POS 4603

Cindy Benson
Howard Phillips Hall 305a (enter through 302)
407-823-2608
Email: cbenson@mail.ucf.edu

Hours: 8 – 8:20 MWF
10:30 – 11:50 MWF

This course is designed to familiarize you with the manner in which the Constitution has been interpreted by the Supreme Court throughout our history. In this area of Constitutional Law, we will focus on questions surrounding the powers of the three branches of our national government and the struggles over issues of federalism – state v. national powers. We will study the Constitution, the meaning and operation of judicial review and the concept of case law by using major opinions of the Supreme Court as well as important dissents.

It is **critical** that you come to class having completed the reading assignments and case briefs and be able to take notes by hand (**NO** computers are allowed in the classroom.) This is the **only** way you will be able to do well in this class. The material and reading load can be a bit intimidating, so please be sure you have the time and desire needed for this course – it requires a **good deal** of work on your part on an ongoing basis. If you have little knowledge of the American system of national government, I recommend you strongly reconsider your enrollment in this class. The syllabus is a **contract** so that you will know what you can expect from me and what I expect from you. If it's too much, you may want to reconsider your enrollment with this in mind as well

Study as you go along and never wait until the last minute! Each test covers a great deal of information and trying to digest it all in one evening won't be possible

TEXT: Ducat, Constitutional Interpretation 9th edition, Vol. 1

CLASS POLICIES

I do not take attendance for points for your grade, but missing class will cost you. You will miss important information, announcements and it **will** affect your brief and class participation grades. You **must exchange contact information with at least two other students.** Please get notes and to find out what you missed if you miss a class. If you still have questions come by during hours and I am all yours! I also encourage you to form your own study groups.

No electronic devices may be used in class. No computers are to be in sight, and if anything rings, beeps etc. you stand and lead the class in singing "Row Row Row Your Boat", answer your phone and quack like a duck or any other goofy thing I may think of.(my choice!)

Important

YOU are responsible for keeping track of your grades so be sure to keep all returned graded items. If you feel there has been an error in a grade and you would like me to check on for you, you must request I do so within 5 working days after the test or brief was returned. If you "discover" a missing or incorrect grade after that time, **no** changes will be made. Don't procrastinate- stay current! Mistakes on my part are possible, but you must let me know in a timely manner. No exceptions, so please don't ask for one.

Students who plagiarize will receive an "F" for the class. Do your **own** work. Copying someone else's briefs is cheating! Do **Not** get your briefs from an internet site. I am quite familiar with them,

and if you attempt to claim a brief from a website, you will receive no points for briefs and may well receive an "F" in the class. Your work must be your own. It's critical to use your own words (not the text) . I don't expect perfection , especially during the first few weeks, but I assure you, you will catch on as the semester progresses.

*****You are adults and I will treat you as such. You are responsible for knowing what is expected of you. Ask if you are unclear about what is required for this course at any time.**

GRADING

Your grade in this class will consist of three components –tests (85%), collected briefs (10%) and class participation (5%). I do not use plus or minus grades, and **No** rounding up (or down) will be done. I use the scale of:

90 -100 =A
80 - 89 = B
70 - 79 = C
60 - 69 = D
Below 60 = F

(An 89.9 is a "B")

TESTS : There will be three tests given in class, counting for 85% of your grade. They will consist of multiple choice questions (the class size makes all essay impossible) and/or short answer questions. You will need scantrons (#2052). If you miss an exam, The optional comprehensive final will be your make-up test or you may take it to drop a low score. 3 tests will count regardless. If you take the final and don't do as well as you did on the first three, the final will not count. I will use your top 3 test for calculating that element of your grade. There are no make-ups for specific individual tests. If you take

Test topics will be over many cases and readings. Please be sure to keep up with the pace and refer to the table of cases and topics handed out in class. There is a great deal to know and understand for each test. Please be sure to check the actual workload before the end of add/drop.

BRIEFS

You are required to brief cases as you read. I will cover this in class in further detail. A simplified brief should include:

1. Case name and date
2. Facts of the case (enough to provide context, but not a detailed analysis of all circumstances)
3. Constitutional question (s)
4. Decision and rationale = a brief description of what the Court decided and why. Also note how the case fits into the doctrinal being discussed and any significant dissenting opinions.
5. Res Judicata – the established rule of law as a result of the Court's decision.

Briefs

I will collect briefs on 6 occasions over the semester. I will not give the date or case in class in advance, so always bring your briefs for each case as assigned to class everyday. They must be typed and in the form of the sample brief provided. I will count only 4 (for 2.5 points each) for 10% of your grade. There will be no make-ups for these since you can miss two and still get full credit.

If you hand in all 6, the points for the 2 extra will be added to your grade. (You can get up to 5 extra points added to your final grade) You may not turn them in late or email them to me and get any points. They are due in class the day we discuss the case. Doing briefs is not just for "credit", so don't be upset if you do most of them required for that day and I ask for the one you don't have. Writing your **OWN** briefs is an essential skill for your own understanding.

CLASS PARTICIPATION

It is in important that you attend class and have briefed the day's cases in advance. I will call on students at random every day to provide information about the cases and topics we are discussing. This component is worth 5 points. If you are not prepared even one time or not present more than once, you will lose points. Be Ready!

DISCLAIMER

Students are responsible for everything discussed in class, including announced test dates and any changes I may make to the syllabus or other handouts. Everything is subject to change! This is a **4000** level class. It is not designed to be "easy". If you are coming to class as you should, you will always be given advance notice of test dates and any alterations I make to any element of the course requirements. I'm well aware of the demographics of the students who take this class – many of you are not political science majors. If you plan on going to Law School, I'd be doing you harm if I did not have strict requirements. If you're taking it because you're interested in the subject, as I was when choosing B.A. major and my advanced degree specialization, you should do just fine as well but it takes work.

The topics and case list will let you know an approximate time for tests. I can't give definite dates in advance since each class is different and I have to spend more time explaining cases and answering questions for some than I do others.

Everything contained in this syllabus , handouts and announced in class is subject to change by the Instructor.