

## **Applied Originalism**

**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW  
SPRING 2026 – LAW 6936 – 2 CREDITS**

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Office Hours: Friday 3:15-5:15

### **Co-instructors:**

TBA

**MEETING TIME:** Friday 1:15-3:15

**LOCATION:** HOL 382

### **COURSE DESCRIPTION AND OBJECTIVES:**

Originalism is now the dominant interpretive theory at the Supreme Court in Washington and in Tallahassee. This course will apply originalism to particular legal questions. We will ask what answers originalism may offer to discrete inquiries that matter in real cases. The goal is to see how lawyers and researchers can put originalism to work.

### **STUDENT LEARNING OUTCOMES:**

At the end of this course, students should be able to:

- Understand the best originalist arguments for particular constitutional questions.
- Identify and use original historical sources to identify the range of possible interpretations consistent with originalism.
- Incorporate that research into legal text.

### **REQUIRED READING MATERIALS:**

Reading materials will be available on Canvas.

### **COURSE EXPECTATIONS AND GRADING EVALUATION:**

Students will be evaluated based upon class participation and the final paper.

**Class Participation:** This seminar depends upon your careful reading of the texts and your participation in class discussion. Every week, as you do your reading, I expect you to write down at least 3 or 4 questions or issues you would like to cover in class. Bring them with you to class to use as a reference, and then turn them in at the end of each class. You will be expected to participate in class discussion. 40% of your grade will be based on class participation. (NOTE: Class participation is not a competitive enterprise. If you prepare your questions and participate in discussion each week, you will get full credit. I will not grade based on the perceived quality or quantity of your answers, although I will mark you off if it's clear you are not prepared for class.)

**Seminar Paper:** The remainder of the course grade will come from the final paper. Consistent with UF policy, papers should be at least 25 pages of double-spaced pages 12-point font. Please use Garamond, keep all margins to 1.25 inches or less, and do not exceed 35 pages.

**CLASS ATTENDANCE POLICY:**

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed three absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

**COMPLIANCE WITH UF HONOR CODE:**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#).

Note on AI tools (Chat GPT, etc.). In my view, generative AI tools are going to become like spellcheckers. I have no objection to you using such tools to help with your paper, but you should understand the limitations of these technologies. They may be very helpful to you to get started and to help structure paragraphs or larger sections, but if you leave the actual analysis up to the machine, you should not expect to do well on the final paper.

**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 (Excellent)	4.0	C (Satisfactory)	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D (Poor)	1.0
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.0

The law school grading policy is available [here](#).

**OBSERVANCE OF RELIGIOUS HOLIDAYS:**

UF Law respects students' [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

**EXAM DELAYS AND ACCOMMODATIONS:**

The law school policy on exam delays and accommodations can be found [here](#).

**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 (Assistant Dean Brian Mitchell). Students

with disabilities should follow this procedure as early as possible in the semester. 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. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

## **MENTAL HEALTH**

The law school has [collected various resources](#) to help students pursue various forms of wellness. I would like to focus attention on the mental health portion of the page:

- The University of Florida operates a Counseling and Wellness Center that provides services and information regarding mental health. [Visit their website for more information.](#)
- The University of Florida's [Disability Resource Center's website](#) can connect you with resources if you need special accommodations or services.
- UF's [U Matter, We Care](#) program offers health & wellness programs as well as programs for students in distress.
- [LawLifeline](#) – Law Lifeline is an online mental health resource designed specifically for law students.
- [Lawyers With Depression](#) – Lawyers With Depression is a website that offers information on dealing with depression.
- [Substance Abuse and Mental Health Toolkit for Law School Students and Those Who Care About Them](#) – This toolkit from the American Bar Association provides substance abuse and mental health information and resources tailored for law students.

## **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](#) 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](#).

## **RECORDINGS OF CLASS**

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 ACADEMIC POLICIES AND RESOURCES:**

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

**ABA OUT-OF-CLASS HOURS REQUIREMENTS:** ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each weekly class is approximately 2 hours in length, requiring at least **4 hours of preparation**.

### **TENTATIVE COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS**

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

<b>Readings will be available on Canvas</b>	
1/23	<b><i>Juries and Birthright Citizenship</i></b> <ul style="list-style-type: none"> <li>• Whittington, By Birth Alone</li> <li>• Baude &amp; Campbell, Early American Constitutional History: A Source Guide</li> <li>• <i>Ramos v. Louisiana</i> Petitioner Brief (p. 18-27).pdf</li> <li>• <i>Ramos</i> Respondent Brief (10-30).pdf</li> <li>• <i>Ramos</i> Reply Brief (6-11).pdf</li> </ul>
1/30	<b><i>No Class (Make Up 3/5)</i></b>
2/6	<b><i>The Second Amendment</i></b> (Jake Charles, Pepperdine)
2/13	<b><i>TBA</i></b> (Evan Bernick, N. Ill. U.)
2/20	<b><i>TBA</i></b> (Garrett West, the Yale Law School)
2/27	<b><i>TBA</i></b> (Lorianne Updike Schulzke, the Yale Law School)
3/5-6	<b><i>Originalism Conference</i></b>
3/13	<b><i>Supervised Release</i></b> (Jake Schuman, Temple)
3/27	<b><i>TBA</i></b> (Christian Burset, Notre Dame)  <b><i>***First Drafts Due***</i></b>
4/3	<b><i>TBA</i></b> (likely discussion of projects)
4/10	<b><i>TBA</i></b> (Haley Proctor, Notre Dame)
4/17	<b><i>Juries</i></b> (Richard Jolly, Southwestern)
4/24	<b><i>TBA</i></b>