

Federal Courts  
Professor Michael Solimine  
Introduction to the Class

**1. *New name for course***

The prior name was Federal Jurisdiction. I changed the name since some people thought that the old name suggested that it was only devoted to diversity or federal question jurisdiction. I thought the new name was broader and more accurately suggested what we cover.

**2. *Main syllabus***

I will have the one-page, main syllabus for the entire semester posted on the UC website. It gives you an idea of what topics and pages we'll cover.

**3. *Required Class Materials***

The required materials are the casebook, Richard Fallon, et al., Hart and Wechsler's The Federal Courts and the Federal System (6th ed. 2009), and the 2010 Supplement. Professors Hart and Wechsler, at Harvard and Columbia law schools, respectively, in the 1950s, are credited with creating the course and publishing the first casebook devoted to the topic. The various editions are: Hart & Wechsler (1st edition 1953); Bator, Wechsler, Shapiro & Mishkin (2d and 3rd editions); Fallon, Meltzer & Shapiro (4th and 5th editions); and the current edition. The downside of the casebook is that it's long, and considered by some to be treatise-like and not reader-friendly. As suggested by the authors on the first page of the preface (see p.v), they are aware of these criticisms and have attempted to respond to them in new editions. As pointed out in footnote 1 on that same page, they suggest that students are not obligated to read footnotes prepared by the authors, as compared to footnotes in cases that the authors leave in. We'll follow that advice, so I won't expect you to have read footnotes prepared by the casebook authors, *unless* I refer to them in mini-syllabi or in class.

**4. *Study Aid***

No study aid is required. I recommended one study aid, Larry Yackle, Federal Courts (2009). I do not intend to refer to that aid or any other in class.

**5. *Mini-syllabi and TWEN***

I have prepared a mini-syllabus for each class, which has assigned pages for each class, and questions and comments on the cases and materials on those pages which you can ponder before each class. I will post the mini-syllabi on TWEN ([www.lawschool.westlaw.com](http://www.lawschool.westlaw.com)) before each class. I will also periodically post on TWEN other material and information relevant to the class.

**6. *Specially Prepared Students***

To get everyone involved in class discussion, I will ask 2 or 3 students to be "specially prepared" for each class. Participation by non-specially prepared students in each class is of course welcome and expected as well.

**7. *Seating Chart and Attendance***

I will hand out a seating chart in the second or third class. The attendance policy is that you are expected to attend every class. If important professional or personal reasons, or some other

circumstance, prevent you from attending a particular class, I will consider it a professional courtesy to myself and your classmates if you would tell me (not the whole class) ahead of time or, if that's not possible, after the fact. I will keep attendance, and reserve the right to take attendance into account in grading (see below). Excessive absences may be cause for not being permitted to take the exam.

### **8. *Grading***

The final grade will be based primarily, though not exclusively, on the final exam. Unless I tell you otherwise, the final exam will consist of essay questions, and will be partial open-book, meaning you may take any materials into the exam room, *except* for commercially prepared outlines, nutshells, hornbooks, etc (including the study aid I recommended). Before the exam I will post on TWEN at least one copy of a prior exam for this course. In assigning a final grade, I will also take into account class attendance and participation. In the past, I have typically used one or more grade levels to reflect these latter factors, in addition to my grading of the final exam (e.g., possibly raising a grade from B to B+).

### **9. *Laptops and Accessing the Internet in Class***

Laptops or other electronic devices are ok in class for note-taking or other class-related activities. However, I will ask you as a matter of professionalism, civility, and courtesy to your classmates and myself, to voluntarily not use those devices during class to surf the internet, or to engage in other non-class activities. If voluntary compliance proves impossible, I reserve the right to ban or limit the use of these devices during class.

### **10. *Contacting Me and office hours***

I can be contacted at [michael.solimine@uc.edu](mailto:michael.solimine@uc.edu). I typically do not post office hours, since I'm usually in each weekday during regular business hours. You are welcome to come by at any time, with or without an appointment.

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Highlights of the Introductory Chapter (please read the text of pp. 1-47 of the casebook; footnotes are optional, see point #3 above)

1. historical development of the federal courts
  - (a) Madisonian Compromise (pp. 7-9)
  - (b) scope of jurisdiction (pp. 13-18)
  - (c) Evarts Act of 1891 (p.29-30)
  - (d) non-Article III courts and judges (pp. 36-41)
2. separation of powers and federalism as underlying themes
  - (a) flexible/weak v. rigid/strong models of separation of powers
  - (b) Nationalist model v. Federalist model for resolving federalism issues (but note historical changes in use of nomenclature, e.g., p.3)