

A woman contracted for expensive cable television service for a period of six months solely to view the televised trial of a man who was on trial for murder in a state court. In the midst of the trial, the judge prohibited any further televising of the man's trial because the judge concluded that the presence of television cameras was disruptive.

The woman brought an action in a federal district court against the judge in the man's case and sought an injunction that would require the judge to resume the televising of the man's trial. The woman alleged that the judge's order to stop televising the trial deprived her of property—her investment in cable television service—without due process of law.

Before the woman's case came to trial, the man's criminal trial concluded in a conviction and sentencing. There do not appear to be any obvious errors in the proceeding that led to the result in the man's case. After the man's conviction and sentencing, the judge moved to dismiss the woman's suit.

What is the most proper disposition of this motion by the federal court?

- A. Defer action on the motion until after any appellate proceedings in the man's case have concluded, because the man might appeal, his conviction might be set aside, he might be tried again, and television cameras might be barred from the new trial.
- B. Defer action on the motion until after the state's supreme court expresses a view on its proper disposition, because the state law of mootness governs suits in federal court when the federal case is inexorably intertwined with a state proceeding.
- C. Deny the motion, because the woman has raised an important constitutional question—whether her investment in cable service solely to view the man's trial is protected by the Fourteenth Amendment due process clause.
- D. Grant the motion, because the subject matter of the controversy between the woman and the judge has ceased to exist and there is no strong likelihood that it will be revived.

### Explanation:

Federal courts have the power to decide **actual cases and controversies**—ie, disputes that are capable of judicial resolution. But once the **plaintiff's harm is resolved**, his/her claim becomes **moot** and should be dismissed **unless**:

- the harm is **capable of repetition** yet **evading review** due to a reasonable chance that the same harm will (1) affect the plaintiff again and (2) not last long enough to be fully litigated (eg, pregnancy) *or*
- the **defendant voluntarily stops** the challenged action but **can resume** it at any time.

Here, the woman sued in federal court to force the judge to resume televising the man's murder trial. But before the court could consider her claim, this controversy ceased to exist because the man was convicted and sentenced. And the controversy is not likely to be revived since there were no obvious errors in the man's trial warranting a new trial. Therefore, this controversy is moot, and the federal court should grant the judge's motion to dismiss.

**(Choice A)** It is highly unlikely that the man will succeed on appeal. But even if he does and obtains a new trial, it is pure speculation whether television cameras will again be barred from the courtroom. Therefore, the woman's suit is moot and should be dismissed—not deferred.

**(Choice B)** Federal courts always apply *federal* law to decide **procedural issues** like mootness—even when the federal case is inexorably intertwined with a state proceeding.

**(Choice C)** The woman's claim would require the court to determine whether her investment in the cable service is a **property interest** protected by the Fourteenth Amendment due process clause. But the fact that a claim raises an important constitutional question does not make it an actual case or controversy subject to judicial review.

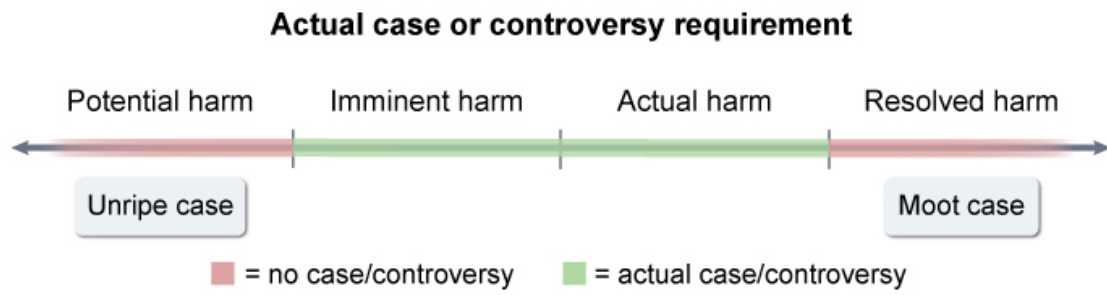
### Educational objective:

When the plaintiff's harm is resolved, his/her claim becomes moot and must be dismissed unless (1) the harm is capable of repetition yet evading review or (2) the defendant voluntarily stops the challenged action but can resume it at any time.

### References

- U.S. Const. art. III, § 2 (case or controversy requirement).
- *Turner v. Rogers*, 564 U.S. 431, 439–40 (2011) (explaining the mootness doctrine and its exceptions).
- 32 Am. Jur. 2d Federal Courts § 575 (2019) (defining mootness and its exceptions).

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