

A patient domiciled in State A sued a surgeon domiciled in State B in a federal court in State A, alleging claims for malpractice. The surgeon moved to dismiss the action for lack of personal jurisdiction. The court denied the motion and set discovery cutoff and trial dates.

The surgeon has appealed the denial of the motion.

Should the appellate court hear the merits of the surgeon's appeal?

- A. No, because the appellate court lacks jurisdiction over the appeal.
- B. No, because the district court's decision on jurisdiction is final.
- C. Yes, because a contrary appellate decision could terminate the action.
- D. Yes, because the surgeon's personal-jurisdiction challenge raises a constitutional question.

Explanation:

Final-judgment rule

Rule Appeal only allowed after final judgment

- If multiple claims/parties, final judgment as to fewer than all claims/parties appropriate if court expressly determines no justifiable reason for delay

Exceptions Interlocutory appeals* concerning:

- Injunction (grant/denial)
- Certification by district court
- Class action certification
- Appointment of receiver
- Admiralty case
- Collateral-order doctrine
- Bankruptcy cases (certain orders)
- Mandamus (petition for writ)
- Patent infringement order (only accounting left)

Mnemonic: In Certain Circumstances, An Appeal Can Be Made Prematurely

*Appeal from trial court ruling that occurs before entry of final judgment.

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28 U.S.C. § 1291 limits **appellate jurisdiction** to appeals from a **final judgment**—ie, a decision that **fully resolves a dispute** on the merits and leaves nothing for the district court to do but enforce the judgment. This rule promotes judicial efficiency and avoids undue delay caused by multiple appeals. Therefore, absent specific exceptions, an appeal must be dismissed for lack of jurisdiction if no final judgment has been entered.

Here, the district court's denial of the surgeon's motion to dismiss for lack of personal jurisdiction is not a final judgment. That is because the denial did not fully resolve the dispute by deciding whether the surgeon is liable for malpractice. And since a denial of this motion is not excepted from the final-judgment rule, the appellate court lacks jurisdiction to hear the merits of the surgeon's appeal.

(Choice B) The district court's decision on jurisdiction is *not* final and can be challenged in an appeal from a final judgment.

(Choice C) Although a contrary appellate decision—ie, a decision that personal jurisdiction is lacking—could terminate the action, an appeal at this stage is premature because the district court has not issued a final judgment.

(Choice D) The fact that the surgeon's personal-jurisdiction challenge raises a constitutional question does not give the appellate court jurisdiction to hear the appeal at this time. Instead, the appellate court will decide all contested issues—constitutional and otherwise—in one appeal after a final judgment is issued.

Educational objective:

The final-judgment rule bars federal appellate courts from hearing an appeal until the district court has entered a final judgment—ie, a decision that fully resolves the dispute on the merits and simply requires the district court to enforce the judgment.

References

- 28 U.S.C. § 1291 (final-judgment rule).
- *Lauro Lines s.r.l. v. Chasser*, 490 U.S. 495, 497 (1989) (defining final judgment).

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