

Constitutional Law Resources on Practical Law

Below is a list of essential Practical Law resources to help you get up to speed on the basics. These helpful resources include:

- [Practice Notes](#): Plain language, how-to-guides.
- [Standard Documents](#): Sample templates of pleadings, motions, and other documents that include helpful drafting notes which provide guidance and direction.
- [Checklists and Flowcharts](#): Process oriented guides to give you a quick overview of required steps for various issues.

[Avoiding and Defending Against RLUIPA Claims – Practice Note](#)

Learn how local governments can avoid liability under the Religious Land Use and Institutionalized Persons Act (RLUIPA), including strategies for preventing and defending against substantial burden, unreasonable limits, and equal terms claims, using the safe harbor provision, addressing public statements, and educating government officials about the law.

[Civil Rights Liability for Private Parties: Color of Law and State Action – Practice Note](#)

Learn how the government action requirement in Section 1983 and Bivens claims that allege the deprivation of a federal right by a private party. This element is also referred to as the state action or color of law requirement. This guide presents the tests courts use to determine whether a private party acted under color of law, including the symbiotic relationship, pervasive entwinement, joint action, close nexus, and public function tests.

[Content Neutrality in Sign Regulations – Practice Note](#)

Content-neutrality requirements for local sign codes and providing strategies for amending sign codes after the *Reed v. Town of Gilbert* decision. This guide discusses specific considerations for regulating temporary signs, private traffic signs, government signs, and off-premises advertising.

[Constitutional Protections in Local Government Employment: Overview – Practice Note](#)

This guide outlines employee protections under the US Constitution that local government employers should consider when making employment related decisions. These protections include freedom of speech and religion, protection from unreasonable search, freedom from compelled self-incrimination, as well as procedural and substantive due process rights.

[Holiday Displays on Public Property – Practice Note](#)

Learn more about the legal and practical considerations for governmental entities erecting or regulating holiday displays on public property, including compliance with the Establishment and Free Speech Clauses of the First Amendment, the secular purpose and primary effect prongs of the Lemon test, distinctions between traditional and designated public forums versus limited public and non-public forums, content-based and time, place, and manner restrictions, and drafting written policies.

[Personal Immunities in Section 1983 and Bivens Claims – Practice Note](#)

Learn more about the immunity (including legislative function immunity, judicial act immunity, prosecutorial immunity, and witness immunity) and qualified immunity to actions brought against individual government officials for alleged violations of constitutional or other federal rights. The immunities discussed in this Note apply to Bivens claims and Section 1983 claims (42 U.S.C. § 1983).

[Race, Color and National Origin Discrimination Under Title VII and Section 1981 – Practice Note](#)

Learn more about how race, color and national origin discrimination is handled under Title VII of the Civil Rights Act of 1964 (Title VII) and Section 1981 of the Civil Rights Act of 1866 (Section 1981), including federal law prohibiting discrimination, harassment and retaliation against applicants and employees on the basis of race, color and national origin.

[Religious Discrimination and Accommodation Under Title VII – Practice Note](#)

Learn more about how religious discrimination and accommodation is handled under Title VII of the Civil Rights Act of 1964 (Title VII). This guide discusses federal law prohibiting discrimination, harassment and retaliation against applicants and employees on the basis of religion. In addition, how private employers' obligations to provide religious accommodations, absent undue hardship.

[Satisfying Procedural Due Process in Employment Decisions – Practice Note](#)

Gain detail around procedural due process issues related to discipline and termination of government employees. This guide also talks about violation of employee's liberty and property interests, and the characteristics of due process, including notice and both pre-deprivation and post-deprivation procedures.

[Section 1983: Equal Protection Claims – Practice Note](#)

Learn more about Section 1983 equal protection claims. This guide outlines the elements of the claim and discusses strict scrutiny, intermediate scrutiny, and rational basis review of intentional government discrimination. Also, includes considerations for the defense of class-of-one claims and claims based on suspect or quasi-suspect classifications.

[Section 1983: Procedural Due Process Land Use Claims – Practice Note](#)

Gain and understanding of the strategies for litigating Section 1983 procedural due process claims arising from zoning, permitting, and code enforcement actions.

[Section 1983: Substantive Due Process Land Use Claims – Practice Note](#)

Understand the defense of Section 1983 substantive due process land use claims generally arising from zoning decisions, property regulations, permitting, and code enforcement. This guide covers protected property rights, whether the government's conduct rises to a constitutional violation, and threshold defenses such as ripeness, standing, and the statute of limitations.

[Sex Discrimination Under Title VII and the EPA – Practice Note](#)

This guide addresses sex discrimination under Title VII of the Civil Rights Act of 1964 (Title VII) and the Equal Pay Act of 1963 (EPA). It focuses on federal employment laws protecting employees from discrimination, harassment and retaliation based on sex, including pregnancy and gender identity or expression.