

Disarming the Private Attorney General

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1. Introduction
 - a. the notion of private attorneys general and civil rights law
 - b. two forms of retrenchment
 - i. redefinition of the right B e.g., *City of Mobile v. Bolden* and *Patterson v. McLean Credit Union*
 - ii. constriction of the remedial machinery
 - (1) Carol Steiker and "inclusionary" rules
 - (2) Daryl Levinson and remedial equilibration
2. The "Eleventeenth" Amendment
 - a. the regulation-remedy gap in light of Article I and the Eleventh and Fourteenth Amendments
 - b. *Seminole Tribe v. Florida* to *Alden v. Maine* to *Kimel* and , *Board of Trustees v. Garrett*
 - c. *Nevada v. Hibbs*, *Tennessee v. Lane*, and *United States v. Georgia*
 - d. *Alden* and political accountability and the role of private AG=s
3. Disimplied Rights of Action
 - a. *Cannon v. University of Chicago* to *Alexander v. Sandoval*
 - b. *Gonzaga University v. Doe* and Rights-Creating Language
 - c. ' 1983 and the lower courts
4. Short-Circuiting the Process of Public Adjudication: *Circuit City v. Adams*
5. Throttling the Catalyst Theory

- a. attorney=s fees and ' 1988(b)
- b. Buckhannon Board & Care Home, Inc. v. West Virginia Department of Health & Human Resources
- c. the division in the lower courts on what counts as a court-ordered change in legal relationship