Immunity Seminar: Spring 2013
Instructor: Stan Murphy

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Attendance Policy:
I will follow the law school's standard attendance policy.

Grading:
Your grade for the course will be based on a paper written on a topic related to immunity as well as class participation. You are free to choose any topic within this area, subject to its approval. The paper should be 15-20 pages. Your paper will be due the last day of the finals period for the term. Please email a copy directly to me.

Readings:
In place of a text I will assign cases and articles to read that you can find on Westlaw or Lexis or the library. There will be a reading assignment for each class session.

Class Discussion Schedule:
We will go over certain topic areas, including a general overview of different types of immunity, for the first several class sessions. Discussions for the remainder of the term will include reports by students on their areas of research, and the class readings will be selected and assigned around those topics. We will occasionally have guests with significant experience in the litigation of cases involving immunity.

Immunity Seminar: Readings

SOVEREIGN IMMUNITY (United States)

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State." U.S.Const. Amdt. 11.

Fitzpatrick v Bitzer, 96 S.Ct. 2666 (1976)
Seminole Tribe of Florida v. Florida, 116 S.Ct. 1114 (1996)
Kimel v Florida Bd. Of Regents, 120 S.Ct. 631 (2000)
UAB v. Garrett, 121 S.Ct. 955 (2001)
Garrett v. UAB, 344 F.3d 1288 (11th Cir. 2003)
Alden v. Maine, 119 S.Ct. 2240 (1999)
Monell v. Department of Social Services of City of New York, 98 S.Ct. 2018 (1978)

SOVEREIGN IMMUNITY (Alabama)

"That the State of Alabama shall never be made a defendant in any court of law or equity." Ala.Const. Art. I, § 14

Smith v. Tillman, 2006 WL 3334431 (AL 2006)
DeStafney v. University of Alabama, 413 So.2d 391 (AL 1981)
State of Alabama Highway Dept. v. Milton Construction, Co., 586 So.2d 872 (AL 1991)
Health Care Auth. For Baptist Health v Davis, 2011 Ala. Lexis 17

QUALIFIED IMMUNITY

Frederick v. Morse, 439 F.3d 1114 (9th Cir. 2006)
Hope v. Pelzer, 122 S.Ct. 2508 (2002)
Jenkins v. Talladega Bd. Of Education, 115 F.3d 821 (11th Cir. 1997)
Harlow v. Fitzgerald, 102 S.Ct. 2727 (1982)

ALABAMA INDIVIDUAL CAPACITY IMMUNITY

Ex parte Cranman, 792 So.2d 392 (AL 2000)
Ex parte Butts, 775 So.2d 173 (AL 2000)

OTHER READINGS

Sovereign Immunity and the Uses of History, 81 Neb. L. Rev. 1 (2002) by Susan Randall
Hafer v. Melo, 112 S.Ct. 358 (1991)