1. **Syllabus:** Reading assignments are set forth in this syllabus. The *class-by-class breakdowns represent approximations.* During the semester, there will be alterations, deletions and additions. Any changes will be announced in class.

2. **Text:** In the semester-long 3-credit version of this course, I usually use a massive tome, entitled Hart & Wechsler’s The Federal Courts and The Federal System. It’s a wonderful case book---it’s probably my favorite case book on any subject ever----but even in a semester-long course, it is also one of maddening depth and complexity. In our compressed summer course, it would be an unnecessary expense for you, and, for that matter, we could only hope to barely scratch its surface. Accordingly, and in the hope of maximizing our ability to achieve broad and deep doctrinal coverage, I have selected Erwin Chemerinsky’s *Federal Jurisdiction* (7th edition). Dean Chemerinsky is a legal giant; a personal hero; and one of the clearest writers on matters of legal complexity to ever put pen to paper. The tradeoff of this choice is that, because the book is a treatise, it will refer to cases, many of which you will not have read. This will require a remarkable degree of attentiveness on your part during the class sessions, and a remarkable degree of care in your reading of the treatments in the treatise.

3. **Preparation & Participation:** You are expected to read and think about the assigned material before each class. Likewise, you are expected to contribute to the classroom discussions on both a voluntary and involuntary basis. I will call on you. Participation will technically count for up to 20% of your grade. As a practical matter, most students who attend regularly and are prepared will get the same or very close to the same participation grade. That said, attendance, preparation and participation that either distracts from or genuinely contributes to the entire class’s learning experience may impact your grade at the margins. **Attendance:** Especially in a compressed summer course, even one absence is a serious matter. The expectation is attendance and preparation. Absences will be taken very seriously.

4. As a reminder, under ABA and school policies “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. Accordingly, per the ABA, you should be spending two hours of out-of-class time per hour of in-class time, and, especially, in this compressed course, that means the demands on your time for the short overall duration of the course will be quite substantial and highly concentrated.

5. **Office:** The best way to reach me is via e-mail ([james.sample@hofstra.edu](mailto:james.sample@hofstra.edu)). You may also drop by at any time and, time permitting, I’ll be glad to speak with you.

6. **Learning objectives:** This course aims to deepen our understanding of complex and important political, practical, and legal aspects of the jurisdiction of the federal courts (and derivatively, of the state courts in many respects as well). The course explores the interplay of federal, state, and local power, as well as the relative power of the coordinate branches on matters implicating constitutional and other important controversies within American democracy.
SUMMER WEEK ONE

Tuesday, May 23
Marbury and the Nature of the Federal Judicial Function
- Read Marbury v. Madison and/or review your Con Law notes and/or other resources to refresh and deepen your understanding of Marbury (edited versions of the case are easily found in Con Law texts and elsewhere, including in hundreds of books in the library as well as in online sources)
- Read Chemerinsky: page 1-middle of page 7; page 9-19; page 30-37
- Read Chemerinsky: page 58-59
  o In lieu of assigning all of justiciability, I urge you to read, and re-read, the two pages above extremely carefully; the pages should be a helpful refresher of core standing doctrine, applicable even for bar review in addition to our course. You are, of course, welcome to read the subsequent sections on individual aspects of the standing requirements, but you are not required to do so).

Wednesday, May 24
Congressional Control of Federal and State Court Jurisdiction
- Read Chemerinsky: pages 185-202 (special attention to McCardle, Felker, Klein);
- Read Chemerinsky: pages 204-224
  o pay closest attention to 204-208. Reading the material from 208-224 on the varied approaches will be helpful to following the lecture/class discussion but it’s less critical that you fully understand it all especially on the first read-through
- Read Chemerinsky: pages 227-237 (special attention to the references to Testa; Haywood)
- Read Chemerinsky: pages 245 (middle) – 248 (military tribunals)

Thursday, May 25
Federal Court Review of State Court Judgments and Proceedings
- Read Chemerinsky: pages 697-top of 708 (special attention to §25 of Judiciary Act; Martin v. Hunter’s Lessee; Murdock v. City of Memphis; Bush v. Gore
- Read Chemerinsky: pages 748-752 (intro to Independent Adequate State Grounds)
- Read Chemerinsky: pages: 766-775 (special attention to Michigan v. Long)

Friday, May 26
Mini-Federal Common Law & Mini-Anti-Injunction Act
- Read Chemerinsky: pages 389-418 (mostly casually/as background)
- Read Banco National de Cuba v. Sabbatino (to be distributed)
- Read Chemerinsky: pages 777-796 (Anti-Injunction Act)
- Read Boyle v. United Technologies Corp. (to be distributed)
SUMMER WEEK TWO

Tuesday, May 30 & Wednesday, May 31
Federal Court Relief Against Officers and Governments
- Read Chemerinsky: pages 645-669 (special attention to Bivens and progeny/exceptions)
- Read Chemerinsky: pages 671-675 (background)
- Read Chemerinsky: pages 688-693 (Feres doctrine)
- Read 11th Amendment
- Read Chemerinsky: pages 429-441 (special attention to Chisholm v. Georgia)
- Read United States v. Lee (to be distributed)
- Read Chemerinsky: pages 441-448 (special attention to Hans v. Louisiana)
- Read Chemerinsky: pages 448-457 (what’s barred and what’s allowed)
- Read Chemerinsky: pages 459-461 (carefully; attention to Ex Parte Young
- Skim Chemerinsky: pages 461-508 (skimming is sufficient as background to lecture/discussion)

Thursday, June 1
Fed. Court Relief Against Local Govt & State & Local Officers – 42 U.S.C. § 1983
- Read Chemerinsky: pages 509-middle 512 (close attention to 1983 text; Rooker-Feldman)
- Read Chemerinsky: pages 514-mid 519 (historical development)
- Read Chemerinsky: pages 519-527 (close attention to Monroe; CivProPhiles note Adickes)
- Read Chemerinsky: pages 536-top 542 (Monell)
- Read Chemerinsky: pages 558-top 559 (close reading of the values/tensions implicated)
- Read Chemerinsky: pages 561-583 (absolute and qualified immunities)
- Read Chemerinsky: pages mid-603-last full paragraph on 605)
- Read summary of Pennhurst State School & Hospital v. Halderman (to be distributed)
  o Compare the paragraph on 605 explaining Justice Scalia’s reasoning in City of Rancho Palos Verdes v. Abrams to the paragraph lower on the same page (605) explaining Justice Rehnquist’s reasoning in Pennhurst

Friday, June 2
Federal Court Abstention
- Read Chemerinsky: pages 829-837 (Pullman abstention/unclear state law)
- Read Chemerinsky: pages 844-848 (Thibodaux abstention/diversity cases)
- Read Chemerinsky: pages 848-849 (Burford abstention/complex state admin procedures)
- Read Chemerinsky: pages 865-879 (Rooker-Feldman (again!) & Younger v. Harris)
- Read Chemerinsky: pages 913-922 (Colorado River abstention/duplicative litigation)