WHAT YOU SHOULD KNOW ABOUT
THE PRIVILEGES OR IMMUNITIES CLAUSE
AND MCDONALD V. CITY OF CHICAGO

CONTINUING LEGAL EDUCATION COURSE

THURSDAY, OCTOBER 14, 2010
NOON TO 2 P.M.
RAYBURN HOUSE OFFICE BUILDING, BANQUET ROOM 369

COURSE DESCRIPTION

This course examines the role of the Privileges or Immunities Clause of the Fourteenth Amendment in the protection of individual rights and its application to state-imposed limits on the Second Amendment right to bear arms in McDonald v. City of Chicago.

The Privileges or Immunities Clause of the Fourteenth Amendment has long been relegated to the backstage of constitutional jurisprudence. Justice Thomas’s concurring opinion in McDonald v. City of Chicago, however, brings the Privileges or Immunities Clause to center stage. Is this simply a brief appearance for the constitutional clause or something more?

Panel I considers the role of the Privileges or Immunities Clause in the protection of individual rights, and reviews three leading theories on the interpretation of the Privileges or Immunities Clause.

Panel II provides a brief history of Second Amendment law, a critique of the Supreme Court opinions District of Columbia v. Heller and McDonald v. City of Chicago, and a discussion about the competing standards for incorporation as well as Justice Thomas’s effort to return the Privileges or Immunities Clause to its original purpose.

See page 2 of the Time Course Agenda for CLE credit information.
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TIMED COURSE AGENDA

Noon – 12:55 P.M.  Panel I, The Privileges or Immunities Clause in the Fourteenth Amendment – Eric R. Claeys

A. Text of the Fourteenth Amendment
B. Three leading theories on interpretation
C. Legal implications

12:55 to 1:45 P.M.  Panel II, The Privileges or Immunities Clause and McDonald v. City of Chicago - Joyce L. Malcolm

A. Second Amendment legal background
B. District of Columbia v. Heller
C. McDonald v. City of Chicago
D. Justice Thomas’s concurrence

1:45 to 2:00 P.M.  Discussion/Question & Answer Session

See next page for CLE information
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FACULTY AND CREDENTIALS

Panel I
Eric R. Claeys, Professor of Law
George Mason University School of Law
3301 North Fairfax Drive, Suite 450, Arlington, Virginia 22201
Phone: 703-993-8247. E-mail: eclaeys@gmu.edu.

Eric Claeys is a Professor of Law at the School of Law at George Mason University. He has also taught at Saint Louis University School of Law and the University of Chicago Law School. Before teaching, he practiced appellate and tort litigation and clerked for the Hon. Melvin Brunetti, United States Court of Appeals for the Ninth Circuit, and the Hon. William Rehnquist, Chief Justice of the United States Supreme Court.

Professor Claeys’ scholarship focuses on American property and constitutional law, and particularly on the influence of American natural-law/natural-rights theory on the law.

Panel II
Joyce L. Malcolm, Professor of Law
George Mason University School of Law
3301 North Fairfax Drive, Suite 450, Arlington, Virginia 22201
Phone: 703-993-9150. E-mail: jmalcolm@gmu.edu.

Joyce Malcolm is a Professor of Law at the School of Law at George Mason University. She is a historian and constitutional scholar active in the area of constitutional history, focusing on the development of individual rights in Great Britain and America. She has written many books and articles on gun control, the Second Amendment, and individual rights. Her work was cited several times in the recent United States Supreme Court opinion in District of Columbia v. Heller.

Professor Malcolm has previously taught at Princeton University, Bentley College, Boston University, Northeastern University and Cambridge University. She was also a Senior Advisor at the Massachusetts Institute of Technology Security Studies Program, a Visiting Scholar at Massachusetts Center for Renaissance Studies, and is a Bye Fellow at Robinson College, Cambridge University.
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COURSE MATERIALS

Panel I, The Privileges or Immunities Clause in the Fourteenth Amendment – Eric R. Claeys

- Power Point presentation


Panel II, The Privileges or Immunities Clause and McDonald v. City of Chicago - Joyce L. Malcolm

- Syllabus


What You Should Know About
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and McDonald v. City of Chicago

Continuing Legal Education Course

Thursday, October 14, 2010
Noon to 2 P.M.
Rayburn House Office Building, Banquet Room 369

This course is offered exclusively and at no cost to attorneys and counsel employed by Congress, federal government agencies and the Library of Congress.

The Privileges or Immunities Clause of the Fourteenth Amendment has long been relegated to the backstage of constitutional jurisprudence. Justice Thomas’s concurring opinion in McDonald v. City of Chicago, however, brings the Privileges or Immunities Clause to center stage. Is this simply a brief appearance for the constitutional clause or something more?

This course considers:

- The role of the Privileges or Immunities Clause in the protection of individual rights;
- Three leading theories of interpretation for the Privileges or Immunities Clause;
- A brief history of Second Amendment law;
- Justice Thomas’s opinion on the relationship between the Privileges or Immunities Clause and the Second Amendment; and
- Why an understanding of the Privileges or Immunities Clause is important for policymakers.

Applications for approval of this course for a maximum of two (2) general CLE credits are pending with the Kentucky Bar Association Continuing Legal Education Commission, the Pennsylvania Continuing Legal Education Board, and the Virginia Mandatory Continuing Legal Education Board.
CLE CREDIT INFORMATION

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Attorneys licensed in other jurisdictions may apply for credit subject to the rules of their states. We provide attendees with a Uniform Certificate of Attendance to assist with this process. In addition, some states, such as New Jersey and New York, allow for CLE credit reciprocity based on CLE approval issued by jurisdictions to which we have applied.

Please contact Robin Bowen at rbowen5@gmu.edu or 703-993-8582 if you have questions or need assistance with CLE credit.