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Constitutional Litigation Under Section 1983

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Constitutional Litigation Under § 1983 exhaustively analyzes the varied problems that arise in civil rights suits alleging violations of the United States Constitution. The cases, questions, and commentary not only survey the stumbling blocks plaintiffs and defendants are likely to encounter in this type of federal litigation, but also address peculiar problems that tend to arise with specific constitutional rights - such as the Fourth Amendment's proscription on unreasonable searches and seizures, the Fifth Amendment's requirement of just compensation, and the Due Process Clause's requirements for properly extracting taxes. Topics include:

The elements of a § 1983 claim;
Sovereign immunity and the Eleventh Amendment's protection of state governments;
Local government liability for constitutional wrongs;
The availability of damages, declaratory judgments, and injunctive relief;
Absolute and qualified immunities for governmental officials;
Exhaustion of remedies before state agencies and courts;
Choice of law issues;
Res judicata and collateral estoppel;
Federal abstention doctrines;
The availability of relief against private persons; and
The availability of fee-shifting for successful litigants.

This book focuses on the particular problems that arise in litigation against states, local governments, and their agents under the United States Constitution. **Constitutional Litigation Under § 1983** is constructed to serve as the principal reading for a two- or three-hour course. The book uses the United States Constitution as a tool to convey to the student a succinct understanding of the policies, procedures, problems, and precedents that surround federal litigation with the government.

The Third Edition includes the following case excerpts and related discussions:
Connick v. Thompson
Safford Unified School District #1 v. Redding
Clapper v. Amnesty International
Hollingsworth v. Perry
US v. Windsor
Fox v. Vice
Perdue v. Kenney

The Appendix to **Constitutional Litigation Under § 1983** includes the text of relevant provisions in the United States Constitution, together with the text of pertinent statutes and procedural rules.

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