

SERIOUS MISCHIEFS: *EXXON MOBIL CORP. V. ALLAPATTAH SERVICES*, SUPPLEMENTAL JURISDICTION, AND BREAKING THE PROMISE OF *FINLEY*

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ABSTRACT

After *Finley v. United States* threatened to eviscerate the doctrines of supplemental jurisdiction, Congress hastily passed a law, 28 U.S.C. § 1367, intended to overturn *Finley*'s result. But this statute raised new questions of its own, which plagued the federal courts of appeals for fifteen years and led to a deep circuit split. When it agreed to hear *Exxon Mobil Corp. v. Allapattah Services*, the Supreme Court had an opportunity to remain true to its promise in *Finley* to apply "clear interpretive rules" upon which it said Congress could rely. In its decision, the Court settled one of the most contentious issues arising from the supplemental jurisdiction statute, but in doing so, it compromised the "clear interpretive rules" it had committed to use. The Court thus broke its *Finley* promise—ironically, while interpreting the very statute that had been passed in *Finley*'s wake.

This Note explores the "serious mischiefs" that evolved out of the divergent line of jurisdictional cases, became codified in § 1367, and were reborn in *Allapattah*. Part I examines the narrow limits the Supreme Court has placed on inferior federal courts through its interpretation of congressional grants of jurisdiction, the much more expansive doctrine it developed in order to permit courts to hear supplemental claims despite the lack of statutory authorization, and the Court's reasoning in *Finley*, in which the mischiefs were laid bare and the Court called upon Congress to act. Part II describes the congressional attempt to overturn the result in *Finley* and codify the prior practice, mischiefs and all, as well as the new set of serious mischiefs resulting from the "effect of the language [Congress] adopt[ed]." Part III then thoroughly analyzes the Court's opinion in *Allapattah*, using the Court's treatment of the complete diversity rule to reveal its abandonment not only of the *Finley* promise, but also of the very rationale the Court employed to decide the case. Finally, Part IV

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examines the feasibility of various possible solutions to the problem of authorizing supplemental jurisdiction while simultaneously limiting the reach of federal judicial power, concluding that, regardless of the specific legislative fix, if the Court will not honor its commitment to provide clear interpretive rules for Congress, then Congress should provide clear statutory rules for the Court.