

SUPREME COURT OF THE UNITED STATES

Mims v. Arrow Financial Services, LLC

565 U.S. 368, 132 S. Ct. 740, 181 L. Ed. 2d 881 (2012) · Decided January 18, 2012

SUMMARY

The Supreme Court held that federal district courts have concurrent jurisdiction with state courts over private actions arising under the Telephone Consumer Protection Act (TCPA). The TCPA's authorization for private plaintiffs to sue in an appropriate state court did not expressly or implicitly displace federal-question jurisdiction under 28 U.S.C. § 1331. The Court reversed the Eleventh Circuit and remanded the case.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Ginsburg
JURISDICTION	Federal
DECIDED	January 18, 2012
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Mims brought a private action in the United States District Court for the Southern District of Florida alleging violations of the Telephone Consumer Protection Act. The district court dismissed for lack of subject-matter jurisdiction, and the Eleventh Circuit affirmed. The Supreme Court granted certiorari.
STANDARD OF REVIEW	De novo review of the district court's subject-matter jurisdiction determination.
PRECEDENTIAL VALUE	binding
PARTIES	Marcus D. Mims v. Arrow Financial Services, LLC

TOPICS

- subject matter jurisdiction
- civil procedure
- statutory interpretation
- consumer protection
- interstate disputes

PRACTICE AREAS

- civil procedure
- consumer protection
- telecommunications law
- federal courts

QUESTIONS PRESENTED

1. Whether Congress's authorization of private TCPA actions in an appropriate state court makes state courts the exclusive forum for those actions.
2. Whether federal district courts retain federal-question jurisdiction under 28 U.S.C. § 1331 over private actions arising under the TCPA.

HOLDINGS

1. Federal and state courts have concurrent jurisdiction over private actions arising under the Telephone Consumer Protection Act. The TCPA's authorization to bring a private action in an appropriate state court does not expressly or by fair implication divest federal district courts of jurisdiction under 28 U.S.C. § 1331.
2. Congress did not eliminate or displace § 1331 jurisdiction over private TCPA actions.

KEY QUOTATIONS

“We hold, therefore, that federal and state courts have concurrent jurisdiction over private suits arising under the TCPA.” (565 U.S. at 371-372)

“Nothing in the text, structure, purpose, or legislative history of the TCPA calls for displacement of the federal question jurisdiction U. S. district courts ordinarily have under 28 U.S.C. § 1331.” (565 U.S. at 386-387)

FACTUAL BACKGROUND

Mims alleged that Arrow, a debt-collection agency, repeatedly used an automatic telephone dialing system or prerecorded or artificial voice to call his cellular telephone without his consent. He alleged willful or knowing violations of the Telephone Consumer Protection Act and sought declaratory relief, a permanent injunction, and statutory and treble damages.

PROCEDURAL HISTORY

The district court held that federal-question jurisdiction under 28 U.S.C. § 1331 was unavailable because the TCPA vested exclusive jurisdiction over private actions in state courts. The Eleventh Circuit affirmed in a per curiam decision, relying on circuit precedent. The Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the lower courts for further proceedings consistent with the opinion.

CASES CITED

- American Well Works Co. v. Layne & Bowler Co., 241 U.S. 257, 260 (1916)
- Tafflin v. Levitt, 493 U.S. 455, 458-459 (1990)
- Gulf Offshore Co. v. Mobil Oil Corp., 453 U.S. 473, 478 (1981)
- Verizon Maryland Inc. v. Public Service Commission of Maryland, 535 U.S. 635, 642-644 (2002)
- United States v. Bank of New York & Trust Co., 296 U.S. 463, 479 (1936)
- Yellow Freight System, Inc. v. Donnelly, 494 U.S. 820, 823, 826 (1990)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Cohens v. Virginia, 6 Wheat. 264, 404 (1821)
- Merrell Dow Pharmaceuticals Inc. v. Thompson, 478 U.S. 804, 809 n.5 (1986)
- Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing, 545 U.S. 308, 312, 317 (2005)
- K mart Corp. v. Cartier, Inc., 485 U.S. 176, 182-183 (1988)
- Consumer Product Safety Commission v. GTE Sylvania, Inc., 447 U.S. 102, 118 (1980)
- Colorado River Water Conservation District v. United States, 424 U.S. 800, 808-809 n.15 (1976)
- Rosencrans v. United States, 165 U.S. 257, 262 (1897)
- ErieNet, Inc. v. Velocity Net, Inc., 156 F.3d 513, 519, 521-523 (3d Cir. 1998)
- Brill v. Countrywide Home Loans, Inc., 427 F.3d 446, 447, 451 (7th Cir. 2005)
- Murphey v. Lanier, 204 F.3d 911, 915 (9th Cir. 2000)
- Foxhall Realty Law Offices, Inc. v. Telecommunications Premium Services, Ltd., 156 F.3d 432, 434 (2d Cir. 1998)
- Nicholson v. Hooters of Augusta, Inc., 136 F.3d 1287, 1287-1288 (11th Cir. 1998)
- Chair King, Inc. v. Houston Cellular Corp., 131 F.3d 507, 514 (5th Cir. 1997)
- International Science & Technology Institute v. Inacom Communications, Inc., 106 F.3d 1146, 1158 (4th Cir. 1997)
- Charvat v. EchoStar Satellite, LLC, 630 F.3d 459, 463-465 (6th Cir. 2010)
- Gottlieb v. Carnival Corp., 436 F.3d 335 (2d Cir. 2006)
- Louisiana Public Service Commission v. FCC, 476 U.S. 355, 360, 369-370 (1986)
- Shoshone Milling Co. v. Rutter, 177 U.S. 505, 509-510 (1900)
- Howlett v. Rose, 496 U.S. 356, 370-371 & n.16 (1990)
- Testa v. Katt, 330 U.S. 386, 394 (1947)
- Breuer v. Jim's Concrete of Brevard, Inc., 538 U.S. 691, 696-697 (2003)