

**JUDICIAL POLITICS 4021**  
**2014 SPRING SEMESTER**  
**LOUISIANA STATE UNIVERSITY**  
**LSU LAW SCHOOL, ROOM 216**

INSTRUCTOR: DARWIN MILLER; 225.389.3385; [darwin.miller@ebrda.org](mailto:darwin.miller@ebrda.org)

OFFICE HOURS: 1 HOUR FOLLOWING EACH CLASS OR BY APPOINTMENT

**COURSE DESCRIPTION**

This course introduces students to the study of American constitutional law. This course will focus primarily upon federal constitutional law. However, students may be exposed to a limited amount of state [Louisiana] constitutional law. Because the jurisprudence related to constitutional law is vast, the course will generally focus on the fundamental principles associated with the constitution, due process, the first amendment, personal autonomy, equal protection, amendments related to criminal law, and the second amendment.

Students will learn how to analyze legal cases, write legal case briefs, communicate a position related to a legal case, and think critically about the role of courts in making legal and social policy. Additionally, students will participate in courtroom observation and engage in a limited amount of legal research.

**COURSE OBJECTIVE**

Students will learn the about the basic principles associated with the United States Constitution. Students will gain an understanding about jurisprudential interpretations of the constitution. Students will develop communication skills [written and oral] to effectively communicate legal analysis of constitutional case law.

## **COURSE REQUIREMENTS**

**Attendance:** students are expected to attend all classes. Advance arrangements should be made with the instructor if there is a need to miss class. Special consideration for students who miss class on a day when graded work is due is limited **ONLY TO STUDENTS WITH A DOCUMENTED, EXCUSED ABSENCE.**

University policy states that excused absences include [1] personal illness with a doctor's note, family emergencies, death in the immediate family, military service, religious holiday, or participation in a school-sponsored event AND [2] that these excuses must be accompanied by written notice from the student to the instructor in an immediate, timely fashion. Students must alert the instructor in advance if missing class for a documented, school-sponsored event, religious holiday, or military service. Said notices must be made in writing and hand-delivered to the instructor. In the event of personal illness, family emergencies, or death in the immediate family, notification must be provided by the next scheduled class.

**Participation and preparation:** students are expected to be fully prepared for each class. Attendance is a necessary, but not sufficient, condition for a good participation grade. Students should arrive punctually, remain for the duration of class, pre-read all assigned materials, complete all written assignments, and treat other students/instructor with courtesy and respect. **BE PREPARED AT ALL TIMES.**

**Classroom policies: the use of cell phones will not be tolerated. All electronic devices should be turned off and placed under the desk before and during class. The use of a laptop, ipad, or other similar device is not allowed in this class. The use of a recording device will serve as a basis for immediate removal from the class.** Respectful behavior is expected at all times. Disruptive behavior will not be tolerated. Children are not permitted in the academic classrooms. No food will be allowed in the classroom. Class begins promptly at 5 p.m. The door[s] will be closed by 5:10 p.m. Thereafter, entry into the class may be made only during a break.

There will be two [2] ten minute breaks during this class unless notified differently. Students will not be given credit/score for work produced in association with recording device.

**Cheating and plagiarism:** Cheating and plagiarism [in any form] will not be tolerated. In general, 'cheating' should be construed as depriving [in any form] someone [or obtaining from someone/something] of something of value by deceit, fraud, dishonesty, etc..... In general, 'plagiarism' should be construed as taking [in any form] the ideas of another and passing the ideas off as one's own without crediting the source. Penalties for 'cheating and plagiarism' will be in conformity with the LSU standards. Further, students will not be given any credit/score for individual projects that are the products of 'cheating and plagiarism'.

**Safety issues/campus safety:** items that may be harmful to one's self or others should not be brought to class. LSU believes that your safety is important in the learning process. One should report suspicious activity to the Office of Public Safety/Campus Security.

In case of a classroom emergency, please exit quickly and [once outside] continue to a safe distance away from the building. Take your possessions with you.

**Learning resources/library:** students are encouraged to utilize the learning resources center/library in enhancing skills, using resources, and developing reading enjoyment. Students should consider using the undergraduate and law school libraries for preparation in this course.

## GRADING

The final grade in this course is based upon the total score of the following:

- Case briefs 100 total points [10 @ 10 pts. per brief]
- Courtroom observation 100 total points
- Final exam [**cumulative**] 50 total points
- Participation 50 total points
- Midterm exam 20 total points

TOTAL POINTS 320

- Bonus points [**discretionary**] 5 per assignment; added to total points

### **Grading scale [total points]**

- A 320-287
- B 286-255
- C 254-223
- D 222-191
- F 190 or below

The outline for typed, case briefs will be provided by the instructor. Briefs will be submitted to the instructor in class on the due date. Electronic transmission of case briefs will not be accepted. Typed observation papers will not be accepted electronically. Case briefs and the observation paper must be submitted prior to the taking of any exam. The exams will consist of short answer, true/false, multiple choice, and essay questions. The format of the exam may be modified at the discretion of the instructor. Exams will cover materials from lectures, reading, handouts, and guest speakers. Make-up examinations may be allowed based solely upon the discretion of the instructor and only for those absences previously outlined. Make-up examinations may vary in format and will be administered at the discretion of instructor.

As previously indicated, classroom participation is an essential component in grading this course. BE PREPARED IN ADVANCE OF CLASS. THE MERE ATTENDANCE IN CLASS WILL NOT SUFFICE AS THE SOLE BASIS FOR RECEIVING A GOOD MARK. Bonus points may be awarded during the semester based upon bonus projects. The decision to administer [or not] bonus projects is a discretionary choice made by the instructor. Various handouts may be provided throughout the semester. All materials are intended to complement [not duplicate] each other. Thus, some of what you read may not be discussed in class and some of the lecture material may go beyond what you read. **Each student is deemed to be responsible for all material associated with this course.** Any request for special arrangements regarding required assignments, exams, papers, etc.... must be made in advance of all due dates with the instructor. The instructor reserves the right to grant requests [or not] depending on documented, individual circumstances.

**Disability statement:** any student eligible for and needing reasonable accommodations or academic adjustments because of a disability should speak with the instructor in person immediately. Further, LSU is committed to providing reasonable accommodations for all persons with disabilities. The syllabus is available in alternate formats upon request. If you have a hidden or visible disability that may require classroom or test accommodations, see the instructor immediately. If you have not already done so, register with the appropriate campus department related to disability services.

**Special notes:** continued enrollment in this course indicates acceptance of course policy. This syllabus is subject to change. The attached class schedule is tentative and may be subject to change. Changes will be announced in class. You are required to keep this syllabus and refer to it during the semester. You are responsible for all material/data/information presented in this class, all reading assignments, and all information contained in the class syllabus. The instructor expressly reserves the right to amend/change/alter this syllabus and class policy as it relates to this course.

**REQUIRED READING**

Lawrence Baum, The Supreme Court [11<sup>th</sup> edition]

\*\*Note that additional required reading is in the form of assigned legal cases!!

\*\*\*refer to the class schedule

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**TENTATIVE CLASS SCHEDULE**

**2014 SPRING SEMESTER**

1/20/2014            **CLASS HOLIDAY; MLK DAY**

1/27/2014            orientation; fundamental principles of law; USSC [SCOTUS];

**BAUM, CHAPTERS 1 AND 2**

**\*\*courtroom observation assignments**

2/3/2014            *"In case of dissension, never dare to judge til you've heard the other side."*            Euripides

**Substantive Due Process; Procedural Due Process; Separation of Powers**

KANSAS V. HENDRICKS, 521 U.S. 346 [1997]\*

2/10/2014            *"Religion is like a pair of shoes...Find one that fits you, but don't make me wear your shoes."*            George Carlin

**The First Amendment** [religion; the Establishment Clause; the Free Exercise Clause; protection religiously motivated conduct; etc...]

VAN ORDEN V. PERRY, 545 U.S. 677 [2005]\*

**BAUM, CHAPTER 3**

2/17/2014            Lost in Translation[2003]...? Phil Robertson, Juan Pablo, et al.

*"If you're not going to offend somebody you don't need the First Amendment."* Larry Flynt

**The First Amendment** [speech; content restrictions; time, place, manner; government speech; modern technology]

BARNES V. GLEN THEATRE, INC. 501 U.S. 560 [1991]\*

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2/24/14            *"Insanity runs in my family. It practically gallops."* Cary Grant

**Personal Autonomy** [marriage; family integrity; intimate assoc.; abortion; etc...]

LAWRENCE V. TEXAS, 539 U.S. 558 [2003]\*

**BAUM, CHAPTER 4**

3/3/2014            **CLASS HOLIDAY; MARDI GRAS**

3/10/2014            **MIDTERM EXAM**; COURT OBSERVATION PAPERS DUE

3/17/2014            *"I'm not afraid of being dead. I'm just afraid of what you might have to go through to get there."* Pamela Bone

**Personal Autonomy** [medical treatment; right to protect and care; freedom of movement; suicide; etc...]

VACCO V. QUILL, 521 U.S. 793 [1997]\*

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3/24/2014            *“Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.”*

*Abraham Lincoln*

**Equal protection** [ordinary, suspect, and ‘quasi’-suspect classifications, etc...]

CHAPPELLE V. GREATER BATON ROUGE AIRPORT DIST., 431 U.S. 159 [1977]\*

3/31/2014            *“I think the government has a role in protecting the fundamental rights of its citizens.”*    Al Franken

**Equal protection** [fundamental rights]

PERSONNEL ADMIN. OF MASS. V. FEENEY, 442 U.S. 256 [1979]\*

**BAUM, CHAPTER 5**

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4/7/2014            *“Society questions the police and their methods, and the police say, do you want the criminals off of the street or not?”*

Kurt Russell

**Bill of rights and the criminally accused** [4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> amendments, etc...]

KENNEDY V. LOUISIANA, 554 U.S. 407 [2008]\*

**BAUM, CHAPTER 6**

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4/19/2014            **CLASS HOLIDAY; SPRING BREAK**



4/21/2014            *“Texas is reportedly going to give college students the right to carry guns on campus. So I guess that next semester, every college student in Texas is getting straight A’s.”*

Conan O’Brien

**The Second Amendment** [guns, “duty to retreat” etc...]

DISTRICT OF COLUMBIA V. HELLER, 554 U.S. 573[2008]\*

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4/28/2014            *“Rocky mountain high in Colorado...[singing]”* John Denver

*“BONG HiTS 4 JESUS.”* Joseph Fredrick

**The ‘Full Faith and Credit Clause’**; Art. IV, Section I; et al.

MORSE V. FREDRICK, 551 U.S. 393 [2007]\*

4/28/2014 [cont’d]            **REVIEW**

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5/5/2014                            **FINAL EXAM**

**\*UNLESS NOTED OTHERWISE, IT IS THE RESPONSIBILITY OF THE STUDENT TO LOCATE ALL ASSIGNED CASES. ASSIGNED CASES CAN BE LOCATED IN THE LSU LAW LIBRARY. ALL ASSIGNED CASES ARE TO BE ATTACHED TO TYPED CASE BRIEFS PROVIDED TO THE INSTRUCTOR.**

## CASE BRIEF OUTLINE

- **CASE NAME** [EXP.: DOE V. SMITH]
- **CASE CITATION** [EXP.: 301 U.S.299 (1920)]
- **DECISION DATE**
- **JUDGE** [AUTHOR]
- **ISSUE** [?????????]
- **FACTUAL SUMMARY**
- **ANALYSIS**
- **RULING** [EXP.: AFFIRMED, REVERSED, REMANDED, ETC...]
- **DISSENT**
- **CONCURRENCE**