

**FEDERAL COURTS AND THE FEDERAL SYSTEM
UC BERKELEY SCHOOL OF LAW, SPRING 2014**

Course Description:

This course studies the role of the federal courts in the federal system. This is an advanced course in public law, judicial administration, and constitutional litigation. The course will cover the following topics (among others): the power of Congress to regulate the jurisdiction of the Supreme Court and lower federal courts; non-Article III courts; the case or controversy requirement; doctrines of sovereign and individual immunity; choice of law in the federal courts and federal common law; Supreme Court review of state court judgments; federal habeas corpus; and, time permitting, the Suspension Clause and related issues from the War on Terrorism.

Class Schedule:

This class meets Tuesdays and Thursdays from 11:20-12:35 p.m. in Room 140.

Required Materials:

HART AND WECHSLER'S THE FEDERAL COURTS AND THE FEDERAL SYSTEM (6th ed. 2009) (Fallon, Manning, Meltzer & Shapiro, eds.) ("H&W")

HART AND WECHSLER'S THE FEDERAL COURTS AND THE FEDERAL SYSTEM (Supplement 2013) (Fallon, Manning, Meltzer & Shapiro, eds.) ("Supp.")

I have asked the library to put on reserve copies of the Hart & Wechsler text and supplement. I have also posted a pdf of the relevant casebook pages for the first two assignments on the bcourse page for the course. Because I have posted the pages in pdf and the H&W text is on reserve at the library, I expect everyone to come prepared for the first class and those that follow whether or not you have purchased the text yet.

Initial Assignments:

The course syllabus is posted on the bcourse page and through the registrar's office. For the first class on Tuesday, prepare assignments 1 and 2A (replicated below). These assignments include a substantial amount of background reading, which may be read quickly. For the second class on Thursday, prepare assignment 2B (also replicated below). The handouts for assignments 2A and 2B are posted on the bcourse page.

I. THE FEDERAL JUDICIAL SYSTEM AND THE FEDERAL JUDICIAL POWER

A. Background: The Origins and Structure of the Federal Judicial System

Assignment 1:

U.S. Const. Art. III; Art. IV, § 1; Art. VI, cl. 2

Background: H&W 1-36, 41-47 [skip footnotes]

B. The Nature of Federal Judicial Power

Assignment 2A:

H&W 50-58

H&W 80-83

Handout 1: Who Decides?

Assignment 2B:

H&W 58-72 [through Note 1];

H&W 75 [start at Note 6] - 80

Handout 2: The Statute Involved in *Marbury v. Madison*