them civil rights and civil liberties cases.[1283] Time-consuming delays[1284] and piecemeal resolution of important questions[1285] were cited as a too-costly consequence of the doctrine. Actions brought under the civil rights statutes seem not to have been wholly subject to the doctrine,[1286] and for a while cases involving First Amendment expression guarantees seemed to be sheltered as well, but this is no longer the rule.[1287]

Abstention developed robustly with *Younger v. Harris*[1288] and its progeny, which delineate types of cases requiring abstention and disavow a broad rule warranting abstention whenever important state interests are at stake. The cases are discussed in more detail below in the context of federal injunctions of state courts.

Exhaustion of State Remedies.—A complainant will ordinarily be required, as a matter of comity, to exhaust all available state legislative and administrative remedies before seeking relief in federal court.[1289] To do so may make unnecessary federal-court adjudication. The complainant will ordinarily not be required, however, to exhaust his state judicial remedies, inasmuch as it is a litigant's choice to proceed in either state or federal courts when the alterna-

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[1283] McNeese v. Cahokia Bd. of Educ., 373 U.S. 668 (1963); Griffin v. School Board, 377 U.S. 218 (1964); Hostetter v. Idlewild Bon Voyage Liquor Corp., 377 U.S. 324 (1964); Baggett v. Bullitt, 377 U.S. 360 (1964); Davis v. Mann, 377 U.S. 678 (1964); Dombrowski v. Pfister, 380 U.S. 479 (1965); Harman v. Forssenius, 380 U.S. 528 (1965); Zwickler v. Koota, 389 U.S. 241 (1967); Wisconsin v. Constanineau, 400 U.S. 433 (1971).

[1284] England v. Louisiana Bd. of Medical Examiners, 375 U.S. 411, 426 (1964) (Justice Douglas concurring). *See* C. WRIGHT, HANDBOOK OF THE LAW OF FEDERAL COURTS 305 (4th ed. 1983).

[1285] Baggett v. Bullitt, 377 U.S. 360, 378–379 (1964). Both consequences may be alleviated substantially by state adoption of procedures by which federal courts may certify to the state's highest court questions of unsettled state law which would be dispositive of the federal court action. The Supreme Court has actively encouraged resort to certification where it exists. Clay v. Sun Insurance Office Ltd., 363 U.S. 207 (1960); Lehman Brothers v. Schein, 416 U.S. 386 (1974); Bellotti v. Baird, 428 U.S. 132, 151 (1976).

[1286] *Compare* Harrison v. NAACP, 360 U.S. 167 (1959), *with* McNeese v. Cahokia Bd. of Educ., 373 U.S. 668 (1963).

[1287] *Compare* Baggett v. Bullitt, 377 U.S. 360 (1964), *and* Dombrowski v. Pfister, 380 U.S. 479 (1965), *with* Younger v. Harris, 401 U.S. 37 (1971), and Samuels v. Mackell, 401 U.S. 66 (1971). *See* Babbitt v. United Farm Workers, 442 U.S. 289, 305–312 (1979).

[1288] 401 U.S. 37 (1971) (declining to federally enjoin state criminal prosecution in absence of bad faith, harassment, or patently invalid state statute). There is room to argue whether the *Younger* line of cases represents the abstention doctrine at all, but the Court continues to refer to it in those terms. *E.g.*, Sprint Communications, Inc. v. Jacobs, 571 U.S. ___, No. 12–815, slip op. (2013); Ankenbrandt v. Richards, 504 U.S. 689, 705 (1992).

[1289] The rule was formulated in Prentis v. Atlantic Coast Line Co., 211 U.S. 210 (1908), and Bacon v. Rutland R.R., 232 U.S. 134 (1914).