

Constitutional Law I  
Syllabus  
Tues/Fri 1:00–2:30

Prof. Daniel Pi

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# 1 Administrative Matters

## 1.1 Contact and Office Hours

My email address is [daniel.pi@law.unh.edu](mailto:daniel.pi@law.unh.edu). My office is 319, which is located in the quiet section of the law library. I will hold office hours after class on Tuesdays and Fridays. I am also available to meet privately upon request. In general, if the light is on in my office, then you are welcome to drop in for a chat.

## 1.2 Attendance and Homework

According to [Rule II\(D\)\(1\)\(b\)](#) of the law school's rules and regulations, attendance is mandatory.

Readings are assigned for all but three class sessions. All students are expected to have read *and carefully thought about* the assigned readings. Note that it is not sufficient merely to have read through the assigned material. My expectation is that students will have *carefully contemplated* the problems, issues, and arguments implicated by the reading. Students should be prepared not only to recall what they read, but to engage in sophisticated discussion about the material which goes *beyond* the text.

Any students who are unable to complete the homework should email me before class. I will not call on those students requesting a pass. There is no limit on the number of "free passes" that a student may be granted throughout the semester, and there is *no* penalty for exercising the privilege. However, extreme abuse of this privilege may affect a student's participation score in exceptional cases.

## 1.3 Electronic Devices

The use of electronic devices is strictly prohibited in my classroom. This includes phones, tablets, and laptops. Devices which function passively without user interaction (e.g., wristwatches, audio recording devices) are presumptively permitted. This policy is non-negotiable.

Any electronics brought into the classroom must be set to silent or powered off. Any student whose electronic device produces noise during class (for example, receiving a text message notification) will incur a one increment reduction in their final grade. For example, upon the first infraction, if the offending student would have otherwise received a B+, then they will instead receive a B. Upon the second infraction, their grade will be further reduced to a B-. And so forth.

NOTE: The electronic devices policy does not apply to students requiring disability accommodations.

## **1.4 Class Recordings**

Students are permitted to make audio recordings of class sessions for their personal use. Additionally, I will endeavor to record video of the class sessions and post it to Canvas. Anyone registered for the course may access the videos at any time.

Recordings of class sessions may not be shared with anyone who is not a student in the class. Distributing recorded material from the class sessions will constitute an honor code violation and will result in administrative action.

## **1.5 Accommodations**

According to the Americans with Disabilities Act (as amended, 2008), each student with a disability has the right to request services from UNH to accommodate their disability. If you are a student with a documented disability or believe you may have a disability that requires accommodations, please contact Student Accessibility Services (SAS). Accommodation letters are created by SAS with the student. Please follow-up with your instructor as soon as possible to ensure timely implementation of the identified accommodations in the letter. Faculty have an obligation to respond once they receive official notice of accommodations from SAS, but are under no obligation to provide retroactive accommodations.

## **1.6 Inclusion**

In 2020, the faculty adopted a resolution on systemic racism that includes a pledge to promote diversity and inclusion in the curriculum.

## **1.7 Information Literacy**

The law school has adopted a policy that requires students in all courses to be exposed to relevant components of information literacy.

# **2 Course Objectives**

There are two main objectives for this course. The primary objective is to expose students to common patterns of reasoning which recur throughout the Supreme Court's

jurisprudence, and which motivate the Court's reasoning when deciding cases. The secondary objective is to understand the structure of the federal government and its relationship to the states. This knowledge will emerge through a reading of the caselaw, and it will be reinforced through Socratic questioning.

### 3 Assessment

There are six graded assessments for this course, along with a participation component. Specifically, there will be *five quizzes* and a *final exam*. There will be no midterm.

#### 3.1 Participation

The core of this course is the Socratic method. Accordingly, active participation is crucial to the process. For each case, one or two students will be called upon to answer questions about the reading. Students who are not called are expected to spectate actively, reflecting on the arguments and counterarguments raised in the discussion. Students are welcome to raise their hands if they have questions, or if they wish to rescue a stumped classmate.

On rare occasions, I will bump a student's grade up or down one increment for participation. I am generally reluctant to exercise this right—it is reserved for exceptional circumstances.

#### 3.2 Quizzes

Each quiz is worth 5% of your final grade. The purpose of the quizzes is to confirm that you possess *basic knowledge* about (1) the course objectives, (2) the structure of the Constitution, (3) the text of the Constitution, and (4) the case holdings.

You will be provided a copy of each quiz at least one week prior to taking the quiz. The order of any multiple choice questions will be reshuffled, however the quizzes you receive will be substantially identical to the quizzes provided to you in advance. To earn a perfect score, you need merely memorize the correct answers.

Note that each quiz will repeat all of the questions from the previous quiz. Thus, Quiz #2 will contain all of the same questions as Quiz #1, plus several additional questions. Quiz #3 will contain all of the same questions as Quiz #2, plus several additional questions. And so forth.

Because the purpose of the quizzes is to assess *knowledge*, there will be no questions requiring reasoning or the application of principles. The quizzes are not meant to be challenging.

### 3.3 Final Exam

The exam for this course will consist of one long fact pattern (i.e., 5–10 pages of text describing a complex series of events). The fact pattern will implicate a tangled web of Constitutional Law concepts and doctrines. You will then be presented with 10–15 multiple choice questions. Each question will consist of 5–15 potential arguments, which a potential plaintiff or a potential defendant might advance. Your task will be to select the strongest argument for each question.

The purpose of the final exam is principally to test students' ability to reason and apply legal principles to a novel factual circumstance. Knowledge of the black-letter law is assumed, but it is not the focus of the assessment.

### 3.4 Grading

The grading weights for the course are:

Participation	10%
Quizzes	25%
Final Exam	65%

## 4 Course Materials

The textbook for this course is Irwin Chemerinsky's *Constitutional Law* (7th. ed., Aspen 2023). There is also an assigned reading from the *2024 Supplement*, which contains a case decided after publication of the casebook (i.e., *United States v. Trump*). As electronics are not allowed in the classroom (*see supra* §1.3 of this syllabus), students are strongly encouraged to purchase the casebook in hard copy.

## 5 Homework

Date	Topic	Subtopic	Homework	Quiz	
Jan. 14	The Judiciary	Judicial Review	pp. 1–9		
Jan. 17		Limitations and Judiciability	10–15, 17–22		
Jan. 21		Standing	22–34		
Jan. 24			34–40, 47–52	#1	
Jan. 28			54–62		
Jan. 31		Ripeness & Mootness	62–72		
Feb. 4		Political Question Doctrine	72–77, 89–97		
Feb. 7		DISCUSSION & REVIEW		#2	
Feb. 11	The Legislature	<i>McCulloch</i>	99–111		
Feb. 14		Commerce Clause	129–147		
Feb. 18			147–157	#3	
Feb. 21			157–167		
Feb. 25 Feb. 28			WINTER BREAK		
Mar. 4			181–196		
Mar. 7		Tax & Spend Clause	201–218		
Mar. 11		<i>NFIB v. Sebelius</i>	111–129		
Mar. 14		CLASS CANCELLED			
Mar. 18		DISCUSSION & REVIEW		#4	
Mar. 21	The Executive	CLASS CANCELLED			
Mar. 25		Inherent Presidential Power	229–243		
Mar. 28		The Administrative State	243–244, 253–269		
Apr. 1			269, 276–288		
Apr. 4		Foreign Policy	288–292, 298–301		
		Immigration	336–345		
Apr. 8		Checks on the President	345–360		
Apr. 11			360–368, <i>Supp. 46–75</i>		
Apr. 15	DISCUSSION & REVIEW		#5		

Date	Topic	Subtopic	Homework	Quiz
Apr. 18	The States	Preemption	369–372, 378, 379, 383–390	
Apr. 22		Dormant Commerce Clause	390–392, 398– 407, 410–413	
Apr. 25			413–420, 427– 432	