

A state statute requires all workers' compensation actions filed in state court to be decided by a judge. A woman brought a workers' compensation action in state court against her employer for injuries she sustained at work. The woman demanded a jury trial, but the court denied her request pursuant to the state statute.

Is the state statute likely constitutional?

- A. No, because denying a jury trial only in workers' compensation actions violates equal protection of the laws.
- B. No, because the Seventh Amendment guarantees the woman a jury trial.
- C. No, because the Sixth Amendment requires a jury to decide the outcome of the case.
- D. Yes.

## Explanation:

The first 10 amendments to the U.S. Constitution (ie, the **Bill of Rights**) protect individuals from government overreach. These protections limit the power of the federal government, and most **apply to the states** with equal force through incorporation into the **Fourteenth Amendment due process clause**—with three **exceptions**:

- The Third Amendment prohibition against the government **quartering soldiers** in individuals' homes
- The Fifth Amendment requirement of a **grand jury indictment** to charge a person with a capital offense
- The Seventh Amendment guarantee of a **jury trial in civil cases**\*

Here, the state court denied the woman's jury trial demand pursuant to a state statute requiring judges to decide the outcome of workers' compensation suits. Since the **right to a jury trial** in civil cases has *not* been incorporated into the Fourteenth Amendment due process clause, this right does not apply in state court. As a result, the woman has no right to a jury trial, and the statute is likely constitutional **(Choice B)**.

\*The Supreme Court incorporates a protection under the Bill of Rights into the Fourteenth Amendment due process clause if the protection is fundamental to the scheme of ordered liberty or deeply rooted in the history and tradition of the United States.

**(Choice A)** The statute implicates the Fourteenth Amendment **equal protection** clause because it treats workers' compensation claimants differently than other civil claimants. However, the statute does not substantially impact a **fundamental right** or protected class, so rational basis scrutiny applies. Since this low level of scrutiny is easily met, the statute likely *complies* with the equal protection clause.

**(Choice C)** The Sixth Amendment right to a jury trial attaches to any *criminal* proceeding in which the defendant could be sentenced to more than six months in prison. But since the woman filed a *civil* action, this right does not apply here.

## Educational objective:

Every Bill of Rights protection applies to the states except (1) the Third Amendment prohibition against the government quartering soldiers in individuals' homes, (2) the Fifth Amendment requirement of a grand jury indictment for capital offenses, and (3) the Seventh Amendment right to a jury trial in civil cases.

## References

- *Minneapolis & St. Louis R.R. Co. v. Bombolis*, 241 U.S. 211, 217–18 (1916) (explaining that the Seventh Amendment right to a jury trial in civil cases does not apply to the states).

- McDonald v. City of Chi., 561 U.S. 742, 765 n.13 (2010) (reaffirming that the Seventh Amendment guarantee of a civil jury trial has not been incorporated into the Fourteenth Amendment due process clause).

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### Applicability of Bill of Rights to states

