Federal Courts

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Office Hours: Tues. 5:00 - 6:00 p.m., Wed. 3:00 - 4:00 p.m., or by appointment
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Class Hours: Tue. & Thu., 6:15 p.m. to 7:30 p.m.

Participation: By now, you should be used to preparing the required readings prior to the class in which they will be discussed. I do use the Socratic method, and I expect that you will be prepared to discuss the topics and readings assigned for class. However, I do not believe that the Socratic method requires abusing or belittling students, so the process should not be too painful. I also promise that I will try very hard never to hide the ball.

I will often ask for volunteers, but to incentivize adequate preparation for class, I will also randomly call on students from a deck of cards with your names on them. The deck is shuffled every day, so you may be called on two or more days in a row, or you may not be called on for weeks. I may adjust class grades based on exceptional class participation. Repeatedly being unprepared for class will constitute unacceptable class participation, but simply volunteering to participate on a repeated basis will not, by itself, qualify you for a positive grade adjustment – it’s about quality, not quantity. If you’re not prepared for a class (it happens to all of us from time to time), tell me before class starts, and I will not call on you that day. Fair warning, however – repeatedly requesting a pass will make you ineligible for a positive grade adjustment.

Exam: May 7, 2012 @ 6:00 p.m.

Reading: Readings average 40 pages per class. I will e-mail students on Thursday the reading assignment for the following week. The casebook is RICHARD H. FALLON, ET AL., THE FEDERAL COURTS AND THE FEDERAL SYSTEM (6th ed. 2009) (FMMS).

During the term, additional readings may be mentioned. I will attempt to be clear as to whether these readings are useful (helpful if you are interested in a particular point), suggested (helpful for understanding points that each of you should know to be proficient in the material), or compulsory (helpful for understanding concepts that will be tested). I will provide hotlinks whenever possible on this course’s TWEN page, for which you should all register. Registering for this course on TWEN will also be beneficial, in that I will use TWEN to regularly post brief synopses of the important concepts which you should study in preparation for your final.

First Assignment: FMMS ci-cxvii (United States Constitution); Federalist 78, 80, 81, 82; FMMS 1-47 (Introduction).

Second Assignment: FMMS 49-100 (introduction to cases and controversies)
Provisional List of Topics: This list is preliminary, and will almost assuredly be supplemented by outside readings. Also, I may choose to bypass certain sections, so pay attention to your e-mail on Thursdays, and I will let you know what to read for the coming week.

Cases and Controversies

1. Introduction
   FMMS 49-100

2. Standing
   FMMS 100-183

3. Mootness
   FMMS 183-198

4. Ripeness
   FMMS 198-222

5. Political Questions
   FMMS 222-248

Jurisdiction

6. Jurisdiction of the Supreme Court
   FMMS 249-274
   FMMS 1447-1484

7. Congressional Regulation of Federal Jurisdiction
   FMMS 275-324

8. Article III Tribunals
   FMMS 324-383

9. Federal Power and State Court Jurisdiction
   FMMS 383-430

10. Review of State Court Decisions
   FMMS 431-532

11. Federal Question Jurisdiction
    FMMS 743-840

12. Diversity Jurisdiction
    FMMS 1355-1406
13. *Federal Common Law*
   FMMS 607-742

**Suits Challenging Official Action**

14. *Sovereign Immunity*
    FMMS 841-986

15. *Official Immunity*
    FMMS 986-1012

**Judicial Federalism**

16. *Anti-Injunction Act and other Statutory Limitations*
    FMMS 1013-1049

17. *Exhaustion*
    FMMS 1049-1057

18. *Abstention*
    FMMS 1057-1083

19. *Equitable Restraint*
    FMMS 1083-1128

20. *Parallel Proceedings*
    FMMS 1128-1140
    FMMS 1334-1354

**Federal Habeas Corpus**

21. *Introduction*
    FMMS 1153-1159

22. *Executive Detention*
    FMMS 1159-1213

23. *Collateral Attack*
    FMMS 1213-1310
Miscellaneous

24. *Res Judicata*  
FMMS 1311-1334

25. *Federal Criminal Sentencing*  
Readings TBD

26. *Immigration*  
Readings TBD

27. *Venue*  
FMMS 1417-1431

28. *Removal Procedures*  
FMMS 1431-1446