

Western State College of Law at Westcliff University  
Constitutional Law I; Section A  
Spring 2025 Syllabus

Professor Sandy Rierson, [srierison@wsulaw.edu](mailto:srierison@wsulaw.edu)

**Class Times:**

Tuesdays and Thursdays, 1:00 PM – 2:20 PM

**Office Hours:**

Office hours will be held via Zoom on Wednesdays from 12:00-3:00. Here is the direct link for Zoom office hours: <https://wsulaw-edu.zoom.us/j/2598362317>; Meeting ID: 259 836 2317. Once I've completed the previous Zoom meeting, you will be admitted from the waiting room. *Meetings during office hours should be scheduled via TWEN sign-up sheets.* If you cannot make an appointment during regular office hours or there are no available time slots, 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 remove your name from the sign-up sheet. 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.

**Class Materials:**

Chemerinsky, *Constitutional Law* (7th ed., 2024) (Casebook) (**Required**). Please do not buy an earlier edition of the casebook, because the page numbers in the syllabus will not match the page numbers in your book, and several of the cases we will be covering are not in the earlier editions of the text. Also, please do not rent the casebook for one semester, as you will be using it in Constitutional Law II in the spring.

Online materials as assigned (via TWEN) (**Required**).

May, Ides & Grossi, *Constitutional Law: National Power and Federalism* (9th ed. Wolters Kluwer 2022) (Con Law NPF) (**Recommended**).

May, Ides & Grossi, *Constitutional Law: Individual Rights* (9th ed. Wolters Kluwer 2022) (Con Law IR) (**Recommended**).

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

**TWEN:**

All students must be registered for The West Education Network (TWEN). I will use the TWEN page to communicate with the class electronically and to post slides, handouts, and revised syllabi. Please be certain that you include your correct Western State College of Law email address when you register.

## **Western State College of Law – Programmatic Learning Outcomes:**

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

### **(1) Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, **Civil Procedure**, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

### **(2) Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

### **(3) Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

### **(4) Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**(5) Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

**(6) Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

**(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

**Specific Course Goals and Student Learning Outcomes:**

This course is designed to give you a fundamental understanding of the United States Constitution. All major topics covered in the course are listed below, under the heading "Reading Assignments." Our overarching goals include knowledge and understanding of substantive law; legal analysis and reasoning; written and oral communication; and the exercise of professionalism and professional skills.

By the end of this class, students should be able to do the following:

1. Understand the constitutional concepts related to the federal judicial, legislative and executive powers; limits on state powers; and equal protection rights.
2. Identify the factual and constitutional issues implicated by a fact pattern.

3. 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.
4. 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).
5. Evaluate legal arguments, and identify the strengths and weaknesses of the argument.

### **Legal Ethics:**

Ethics are an important part of the practice of law. All students should be familiar with the Western State College of Law Honor Code. Any violation of law school rules and regulations relating to cheating, plagiarism, or other ethical matters addressed in the Honor Code will be vigorously enforced. The Honor Code is set forth in the Student Handbook, Section IX, [https://www.wsulaw.edu/Uploads/Student-Handbook/WSU-Student\\_Handbook.pdf](https://www.wsulaw.edu/Uploads/Student-Handbook/WSU-Student_Handbook.pdf).

### **Attendance:**

Please come to class on time. 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. Make your best effort to attend class every day. Civil Procedure is like math: each concept builds on the previous one. If you fall behind, you will find it very difficult to catch up.

Western State College of Law requires regular attendance (85% of all scheduled classes). In this class, students who miss more than two classes per semester are subject to dismissal, thus receiving a "0" for the course absent extenuating circumstances. The attendance policy is set forth in the Student Handbook, Section IV/A/12, [https://www.wsulaw.edu/Uploads/Student-Handbook/WSU-Student\\_Handbook.pdf](https://www.wsulaw.edu/Uploads/Student-Handbook/WSU-Student_Handbook.pdf).

### **Participation:**

Students are expected to complete the assigned reading prior to class. **You should engage in at least six hours of course preparation per week.** All students are expected to engage in class discussion. Participation is key to making this class enjoyable, so everyone must be prepared to intelligently discuss and critically evaluate that day's assignment in class. In particular, each student must 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 welcome. I call on students at random and take volunteers for class discussion. A consistent or significant lack of preparation or professionalism 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. Students may not record the class discussion without the professor's approval.

**Grading:**

Your grade in this class will be based on your midterm and final examination scores, and your U-World assignments.

Your U-World quizzes (as indicated on the syllabus) will account for 5% of your final grade.

The U-World assignments will be made available to you at 2:30 PM on the day they are assigned, and will be due by 1:00 PM the next class day, as indicated on the syllabus.

You will need to complete each quiz and achieve a score of 70% or higher to receive full credit for the assignment (5 points per quiz). You can repeat each quiz up to 3 times, to achieve the required 70% score. If you complete all of your quizzes on time and achieve a score of 70% or higher on each quiz, you will receive 55 total points for your U-World assignments (5 points for each quiz). If you submit a quiz late or do not achieve a score of 70% or better, you will receive 3 points for the assignment. If you submit an assigned quiz more than three days late or not at all, you will receive a zero for that assignment.

The midterm will account for 15% of your final grade. The midterm covers the assigned readings from the beginning of the semester until the midterm. The midterm will consist of one essay question. The exam will last 60 minutes and will be administered during class, as indicated on the syllabus.

The final examination is cumulative (i.e., it covers all materials for the semester). The final exam will account for the remaining 80% of your grade, divided between multiple choice questions (40%) and one essay (40%). You will have three hours to complete your final exam.

Both the midterm and the final exam will be closed book assessments.

**Accommodations:**

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law. To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of their specific limitations and, if known, their specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive; they are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza or Dean Marisa Cianciarulo, at [mcianciarulo@wsulaw.edu](mailto:mcianciarulo@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the Policy against Discrimination and Harassment, set forth in the Student Handbook, Section XIV, [https://www.wsulaw.edu/Uploads/Student-Handbook/WSU-Student\\_Handbook.pdf](https://www.wsulaw.edu/Uploads/Student-Handbook/WSU-Student_Handbook.pdf).

## **Reading Assignments:**

Reading assignments for the fall semester are noted below. **Assignments are subject to revision.** Updates regarding the syllabus will be sent to the e-mail address provided by the student when registering for this class on TWEN.

### **Week 1 (Jan. 14, 16)**

#### **First Amendment: Free Speech Methodology**

- **Casebook**, pp. 1057-1063 (Free Speech Introduction); 1064-1077 (The Distinction between Content-Based and Content-Neutral Laws); 1077-1082 (The Requirement for Viewpoint Neutrality); 1082-1099 (Subject Matter Restrictions and Content-Neutral Laws); 1099-1106 (Vagueness and Overbreadth).
- **Recommended:** Con Law IR, 349-355 (Introduction and Overview); 363-369 (Vagueness and Overbreadth); 369-373 (Content-Based Restrictions on Speech); 434-437 (Content Neutrality); 460-465 (Government Speech).
- **Complete U-World assignment re Content-Based v. Content-Neutral Regulations [Assignment will be available at 2:30 PM on Thursday, Jan. 16, and is due at 1:00 PM on Tuesday, Jan. 21].**

### **Week 2 (Jan. 21, 23)**

#### **Speech: Prior Restraints; Compelled Speech; Unprotected and Less Protected Speech: Incitement of Illegal Activity**

- **Casebook**, 1106-1117 [skip *Court Orders to Protect Fair Trials* and *Alexander v. United States*]; 1123-1128 [skip *Civil Liability and Denial of Compensation for Speech*] (Prior Restraints); 1131-1133 [skip *Becerra*]; 1142-1161 (Compelled Speech); 1172-1180 [skip *The Reasonableness Approach* and *The Risk Formula Approach*], 1190-1192 [skip *Holder v. Humanitarian Law Project*] (Incitement of Illegal Activity).
- **Recommended:** Con Law IR, pp. 443-444 (Prior Restraints); 426-427 (Compelled Speech); 373-381 (Advocacy of Unlawful Conduct: The Clear and Present Danger Test).

### **Week 3 (Jan. 28, 30)**

#### **Unprotected and Less Protected Speech: True Threats, Fighting Words, the Problem of Racist Speech, and Sexually Oriented Speech**

- **Casebook**, pp.; 1199-1227 (True Threats, Fighting Words, and the Problem of Racist Speech); 1227-1233 [skip *Should Obscenity be a Category of Unprotected Speech* and *Should There be a New Exception for Pornography*], 1236-1258 (Sexually Oriented Speech).
- **Recommended:** Con Law IR, 381-383 (Fighting Words, True Threats, and Hate Speech); 410-421 (Sexually Explicit Speech – Obscenity and Pornography).

### **Week 4 (Feb. 4, 6)**

#### **Unprotected and Less Protected Speech: Violent Speech, Commercial Speech, and Conduct that Communicates**

- **Casebook**, pp. 1258-1270 (Violent Speech); 1270-1277 [skip *Sorrell v. IMS Health*], 1283-1296 (Commercial Speech); 1319-1328, 1341-1355 [skip *Buckley v. Valeo* and *Bellotti*] (Conduct that Communicates).
- **Recommended:** Con Law IR, 397-409 (Commercial Speech); 422-423 (Speech that Depicts Actual Violence or Cruelty); 390-395 (Campaign Financing and Campaign Advocacy).
- **Complete U-World assignment re Unprotected and Less Protected Speech** [Assignment will be available at 2:30 PM on Thursday, Feb. 6, and is due at 1:00 PM on Tuesday, Feb. 11].

### **Week 5 (Feb. 11, 13)**

#### **Location**

- **Casebook**, pp. 1362-1367 [skip *Hill v. Colorado*], 1372-1396 (Government Property and Speech); 1403-1419 [skip *Speech in Military and Prisons*] (Speech in Schools); 1419-26 (Free Speech Rights of Government Employees).
- **Recommended:** Con Law IR, 445-456 (The Nature of the Public Forum); 456-460 (Student Speech in Public Schools).
- **Complete U-World assignment re The Public Forum and Government Speech** [Assignment will be available at 2:30 PM on Thursday, Feb. 13, and is due at 1:00 PM on Thursday, Feb. 20].

## **Week 6 (Thursday, Feb. 20)**

**[Only Monday classes meet on Tuesday, February 18.]**

### **Freedom of Association**

- **Casebook**, pp. 1426-1452 (Freedom of Association).
- **Recommended**: Con Law IR, 465-478 (Freedom of Association).
- **Complete U-World assignment re Freedom of Association [Assignment will be available at 2:30 PM on Thursday, Feb. 20, and is due at 1:00 PM on Tuesday, Feb. 25].**

## **Week 7 (Feb. 25, 27)**

**Midterm Review on Tuesday, February 25, and Midterm Exam (In Class) on Thursday, February 27.**

## **Week 8 (Mar. 4, 6)**

### **Religion: Introduction and the Free Exercise Clause**

- **Casebook**: 1477-1485 (Introduction); 1485-1524 (Free Exercise).
- **Recommended**: Con Law IR, 491-492 (Introduction); 527-553 (Free Exercise).
- **Complete U-World assignment re The Free Exercise of Religion [Assignment will be available at 2:30 PM on Thursday, Mar. 6, and is due at 1:00 PM on Tuesday, Mar. 18]**

**No Classes March 11/13 – Spring Break!**

## **Week 9 (Mar. 18, 20)**

### **Religion: The Establishment Clause**

- **Casebook**, 1524-1541 [skip *Lemon v. Kurtzman*]; 1544-1545 [skip *Religious Speech and the First Amendment*]; 1548-1576 [skip *Town of Greece v. Galloway*]; [skip *Mitchell v. Helms* and *Zelman*] 1605-1624.
- **Recommended**: Con Law IR, 492-495 (Establishment Clause Overview) [Most of the material in this section of the supplement should not be relied on, as it predates the Supreme Court's decision in *Bremerton*, overruling *Lemon v. Kurtzman*.].
- **Complete U-World assignment re The Establishment Clause [Assignment will be available at 2:30 PM on Thursday, Mar. 20, and is due at 1:00 PM on Tuesday, Mar. 25]**



## Week 10 (Mar. 25, 27)

### Congress and the States: The Commerce Power

- **Casebook**, 99-111 [skip *Sebelius* – assigned for next week] (The Federal Legislative Power); 129-130 [skip *Gibbons v. Ogden*] (The Necessary and Proper Clause); 133-135, 139-152 (1939-1990s: Broad Federal Commerce Power); 152-180 (1990s-???: Narrowing of the Commerce Power and Revival of the Tenth Amendment as a Constraint on Congress).
- **Recommended**: Con Law NPF, 245-248 (Introduction and Overview; The Necessary and Proper Clause); 248-250 [skip *A Brief History of Commerce Clause Jurisprudence*], 255-271 (The Power over Interstate Commerce).
- **Complete U-World assignment re The Congressional Power to Regulate Commerce** [Assignment will be available at 2:30 PM on Thursday, Mar. 27, and is due at 1:00 PM on Tuesday, Apr. 1.

## Week 11 (Apr. 1, 3)

### Commerce Power Cont'd; The Taxing and Spending Power; Congressional Power under the Post-Civil War Amendments

- **Casebook**, 181-201 (Does the Tenth Amendment Limit Congress's Authority?); 201-203, 205-207 [skip *Davis* and *Sabri*] (The Taxing and Spending Power); 111-129 (*Sebelius*); 207-209 [skip *United States v. Morrison*], 211-227 (Congress's Power under the Post-Civil War Amendments).
- **Recommended**: Con Law NPF, 271-275 (discussing *Sebelius*); 275-281, 288-291 (The Power to Tax and Spend).
- **Complete U-World assignment re The Congressional Power to Tax and Spend** [Assignment will be available at 2:30 PM on Thursday, Apr. 3, and is due at 1:00 PM on Tuesday, Apr. 8.]

## Week 12 (Apr. 8, 10)

### Presidential Powers

- **Casebook**, 229-244 (Inherent Presidential Power); 253-261 [skip The Non-Delegation Doctrine and its Demise] (the Major Questions Doctrine); 336-345 (Presidential Power over Immigration); 345-351 (Suing and Prosecuting the President) [skip *Subpoenaing Presidential Information*]; *Trump v. United States*, 603 U.S. 593 (2024) (edited version posted on TWEN); 364-368 (Impeachment).
- **Recommended**: Con Law IR, 398-401 (Impeachment and Temporary Suspension from Office) [The material in this section of the supplement re Presidential Immunity should not be relied on, as it predates the Supreme Court's decision in *Trump v. United States*.]
- **Complete U-World assignment re Presidential Powers** [Assignment will be available at 2:30 PM on Thursday, Apr. 10, and is due at 1:00 PM on Tuesday, Apr. 15].

### **Week 13 (Apr. 15, 17)**

#### **State Power Limits: The Dormant Commerce Clause**

- **Casebook:** 390-398 [skip *The History of the Dormant Commerce Clause*], 401-410 [skip *West Lynn Creamery* and *Clover Leaf Creamery*], 413-434 (The Dormant Commerce Clause).
- **Recommended:** Con Law NPF, 415-416, 418-446 (skip Early Developments).
- **Complete U-World assignment re The Dormant Commerce Clause [Assignment will be available at 2:30 PM on Thursday, Apr. 17, and is due at 1:00 PM on Tuesday, Apr. 22].**

### **Week 14 (Apr. 22, 24)**

#### **State Power Limits: Preemption; The Privileges & Immunities Clause**

- **Casebook:** 369-390 (Limits on State Regulatory and Taxing Power: Preemption); 434-445 (The Privileges and Immunities Clause). [33 pages]
- **Recommended:** Con Law NPF, 313-340 (The Supremacy Clause/Preemption Doctrine); 459-478 (The Privileges and Immunities Clause of Article IV).
- **Complete U-World assignment re Preemption [Assignment will be available at 2:30 PM on Thursday, Apr. 24, and is due at 1:00 PM on Tuesday, Apr. 29].**

### **Week 15 (Apr. 29)**

#### **Review/Practice Exam**

***Final Exam: TBD***