Federal Courts
Law 6232 – Section 10
Fall 2017

SYLLABUS

Professor: Jonathan R. Siegel
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Office Hours: Mondays: 3:00 - 4:00 p.m.
Wednesdays: 3:30 - 4:30 p.m.

Class Schedule: Mondays, Tuesdays, and Wednesdays, 11:00 - 11:55 a.m. Classes will begin promptly at the appointed time.

Siegel, 2017-2018 Supplement [available in Records Office]

Assignments: A list of reading assignments is attached. You should read each assignment before the class in which the assigned material is discussed, think carefully about the reading, and be prepared to participate in class discussion. The assignment numbers do not necessarily correspond to class periods; you will know which assignment you should be on from announcements made during class. However, if at the end of any class we have made substantial progress on the last materials so far assigned and no announcement is made, you should read the next assignment. For the first class, please read assignments 0 and 1 (that’s “1”, not “I”).

Requirements: The requirements for all students are: read the assignments in a timely fashion, attend class, participate in class discussion, and take the final exam. Grades will be based primarily on the final exam, with classroom participation also considered. Students who are persistently and excessively absent will not receive a positive class participation adjustment and may receive a negative class participation adjustment or a grade of No Credit. Occasional, isolated absences do not directly affect a student’s grade and students need not seek permission for such absences.

Taping of Classes: All requests regarding class taping must be made through the Office of Student Affairs. Students should not ask me about taping of classes. I will not approve taping where the Student Affairs Office has denied a request or where it has referred a student to the professor for permission. I will usually, although not always, approve taping when the Student Affairs Office has
determined that the taping request falls within the Law School’s class taping policy. Taping of classes by students is not permitted. I am always happy during my office hours or by other appointment to discuss any topics a student may have missed.

Class Participation: All students are invited and encouraged to be prepared for and participate in all classes, but we will use an on-deck system to determine who will be called on for each class. An on-deck schedule will be distributed for the semester shortly after the drop-add period. An e-mail announcement will be made regarding the first few classes. It is important to be present and prepared on days when you are on deck. No trades. If you must miss an on-deck day, the way to make up for it is to participate actively on nearby days. Students who are on deck are responsible for all material that might be discussed that day, which will frequently include a portion of the previous day’s reading.

Electronic Devices: All cell phones and other devices that might make noise must be turned off (or otherwise set so as not to make noise) during class. The “vibrate” setting is allowed. Computers that play music or other sounds on start-up may not be started once class has begun. Students whose devices violate this rule may be asked to leave the classroom.

The use of computers to take notes in class is permitted. The use of computers for other purposes during class, such as playing games, accessing the Internet, or reading or sending messages, is distracting to other students and is therefore prohibited. Students who use computers in class must agree to this condition and are on their honor to comply with it.

The use of electronic means to transmit answers to students being asked questions during class is prohibited. Violation of this rule constitutes academic dishonesty.

The use of computers in taking the final examination is strongly encouraged. Students who choose to handwrite their exam are cautioned that words that are not readily legible may be disregarded.

Communication: I sometimes send important messages relating to the course to students by e-mail. Students are responsible for checking their official GW e-mail accounts daily throughout the term.

Student Names: Toward the end of the first week of class, I will ask students what name they prefer to be called. Until then I will call on students using their official (registered) names, except that students may also inform me of a preferred name by e-mail prior to the start of classes.

Examination: The examination will be open book.
Learning Outcomes: A student who completes this course should have knowledge and understanding of Federal Courts law and the role of the federal courts in the American system of government. The student should understand the necessary conditions for creating a justiciable case upon which federal courts can act; federal jurisdiction, including Congress’s role in shaping it; the sources of the law applied in federal courts; the special considerations that apply to lawsuits against governments; and the relationships between the federal and state court systems.

READING ASSIGNMENTS -- Part 1

The initial list of reading assignments follows. Further reading assignments will be distributed as the term progresses.

Abbreviations used below:

S Siegel, Federal Courts: Cases and Materials
Supp. Siegel, 2017-2018 Supplement

0. Background

Read this syllabus, particularly the initial information that precedes the reading assignments. It contains important information that you are responsible for knowing.

It will be assumed many times during the course that you are familiar with the Constitution of the United States. Your knowledge from Constitutional Law I should be sufficient. If you have not looked at the Constitution in a while, however, you might wish to refresh your memory of it, particularly the following:

Article I, §§ 1, 6, 8, 9, and 10
Article II, § 1, cl. 1
Article II, §§ 2, 3, and 4
Article III
Article IV, § 1
Article VI, cls. 2 and 3
Amendments I, V, VII, X, XI
Amendment XIV, §§ 1, 5

I. The Judicial Function

The Nature of the Judicial Function

1. S 3-20 (1st ¶)

2. S 20-27
II. Justiciability

Advisory Opinions; Finality

3. S 29-47
   U.S. Const., Art. I, § 6, cl. 2

Standing to Sue

4. Doctrinal Foundations
   S 47-55

5. Injury
   S 55-75

6. Causation and Redressability
   S 75-84

7. Congressional Control / Standing and Remedies
   S 84-97
   Supp. 1-6
   S 97-107

8. Zone of Interests
   S 107-129

9. Third Party Standing
   S 129-145

Mootness

10. S 145-168

Political Question

11. S 188-218

III. Congressional Control of Federal Jurisdiction

12. S 219-240

13. S 240-251
IV. Congressional Control of State Court Jurisdiction

14. S 301-321, 331-338

V. The Applicable Law

15. S 339-356

16. S 395-412

17. S 412-436 (1st ¶)

18. S 436-456

VI. Federal Jurisdiction

Federal Question Jurisdiction

19. Judicial Power Under Article III
   U.S. Const., Art. III, § 2
   S 457-478

20. Statutory Jurisdiction
    S 478-504

Supplemental Jurisdiction

21. S 537-556