

FEDERAL COURT JUSTICIABILITY AND JURISDICTION, OR, WHAT CASES CAN THE FEDERAL COURTS HEAR AND DECIDE?

A legal proceeding has to meet several qualifications in order to be heard by the federal courts. Generally these break down into two sorts: justiciability and jurisdiction. Each of these, in turn, may be based either on constitutional provisions or something other than the constitution, such as a law of Congress or judicial policy.

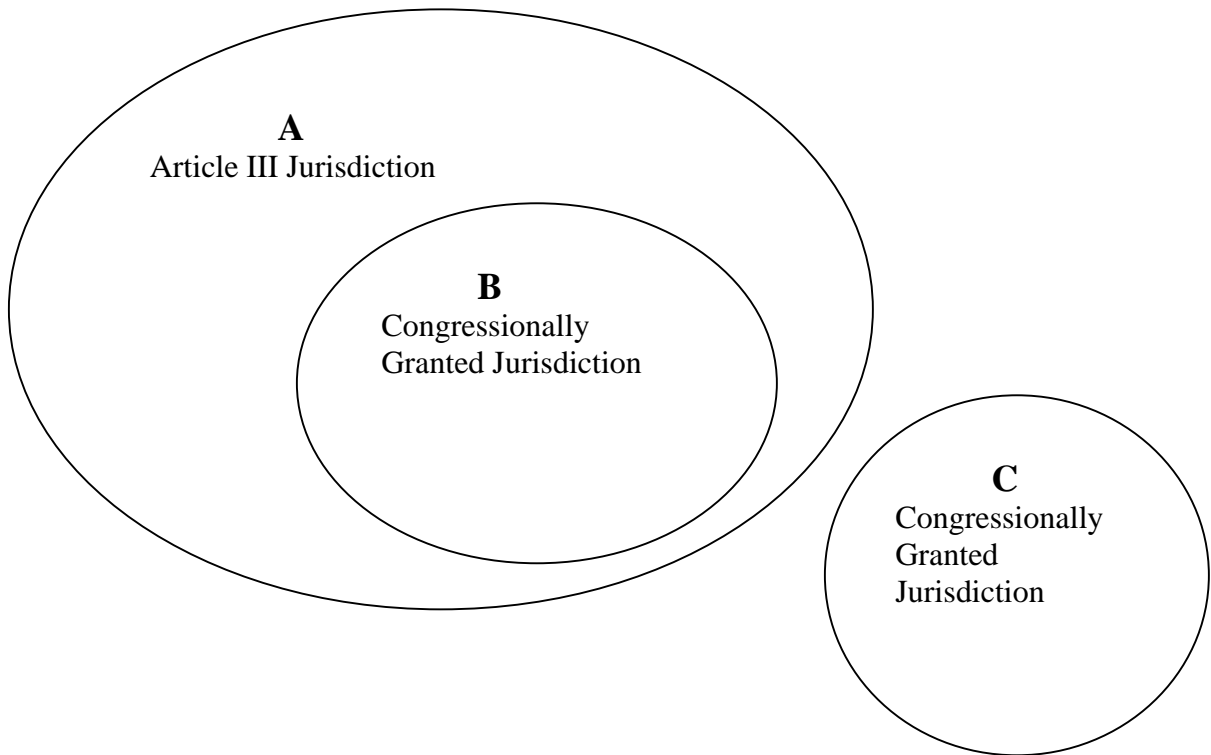
1. Justiciability: A real and substantial controversy that is appropriate for judicial determination.

In federal courts, justiciability is governed mainly by the courts' understanding of the "cases and controversies" requirement of Article III, Section II. In other words, if something isn't a case or controversy, it isn't appropriate (or even permissible) for the courts to decide it. The main limitations, as developed by the courts are these:

- No advisory opinions (guidance given to the legislative or executive branches as to the constitutionality of a proposed or pending law or action).
- Standing requirement (plaintiff must have suffered an injury that the federal courts can redress).
- Ripeness requirement (the injury must be real and not speculative or potential).
- Mootness requirement (the issues must still be unresolved at the time the court decides the case).
- No political questions (questions best decided by the political process).

2: Jurisdiction: The power of a particular court (or type of court) to hear and decide a particular case (or type of case).

In the federal courts, jurisdiction must be authorized by both the Constitution and Congress. Congress may *restrict* the jurisdiction granted by Article III, Section 2 of the Constitution, but Congress may not *expand* that jurisdiction. Thus, in the below chart, the courts may hear only the cases authorized in circle B, since circle A is not enough and circle C is too much jurisdiction.



Generally, Congress had granted two types of federal jurisdiction:

- Federal Question Jurisdiction (involves the Constitution or a question of federal law).
- Diversity Jurisdiction (parties are from different states).

Congress may also (subject to the limits and requirements of Article III) determine which courts have original jurisdiction and which have appellate jurisdiction, and make “exceptions and regulations” regarding the Supreme Court’s appellate jurisdiction.