

Assas

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Discipline : *Anglais juridique master*

(Unité d'Enseignements Complémentaires 1)

Titulaire(s) du cours : M. Justin BEPLATE

Document(s) autorisé(s) : Aucun

In this exam, 50% of each mark is given for your knowledge of the facts and 50% for your use of the English language.

I. Complete the following sentences, using at least 10 words. Limit your answers to one complete sentence (30%)

1. Whereas a felony ...
2. "Piercing the corporate veil" is ...
3. The "case or controversy" requirement in Article III ...
4. Unlike regular criminal offences, white collar crime is often ...
5. In addition to its diversity jurisdiction, the Supreme Court ...

II. Read the following case extract and answer the questions below. DO NOT QUOTE DIRECTLY FROM THE TEXT

SUPREME COURT OF THE UNITED STATES

WALDEN v. FIORE et al.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 12–574. Argued November 4, 2013—Decided February 25, 2014

Petitioner Walden, who was a Georgian police officer, searched the respondents at an airport in Georgia and seized a large amount of cash. The respondents allege that after they returned to their homes in Nevada, the petitioner helped draft a false probable cause affidavit in support of the funds' forfeiture* and sent it to a United States Attorney's Office in Georgia. In the end, no forfeiture complaint was filed, and the respondents' funds were returned.

The respondents then filed a civil suit against the petitioner in the Federal District Court in Nevada. The District Court dismissed the suit, finding that the search and seizure in Georgia did not establish a basis to exercise personal jurisdiction in Nevada. The Ninth Circuit reversed, holding that the District Court could properly exercise jurisdiction because the petitioner had submitted the false probable cause affidavit knowing that it would affect persons with significant Nevada connections.

Held: The District Court lacked personal jurisdiction over the petitioner.

* forfeiture = confiscation

Questions

1. On what basis did the US Supreme Court have jurisdiction in this matter? What conditions must be satisfied before the Supreme Court will agree to review a case? **(15%)**
2. Give some possible reasons for the Supreme Court's conclusion that the District Court had no personal jurisdiction over the petitioner. **(15%)**
3. You are the lawyer representing an incorporated national association called Citizens Against Police Misconduct (CAPM). The association wants to bring civil proceedings against Walden in a state court. Both Georgia and Nevada have statutes that provide remedies to a person or legal entity affected by the wrongful conduct of police officers. Discuss the legal issues concerning (1) standing, and (2) jurisdiction. **(40%)**