

A plaintiff challenged the constitutionality of a state tax law, alleging that it violated the equal protection clauses of both the United States Constitution and the state constitution. The state supreme court agreed and held the tax law to be invalid. It said: "We hold that this state tax law violates the equal protection clause of the United States Constitution and also the equal protection clause of the state constitution because we interpret that provision of the state constitution to contain exactly the same prohibition against discriminatory legislation as is contained in the equal protection clause of the Fourteenth Amendment to the United States Constitution."

The state sought review of this decision in the United States Supreme Court, alleging that the state supreme court's determination of the federal constitutional issue was incorrect.

How should the United States Supreme Court dispose of the case if it believes that this interpretation of the federal Constitution by the state supreme court raises an important federal question and is incorrect on the merits?

- A. Refuse to review the decision of the state supreme court, because a state government may not seek review of decisions of its own courts in the United States Supreme Court.
- B. Refuse to review the decision of the state supreme court, because it is based on an adequate and independent ground of state law.
- C. Reverse the state supreme court decision, because the equal protection clause of a state constitution must be construed by the state supreme court in a manner that is congruent with the meaning of the equal protection clause of the federal Constitution.
- D. Reverse the state supreme court decision with respect to the equal protection clause of the federal Constitution and remand the case to the state supreme court for further proceedings, because the state and federal constitutional issues are so intertwined that the federal issue must be decided so that this case may be disposed of properly.

Explanation:

The **Supreme Court** of the United States (SCOTUS) has **appellate jurisdiction** over most **final state-court decisions** that present a **federal question**. But SCOTUS *cannot exercise* jurisdiction over, or review the merits of, such decisions if they are based on **adequate and independent state grounds**. This occurs when:

- **state law fully resolves** the issue and the outcome of the case is not affected by federal law (ie, adequate state grounds) *and*
- the final state-court decision is reached **without relying on federal precedent** (ie, independent state grounds).

Here, the state supreme court held that the state tax law violates the equal protection clauses of both the federal and state constitutions (adequate state grounds). But since that decision relied on the federal constitution to interpret the state constitution (no independent state grounds), SCOTUS has jurisdiction to *reverse** the state's interpretation of the federal constitution (**Choice B**). Once it does so (resolving the federal question), it must then remand the case to the state supreme court for further proceedings on the remaining state-law issues.

*A remand would be unnecessary if SCOTUS agreed with (ie, affirmed) the state's interpretation of the federal constitution since there would be no issues remaining to be settled.

(Choice A) A state government can seek SCOTUS review of its own state-court decisions so long as they are *not* based on adequate and independent state grounds (as seen here).

(Choice C) States are not required to construe their constitutions in a manner congruent (ie, consistent) with the U.S. Constitution because states can always grant *broader constitutional protections*.

Educational objective:

SCOTUS has discretion to exercise appellate jurisdiction over state supreme court decisions that present a federal question—unless those decisions are based on adequate *and* independent state grounds. But once it resolves the federal question, SCOTUS must remand the case to the state supreme court if any state-law issues remain.

References

- 4 Am. Jur. 2d Appellate Review § 46 (2019) (explaining that state and federal grounds are interwoven when the state court decides that the state provision is identical to the federal provision).

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Jurisdiction of United States Supreme Court

