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Federal Procedure - The Doctrine of Abstention

Gus James II

PROCEDURE

The Doctrine of Abstention

Plaintiffs, who are graduates of schools of chiropractic, initially instituted suit in the Federal District Court against the Louisiana State Board of Medical Examiners and sought injunctive relief to declare that the Medical Practice Act[1] of that that state did not apply to them. In the alternative they alleged that if it did apply to them it violated the Due Process Clause of the 14th Amendment. The Federal District Court invoked the Doctrine of Abstention[2] and remitted the case to the state court to determine whether chiropractors are governed by the statute.[3]

Upon trial in the state court, the Supreme Court of Louisiana held that chiropractors are governed by the statute and that it did not violate the Due Process Clause of the 14th Amendment.[4]

On reapplication to the Federal District Court, the action was dismissed.[5]

On appeal to the United States Supreme Court, it was held that the District Court should not have dismissed the action. However, it further indicated that in future cases a litigant will forego his right under the Abstention Doctrine to return to the Federal District Court for determination of his federal question, if he has freely and without reservation submitted it to the state court.[6]

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[1] Louisiana Medical Practice Act, 37 *La. Rev. Stat.* § 1261-1290.

[2] The Doctrine of Abstention is a judge-made rule which allows federal courts to remit cases to state courts for final determination of state laws where no previous state decision has ruled on such law. Where both local and federal questions are present in a case and the doctrine is invoked proper reservation of the federal issue for the Federal District Court may be made by a motion of the state court.

[3] England v. Louisiana Board of Medical Examiners, 180 F.Supp. 121 (E.D. La. 1960).

[4] England v. Louisiana Board of Medical Examiners, 126 So. 20 51 (La. 1961).

[5] England v. Louisiana Board of Medical Examiners, 194 F.Supp. 521 (E.D. La. 1961).

Plaintiffs did not properly reserve the issue as to the statute's constitutionality, for the Federal District Court, but rather voluntarily submitted it for determination in the state court. Once a state court has ruled on a federal question, the Federal District Court no longer has jurisdiction to review that issue.

[6] England v. Louisiana Board of Medical Examiners, 84 S.Ct. 461 (1964).

The Federal District Courts have universally refused to adjudicate the constitutionality of state statutes until state courts have been afforded a reasonable opportunity to determine their exact application.[7] After the federal courts abstain from deciding the application of a state statute, the litigant must proceed to the state courts for a final determination of its applicability. In order to reserve a right to return to the Federal District Court, the issue of the statute's constitutionality must not be decided by the state court but must be properly reserved. But due to *Employers Organization Committee* v. *Windsor*,[8] the federal issues cannot be withheld from the state court and since the District Court may not sit in review of state court decisions all original jurisdiction in the Federal District Court is lost.[9]

The United States Supreme Court, realizing the impact this dilemma has had upon litigation, allowed plaintiffs to return to the District Court. In the future, where a litigant is forced to return to the state court by the Doctrine of Abstention, he may reserve his federal issue for the federal court by a motion to the state court that only the local issues are to be decided.[10] However, courts have long recognized that state courts have a right to render a decision on the federal issues even where the parties have attempted to reserve them.[11] Therefore, if state courts exercise this right in the future they may find themselves being reviewed by the Federal District Courts as a result of this decision.

G. J.

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[7] Railroad Commission v. Pullman Co., 312 U.S. 496 (1941); Harrison v. N.A.A.C.P., 360 U.S. 167 (1959).

[8] Employers Organization Committee v. Windsor, 353 U.S. 364 (1947):

> "The mere adjudication by the state tribunal of local law will not suffice, if the state court is not asked to interpret these laws in light of constitutional objections." This statement has been interpreted in the past to mean that since federal questions must be presented to the state court, they can no longer be reserved for the District Court. The only federal jurisdiction which remains is a direct appeal to the Supreme Court of the United States.

[9] Chicago Railroad v. Stude, 346 U.S. 574 (1954). "The Federal District Courts do not sit to review an appeal action taken administratively or judicially in state proceedings."

[10] England v. Louisiana Board of Medical Examiners, *supra* note 6.

> The *Windsor* case in note 6 *supra* was not overruled but was clarified to mean that a party need not litigate his federal claim in the state courts, but must inform those courts what his federal claims are so that the local issues may be construed "in light of" those claims.

[11] Fay v. Noia, 372 U.S. 391 (1963).