Syllabus
Advanced Constitutional Law:
Constitutional Law & Social Policy—Past, Present, and Future
Thursday, 3:00-4:50
Room 354 Holland Hall
Spring 2017
Professor Darren Hutchinson

Description
The seminar will expose students to Constitutional Law with a higher degree of sophistication and complexity than the first-year required course. Students who complete this course will have the ability to analyze questions of Constitutional Law from the perspective of a practicing attorney, policymaker, legislator, judge, and legal scholar.

The overarching focus of the class will consist of analyzing the historical evolution of constitutional rights and liberties in the US legal system and the relationship between the boundaries of these rights and social policy. The first part of the course will address the expansion of rights and liberties in the Constitution following the Civil War. Initially, the Court interpreted the Post-War Amendments as prohibiting racial oppression exclusively. Accordingly, the course will examine the historical development of Court doctrine related to race and examine contemporary debates. Next, the course will examine central facets of Court doctrine related to gender, sexual orientation, and gender identity. Following this advanced analysis of equal protection issues, the course will consider substantive and procedural due process questions. Areas of analysis include sexuality and reproduction, gun rights, positive rights, criminal procedure, and education.

The course will serve many purposes. It will examine the relationship between Constitutional Law and important social policy concerns. Furthermore, it will expose students to the mechanisms of constitutional evolution, which include social movement activity, election politics, academic research, and public opinion. Students will also have the opportunity to apply concepts from the class to contemporary constitutional debates, such as affirmative action, same-sex marriage, police misconduct, mass incarceration, and other matters. Finally, students will learn how to identify and analyze Constitutional Law questions that they might encounter as practicing attorneys.

Requirements and Grading
Students must attend and participate in class. In advance of each class, Professor Hutchinson will distribute readings for each class in advance by email. Please allocate sufficient time to read and understand the class materials.

This is officially a “green course.” In other words, students will not have to purchase textbook or copied materials. Readings will come from a variety of legal and nonlegal sources, including cases, law review articles, social sciences, and popular media.
A substantial written project of at least 20 pages (including footnotes) will determine 70% of the final grade. There is great flexibility for this project. Students can elect to write a traditional law review essay or practice-related documents, such as a litigation brief or judicial opinion.

Professor Hutchinson must approve all paper topics in advance. Also, regardless of the style of written project a student chooses, the paper must incorporate relevant literature and themes from the class.

Class participation will account for the remaining 30% of the grade. It is imperative that students become comfortable participating in class. In the past, students have learned a lot from each other during in-class debates. Moreover, students who excel during class discussions typically receive among the highest grades in the class.

Students can earn points toward class participation by attending at least three academic or professional workshops, conferences, or panels at the law school (or elsewhere) that relate to the subject matter of the class. Students seeking credit for attending such events must write a brief—but formal—description and critical assessment of the programs they attend. Given the volume of intellectual activity at the law school, students will have ample opportunities to earn class participation points through this option.

**Three-Credit Option**
Students can elect to write a longer paper of at least 30 pages and receive an additional credit for the course. Students wishing to pursue this option should consult with Professor Hutchinson. Those students would also need to register for one Independent Study credit prior to the conclusion of the drop/add period.

**Paper-Writing Schedule**
History has proven that in the absence of a formal paper-writing schedule, student performance on the final written project is less than desirable (i.e., awful). To avoid this situation, please record the following dates and activities in your calendars. Strict adherence is mandatory.

Deadline to meet with Professor Hutchinson to choose a paper topic: February 6.
Outline and early bibliography due: March 6.
First-draft due: April 3
Drafts returned: April 10.
Final-draft due: May 11.

**Laptops**
Professor Hutchinson strongly encourages students to consider curbing (not necessarily abandoning) the use of laptops. Although computers have advanced teaching and research tremendously, students often turn them into instruments of dictation, or they use them as a barrier between themselves and the class.
This is most noticeable and disturbing in seminars, because student participation drives the pace of the class. Each year students report that they benefit greatly from absorbing and engaging information, rather than taking dictation of every word spoken during class.

Absences
Unexcused absences can negatively impact the class participation component of the final grade. If a student needs to miss class due to an emergency, please notify the Office of Student Affairs, and someone from that office will Professor Hutchinson.

Contact Information
Students can best reach Professor Hutchinson at: dissenting_justice@live.com or Hutchinson@law.ufl.edu. Please include “ADVANCED CONSTITUTIONAL LAW STUDENT” in the subject line of any email sent to Professor Hutchinson.

Office Hours
Professor Hutchinson is happy to meet with students outside of class. Professor Hutchinson will hold formal office hours on Tuesdays, Wednesdays, and Thursdays from 3:00-4:00. Professor Hutchinson is also available to meet with students by appointment, if they need to do so outside of regular office hours.

Students can also stop by for an unscheduled “walk-in meeting,” and Professor Hutchinson will meet with them if his schedule allows him to do so. Professor Hutchinson’s office is located at HH 333.

Reading List
This syllabus provides a tentative listing of the topics this course will cover. Changes in Supreme Court doctrine or other current events could lead to a shift in the anticipated course sessions. Professor Hutchinson will distribute readings to students by email throughout the semester.
Course Outline

Week One: Introduction

Week Two: The Origins of Equal Protection: Reconstruction and Constitutional Change

Week Three: The Nadir in Race Relations

Week Four: The Second Reconstruction

Week Five: Contemporary Issues Related to Race and Equal Protection

Week Six: Women’s Suffrage and the Equal Rights Amendment

Week Seven: The Relationship between Women’s Equality, Sexuality, and Reproductive Freedom

Week Eight: Sexual Orientation: From Social Menace to Civil Rights

Week Nine: Contemporary Issues Related to Sexual Orientation and Gender Identity

Week Ten: Positive Rights & Social Welfare/Economic Justice

Week Eleven: Criminality and Policing

Week Twelve: Education: Equality and Access

Week Thirteen: Gun Rights, Gun Control, and Second Amendment

Week Fourteen: Supreme Court and Politics