

**SYLLABUS  
CIVIL RIGHTS LITIGATION  
FALL 2008**

Days: Monday & Wednesday	Professor: Darrell Miller
Time: 1:30pm – 2:55pm	E:mail: <a href="mailto:darrell.miller@uc.edu">darrell.miller@uc.edu</a>
Room: 104	Telephone: x60133
	Office: Room 429
	Office Hours: Tuesday & Thursday 10am – 12pm or by appointment

Materials: CIVIL RIGHTS ACTIONS: ENFORCING THE CONSTITUTION (2d Ed)  
(Jeffries, et al. eds.) (Casebook)

Supplemental Materials provided in class

Course Description:

*This course explores the history, text, structure and policy behind the civil rights statutes, with a focus on 42 U.S.C. § 1983. The course is designed to address both the doctrine and the theory behind civil rights litigation.*

*We will discuss practical litigation issues such as the types of remedies available under the civil rights statutes, the defenses and immunities available to governments and their agents, and the availability of attorney fees for prevailing plaintiffs.*

*We will also discuss the theoretical issues associated with civil rights litigation: For example, the appropriate role of the history of American slavery in interpreting the civil rights statutes, the benefits and drawbacks of private litigation in constitutional development, and the respective roles of federal and state judiciaries in protecting federal rights.*

Attendance:

I will take attendance every day. Everyone in class has 4 no-fault passes. A pass can be used for any or no reason. Use of a pass has no effect on your class participation grade. These 4 passes should be sufficient to cover any contingency. You may also use a pass if you feel unprepared, or if your contribution in class displays that you are unprepared. These rules are subject to modification on a case-by-case basis for students who demonstrate serious hardship.

Grading:

Grades will be determined by a combination of an examination at the end of the semester and class participation. Class participation includes in-class answers to questions, class assignments that we may have from time-to-time, and other indicia that you are engaged in the material. Negative class participation can decrease a grade by a step (i.e. A- to B+). Positive class participation can increase a grade by the same degree. (i.e., B+ to A-).

Laptops:

Laptops may be used in class for note-taking and appropriate legal research relevant to the course. Laptops or other electronic devices may not be used in class for e-mailing, e-Baying, instant messaging, or other such uses. I reserve the right to ban the use of laptops (including use on the final exam) for any violation.

<b>TOPIC</b>	<b>CASEBOOK PAGES</b>
<b>42 U.S.C. § 1983</b>	Appendix B-9
Meaning of "Under Color of" Law	32 – 52; Const. Amend. XIV
Governmental Liability – States and Sovereign Immunity	1 – 31, 53 – 60; Const. Amend. XI
Governmental Liability – Municipalities	173 – 257
Individual Liability – Absolute Immunity	74 – 105
Individual Liability – Qualified Immunity	105 – 152, 170 – 73
For What Wrongs?	257 – 295
Constitutional Rights	257 – 295
Non-Constitutional Rights	316 – 341
What Remedies?	
Damages	343 – 385
Injunctions	994 – 1015

Attorneys' Fees	386 – 427, 442 – 458 Appendix B-11
Statute of Limitations	532 – 543
<b><u>Forthcoming:</u></b>  <b>42 U.S.C. §§ 1981, 1982, 1985</b> <b>42 U.S.C. §§ 241 &amp; 242</b> <b>Title VII</b> <b>Title IX</b>	