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FEDERAL COURTS  
Context, Cases, and Problems



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# FEDERAL COURTS

## Context, Cases, and Problems

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**Wolters Kluwer**

Law & Business

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*For Debbie, Ben, and Noah*  
—MPA

*For Lora, Chloe, and Lily*  
—MF

*For Rosemary, Bob, Andy, and the 5Cs*  
—CLR

## P R E F A C E

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We believe that Federal Courts is one of the most challenging courses in the law school curriculum. It draws on principles from Constitutional Law, Civil Procedure, Remedies, and Administrative Law to name just a few law school courses. Moreover, the course requires a strong understanding of American history as well as philosophical underpinnings of government under the United States Constitution.

At the same time, Federal Courts is also an immensely practical course. For example, if one intends to actually enforce the constitutional rights afforded clients, an understanding of 42 U.S.C. § 1983 (Chapter 9) is usually indispensable. Similarly, if one intends to pursue a career as a state prosecutor, a public defender, or private criminal defense lawyer, the law of federal habeas corpus (Chapter 13) is critical to effective litigation in the criminal justice system. And for those who intend to engage in general civil litigation in federal courts, an understanding of subjects like justiciability (Chapter 2), subject matter jurisdiction (Chapters 5, 6, and 7), and abstention (Chapter 10) is vital to one's ability to secure access to the courts.

One of our principal goals in writing this textbook was to preserve the theoretical richness of the material while providing opportunities for students to put that information into practice. For these reasons, we have used a variety of methods to explore the material in each chapter. Most chapters begin with a "Reference Problem" designed to preview many of the issues that will be explored in the pages that follow. While students will not be ready to fully resolve the problem as they begin the chapter, the problem introduces the issues that follow and gives students an appreciation for their practical importance. Once students have completed their study of the chapter materials, students can return to the Reference Problem and assess their understanding.

Each chapter presents an overview of the relevant area of law. This narrative section is designed to allow students to see the forest before exploring the individual trees. In other words, it provides the broader context for the specific doctrines explored.

Our presentation of the chapter materials differs from that used in most legal textbooks. After reproducing the principal cases, we offer narrative text and questions and avoid use of numbered notes. We also periodically use charts, graphs, and other visual aids to offer working summaries of the material previously discussed. These aids are not meant to take the place of a student's own synthesis of the material, which is critical to the learning process. We believe, however, that a tentative structuring of the complex doctrines addressed in Federal Courts will enhance student synthesis. That said, we recognize that



your professor may have a different approach to the material, one that improves on the structures we have suggested.

Finally, each chapter includes intermittent problems that require students to apply the material just studied. These problems provide the opportunity to consolidate your understanding of a topic before moving on to a new topic. We conclude each chapter with a separate section providing yet more problems for review and discussion.

In sum, this text focuses on the *use* of the doctrines studied. If our approach assists you in your exploration of Federal Courts, we will consider it a success.

*Michael P. Allen*  
*Michael Finch*  
*Caprice L. Roberts*

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