

FEDERAL JURISDICTION

LAW 602-2

FALL 2017

MARTIN LEVY

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THE PROFESSOR

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OFFICE HOURS: MWF: 11-1
(All other times by appointment only)

NOTE FROM THE PROFESSOR:

Information concerning this course, including syllabus, changes in class meeting, and questions from students, etc., will be available on the internet at:

1. WWW.PROFMLEVY.COM
2. LAWSCHOOL.WESTLAW.COM, click on **THE WEST EDUCATION NETWORK (TWEN)** and select this offering.

COURSE BOOKS & MATERIAL

MATERIALS:

Text: Currie, *Federal Courts*, 4th. Ed., West.

Current Supp. to the same. (If available)

Recommended: Wright, *Federal Courts*, West. (Treatise)

Handouts by instructor.

COURSE DESCRIPTION, LEARNING OBJECTIVES & STUDENT LEARNING OUTCOMES

A study of the procedure practice and procedure under the Federal Rules of Civil Procedure. This course focuses on: 1) the relationship between the federal judiciary and executive and legislative branches of the federal government; and 2) the relationship between the federal courts and the states. The topics covered include Congressional power to control federal court jurisdiction, constitutional and statutory limitations on subject-matter jurisdiction, sovereign and official immunity, abstention, equitable restraint, and other limitations, on the exercise of federal court jurisdiction, the Erie Doctrine, and federal common law. This course may be taken in the second or third year.

GRADING

There will be a comprehensive final examination. The instructor reserves the right to have a "mid-term" examination, with its relative weight to be announced at that time. Please note that the Instructor reserves the right to hold additional examinations as may be deemed necessary. Students will be notified of the value of these exams at said time.

ACCOMMODATIONS

Accommodation will be provided and administered as dictated by the Dean's office. If you require accommodation please provide approval and guidelines from the Dean's office.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Because verbal articulation of ones' ideas is an essential commodity in the practice of law, class participation is encouraged. With such in mind both the quality and quantity of class participation will be evaluated and applied as an *added* value of up to **two (2)** points in determination of your final grade. Further to such, the Instructor may assign specific class sessions for students participation, which may be applied as up to 10% of the "Professor's" final grade.

ATTENDANCE: Will be applied as required for a 3 hour class via a sign-in roll sheet disseminated at the commencement of class.

POLICIES & PROCEDURES

All policies and procedures relative to this course are articulated in the Law School Student Rules. All such rules will be complied with by both students and the Instructor.

ACADEMIC CALENDAR

FALL SEMESTER ACADEMIC CALENDAR 2017 – 2018

2017 (SEVENTY DAYS OF CLASSES)

Orientation Monday-Friday August 14-18, 2017

First Day of Class Monday August 21, 2017

Last Day to ADD/DROP Friday August 25, 2017

Labor Day (NO CLASSES) Monday September 4, 2017

Purge of all unpaid course selections Thursday September 20, 2017

Mid Term Examinations Mon – Fri October 16-20, 2017

VETERANS DAY (NO CLASSES) Friday November 10, 2017 (tentative)

Thanksgiving Holiday Thurs – Fri November 23-24, 2017

Last Day of Classes Thursday November 30, 2017

Last Day to Drop a Class Thursday November 30, 2017

First Year Professors' Grades due Thursday November 30, 2017

Reading Period (NO CLASS) Friday - Sunday December 1-3, 2017

Final Examinations Mon – Fri December 4 -Dec. 15, 2017

Commencement Saturday December 16, 2017

SPRING SEMESTER 2018 (SEVENTY DAYS OF CLASSES)

School Opens Tuesday January 2, 2018

First Day of Class Monday January 8, 2018

Last Day to ADD/DROP Friday January 12, 2018

M L K Holiday (No Classes) Monday January 15, 2018

Purge of all unpaid course selections Wednesday February 7, 2018

President's Day Holiday (No Classes) Monday February 19, 2018

Mid Term Examinations Mon – Fri March 5– 9, 2018

Spring Break Mon – Fri March 12 – 16, 2018

Good Friday (No Classes) Friday March 30, 2018

Last Day of Classes Wednesday April 25, 2018

Last Day to Drop a Class Wednesday April 25, 2018

First Year Professors' Grades due Wednesday April 25, 2018

Reading Period (**No Classes**) Thur. – Sun April 26 - 29, 2018

Final Examinations Mon- Fri April 30 – May 11, 2018

Hooding Ceremony Friday May 11, 2018

Commencement Saturday May 12, 2018

Please note that the calendar events and /or dates are subject to change.

READING ASSIGNMENTS

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Section I: Identifying Federal Question Cases

- Introduction..... 139-140
- *Osborne v. Bank of U.S.*..... 140-147
- ***Textile Workers v. Lincoln Mills* [Note 4].....147 (H)
353 U.S. 448 (1957)**
- Notes 1,2,..... 147
- *Louis. & Nash. R.R. v. Mottley*..... 149-151
- *Skelly Oil Co. v. Phillips*..... 151-153
- Notes 1,2..... 153
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- *T.B. Harms v. ELISCU*.....160-164
- Notes 1,2,4..... 164-165
- *Smith v. K.C. . Title & Trust* [Note 1]..... 174
- *Franchise Tax Board v. Construction Laborers* [N1,2]..... 156-157
- *Merrell Dow v. Thompson*..... 166-174
- *Verlinden v. Cental Bank of Nigeria*[Note 5]..... 148-149
- Notes 2,3,5..... 175-177
- ***Grable v. Darue, 125 S.Ct. 2363 (2005)***
- Exclusive Jurisdiction [Notes 1,2,3,5]..... 179-182
- Removal [Notes 7,8]..... 183-184
- Obligation to Provide Forum [Notes 11,12]..... 185-188

Section 2. The Scope of a "Case"

- *Finley v. United States*.....188-194
- Pendent Jurisdiction [Notes 1-9].....194-200
- ***City of Chicago v. International College of Surgeons,*
522 U.S. 156 (1997)**
- ***Raygo v. Regenst, 534 U.S. 533 (2002)***

Section 3. Maritime Cases

- "Read only" assignment..... 200-226

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- *Owen Equipment v. Kroger*..... 251-257
- Notes 1,2,3,4..... 258-260
- ***Exxon Mobile v. Allapattah Services, 125 S.Ct. 2611 (2005)***
- *American Fire v. Finn*..... 260-264
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- Notes 1,2,4,5,6,7..... 267-274
- *Kelly v. U.S. Steel*.....274-278
- ***Hertz v. Friend, __ US __, 130 S.Ct. 1181 (2010)***
- Notes 1,2,3,4,5,7..... 278-280
- *Majewski v. N.Y. Central R.R.*..... 281-282
- *Diesling v. Vaughn Wood Products*..... 282-284
- Notes 1,4..... 284-287
- *Smith v. Sperling*..... 287-292
- Notes 1,3,6,7..... 292-294

Section 4. The Jurisdictional Amount

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- Notes 3,4,5,6,7,8,9,10..... 301-309
- ***Exxon Mobile v. Allapattah Services, 125 S.Ct. 2611 (2005)***

Section 5. The Place of Trail

- Venue/Service: Notes 1,2,3,4,5,6,7,8,10,11..... 309-314
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- *Transamerica v. Lewis*.....370-376
- Notes 3,4,5,6,7..... 376-379

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- Notes 1,2,3,4,5,6,7.....385-390
- *Monell v. Dept. of Social Servies*.....390-397
- Notes 1,2,3,4,5,6,7,8,9..... 397-401
- *Bivens v. Six Unknown Named Agents of F.B I.*401-409
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- ***Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank And United States, 527 U.S. 627 (1999)***
- ***Kimel v. Florida Board of Regents, 120 S.Ct 621 (2000)***
- ***U.S. v. Morrison, 120 S.Ct. 1740, (2000)***
- ***Board of Trustees of Univ. of Ala. v. Garrett, 531 U.S. 356, 121 S.Ct. 955 (2001)***
- ***FMC v. SCSPA, 535 U.S. 743 (2002)***

- *Lapides v. Board of Regents*, 535 U.S.613 (2002)
- *Verizon v. PSC of Maryland*, 535 U.S. 635 (2002)
- *Nevada Department of Human Resources v. Hibbs*, 528 U.S. 721 (2003)
- *Tennessee v. Lane*, 124 S.Ct. 1978 (2004)
- *U.S. v. Georgia*, 126 S.Ct. 877 (2006)
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- *Exxon Mobil v. Saudi Basic Indus.*, 126 S.Ct. 990 (2005)

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"Read Only" materials are assigned for student review, materials will only be summarized for in-class discussion. Examination will only cover "Read Only" materials discussed in class.

IMPORTANT NOTE: This Case Book is updated by citation to more recent decisions. It is **most important** that the student coordinate these materials into the text as detailed above.