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Chapter 1 : Federal Question Jurisdiction | Federal Practice Manual for Legal Aid Attorneys

Federal question jurisdiction is one of the two ways for a federal court to gain subject-matter jurisdiction over a case (the other way is through diversity jurisdiction). Generally, in order for federal question jurisdiction to exist, the cause of action must arise under federal law.

FQJ only if P relies on federal law as the source of their right to relief. Ash â€¦ P is part of class for whose special benefit the federal law was created. Whether there was Congressional intent for a private right of action. Delta Whether a private right of action would further the legislative scheme Federal courts good at this type of case? Whether this area traditionally part of state law. Is there an essential federal ingredient embedded in an otherwise nonfederal claim? Is the federal ingredient actually disputed in the context of the case? Is the federal ingredient important in the sense that it is particularly appropriate for resolution in a federal court? Would treating the claim as "arising under" upset the congressionally mandated allocation of jurisdiction between state and federal courts? Most federal cases involve diversity cases and cases "arising under" the Constitution of the US. Mottley P sued RR for breach of contract because a federal statute prohibited the RR from renewing their passes for free travel. In their answer, D did rely on the federal statute for their defense. A case only "arises under" federal law if the P relies on federal law as the source of their right to relief. Shoshone "Well Pleaded Complaints" From Mottley, the court is required to consider not what the P has pleaded but what P needed to plead to state their cause of action. This is to prevent manipulation by Ps; if Ps could make a federal case out of a state law claim by including unnecessary references to federal law in their complaints, arising-under jurisdiction could be created by simply including peripheral or even irrelevant references to federal issues in the complaint. In Mottley, their claim was a breach of contract claim and did not "arise under" federal law, as interpreted by 28 USC A federal law must include a private right of action either implicit or explicit in order for a party to bring suit in federal court. Implicit test parameters from Cort v. Ash â€¦ Is P part of class for whose special benefit the Act was created? Look at whatever Congressional intent that might exist Ask "would a private cause of action further the legislative scheme? How specific are the guidelines? Was it traditionally part of state law? Take a look at possible case load It is very rare to find an implicit private right of action. Most courts focus on the Congressional intent factor Love v. Was later extended to 5th and 8th Amendments. Kansas City Title, refined by Grable Is there an essential federal ingredient embedded in an otherwise nonfederal claim? Broadens the scope of 28 USC jurisdiction and upsets the totality of the "creation test. Bank of the US, SCOTUS held that Article III granted jurisdiction over all cases where a question of federal statutory or constitutional law "forms an ingredient" of a case applies to defenses and counterclaims that arise under federal law. However, this is unimportant since 28 USC is interpreted using Mottley. Congress could do away with the Mottley rule by amending 28 USC if they wanted to. Congress can add as many limits or broaden up to the limits of the Constitution onto 28 USC as they want. Federal Law in State Courts Just because a claim can be filed in federal court Mottley test passed, etc does not mean that it has to be. State courts can adjudicate these claims. The jurisdiction of the federal and state courts over most types of federal law cases is said to be "concurrent" the courts of both systems can entertain these cases. There is an exception for claims that Congress provides by statute that are exclusively within the jurisdiction of the federal courts. Cases where P sues in state court for state claims and D relies on federal law as defense. Cases where P sues in state court and D asserts a counterclaim arising under federal law.

Chapter 2 : Unanimous Supreme Court Narrows â€œArising Under Patent Lawsâ€• Jurisdiction

In United States law, federal question jurisdiction is the subject-matter jurisdiction of United States federal courts to hear a civil case because the plaintiff has alleged a violation of the United States Constitution, federal law, or a treaty to which the United States is a party.

New York Law Journal February Two often-confused doctrines are those of federal preemption, and removal from a state court of actions over which the federal district courts have original jurisdiction. A defendant may remove an action from a state court to the appropriate federal district court only if the action pled by plaintiff is one over which the federal district courts have original jurisdiction. If an action is removable, the actual procedure to do so is quite straightforward and is set forth in 28 U. Great care should be exercised in removal, however, because improper removal is subject to a motion to remand which is, at a minimum, embarrassing. Raising a defense under federal law is not among the grounds for removal. But what if the state law claims asserted by the plaintiff are governed by federal law? Is the case therefore removable? For example, in matters of airline passenger safety, federal aviation statutes and regulations control. Thus, any claim by a passenger under state common law theories, e. American Airlines, F. United Airlines, 96 Cal. Delta Airlines, F. However, just because federal law governs preempts the matter does not make an action removable. Removal of a case from state court because an attorney believes correctly that the substantive law governing the action brought against his or her client is federal law can be problematic and require careful analysis. The Supreme Court has found only three statutes to have the requisite extraordinary preemptive force to support complete preemption: These issues were joined and explained marvelously in a decision from the U. Court of Appeals for the Second Circuit, Sullivan v. The case, decided Sept. Airlines, like railways, are covered by the Railway Labor Act pursuant to amendments of that Act passed by Congress in The plaintiffs Sullivan, et al. During the course of the campaign, according to the plaintiffs, the opposing candidatesâ€”defendants, including defendant Gilâ€”posted in the workplace flyers disparaging plaintiffs. Another flyer appeared accusing Gil of having lied about his ethnicity. Pursuant to its rules concerning workplace harassment, American Airlines investigated the posting of the flyers. It delegated responsibility for the investigation to two of its managers, who also became individual defendants. During the investigation, American suspended the three plaintiffs with pay. During the suspension, the election occurred and Sullivan and one of the other plaintiffs lost. Following a grievance by the union, American reduced the terminations to suspensions accompanied by written warnings. Unsatisfied with that outcome, plaintiffs filed suit in New York state court alleging three counts of defamation. Count 1 accused the opposing candidates of defaming the plaintiffs under New york law by posting certain flyers, and contended that American was jointly liable for the defamation because it allowed the flyers to remain on the company bulletin board. Finally, Count 3 accused one of the opposing candidates of defaming the plaintiffs by making certain statements at a union meeting. All three counts plainly sounded in state law of defamation. Supreme Court has previously held under the Railway Labor Act and similarly in parallel cases under the National Labor Relations Act, NLRA that where resolution of the state law claims depends on interpretation of the collective bargaining agreement, the claim is preempted by the RLA and must be arbitrated. Norris was a classic case of ordinary defensive preemption. Instead, American removed the action to the U. District Court for the Eastern District of New york. American was half right. The district court agreed with American Airlines that the allegations of Count 2 could not be resolved without interpreting the collective bargaining agreement and that, therefore, Count 2 was preempted under the RLA. So far so good as to the substantive law. The district court then dismissed Count 2, and from that ruling, the plaintiffs appealed to the Second Circuit. The Second Circuit reversed and remanded Count 2 to the New york court. This does not mean that removal of cases arising under federal law is limited to cases of complete preemption. It means only that, if the claims asserted by the plaintiff do not otherwise support removal under the terms of 28 U. Preemption and Jurisdiction As set forth above, American removed the case pursuant to 28 U. American and the district court assumed that if Count 2 required interpretation of the collective bargaining agreement and therefore was preempted by the RLA, Count 2 arose under federal law, and thus was a claim over which the district court

had original jurisdictionâ€”which, in turn, would make the action removable. The claims raised by the plaintiffs in their New York complaint stated only state law causes of action. A defamation claim does not morph into a suit arising under federal law just because to resolve it, the court may need to interpret federal law, in this case the impact of the RLA on the claim. The well-pleaded complaint rule dictates that federal subject matter jurisdiction can be founded only on those allegations in a complaint that are well pleaded. The well-pleaded complaint would not include allegations about anticipated defenses such as federal preemption. In Sullivan, the claim in question for defamation was plainly not a federal claim. The issue tackled by the Second Circuit was whether federal preemption nonetheless made it removable. If not entirely clear previously, that proposition became entirely clear following the U. Norris, supra, a case that came to the U. Supreme Court on certiorari from the Supreme Court of Hawaii. In that case, the U. Accordingly, in American Airlines, which was removed from the New york state court, the Second Circuit felt compelled to make an independent determination whether the RLA constituted a statute that gives rise not merely to ordinary preemption but rather was one of those rare federal statutes deemed to completely preempt the field. What makes a claim under ERISA, the LMRA or the National Bank Act removable is not simply the preemptive force of the substance of the federal statute, but the fact that those particular federal statutes, because they are deemed to be completely preemptive, give rise to original federal jurisdiction. In other words, any claim for which the federal statute provides the exclusive cause of action, such as a suit by a participant for benefits under an ERISA-covered health plan, is in reality a claim based on federal law and, therefore, removable. Minor disputes under the RLA and unfair labor practices under the NLRA cannot be filed in the first instance in federal district court. That being the case, a state law claim that in reality states either a minor dispute under the RLA or an unfair labor practice under the NLRA or some other claim that must be decided under federal substantive law invokes ordinary defensive preemption. That determines what substantive law governs resolution of the question. But that is not sufficient for the action to be removable, because the claim itself is not within the original jurisdiction of the district court. Conclusion The moral of the story is this: Unless the cause of action is one that could have been brought in the federal district court, it is not removable under 28 U. And, as in Sullivan, where the plaintiff did not file a motion to remand, an improvident removal does not create federal subject matter jurisdiction. As a practical matter, it is crucial to check carefully or remind local counsel to check carefully the boundaries of the federal district to make sure you remove to the correct district court, especially when you are in a remote state. For example, not every suburban county is in the same federal district as the city to which it is contiguous. Unlike the National Labor Relations Act that permits employers and labor organizations to bargain for grievance arbitration, but not necessarily to agree to it, the Railway Labor Act makes arbitration of minor disputes compulsory. On the other hand, under the artful pleading doctrine, Rivet v. Regions Bank of La. Whether the RLA generated complete preemption so that a claim arising under it would be removable did not come up in Hawaiian Airlines because the case came to the Supreme Court directly on certiorari from the Supreme Court of Hawaii.

Chapter 3 : Federal jurisdiction (United States) - Wikipedia

Arising under requires that P's complain must itself fall under federal law, not the anticipated defense. Well-pleaded complaint rule: alleging an anticipated constitutional defense in the complaint does not give a federal question jurisdiction.

If the cause of action is created by federal law e. Eliscu, in which he wrote: In an endeavor to explain precisely what suits arose under the patent and copyright laws, Mr. American Well Works Co. For example, patent infringement actions arise under federal law because they are created by a Congressional statute. The same is true for Title VII discrimination claims. But the rule is actually not completely accurate. The opposite is also possible, although very rare. We will discuss both exceptions: That is almost completely true, and in practice you can treat it as true, just keep in your mind the one tiny exception of that is Shoshone Mining Co v. Instead it may just turn on a pure factual matter, like the location of a claim on the ground or the meaning and effect of certain local rules and customs of miners. Therefore does not necessarily arise under the Constitution and laws of the U. That said, this case is a total aardvark! It has not borne much if any fruit. This situation is also much more common. The issue typically comes up when you have a cause of action created by state law, but part of the cause of action turns on an element of federal law. Before Merrell Dow the S. The theory of their case was that under Missouri law, an investment in a bond unauthorized by law was ultra vires and thus could be enjoined. The cause of action was thus state corporate law the claim the investment was ultra vires. Was there SMJ, given that cause of action was Missouri law? In dissent, Justice Holmes yelled creation test! This is a state law cause of action, it merely incorporates federal law the way you might incorporate a contract] Compare this with: Ky Employer Liability Act says that a plaintiff cannot be held contributorily negligent or to have assumed the risk where his injury results from the violation by his employer of any state or federal statute enacted for the safety of the employee. Plaintiff sued defendant for state law tort under the Kentucky Act. He claimed that his injury was due to the failure of employer to comply with the Federal Safety Appliance Act. Was there SMJ, even though this was a state law cause of action? No SMJ, this is just state law negligence claim. Merrell Dow Pharmaceuticals v. Before we can understand this case, you need to understand what is a private right of action? It is a right to sue someone under a statute. That is, can private person A sues private person B for violating a statute. Without a private right of action, under this scenario an individual cannot bring suit against a university for not allowing military recruiters on campus. What was the case about? They sued the drug maker. Most of the counts in the complaint were pure state law claims e. In none of those counts is there any federal issue lurking. But in one count, they claimed negligence, a state law cause of action, and said that the plaintiff could prove this state law cause of action by showing that there had been a violation of a federal statute the FDCA. Plaintiffs say no, should be remanded to state court because no SMJ. The question is whether the presence of a federal issue in the state-created cause of action is sufficient to create SMJ? All parties agree that there is no private right of action under the FDCA here. There are three possible noteworthy objections: Not clear if FDCA applies to sales in Scotland or Canada, the extraterritorial meaning of the statute is a special particularly important federal question. Be prepared to discuss these objections and responses in class. Also make sure to read footnote 12 carefully. For the category of cases when state law creates the cause of action, the presence of a federal issue in a state tort law case will not give rise to SMJ when Congress did not give a private right of action for violation of the federal statute. We will discuss the dissent more in-depth in class. Minton developing this jurisprudence. Here is a summary of that case. Grable and Sons v. A statute 26 U. The case was initially brought in state court and then removed to federal court. Finds FQ SMJ and gives Darue a win on the merits, under Summary Judgment, finding substantial compliance with the statute enough, personal service not required. Thought it was enough for FQ SMJ that the title claim raises an issue of federal law that has to be resolved, and there was a substantial federal interest involved the construal of federal tax law. Also affirms the merits decision. The question answered by the Court is whether Merrell Dow always requires a federal cause of action to get FQ jurisdiction. No, it is not required. The Court finds that a federal cause of action is most common way of getting an FQ, but

not the only way. Government thus has a direct interest in the availability of a federal forum to vindicate its action, and buyers and delinquents will want a judge expert in federal tax matters. Indeed, we approved Smith. We explicitly said there are no bright line rules here, but instead we said careful judgments are in order. Absence of a federal cause of action is important but not dispositive of the inquiry. It would also have attracted a horde of similar state law cases, and the line would have been swamped for any statutory violation. No indication that Congress wanted that, every indication it did not. Here things are different. Empire HealthChoice Assurance, Inc. His insurance company pays for a lot of his care. His estate sues the 3rd party and gets lots of money on wrongful death. Insurance company then sues estate to recoup what it paid for his medical expenses. Those expenses were paid as part of a contract with the federal Office of Personnel Management OPM to give health insurance to federal employees. The statute governing employee health care is silent on recoupment, but the contract between OPM and insurance company says that insurance company has to take reasonable steps to recoup and employees are warned that if they win a verdict the insurer might seek recoupment. Recoupment is a state law action, is there a federal question? Congress did not create a federal cause of action for recoupment by insurance companies. By contrast, here the action is triggered by settlement of a suit by private entity against other private entities. There the issue was purely legal issue, could be settled once and for all, and would control numerous future tax sale cases. By contrast the claim here is fact-intensive and very situation-specific. Thought this was federal common law because interpretation of a federal contract and Congress intended that federal courts have jurisdiction. Uniformity important here because benefits are provided under federal program. At the time the case is decided in determining whether there is a private right of action the court applies the Cort v. Here they assume 4 factors obtain as to FDCA:

Chapter 4 : Cohen Cheat Sheet on "Arising Under" Federal Question Subject Matter Jurisdiction

+ Arising Under Jurisdiction + Diversity Jurisdiction + Supplemental Jurisdiction + Removal Jurisdiction 4. State Law and the Erie Doctrine + Erie in a Nutshell + Choice of Law.

Legislative Branch[edit] One aspect of federal jurisdiction is the extent of legislative power. Under the Constitution , Congress has power to legislate only in the areas that are delegated to it. Under clause 17 Article I Section 8 of the Constitution however, Congress has power to "exercise exclusive Legislation in all cases whatsoever" over the federal district Washington, D. Federal jurisdiction in this sense is important in criminal law because federal law does not supersede state criminal law. Congress has enacted the Assimilative Crimes Act 18 U. As most such enclaves are occupied by the military, except large land masses such as Rocky Mountain National Park, military law is especially concerned with these enclaves, especially the issue of establishing who has jurisdiction and what type of jurisdiction. In such areas, the federal government may have a proprietorial interest only rights as landowner , concurrent jurisdiction with federal and state law applicable , or exclusive jurisdiction over the land where an act was committed. Courts-martial involving military members subject to the Uniform Code of Military Justice apply regardless of location. Some started to replace the term "proprietorial interest only", with "proprietary jurisdiction". This incorrectly implies that the federal government has obtained some form of legislative jurisdiction from the state. The correct and original term is "Proprietorial Interest Only". Article Four of the United States Constitution also states that the Congress has the power to enact laws respecting the Territory or other Property belonging to the United States. Federal jurisdiction exists over any territory thus subject to laws enacted by the Congress. Judicial branch[edit] U. Court of Appeals and District Court jurisdictions The American legal system includes both state courts and federal courts. State courts hear cases involving state law, and such federal laws as are not restricted to hearing in federal courts. Federal courts may only hear cases where federal jurisdiction can be established. Specifically, the court must have both subject-matter jurisdiction over the matter of the claim and personal jurisdiction over the parties. The Federal Courts are courts of limited jurisdiction, meaning that they only exercise powers granted to them by the Constitution and Federal Laws. There are several forms of subject-matter jurisdiction, but the two most commonly appealed to are federal-question jurisdiction and diversity jurisdiction. Federal question jurisdiction is available when the plaintiff raises a claim that arises under the laws, treaties, or Constitution of the United States, as opposed to claims arising under state law. The Supreme Court has "cautioned that Judges must strain to remove the influence of the merits from their jurisdictional rules. The law of jurisdiction must remain apart from the world upon which it operates". The non-governmental party may raise claims or defenses relating to alleged constitutional violation s by the government. If the non-governmental party loses, the constitutional issue may form part of the appeal. Eventually, a petition for certiorari may be sent to the Supreme Court. If the Supreme Court grants certiorari and accepts the case, it will receive written briefs from each side and any amici curiae or friends of the courtâ€”usually interested third parties with some expertise to bear on the subject and schedule oral arguments. The Justices will closely question both parties. When the Court renders its decision, it will generally do so in a single majority opinion and one or more dissenting opinions. Each opinion sets forth the facts, prior decisions, and legal reasoning behind the position taken. The majority opinion constitutes binding precedent on all lower courts; when faced with very similar facts, they are bound to apply the same reasoning or face reversal of their decision by a higher court. Colin Powell , Gonzales v. Yankton County, U. All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. United States, F. Puerto Rico remains a territory of the United States, subject to congressional jurisdiction under the Territorial Clause of the U. Application of the U. Constitution, November , Page 1. More than 4 million U. Relying on the Territorial Clause, the Congress has enacted legislation making some provisions of the Constitution explicitly applicable in the insular areas. Because the Committee on Resources has jurisdiction over Indian and insular affairs, meaning territories. Meaning no matter what we may say about the Supreme Court decisions, no matter what we may say about U. We are

sitting here debating this. We would not be debating this if there was a bilateral pact. If Puerto Rico really had the say in this matter, they would have said, "Hey, U. We have the right to vote. Mottley , U. Althouse, Standing, in Fluffy Slippers, 77 Va.

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Chapter 5 : Arising Under Jurisdiction | Oxbridge Notes United States

State appeals are under the jurisdiction of the state appellate courts, while appeals from federal district courts are within the jurisdiction of the courts of appeal and eventually the Supreme Court.

Updated by Jeffrey S. That ingredient alone made constitutional a statute enabling the bank to sue and be sued on its contracts generally state law claims in federal courts. Pursuant to the Westfall Act, 28 U. After the government asserted later that the alleged conduct had not, in fact, occurred thereby contradicting the basis for the certification , the district court rejected the certification and remanded the case to state court. The Supreme Court held that the Westfall Act prohibits remand of certified cases to state court. Without citing Osborn v. Section In contrast, since Congress conferred general federal question jurisdiction in , the Court has consistently held that the statutory grant is not as broad as the Constitution would allow. The federal question jurisdiction of the district courts also encompasses causes of action created by federal statutes, such as 42 U. Layne and Bowler Co. A recent and colorfully written First Circuit decision refers to these cases as potentially involving "embedded" federal questions. Kansas City Title and Trust Co. Merrell Dow Pharmaceuticals v. Thompson 20 added to this complexity. One count of what was otherwise a purely state law tort action against a drug manufacturer for harm caused by one of its drugs alleged that the drug was misbranded in violation of the Federal Food, Drug, and Cosmetic Act and that the violation created a presumption of negligence. The Court joined the parties in assuming that the Act did not create a private cause of action. Thus, Merrell Dow suggested that federal jurisdiction was not available for state law claims that sought to enforce federal standards when there was no federal private right of action to enforce them. In doing so, Merrell Dow confused the existence of a federal claim or remedy with the presence of federal jurisdiction. More recently, however, the Supreme Court appears to have confined Merrell Dow to its facts. In Grable and Sons Metal Products v. Darue Engineering, 22 the Supreme Court upheld federal jurisdiction in a state law quiet title action that turned entirely on the interpretation of a federal Internal Revenue Service notice provision. As subsequently explained in Gunn, the Court held that federal jurisdiction is appropriate in state law actions if the federal issue is " 1 necessarily raised, 2 actually disputed, 3 substantial, and 4 capable of resolution in federal court without disrupting the federal-state balance approved by Congress. Minton, the Supreme Court clarified the third Grable factor: Gunn was a state law legal malpractice claim against an attorney who allegedly failed to make a particular argument on behalf of the plaintiff in a patent infringement claim. Generally, the well pleaded complaint rule would disregard such a potential federal defense and view such claims as not invoking federal jurisdiction. However, the Supreme Court has crafted an exception when federal law completely occupies, and thereby preempts, the entire field addressed by the state law claim. In such cases, these state law complaints are recharacterized as necessarily invoking federal law, thereby permitting the defendant to remove the action to federal court. In addition to the general federal question jurisdiction conferred by Section , Congress has enacted a number of more specific statutes conferring jurisdiction on the district courts in cases arising under particular federal laws. Section and provisions conferring jurisdiction in admiralty, bankruptcy, and patent, trademark, and copyright cases 28 U. Others, such as the provision for district court jurisdiction of actions to review adverse social security decisions, are in other titles of the Code, typically in agency organic statutes. Besides conferring jurisdiction in the federal courts, such organic statutes may waive sovereign immunity, create causes of action, or specify relief. See ErieNet, Incorporated v. Jones , U. Six Unknown Named Agents , U. Bank of the United States , 22 U. Central Bank of Nigeria , U. See The Pacific R. Removal Cases , U. Minton , S. American National Red Cross v. Haley , U. See generally Charles A. Mottley , U.

Chapter 6 : It's Federally Preemptedâ€"Let's Remove It! | Blank Rome LLP

Congress created the United States Court of Appeals for the Federal Circuit in , in part, to establish nationwide uniformity in patent law. The law governing the Federal Circuit's appellate jurisdiction was recently addressed by the Supreme Court's decision in Holmes Group, Inc. v. Vornado.

It is this latter situation that has bedeviled some of our greatest justices. This article discusses that case, known as Gunn v. In the first case, Vernon F. In the second case, Minton sued the attorneys who had initially represented him in the NASD litigation for malpractice. In that case as well, Minton was unsuccessful. Gunn, the malpractice case, is now pending before the Supreme Court. Minton initially brought his malpractice claims in state court in Texas. The Federal Circuit has exclusive appellate jurisdiction over claims arising under federal patent law. On the basis of those Federal Circuit decisions, Minton essentially argued that because federal courts have exclusive jurisdiction over patent cases, only a federal court could hear the malpractice claim related to his failed patent case. In contrast to patent claims, malpractice claims arise under state lawâ€"that is, they are authorized by state lawâ€"and therefore may be, and often are, brought in state courts. Here is a bit of background on jurisdiction that may be helpful in understanding the dispute: In the United States, state courts are courts of general subject matter jurisdictionâ€"or, put another way, essentially any type of case may be filed in state court. Federal courts, however, are courts of limited subject matter jurisdiction. That means only certain types of claims may be brought in federal court; such claims must be authorized by the Constitution and, typically, by a federal statute as well. The Constitution and a number of federal statutes authorize lawsuits to be filed in federal court if the claims asserted arise under federal law. One such federal statute is 28 U. Section a provides: Clearly, when a plaintiff claims that his rights under federal patent law have been violatedâ€"as Minton did in his initial lawsuit against the NASDâ€"that case can be brought only in federal court, pursuant to section a. But what is the jurisdictional rule when a case arises under state law but involves a question of federal patent law? In United States v. Natural Resources Defense Council, Inc. Similarly, in United States v. As noted above, the factors are whether the federal issue is 1 necessarily raised, 2 actually disputed, 3 substantial, and 4 whether federal court jurisdiction will disturb the balance of federal and state judicial responsibilities. Furthermore, Souter defined each factor with specificity and consistently indicated that the availability of a federal forum in such cases should be limited, even sparing. In arguing that he erroneously brought his malpractice claim in state court, Minton contended that his state law malpractice claim could not be decided without deciding issues of federal patent law. Specifically, in order to prevail on his malpractice claim, Minton would have to prove that his attorneys were negligent in their understanding and application of patent lawâ€"thereby satisfying the first three factors with respect to an issue of federal law. In addition, Minton argued that because Congress gave federal courts exclusive jurisdiction over patent claims, the balance of federal and state judicial responsibilities would not be disturbedâ€"as Congress already has decided that patent issues should be decided only in federal court. Moreover, Minton noted the importance of uniformity in the development of patent law, a goal that would be promoted as the Federal Circuit recognized in requiring malpractice claims in patent cases to be heard in federal court. Furthermore, the defendants asserted that the issue of attorney malpractice is the province of state courts and state law, which has primary responsibility for regulating attorney conduct. Thomas Michel, arguing for Minton, encountered more skepticism from the Court. That certainly is my view hereâ€"and not only because of the oral argument. In my view, that is unlikely. Minton, the Supreme Court decided the case. He is a graduate of Yale College and Yale Law School and, among other things, was a trial lawyer in the United States Department of Justice before becoming a law professor.

Chapter 7 : Federal question jurisdiction - Wikipedia

According to the court, 12(b)(1) dismissal indicates a lack of arising under jurisdiction while a claimed dismissed on 12(b)(6) can still be said to have arising under jurisdiction.

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Chapter 8 : 28 U.S. Code Â§ - Federal question | US Law | LII / Legal Information Institute

In addition to the general federal question jurisdiction conferred by Section , Congress has enacted a number of more specific statutes conferring jurisdiction on the district courts in cases arising under particular federal laws.

Chapter 9 : "The Federal Question in Patent-License Cases" by Amelia Rinehart

Jurisdiction of federal questions arising under other sections of this chapter is not dependent upon the amount in controversy. (See annotations under former section 41 of title 28, U.S.C.A., and 35 C.J.S., p. et seq., Â§Â§