Lecture 2

8/29

Martin v. Hunter’s Lessee, 14 U.S. 304 (1816)

Held that the US SCt has appellate jurisdiction over state courts concerning federal questions

* The VA SCt thought they did not because they were part of a different sovereign
* What are arguments in favor of the US SCt’s position?
* That the VA SCt would end up being the final authority on federal law in Virginia?
	+ But the US SCt could still take cases on federal law brought up through the fed ct system
	+ And the VA SCt could defer to these decision
* BUT what if there were no lower federal courts, as the US Const allows?
* There would be nothing for the US SCt to take
* This is a strong argument for the US SCt’s position in Martin, though it is in tension with the idea of dual sovereignty

**Distinguished SMJ, PJ, and venue**

subject matter jurisdiction concerns whether the case is of a type that can be entertained by a court
 - generally a problem only concerning federal courts (and state courts with respect to federal actions with exclusive federal SMJ)
 - however, within state or foreign court systems there can be SMJ problems due to the way the court system distributes cases on the basis of subject matter (e.g. family court, probate court)

personal jurisdiction concerns whether the sovereign standing behind a court system has adjudicative power over a **person**- one of the ways it can be created is through consent
 - consent cannot create SMJ

but even in the absence of consent a connection with the sovereign can create PJ (what types of connections work will be discussed later)

venue concerns whether the case is in the right court **within** a court system (usually on the basis of geographical criteria)

* Attempts to capture the idea of convenience to parties, location of witnesses

Multiple Choice.

In which case is it *most accurate* to say that the court system lacks subject matter jurisdiction?

a) the German system entertains an action between two Virginians under California tort law

* NO The system has general SMJ

b) the Russian system entertains an action between a Virginian and a Californian under federal securities law

 - NO The system has general SMJ – Congress cannot control this with respect to other countries because these other countries, unlike the states, did not give up some of their judicial power to the federal gov’t

c) the federal court system entertains an action between two Virginians under the Federal Age Discrimination in Employment Act, over which state courts have concurrent jurisdiction
- NO There is federal question SMJ – does not matter that state courts have concurrent SMJ

d) the federal court system entertains an action between two Virginians under California tort law
YES no SMJ – not federal question and not diversity/alienage

e) the Virginia state court system entertains an action between two Californians under Chinese tort law

* NO The system has general SMJ

**Sources of Federal Law that Regulate Federal Court Procedure**

* Constitutional Law
	+ E.g. “due process” clause from the 5th Amendment
		- This is what keeps federal courts from asserting power over out of country defendants when there is no PJ
	+ Other example? Art III
* Statutes
	+ Why is Congress given the power to regulate the lower federal courts?
	+ Since Congress creates them, that power, in combination with the Necessary and Proper Clause, gives them the power to regulate what they do
* Fed R Civ P
	+ In the Rules Enabling Act, Congress gave its power to regulate the federal district courts to the US Supreme Court
	+ These are like regulations
* Local rules of districts and of individual federal courts
* But also
* Federal Procedural Common Law
	+ Preclusion law – a party often cannot relitigate issues or claims (ex. If a patent is determined to be invalid from an earlier case, the party to the case can be bound by that determination in a new case involving infringement on the patent )
		- Not in constitution or statute
		- Federal procedural common law
* State Procedural Law is also sometimes applicable in federal court… will discuss later
* Sources of procedural law in state court

US Constitution – esp. 14th Amendment due process clause – this is what keeps a state court from asserting power over an out of state defendant unless there is PJ

* Each state also has its own sources of procedural law for its courts – state constitution, state statutes, state procedural common law, state codes

**Process of Litigation**

* Choosing a court
	+ Is there subject matter jurisdiction? Personal jurisdiction? Does the plaintiff not like procedural rules of that court?
* Drafting a complaint
	+ Stating grounds for jurisdiction, what the P claims happened, and type of relief requested
	+ Defendant can get case dismissed early if:
		- Lack of jurisdiction or venue
		- Failure to state a claim
			* Even if what the plaintiff claiming is true, if it doesn’t entitle relief, then it’s dismissed
				+ Ex. - If P alleges D caused P emotional distress because P wasn’t invited to party, P is not entitled to relief even if everything he says is true since there’s no tort that entitles it
				+ Good idea for plaintiff to identify the cause of action in complaint, but it’s not required
		- Failure to state a claim does not get rid of all actions that lack merit:
			* E.g. P alleges in his complaint that D has created a ray-gun that he aims at P in secret, giving P severe headaches
			* This states a claim (it is a battery) but the problem is that what P says is false – this cannot be gotten rid of at this point
	+ Defendant must then issue an answer to the complain
		- Defendant can dispute individual facts in allegations (wasn’t negligent, for example)
		- Or, defendant can agree with the allegations, but offer affirmative defenses
			* Contributory negligence
			* Statute of limitations
			* Claim preclusion
* Amendment – change the allegations or defenses from the original pleadings
* Discovery – learning the evidence the other side has/plans to use
* Summary judgement - motion for judgment if discovery shows that no reasonable jury could find for the other side
	+ This is where you would get rid of the ray gun case
* trial
* Post-trial motions
	+ Eg for new trial
* Appeals
* Preclusion - Claim preclusion – barring a party from suing a defendant over the same claim\, also issue preclusion

**Subject Matter Jurisdiction**

* Diversity and Alienage Jurisdiction
	+ Diversity – controversies between citizens of different states
	+ Alienage – controversy between citizen of a state and citizen or subject of a foreign country
	+ Justification for diversity/alienage
		- Issues of bias – a Virginia state court judge might be biased against a citizen from North Carolina – reasoning behind giving cases between citizens of different states to federal courts
		- If diversity were tailored to its purpose, only the out-of-stater would be able to sue in a federal court
		- And if both plaintiff and defendant are out-of-staters, there should be no diversity even if they are from different states
		- So diversity is poorly drafted for its purpose
	+ We will start on the scope of 28 USC 1332 – the diversity statute
	later we will talk about how far Congress could go in sending diversity and alienage cases to federal court under Article III