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 2014 Supplement. Please note that the casebook is now 5 years old and thus the Supplement is getting relatively thick. It is critical that you read the supplement for each class! We may add to these materials as needed with cases, statutes and the like depending on developments in the law and the scope of our course coverage. 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 as a day job, 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 to be the chief means of discussion. Although your grade is determined by the final exam, we will consider in-class participation and preparation as an aggravating/mitigating factor in your final grade.

Our final exam will be on May 9, 2015 beginning at noon. Details to follow.
CLASS SCHEDULE AND AGENDA

Class 1:  January 5

Introduction to the Class

U.S. Constitution

pp. ci-cxvii (read Art. III carefully, scan the rest); 1-26; 30-47

Fundamentals of Federal Justiciability
-- Standing

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

Class 2:  January 12

Fundamentals of Federal Justiciability
-- Mootness
-- Political Questions

pp. 183-194; 222-32

January 19 -- No Class -- MLK Day

Class 3:  January 26

Federal Question Jurisdiction

-- Constitutional Scope

pp. 743-74

-- Statutory Scope

pp. 774-800; 28 U.S.C. § 1331

-- Declaratory Judgments

pp. 800-812
Class 4: February 2

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

-- Fed Question
   *pp. 824-36*

-- Diversity
   *pp. 1387-1401; 28 U.S.C. § 1367*

Class 5: February 9

Challenging Official Action

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

-- Suits against States
   *pp. 869-85*
Class 6: **February 16**

Challenging Official Action

-- Suits against States (con’t) and State Officers
    *pp.886-941*

Class 7: **February 23**

Challenging Official Action

-- Civil Rights Actions (§1983 and *Bivens*)
    *pp. 947-72; 726-42; 42 U.S.C. § 1983*
-- Official Immunities
    *pp. 986-1007*

Class 8: **March 2**

Congressional Control

-- of Federal Jurisdiction
    *pp. 275-308; 314-20*
-- of State Court Jurisdiction
    *pp. 383-417*

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


**March 9 -- No Class - GMU Spring Break**
Class 9: **March 16**

Class Actions and Coordination  
*pp. 1367-71 and additional reading TBA*

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

**March 23** -- NO CLASS -- Instructors’ Kids’ Spring Break

Class 10: **March 30**

Limitations of Federal Jurisdiction

-- Injunctions  
*pp. 1019-49*

-- Abstention  
*pp. 1057-83*

Class 11: **April 6**

Limitations of Federal Jurisdiction

-- Equitable Restraint  
*pp. 1083-1114; 1128-46*

Supreme Court Jurisdiction

-- Original Jurisdiction  

-- Discretionary Review  
*28 U.S.C. § 1254; pp. 1455-64*
Class 12: **April 13**

Appellate Review

-- 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 20**

Collateral Review -- Habeas

*pp. 1153-1223; 28 U.S.C. §§ 2241, 2254-55*

**Saturday, May 9: Noon to 3:00 p.m. -- FINAL EXAM**

Location TBD