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Cases and Materials on Civil Rights and Constitutional Litigation (American Casebook Series)

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The new 5th edition retains the statute-based focus of the original, guiding students through the rules, doctrines, and theories that apply to major litigation under the three generations of primary civil rights statutes (the original statutes, sections 1983, 1981, 1982, and 1985(3), with their emphasis on constitutional litigation; the revolutionary statutes of the 1960's and early 1970's, Title VII, Title VI, the Voting Rights Act, and section 504), and the evolutionary enactments after 1990 (the Americans with Disabilities Act, the Civil Rights Amendments of 1991, and the judicially-limited Violence Against Women Act).
The 5th edition continues an emphasis begun in the 4th edition on legal realism and how the statutes respond to or fail to ameliorate real-life problems. The combination of statutory coverage and legal realism allows each professor to choose the topical areas and political viewpoints that he or she wishes to emphasize. In addition to widespread general updating, the new 5th edition significantly expands on prior editions with a new focus on Fourth Amendment litigation post-Scott, several new approaches – both substantive and procedural – to official immunity defenses, and new cases relating to the increasingly fractured sovereign immunity defense. In addition, a significant new sub-section explores the Supreme Court's attempt in the Ricci case to adjust the relation between disparate impact and disparate treatment analyses, highlighting its substantial impact on affirmative action concepts as well. Finally, the new 5th edition also covers the 2008 Amendments to the Americans With Disabilities Act and their significant alteration of the Court's previous attempts to restrict disability litigation. (The new edition will also include any new decisions anticipated through the end of the Supreme Court's 2010-11 Term, including the significant Wal-Mart decision and its impact on Title VII litigation.)

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