The Federal Courts - Richard A. Posner 1996 The federal courts are the world's most powerful judiciary and a vital element of the American political system. In recent decades, these courts have experienced unprecedented growth in caseload and personnel. Many judges and lawyers believe that a "crisis in quantity" is imperiling the ability of the federal judiciary to perform its historic function of administering justice fairly and expeditiously. In a substantially revised edition of his widely acclaimed 1985 book The Federal Courts: Crisis and Reform, Chief Judge Richard A. Posner of the U.S. Court of Appeals for the Seventh Circuit provides a comprehensive evaluation of the federal judiciary and a detailed program of judicial reform. Drawing on economic and political theory as well as on legal analysis and his own extensive judicial experience, Posner sketches the history of the federal courts, describes the contemporary institution, appraises the concerns that have been expressed with the courts' performance, and presents a variety of proposals for both short-term and fundamental reform. In contrast to some of the direr prophecies of observers of the federal courts, Posner emphasizes the success of these courts in adapting to steep caseload growth with minimum sacrifice in quality. Although the book ranges over a variety of traditional topics in federal jurisdiction, the focus is steady on federal judicial administration conceived of as an interdisciplinary approach emphasizing system rather than doctrine, statistics rather than impressions, and caseload rather than cases. Like the earlier edition, this book promises to be a landmark in the empirical study of judicial administration.

Federal Courts, Keyed to Hart and Wechsler's the Federal Courts and the Federal System - Robert N. Clinton 2003-11-07 Clinton, Matasar, and Collins draw on their extensive litigation experience and scholarship to exquisitely interpret and clarify the complex, and sometimes unstable and incoherent, doctrines of federal courts jurisprudence. The authors blend a theoretical and practical approach. Having seen the Federalists vs. Antifederalists debates replay themselves daily in America's federal courtrooms, they believe the most practical knowledge of federal court doctrines frequently involves the most theoretical perspectives. Consequently, they pervasively favor broad assertions of federal judicial power -- a viewpoint they believe was the intent of the Federalists -- and they use this viewpoint to challenge and stimulate students. This book begins with coverage of the basic structure, jurisdiction, and powers of the federal district courts; turns to constitutional litigation; and concludes with appellate jurisdiction. Highlights include: -- a thorough exploration of the original history (including excerpts from The Federalist)-- in-depth coverage of important landmarks of the Reconstruction Era, which granted federal courts power over many matters formerly left almost exclusively to state courts-- a rich survey of the post-adoption evolution of federal courts doctrines

Amistad: the Federal Courts and the Challenge to Slavery - Federal Judicial History Office 2014-09-27 The Amistad case was one of the most famous federal cases of the nineteenth century and attracted great public attention at each stage of its movement through the nation's judiciary. The dramatic story of the enslaved Africans who freed themselves from their captors and then sought recognition of their freedom in the federal courts helps to explain the role of the judiciary in the first half of the nineteenth century. The case also transformed the courts into the forum for a national debate on the legal foundations of slavery. The Africans from the Amistad testified in court and were represented by prominent lawyers, including former President John Quincy Adams. The role of the Africans as parties in the case drew attention to the personal tragedies of slavery and attracted new support for the growing anti-slavery movement in the United States.

Examples & Explanations for Federal Courts - Laura E. Little 2019-07-02 Award-winning author and professor, Laura E. Little, has updated her approachable and practical study guide to what is considered one of the most challenging and abstract subjects in the law. Examples & Explanations for Federal Courts grounds the law of federal courts for students by providing brief textual introduction to doctrines, as well as examples, analytical answers, and graphical depictions of the legal doctrine. The new edition maintains the highly admired, straightforward Examples & Explanations format yet also includes many important cutting-edge developments in the field, omitted from competing books. New to the 4th Edition: Discussion of new case law on Article III arising under jurisdiction Review of new cases concerning diversity jurisdiction and supplemental jurisdiction Extensive revision and expansion of the standing materials, including standing issues arising in cases concerning gerrymandering, statutory rights, and false electoral speech Review of new cases pertaining to congressional control over federal courts Materials on the impact of an important decision pertaining to Younger abstention doctrine, Sprint Communications v. Jacobs, 571 U.S. 69 (2013) Integration of the myriad cases making subtle refinements and changes to the law of federal habeas corpus Professors and students will benefit from: Forthright treatment of nuanced and unsettled issues in the law— Federal courts is a discipline that resists black letter simplification of legal concepts: this study guide not only recognizes that fact, but also capitalizes on it, without sacrificing clarity or meaningful analysis. Award-winning author known for ability to present complicated subjects in an understandable fashion— A widely respected federal courts scholar, Professor Laura Little has lectured worldwide federal courts conferences and programs sponsored by the Federal Judicial Center. She has published several articles in the field of federal court jurisdiction and has won many teaching prizes (including a top teaching honor, the Great Teacher Award) as well as scholarship awards. Her work in procedural subjects has recently been acknowledged by the American Law Institute, which appointed her to serve as Associate Reporter for the Restatement (Third) of Conflict of Laws. Accessible and clear writing style and flexible organization— With lucid explanations of complex areas of the law, the volume breaks down doctrines into component parts. Organization adapts well to a variety of teaching approaches; topics are organized according to the various functions of federal courts, which gives the book thematic coherence while still allowing students to use the content according to their own needs. Written so that each chapter stands on its own. Visual aids—Includes several graphs and illustrations that illustrate both "macro" and "micro" understandings of the material; some are designed to convey larger relationships among doctrines and institutions, while others are designed to illustrate the intricacies of rules. Examples that model good lawyering and exam-taking techniques—The examples demonstrate complexities and ambiguities in the legal doctrine. The explanations provide models of practical skills for coping with uncertainty in the law. Through the explanations, students can learn to anticipate and outline arguments on both sides of a controversy. A book highly regarded by other Federal Courts professors—Both new and experienced federal courts professors report that they use the book for their own class preparation. Many professors use the book as a required text for their Federal Courts course.

Federal Courts - Robert N. Clinton 1996 Clinton, Matasar, and Collins draw on their extensive litigation experience and scholarship to exquisitely interpret and clarify the complex, and sometimes unstable and incoherent, doctrines of federal courts jurisprudence. The authors blend a theoretical and practical approach. Having seen the Federalists vs. Antifederalists debates replay themselves daily in America's federal courtrooms, they believe the most practical knowledge of federal court doctrines frequently involves the most theoretical perspectives. Consequently, they pervasively favor broad assertions of federal judicial power — a viewpoint they
believe was the intent of the original Federalists -- and they use this viewpoint to challenge and stimulate students. This book begins with coverage of the basic structure, jurisdiction, and powers of the federal district courts; turns to constitutional litigation; and concludes with appellate jurisdiction. Highlights include a thorough exploration of the original history (including excerpts from The Federalist) in-depth coverage of important landmarks of the Reconstruction Era, which granted federal courts power over many matters formerly left almost exclusively to state courts. A rich survey of the post-adoption evolution of federal courts doctrines.

Federal Courts

Laura E. Little 2007-01-01 Following the dependable Examples and Explanations method, this reliable guide offers ample features and benefits: - Each section provides students with a short account of the law, and includes a variety of concrete examples & explanations designed to uncover uncertainties in the law and reinforce key rules and concepts - cutting-edge coverage reveals many important recent developments absent in competing books, such as: - Hamdan v. Rumsfeld (non-Article III Courts -- 2006) - Marshall v. Marshall (diversity of citizenship -- 2006) - The Class Action Fairness Act (diversity of citizenship -- 2005) - Terri Schiavo litigation (congressional control of federal court jurisdiction -- 2005) - Grable & Sons v. Darue Engineering (federal question jurisdiction -- 2005) - Empire Healthchoice Assurance, Inc. v. McVeigh (2006) - Exxon Mobilo v. Allapattah (supplemental jurisdiction -- 2005) - Lance v. Dennis (Rooker-Feldman doctrine 2006) - Exxon Mobil v. Saudi Basic Industries (Rooker-Feldman doctrine -- 2005) - Habeas Corpus cases (2005-2006) - nuances and unsettled issues in the law are openly addressed - widely respected federal courts scholar, Professor Laura E. Little, transforms her global knowledge of federal courts issues in a format that students can digest and master - an accessible and clear writing style provides lucid explanations of complex areas of the law and breaks down doctrines into component parts. Page layout is designed for easy retrieval and understanding - a sensible and flexible organization caters to students with various learning styles. Topics are organized according to the various functions of federal courts, which gives the book thematic coherence while still allowing students to use the content according to their own needs - visual aids, including several graphs and illustrations that illustrate both macro and micro understandings of the material, are designed to convey intricacies of rules as well as larger relationships among doctrines and institutions - examples demonstrate complexities and ambiguities in the legal doctrine, while the explanations demonstrate practical skills for coping with uncertainty in the law, anticipating and outlining arguments on both sides of a controversy. Combined, these model good lawyering and exam-taking techniques.

The Federal Courts in the Political Order

Martin H. Redish 1991

Disqualification of Federal Judges by Peremptory Challenge

Alan J. Chaset 1981

Federal Courts in the 21st Century

Howard P. Fink 2007

Standing to Challenge the Validity of Governmental Action in Federal Courts

Hassan Mohammed Reda 1970

Federal Courts

Michael L. Siegel 2016-02-01 Federal Courts: Cases and Materials, Second Edition by Jonathan R. Siegel provides rich, sophisticated coverage with a clean, uncluttered presentation. Students learn from thoughtfully selected cases, carefully curated notes, and engaging discussion problems. Excellent case editing reduces cases to readable length while preserving their essential facts and arguments. Authors have strongly praised the book and the teaching materials. New materials in the Second Edition include: Recent developments in standing doctrine A landmark new case about Bivens action New cases on adjudication by non-Article III tribunals Other updates throughout the book Professors and students will benefit from: Thoughtfully selected cases Notes that enhance understanding without being too dense Excellent case editing Engaging Discussion Problems

Challenge of Law Reform

Arthur T. Vanderbilt 2015-12-08 Major crimes in the United States reached an all-time high in 1954, exceeding the two-million mark for the third successive year. In spite of such groups as the famous Kefauver Committee, organized crime continues to entrench itself in the cities. Meanwhile, amid public apathy, the court calendars grow longer and justice is delayed. Thousands of new laws are passed each year, often without proper study, so that no lawyer today can achieve real mastery of even one major branch of his profession. In this little book, literally a challenge, Chief Justice Vanderbilt speaks out against these situations and abuses. Drawing on his experience as Chief Justice under the reformed court system provided by the 1947 New Jersey Constitution, he explains the need for reform, the importance of judicial administration, the problems of selecting judges and jurers, and the importance of legal procedure. In the matter of law reform he has long been known as a leader and fighter. In his book, originally delivered as the White Lectures at the University of Virginia Law School, he asks his readers to meet the challenge of law reform. Originally published in 1955. The Princeton Legacy Library uses the latest print-on-demand technology to again make available previously out-of-print books from the distinguished backlist of Princeton University Press. These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions. The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905.

Federal Courts, Federalism, and Separation of Powers

Donald L. Doernberg 2008 Law School Publications from West would like to announce that Doernberg, Wingate and Zeigler's Federal Courts, Federalism and Separation of Powers: Cases and Materials, Fourth Edition is publishing in April and the book should reach your desk in mid to late April. Shortly after that, the updated Teacher's Manual will arrive. The new edition includes recent Terms' decisions on standing (Massachusetts v. EPA), federal-question jurisdiction (Grable v. Darue), federal common law, the Eleventh Amendment, the Rooker-Feldman doctrine (Exxon Mobil Corp. v. SABIC), and habeas corpus, the last of which now devotes a full section to habeas corpus and the war on terror.

Federal Courts

Aspen Publishers 2009-12-01 For over two decades, Casenote Legal Briefs have helped hundreds of thousands of students prepare for classes and exams year after year with unparalleled results. Known throughout the law school community as high-quality legal study aids, Casenotes popular series of legal briefs are professional written briefs of the cases in your casebook coverage that is accurate and up-to-date editor's analysis explaining the relevance of each case to the course coverage built on decades of experience.

Supreme Court Denial of Citizen Access to Federal Courts to Challenge Unconstitutional Or Other Unlawful Actions

Carole E. Goldberg 1976

Cases and Materials on Federal Courts

Michael L. Wells 2007 The distinctive feature of this Federal Courts casebook, and the main difference between this and other Federal Courts books, is its systematic focus on remedial issues, especially the range of problems that arise when a litigant tries to enforce federal constitutional rights against state officers in the federal courts. Over the past fifty years, constitutional litigation has become a staple of the federal courts, and with it has come a number of doctrines aimed at channeling, timing, framing and otherwise regulating the way constitutional litigation is conducted. The Supreme Court's concerns have shifted away from such matters as the Erie doctrine and the relations between state and federal law, and toward the relations between federal courts and state officers. Current casebooks do not ignore these developments, but the books try to fit them into a model that is increasingly ill-suited to the task of presenting them in a straightforward and effective way. Departing from the traditional approach of Federal Courts books, the book begins with a chapter on Section 1983 litigation, and it includes the most comprehensive treatment of habeas corpus to be found in any Federal Courts casebook. The book stresses economy of means, clarity of presentation, and attention to the real-world Federal Courts issues that students need to be prepared for. At the same time, it gives due consideration to the constitutional questions that underlie these issues.
regard to the history and theory of Federal Courts Law, for one must read the cases in their historical context in order to understand them, and one cannot grasp the doctrine without studying the rationales that animate it. The book does, however, avoid extended treatments of issues that have great theoretical importance but little practical impact, and it gives little attention to historical debates that were once vital but have become largely irrelevant to modern Federal Courts law.

Hart and Wechsler's the Federal Courts and the Federal System Supplement—Richard H. Fallon, Jr. 2008-07 This 2008 Supplement updates the main text with recent developments. Topics discussed include the development and structure of the federal judicial system; cases and controversies; the original jurisdiction of the Supreme Court; the distribution of judicial power among federal and state courts; review of state court decisions by the Supreme Court; civil actions in the districts courts; federal common law; jurisdiction of the district courts; suits challenging official action; limitations on district court jurisdiction; federal habeas corpus; problems of district court jurisdiction; and appellate review of federal decisions.


Rule of Law and Fundamental Rights—Alfredo Narváez Medécigo 2015-11-07 This book, which originated from the broadly held view that there is a lack of Rule-of-law in Mexico, and from the emphasis of traditional academia on cultural elements as the main explanation, explores the question of whether there is any relationship between the system of constitutional review — and thus the ‘law’ as such — and the level of Rule-of-law in a given state. To do so, the author proposes the conceptual model for achieving Rule-of-law in an effective and practical way. The model consists of three systems of the United States, the Federal Republic of Germany, and Mexico. The study concludes that the two former states correspond to the model, while the latter does not. This is fundamentally due to the role each legal system assigns to ordinary jurisdiction in carrying out constitutional review. Whereas the US and Germany have fostered the policy that constitutional review regarding the enforcement of basic rights is the responsibility of ordinary courts, Mexico has relied too heavily on the specialized constitutional jurisdiction.

Enemy Combatant Detainees—Earl P. Bettinton 2009-01-01 After the U.S. Supreme Court held that U.S. courts have jurisdiction pursuant to 28 U.S.C. § 2241 to hear legal challenges on behalf of persons detained at the U.S. Naval Station in Guantanamo Bay, Cuba, in connection with the war against terrorism (Rasul v. Bush), the Pentagon established administrative hearings, called “Combatant Status Review Tribunals” (CSRTs), to allow the detainees to contest their status as enemy combatants, and informed them of their right to pursue relief in federal court by seeking a writ of habeas corpus. Lawyers subsequently filed dozens of petitions on behalf of the detainees in the District Court for the District of Columbia, where district court judges reached inconsistent conclusions as to whether the detainees have any enforceable rights to challenge their treatment and detention. In December 2005, Congress passed the Detainee Treatment Act of 2005 (DTA) to divest the courts of jurisdiction to hear some detainees’ challenges by eliminating the federal courts’ statutory jurisdiction over habeas claims by aliens detained at Guantanamo Bay (as well as other causes of action based on their treatment or living conditions). The DTA provides instead for limited appeals of CSRT determinations or final decisions of military commissions. After the Supreme Court rejected the view that the DTA left it without jurisdiction to review a habeas challenge to the validity of military commissions in the case of Hamdan v. Rumsfeld, the 109th Congress enacted the Military Commissions Act of 2006 (MCA) (P.L. 109-366) to authorize the President to convene military commissions and to amend the DTA to further reduce access to federal courts by “alien enemy combatants,” wherever held, by eliminating pending and future causes of action other than the limited review of military proceedings permitted under the DTA. In June 2008, the Supreme Court held in the case of Boumediene v. Bush that aliens designated as enemy combatants and detained at Guantanamo Bay have the constitutional privilege of habeas corpus. The Court also found that MCA § 7, which limited judicial review of executive determinations of the petitioners’ enemy combatant status, did not provide an adequate habeas substitute and therefore acted as an unconstitutional suspension of the writ of habeas. The immediate impact of the Boumediene decision is that detainees at Guantanamo may petition a federal district court for habeas review of the legality and possibly the circumstances of their detention, perhaps including challenges to the jurisdiction of military commissions.
wherever held, by eliminating pending and future causes of action other than the limited review of military proceedings permitted under the DTA. In June 2008, the Supreme Court held in the case of Boumediene v. Bush that aliens designated as enemy combatants and detained at Guantanamo Bay have the constitutional privilege of habeas corpus. The Court also found that MCA § 7, which limited judicial review of executive determinations of the petitioners’ enemy combatant status, did not provide an adequate habeas substitute and therefore acted as an unconstitutional suspension of the writ of habeas. The immediate impact of the Boumediene decision is that detainees at Guantanamo may petition a federal district court for habeas review of the legality and possibly the circumstances of their detention, perhaps including challenges to the jurisdiction of military commissions.

Protecting Constitutional Freedoms—Dana Braveman 1989 The federal courts, believes Braveman, are being systematically closed to individuals challenging the constitutionality of the conduct of state officials. Debate over the role of the federal court system in upholding constitutional rights is not new to readers of law journals and scholarly articles, but is here made accessible to the general public. Braveman gives a historical overview of the emergence of the federal courts as the guardian of constitutional rights, and focuses on specific cases and doctrines to illustrate a radical change in our judicial philosophy.


The Politics of Judicial Independence—Bruce Peabody 2011 The judiciary in the United States has been subject in recent years to increasingly vocal, aggressive criticism by media members, activists, and public officials at the federal, state, and local level. This collection probes whether these attacks as well as proposals for reform represent threats to judicial independence or the normal, even healthy, operation of our political system. In addressing this central question, the volume integrates new scholarship, current events, and the perennial concerns of Congress, the presidency, and public opinion. Through a diverse range of methodologies, the chapters explore the interactions and tensions among these three interests and the courts and discuss how these conflicts are expressed—and competing interests accommodated. In doing so, they ponder whether the U.S. courts are indeed experiencing anything new and whether anti-judicial rhetoric affords fresh insights. Case studies from Israel, the United Kingdom, and Australia provide a comparative view of judicial controversy in other democratic nations. A unique assessment of the rise of criticism aimed at the judiciary in the United States, The Politics of Judicial Independence is a well-organized and engagingly written text designed especially for students.

Federal Courts—David P. Currie 1975

Federal Courts—Charles Alan Wright 2008 The 12th Edition of Wright and Oakley’s Cases and Materials on Federal Courts retains the style and structure of the 11th Edition, with its distinctive emphasis on cases and annotative footnotes rather than lengthy comments and questions by the editors. It is fully up-to-date, including new principal cases, and fully revised annotations.

The Federal Courts—Robert A. Carp 1985 Introduces readers to the workings of the complex U.S. court system, from the selection and socialization of judges to the legal, political, and environmental elements of the decision-making process.