

CONSTITUTIONAL LAW / DVS
PROFESSOR O'CONNOR
Law 590 Syllabus, Part I
Spring 2019

Room TBA

Office: Faculty Suite

Office Hours: Mon & Wed 12:00 p.m. – 3:00 p.m.
 Tues. & Thurs. 9:00 – 11:00 a.m.

And by appointment.

COURSE DESCRIPTION

This 5 credit course is a study of the law of the United States Constitution. Subjects include the structure of the federal republic, the constitutional powers of the government, separation of powers, judicial review, and individual rights and liberties (including due process of law and equal protection). One unit of the course is devoted to values and skills development.

TEXTBOOKS

Required Text

CHEMERINSKY, ERWIN. 2017. CONSTITUTIONAL LAW, FIFTH EDITION. New York: Wolters Kluwer Law & Business (ISBN: 978-1-4548-7647-2).

Denning, Brandon P., Developing Professional Skills, Constitutional Law, West Academic Publishing, 2014 (ISBN -13: 9780314289742).

Course Objectives/Goals:

The ultimate objective is for students to become thoroughly familiar with the constitutional structure of our government and the constitutional protection of individual rights. They should become proficient at analyzing fact situations with constitutional aspects. Successful completion of the course should indicate sufficient competence to answer constitutional law questions in the area covered by the course on the bar examination.

Learning Outcomes:

- Ability to recognize constitutional issues arising from fact situations, laws and government actions.

- Ability to apply constitutional law to these situations.
- Familiarity with the Constitution as a governing document.
- Competent understanding of the doctrines used to interpret the Constitution.
- Competent understanding of the constitutional values of our republican form of government.
- Development of the skills necessary to apply constitutional doctrine.

Course Expectations:

Attendance and class participation: Class attendance is mandatory, and you will receive no credit for this course if you miss more than 20% of the class sessions; also, I reserve the right to mark you absent if you are late or unprepared for any class. You are responsible for finding out about announcements made in class and material covered during the class you missed. As a professional student, you are expected to come to class prepared (with the required texts and handouts), having completed the assigned readings for the class session. Class participation is strongly encouraged, and I welcome questions about the material.

Lateness to Class / Leaving Early / Use of Cellphones / Internet Surfing / Instant Messaging / Recording:

None of the above listed conduct is acceptable in this class. On these issues, students are held to the same standards as lawyers in the courtroom. Thus, if a student is late, when that student enters the class, the student must apologize to the class for interrupting the lesson. If a student is consistently or unjustifiably late, it will affect participation points. (See below). If you leave early from any class, you will be counted absent, unless, in my discretion and with prior authorization, I decide otherwise.

Cell phone ringers must be turned off during class. Students are not permitted to surf the internet, instant message, text, email, record this class or make other unauthorized use of technology during class.

Electronics use policy: No laptops or other electronic devices will be permitted to be used during class. You must be prepared for each class to proceed without the use of electronic devices. Thus, you must prepare and print out case briefs for every case assigned and be prepared to discuss the materials without your electronic devices or your books.

Attendance/Professionalism/Other Expectations:

Please read the College of Law policy regarding attendance. There are no “excused” absences. I expect students to come to class on time, prepared, and willing to add to class discussions. I require that class discussions reflect tolerance for, and respect of, others’ perspectives and views.

Evaluation:

The grade for this course will be based upon the following:

Final Exam	60%
Midterm	15%
DVS assignments	15%
Participation	10%

The midterm will consist of multiple choice questions and the final exam will consist of a combination of essay and multiple choice questions.

DVS Assignments

There are four scheduled DVS assignments. There also will be several smaller DVS assignments distributed throughout the course. More detailed descriptions of each assignment will be provided as they are assigned. Please note that due dates are subject to change. Any change will be announced in class. If an assignment is changed it will be moved to a later date not an earlier one.

ASSIGNMENT	DUE DATE	POINTS	DESCRIPTION
Sample Brief	16 January	3	A brief in your own words of <i>Youngstown Sheet & Tube Co. v. Sawyer</i> following the brief guidelines discussed in class
MC Questions-with Explanations	25 February	3	5 take home multiple choice questions with explanations.
Sample Essay Question (In Class)	25 March	3	A practice exam style essay to be completed in class in one hour.
Self-Assessment of Sample Essay Question	8 April	3	Self-assessment of your in class sample essay question.

CHANGES TO THE SYLLABUS

I reserve the right to change or amend the syllabus. Any changes will be provided in writing by email and announced in class.

READING SCHEDULE*

*** Reading schedule may change during course of semester. Changes will be reflected in the power points used in class. Not every case assigned will be discussed in class, but students must be prepared to discuss each case assigned.**

WEEK 1: JUDICIAL POWER AND JUSTICIABILITY

7 January: Authority for Judicial Review and Justiciability Limits.

Declaration of Independence, http://avalon.law.yale.edu/18th_century/declare.asp
Article of Confederation, http://avalon.law.yale.edu/18th_century/artconf.asp
United States Constitution, Chemerinsky textbook

Pages: 2-8, 10-11, and 34-46.

DVS: Case Briefing Revisited.

9 January: Standing, Ripeness, Mootness and Political Question Doctrine.

Pages: 59-63, 65-77, and 81-99, 103-12.

WEEK 2: INTRODUCTION TO LEGISLATIVE POWER, NECESSARY & PROPER CLAUSE, AND COMMERCE CLAUSE

14 January : Intro to Legislative Power, Necessary & Proper Clause, and Commerce Clause.

Pages: 117-126, 151-154, 157-159, 168-175, and 176-181.

DVS: DVS: Case Reading Revisited

DVS Assignment Due: Case Brief Assignment, 1/16.

WEEK 3: COMMERCE POWER, TAXING POWER AND THEIR LIMITATIONS

21 January: MLK Day – No Class

23 January: Commerce Clause (Continued) and 10th Amendment.

Pages: 184-205, 208-212, and 217-223.

10th Amendment Limits on Commerce Power and Taxing Power.

Pages: 227-31, 235-237, 238-244, and 248-266.

DVS: Statutory Interpretation & Rule Articulation

APPENDIX OF MISSION, VALUES AND LEARNING OUTCOMES

University of La Verne Mission and Values

It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community.

The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:

1. **Values Orientation.** The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.
2. **Community and Diversity.** The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.
3. **Lifelong Learning.** The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.
4. **Community Service.** The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.

University of La Verne College of Law Vision, Mission, and Values

VISION

La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION

The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success.

Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.

Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement.

Difference-making is our legacy.

CORE VALUES

University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning.

College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

University of La Verne College of Law Program Objectives

- A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.
- B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.
- C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.
- D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following.

University of La Verne College of Law Program Learning Outcomes

1. Students shall demonstrate knowledge and understanding of substantive and procedural law.
2. Students shall demonstrate competence in legal analysis and reasoning.
3. Students shall demonstrate competence in conducting legal research.
4. Students shall demonstrate competence in problem-solving.
5. Students shall demonstrate competence in written and oral communication.
6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.
7. Students shall demonstrate competent litigation skills.
8. Students shall demonstrate competent transactional skills.
9. Students shall apply cultural competency while exercising their legal skills.