This Course focuses on the scope and authority of the United States federal courts, including the role of the federal courts in our larger federal system of government.

Schedule

Our class will meet every Monday morning for two hours and forty minutes (with a ten minute break). The attached Schedule is our best attempt with the information we have now to outline the days on which we’ll meet and the topics we hope to cover. Experience teaches that our plans will inevitably change to accommodate the speed at which we are able to work through this interesting material and the intervention of the outside world, including our litigation schedules. We will do our best to advise you ahead of time of any changes we foresee.

Materials

We will use Fallon, Manning, Meltzer & Shapiro, Hart & Wechsler’s The Federal Courts and the Federal System, (Sixth Ed. 2009) and the associated 2012 Supplement. We will supplement these materials as needed with cases, statutes and the like. U.S. Code sections are not generally included in the casebook, but are available in many places including http://www.gpoaccess.gov/uscode/.

Be advised that the reading for this course is significant and dense, though rewarding and (we think) relevant to litigation practice.
Communications

Because we both litigate for our day jobs, we anticipate that most of our class-wide communications outside of the classroom will be through email. We are available to meet with you in-person before and after class and by appointment either on campus or at our offices adjacent to Metro Center. If you have questions that arise outside of class or you wish to arrange a time to speak with us in person or by phone, please contact both of us by email.

Participation, Final Exam and Grades

The participation of everyone in the class is an important part of our mutual endeavor. Accordingly, we expect you to attend and to participate. We will call on students to assist with the discussion, though we expect voluntary participation as well. Although your grade is determined by the final exam, we will consider participation and preparation as an aggravating/mitigating factor in your final grade.

Our final exam will be on May 3, 2013 beginning at 12:00 p.m. Details to follow.
CLASS SCHEDULE AND AGENDA

Class 1: January 7

Introduction to the Class
U.S. Constitution

*pp. ci-cxvii (scan all but Article III); 1-26; 30-47*

Fundamentals of Federal Justiciability
-- Standing

*pp. 58 (beginning with *Marbury*) - 80; 101 (beginning with *Allen*) - 129*

Class 2: January 14

Fundamentals of Federal Justiciability Continued
-- Ripeness
-- Mootness
-- Political Questions

*pp. 183-194; 222-32*

Federal Question Jurisdiction

-- Constitutional Scope

*pp. 743-74*

January 21 -- No Class -- MLK Day

Class 3: January 28

Federal Question Jurisdiction Continued

-- Statutory Scope

*pp. 774-800; 28 U.S.C. § 1331*

-- Declaratory Judgments

*pp. 800-812*
Class 4: **February 4**

Brief Overview of Federal Common Law [H&W Chapter VII]
-- no reading assigned

Law Applied in District Court [H&W Chapter VI]

Congressional Control

-- of Federal Jurisdiction
  *pp. 275-308; 314-20*

-- Of State Court Jurisdiction
  *pp. 383-417*

Class 5: **February 11**

Diversity Jurisdiction

-- The Basics of Diversity
  *pp. 1355-63; 381-83; 28 U.S.C. § 1332*

-- Complete Diversity
  *pp. 1363-67; 28 U.S.C. § 1335; 1367, 1369*

-- Corporations and Associations
  *pp. 1371-76*

-- Jurisdictional Amount
  *pp. 1376-87*

-- Supplemental Jurisdiction
  *pp. 1387-1401; 28 U.S.C. § 1367*
Class 6: **February 18**  
Class Actions and Coordination  
*pp. 1367-71 and additional reading TBA*

Removal  
*pp. 13-26; 33-47; 1431-37; 812-24; 28 U.S.C. §§ 1441-45*

Class 7: **February 25**

Challenging Official Action

-- Suits against the US or Federal Officers  
*pp. 841-69*

-- Suits against States  
*pp. 869-85*

Class 8: **March 4**

Challenging Official Action

-- Suits against States (con’t) and State Officers  
*pp. 886-41*

**March 11 -- No Class - GMU Spring Break**

Class 9: **March 18**

Challenging Official Action

-- Civil Rights Actions (§1983 and *Bivens*)  
*pp. 947-72; 726-42; 42 U.S.C. § 1983*

-- Official Immunities  
*pp. 986-1007*
March 25 -- NO CLASS -- Instructors’ Spring Break

Class 10: April 1

Limitations of Federal Jurisdiction
   -- Injunctions
      *pp. 1019-49*
   -- Abstention
      *pp. 1057-83*

Class 11: April 8

Limitations of Federal Jurisdiction
   -- Equitable Restraint
      *pp. 1083-1114; 1128-46*

Supreme Court
   -- Original Jurisdiction
   -- Discretionary Review
      *28 U.S.C. § 1254; pp. 1455-64*

Class 12: April 15

Appellate and Collateral Review Continued
   -- Supreme Court Review of State Cases
      *pp. 431-44; 448-61; 465-80; 496-505; 518-30
      *28 U.S.C. §§ 1257, 1651*
Class 13: April 22

Appellate and Collateral Review Continued

-- Habeas


May -- FINAL EXAM