

Federal Courts

Prof. Kontorovich
Fall 2004 (day & evening)

Required texts

- 1) Fallon, Meltzer & Shapiro, *The Federal Courts and the Federal System* (5th ed 2003).
- 2) Most recent supplement to the above.

Recommended texts

- 1) David Currie, *Federal Jurisdiction in a Nutshell*.
- 2) Any book that contains the principal provisions of the Judiciary Code (title 28 of the U.S. code). Your civil procedure rule books probably have this if they're not the bare bones models. Your life will be easier if you can look up the relevant provisions as soon as you see them cited.

Initial Assignment

As background material, please read ARTICLE III of the Constitution, as well as pgs. 1-22; 28-33; 38-40. We will not be discussing all the details in class, but reading these pages close will help you understand the cases much better, especially if you've read it before the first day of class.

Our discussion during the first three classes will focus on:

- 1) *Marbury v. Madison* and the question of judicial review. pg. 55-73.
- 2-3) Congress's power to limit courts' jurisdiction. pg. 319-57.

Grading, attendance and participation

Your grade will be based on a final exam, three hours long. Participation is not a formal part of the grade. However, in very rare cases of extraordinarily excellent or atrociously poor participation, one-third of a letter grade may be added or subtracted. Simply being absent several times, not being prepared for a few classes, or answering questions incorrectly will not result in a deduction; that requires a consistent pattern of such behavior. And I do not take attendance. So there is no reason to notify me of anticipated absences, to justify such absences, or to justify a lack of preparation and so forth. We all have bad days and I understand in advance. That said, you should prepare for class, both

as a service to yourself (it is really hard to understand what is going on if you haven't) and as a service to your classmates.

Availability

Do not hesitate to make an appointment to meet regarding any questions or concerns you have, or to ask questions via email. There is no limit the number of such appointments. I do not keep posted office hours, but if you find me in my office, feel free to come in. I can be reached at ekontoro@gmu.edu, or 703.993.4420. My office is on the third floor, and my secretary is Ms. Jane Barton.

Real Law

MTV is planning a "reality" show about law students in the D.C. area. Producers will be scouting classrooms for possible "talent" this semester. If and when these scouts come to class, I am pledged not to reveal their identities, but I can say that they promise fame and fortune (well, OK, just fame) for students who can participate in a confident and compelling way in class discussions.