

Future of Constitutional Law Assignment

“The end of the law is not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings capable of law, where there is no law, there is no freedom.”

~John Locke~

In American society, one of the most fundamental political values is the protection of civil liberties and rights. The distinction between the two, civil liberties and civil rights, is often blurred, but they do relate to two different kinds of guaranteed protections. Civil liberties are protections against government actions. Civil rights are the protections or positive actions that the government should take to create equal conditions for all Americans. Both concepts have undergone significant evolution during the history of our country and continue to face challenges today. This is where this assignment fits in. While the focus of this course is to look at cases from the Supreme Court, these challenges start much earlier in the hierarchy of the judicial system. New challenges and interpretations to these rights are happening all over the country each day. The goal of this assignment is for you to think into the future with some of the cases that exist in the lower courts. These may be the cases that the Supreme Court will adjudicate one day, so you are getting a jump start on your fellow legal scholars!

This assignment takes place in three parts, 20% for the first two parts and 5% for the presentation, totaling 25% of your final grade for the course. Instructions for each portion of the assignment are listed below. Students will be provided grading rubrics for all parts of the assignment as the semester proceeds. All written portions of the assignment must be turned in in-person to the professor when class begins on the day, they are due. Students are also required to submit a digital copy of their work through the assignment tab on iCollege to be run through Turnitin.com to verify the originality of the assignment. All written assignments should also align with the written assignment parameters in the syllabus.

Part I: (25 points) – Preliminary Cases (3)

Grade: This makes up 25% of the final grade for the assignment. The assignment is 20% of your final grade.

Due Date: 10/8/2019

Project Components:

This portion requires you to research cases in the lower courts (state or federal – basically anything but SCOTUS), on an issue related to civil rights or liberties. You may pick from the provided list of issues on the first day or find your own (topics must be approved by the professor before proceeding by the end of the second week of class).

For the assignment, students will use the WestLaw legal case database (provided by GSU Library) to search for lower court cases concerning their issue of choice. Cases can be from federal jurisdictions (Court of Appeals or the District Court) or from state courts (state supreme courts or appellate courts). Students should not use cases from the Supreme Court of the United States since these decisions have already been determined. Students should also try to avoid initial trial level cases since they are ruling on issues of fact rather than issues of law.

From this, the student should find three cases that they feel are interesting or relevant to the issue in question. They should then summarize the cases briefly (1-2 paragraphs) to be turned into the professor. The paragraphs must be in the student's own words and illustrate why the case is interesting for the future development of constitutional law. From here, we will decide the final case for which you will submit a case brief and present to the class. The student may indicate their preference for a particular case on the page or I can choose for them.

Part II: (75 points) – Written Case Brief

Grade: This makes up 75% of the final grade for the assignment. The assignment is 20% of your final grade.

Due Date: 12/12/2019

Paper Components:

For the case brief of your chosen preliminary case, you will be required to assemble a written case brief (like those that you present in class for discussion). Refer to the case brief handout in iCollege and distributed in class for further details on each area.

Case Briefs should contain:

1. **Procedural History and Citation of the Case (5 points)** – This includes the parties in the cases, the state where it is being heard, and court level where the case has been heard most recently. This also includes any previous appeals and decisions on the case at other appellate or trial levels.
2. **Facts of the Case (5 points)** – Include only the legally relevant facts of the case. This should be no more than two paragraphs. Extraneous detail that is not relevant to the case will be dismissed.
3. **Issue or Legal Question of the Case (5 points)** – Issues before the court must be stated in the form of a question (s).
4. **Holding or Rule of Law in the Case (10 points)** – This should be the answer to the issues before the court. It is usually one simple sentence. Further detail of the decision should go into the reasoning or discussion of the cases.
5. **Reasoning/Decision of the Case (10 points)** – The decision and reasoning of the court in the majority. Basically, the rationale for the decision/holding in the case. This should be restated in the student's own words, and the votes of the members of the court listed.
6. **Opinions from the Court (5 points)** – This should include all opinions from the court properly labeled with authorship and type of opinion (Majority, Dissenting, Concurring, etc.). The opinions should be summarized with the student's own words to the best of their abilities.
7. **Future Discussion and Critical Analysis/Application of the Case (15 points)** – This portion will make up the bulk of your case brief. In it, the student should discuss the implications that the court decision could have on our understanding of the law. Students should apply the course concepts learned throughout the semester to logically analyze the impact of the decision. The student may also speculate about the potential of the case to heard by SCOTUS but limit the discussion of that to legal considerations rather than those

of your own personal ideologies. Students should also include a discussion of applicable cases that they believe judges may cite/discuss when issuing a decision.

Other Points to Consider:

8. **Grammar and Spelling – (10 points)** – Students should take time to draft their opinions checking for coherency in their writing as well as grammar spelling issues.
9. **Formatting (5 points)** – Case brief should follow written assignment guidelines in the syllabus and should be formatted like a legal case brief.
10. **Submission (5 points)** – Students should follow submission guidelines for in-person and iCollege Dropbox requirements. Late assignments will be docked all 5 points.

Part III (100 points) - Presentation

Grade: This makes up 100% of the final presentation grade. The presentation is 5% of your final grade.

Due Date: 12/12/2019

Presentation Components:

The goal of this presentation is for the student to present their case to the class. Presentations will be roughly 5-7 minutes long. Students should focus on the contents of the case briefly and spend most of the time talking about the larger implications of the case for the future of constitutional law. Students should also make connections to course contents and cases that may relate to the issue in question. Students will be rewarded for creativity in their presentations! Full rubric for the presentation will be available to students prior to Exam II.