

**Law 590-003 – Senior Writing Seminar**  
**Firearms Law and the Second Amendment**

**Spring 2018**

**Southern Illinois University School of Law**

*Professor Mocsary*  
gmocsary@law.siu.edu

**COURSE MATERIALS**

The required text is Johnson, Kopel, Mocsary & O’Shea’s *Firearms Law and the Second Amendment: Regulation, Rights, and Policy*, 2d ed. (ISBN: 978-1454876441). It is available at [Aspen](#) and [Amazon](#). We will also use the online chapters from the first edition, which are available for free on TWEN and [SSRN](#).

**COURSE OVERVIEW**

The course will examine the constitutional, political, and sociological debate over gun rights, incorporating perspectives of race, gender, class, and regional culture. It is planned that the topics of 3 to 5 class sessions will be determined based on student interest, as determined by a combination of instructor judgment and a student survey. (And the subject matter of student papers may cover a broader range of topics than is covered in class.)

The writing involved in the course will consist of (1) weekly reaction papers of approximately 400 words on the corresponding week’s reading, and (2) a final paper of approximately 25 pages. The final paper may cover any topic that has a substantial nexus to firearms law, including cross-functional topics intersecting with other disciplines. Students interested in fulfilling the requirements for one of law school’s [Specializations](#), especially those in Health Law & Policy and International & Comparative Law, are welcome to participate in the class and write papers relating to those topics. (Credit for the writing assignment toward the requirements of a Specialization must be approved by that Specialization’s faculty advisor.) Interested students are encouraged to begin considering paper topics before the start of class by looking at the Table of Contents of the casebook, consulting Professor Mocsary, and/or looking at websites relating to the many aspects of the topic.

**RANGE DAY**

The William County Sheriff’s Department has been kind enough to offer students taking the class the opportunity to receive some basic firearms instruction. The training will include basic firearm safety and familiarity followed by instruction in shooting a number of different firearms. Attendance is optional. Students who attend must have read through Online Chapter 15 of the casebook’s 1st edition. The cost is expected to be covered by a grant from the National Rifle Association. The date and time will be announced.

## GRADING

- **Class participation will determine 15 percent of your grade.** I generally ask for volunteers, but will call on people if needed. Everyone should be prepared for each class; if you cannot be prepared on any given day, let me know via e-mail or phone before class, and I will try not to call on you.
- **Your weekly reaction papers will determine 15 percent of your grade.** The papers must be e-mailed to me by noon on the Monday of each week of classes, starting with the week of January 22, 2018. The reaction papers must comment on the coming week's reading. You have wide discretion in terms of the focus of your reaction papers, but you should exercise that discretion responsibly.
- **The remaining 70 percent of your grade will be based on a final paper.** The paper must be at least 25 pages long. The body of the paper should be in 12-point font of a type that is the size of Times New Roman or smaller, double-spaced, with 1-inch margins. Your footnotes should conform fully to Bluebook style, in 11-point font of a type that is the size of Times New Roman or smaller, single-spaced, with 1-inch margins. Your paper is due at noon central time on May 11, 2018. Late papers will be docked 7 points (out of 70) for each full or partial day that they are late. Your paper topic must be approved by me. Although you can change your topic if needed, I must have approved a preliminary paper topic by the end of week 8 of class. Your topic need not be limited to the material that we cover in class. Although we will not be covering the entire casebook, I encourage you to use both the printed and online chapters to find a topic that interests you.

## RECORDING CLASSES

I generally do not object to recording classes *if you must be absent because of an emergency*. In these cases, please let me know in advance of class and I will record or arrange for the recording of the class. Students may not record or arrange for the recording of classes without obtaining my prior permission.

## WORKLOAD EXPECTATIONS

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 3-credit hour class, meaning that we will spend 150 minutes together each week (75 minutes each Tuesday and Thursday). The amount of assigned reading and out-of-class preparation should take you about 3 hours for each class session and 6 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of 9 hours per week (3 in class and 6 preparing for class) on course-related work.

## INDEPENDENT WORK; BAN ON COLLABORATION; BAN ON PLAGIARISM

You are not allowed to obtain help on an assignment from any other person (including any other student) unless expressly authorized by the professor and then only to the

extent expressly authorized. This ban on collaboration includes obtaining written materials from another student or communicating with another student about an assignment. This ban on collaboration applies to both graded and ungraded exercises. Permission to get help from someone else on one exercise does not necessarily give you permission to do so on another exercise. If you fail to comply with this requirement for independent work, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask your professor.

Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

**You are hereby explicitly authorized**, in accordance with the policy described in this INDEPENDENT WORK; BAN ON COLLABORATION; BAN ON PLAGIARISM section, to discuss the past and upcoming material with each other for the purposes of engaging the material in preparation for class discussion, preparing to write your reaction papers, and for selecting your final paper topics. You must, however, write your reaction papers and final papers entirely on your own, without any input from others.

## **EMERGENCY PROCEDURES**

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at <http://www.bert.siu.edu>, Department of Safety's website <http://www.dps.siu.edu> (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

## **DISABILITY POLICY**

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews,

reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. <http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

## SALUKI CARES

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or [siucares@siu.edu](mailto:siucares@siu.edu), <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu), and her phone number is (618) 453-3135.

## ASSIGNMENTS

Each number represents a week in the class. In doing the reading, it is imperative that you read and at least consider the *Notes & Questions* and *Exercises* in each section; we will be discussing selected ones in class. A few notes on the readings:

- Readings are approximate; material not finished one week will be covered the next.
- We will cover material in various levels of detail; you should read all of it, however, to get the context needed to properly understand it.
- If part of a chapter is not listed (e.g. 2.A and 2.G-J) you should quickly skim that section to get a sense of its contents. We will be quickly flipping through those sections in class.
- A goal of this class is to cover applications to firearms law and theory, and the Second Amendment, to specific areas that interest you. Therefore,
  - if there is material in the book in which you are particularly interested, but it is not listed in the syllabus, please let me know; and
  - I will be soliciting you input into what we should cover in the second part of the semester, so please think about what material from chapters 9, 11, and the online chapters to the 1st edition you would like included in the second half of the syllabus.

***The following list does not correspond to individual class sessions.*** We will cover however much in each class as our discussion facilitates. At the end of each class, we will estimate how far we will get in the next class. Please stay far enough ahead to be properly informed for class discussion.

1. JKMO Ch. 1.
2. JKMO Chs. 2.B-F; 2.K; 3.A; 3.C; 3.E.4; 3.F; 4.A-D; 4.F.1.

3. JKMO Chs. 4.F.2; 5.B; 5.F; 6.A-C; 6.E; 6.G.
4. JKMO Chs. 7.A-B; 7.D; 8.A; 7.G.
5. JKMO Chs. 7.E; 8.C-D.
6. JKMO Ch. 10.
7. JKMO Chs. 11.A-B; 11.D-E; 11.F.3
8. JKMO Ch. 11 App'x 3.

Visiting speaker, David Sanders, will be discussing the latest on Illinois firearms law on April 5.

Seven or eight of our class sessions will consist of time for you to work on your papers. We will not meet during these sessions. Their dates will be announced.