complaining party would be subjected to the same action again, mootness will not be found when the complained-of conduct ends.[569] The imposition of short sentences in criminal cases,[570] the issuance of injunctions to expire in a brief period,[571] and the short-term factual context of certain events, such as elections[572] or pregnancies,[573] are all instances in which this exception is frequently invoked.

An interesting and potentially significant liberalization of the law of mootness, perhaps as part of a continuing circumstances exception, began in the 1970s in the context of class action litigation. It was established that, when the controversy becomes moot as to the plaintiff in a certified class action, it still remains alive for the class he represents so long as an adversary relationship sufficient to constitute a live controversy between the class members and the other party exists.[574] The Court was more closely divided in a 1980 case, *United States Parole Comm'n v. Geraghty*, in which a denial to certify a class was on appeal when the personal claim of the named plaitiff became moot. The Court held that in the class action setting there are two aspects of the Article III mootness question, the existence of a live controversy and the existence of a "personal stake" in the outcome for the named class representative.[575] Finding a live controversy remained for at least some class members, the Court determined that the named plaintiff retained a distinct interest in representing the class sufficient to satisfy the "imperatives of a dis-

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[569] Weinstein v. Bradford, 423 U.S. 147, 149 (1975); Murphy v. Hunt, 455 U.S. 478, 482 (1982). *See* Super Tire Engineering Co. v. McCorkle, 416 U.S. 115, 125–26 (1974), and id. at 130–32 (Justice Stewart dissenting), Friends of the Earth v. Laidlaw Envtl. Servs., 528 U.S. 167, 189–91 (2000),. The degree of expectation or likelihood that the issue will recur has frequently divided the Court. *Compare* Murphy v. Hunt, *with* Nebraska Press Ass'n v. Stuart, 427 U.S. 539 (1976); *compare* Honig v. Doe, 484 U.S. 305, 318–23 (1988), *with* id. at 332 (Justice Scalia dissenting).

[570] Sibron v. New York, 392 U.S. 40, 49–58 (1968). *See* Gerstein v. Pugh, 420 U.S. 103 (1975).

[571] Carroll v. President & Commr's of Princess Anne, 393 U.S. 175 (1968). *See* Nebraska Press Ass'n v. Stuart, 427 U.S. 539 (1976) (short-term court order restricting press coverage).

[572] *E.g.*, Moore v. Ogilvie, 394 U.S. 814, 816 (1969); Rosario v. Rockefeller, 410 U.S. 752, 756 n.5 (1973); Storer v. Brown, 415 U.S. 724, 737 n.8 (1974). *Compare* Mills v. Green, 159 U.S. 651 (1895); Ray v. Blair, 343 U.S. 154 (1952).

[573] Roe v. Wade, 410 U.S. 113, 124–125 (1973).

[574] Sosna v. Iowa, 419 U.S. 393 (1975); Franks v. Bowman Transp. Co., 424 U.S. 747, 752–757 (1976). A suit which proceeds as a class action but without formal certification may not receive the benefits of this rule. Board of School Commr's v. Jacobs, 420 U.S. 128 (1975). *See also* Weinstein v. Bradford, 423 U.S. 147 (1975); Pasadena City Bd. of Educ. v. Spangler, 427 U.S. 424, 430 (1976). *But see* the characterization of these cases in United States Parole Comm'n v. Geraghty, 445 U.S. 388, 400 n.7 (1980). Mootness is not necessarily avoided in properly certified cases, but the standards of determination are unclear. *See* Kremens v. Bartley, 431 U.S. 119 (1977).

[575] United States Parole Comm'n v. Geraghty, 445 U.S. 388, 396 (1980).