

**Federal Courts
Law 232 – Section 11
Spring, 2010**

SYLLABUS

- Professor: Jonathan R. Siegel
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- Office Hours: Tuesdays and Wednesdays, 3:30 - 4:30 pm.
- Class Schedule: Tuesdays, Wednesdays, and Thursdays, 11:00 - 11:55 a.m. Classes will begin promptly at the appointed time.
- Required Text: Siegel, Federal Courts: Cases and Materials. The text will be available for purchase at the Copy Center.
- Assignments: An initial 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 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; students should 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. The policy of the Law School requires the approval of the class instructor for taping. I am somewhat stricter than the Student Affairs Office but generally follow its 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 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.

Electronic Devices: All cell phones, computers, watches, and other devices must be set so as not to make noise during class. The “vibrate” setting is allowed. Computers that sound music or make other noise on start-up may not be started once class has begun.

Using computers to take notes in class is permitted. Using computers for any other purposes during class, such as playing games, surfing the Internet, or reading or sending messages, is distracting to other students and is therefore prohibited.

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.

Examination: The examination may contain a mixture of essay and multiple choice questions.

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

0. Background

Read this syllabus, particularly the first two pages. It contains important information that you are responsible for knowing. Retain this syllabus throughout the term.

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
Amendments I, V, VII, X, XI
Amendment XIV, §§ 1, 5

I. The Judicial Function

The Nature of the Judicial Function

1. S 1-13
2. S 14-22

II. Justiciability

Advisory Opinions; Finality

3. S 23-37
U.S. Const., Art. I, § 6

Standing to Sue

4. *Doctrinal Foundations*
S 37-51
5. *Injury*
S 51-67
6. *Causation and Redressability*
S 67-76
7. *Congressional Control / Standing and Remedies*
S 77-96
8. *Zone of Interests*
S 96-114
9. *Third Party Standing*
S 115-129

Mootness

10. S 129-149

Political Question

11. S 149-172

III. Congressional Control of Federal Jurisdiction

12. S 172-188

13. S 188-197

IV. Congressional Control of State Court Jurisdiction

14. S 245-265

V. The Applicable Law

State Law in Federal Courts

15. S 266-289

Federal Common Law

16. S 290-314

Rights of Action

17. S 314-332

VI. Federal Jurisdiction

Judicial Power Under Article III

18. U.S. Const., Art. III, § 2
S 332-349

Statutory Jurisdiction

19. S 350-374

Supplemental Jurisdiction

20. S 374-382