

SYLLABUS AND STATEMENT ON GRADING POLICY FOR PROFESSOR  
BLACKMAN'S CONSTITUTIONAL PROCESS COURSE

Date: August, 2008

Texts: Sullivan and Gunther, *Constitutional Law, Sixteenth Edition* and Sullivan's 2008 *Constitutional Law Supplement*

In addition to the handout for the first class (see first class assignment), there may also be additional handouts.

Purposes:

The purposes include the following: to help you hone your reasoning faculty, to help you think as a lawyer, to help you understand the individual cases studied in greater depth, to help you analyze the judicial logic more critically, to help you integrate individual cases into the context of other decided cases, to help you explore and differentiate legal principles and (to some extent) political-social policies.

Course Themes:

Time permitting, we will discuss: the nature and sources of Supreme Court authority (ch. 1); national powers and the limits of state power (ch. 2); the federal government's commerce power (ch. 3); federal limits on state power to regulate the national economy (ch. 5); separation of powers (ch. 6); substantive due process (ch. 8); equal protection (ch. 9); post civil war amendments, constitutional restraints on private conduct and congressional power to implement the amendments (ch. 10). While the main Sullivan & Gunther text omits Second Amendment (the right to keep and bear arms) material, we will discuss it in terms of the 2008 Supreme Court decision, *District of Columbia v. Heller*.

## Final Exam:

Although I will give you an ungraded practice exam, there will be only one graded final exam in this course. It will be given after the course work is completed. It will be based both on the assigned readings and on the classroom discussion. What sort of an exam will it be? It probably will consist exclusively of multiple choice questions. But I reserve the right to give another kind of exam. One possibility is an exam largely or exclusively consisting of hypothetical fact patterns in which you will be expected to provide a written analysis. But it might also contain an essay portion.

Particularly if, as I expect, the exam is exclusively multiple choice, my advice is to get a good night's sleep the night before rather than to stuff additional factoids into your brains through the night. You probably will forget these factoids before the exam begins and be sleepy and groggy during the exam.

## Grading Policy:

As a result of a school wide policy for first year Day Division classes, the exam will be curved. This may mean that some of you will get grades lower (or higher) than you believe you deserve. The actual grading is as follows. Upon completion of the Fall semester in Constitutional Process, you will receive a letter grade. Each of the possible letter grades corresponds to a descriptive phrase. The possible letter grades and descriptive phrases are as follows:

"A" corresponds to "excellent performance,"

"B+" corresponds to "very good performance,"

"B" corresponds to "good performance,"

"C+" corresponds to "high adequate performance,"

"C" corresponds to "adequate performance,"

"D" corresponds to "marginal performance,"

"F" corresponds to "failing performance."

In my class an additional part of the grading process includes what occurs in the classroom. As a result of high quality and quantity classroom performance, a few students might receive approximately a 5% increase in the written grade. But if a student is unjustifiably absent from a significant number of classes (more than six), that student might either receive a lower grade than the written exam would otherwise warrant or be dismissed from the class altogether.

If the exam requires you to provide written answers, these answers will be judged on the following criteria:

1. Analysis and articulation of the issues presented by the question;
2. The application of legal knowledge to the issues presented by the question;
3. The breadth and depth of the conceptual analysis;
4. The organization and clarity of the thoughts expressed;
5. The persuasiveness and appropriateness of the language used;
6. The intelligent application of appropriate policies and principles;
7. The quality of the grammar;
8. Avoidance of irrelevance, incoherence and inconsistency.

**Assignments:**

The weekly assignments for the semester are as follows:

First Week; First Class:

One page handout that is available at the clerk's desk outside my office at the southeast end of the building; pp. 2-18.

First Week; Second Class:

pp. 19-43.

Second Week; First Class:	pp. 43-71.
Second Week; Second Class:	pp. 76-81; 82-83; 101 (only one sentence beginning on the 14 <sup>th</sup> line with “(Our) conclusion...”) pp 102-119.
Third Week; First Class:	pp. 119-127 top; 129 last paragraph-143.
Third Week; Second Class:	pp. 174-177; 180-181; 183-198.
Fourth Week; First Class:	pp. 199-202; 206-221; 229-234
Fourth Week; Second Class	pp. 234-237; 244-265.
Fifth Week; First Class:	pp. 265-291.
Fifth Week; Second Class:	<i>Boumediene v. Bush in Supplement; pp. 291-313.</i>
Sixth Week; First Class:	pp. 313-338; 339-346.
Sixth Week; Second Class:	pp. 346-361; 362-364. 366-371;
Seventh Week; First Class:	pp. 378-384; 413-430.
Seventh Week; Second Class:	pp. 430-450. 456-480.
Eighth Week; First Class:	pp. 450-472.
Eighth Week; Second Class:	pp. 472-480; 486-496.
Ninth Week; First Class:	pp. 496-517.
Ninth Week; Second Class:	pp. 517-539.
Tenth Week; First Class:	pp. 539-552.
Tenth Week; Second Class:	pp. 552-575.
Eleventh Week; First Class:	PP. 575-597.

Eleventh Week; Second Class:	pp. 597-620.
Twelfth Week; First Class:	pp. 620-643. 657-673; 674-677.
Twelfth Week; Second Class:	pp. 643-664.
Thirteenth Week; First Class:	pp. 664-673.
Thirteenth Week; Second Class:	pp. 686-704.
Fourteenth Week; First Class:	pp. 707-729.
Fourteenth Week; Second Class:	pp. 729-740; <i>District of Columbia v. Heller.</i>

Please also read and be prepared to discuss in class the relevant material in the 2008 Supplement that corresponds to the assigned pages of the text.

Assignments are subject to change. There might be additional handouts. If we complete the assigned readings before the end of the semester, I will provide additional assignments.

Each student should bring the Sullivan and Gunther text and, when relevant, the *Supplement*, to class. When you don't bring your texts to class, whatever I am trying to explain about the cases will be much less effectively conveyed. I do not object to your looking at supplemental material (hornbooks, outlines) outside of class. Probably the best of these are by Tribe, Nowak and Rotunda, Chemerinsky (paperback) and Emmanuel (paperback). But please do not bring these supplemental materials into the classroom for their use in class distracts from my effort at helping you to learn how to read constitutional law cases carefully and integrate them into a narrative that includes other cases so that, to the extent possible, they form a seamless web with these other cases.