

Southern Illinois University Simmons Law School
Federal Courts
Fall 2025

Instructor Information:

Instructor: Joseph Moravec
Email:
Office: Room 202
Office Hours: By appointment

Class Sessions:

Mondays and Wednesdays from 4:30 – 5:45 PM in Room 202

Course Description:

As a field, Federal Courts is about the power of the federal judiciary, including when Courts can or cannot act, as well as when they must or may choose not to adjudicate a dispute. This is a course on federal jurisdiction and procedure, which necessarily encompasses questions of federalism and separation of powers, with the goal to study of not just a particular area of law, but rather the judiciary in general. This course combines advanced civil procedure and advanced constitutional law topics relating to the judicial branch, separation of powers, and our federal system of dual sovereignty.

During this semester, we will try to work through topics including the constitutional scope of the jurisdiction of the federal courts (and Congress's power to constrain that jurisdiction); the legal authority for, and substantive limits on, non-Article III courts; the jurisdictional interplay between state and federal courts; the availability of (and scope of sovereign and official immunity from) suits challenging state and federal official action; and the power to issue writs of habeas corpus. Some topics may be familiar to you from civil procedure or constitutional law; others will be new. It is important to note that the subject is far too broad to reach every topic which falls under the ambit of federal courts, and this course cannot reach all areas.

While Federal Courts is not specifically tested on the bar exam, this class covers some constitutional law and civil procedure materials that are tested on the UBE.

Expectations:

To be clear, the material covered in Federal Courts will require substantial effort to work through and truly absorb. Some concepts may be difficult to grasp at quick glance, and may require work beyond assigned readings to fully engage with the assigned material. That said, it is not my expectation that this course take on an outsized role in the balance of your other courses, and I have done my best to *limit* the reading to what is necessary to teach the concepts. To that end, I reserve the right to amend the syllabus as necessary to ensure we are working through material at an appropriate pace.

However, this comes with two expectations: First, that you come to class prepared—having read the assigned text, worked through it so you have an understanding of it, and are ready to discuss it with me and with your classmates. This is not the kind of material you can simply read the text in the hour before class and show up ready. The success of the class depends on each of your willingness to come prepared. Second, where you are not understanding the material, despite diligent effort, it is my expectation that you will

Course Learning Objectives:

At the end of this course, a student should be able to:

- Explain the fundamental course themes of limited jurisdiction, separation of powers, and federalism, and discuss these themes with reference to specific cases, statutes, and doctrines covered in class.
- Master the fundamentals of federal-court subject matter jurisdiction by learning the relevant constitutional provisions, statutes and judicial doctrines, and applying the rules to analyze whether there is federal jurisdiction in a hypothetical case.
- Be able to answer bar-style multiple-choice questions and write bar-style essay answers on topics covered on the civil procedure and constitutional law sections of the Multistate Bar Exam including justiciability, jurisdiction, federal common law, state sovereign immunity, and state-federal relations.
- Orally explain cases and doctrines covered in the class, through practice via call and individual and group problem solving.
- Understand and explain how the doctrines covered in the course can arise in federal court practice, and how the rules may be used strategically and tactically for litigation advantage.

Required Texts and Materials:

1. Federal Courts, by Doernberg, Lee, & McConville (6th ed.)
2. Supplemental cases, problems, assignments, or materials may be posted to D2L, including additional cases or materials not presented in the text.

Attendance:

The law school's policy regarding attendance applies to this course. In short, you are allowed to miss only **FOUR** classes during this course. If you miss more than four classes, you will be withdrawn from the course or receive the lowest possible grade. The only exception to this rule is if the Associate Dean for Academic Affairs excuses your absence for extraordinary circumstances (such as military service, jury duty, death of an immediate family member, etc.).

Note: If you maximize your absences, it can affect your participation grade. As described in the call policy in the next section, being unprepared in class can count as an absence.

Call and Attentiveness Policy:

I will call on students using a random call list. I expect each student to be prepared to discuss in class each day. I expect you, if called on, to be able to answer questions or to tell me specifically why you are unclear about an answer. We may hold a longer discussion with follow up questions, or I may move on to call on other students.

You may “opt out” before class by giving me a note before class telling me that you are not prepared to be on call. Each student may do this once per semester, a second time will count as an absence. However, the policy exists because attendance in class is valuable to both your learning and score on the final exam, so rather than simply skipping class if life circumstances arise that leave you unprepared, please come to class and opt out.

For your participation grade, I also take into account your professionalism. In other words, I will consider whether you behave with integrity and if you act respectfully towards your colleagues and myself.

I also have a zero-tolerance policy for using a computer or phone during class for non-class activities. The class is likely to be a smaller number of students and distractions on phones and computers affect your classmates’ and your ability to engage and learn from the class. Consider this the only warning you will receive. Failure to respect your peers in this way will affect your participation grade, and continued violation of the rule may result in a ban on bringing a computer to class.

Grading:

In addition to daily reading and participation, you will be required to complete additional assignments in this course. There will also be a final exam. At the end of the semester, I will add the points you earned for these assignments together with our participation grade. This will determine your final grade for the course.

Course reading and participation will be worth 20 percent of your grade. Class assignments will be worth an additional 20 percent of your grade. The final exam will be worth 60 percent of your grade. Final grades for the semester will be assigned based on the law school grading policy.

A note on suggested readings: throughout the semester I may add reading within or outside the coursebook which is only offered as suggestion. I will note this clearly, the material will not be tested on a final exam, and you will not be cold-called on the material (though I may ask for volunteers in class to discuss). However, I was once a law student and I understand the time constraints you are under, so if I offer suggested readings it is because I believe they may be valuable to your understanding of the course or especially interesting enough to warrant some extra time.

Finally, as you may already realize, issues of federal jurisdiction and separation of powers are litigated daily, and changes do occur often. You will be graded on the course materials *as taught* during the semester. If a court, particularly the Supreme Court, issues a decision during the semester which alters or amends some material we have already covered, we may review it together. But generally you are not responsible for outside developments in the law for the final exam or assignments.

Plagiarism, Collaboration, and the Use of Artificial Intelligence

Plagiarism is the act of taking someone else's work, ideas, or words and passing them off as your own without crediting the source. Plagiarism is not permitted in this course.

You are welcome to collaborate in preparing for class and in working through any non-graded practice problems or in class assignments, as noted in the syllabus, and I find that preparing to discuss the cases in a group setting may benefit you. In doing so, keep in mind that collaboration means working together to answer questions, or comparing one's own answers against another student's answers. However, it is not acceptable for one student to simply copy another student's answers or to divide up an assignment and copy each other's answers to the other parts. To really benefit from this course, you need to fully engage with the text and assignments yourself.

The final exam in this class is closed-book and no outside sources or collaboration with other students is allowed.

I understand the temptation that generative AI has become in writing, but I can assure you of the limitations, inaccuracies, and dangers of using this software—it is not fully accurate, is still being developed, and most importantly, using it in lieu of engaging with the course deprives you of the full understanding you gain from working through it on your own. It can be a shortcut, and I believe eventually will certainly play an outsized role in the practice of law, but for now I caution you to work through this course without any help from AI. We can discuss this more on the first day of class.

As for actual assignments, if you have plagiarized or used generative AI to complete any written assignment or to script oral presentation verbatim, you will receive **zero** points for that assignment. I will also follow the procedures outlined in the school's Honor Code. If you are found in violation of the Honor Code, you can face serious penalties, including expulsion. Long story short, **DON'T DO IT**. If you have any questions about this policy, just ask me, and we will discuss briefing on the first day of class as well.

Deadlines:

All lawyers operate on deadlines, whether they are set by your supervisor, your client, the court, or yourself. Therefore, in preparation for your future legal career, you will operate on deadlines in this course.

This course has "hard deadlines," meaning that you must complete your assignments on time. If you miss a deadline (even by one minute), you are required to send me your completed assignment and a Motion for Leave to File Out of Time explaining why I should excuse the late submittal. Just like federal judges, I will only grant your Motion if you demonstrate "good cause" for me doing so—and I get to determine what constitutes good cause. Given the additional time and effort it will take to draft a Motion for Leave to File Out of Time, and the risk that I may still deny the Motion and refuse to accept your assignment, I would make sure to meet all course deadlines.

If you know in advance that you will not be able to complete an assignment on time for a legitimate reason (you are having surgery, have required military duty, etc.) file a motion asking for an extension of the deadline as soon as possible. If you demonstrate good cause, I may give you extra time to complete the assignment.

Class Recordings:

This class is automatically recorded every day. If you would like one or more of these recordings, send me an email. If you attended that class, I will send you the recording. If you did not attend the class, you need to explain in the email why you were absent. I will send you the recording if you were absent for a legitimate reason (you were sick, participated in a school-related activity, family emergency, etc.). Note: watching a recording of a class does not count to satisfy an absence unless necessary to accommodate a disability or unless you request and receive my prior approval.

Class Schedule and Assignments through September 3:

Date	Class Number	Class Topic(s)	Homework Assignments
Before First Class			<ol style="list-style-type: none">1. Review the syllabus2. Read Prologue, Pages 1-18.3. Read US Constitution, Article III at page 1133-1134 and Article VI, Section 2 at page 1135.4. Suggested Reading: <i>Al Shimari v. CACI</i>, 679 F.3d 205 (4th Cir. 2012) (<i>en banc</i>). If you look at this case, only read the majority opinion. You are not expected to learn this case now, but skim the majority opinion and understand the general facts/issues in the case.
8/18	1	Intro to Federal Courts	<ol style="list-style-type: none">1. Re-read US Constitution, Article III, Page 1133-1134.2. Read 19-28, 31-46, 55-69
8/20	2	Advisory Opinions and Standing I	<ol style="list-style-type: none">1. Read 71-85, 104-110, 121-127, 131-133, 135 (note on organizational standing).
8/25	3	Standing II	<ol style="list-style-type: none">1. Read 136-139, 146-150, Note 2 at Page 150-155
8/27	4	Ripeness and Mootness	<ol style="list-style-type: none">1. 157-1642. <i>Bin Ali Jaber v. United States</i>, 861 F.3d 241 (D.C. Cir. 2017).2. Suggested: review notes/outline of <i>Baker v. Carr</i> (1962) and <i>Luther v. Borden</i> (1849) from Constitutional Law.

9/1	Labor Day – NO CLASS		
9/3	5	Political Questions	1. Justiciability Review Problem Assignment – Due 9/8 2. Further reading to be assigned
9/8	6	Congressional Control of Federal Courts and Separation of Powers	1.
9/10	7	Congressional Control of Federal Courts and Separation of Powers II	1.
9/15	8	Non-Article III Courts	1.
9/17	9	Federal Questions I	1.
9/22	10	Federal Questions II	1.
9/24	11	Federal Questions III	1.
9/29	12	Diversity Jurisdiction	1.

10/1	13	Federal Common Law	1.
10/6	14	Federal Common Law II and <i>Bivens</i>	1.
10/8	15	11 th Amendment	1.
10/13	16	11 th Amendment	1.
10/15	17	14 th Amendment and § 1983 Part I	1.
10/20	18	14 th Amendment and § 1983 Part II	1.
10/22	19	14 th Amendment and § 1983 Part III	1.
10/27	20	Abstention Doctrine	1.
10/29	21	Rooker- Feldman Doctrine	1.

11/3	22	SCOTUS Review of State Courts I	1.
11/5	23	SCOTUS Review of State Courts II	1.
11/10	24	Habeas Corpus I	1.
11/12	25	Habeas Corpus II	1.
11/17	26	Habeas Corpus III	1.
11/19	27	Course Wrap- Up and Final Exam Review	1.

* All assignments must be submitted before class begins on the due date except as otherwise noted.

** I reserve the right to change the homework assignments, deadlines, and required reading at any time for any reason.