

## **REVISED SYLLABUS**

**Federal Courts  
Hamline University School of Law  
Spring Semester 2014  
Mondays 6:00–9:15 p.m.  
Classroom: Law 105  
3 credits**

**Greg Brooker  
Adjunct Professor  
greg.brooker@usdoj.gov  
Direct dial office number: (612) 664-5689**

### **TEXT:**

**Federal Courts, Federalism and Separation of Powers  
Fourth Edition 2008  
Doernberg, Wingate & Zeigler  
ISBN: 9780314180223  
& 2013 Supplement Booklet  
ISBN: 9780314288554**

### **STATEMENT OF GOALS AND OBJECTIVES:**

A course in Federal Courts prepares students to practice in the federal courts by examining advanced constitutional and civil procedure issues related to the limited jurisdiction of federal courts. The course has two key themes: federalism and separation of powers. Additionally, the course considers essential aspects of federal court procedure and practice. Topics covered include justiciability; congressional power over federal court jurisdiction; federal question jurisdiction; the power of federal courts to make federal common law; the Eleventh Amendment; abstention and the Rooker-Feldman doctrine; and the law of federal habeas corpus. The focus of classroom discussion will be on analyzing cases and statutory provisions.

### **TESTING AND GRADING:**

There will be a three-hour final examination that incorporates the principles learned in class. The final grade will be determined by your answer to two essay questions. The final examination may be self-scheduled during the exam period. It will be open-book, open-materials.

## LAPTOP AND INTERNET USAGE POLICY:

Laptops may be used in the classroom to take notes **but connecting to the Internet, emailing, and texting during class is prohibited.**

## REQUIRED READING

### Class #1: January 27, 2013

**Class Focus: Justiciability: Advisory Opinions, Standing, Constitutional Standing -- Generalized Grievances, Taxpayer Standing.**

Read Prologue, pages 1-19, for background.

Read Chapter 1, pages 23-88.

Read Supplement Booklet, pages 1-101.

We will discuss the following cases in class:

*Muskrat v. United States*

*Allen v. Wright*

*Massachusetts v. EPA*

*Hollingsworth v. Perry* (Supplement Booklet)

*United States v. Windsor* (Supplement Booklet)

*Sprint Communications v. APCC Services* (Supplement Booklet)

*Summers v. Earth Island Institute* (Supplement Booklet)

*Arizona Christian School v. Winn* (Supplement Booklet)

### Class #2: February 3, 2013

**Class Focus: Justiciability (continued): Standing (continued), Constitutional Standing -- Citizen Standing; Prudential Standing; Ripeness; Mootness; Political Questions. Congressional Control of Federal Jurisdiction: Appellate Jurisdiction;**

Read Chapter 1, pages 88-162.

Read Chapter 2, pages 163-176.

Read Supplement Booklet, pages 101-02.

We will discuss the following cases in class:

*Abbott Laboratories v. Gardner*

*Defunis v. Odegaard*

*Friends of the Earth v. Laidlaw Environmental Services*

*Nixon v. United States*

*Ex Parte McCardle*

*Ex Parte Yerger*

**Class #3: February 10, 2013**

**Class Focus: Congressional Control of Federal Jurisdiction (continued): Appellate Jurisdiction; Lower Federal Court Jurisdiction. Federal Question Jurisdiction: Separate Strands Intertwined.**

Read Chapter 2, pages 177-221.  
Read Chapter 3, pages 223-46.

We will discuss the following cases in class:

*United States v. Klein*  
*Sheldon v. Sill*  
*Plaut v. Spendthrift Farm*  
*Osborn v. Bank of the United States*  
*Textile Workers Union v. Lincoln Mills*

**Class #4: February 17, 2013**

**Class Focus: Federal Question Jurisdiction (continued): Separate Strands Intertwined (continued).**

Read Chapter 3, pages 246-72.  
Read Supplement Booklet, page 103.

We will discuss the following cases in class:

*Louisville and Nashville Railroad v. Mottley*  
*Verlinden B.V. v. Central Bank of Nigeria*  
*American Well Works v. Layne & Bowler*  
*Smith v. Kansas City Title & Trust*  
*Gully v. First National Bank*

**Class #5: February 24, 2013**

**Class Focus: Federal Question Jurisdiction (continued): Separate Strands Intertwined (continued); Declaratory Judgment Cases.**

Read Chapter 3, pages 272-320.  
Read Supplement Booklet, pages 103-07.

We will discuss the following cases in class:

*Merrell Dow Pharmaceuticals v. Thompson*  
*Grable & Sons Metal Products v. Darue Engineering*

*Skelly Oil v. Phillips Petroleum*  
*Franchise Tax Board of Calif. V. Construction Laborers*

**Class #6: March 3, 2013**

**Class Focus: Legislative Courts: Magistrate Judges as Adjuncts to the District Courts. Federal Common Law: The Cornerstone; Choosing the Applicable Law.**

Read Chapter 4, pages 367-71.  
Read Supplement Booklet, page 137.  
Read Chapter 5, pages 373-431.  
Read Supplement Booklet, pages 139-40.

We will discuss the following cases in class:

*Erie Railroad v. Tompkins*  
*Clearfield Trust v. United States*  
*United States v. Kimbell Foods*  
*Boyle v. United Technologies*  
*Semtek International v. Lockheed Martin*

**NO CLASS MARCH 10 – SPRING BREAK**

**Class #7: March 17, 2013**

**Class Focus: Federal Common Law (continued): Choosing Applicable Law (continued).**

Read Chapter 5, pages 431-508.  
Read Supplement Booklet, pages 140-48.

We will discuss the following cases in class:

*Textile Workers Union v. Lincoln Milles*  
*Bivens v. Six Unknown Named Agents of FBI*  
*Cannon v. University of Chicago*  
*California v. Sierra Club*  
*Schweiker v. Chilicky*  
*Minneci v. Pollard* (Supplement Booklet)

**Class #8: March 24, 2013**

**Class Focus: The Eleventh Amendment**

Read Chapter 7, pages 607-77.  
Read Supplement Booklet, pages 161-82.

We will discuss the following in class:

*Hans v. Louisiana*  
*Giles v. Harris*  
*Ex Parte Young*  
*Virginia Office for Protection and Advocacy v. Stewart* (Supplement)  
*Edelman v. Jordan*  
*Fitzpatrick v. Bitzer*

**Class #9: March 31, 2013**

**Class Focus: The Eleventh Amendment. Refusing Jurisdiction:  
Congressional Doctrines of Restraint, Judicial Doctrines of Restraint --  
Exhaustion.**

Read Chapter 7, pages 677-743.  
Read Supplement Booklet, pages 182-83.  
Read Chapter 8, pages 745-74.  
Read Supplement Booklet, pages 185-86.

We will be discussing the following cases in class:

*Board of Trustees, Univ. of Alabama v. Garrett*  
*Seminole Tribe v. Florida*  
*Atlantic Coast Line Railroad v. Brotherhood of Locomotive Engineers*  
*Patsy v. Board of Regents*

**Class #10: April 7, 2013**

**Class Focus: Refusing Jurisdiction: Judicial Doctrines of Restraint --  
Abstention**

Read Chapter 8, pages 774-841.

We will be discussing the following cases in class:

*Railroad Commission v. Pullman*  
*Younger v. Harris*  
*Steffel v. Thompson*

*Hicks v. Miranda*  
*Huffman v. Pursue*

**Class #11: April 14, 2013**

**Class Focus: Refusing Jurisdiction: Judicial Doctrines of Restraint – Abstention. The Rooker-Feldman Doctrine.**

Read Chapter 8, pages 841-78.  
Read Chapter 10, pages 993-1010.

We will be discussing the following cases in class:

*Burford v. Sun Oil*  
*Quackenbush v. Allstate Insurance*  
*Colorado River Water Conservation District v. United States*  
*Rooker v. Fidelity Trust*  
*District of Columbia Court of Appeals v. Feldman*

**Class #12: April 21, 2013**

**Class Focus: The Rooker-Feldman Doctrine.**

Read Chapter 10, pages 1011-50.

*Exxon Mobil v. Saudi Basic Industries*  
*Centifanti v. Nix*  
*Kamilewicz v. Bank of Boston*  
*Kamilewicz v. Bank of Boston (Petition for Rehearing Case)*  
*Facio v. Jones*

**Class #13: April 28, 2013**

**Class Focus: Federal Habeas Corpus.**

Read Chapter 11, pages 1051-1199.  
Read Supplement Booklet, pages 189-262.

We will be discussing the following cases in class:

*Rasul v. Bush*  
*Rumsfeld v. Padilla*  
*Williams (Michael) v. Taylor*  
*Teague v. Lane*  
*Williams (Terry) v. Taylor*  
*Coleman v. Thompson*

*Boumediene v. Bush* (Supplement Booklet)  
*Cullen v. Pinholster* (Supplement Booklet)

**FINAL EXAMINATION PERIOD: MAY 6-19, 2013**

**FINAL GRADES DUE: JUNE 10, 2013**