



JURISDICTION REQUIREMENTS



JUSTICIABILITY

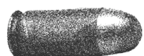
Article III of the Constitution sets forth certain preconditions, which **must** be satisfied before a federal court can adjudicate a lawsuit. The spirit of Article III is to ensure that the federal courts are **limited** in their jurisdiction to cases which can be resolved through the judicial process, and to ensure that the federal courts do not interfere with areas reserved for the other two branches of government.

One such precondition is that of **standing**. The *standing* requirement will be satisfied if the plaintiff has a legal and tangible interest at stake in the litigation, where there is a direct nexus between the plaintiff's injury and the federal violation. Also, the injury must be likely to be redressed by a favorable decision. In addition, the party must have an *ongoing stake in the controversy*, that is the case must not be **moot**. An exception to the *mootness* requirement exists when a case is capable of repetition yet evades review. Further, the facts of the case must be sufficiently crystallized, or **ripe**, as the court will not consider a hypothetical question. Lastly, the case must **not** involve a **political question**.



Before answering a Constitutional Law question, make sure it is a **JUSTICIABLE** controversy. The above **Bullet** should always guide you in determining how to begin an exam answer!!

- * Those who claim a violation of the Equal Protection Clause have *standing* to sue.
- * *Ripeness* - bars the consideration of an issue before a claim has developed; *Mootness* - bars the consideration of a case after the issue has been **resolved**.
- * A plaintiff's standing is a jurisdictional matter and thus a threshold question to be resolved before the court turns their attention to the more "substantive issues".



POLITICAL QUESTION

Nonjusticiable political questions are those issues committed by the Constitution to another branch of government, or those issues which are inherently incapable of resolution and enforcement by the judicial process.

These include: Questions regarding the right to a republican form of government, the process for ratifying Constitutional Amendments and challenges to the President's conduct regarding foreign policy.



The courts have consistently held that foreign policy questions are the exclusive domain of the President and Congress. Thus, in an exam situation, argue that foreign policy questions are non-justiciable.



TAXPAYER STANDING

Generally a **taxpayer** lacks *standing* to challenge the way federal money is spent. However, in certain circumstances taxpayers will possess standing; two requirements must be met: 1) the challenged legislation must have been enacted by Congress pursuant to the Taxing and Spending Clause power and 2) the legislation must exceed a constitutional limitation of the Taxing and Spending power.

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Thus far, the Court has only limited the Taxing and Spending power using the Establishment Clause as the constitutional limitation. (e.g., The Court has prohibited federal funds being used for the advancement of a particular religious sect.)



Make sure Congress used their *Taxing and Spending* power to enact the challenged legislation. (If they acted under the Property Clause or some other power - **no** taxpayer standing will be allowed.)



THIRD PARTY STANDING

Third party standing will be recognized if the plaintiff has himself suffered an injury, and the enforcement of the challenged statute requires that the plaintiff infringe upon another's rights. **Or**, if a special relationship exists between the litigant and the third party **and** if the third party finds it difficult to assert his own rights.

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Remember Craig vs. Boren, the case where a bar owner was granted standing to assert the constitutional rights of males under 21 in attacking a state law prohibiting the sale of beer to them but not to females under 21. The bar owner, who himself was over 21, used **third party standing** in order to have a *justiciable* controversy.



STANDING OF ORGANIZATIONS

An **organization** may have standing to challenge government action if they can show: 1) an injury to the organization itself, or 2) an injury to the members of the organization **and** 3) that the injury to the members is related to the organization's purpose and 4) if the organization can show that there is no need for the individual members to participate in the lawsuit.



ADEQUATE AND INDEPENDENT STATE LAW GROUNDS

If a state court has given an interpretation of state law, the Supreme Court **will not** review the decision **if** the state has made its decision upon **independent and adequate state law grounds**. The state court must make a clear statement in the opinion confirming that the decision is based upon state grounds. The rationale for the *independent and adequate state grounds rule* is that the federal courts only have *power* over the state courts to the extent that they incorrectly adjudicate federal rights.

- * "Adequate" means - that the state grounds upon which the case was decided are authoritative, so even if the state court decided federal law incorrectly, the decision would stand.
- * "Independent" means that the state court must have relied upon state law in coming to their decision.



You must know this one!!!

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EXAMINERS LOVE TO TEST ON CURRENT EVENTS !! ★★



ABSTENTION DOCTRINE

When a federal constitutional claim is premised on an unsettled question of state law, or where a state court has already begun proceedings, the **abstention doctrine** provides that absent a bad faith prosecution, the federal courts must abstain while the state court is reviewing the case.