

A state law provides for an award of damages against anyone who publishes the name of a rape victim. Pursuant to that law, a woman sued a local newspaper in state court after the newspaper identified her as a rape victim.

The state trial and appellate courts rejected the claim, holding that the state law was invalid under both the state constitution and the First Amendment of the U.S. Constitution. The state supreme court affirmed, holding specifically: "We think that this well-intentioned law very likely violates the First Amendment of the federal Constitution. We need not, however, decide that issue, because the law assuredly violates our state constitution, which provides even greater protection to the right of the press to report the news."

The woman petitioned for review in the U.S. Supreme Court.

Is the U.S. Supreme Court likely to review the state supreme court judgment?

- A. No, because the First Amendment prohibits the imposition of liability for the publication of truthful information.
- B. No, because the judgment of the state supreme court rests upon an adequate and independent state-law ground.
- C. Yes, because the supremacy clause does not permit a state to create rights greater than those conferred by the federal Constitution.
- D. Yes, because the U.S. Supreme Court's appellate jurisdiction extends to cases arising under federal law.

Explanation:

Adequate & independent state ground

(precludes SCOTUS review)

Adequate State ground fully resolves matter & application of federal law would not affect outcome

Independent State court did not rely on federal law to reach conclusion

SCOTUS = Supreme Court of the United States

The **U.S. Supreme Court** (SCOTUS) may exercise its **appellate jurisdiction** to review a judgment of the highest court of a state if that judgment turned on federal law. But SCOTUS **may not review** a state court judgment that rests on an **adequate and independent state ground**—ie:

- a state ground that **fully resolves the matter** such that the application of federal law would not affect the outcome of the case (adequate) *and*
- the **state court did not rely on federal law** to reach its conclusion (independent).

Here, the state supreme court indicated that the state law very likely violates the U.S. Constitution. But the court also stated that it need not decide that federal issue because the law assuredly violates the state constitution. Since the state ground fully resolves the matter and the court did not rely on federal law to interpret the state constitution, SCOTUS is *unlikely* to review the state court judgment (**Choice D**).

(Choice A) The First Amendment **freedom of the press** generally bars liability for publicizing truthful information. But this does not provide a basis for SCOTUS to decline to review a case. Instead, review is improper here because the state court decision was based on an adequate and independent state ground.

(Choice C) The Article VI **supremacy clause** establishes that the U.S. Constitution and federal laws trump conflicting state laws. Therefore, states cannot restrict rights conferred by the U.S. Constitution. However, states are always free to create *greater rights and protections* than the U.S. Constitution does.

Educational objective:

The U.S. Supreme Court cannot review a state court judgment that rests on an adequate and independent state ground—ie, (1) a state ground fully resolves the matter such that the application of federal law would not affect the outcome of the case and (2) the state court did not rely on federal law to reach its conclusion.

References

- Michigan v. Long, 463 U.S. 1032, 1041 (1983) (holding that a state supreme court can plainly state that its decision rests on adequate and independent state-law grounds).
- 4 Am. Jur. 2d Appellate Review § 42 (2019) (explaining the adequate and independent state ground doctrine).

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