

With the advice and consent of the Senate, the President entered into a self-executing treaty with a foreign country. The treaty provided that citizens of both nations were required to pay whatever tort damages were awarded against them by a court of either nation.

A man and a woman who were U.S. citizens and residents of the same state were traveling separately in the foreign country when their cars collided. The foreign court awarded the woman a judgment for \$500,000 in damages for her injuries from the accident.

The woman filed suit against the man in federal district court in their home state to enforce the judgment. The man filed a motion to dismiss for lack of jurisdiction.

Should the court grant the motion to dismiss?

- A. No, because the case falls within the federal question jurisdiction of the court.
- B. No, because the treaty power is plenary and not subject to judicial review.
- C. Yes, because the citizenship of the parties is not diverse.
- D. Yes, because the traffic accident was a noncommercial transaction outside interstate commerce.

Explanation:

Subject-matter jurisdiction

(a court's authority to hear a particular type of case)

Federal-question jurisdiction

- Case arises under the Constitution, federal law, or federal treaty

Diversity jurisdiction

- Amount in controversy exceeds \$75,000 (exclusive of interest & costs) *and*
- Parties are citizens of different states

A **federal court's subject-matter jurisdiction** (ie, authority to hear a case) arises under either:

- **federal-question jurisdiction** – when the case arises under the **Constitution**, a **federal law**, or a **treaty** *or*
- **diversity jurisdiction** – when the amount in controversy exceeds \$75,000 and the parties are **citizens** of different states.

Here, the woman filed suit in federal district court to enforce the foreign court's judgment against the man, which he was required to pay pursuant to a valid treaty. Since the case falls within the court's federal-question jurisdiction, the court has subject-matter jurisdiction to hear it. Therefore, the court should *deny* the man's motion to dismiss.

(Choice B) The President has plenary (ie, exclusive) authority to enter into treaties with the Senate's advice and consent. But federal courts have the power to decide cases that arise under such treaties (as seen here).

(Choice C) The district court lacks diversity jurisdiction because the parties are citizens of the same state. But the court nevertheless has federal-question jurisdiction because the case arises under a treaty.

(Choice D) The accident's relationship to interstate commerce is relevant to Congress's legislative power under the Article I **commerce clause**—but not to the jurisdiction of federal courts pursuant to Article III.

Educational objective:

Subject-matter jurisdiction can stem from federal-question jurisdiction (ie, the case arises under the Constitution, a federal law, or a treaty) OR diversity jurisdiction (ie, the amount in controversy exceeds \$75,000 and the parties are citizens of different states).

References

- 28 U.S.C. § 1331 (federal-question jurisdiction).

- 28 U.S.C. § 1332 (diversity jurisdiction).

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