



SPRING 2026 COURSE SYLLABUS

Course Number: 226-001

Course Title: Federal Courts

Credit Hours: 3

Grading Mode: Letter grade

Meeting Time(s): Monday 9:00a-11:55a

Meeting Mode: On campus

Exam Time(s): TBD

Exam Mode: On campus final exam

Prerequisite(s): N/A

Corequisite(s): N/A

Instructor(s):

James L. Cooper

John C. Massaro

Contact Information and Office Hours:

jmassaro@gmu.edu

jcoope14@gmu.edu

We anticipate that many of our class-wide communications outside of the classroom will be through email. We are available to meet with you in person, by Zoom or by phone before and after class and by appointment; please contact us by email to arrange any such appointment.

Reading(s) & Supplement(s):

We will use Baude, Goldsmith, Manning, Pfander & Tyler, Hart & Wechsler's The Federal Courts and the Federal System, (Eighth Ed. 2025) **and the corresponding supplement**. We will likely add to these materials as needed with cases, statutes and the like. Be advised that the reading for this course is significant, though rewarding and (we think) relevant to litigation practice.

Course Overview:

This course examines the nature and role of United States federal courts and explores the degree to which the Constitution, statutes, the courts themselves, and other authorities place limits on what federal courts can do.

Course Learning Outcomes:

- Students will demonstrate knowledge of the basic arguments for and against federal courts exercising decision-making authority in any given case.
- Students will demonstrate knowledge of specific language and structures in the United States Constitution which bear upon the ability of federal courts to exercise decision-making authority in general and in any particular case.
- Students will be able to cite precedent and use analogies from each of six different general doctrines relating to the powers of federal courts in support of arguments about a federal court's ability to exercise decision-making authority in any given case.
- Students will demonstrate the ability to argue orally and in writing in favor of a particular position with regard to the power of federal courts to exercise decision-making authority in any given case.

Grading Policies:

Your performance as a student discussion leader, combined with your overall participation in class throughout the rest of the semester (*i.e.*, the classes when you are not a discussion leader) will account for 35 percent of your final grade. We will also have a final exam. Your score on that exam will account for the remaining 65 percent of your final grade.

Final Exam: The course assessment will consist of a final examination. The final exam questions will be provided on a paper form with spaces for answers. The answers will be hand-written. The exam will be "closed book" – *i.e.* you will not be allowed to use any resources during the exam.

Classroom Policies:

Attendance: Per AR 3-1.4, "maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student's program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements."

Absences: Per AR 4-1.1, "if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student

who is not present for at least 75 percent of a session of the course is absent from that session.”

Participation & Preparation:

This course is conducted in seminar-style. As noted, we will be lecturing at times and will cover much of the key material in those lectures, but we will not cover all of the material in class and, unless we indicate otherwise, students are still expected to be familiar with those portions of the readings that were not discussed by us. More importantly, it is our hope and expectation that each student will contribute meaningfully to class discussions and activities.

For most classes, we will have approximately two students who are responsible for being the student leaders of the discussion. John and James will direct, participate in and oversee the discussion. Student leaders, however, will be responsible for being “on point” for all or some part of the materials under discussion. This means being particularly knowledgeable about all or some pre-announced part of the readings for that day; on occasion it also may include being responsible for a brief presentation on a pre-assigned issue.

What we are hoping to achieve with this process is to ensure that we have at least two members of the class who have focused on the material for class more intensely than otherwise would typically occur, and that you will gain some modest experience “on your feet” in class which will help when you practice law. **Our use of the student discussion-leader protocol does not suggest we intend to relieve everyone else from reading the material for each class.**

Use of Technology & AI:

Moderate Use Policy: Generative AI tools may be used in this course for the following purposes, and with the following guidelines. Students may use AI in this course to help you understand and explore the material we will discuss, but may not use AI as the primary source for research, as the primary source for text of written assignments, during any quiz or exam, nor during Socratic dialogue. Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

Course Schedule & Assignments

The Class Schedule and Agenda below sets forth the topics we anticipate covering and the order in which we currently anticipate covering them, along with the associated reading. Experience teaches that our plans will change to accommodate the speed at which we are able to work through this 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.

Class 1: Wednesday -- January 21

Topic: Introduction to the Class

Assignment: U.S. Constitution, *pp. xcv-cx (read Art. III carefully, scan rest)*
Background and History of Federal Courts, *pp. 1-23; 31-63*
Marbury, *pp. 76-86*

Class 2: January 26

Topic: Justiciability

Assignment: *Clapper*, *pp. 133-140 & skim notes following*
Cal v. Tx, *pp. 149-156 & skim notes following*
DeFunis, *pp. 244-49*
Nixon, *pp. 292-303 & skim notes following*

Class 3: February 2

Topic: Federal Question Jurisdiction

Assignment: Constitutional & Statutory Scope
pp. 993-1050
Declaratory Judgments
pp. 837-849

Class 4: February 9

Topic: Diversity Jurisdiction

Assignment: The Basics of Diversity; Complete Diversity

pp. 1071-1084; 28 U.S.C. § 1332; 28 U.S.C. § 1335; 1367, 1369

Citizenship

pp. 1084-1088

Jurisdictional Amount; Creating/avoiding jurisdiction

pp. 1088-1091

Topic: Supplemental Jurisdiction

Assignment: Fed Question

pp. 1110-1115

Diversity

pp. 1115-1135; 28 U.S.C. § 1367

Class 5: February 16

Topic: Effecting Broad Relief

Assignment: *Readings to be circulated*

Class 6: February 23

Topic: Challenging Official Action

Assignment: Suits against the US or Federal Officers

pp. 1147-1165

Suits against States

pp. 1165-1184

Class 7: March 2

Topic: Suits against States (con't) and State Officers

Assignment: *pp. 1184-1262*

March 9 -- NO CLASS -- Spring Break

Class 8: March 16

Topic: Challenging Official Action

Assignment: Civil Rights Actions (§1983 and *Bivens*)
pp. 1275-1310; 42 U.S.C. § 1983

Official Immunities
pp. 908-949; pp. 1311-1340

Statutory Remedies
pp. 1340-1347

Class 9: March 23

Topic: Congressional Control

Assignment: Federal Jurisdiction, *pp. 406-418; 431-464 & Presidential Commission handout pp. 130-140*

State Court Jurisdiction, skim *pp. 559-592*

Class 10: March 30

Topic: Limitations of Federal Jurisdiction

Assignment: Injunctions
pp. 1370-1382

Abstention
pp. 1398-1400; 1415-1430

Class 11: April 6

Topic: Limitations of Federal Jurisdiction

Assignment: Abstention continued; Equitable Restraint
pp. 1430-1459; pp. 1400-1416

Topic: Supreme Court Jurisdiction
Assignment: Original Jurisdiction
28 U.S.C. § 1251; pp. 346-371

Class 12: April 13

Topic: Treason
Assignment: Readings to be circulated

Class 13: April 20

Topic: Collateral Review -- Habeas and Executive Detention
Assignment: *pp. 1461-1546; 28 U.S.C. §§ 2241, 2254-55*

Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)