

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
READING SCALIA
SPRING 2021

INSTRUCTORS

Tim Cerio, Of Counsel at Gray Robinson; Board of Governors, State University System
Justice Carlos Muñiz, Florida Supreme Court

MEETING TIME AND LOCATION

Monday, January 11 (10 to 11:50am; 1 to 2:50pm); Tuesday, January 12 (10 to 11:50am; 1 to 2:50pm); Wednesday, January 13 (10 to 11:50am; 1 to 1:50pm); Thursday, January 14 (10 to 11:50am; 1 to 1:50pm)

REQUIRED TEXTS

Reading Law, by Antonin Scalia and Bryan Garner; and *Scalia Speaks*, by Antonin Scalia. Additional readings (essays and judicial opinions) will be posted in PDF format.

COURSE DESCRIPTION

This class will give students a thorough introduction to the judicial and legal philosophy of Justice Antonin Scalia. It will do so through a week-long immersion in Justice Scalia's essays, speeches, and judicial opinions across many topics. It will also discuss differing views of his opinions and philosophy.

LEARNING OUTCOMES

Students will learn Justice Scalia's views on discrete, significant legal issues, but more fundamentally they will learn the justice's influential views on constitutional and statutory interpretation and on the basic role of the federal judiciary.

EVAULATION

Students will be evaluated based on a take-home final exam, which will be in essay format. Exceptional class participation (measured in terms of quality, not quantity) could also affect a student's grade.

COMMON COURTESY

Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. We reserve the right to deduct points from your final grade if you engage in behavior that disrupts the learning environment for your classmates.

CLASS ATTENDANCE POLICY

Attendance in class is required by both the ABA and the Law School. If you miss more than two hours of class, your grade for the semester may be adversely affected. If you have a medical reason for missing class, you should contact either of us before or soon after class for your absence to be excused.

POLICY RELATED TO MAKE-UP EXAMS

The law school policy on delay in taking exams can be found at:

<http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form>

ACADEMIC HONESTY

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

STATEMENT RELATED TO ACCOMODATIONS FOR STUDENTS WITH DISABILITIES

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

INFORMATION ON UF LAW GRADING POLICIES

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Points</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>

ONLINE COURSE EVALUATION PROCESS

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://gatorevals.aa.ufl.edu/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

CLASSROOM SAFETY

Many students will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions. We may take noncompliance into account when grading students or determining if a student may remain in the course.

- You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a

report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.

- This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
- Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
- Be mindful of how to properly enter and exit the classroom. Practice physical distancing to the extent possible when entering and exiting the classroom.
- If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return to campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
- Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

RECORDING OF CLASS DISCUSSIONS

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University's Office of Student Conduct and Conflict Resolution.

COURSE WORKLOAD AND CLASS PREPARATION

Students should expect to spend at least two hours outside of class reading and preparing for every hour of class.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

(“SS” refers to a reading from *Scalia Speaks*; as to case assignments, focus primarily on the Scalia opinion and read the others enough to understand the facts and basic arguments at issue in the case)

Monday Morning: Scalia’s Guiding Principles

- (1) “The Rule of Law as a Law of Rules”
- (2) “American Values and European Values” (SS)
- (3) “The Christian as Cretin” (SS)
- (4) “The Vocation of a Judge” (SS)
- (5) “Civic Education” (SS)
- (6) “The Legal Profession” (SS)
- (7) “Writing Well” (SS)
- (8) “Dissents” (SS)

Monday Afternoon: Scalia on Textualism and Originalism (Part 1)

- (1) “Common Law Courts in a Civil Law System”
- (2) “Natural Law” (SS)
- (3) “Interpreting the Constitution” (SS)

Tuesday Morning: Scalia on Textualism and Originalism (Part 2)

- (1) *Reading Law*, Introduction
- (2) *Reading Law*, Fundamental Principles
- (4) *Reading Law*, Thirteen Falsities Exposed
- (5) *Reading Law*, Afterword

Tuesday Afternoon: Scalia on Textualism and Originalism (Part 3)

- (1) *King v. Burwell*
- (2) *Oncale v. Sundowner Offshore Services*
- (3) *Smith v. United States*
- (4) *MCI v. AT&T*

Wednesday Combined: Scalia on Structure

- (1) “The Idea of the Constitution” (SS)
- (2) “Congressional Power” (SS)
- (3) “The Two Faces of Federalism”
- (4) “The Doctrine of Standing as an Indispensable Element of the Separation of Powers”
- (5) *NFIB v. Sibelius* (focus on intro and Part I of joint dissent)

- (6) *Gonzalez v. Raich*
- (7) *Mistretta v. US*
- (8) *Morrison v. Olson*
- (9) *Printz v. US*

Thursday Combined: Scalia on Rights

- (1) *District of Columbia v. Heller*
- (2) *Crawford v. Washington*
- (3) *Lawrence v. Texas*
- (4) *BMW of North America v. Gore*
- (5) *Employment Division v. Smith*
- (6) *McCreary County v. ACLU*
- (7) *Maryland v. King*
- (8) *City of Richmond v. J.A. Croson*
- (9) *Brown v. Entertainment Merchants Association*