

**Federal Courts
Spring 2022**

MW 10:50-12:20pm
Room 242

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Office hours: M 12:30p-2:00pm & by Appt.

Table of Readings

Text: Peter W. Low, John C. Jeffries, Jr. & Curtis Bradley, FEDERAL COURTS AND THE LAW OF FEDERAL-STATE RELATIONS (Foundation Press, 9th ed. 2018), and 2021 Supplement.

DATE	TOPIC	LOW, JEFFRIES & BRADLEY	OTHER COMMENTS / ISSUES
<u>I. CHOICE OF LAW IN THE FEDERAL SYSTEM</u>			Please see discussion topics / starting questions on syllabus.
1/10 Remote	1. <i>Federal or State Court / State Law in Federal Courts</i>	1-33	Complete Participation self-assessment . Keep an eye on supplement for short updates.
1/12 Remote	... <i>Hanna v. Plumer</i> ; Substance / Procedure	734-760	Supp 101-02.
1/17 NO CLASS	MLK Day		
1/19 Remote	2. <i>Federal Law in State Courts</i>	33-70	“
1/24	2. (cont'd); 3. <i>Review of State Ct. Decisions</i>	70-113	Complete self-assessment check in
<u>II. THE POWER OF FEDERAL COURTS TO CREATE FEDERAL LAW</u>			
1/26	1. <i>Creation of Federal Common Law (cont'd)</i>	115-156	“
1/31	2. <i>Creation of Implied Rights of Action</i>	156-182	“
2/2	3. <i>Rights of Action to Enforce Const'l Rights</i>	182-213	Complete self-assessment check in ; Supp. 3-5
2/7	4. <i>Cust. Int'l Law</i>	214-248	
2/9	4. <i>Cust. Int'l Law (cont'd) & Standing I</i>	--- 278-307	Supp. 6-37
<u>III. JUDICIAL REVIEW & JUSTICIABILITY</u>			
2/14	1. <i>Standing II</i>	307-347	Supp. 39-46
2/16	1. <i>Standing II</i>	348-389	Supp. 47-54; I'll briefly discuss standing on appeal, 389-92 & 3 rd parties 392-406
2/21	2. <i>Timing Principles</i>	406-443	Complete self-assessment check in ; I'll discuss prev. parties 444-462; supp. 54-56

DATE	TOPIC	LOW & JEFFRIES	COMMENTS / ISSUES
2/23	3. Political Question	462-486	Supp. 57-85
<u>V. CONGRESSIONAL CONTROL OVER THE FEDERAL COURTS</u>			
2/28	1. Power to Limit Federal Jurisdiction	487-517	Supp. 87-89
3/2	2. Power to Regulate Rules of Decision; 3. Expand	517-548	Supp. 89-93 (<i>Patchak v. Zinke</i>)
3/7	3. Power to Expand Jur.	548-592	Supp. 93-99; Complete self-assessment check in
3/9	4. Non-Art III Courts; Foreign Tribunals	592-619	Supp. 99-100 (<i>Oil States, Ortiz, Lucia</i>); I'll discuss foreign tribunals 619-645
<u>V. FEDERAL SUBJECT MATTER JURISDICTION ****CHECK IN RE REVISIONS</u>			
3/14	Subject Matter Jurisdiction – FQ & preemption; finality	652-58; 670-700; 786-806	Handout re FQJ (skip reading <i>Grable</i>); also read 28 USC §1367; I will lecture on diversity & some on finality.
<u>V. ABSTENTION</u>			
3/16	Abstention	807-826; 834-44; 861-96	I'll discuss the comity doctrine (domestic and international).
<u>V. SOVEREIGN IMMUNITY & ELEVENTH AMENDMENT</u>			
3/28	1. Nature of the Limitation	1095-1139	Complete self-assessment check in ; Supp. 93-110
3/30	2. Consent	1140-1178	
4/4	2. Consent (cont'd) & Abrogation	1178-1216	I'll briefly discuss Sec. 3, Const'lly Req'd Remedies in State Ct.
<u>VI. 42 U.S.C. § 1983</u>			
4/6	1. & 2. Order of Battle; Immunity	1245-1300	Email summary of <i>Monroe v. Pape</i> ; skip/skim 1250-56;1283-1300
4/11	3. Gov't Liability	1300-1342	Complete self-assessment check in ;
4/13	3. Official Policy	1342-1395	
4/18	4. What Wrongs?	1395-1434	Final Self-Assessment Check In
TBD Location	EXAM REVIEW // Note: Open Book / Note Exam on Weds. April 28		