

MEMORANDUM FOR CADETS ENROLLED IN LW 475, ADVANCED CONSTITUTIONAL LAW SEMINAR. Fall Term AY 2008-2009

1. The Course Objectives.

a. In General. This seminar course explores important principles of constitutional law in the United States. We will begin with a few introductory lessons about the Constitution, the concept of judicial review, and methods of constitutional interpretation. The remainder of our classes will mostly be prepared and presented by you and your fellow classmates. You will have the opportunity to prepare and present classes on constitutional law topics that are of interest to you, to prepare and deliver an oral argument, and to write a judicial memorandum.

My hope is that this seminar will help you to do the following:

- Understand important principles of constitutional law.
- Understand the role of the judiciary in society and government.
- Appreciate conflicting views on the meaning of our Constitution.
- Develop an ability to use precedent, logic, and evidence to evaluate and formulate legal arguments.

b. Expectations. This is a “seminar” course. I expect everyone to do the readings, think about the issues, and come to class prepared to participate in discussion. You may be surprised to learn (or perhaps not) that the Supreme Court, Congress, and the President do not always get it right. The wonderful thing about constitutional law is that your opinion matters. I hope that you will share your ideas with the rest of the class.

c. Supreme Court Trip. As part of the course, we will study a current case pending before the United States Supreme Court. We will read the lower court opinion, consider the arguments of counsel, and then travel to Washington, DC to watch oral argument at the Supreme Court. We will hopefully be able to meet with one of the Supreme Court Justices, as well as other participants in the process. I will try to give you as much notice as possible about the date and itinerary of the trip.

2. Course Materials.

a. Texts.

LEE EPSTEIN & THOMAS G. WALKER, CONSTITUTIONAL LAW FOR A CHANGING AMERICA: INSTITUTIONAL POWERS AND CONSTRAINTS (6th ed. 2007)

LEE EPSTEIN & THOMAS G. WALKER, CONSTITUTIONAL LAW FOR A CHANGING AMERICA: RIGHTS, LIBERTIES, AND JUSTICE (6th ed. 2007).

b. Additional Materials. Additional readings will be distributed through Blackboard and/or class handouts.

3. Groups.

At the beginning of the course, the class will be separated into two equal groups in order to facilitate class exercises. Your group will be responsible for working together on various projects throughout the semester, to include oral arguments and practical exercises.

4. Graded Events.

a. Quizzes. I will give unscheduled quizzes during the semester in order to test your comprehension of the materials assigned for class. There may be as few as four or as many as eight quizzes. Quizzes will be closed-book (no notes or book). Questions may include short answer, multiple choice, and essay questions. **Quizzes will cumulatively be worth 400 points, or 40 percent of your grade.**

b. Class Moderator. Each cadet will be responsible for planning, preparing, and conducting two class sessions on constitutional law topics of interest. You will be the teacher (or moderator) for these classes. You must obtain my approval for your classes in advance. In connection with this exercise, you will be required to:

- Plan a reading assignment (and provide it to me) at least 7 days in advance of each class.
- Meet with me at least 2 days prior to your class to discuss your plan for conducting the class.
- On the day of the class, you will be responsible for leading/moderating the class activities for the day.

In grading this exercise, I will consider your efforts in planning, preparing, and presenting the class. **The Class Moderator exercise will cumulatively be worth 200 points, or 20 percent of your grade.**

c. Judicial Memorandum. Each of you will write a 4-5 page judicial memorandum based upon the case we see argued at the Supreme Court, or another case pending before the Supreme Court. You will assume the role of a Supreme Court justice writing a memorandum to your fellow justices in order to convince them of your position in the case. This will require you to reach a decision in the case and to support your decision with appropriate legal arguments. The memorandum must be typed and double-spaced, using 12-point Times New Roman font. All margins must be 1 inch. All citations should be included within the body of the memorandum. There is no need to include a bibliography. A due date for the memorandum will be established at a later time. **The Judicial Memorandum will be worth 150 points, or 15 percent of your grade.**

d. Oral Argument. We will conduct five oral arguments during the course. Each of you will have the opportunity to develop and present a short oral argument before a mock panel of judges (your classmates). Arguments will be based upon actual Supreme Court cases, and in some instances, hypothetical scenarios. **The Oral Argument will be worth 150 points, or 15 percent of your grade.**

e. Class Participation. You will be graded on your participation in class. My determination of this grade will be based upon my observations of you in class. As I said before, I expect you to come to class prepared and ready to participate in our discussions. We will have various exercises during class which will also assist me in formulating your class participation grade. I will also take into consideration your preparation and participation as a judge for the oral argument exercises. **Class preparation will be worth 100 points, or 10 percent of your grade.**

5. Grading Scale.

a. The grading scale is:

<u>Letter Grade</u>	<u>Percentage of Marks Earned</u>
A+	97-100
A	93-96.99
A-	90-92.99
B+	87-89.99
B	83-86.99
B-	80-82.99
C+	77-79.99
C	73-76.99
C-	70-72.99
D	67-69.99
F	0-66.99

b. You must attain at least a “D” grade (67% average) to pass LW 475.

6. Documentation Policy. As the Dean states in his letter introducing Documentation of Written Work, "the Honor Code and Honor System apply to all aspects of cadet life, to include activities as a student and a scholar." Integrity, one of the seven Army Values, is fundamental to the Profession of Arms. Integrity is therefore paramount in academics as it is in all aspects of life - cadet, soldier, or citizen. Academic integrity obliges cadets to be professional, conscientious, and truthful in differentiating their own work from that of others and in crediting others for their work or ideas. A cadet's submission must reflect clearly his or her own effort. It is therefore the policy of the Department of Law that all graded submissions clearly indicate any assistance received and all sources used in the preparation of the product.

7. Additional Instruction. Please stop by my office (or preferably make an appointment) to seek additional instruction or discuss other issues of concern. My door is always open. My office is in Building 606, 4th floor, Room 420, my phone number is (845) 938-4542, and my e-mail is mark.bridges@usma.edu.

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