Class Schedule:

Class meets Mondays and Wednesdays from 6:30 to 7:45 p.m.

Contact Information and Availability:

I can be reached by phone at (703) 299-3954 (office). Additionally, I can be reached at the following email addresses dennis.fitzpatrick@usdoj.gov (work) or dennis.fitzpatrick07@gmail.com (personal). Do not hesitate to contact me with any class-related questions, concerns or with requests to schedule a meeting. While I will not have set office hours, I am happy to meet with anyone before class, after class, or at the law school at another time, if needed. Please be mindful that my work schedule is often chaotic. It may take me several hours or even overnight to return a call or email, but I always return calls or emails.

Required Course Materials and Assignments:


On rare occasions I may supplement the casebook with outside materials, which will be made available to you with sufficient advance notice and other disclaimers (i.e., not mandatory but for informational purposes only). The assignments may be adjusted from time to time given the pace of the course, and in consideration of certain subjects or topics that require more attention or less attention, as the case may be. Further information about the expectations for reading assignments will be provided during the first class.

Classroom Participation and Attendance:

Classroom participation is part of the course requirements. During the first two classes I will discuss class participation with the class and we will come up with an effective method to encourage class participation. Naturally, the purpose of class participation is never to cause embarrassment and I’ll never do that. However, class participation is beneficial to everyone and helps everyone “think like a lawyer.” Everyone should get in the habit of reciting facts, applying
the facts to the law, and arriving at a plausible analysis. This is a skill you will continue to develop for the remainder of your career.

Class attendance is obviously important and will be monitored. If you fail to attend class with some frequency without sufficient explanation, you may be precluded from taking the final exam.

Internet, Phone and Recording Policies:

Use of the internet in any form is prohibited during class. Also, please “silent” or turn off your phones during class – “texting” or any other phone use is prohibited during class. Recording of the class in any way is prohibited.

Final Exam:

The exam will take place on December 16, 2015 at 6:00 p.m. The exam will be open book and open notebook (details to follow).

CLASS ASSIGNMENTS:

1. 08/19/2015  INTRODUCTION and COURSE OVERVIEW
   - Boyd v. United States 116 U.S. 616 (1886) (See Fitzpatrick handout on TWEN; I summarize the background of the case for you; the Boyd facts are convoluted, but the analysis offers an excellent background of the historical underpinnings of the Fourth and Fifth Amendments; focus on the history of the Amendments offered by the opinion.)
   - Class One handout on TWEN:
     o First paragraph of Prof. Amar’s Fourth Amendment First Principles, 107 Harv. L. Rev. 757 (1994)
     o Read the text of the 4th, 5th, 6th, and 14th Amendments to the United States Constitution
   - In a Muddle Over Metadata, Ruth Marcus, Washington Post, December 18, 2013.
2. 08/24/2015 Saltzburg pps. 7-17, 33-37 (Incorporation and 4th Amend. basics).
   • Duncan v. Louisiana (1968) (Incorporation)
   • McDonald v. City of Chicago (2010) (Incorporation)
   • United States v. Verdugo-Urquidez (1990) (the people?)

3. 08/26/2015 Saltzburg pps. 37-63 (What is a search?).
   • Katz v. United States (1967) (what is a search?)
   • United States v. Jones (2012) (is trespass a search?)
   • Florida v. Jardines (2013) (trespass)
   Class Three handout: Olmstead v. United States (1928)

4. 08/31/2015 Saltzburg pps. 63-103 (What is a search? (continued)).

5. 09/02/2015 Saltzburg pps. 103-137.


7. 09/14/2015 Saltzburg pps. 173-193.

8. 09/16/2015 Saltzburg pps. 193-214.

9. 09/21/2015 Saltzburg pps. 214-255.


11. 09/28/2015 Saltzburg pps. 281-309.


13. 10/05/2015 Saltzburg pps. 351-389.


15. 10/13/2015 (Tues.) Saltzburg pps. 414-459.

    • Focus on pps. 472-485 (Maryland v. King opinion)
    • Fitzpatrick will summarize pps. 459-472 in a lecture.
17. 10/19/2015 Saltzburg pps. 485-528.
   • Focus on pps. 509-528 (consent)
   • Fitzpatrick will summarize pps. 485-509 in a lecture.

18. 10/21/2015 Saltzburg pps. 528-545

19. 10/26/2015 Saltzburg pps. 545-563 (Remedies for 4TH Amendment Violations)


21. 11/02/2015 Saltzburg pps. 595-632.

22. 11/04/2015 OPEN: In class Hypo Exercise


25. 11/16/2015 Saltzburg pps. 789-815.

26. 11/18/2015 Saltzburg pps. 815-850.

27. 11/23/2015 Saltzburg pps. 850-882 (Confessions and the 6TH Amendment Right To Counsel)

28. 11/30/2015 NO Assignment: Course Review and Exam Preview.