, substantive and procedural due process, and First Amendment rights.
- Identify the factual and constitutional issues implicated by a fact pattern.
- Apply and distinguish cases, including the ability to identify the salient features of an appropriate precedent case, to identify legally significant similarities between the precedent case and a fact pattern, and explain why the similarities are legally significant, and also to identify legally significant differences between the precedent case and a fact pattern, and explain why the differences are legally significant.
- Apply constitutional standards to facts, including the ability to correctly articulate the constitutional analysis implicated by the issue, to identify legally significant facts in a fact pattern, and to explain why the facts are significant by connecting the facts to the Court’s analytical requirement(s).
- Evaluate legal arguments, and identify the strengths and weaknesses of the argument.

**Ethics** – Ethics are an important part of the practice of law. All students should be familiar with WSU’s Honor Code. Any violation of law school rules and regulations relating to cheating, plagiarism, or other ethical matters address in the Honor Code will be vigorously enforced.

#### COURSE READING

January 20: 933-946, 955-967, Obergefell v. Hodges

January 25: 967-1000

January 27: 1000-1030

February 1: 1030-1058

February 3: 1069-1094

February 8: 1119-1142

February 10: 1142-1171

February 15: No Class

February 16: Legislative Day; 1171-1196

February 17: 1197-1199, 1206-1213, 1222-1238

February 22: 1238-1255, 1263-1273

February 24: 1273-1274, 1277-1279, 1285-1290, 1304-1313

February 29: 1325-1353

March 2: Practice Exam and Review

March 7 & 9: No Class – Spring Break

March 14: Mid-term

March 16 1365-1387

March 21: 1387-1410

March 23: 1412-1441, 1445-1450

March 28: No Class

March 30: 1450-1457, 1489-1509, *McCutcheon v. Federal Election Commission*, 1515-1536

April 4: 1545-1554, *McCullen v. Coakley*, 1559-1563

April 6: 1563-1582

April 11: 1590-1616

April 13: 1616-1637, 1673-1683

April 18: 1683-1701, *Burwell v. Hobby Lobby*, 1704-1708

April 20: 1708-1730

April 25: 1730-1760

April 27: 1761-1787

May 2: Review