Federal Courts Class Syllabus

Required Materials

The materials required for this course are --

1. a casebook: Hart & Wechsler’s The Federal Courts and Federal System (7th edition)
2. the 2017 casebook supplement; and
3. handouts to be distributed and material to be posted on TWEN or in class.

Introduction:

For those of you who are new to our law school or otherwise do not know me, I am an Associate Clinical Professor and the Boise Externship Director. I have been a lawyer for 16 years and have taught at the UI College of Law and coordinated the externship program since 2008. I also have worked for the Idaho Attorney General, Holland & Hart LLP, and in several positions at the state and federal courts, including as a law clerk for two judges with the Ninth Circuit Court of Appeals and several judges with the United States District Court for the District of Idaho.

Office Hours:

My office is in the southeast corner on the 3rd floor of the ILJLC in Boise, Room 329. My office hours are Mondays from 1:30 to 3:00 p.m. and Wednesdays from 10:30 to 12:30 p.m., or by appointment. I am out of the office for supervisor visits and other travel at times, so it often works best if you email me for an appointment time. You are welcome to contact me on my cell phone if I am not in my office and you need assistance. Also, please feel free to come by my office any other time you like, and, if I am not free to speak with you just then, we can set up an appointment.

Contact Information:

My cell phone number is 208-870-8072. You can reach me by email at ktball@uidaho.edu.

Subject Matter and Objectives

This course covers two general subjects: federal courts and their jurisdiction, and how to research and write an academic paper. Because it is designed to do both we may not cover all of the topics typically taught in a federal courts class, but I will attempt to cover the topics most relevant to the subject matter and objectives listed below.

Subject matter: In this course you will learn about (1) the jurisdiction of the federal courts, including their appellate jurisdiction; (2) the law governing the scope of federal court litigation and the differences between state and federal courts; and (3) the preclusive effects of a federal court judgment. In learning about these things, you also will learn more about practical aspects of practicing law in the federal courts and the Constitution’s structure, federalism, and separation of
powers. Because this is a paper course, you also will learn concepts related to researching, organizing information, and effective writing.

Objectives: The objectives of this course are to (1) help you understand and analyze issues involving federal court jurisdiction and practice, both to help you with the bar exam and in practice; (2) introduce you to the history, the culture, and the legal and political significance of the federal courts; (3) add to your understanding of federalism and separation of powers; (4) reinforce concepts from Civil Procedure and Constitutional law courses; (5) allow you to perform in-depth research on a chosen issue; and (6) help you express complex ideas effectively, both orally and in writing.

I also hope you will be able to clearly articulate and convey positions and arguments in class discussions and critically analyze issues in class, for assignments, and in your final paper.

Class Attendance and Participation

You must do your best to show up (1) for every class, (2) on time, and (3) well prepared.

I will keep track of your attendance. If you miss more than four classes, you must: (i) let me know as soon as possible; (ii) be prepared to explain and document the reasons for all your absences; and (iii) get my permission to continue in the course. I reserve the right, if you miss four or more classes, to lower your grade for poor attendance.

Grades and Course Requirements

Overview: Your grade will be based largely on a final paper designed to meet the College's UDWR requirement. You will work on the paper the entire semester and can earn points by timely submissions of early drafts and showing up for meetings to discuss your progress throughout the semester. Your final paper is due by Sunday, December 16th at noon (Mountain Standard Time). The total number of points you can earn for completing the paper and associated assignments is 95 (or 95% of your grade). Please refer to the Paper & Associated Assignments Information sheet for the exact breakdown of points.

The remainder of the points available may be earned by completing a practical skills assignment designed to help you understand how to demonstrate a plaintiff has standing to bring a case in federal court. This assignment is worth 5 points (or 5% of your grade).

The paper and all assignments should be submitted on TWEN using your name and not your quiz or exam number. Grading is not anonymous in this class!

In addition, I may adjust your total points up or down for class participation. So, it is in your interest to show up prepared and to contribute to class discussions.

Class participation: “Class participation” includes timely completion of any written homework assignments; the quality (not the quantity) of your contributions to class discussion (including your willingness to ask what may seem to you to be “stupid” or “obvious” questions); regular and punctual attendance; being prepared to answer questions when called on; and your willingness to give time and respectful attention to the questions and comments of your classmates (including your willingness to listen carefully to what may seem to you to be “stupid” or “obvious” questions).
Credit Hours for Coursework

In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined above with respect to materials and assignments, in my professional judgement, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

Course TWEN Page

We have a course TWEN page. I post handouts, reading assignments, supplemental readings, and other assignment information on our TWEN site. Please check the site regularly to ensure you do not miss something. Also, you will upload all assignments on TWEN. Please make sure your TWEN page is set to Mountain Standard Time or that you account for the time zone when submitting assignments – all assignments have due dates and times set to MST, and timeliness counts for most submissions.

Use of Laptop and Other Electronics in Class

I understand you may need or want to use laptops during class. However, you should use your laptop only to take notes for this class, and to view Powerpoints, documents and websites to which I direct you before or during class. I reserve the right to lower your class participation grade, or take other disciplinary measures, if you use the laptop for other purposes during class. You may not use cell phones to instant message, read or send email, listen to music, watch video, send instant messages, or take pictures during class. However, I understand that some of you have other work and family obligations so you may look at your phones, etc., to check for emergency or other important messages related to those obligations. If you need to respond to a message of that nature, you should leave the room to do so.

Study Aids

There are many study aids available for the federal courts course. Although they can help, they pose four dangers. First, some give you more information than you need (for example, about topics that you won’t need to know for the exam in this course). Second, some give you less information than you need; they cover a topic too superficially to prepare you adequately for the exam in this course. Third, some contain information that is inaccurate or that, at least, conflicts with my or your casebook authors’ understanding of the law. I do not give credit on the exam for your including such information. Fourth, relying on study aids reduces the time you have to spend studying the assigned material.

That said, the following materials may aid in your general understanding or answer specific questions that arise when we are not in class: Erwin Chemerinsky’s book on Federal Jurisdiction; and Wright and Miller's Federal Practice and Procedure. In federal practice many lawyers also refer to The Rutter Guides.

Disability Support Services Reasonable Accommodations:
Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with Disability Support Services (DSS) by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by DSS to Dean Dodge for final approval. DSS serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without DSS first submitting a recommendation. You may contact DSS by:

- Calling 208-885-6307
- Emailing dss@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by DSS and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about DSS, visit its website at https://www.uidaho.edu/current-students/asap/dss. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

**Recording Class Sessions:**

Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by Disability Support Services. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by DSS. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.

I am amenable to allowing recording for irreconcilable conflicts that arise due to family or work matters. However, you must visit with me about it before you record any sessions.

**Civility**

In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Dean of Students (jdodge@uidaho.edu), the University Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (208-885-6716), or the UI Office of Civil Rights & Investigations (885-4285).

**Assignments**
We will try to cover one reading assignment per class. If we do not finish an assignment during one class, you should still read all of the next assignment before the next class, unless I tell you otherwise.

The assignments are tentative; they may be changed by prior announcement in class, by email, or on TWEN. Reading assignments may be supplemented by in-class handouts, other cases, Powerpoint presentations, or outlines.

The page numbers for the assigned readings are taken from the casebook ("CB"). Please make sure you check for any additional reading in the CB Supplement. Students are responsible for knowing the facts/issues/procedure/analyses from the main cases in the text and for any information in the “NOTES AND QUESTIONS” sections that follow if a note is part of the assigned reading.

Assigned readings will often refer to specific provisions of the U.S. Constitution or Title 28 of the U.S. Code. When so, please find and read (or re-read) that provision.

Initial Assignment List – Week #1

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<thead>
<tr>
<th>Date</th>
<th>Reading</th>
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<tbody>
<tr>
<td>August 21</td>
<td>CB, pp. 1-47</td>
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<tr>
<td>August 23</td>
<td>CB pp. 49-81</td>
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