

Syllabus: Constitutional Law Litigation, Spring 2026

Professor Tracey Maclin, Spring 2026 Office Location: Holland Hall 312L

Class: Monday & Wednesday 10:30 – 11:55am.

Office Hours: Wednesday 12:00-2:00pm. Office hours will be held via Zoom. If that time is inconvenient, please call or email me to make an appointment for an alternative time.

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Office phone: 352 273 0917

The following is a general guide regarding the requirements of the course. For specific questions regarding law school rules, students should consult the University of Florida Student Handbook and Academic Policies. A link to the handbook is here:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-studenthandbook-and-academic-policies>

Attendance and Preparation

Regular attendance is expected of every student. In other words, unless you have a very good excuse for missing a class, you **MUST ATTEND EVERY CLASS**. Attendance in class is required by both the ABA and the Law School. If you miss more than six classes, your grade for the semester will be adversely affected. If you have a legitimate reason for missing class, you should contact me one hour before class for your absence to be excused.

Preparation of class assignments and informed participation in class discussion is expected of each student.

Students should devote at two to three hours or more outside of class reading and preparing for each hour of class.

The average reading assignment for each class is approximately 40 pages a day.

Students must come to class ON TIME.

TURN OFF your cell phone while in class.

Final Grade

The student's attendance, class preparation, and classroom participation will be considered by the professor in determining each student's final grade. This may include either RAISING or LOWERING a student's final grade on account of class attendance, preparation, and participation. **IF YOU ARE CALLED UPON TO DISCUSS THE ASSIGNED MATERIALS, AND YOU ARE NOT PREPARED, YOUR GRADE WILL AUTOMATICALLY BE LOWERED ONE LEVEL. PERIOD.**

Grading Evaluation

Students' final grade will be based upon two papers and class participation. This course follows the Levin College of Law's grading policies found here: <https://www.law.ufl.edu/life-at-uflaw/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>. The law school policy on exam delays and accommodations can be found [here](#).

Information on UF Law Grading Policies

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A	4.0	C	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D	1.0

B-	2.67	D-	0.67
C+	2.33	E	0.0

The law school grading policy is available at: <https://www.law.ufl.edu/life-at-uf-law/office-ofstudent-affairs/current-students/uf-law-student-handbook-and-academic-policies#grading-andexaminations>.

Books

The casebook is Jeffries, Karlan, Low & Rutherglen, Civil Rights Actions: Enforcing the Constitution (Fifth edition).

The 2024 Supplement will be available on the course website.

Statement Related to Accommodations for Students with Disabilities

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs. Students with disabilities should follow this procedure as early as possible in the semester, as accommodations are not retroactive. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

Questions about exam delays and accommodations can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/formsapplications/exam-delays-accommodations-form>.

Course Description and Objectives

This course will study the constitutional litigation in the United States Supreme Court.

This course will study the United States Supreme Court's rulings on the Fourth Amendment, the Fifth Amendment's Self-Incrimination Clause and the Court's

rulings on the scope of the government's authority to interrogate individuals pre-trial under the Sixth Amendment's Assistance of Counsel Clause.

Upon completion of the course, students will be well-versed on the constitutional rights of persons when encountering law enforcement officials and other governmental officials.

Student Course Evaluations

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

Recordings of Class

If you anticipate missing a class because of a job interview or illness, please contact my faculty assistant, Isabel Jensen, jensen@law.ufl.edu, and she will arrange to have the class recorded.

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A "class lecture" is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer

during a class session. Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor and Student Conduct Code.

UF Levin College of Law Standard Syllabus Policies:

Other information about UF Levin College of Law policies can be found at [this link](#).

UF Academic Policies and Resources:

Other information about UF academic policies and resources can be found at [this link](#).

Constitutional/Civil Rights Litigation

Week 1: January 21

Introduction to Course.

Lawsuits against State Officers; 42 U.S.C. §1983

Casebook pages 1-20 (Monroe v. Pape and its progeny)

Myriam Gilles, Police, *Race and Crime in 1950s Chicago*: Monroe v. Pape as *Legal Noir* (available on course website/Canvass page).

Week 2: January 26 & 28

Lawsuits against Federal Officers; *Bivens* Cases

Casebook pages 20-36;

Handouts: Hernandez v. Mesa (decided Feb. 25, 2020); Ebbert v. Boule (decided June 8, 2022) and Vega v. Tekoh (decided June 23, 2022)

Week 3: February 2 & 4

Casebook pages 471- 486 (Eleventh Amendment)

Whole Woman's Health v. Jackson (Supplement pages 72-87)

Week 4: February 9 & 11

Official Immunity:

Casebook pages 49-87; pages 87-116

February 16 & 18

Qualified Immunity and Clearly Established Law; Unconstitutional Motive

Casebook pages 116-145

February 23 & 25

What Constitutional Rights are Enforceable under §1983?

Casebook pages 255-81

Week 7: March 2 & 4

Trump v. United States (Supplement pages 5-38)

Saikrishna Bangalore Prakash, The Fearless Executive, Crime and the Separation of Powers, 111 Virginia Law Review 1 (2025)

Professor Gary Lawson's amicus brief in Trump v. United States

Week 8: March 9 & 11

§1983 Damage Lawsuits and Criminal Proceedings

Casebook pages 519-541 (Heck v. Humphrey)

Reconstruction Legislation:

Casebook pages 639 – 662 (42 U.S.C. §1982)

Spring Break: March 15-21

Week 9: March 23 & 25

Reconstruction Legislation:

Casebook pages 663 – 664 (42 U.S.C. § 1981)

Casebook pages 664-73 §1981 application to employment

Week 10: March 30 & April 1

Casebook pages 673 – 676 (Patterson v. McLean Credit Union)

Casebook pages 690 – 710 (Jett v. Dallas Indep. Sch. Dist.) (§1981's application to local governmental entities)

Week 11: April 6 & 8

Reform or Impact Litigation:

Casebook pages 1050-1074 (Law Enforcement: City of Los Angeles v. Lyons)

Week 12: April 13 & 15

Landor v. Louisiana Dept. of Corrections (No. 23-1197)

(Prisoner dreadlocks case)

Week 13 April 20 & 22

Oliver v. City of Brandon, Mississippi (No. 24-993)

(Whether Heck v. Humphrey bars §1983 claim seeking purely prospective relief.)

Week 14: April 27

Trump v. Barbara (No. 25-365)

(Whether President Trump's Executive Order No. 14-160 complies on its face with the Citizenship Clause of the Fourteenth Amendment and 8 U.S.C. 1401(a), which codifies that Clause.)