Page references are to Federal Courts—A Contemporary Approach (5th ed. 2013). “Web” or “E” means that the materials will available from my web page (http://www.pace.edu/lawschool/dld), on TWEN®, and, most important and easiest to refer to, through a link in the electronic version of the casebook. Assignments for each week will also be available on the web page (and through TWEN®, which will direct you to the same place), and you can send e-mail either to our listserv (fedcts-L@list.pace.edu) or to me directly from that page. Please note that the assigned pages for each case include the notes following the case; be sure to read them carefully.

PROLOGUE

Henry J. Friendly, Federalism: A Foreword 1-8
Preliminary Thoughts on Separation of Powers and the Judiciary 8-13
Some Observations on Parity 13-14
Burt Neuborne, The Myth of Parity 14-16
Text 16-19
Erwin Chemerinsky, Ending the Parity Debate 19-21
Text 21
Note on the Class Action Fairness Act and the Parity Debate Web

CHAPTER 3—FEDERAL QUESTION JURISDICTION

Section A. Introduction 277-79

Section B. Constitutional and Statutory “Arising Under”—Separate Strands Intertwined 279-81

Text 279-81

U.S. Const. Art. III, § 2 1204

Osborn v. Bank of the United States 281-93

Textile Workers Union v. Lincoln Mills 293-303

There’s No Reason for It; It’s Just Our Policy: Why the Well-Pleaded Complaint Rule Sabotages the Purposes of Federal Question Jurisdiction 303-05

28 U.S.C. § 1331 1223


American Well Works v. Layne & Bowler Co. 322-24

Smith v. Kansas City Title & Trust 325-30

Gully v. First National Bank in Meridian 331-33

Note on Merrell Dow Pharmaceuticals v. Thompson 333-35

Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing 335-47

Gunn v. Minton 347-54

Mushlin Proposal for Federal Question Jurisdiction Web only

Verlinden, B.V. v. Central Bank of Nigeria 314-21

Section C. The Special Problem of Declaratory Judgment Cases 318-21

28 U.S.C. §§ 2201-02 1245-46

Shelly Oil Co. v. Phillips Petroleum Co. 355-59

Franchise Tax Board v. Construction Laborers Vacation Trust 359-74

CHAPTER 5—FEDERAL COMMON LAW

Section A. Introduction

Section B. The Cornerstone
28 U.S.C. § 1652
Erie Railroad v. Tompkins
Henry J. Friendly, In Praise of Erie—And of the New Federal Common Law

Section C. Choosing the Applicable Law and Determining Its Content—Federal Interests or Lack Thereof
1. Spontaneous Generation
   Clearfield Trust Co. v. United States and Notes 1-9
   United States v. Kimbell Foods, Inc.
   Boyle v. United Technologies, Inc.
   Semtek International Incorporated v. Lockheed Martin Corporation
   Note on Discerning the Content of State Law
2. Construing a Jurisdictional Grant as a Command to Create Federal Common Law
   Textile Workers Union v. Lincoln Mills (Reprise)
3. Implying Private Rights of Action
   Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics
   Introductory Note and Questions on Implying Private Rights of Action in Federal Statutes
   Cannon v. University of Chicago
   California v. Sierra Club
   Schweiker v. Chilicky
4. Filling Statutory Interstices

Section D. Concluding Note

CHAPTER 6—THE FEDERAL FORUM, THE FOURTEENTH AMENDMENT, AND SECTION 1983

Section A. Introduction

Section B. The Fourteenth Amendment and U.S.C. § 1983 in the Remedial Scheme
1. Color of State Law
   Monroe v. Pape
2. Municipalities as Defendants
   Monell v. Department of Social Services and Notes 1-3
   Board of County Commissioners v. Brown and Note 1
3. Officials’ Immunities
   Harlow v. Fitzgerald
   Note on Post-Harlow Developments

CHAPTER 7—THE ELEVENTH AMENDMENT

Section A. Introduction

Section B. The Basic Doctrine—More Than Meets the Eye
Text
Section C. The Basic Doctrine—Less Than Meets the Eye

Ex parte Young 663-80

Section D. Extending and Cabining the Doctrine: The Limits of Limits

Edelman v. Jordan 680-92
Note on Idaho v. Coeur d’Alene Tribe of Idaho 692-94
Fitzpatrick v. Bitzer 694-702
Text 702-03
Board of Trustees of the University of Alabama v. Garrett 704-19
Update 1192
Text 719-21
Seminole Tribe of Florida v. Florida 721-55
Pennhurst State School v. Halderman 757-80
Note on Federal Maritime Commission v. South Carolina State Ports Authority 780-82

CHAPTER 8—REFUSING TO ALLOW THE EXERCISE OF JURISDICTION: ABSTENTION AND RELATED DOCTRINES

Section A. Introduction 783-84

Section B. Congressional Doctrines of Restraint

Atlantic Coast Line Railroad Company v. Brotherhood of Locomotive Engineers 784-98

Section C. Judicial Doctrines of Restraint

3. Abstention: The Doctrine of Younger v. Harris
   Younger v. Harris 821-36
   Steffel v. Thompson 837-48
   Hicks v. Miranda 849-57
   Huffman v. Pursue, Ltd. 857-70
   Note on Other Developments in Younger Abstention 870-75

CHAPTER 9—SUPREME COURT REVIEW OF STATE COURT DECISIONS

Section A. Introduction 905-07
28 U.S.C. § 1257 1221

Section B. Preliminary Jurisdictional Considerations

Note on the Changing Statutory Structure of Supreme Court Review 908-09
Murdock v. City of Memphis 910-28

Section C. Insulating State Decisions from Supreme Court Review

1. With Substantive Law
   a. Adequacy, Independence and Certainty
      Fox Film Corp. v. Muller 928-30
      Delaware v. Prouse 931-34
      Minnesota v. National Tea Co. 934-38
      Michigan v. Long 939-52

2. With Procedural Law
   Herndon v. Georgia 972-83
Note on Orr v. Orr
Henry v. Mississippi
3. With the Final Judgment Rule
   Cox Broadcasting Corp. v. Cohn

CHAPTER 1—JUSTICIABILITY

Section F. Political Questions
   Zivotofsky ex rel. Zivotofsky v. Clinton