

revised 8-17-00

TENTATIVE SYLLABUS

FEDERAL COURTS

Law 226 – Day and Evening

Fall 1999

Professor Robert A. Anthony

Casebook: Redish and Sherry, Federal Courts – Cases, Comments and Questions (fourth edition 1998) plus 2000 Supplement. Students are responsible for relevant statutes as cited in the reading. Each student should have a compilation that includes the Judicial Code (28 U.S.C.) and the FRCP; either the current West Educational Edition or the current Foundation Press Students' Edition will suffice.

The examination will be open-book (coursebook, supplement, handouts, and the student's own notes, outlines or summaries). In deriving the final grade, the exam grade may be adjusted up or down one grade notch (e.g., B to B+) to take account of the student's responses to questions in class.

The listings below indicate the sequence of the readings. Specific assignments of readings for particular class days will be posted.

Federal Question Jurisdiction – Constitutional Basis
658-679

Federal Question – Statutory Basis
679-705

Well-Pleaded Complaint Doctrine
705-726, 273-274, Supp. 57

Diversity Jurisdiction
727-751, 756-775

Supplemental Jurisdiction
781-795, Supp. 58

Removal Jurisdiction and Procedure
796-806, Supp. 59

Federal Common Law – Federal Proprietary Interests
810-841

Federal Common Law – Constitutional Rights of Action
852-874

Federal Common Law – Implied Statutory Rights of Action
874-894

Civil Rights Remedies – Color of Law
295-311

Civil Rights Remedies – Immunities
328-336, Supp. 7

State Sovereign Immunity – Foundations
337-355, Supp. 8

State Sovereign Immunity – Judicial Circumventions
355-382

State Sovereign Immunity – Abrogation of Immunity in Federal Courts
382-413, Supp. 8-10

State Sovereign Immunity – Immunity from Federal Claims in State Courts
Supp. 10-37

Abstention
414-429, Supp. 38, casebook 430-450

Anti-Injunction Act
451-488

“Our Federalism” Deference to State Proceedings
489-544

Supreme Court Appellate Jurisdiction
902-950