

A federal statute requires the National Bureau of Standards to establish minimum quality standards for all beer sold in the United States. The statute also provides that public hearings must precede adoption of the standards, and that once they are adopted, the standards will be subject to judicial review. While the proposed standards have not yet been announced, several Bureau officials have publicly expressed opinions indicating a belief that pasteurized beer is safer than unpasteurized beer. However, these officials have not stated whether they intend to include a pasteurization requirement in the standards.

A brewery that produces unpasteurized beer is concerned that, after the appropriate proceedings, the Bureau may adopt quality standards that will prohibit the sale of unpasteurized beer. The brewery has sued in federal district court to enjoin the Bureau from adopting standards that would prohibit the sale of unpasteurized beer.

How should the district court proceed with the suit?

- A. Determine whether the Bureau could reasonably believe that pasteurization is the safest process by which to brew beer and, if so, refuse to issue the injunction against the Bureau.
- B. Determine whether the process used by the brewery is as safe as pasteurization and, if so, issue the injunction against the Bureau.
- C. Refuse to adjudicate the merits of the suit and dismiss it, because it does not involve a justiciable case or controversy.
- D. Refuse to adjudicate the merits of the suit at this time and stay the action until the Bureau has actually issued beer-quality standards.

Explanation:

Justiciability

(suitability for judicial resolution)

Case or controversy

Prohibits advisory opinions under three doctrines:

- Standing – plaintiff must allege injury-in-fact caused by challenged action & redressable by remedy sought
- Ripeness – claim must present actual controversy involving past injury or present threat of injury
- Mootness – claim must be unresolved

Adequate & independent state grounds

SCOTUS cannot review final state court judgment that rests on adequate & independent state grounds

Political question

Court cannot hear case if issue presented:

- is reserved for executive/legislative branches *or*
- lacks judicially manageable standards for resolution

SCOTUS = Supreme Court of the United States.

A federal court should *not* proceed with a suit unless it is **justiciable**—ie, appropriate for judicial resolution—based on the following Article III requirements: (1) case or controversy, (2) no adequate and independent state grounds, and (3) no political questions. The **case-or-controversy requirement** is met if the plaintiff has **standing**—ie, suffered an **injury-in-fact** that was caused by the defendant and is redressable by the court. An injury-in-fact exists if the plaintiff alleges **actual**, or an **immediate threat** of, **harm**. Therefore, a court should dismiss a suit that is:

- unripe – the suit is based on the mere potential for, or future threat of, harm *or*
- moot – the suit no longer presents a live (ie, actual) controversy for the court to resolve.

Here, the brewery filed suit in federal district court to enjoin the Bureau from adopting standards that would prohibit the brewery from selling unpasteurized beer. But this suit does not involve a justiciable case or controversy because the Bureau has not adopted such standards (no actual harm) and public hearings that must precede the adoption have yet to occur (no imminent harm). Therefore, the court should refuse to adjudicate the merits of this unripe suit and dismiss it.

(Choices A & B) Since this suit is not justiciable, the court cannot consider its merits—eg, whether (1) the Bureau could reasonably believe that pasteurization is the safest process or (2) the brewery's process is as safe as pasteurization.

(Choice D) A federal court can *stay* (ie, suspend) a suit to (1) force a party to comply with a court order or (2) protect a party's rights. However, a federal court must *dismiss* a suit when, as here, it does not present a justiciable case or controversy.

Educational objective:

Article III limits the jurisdiction of federal courts to justiciable cases or controversies. This requires proof that the plaintiff has suffered an injury-in-fact—ie, an actual, or immediate threat of, harm. Therefore, a federal court must dismiss a suit involving future or resolved harm.

References

- U.S. Const. art. III, § 2 (case or controversy requirement).
- *Texas v. United States*, 523 U.S. 296, 300 (1998) (explaining when a claim is unripe for adjudication).

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