

Chart
Constitutional Authority for Interjurisdictional Certifications of Questions of Law

This chart was created as part of work on the General Statutes Commission's DN 05-2 (Certification of Questions of Law). It contains:

- The results of a survey of other states' constitutional jurisdictional provisions to see whether any were similar to North Carolina's Article IV, § 12(1). The chart lists all jurisdictional provisions found. It is NOT comprehensive on other constitutional provisions relating to state high courts. At the end, the chart also lists comparable provisions from a few other U.S. jurisdictions.
- The results of a survey of three features of each state's provisions for certification of questions of law from other jurisdictions, to the extent that these were readily available. These are: (i) which courts in each state are authorized to consider questions of law certified by another jurisdiction, (ii) the description of the questions that may be certified, and (iii) which other courts may certify questions of law to a state's courts.
- References to and some summaries and excerpts from appellate opinions on the constitutionality of a state's certification procedure that were located during the survey. These are not intended to be a comprehensive list. For this survey, it was not thought necessary to complete a comprehensive search of the case law of each of the 49 states.
- Other points of possible interest to the subject of the docket that are not covered in the law review note by Eric Eisenberg, entitled "A Divine Comity: Certification (At Last) in North Carolina."

Notes:

- The information in this chart was developed using LexisNexis during the period Jan-Mar/2008. It was later updated using Westlaw during the period Aug-Sept/2016.
- Most statutes or rules either adopt one of the Uniform Act versions or are recognizably based on one of them.
- Please note that many states, for example, West Virginia, have intrastate certification of law procedures. In some, administrative agencies appear to be allowed to certify questions to the courts when an administrative panel is not sure of the law (for instance, similar to a procedure that allows the Industrial Commission to certify a question of law to the Court of Appeals). In some, the procedures appear similar to interlocutory appeals where the lower court believes that the law is not clear.
- Some states explicitly allow their courts to certify a question of law to another state.

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State Constitutional Authority for Interjurisdictional Certification of Questions of Law Procedures		
Fourth Circuit States		
<p>(1) MD <i>statute and rule</i></p>	<p>Const. Art. IV Section 1. Judicial power vested in enumerated courts; courts of record; seals The Judicial power of this State is vested in a Court of Appeals, such intermediate courts of appeal as the General Assembly may create by law, Circuit Courts, Orphans' Courts, and a District Court. These Courts shall be Courts of Record, and each shall have a seal to be used in the authentication of all process issuing from it. Section 14. Composition of Court of Appeals; Chief Judge; jurisdiction; sessions; salaries of judges; quorum; division of court; reargument The Court of Appeals shall be composed of The jurisdiction of the Court of Appeals shall be co-extensive with the limits of the State and such as now is or may hereafter be prescribed by law. It shall hold its sessions in the City of Annapolis at such time or times as it shall from time to time by rule prescribe. . . .</p> <p>Statutes, rules, etc. Md. Code Ann., Cts. and Jud. Proc. § 12-601 through 12-613 (based on Rev. Unif. Act)</p> <p>Md. Rule 8-305 (additional procedural requirements)</p>	<p>Who can answer: Md. Court of Appeals (highest court)</p> <p>What: question of law if the answer may be determinative of an issue in pending litigation in the certifying court and there is no controlling appellate decision, constitutional provision, or statute of this State</p> <p>From: a court of the United States or an appellate court of another state or a tribe</p>
<p>(2) SC <i>rule</i></p>	<p>Const. Ann. Art. V § 1. Judicial power vested in certain courts. The judicial power shall be vested in a unified judicial system, which shall include a Supreme Court, a Court of Appeals, a Circuit Court, and such other courts of uniform jurisdiction as may be provided for by general law. § 5. Jurisdiction of Supreme Court. The Supreme Court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus, and other original and remedial writs. The Court shall have appellate jurisdiction only in cases of equity, and in</p>	<p>Who can answer: S.C. Supreme Ct.</p> <p>What: questions of law if there are involved in any proceeding before the certifying court questions of law of this state which may be determinative of the cause then pending in the certifying court when it appears to the certifying court there is no controlling precedent in the decisions of the Supreme Ct.</p> <p>From: any federal court of the United States or the highest appellate court or an intermediate appellate court of any other state</p>

	<p>such appeals they shall review the findings of fact as well as the law, except in cases where the facts are settled by a jury and the verdict not set aside. The Supreme Court shall constitute a court for the correction of errors at law under such regulations as the General Assembly may prescribe.</p> <p>Statutes, rules, etc. SCACR 244 (based on old Unif. Act)</p>	
<p>(3) VA <i>rule; explicit const. authority</i></p>	<p>Const. Art. VI § 1. Judicial power; jurisdiction The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court as the General Assembly may from time to time establish. Trial courts of general jurisdiction, appellate courts, and such other courts as shall be so designated by the General Assembly shall be known as courts of record.</p> <p>The Supreme Court shall, by virtue of this Constitution, have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; to consider claims of actual innocence presented by convicted felons in such cases and in such manner as may be provided by the General Assembly; in matters of judicial censure, retirement, and removal under Section 10 of this Article; and to answer questions of state law certified by a court of the United States or the highest appellate court of any other state. All other jurisdiction of the Supreme Court shall be appellate. Subject to such reasonable rules as may be prescribed as to the course of appeals and other procedural matters, the Supreme Court shall, by virtue of this Constitution, have appellate jurisdiction in cases involving the constitutionality of a law under this Constitution or the Constitution of the United States and in cases involving the life or liberty of any person. The General Assembly may allow the Commonwealth the right to appeal in all cases, including those involving the life or liberty of a person, provided such appeal would not otherwise violate this Constitution or the Constitution of the United States.</p> <p>Subject to the foregoing limitations, the General Assembly shall</p>	<p>Who can answer: Va. Supreme Ct.</p> <p>What: questions of law if the question is determinative in any proceeding pending before the certifying court and it appears there is no controlling precedent on point in the decisions of the Supreme Court or the Court of Appeals</p> <p>From: a court of the United States or the highest appellate court of any other state</p>

	<p>have the power to determine the original and appellate jurisdiction of the courts of the Commonwealth.</p> <p>Statutes, rules, etc. Va. Supreme Ct. R. 5:40 (based on old Unif. Act)</p>	
<p>(4) W VA <i>statute and rule</i></p>	<p>Const. Art. VIII § 1. Judicial Power The judicial power of the State shall be vested solely in a supreme court of appeals and in the circuit courts, and in such intermediate appellate courts and magistrate courts as shall be hereafter established by the legislature, and in the justices, judges and magistrates of such courts.</p> <p>§ 3. Supreme Court of Appeals; Jurisdiction and Powers; Officers and Employees; Terms The supreme court of appeals shall have original jurisdiction of proceedings in habeas corpus, mandamus, prohibition and certiorari.</p> <p>The court shall have appellate jurisdiction in civil cases at law where the matter in controversy, exclusive of interest and costs, is of greater value or amount than three hundred dollars unless such value or amount is increased by the legislature; in civil cases in equity; in controversies concerning the title or boundaries of land; in proceedings in quo warranto, habeas corpus, mandamus, prohibition and certiorari; and in cases involving personal freedom or the constitutionality of a law. It shall have appellate jurisdiction in criminal cases, where there has been a conviction for a felony or misdemeanor in a circuit court, and such appellate jurisdiction as may be conferred upon it by law where there has been such a conviction in any other court. In criminal proceedings relating to the public revenue, the right of appeal shall belong to the State as well as to the defendant. It shall have such other appellate jurisdiction, in both civil and criminal cases, as may be prescribed by law.</p> <p>The court shall have power to promulgate rules for all cases and proceedings, civil and criminal, for all of the courts of the State relating to writs, warrants, process, practice and procedure, which shall have the force and effect of law.</p>	<p>Who can answer: W.Va. Supreme Ct. of Appeals</p> <p>What: question of law if the answer may be determinative of an issue in a pending cause in the certifying court and if there is no controlling appellate decision, constitutional provision, or statute in this state</p> <p>From: any court of the United States or the highest appellate court or the intermediate appellate court of another state or of a tribe or of Canada, a Canadian province or territory, Mexico or a Mexican state</p>

	<p>The court shall have general supervisory control over all intermediate appellate courts, circuit courts and magistrate courts. The chief justice shall be the administrative head of all the courts. He may assign a judge from one intermediate appellate court to another, from one circuit court to another, or from one magistrate court to another, for temporary service. The court shall appoint an administrative director to serve at its pleasure at a salary to be fixed by the court. The administrative director shall, under the direction of the chief justice, prepare and submit a budget for the court.</p> <p>The officers and employees of the supreme court of appeals, including the clerk and the law librarian, shall be appointed and may be removed by the court. Their duties and compensation shall be prescribed by the court.</p> <p>The number, times and places of the terms of the supreme court of appeals shall be prescribed by law. There shall be at least two terms of the court held annually.</p> <p>Statutes, rules, etc. W.Va. Code Ann. § 51-1A-1 to -13 (Rev. Unif. Act) W.Va. R. App. P. 17(b),(c)</p>	
<i>States in Addition to Virginia That Have Explicit Constitutional Authorization</i>		
<p>(5) ALA</p> <p><i>rule; explicit const. authority</i></p>	<p>Const. Art. VI, sec. 140 </p> <p>(b) The supreme court shall have original jurisdiction (1) of cases and controversies as provided by this Constitution, (2) to issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction, and (3) to answer questions of state law certified by a court of the United States.</p> <p>(c) The supreme court shall have such appellate jurisdiction as may be provided by law.</p> <p>Statutes, rules, etc. Ala. R. App. P. 18 (based on old Unif. Act)</p>	<p>Who can answer: Ala. Supreme Ct.</p> <p>What: “questions or propositions of law of this state which are determinative of said cause and that there are no clear controlling precedents in the decisions of the supreme court of this state”</p> <p>From: a court of the United States</p>

<p>(6) ARK</p> <p><i>rule; explicit const. authority</i></p>	<p>Const. Amendment 80, § 2 § 2. Supreme Court</p> <p>(D) The Supreme Court shall have: (1) Statewide appellate jurisdiction; (2) Original jurisdiction to issue writs of quo warranto to all persons holding judicial office, and to officers of political corporations when the question involved is the legal existence of such corporations; (3) Original jurisdiction to answer questions of state law certified by a court of the United States, which may be exercised pursuant to Supreme Court rule; (4) Original jurisdiction to determine sufficiency of state initiative and referendum petitions and proposed constitutional amendments; and (5) Only such other original jurisdiction as provided by this Constitution. (E) The Supreme Court shall have power to issue and determine any and all writs necessary in aid of its jurisdiction and to delegate to its several justices the power to issue such writs. </p> <p>Statutes, rules, etc. Ark. Supreme Ct. and Ct. of Appeals Rule 6-8 (based on old Unif. Act)</p>	<p>Who can answer: Ark. Supreme Ct.</p> <p>What: “questions of Arkansas law which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the Supreme Court”</p> <p>From: “a federal court of the United States” (Rule 6-8)</p>
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<p>(7) DEL</p> <p><i>rule; explicit const. authority</i></p>	<p>Const. Art. IV, § 11 § 11. Jurisdiction of Supreme Court The Supreme Court shall have jurisdiction as follows: (8) To hear and determine questions of law certified to it by other Delaware courts, the Supreme Court of the United States, a Court of Appeals of the United States, a United States District Court, a United States Bankruptcy Court, the United States Securities and Exchange Commission, or the highest appellate court of any other state, the highest appellate court of any foreign country, or any foreign governmental agency regulating the public issuance or trading of securities, where it appears to the Supreme Court that there are important and urgent reasons for an immediate determination of such questions by it. The Supreme Court may, by rules, define generally the conditions under which questions may be certified to it and prescribe methods of certification.</p> <p>Statutes, rules, etc. Supreme Court Rule 41 <i>rule includes:</i> (b) Requirements for accepting a certification. -- Certification will be accepted in the exercise of the discretion of the Court only where there exist important and urgent reasons for an immediate determination by this Court of the questions certified. A certification will not be accepted if facts material to the issue certified are in dispute. A certificate shall state with particularity the important and urgent reasons for an immediate determination by this Court of the question certified. Without limiting the Court's discretion to hear proceedings on certification, the following illustrate reasons for accepting certification: (i) Original question of law. -- The question of law is of first instance in this State; (ii) Conflicting decisions. -- The decisions of the trial courts are conflicting upon the question of law; (iii) Unsettled question. -- The question of law relates to the constitutionality, construction or application of a statute of this State which has not been, but should be, settled by the Court.</p> <p>See also Supreme Court Rules, Form K</p>	<p>Who can answer: Del. Supreme Ct.</p> <p>What: question of law arising in any matter before the certifying court prior to the entry of final judgment or decision if there is an important and urgent reason for an immediate determination of the question by the Court and the certifying entity has not decided the question in the matter</p> <p>From: the Supreme Court of the United States, a court of appeals of the United States, a U.S. district court, a U.S. bankruptcy court, the U.S. Securities and Exchange Commission, the highest appellate court of any other state, the highest appellate court of any foreign country, or any foreign governmental agency regulating the public issuance or trading of securities</p>
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<p>(8) FLA</p> <p><i>statute and rule; explicit const. authority</i></p>	<p>FLA. CONST. Art. V:</p> <p>§ 2. Administration; practice and procedure</p> <p>(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow the court and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. Rules of court may be repealed by general law enacted by two-thirds vote of the membership of each house of the legislature.</p> <p>....</p> <p>§ 3. Supreme court</p> <p>....</p> <p>(b) <i>JURISDICTION.</i> --The supreme court:</p> <p>....</p> <p>(6) May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.</p> <p>....</p> <p>[note: §§ 2 and 3 revised 1972 and amended 1998]</p> <p>Fla. Stat. §§ 25.031 and 25.032</p> <p>§ 25.031. Supreme Court authorized to receive and answer certificates as to state law from federal appellate courts</p> <p>The Supreme Court of this state may, by rule of court, provide that, when it shall appear to the Supreme Court of the United States, to any circuit court of appeals of the United States, or to the Court of Appeals of the District of Columbia, that there are involved in any proceeding before it questions or propositions of the laws of this state, which are determinative of the said cause, and there are no clear controlling precedents in the decisions of the Supreme Court of this state, such federal appellate court may</p>	<p>Who can answer: Fla. Supreme Ct.</p> <p>What: questions or propositions of the laws of the state, determinative of “said cause,” and there are no clear controlling precedents in the decisions of the Supreme Court of this state</p> <p>From: U.S. Supreme Court or U.S. Court of Appeals</p> <p>Note: Fla. was the first state to have a certification procedure, adopted by its legislature in 1945. The const. provision came later.</p> <p>On authority for procedure prior to const. provision: <i>Sun Ins. Office, Ltd. v. Clay</i>, 133 So. 2d 735 (Fla. 1961)</p> <p>“[W]e deem it appropriate to note that we have also considered, sua sponte, the question of our jurisdiction constitutionally to entertain the subject proceeding under the authority . . . in § 25.031, Fla. Stat., F.S.A., and Florida Appellate Rule 4.61[.]</p> <p>....</p> <p>Section 25.031 was enacted as § 1 of Ch. 23098, Acts of 1945, prior to the adoption in 1956 of the Revised Judiciary Article which among other things provides:</p> <p>‘Section 3. <i>Practice and procedure.</i> -- The practice and procedure in all courts shall be governed by rules adopted by the supreme court.’ Art. V, Const. of Florida, F.S.A.</p> <p>The statute authorized this court to provide, by rule of court, for the certification to it by federal appellate courts of questions of state law determinative of a cause pending in a federal court, ‘which certificate the supreme court of this state, by written opinion, may answer.’ Rule 4.61 of the Florida Appellate Rules was adopted by this Court ‘pursuant to the power vested in this Court under Article V of the Florida Constitution, F.S.A. to adopt rules governing the practice and procedure in all courts of this State[.]’ The Rule re-stated the provisions of the statute and added details relating to the form and content of the certificate. Its adoption was a valid exercise of our organic power and provided a procedure for assisting, in a spirit of comity, the Federal Appellate system in questions of state jurisprudence, no other forum for so doing having been established by the laws of Florida.</p> <p>It is obvious, therefore, that we need not concern ourselves with the question of whether this court derives its authority to entertain the subject proceeding from the statute or from the rule since, in either case, we have</p>
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certify such questions or propositions of the laws of this state to the Supreme Court of this state for instructions concerning such questions or propositions of state law, which certificate the Supreme Court of this state, by written opinion, may answer.

History: s. 1, ch. 23098, 1945; s. 1, ch. 57-274, 1957.

Fla. R. App. P. 9.150

Rule 9.150. Discretionary Proceedings to Review Certified Questions from Federal Courts

(a) *Applicability.* --On either its own motion or that of a party, the Supreme Court of the United States or a United States court of appeals may certify one or more questions of law to the Supreme Court of Florida if the answer is determinative of the cause and there is no controlling precedent of the Supreme Court of Florida.

(b) *Certificate.* --The question(s) may be certified in an opinion by the federal court or by a separate certificate, but the federal court should provide the style of the case, a statement of the facts showing the nature of the cause and the circumstances out of which the questions of law arise, and the questions of law to be answered. The certificate shall be certified to the Supreme Court of Florida by the clerk of the federal court.

(c) *Record.* --The Supreme Court of Florida, in its discretion, may require copies of all or any portion of the record before the federal court to be filed if the record may be necessary to the determination of the cause.

(d) *Briefs.* --If the Supreme Court of Florida, in its discretion, requires briefing, it will issue an order establishing the order and schedule of briefs.

(e) *Costs.* --The taxation of costs for these proceedings is a matter for the federal court and is not governed by these rules.

it.” (Citation omitted.)

Court says real question is whether § 4 of Revised Article V of Fla. Constitution (1956) (re: Court’s appellate jurisdiction) prohibits Court from exercising any judicial powers other than those expressly provided in Constitution. Court concludes not: unlike Federal Constitution, state constitutions are not grants of power, but limitations upon the power of the state legislatures. “*All power not limited by a state constitution inheres in the people of that state.*” As a fundamental principle of constitutional law, each department of government has inherent right to accomplish “all objects naturally within the orbit of that department, not expressly limited by the fact of the existence of a similar power elsewhere or the express limitations in the constitution.” (Citation omitted.)

While Legislature cannot restrict or take away jurisdiction conferred by the Constitution, constitutional jurisdiction can be enlarged “in all cases where such enlargement does not result in a diminution of the constitutional jurisdiction of some other court, or where such enlargement is not forbidden by the constitution.” (Citation omitted.)

Certification procedure praised by Justice Frankfurter.

Court concludes: “We have concluded that, in the absence of a constitutional provision expressly or by necessary implication limiting the jurisdiction of the Supreme Court to those matters expressly conferred upon it, *and in the absence of a constitutional provision expressly conferring upon another court jurisdiction to exercise the judicial power* which is the subject matter of § 25.031 and Rule 4.61, and in the light of the well settled rule that all sovereign power, including the judicial power, ‘not limited by a state constitution inheres to the people of the state,’ such power may be granted to this court by statute if it is deemed to be a substantive matter, or by a rule of this court if it is deemed to be a matter of ‘practice and procedure[.]’ . . . It follows that this court, having in the background derived authority both by statute prior to 1956 and by rule of court subsequent to the 1956 organic revision above referred to, may entertain the subject certificate.” (Citation and brackets omitted.)

<p>(9) GA</p> <p><i>statute and rule; explicit const. authority</i></p>	<p>Const. Art. VI, § VI, Para. IV PARAGRAPH IV. Jurisdiction over questions of law from state appellate or federal district or appellate courts.</p> <p>The Supreme Court shall have jurisdiction to answer any question of law from any state appellate or federal district or appellate court.</p> <p>Statutes, rules, etc. Ga. Code Ann. § 15-2-9 § 15-2-9. Answers to questions certified by federal courts.</p> <p>(a) The Supreme Court of this state, by rule of court, may provide that when it shall appear to the Supreme Court of the United States, to any circuit court of appeals or district court of the United States, or to the Court of Appeals or the District Court of the District of Columbia that there are involved in any proceeding before it questions of the laws of this state which are determinative of the case and there are no clear controlling precedents in the decisions of the Supreme Court of this state, such federal court may certify the questions of the laws of this state to the Supreme Court of this state for answers to the questions of state law, which certificate the Supreme Court of this state may answer by written opinion.</p> <p>(b) The Court of Appeals shall not have jurisdiction to consider any question certified under this Code section by transfer or otherwise.</p> <p>Ga. Supreme Ct. Rules 46, 47, and 48 certifying court includes the part of the record it thinks relevant; briefs, oral argument, etc., as in direct appeals</p>	<p>Who can answer: Ga. Supreme Ct.</p> <p>What: “questions or propositions of the laws of this State which are determinative of said cause and there are no clear controlling precedents in the appellate court decisions of this State” (Ga. Sup. Ct. Rule 46)</p> <p>From: U.S. Supreme Court, any district court or circuit court of appeals of the United States, any state appellate court</p> <p>Note: <i>In re McClintock, 558 F.2d 732 (5th Cir. 1977):</i> “This historic case marks our maiden voyage on the S/S CERTIFICATION in Georgia since the very recent adoption of the amendments to Chapters 24-39 of the Georgia Code made the waters navigable. We have long sailed on the waters of Florida. More recently we voyaged to Louisiana and Alabama. We now welcome the opportunity to come aboard in Georgia, and trust that as have others, Georgia will welcome us. (Ftnote 5: Brown, 7 Cumberland L.R. 455, 1977 traces the development of this important process of federalism in action and the continuous care exercised by this court in the selection of cases for certification lest we wear out our welcome from an apparent practice of ducking state law questions just because they are troublesome.)” (Brown, C.J., appears to have been a certification enthusiast. The paragraph from this opinion is an example.)</p>
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<p>(10) NY <i>rule; explicit const. authority</i></p>	<p>Const. Art VI § 3. [Jurisdiction of court of appeals] a. The jurisdiction of the court of appeals shall be limited to the review of questions of law except where the judgment is of death, or where the appellate division, on reversing or modifying a final or interlocutory judgment in an action or a final or interlocutory order in a special proceeding, finds new facts and a final judgment or a final order pursuant thereto is entered; but the right to appeal shall not depend upon the amount involved. b. Appeals to the court of appeals may be taken in the classes of cases hereafter enumerated in this section; In criminal cases, directly from a court of original jurisdiction where the judgment is of death, and in other criminal cases from an appellate division or otherwise as the legislature may from time to time provide. In civil cases and proceedings as follows: (9) The court of appeals shall adopt and from time to time may amend a rule to permit the court to answer questions of New York law certified to it by the Supreme Court of the United States, a court of appeals of the United States or an appellate court of last resort of another state, which may be determinative of the cause then pending in the certifying court and which in the opinion of the certifying court are not controlled by precedent in the decisions of the courts of New York. Statutes, rules, etc. N.Y. Ct. Rules § 500.27 (similar to part of old Unif. Act, but not the same) Includes: (f) If the constitutionality of an act of the legislature of this state is involved in a certification to which the State of New York or one of its agencies is not a party, the Clerk of the Court shall notify the Attorney General in accordance with the provisions of Executive Law section 71.</p>	<p>Who can answer: N.Y. Court of Appeals</p> <p>What: determinative questions of New York law that are involved in a case pending in the certifying court for which no controlling precedent of the Court of Appeals exists (from rule)</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, or an appellate court of last resort of another state</p> <p>Note: Const. provision adopted 1985</p>
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<p>(11) TEX <i>rule; explicit const. authority</i></p>	<p>Const. Art. V § 3-c. Jurisdiction to Answer Questions of State Law Certified from Federal Appellate Court. (a) The supreme court and the court of criminal appeals have jurisdiction to answer questions of state law certified from a federal appellate court. (b) The supreme court and the court of criminal appeals shall promulgate rules of procedure relating to the review of those questions.</p> <p>Statutes, rules, etc. Tex. R. App. P. 58 (for certifications to the Texas Supreme Court) and Tex. R. App. P. 74 (for certifications to the Texas Court of Criminal Appeals) Both are based on the old Unif. Act.</p> <p>Note:</p> <p>58.6 <i>Notice.</i> --If the Supreme Court agrees to answer the questions certified to it, the Court will notify all parties and the certifying court. The Supreme Court clerk must also send a notice to the Attorney General of Texas if:(a) the constitutionality of a Texas statute is the subject of a certified question that the Supreme Court has agreed to answer; and (b) the State of Texas or an officer, agency, or employee of the state is not a party to the proceeding in the certifying court.</p> <p>58.8 <i>Intervention by the State.</i> --If the constitutionality of a Texas statute is the subject of a certified question that the Supreme Court has agreed to answer the State of Texas may intervene at any reasonable time for briefing and oral argument (if argument is allowed), on the question of constitutionality.</p> <p>Rule 74 substantially parallels Rule 58</p>	<p>Who can answer: Tex. Supreme Court and Tex. Court of Criminal Appeals (<i>nb: the Tex. Court of Criminal Appeals is the highest court for criminal law in Texas</i>)</p> <p>What: (Supreme Court): questions of law if the certifying court is presented with determinative questions of Texas law having no controlling Supreme Court precedent; (Court of Crim. Appeals): questions of Texas criminal law if the certifying court is presented with determinative questions of Texas criminal law having no controlling Court of Criminal Appeals precedent</p> <p>From: (as to both) any federal appellate court</p>
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<p>(12) UT</p> <p><i>statute and rule; explicit const. authority</i></p>	<p>Const. Art. VIII § 3. [Jurisdiction of Supreme Court.] The Supreme Court shall have original jurisdiction to issue all extraordinary writs and to answer questions of state law certified by a court of the United States. The Supreme Court shall have appellate jurisdiction over all other matters to be exercised as provided by statute, and power to issue all writs and orders necessary for the exercise of the Supreme Court's jurisdiction or the complete determination of any cause.</p> <p>Statutes, rules, etc. Utah Code Ann. § 78A-3-102 § 78A-3-102. Supreme Court jurisdiction (1) The Supreme Court has original jurisdiction to answer questions of state law certified by a court of the United States. </p> <p>Utah R. App. P. 41 (based on old Unif. Act)</p>	<p>Who can answer: Utah Supreme Ct.</p> <p>What: question of law if the state of the law of Utah applicable to a proceeding before the certifying court is uncertain</p> <p>From: any court of the United States</p> <p>Note: <i>Holden v. N L Industries, Inc.</i>, 629 P.2d 428 (Utah 1981) (certification rule adopted and question certified pursuant to it, but Utah Supreme Court held it had no jurisdiction to answer)</p> <p>Constitution was amended after <i>Holden</i>. At time of <i>Holden</i>, Art. VIII, § 4 read: “The Supreme Court shall have original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus. Each of the justices shall have power to issue writs of habeas corpus, to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court or before any district court or judge thereof in the State. <i>In other cases the Supreme Court shall have appellate jurisdiction only</i>, and power to issue writs necessary and proper for the exercise of that jurisdiction.” (Emphasis added.)</p> <p><i>Holden</i> was distinguished by the Guam Supreme Court in <i>Maeda Pacific Corp. v. GMP Hawaii, Inc.</i>, 2011 Guam 20 (Guam 2011) and by <i>Sunshine Mining Co. v. Allendale Mut. Ins. Co.</i>, 105 Idaho 133, 666 P.2d 1144 (Idaho 1983).</p>
<i>Other States</i>		
<p>(13) ALASKA</p> <p><i>rule</i></p>	<p>Const. Art. IV Section 1. Judicial Power and Jurisdiction The judicial power of the State is vested in a supreme court, a superior court, and the courts established by the legislature. The jurisdiction of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.</p> <p>Section 2. Supreme Court (a) The supreme court shall be the highest court of the State, with</p>	<p>Who can answer: Alaska Supreme Ct.</p> <p>What: “questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the supreme court of this state”</p> <p>From: the Supreme Court of the United States, a court of appeals of the United States, a U.S. district court, a U.S. bankruptcy court</p>

final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

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Section 15. Rule-Making Power

The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

Statutes, rules, etc.

Sec. 22.05.010. Jurisdiction (a) The supreme court has final appellate jurisdiction in all actions and proceedings. However, a party has only one appeal as a matter of right from an action or proceeding commenced in either the district court or the superior court.

(b) Appeal to the supreme court is a matter of right only in those actions and proceedings from which there is no right of appeal to the court of appeals under AS 22.07.020 or to the superior court under AS 22.10.020 or AS 22.15.240.

(c) A decision of the superior court on an appeal from an administrative agency decision may be appealed to the supreme court as a matter of right.

(d) The supreme court may in its discretion review a final decision of the court of appeals on application of a party under AS 22.07.030. The supreme court may in its discretion review a final decision of the superior court on an appeal of a civil case commenced in the district court. In this subsection "final decision" means a decision or order, other than a dismissal by consent of all parties, that closes a matter in the court of appeals or the superior court, as applicable.

(e) The supreme court may issue injunctions, writs, and all other process necessary to the complete exercise of its jurisdiction.

Alaska R. App. P. 407, including:

(f) The written opinion of the supreme court stating the law governing the questions certified shall be sent by the clerk of the

or U.S. bankruptcy appellate panel

Note: *State v. Browder*, 486 P.2d 925 (Alaska 1971) (where by jurisdiction statute (AS 22.05.010) state had no right of appeal, state could obtain review under court rule on discretionary review, which was not limited by statute) (does not deal with certification, but is of some interest)

and

Fields v. Fairbanks N. Star Borough, 818 P.2d 658 (Alaska 1991), ftnote 5: "The superior court may have relied on *Turnbull v. Bonkowski*, 419 F.2d 104 (9th Cir. 1969), in which the United States Court of Appeals for the Ninth Circuit concluded that the birthday exception applied to computation of time under Alaska common law and under AS 01.10.080. However, we are not bound by that court's interpretation of state law. Notably, at the time of the *Bonkowski* action, the Ninth Circuit expressed concern that it was offering an opinion of first impression on Alaska law and sought the opinion of the Alaska Supreme Court on the issue. However, at that time this court believed it was precluded from answering questions of state law certified to it by the federal courts. Such questions may now be certified to the supreme court under Alaska Appellate Rule 407(a)."

and

1977 Op. Atty. Gen. Alas. No. 14:

"The proposal to permit certification of questions from the federal court does not concern advisory opinions but rather would involve actual cases and controversies in that court which are controlled, in whole or in part, by Alaska law. The litigants would, in effect, remove to the state court temporarily to litigate the state law question. This is one solution to a longstanding, widespread problem in diversity cases in the federal courts. Certification should occur infrequently, and there should be little impact upon the work of the State Supreme Court. We caution, however, that the constitution expressly vests the Alaska Supreme Court with 'final appellate jurisdiction,' art. IV, § 2, and it could well rule that it may not entertain questions certified from the United States District Court. We would suggest, therefore, that -- if this provision is adopted -- the Ninth Circuit Court of Appeals, and not the District Court for Alaska, would be the proper court to certify questions. In that way, cases certified will have been fully litigated in the district court and there will have been a final judgment on the facts. If an appeal is made on the basis of state law, the circuit court could then certify it to our Supreme Court."

(Nb: *Westlaw and Alaska legis. on-line bill archives do not go back*

	<p>supreme court to the certifying court and to the parties. The answer to the certified questions shall be res judicata as to the parties and have the same precedential force as any other appellate decision of the supreme court.</p> <p>(based on old Unif. Act)</p>	<p><i>this far, so I do not know what happened to this bill except that a word search did not disclose any statute on certifications of questions of law from other courts.)</i></p>
<p>(14) ARIZ</p> <p><i>statute and rule</i></p>	<p>Const. Art. VI § 5. Supreme court; jurisdiction; writs; rules; habeas corpus Section 5. The Supreme Court shall have:</p> <ol style="list-style-type: none"> 1. Original jurisdiction of habeas corpus, and quo warranto, mandamus, injunction and other extraordinary writs to State officers. 2. Original and exclusive jurisdiction to hear and determine causes between counties concerning disputed boundaries and surveys thereof or concerning claims of one county against another. 3. Appellate jurisdiction in all actions and proceedings except civil and criminal actions originating in courts not of record, unless the action involves the validity of a tax, impost, assessment, toll, statute or municipal ordinance. 4. Power to issue injunctions and writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. 5. Power to make rules relative to all procedural matters in any court. 6. Such other jurisdiction as may be provided by law. <p>Each justice of the Supreme Court may issue writs of habeas corpus to any part of the State upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself, the Supreme Court, appellate court or superior court, or judge thereof.</p> <p>Statutes, rules, etc. A.R.S. § 12-1861 through -1867 (based on old Unif. Act) Ariz. Supreme Ct. Rule 27 (on filing, etc.)</p>	<p>Who can answer: Ariz. Supreme Ct.</p> <p>What: “questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the supreme court and the intermediate appellate courts of this state”</p> <p>From: the Supreme Court of the United States, a court of appeals of the United States, a U.S. district court or a tribal court</p>

<p>(15) CALIF <i>rule</i></p>	<p>Const, Art. VI § 1. Judicial power; Courts of record The judicial power of this State is vested in the Supreme Court, courts of appeal, and superior courts, all of which are courts of record. § 10. Original jurisdiction The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. The appellate division of the superior court has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition directed to the superior court in causes subject to its appellate jurisdiction. Superior courts have original jurisdiction in all other causes. The court may make any comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the cause. § 11. Appellate jurisdiction (a) The Supreme Court has appellate jurisdiction when judgment of death has been pronounced. With that exception courts of appeal have appellate jurisdiction when superior courts have original jurisdiction in causes of a type within the appellate jurisdiction of the courts of appeal on June 30, 1995, and in other causes prescribed by statute. When appellate jurisdiction in civil causes is determined by the amount in controversy, the Legislature may change the appellate jurisdiction of the courts of appeal by changing the jurisdictional amount in controversy. (b) Except as provided in subdivision (a), the appellate division of the superior court has appellate jurisdiction in causes prescribed by statute. (c) The Legislature may permit courts exercising appellate jurisdiction to take evidence and make findings of fact when jury trial is waived or not a matter of right. Statutes, rules, etc. CAL Rule of Court 8.548 Rule 8.548. Decision on request of a court of another jurisdiction</p>	<p>Who can answer: Cal. Supreme Ct.</p> <p>What: a question of California law if the decision could determine the outcome of a matter pending in the requesting court; and there is no controlling precedent</p> <p>From: U.S. Supreme Court, a U.S. court of appeals, or the court of last resort of any state, territory, or commonwealth</p> <p>Note: <i>Los Angeles Alliance for Survival v. City of Los Angeles</i>, 22 Cal. 4th 352, 93 Cal. Rptr. 2d 1, 993 P.2d 334 (Cal. 2000): “Until the adoption of rule 29.5, effective January 1, 1998, California was one of the few states in the nation that did not accept certified questions of state law. Because this is the first instance in which we have accepted a request for certification, we make the following brief observations. Many commentators have noted the benefits of certification. The procedure: (i) allows federal courts to avoid mischaracterizing state law (thereby avoiding a misstatement that might produce an injustice in the particular case and potentially mislead other federal and state courts until the state supreme court finally, in other litigation, corrects the error); (ii) strengthens the primacy of the state supreme court in interpreting state law by giving it the first opportunity to conclusively decide an issue; (iii) avoids conflicts between federal and state courts, and forestalls needless litigation; and (iv) protects the sovereignty of state courts.³ (See, e.g., Braun, <i>A Certification Rule for California</i> (1996) 36 Santa Clara L.Rev. 935, 937-942 (Braun); Schneider, “<i>But Answer Came There None</i>”: <i>The Michigan Supreme Court and the Certified Question of State Law</i> (1995) 41 Wayne L.Rev. 273, 299-301; see also Goldschmidt, <i>Certification of Questions of Law: Federalism in Practice</i> (1995 Amer. Judicature Soc’y.) pp. 3-10.) Note 3: On the last point, the Ohio Supreme Court noted in <i>Scott v. Bank One Trust Co., N.A.</i> (1991) 62 Ohio St.3d 39, 577 N.E.2d 1077, 1080, that its state’s sovereignty “is unquestionably implicated when federal courts construe state law” because if the federal court errs, “it applies law other than Ohio law, in derogation of the state’s right to prescribe a ‘rule of decision.’ ” The need for a certification procedure is well illustrated in this case by the above described history of <i>Alternatives</i>, <i>supra</i>, 145 Cal. App. 3d 436, and <i>Carreras</i>, <i>supra</i>, 768 F.2d 1039. In light of the Ninth Circuit’s decision in <i>Carreras</i>, individuals and organizations that wish to challenge solicitation ordinances in California have every incentive to</p>
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<p>(a) Request for decision On request of the United States Supreme Court, a United States Court of Appeals, or the court of last resort of any state, territory, or commonwealth, the Supreme Court may decide a question of California law if:</p> <p>(1) The decision could determine the outcome of a matter pending in the requesting court; and</p> <p>(2) There is no controlling precedent.</p> <p>(b) Form and contents of request The request must take the form of an order of the requesting court containing:</p> <p>(1) The title and number of the case, the names and addresses of counsel and any unrepresented party, and a designation of the party to be deemed the petitioner if the request is granted;</p> <p>(2) The question to be decided, with a statement that the requesting court will accept the decision;</p> <p>(3) A statement of the relevant facts prepared by the requesting court or by the parties and approved by the court; and</p> <p>(4) An explanation of how the request satisfies the requirements of (a).</p> <p>(c) Supporting materials Copies of all relevant briefs must accompany the request. At any time, the Supreme Court may ask the requesting court to furnish additional record materials, including transcripts and exhibits.</p> <p>(d) Serving and filing the request The requesting court clerk must file an original, and if the request is filed in paper form, 10 copies, of the request in the Supreme Court with a certificate of service on the parties.</p> <p>(e) Letters in support or opposition</p> <p>(1) Within 20 days after the request is filed, any party or other person or entity wanting to support or oppose the request must send a letter to the Supreme Court, with service on the parties and on the requesting court.</p> <p>(2) Within 10 days after service of a letter under (1), any party may send a reply letter to the Supreme Court, with service on the other parties and the requesting court.</p> <p>(3) A letter or reply asking the court to restate the question under (f)(5) must propose new wording.</p> <p>(f) Proceedings in the Supreme Court</p> <p>(1) In exercising its discretion to grant or deny the request, the Supreme Court may consider whether resolution of the question is necessary to secure uniformity of decision or to settle an important question of law, and any other factor the court deems appropriate.</p> <p>(2) An order granting the request must be signed by at least four justices; an order denying the request may be signed by the Chief Justice alone.</p> <p>(3) If the court grants the request, the rules on review and decision in the Supreme Court govern further proceedings in that court.</p>	<p>bring <i>state</i> constitutional challenges to such ordinances in <i>federal</i> district court, where they will receive the benefit of <i>Carreras</i>'s holding that such ordinances are content based and hence subject to strict scrutiny under the California Constitution.⁴ Because <i>Carreras</i> is binding on the federal courts in California but not on California state courts, plaintiffs are unlikely to present this state claim in state court and risk a determination by a state court that <i>Carreras</i> was wrongly decided, when they are more likely to prevail, on the strength of <i>Carreras</i>, in federal district court. In this setting, the availability of a certification procedure provides the most expeditious, and, as a practical matter, perhaps the only effective, means to enable California, through its courts, to exercise the state's authority over the proper interpretation and application of article I, section 2(a), of its own Constitution.</p> <p>Note 4: Obtaining federal jurisdiction over the state constitutional claim is a simple matter of joining the state constitutional claim with a claim under the First Amendment.</p> <p>The parties do not contest the constitutionality of the certification procedure embodied in rule 29.5. Sister courts in states with constitutions similar to the California Constitution uniformly have found that jurisdiction to entertain and decide certified questions, under a procedure adopted by rule or statute, is properly within the powers of a state supreme court. (E.g., <i>In re Elliott</i> (1968) 74 Wash.2d 600 [446 P.2d 347, 358] (<i>Elliott</i>); <i>Sunshine Mining Co. v. Allendale Mut. Ins.</i> (1983) 105 Idaho 133, 666 P.2d 1144, 1147-1148; see also <i>Irion v. Glens Falls Insurance Company</i> (1969) 154 Mont. 156, 461 P.2d 199, 203; see generally Braun, <i>supra</i>, 36 Santa Clara L.Rev. 935, 947-951.) Similarly, our sister-state high courts overwhelmingly have rejected contentions that in answering a certified question a court issues an improper advisory opinion. The weight of authority holds that a high court's answer to a certified question is <i>not</i> an improper advisory opinion so long as (i) a court addresses only issues that are truly contested by the parties and are presented on a factual record; and (ii) the court's opinion on the certified question will be dispositive of the issue, and res judicata between the parties. (See, e.g., <i>Schlieter v. Carlos</i> (1989) 108 N.M. 507, 775 P.2d 709, 710; <i>Wolner v. Mahaska Industries, Inc.</i> (Minn. 1982) 325 N.W.2d 39, 41; <i>Elliott, supra</i>, 74 Wash.2d 600, 446 P.2d 347, 354-355; see generally Braun, <i>supra</i>, 36 Santa Clara L.Rev. 935, 947.)⁵ No party or other entity asserts that we should conclude otherwise under the judicial article of our own Constitution.</p> <p>Note 5: As the <i>Elliott</i> decision observes, courts regularly render what might be viewed as "advisory" opinions in certain situations, for example in matters that have become moot while the appeal is pending. (See <i>Elliott, supra</i>, 446 P.2d at p. 355 et seq.; see also, e.g.,</p>
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	<p>(4) If, after granting the request, the court determines that a decision on the question may require an interpretation of the California Constitution or a decision on the validity or meaning of a California law affecting the public interest, the court must direct the clerk to send to the Attorney General--unless the Attorney General represents a party to the litigation--a copy of the request and the order granting it.</p> <p>(5) At any time, the Supreme Court may restate the question or ask the requesting court to clarify the question.</p> <p>(6) After filing the opinion, the clerk must promptly send file-endorsed copies to the requesting court and the parties and must notify that court and the parties when the decision is final.</p> <p>(7) Supreme Court decisions pursuant to this rule are published in the Official Reports and have the same precedential effect as the court's other decisions.</p> <p>History: Formerly Rule 29.8, adopted effective Jan. 1, 2003; Renumbered Rule 8.548 and amended effective Jan. 1, 2007; Amended effective Jan. 1, 2016.</p>	<p><i>NBC Subsidiary (KNBC-TV), Inc. v. Superior Court</i> (1999) 20 Cal. 4th 1178, 1190, fn. 6, 86 Cal. Rptr. 2d 778, 980 P.2d 337; <i>In re Kieshia E.</i> (1993) 6 Cal. 4th 68, 74, fn. 5, 23 Cal. Rptr. 2d 775, 859 P.2d 1290, and cases cited; <i>Dix v. Superior Court</i> (1991) 53 Cal. 3d 442, 454, 279 Cal. Rptr. 834, 807 P.2d 1063, and cases cited.)”</p>
<p>(16) COLO <i>rule</i></p>	<p>Const. Art. VI Section 1. Vestment of judicial power The judicial power of the state shall be vested in a supreme court, district courts, a probate court in the city and county of Denver, a juvenile court in the city and county of Denver, county courts, and such other courts or judicial officers with jurisdiction inferior to the supreme court, as the general assembly may, from time to time establish; provided, however, that nothing herein contained shall be construed to restrict or diminish the powers of home rule cities and towns granted under article XX, section 6 of this constitution to create municipal and police courts.</p> <p>Section 2. Appellate jurisdiction (1) The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be coextensive with the state, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law. (2) Appellate review by the supreme court of every final judgment of the district courts, the probate court of the city and county of Denver, and the juvenile court of the city and county of Denver shall be allowed, and the supreme court shall have such other appellate review as may be provided by law. There shall be no</p>	<p>Who can answer: Colo. Supreme Ct.</p> <p>What: “questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the Supreme Court”</p> <p>From: the Supreme Court of the United States, a court of appeals of the United States, a U.S. district court, or U.S. Court of Claims</p> <p>Note: Apparently, in Colo., a response to a certified question from another jurisdiction is an exercise of the Supreme Court’s original jurisdiction – <i>In re Phillips</i>, 139 P.3d 639 (Colo. 2006).</p> <p>Also, <i>Imel v. United States</i>, 375 F. Supp. 1102 (D. Colo. 1973), <i>aff’d</i>, 523 F.2d 853 (10th Cir. 1975): “Next, the government argues that the Colorado Supreme Court doesn’t really understand Colorado law, and, in any event, ‘Since the opinion of the Colorado Supreme Court in this instance is advisory only, this court is not bound by the opinion.’ We disagree, and remain firmly convinced that Colorado Supreme Court decisions constitute the last word on</p>

	<p>appellate review by the district court of any final judgment of the probate court of the city and county of Denver or of the juvenile court of the city and county of Denver.</p> <p>Section 3. Original jurisdiction -- opinions</p> <p>The supreme court shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and such other original and remedial writs as may be provided by rule of court with authority to hear and determine the same; and each judge of the supreme court shall have like power and authority as to writs of habeas corpus. The supreme court shall give its opinion upon important questions upon solemn occasions when required by the governor, the senate, or the house of representatives; and all such opinions shall be published in connection with the reported decision of said court.</p> <p>Section 21. Rule-making power</p> <p>The supreme court shall make and promulgate rules governing the administration of all courts and shall make and promulgate rules governing practice and procedure in civil and criminal cases, except that the general assembly shall have the power to provide simplified procedures in county courts for the trial of misdemeanors.</p> <p>Statutes, rules, etc. Colo. App. R. 21.1 (based on old Unif. Act)</p>	<p>Colorado law. In fairness to the government, its contention was advanced before the decision in <i>Lehman Brothers v. Schein</i>, (1974) 416 U.S. 386, 94 S. Ct. 1741, 40 L. Ed. 2d 215, 42 L.W. 4603, which is in accord with earlier lower court cases passing upon the effect of decisions rendered under a certification procedure. <i>National Education Association v. Lee County Board of Public Instruction</i> (1972) 5 Cir., 467 F.2d 447, <i>Allen v. Estate of Carman</i> (1973) 5 Cir., 486 F.2d 490. The manifest attractions of state court certification rules would be destroyed if it were to be held that a federal court will accept determinations of state law only when it suits the federal court's pleasure, and our utilization of the rule was to obtain a binding -- not an advisory -- opinion from the Colorado Supreme Court."</p>
<p>(17) CONN</p> <p><i>statute and rule</i></p>	<p>Const. Art. V Sec. 1 (Courts, powers and jurisdiction.) Section 1. (As amended) The judicial power of the state shall be vested in a supreme court, an appellate court, a superior court, and such lower courts as the general assembly shall, from time to time, ordain and establish. The powers and jurisdiction of these courts shall be defined by law.</p> <p>Statutes, rules, etc. Conn. Gen. Stat. § 51-199b (Rev. Unif. Act, all in one section)</p>	<p>Who can answer: Conn. Supreme Ct.</p> <p>What: question of law "if the answer may be determinative of an issue in pending litigation in the certifying court and if there is no controlling appellate decision, constitutional provision or statute of this state"</p> <p>From: a court of the United States or by the highest court of another state or of a tribe</p> <p>Note: State has an intra-jurisdictional procedure from lower courts to appellate courts - e.g. Conn. Gen. Stat. § 52-235</p>

	(former Conn. Gen. Stat. § 51-199a related to the old Unif. Act) Conn. R. App. P. §§ 82-1, 82-3 through 82-8 (rules)	(Reservation of questions of law).
(18) HAW <i>statute and rule</i>	<p>Const. Art. VI, § 1 Section 1. JUDICIAL POWER. The judicial power of the State shall be vested in one supreme court, one intermediate appellate court, circuit courts, district courts and in such other courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law and shall establish time limits for disposition of cases in accordance with their rules.</p> <p>Section 7. RULES. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.</p> <p>Statutes, rules, etc. HRS § 602-5 § 602-5. Jurisdiction and powers; filing. (a) Except as otherwise provided, the supreme court shall have jurisdiction and powers as follows: . . . (2) To answer, in its discretion, any question of law reserved by a circuit court, the land court, or the tax appeal court, or any question or proposition of law certified to it by a federal district or appellate court if the supreme court shall so provide by rule[.] </p> <p>Haw. R. App. P. 13</p>	<p>Who can answer: Haw. Supreme Ct.</p> <p>What: question concerning the law of Hawaii that is determinative of the cause and that there is no controlling precedent in the Hawaii judicial decisions</p> <p>From: federal district or appellate courts</p> <p>(From Haw. R. App. P. 13)</p>

<p>(19) IDAHO <i>rule</i></p>	<p>Const. Art. V § 2. Judicial power -- Where vested The judicial power of the state shall be vested in a court for the trial of impeachments, a Supreme Court, district courts, and such other courts inferior to the Supreme Court as established by the legislature. The courts shall constitute a unified and integrated judicial system for administration and supervision by the Supreme Court. The jurisdiction of such inferior courts shall be as prescribed by the legislature. Until provided by law, no changes shall be made in the jurisdiction or in the manner of the selection of judges of existing inferior courts.</p> <p>§ 9. Original and appellate jurisdiction of Supreme Court The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the district courts, or the judges thereof, any order of the public utilities commission, any order of the industrial accident board, and any plan proposed by the commission for reapportionment created pursuant to section 2, article III; the legislature may provide conditions of appeal, scope of appeal, and procedure on appeal from orders of the public utilities commission and of the industrial accident board. On appeal from orders of the industrial accident board the court shall be limited to a review of questions of law. The Supreme Court shall also have original jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all writs necessary or proper to the complete exercise of its appellate jurisdiction.</p> <p>Statutes, rules, etc. Id. App. R 12.3 (not Unif. Act) History: Adopted effective July 1, 1981; renumbered from Rule 12.1 effective July 1, 2002; renumbered from Rule 12.2 effective July 1, 2009.</p>	<p>Who can answer: Idaho Supreme Ct.</p> <p>What: [may issue a] declaratory judgment or decree adjudicating the Idaho law on such question if [the certifying] court, on the court's own motion or upon the motion of any party, finds in a pending action that:</p> <p>(1) The question of law certified is a controlling question of law in the pending action in the U.S. court as to which there is no controlling precedent in the decisions of the Idaho Supreme Court, and</p> <p>(2) An immediate determination of the Idaho law with regard to the certified question would materially advance the orderly resolution of the litigation in the U.S. court. (I.A.R. 12.3)</p> <p>From: Supreme Court of the United States, a court of appeals of the United States or a U.S. district court</p> <p>Note: <i>Sunshine Mining Co. v. Allendale Mut. Ins. Co.</i>, 105 Idaho 133, 666 P.2d 1144 (Idaho 1983) (court has inherent power to answer certified questions of law)</p> <p>“We consider article 5, section 9 of the Idaho Constitution as limiting and not as granting our jurisdiction. <i>See Diefendorf v. Gallet</i>, 51 Idaho 619, 637, 10 P.2d 307, 314 (1932) (‘It is a fundamental rule of constitutional law that a state Constitution is an instrument of limitation and not of grant, that all powers are retained to the state not expressly withheld, and the decisions in this state are bottomed squarely upon that rule[.]’); <i>Sun Insurance Office, Ltd. v. Clay</i>, <i>supra</i>; <i>In re Elliott</i>, <i>supra</i>. The Washington Supreme Court has stated that:</p> <p>‘So patent is the power of a court to render an opinion in response to a certified question that New Hampshire has adopted the practice by court rule, not waiting for an expression of legislative approval of the idea. . . .</p> <p>‘This Washington court, under its rulemaking power could do as the Supreme Court of New Hampshire has done. It could also accept a certified question and respond to it even if there were no implementing statute or rule. It is within the inherent power of the court as the judicial body authorized by the constitution to render decisions reflecting the law</p>
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		<p>of this state.” <i>In re Elliott</i>, <i>supra</i> 446 P.2d at 358.</p> <p>We hold that this Court has inherent power to render decisions regarding Idaho law. <i>See</i> ID. Const. art. 5, § 2.</p> <p>We have inherent power under article 5, section 2 which vests the judicial power of the state in this Court. <i>See Eismann v. Miller</i>, 101 Idaho 692, 619 P.2d 1145 (1980); <i>State v. Griffith</i>, 97 Idaho 52, 539 P.2d 604 (1975).</p> <p>‘The grant of the judicial power to the courts carries with it, as a necessary incident, the right to make that power effective in the <i>administration</i> of justice under the Constitution.’ <i>Burton v. Mayer</i>, 274 Ky. 263[,], 118 S.W.2d 547, 549 (Ky. 1938) (quoted approvingly in <i>R.E.W. Construction v. District Court of Third Judicial District</i>, 88 Idaho 426, 435, 400 P.2d 390, 396 (1965) (recognizing inherent rule-making power of this Court)).</p> <p>We exercised this inherent power in adopting I.A.R. 12.1. ” (Brackets, ellipsis, footnote, and paranthetical omitted.)</p>
<p>(20) ILL <i>rule</i></p>	<p>Const., Art. VI Section 1. Courts The judicial power is vested in a Supreme court, an Appellate Court and Circuit Courts. Section 4. Supreme Court -- Jurisdiction (a) The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any case on review. (b) Appeals from judgments of Circuit Courts imposing a sentence of death shall be directly to the Supreme Court as a matter of right. The Supreme Court shall provide by rule for direct appeal in other cases. (c) Appeals from the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of this State arises for the first time in and as a result of the action of the Appellate Court, or if a division of the Appellate Court certifies that a case decided by it involves a question of such importance that the case should be decided by the Supreme Court. The Supreme Court may provide by rule for appeals from the</p>	<p>Who can answer: Ill. Supreme Ct.</p> <p>What: questions as to the law of this State, which may be determinative of the said cause, and there are no controlling precedents in the decisions of this court</p> <p>From: U.S. Supreme Court and the 7th Circuit Court of Appeals</p> <p>Note: There are Committee Comments, but they do not state the authority for the rule.</p>

	<p>Appellate Court in other cases.</p> <p>Statutes, rules, etc. Ill. Supreme Ct. Rule 20 (based on part of old Unif. Law)</p>	
<p>(21) IND <i>statute and rule</i></p>	<p>Const. Art. 7 § 1. Judicial power. The judicial power of the State shall be vested in one Supreme Court, one Court of Appeals, Circuit Courts, and such other courts as the General Assembly may establish. § 4. Jurisdiction of Supreme Court. The Supreme Court shall have no original jurisdiction except in admission to the practice of law; discipline or disbarment of those admitted; the unauthorized practice of law; discipline, removal and retirement of justices and judges; supervision of the exercise of jurisdiction by the other courts of the State; and issuance of writs necessary or appropriate in aid of its jurisdiction. The Supreme Court shall exercise appellate jurisdiction under such terms and conditions as specified by rules except that appeals from a judgment imposing a sentence of death shall be taken directly to the Supreme Court. The Supreme Court shall have, in all appeals of criminal cases, the power to review all questions of law and to review and revise the sentence imposed.</p> <p>Statutes, rules, etc. IC 33-24-3-6. Certification of question by federal court to Indiana supreme court. The supreme court may, by rule of court, provide that if: (1) the Supreme Court of the United States, a circuit court of appeals of the United States, or the court of appeals of the District of Columbia determines that there are involved in any proceeding before the federal appellate court questions or propositions of the laws of Indiana that are determinative of the proceeding; and (2) there are no clear controlling precedents in the decisions of the supreme court; the federal appellate court may certify the questions or propositions of the laws of Indiana to the supreme court for instructions concerning the questions or propositions of state law,</p>	<p>Who can answer: Ind. Supreme Ct.</p> <p>What: a question of law when it appears to the federal court that a proceeding presents an issue of state law that is determinative of the case and on which there is no clear controlling Indiana precedent (Rule 64)</p> <p>From: U.S. Supreme Court, any federal circuit court of appeals, or any federal district court</p>

	and the supreme court, by written opinion, may answer. Ind. R. App. P. 64; Ind. R. App. P. 16 also relevant	
(22) IOWA <i>statute and rule</i>	<p>Const., Art. V Section 1. Courts. The judicial power shall be vested in a supreme court, district courts, and such other courts, inferior to the supreme court, as the general assembly may, from time to time, establish.</p> <p>Section. 4. Jurisdiction of supreme court. The supreme court shall have appellate jurisdiction only in cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the general assembly may, by law, prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and shall exercise a supervisory and administrative control over all inferior judicial tribunals throughout the state.</p> <p>Statutes, rules, etc. Iowa Code §§ 684A.1 through 684A.11 (old Unif. Act) Iowa R. App. P. 6.301 through 6.305 Rule 6.305. State as amicus curiae. When the constitutionality of an act of the Iowa legislature is drawn into question in a certification proceeding to which the State of Iowa or an officer, agency, or employee thereof is not a party, the attorney general shall be permitted to file an amicus curiae brief on behalf of the State, as provided in rule 6.906 on the constitutionality of the act.</p>	<p>Who can answer: Iowa Supreme Ct.</p> <p>What: questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the appellate courts of this state (§ 684A.1)</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, a U.S. district court or the highest appellate court or the intermediate appellate court of another state</p>
(23) KAN <i>statute</i>	<p>Const. Art. 3 § 1. Judicial power; seals; rules. The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.</p> <p>§ 3. Jurisdiction and terms. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold</p>	<p>Who can answer: Kan. Supreme Ct.</p> <p>What: questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the supreme court and the court of appeals of this state</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, a U.S. district court or the highest appellate court or the intermediate appellate court of any other state</p>

	<p>one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the state.</p> <p>Statutes, rules, etc. K.S.A. 60-3201 through 60-3212 (old Unif. Act)</p>	
<p>(24) KY <i>rule</i> .</p>	<p>Const. § 110. Composition - Jurisdiction - Quorum - Special justices - Districts - Chief justice. (1) The Supreme Court shall consist of the Chief Justice of the Commonwealth and six associate Justices. (2) (a) The Supreme Court shall have appellate jurisdiction only, except it shall have the power to issue all writs necessary in aid of its appellate jurisdiction, or the complete determination of any cause, or as may be required to exercise control of the Court of Justice. (b) Appeals from a judgment of the Circuit Court imposing a sentence of death or life imprisonment or imprisonment for twenty years or more shall be taken directly to the Supreme Court. In all other cases, criminal and civil, the Supreme Court shall exercise appellate jurisdiction as provided by its rules. § 115. Right of appeal - Procedure. In all cases, civil and criminal, there shall be allowed as a matter of right at least one appeal to another court, except that the commonwealth may not appeal from a judgment of acquittal in a criminal case, other than for the purpose of securing a certification of law, and the general assembly may prescribe that there shall be no appeal from that portion of a judgment dissolving a marriage. Procedural rules shall provide for expeditious and inexpensive appeals. Appeals shall be upon the record and not by trial de novo. § 116. Rules governing jurisdiction, personnel, procedure, bar membership. The Supreme Court shall have the power to prescribe rules governing its appellate jurisdiction, rules for the appointment of commissioners and other court personnel, and rules of practice and procedure for the Court of Justice. The Supreme Court shall, by rule, govern admission to the bar and the discipline of members of</p>	<p>Who can answer: Ky. Supreme Ct.</p> <p>What: questions of law of this state which may be determinative of the cause then pending before the originating court and as to which it appears to the party or the originating court that there is no controlling precedent in the decisions of the Supreme court and the Court of Appeals of this state</p> <p>From: U.S. Supreme Court, any court of appeals of the United States, any district court of the United States, the highest appellate court of any other state, or the District of Columbia</p>

	<p>the bar.</p> <p>Statutes, rules, etc. Ky. R. Civ. P. 76.37 (based on old Unif. Act)</p>	
<p>(25) LA <i>statute and rule</i></p>	<p>Const. Art. V § 1. Judicial power The judicial power is vested in a supreme court, courts of appeal, district courts, and other courts authorized by this Article. § 5. Supreme court; jurisdiction; rule-making power; assignment of judges <i>A. Supervisory Jurisdiction; Rule-Making Power; Assignment of Judges.</i> --The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law and may assign a sitting or retired judge to any court. The supreme court shall have sole authority to provide by rule for appointments of attorneys as temporary or ad hoc judges of city, municipal, traffic, parish, juvenile, or family courts. <i>B. Original Jurisdiction.</i> --The supreme court has exclusive original jurisdiction of disciplinary proceedings against a member of the bar. <i>C. Scope of Review.</i> --Except as otherwise provided by this constitution, the jurisdiction of the supreme court in civil cases extends to both law and facts. In criminal matters, its appellate jurisdiction extends only to questions of law. <i>D. Appellate Jurisdiction.</i> --In addition to other appeals provided by this constitution, a case shall be appealable to the supreme court if (1) a law or ordinance has been declared unconstitutional or (2) the defendant has been convicted of a capital offense and a penalty of death actually has been imposed. <i>E. Additional Jurisdiction until July 1, 1982.</i> --In addition to the provisions of Section 5(D) and notwithstanding the provisions of Section 5(D), or Sections 10(A)(3) and 10(C), the supreme court shall have exclusive appellate jurisdiction to decide criminal appeals where the defendant has been convicted of a felony or a fine exceeding five hundred dollars or imprisonment exceeding six months actually has been imposed, but only when an order of</p>	<p>Who can answer: La. Supreme Ct.</p> <p>What: questions or propositions of law of this state which are determinative of said cause independently of any other questions involved in said case and that there are no clear controlling precedents in the decisions of the supreme court of this state</p> <p>From: U.S. Supreme Court or any circuit court of appeals of the United States</p>

appeal has been entered prior to July 1, 1982 and shall have exclusive supervisory jurisdiction of all criminal writ applications filed prior to July 1, 1982 and of all criminal writ applications relating to convictions and sentences imposed prior to July 1, 1982.

F. Appellate Jurisdiction; Civil Cases; Extent. --Subject to the provisions in Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in a civil action properly before it.

Statutes, rules, etc.

La. Revised Stat. 13:72.1

§ 72.1. Declaration of state law to federal courts

A. The supreme court of this state may, by rule of court, provide that when it shall appear to the Supreme Court of the United States, or to any court of appeals of the United States, that there are involved, in any proceeding before it, questions or propositions of the laws of this state, which are determinative of the said cause, and there is no clear controlling precedent in the decisions of the supreme court of this state, such federal appellate court may certify such questions or propositions of the laws of this state to the supreme court of this state for instructions concerning such questions or propositions of state law, which certificate the supreme court of this state may, by written opinion, answer.

B. The supreme court of this state is hereby authorized and empowered to collaborate with any and all other courts of last resort of other states and of the United States in the preparation and approval of uniform rules of court to make effective this and similar laws.

La. Supreme Court Rule XII

(based on old Unif. Act)

Court has express authority to decline; requires AG to be notified and State permitted to intervene when constitutionality of an act affecting the public interest is drawn in question in a certification to which the State or officer, etc., thereof is not a party

<p>(26) MAINE</p> <p><i>statute and rule</i></p>	<p>Const. Art. VI § 1 Courts Sec. 1. The judicial power of this State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish.</p> <p>§ 3 To give opinion when required by Governor or either Branch of the Legislature Sec. 3. The justices of the Supreme Judicial Court shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Senate or House of Representatives.</p> <p>Statutes, rules, etc. 4 M.R.S. § 57 Jurisdiction; disposition of cases; technical errors in pleading and procedure. The following cases only come before the court as a court of law: . . . questions arising on habeas corpus, mandamus and certiorari and questions of state law certified by the federal courts. When it appears to the Supreme Court of the United States, or to any court of appeals or district court of the United States, that there is involved in any proceeding before it one or more questions of law of this State, which may be determinative of the cause, and there are no clear controlling precedents in the decisions of the Supreme Judicial Court, such federal court may certify any such questions of law of this State to the Supreme Judicial Court for instructions concerning such questions of state law, which certificate the Supreme Judicial Court sitting as the Law Court may, by written opinion, answer.</p> <p>Me. R. App. P. 25 (based on old Unif. Act) (formerly codified as M. R. Civ. P. 76B) Note: rule permits intervention by the State</p>	<p>Who can answer: Maine Supreme Judicial Ct.</p> <p>What: questions of law of this State, which may be determinative of the cause, and there are no clear controlling precedents in the decisions of the Supreme Judicial Court</p> <p>From: U.S. Supreme Court and any court of appeals or district court of the United States</p> <p>Note: <i>In re Richards</i>, 223 A.2d 827 (Me. 1966): Constitutionality of authorizing statute was challenged by motion when question of law certified to the Maine Supreme Judicial Court -- Court focused on meaning of “judicial power” -- analogized to declaratory judgments (i.e., not advisory opinions) -- then: “We conclude . . . that our participation in the certification procedure will constitute a valid exercise of ‘judicial power’. See <i>Sawyer v. Gilmore</i> (1912), 109 Me. 169, 180, 83 A. 673. We are satisfied that more will be involved than the mere rendering of a purely advisory opinion. The certification by the federal court becomes by the force of our statute the jurisdictional vehicle for placing the matter before the court for its action. M.R.C.P. Rule 76B provides for the procedure to be followed. Parties are before the court and are provided with the opportunity for presentation of briefs and oral argument customary upon appeal. The certification will make it apparent that there is a genuine live controversy between the parties pending in the federal court, a controversy based upon an existing factual situation which will be determined by our response to questions. Such response will be in the nature of a declaratory judgment. This court will treat the judgment which it renders on legal issues tendered in certification proceedings as having the force of decided case law within the courts of this state and as constituting <i>res adjudicata</i> as between the same parties in any subsequent action brought in our courts. We rely upon the doctrine of <i>Erie R. R. Co. v. Tompkins</i> (1938), 304 U.S. 64, 58 S. Ct. 817, 82 L. Ed. 1188, to make our decision and opinion given in answer to questions under this procedure conclusive and determinative in the federal courts with respect to the state of the law in Maine.” Then Court declines to answer this time because facts unresolved: “As we construe the statute, it contemplates that our response will be ‘determinative of the cause’—and in fact if this were not so the statute would not satisfy constitutional requirements as we have already indicated. We cannot see that this can ever be so if the facts remain</p>
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		<p>unresolved and in a hypothetical state. The Florida certification statute obviates this difficulty by permitting certification <i>only by federal courts at the appellate level</i>. At that level the facts will have been found and established. If we are to participate and yet not render purely advisory opinions, we think it will be incumbent upon us to respond to questions only when it is apparent from the certification itself that all material facts have been either agreed upon or found by the court and that the case is in such posture in all respects that our decision as to the applicable Maine law will in truth and in fact be ‘determinative of the cause’ as the statute conferring jurisdiction upon us requires. Such is not the case here.” (Emphasis added.)</p> <p>(Nb: Court had previously issued an opinion in response to a certified question but had not addressed the constitutional issue.)</p>
<p>(27) MASS rule</p>	<p>Const. Part FIRST Art. XXIX. Judges of supreme judicial court; tenure of office, salaries It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.</p> <p>Art. XXX. Separation of legislative, executive and judicial departments In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.</p> <p>Const. Part SECOND, Chapter III Art. II. Opinions of the justices of supreme judicial court Each branch of the legislature, as well as the governor or the council, shall have authority to require the opinions of the justices</p>	<p>Who can answer: Mass. Supreme Judicial Ct.</p> <p>What: questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of this court</p> <p>From: U.S. Supreme Court, a court of appeals of the United States or of the District of Columbia, or a U.S. district court, or the highest appellate court of any other state</p> <p>Note: <i>Treglia v. Macdonald</i>, 430 Mass. 237, 717 N.E.2d 249 (Mass. 1999): “The bankruptcy appellate panel is not listed among the courts from which we accept certified questions. See S.J.C. Rule 1:03, § 1. We nevertheless conclude that we may answer the certified question. Bankruptcy appellate panels were created on July 10, 1984, pursuant to 98 Stat. 341 (1984), codified at 28 U.S.C. § 158(b) and (c) (1994), after the adoption of S.J.C. Rule 1:03, § 1. The power of the bankruptcy appellate panel to decide bankruptcy appeals is premised on express authority granted to it by the United States Court of Appeals for the First Circuit. See 28 U.S.C. § 158(b)(1). As noted by the bankruptcy appellate panel in its certification to us, that panel is the ‘functional equivalent’ of a United States District Court in hearing bankruptcy appeals. See 28 U.S.C. § 158(c). Acting as the intermediate appellate court in bankruptcy matters, the United States District Court for the District of Massachusetts has certified questions to this court that we have answered. See <i>Dwyer v.</i></p>

	<p>of the supreme judicial court, upon important questions of law, and upon solemn occasions.</p> <p>Statutes, rules, etc. Mass. Supreme Judicial Ct. Rule 1:03 (based on old Unif. Act)</p>	<p><i>Cempellin</i>, 424 Mass. 26, 673 N.E.2d 863 (1996). See also <i>Colonial Tavern, Inc. v. Boston Licensing Bd.</i>, 384 Mass. 372, 373 n.3, 425 N.E.2d 284 (1981) (although S.J.C. Rule 1:03 does not ‘expressly’ authorize certification of questions from bankruptcy court, rule is ‘broad enough to include certification of questions from that court’).”</p>
<p>(28) MICH <i>rule</i> <i>(FYI, see Markman, J., dissenting, in Melson)</i></p>	<p>Const. Art. VI § 1. Judicial power in court of justice; divisions. Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house. § 4. General superintending control over courts; writs; appellate jurisdiction. Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge. § 5. Court rules; distinctions between law and equity; master in chancery. Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.</p> <p>Statutes, rules, etc. Mich. Court Rule 7.308 (A) Certified Questions (1) <i>From Michigan Courts.</i> (2) <i>From Other Courts.</i> (a) When a federal court, another state’s appellate court, or a tribal court considers a question that Michigan law may resolve and that is not controlled by Michigan Supreme Court precedent, the court may on its own initiative or that of an interested party certify the question to the</p>	<p>Who can answer: Mich. Supreme Ct.</p> <p>What: a question that Michigan law may resolve and that is not controlled by Michigan Supreme Court precedent</p> <p>From: a federal court, another state’s appellate court, or a tribal court</p> <p>Note: <i>In re Certified Questions from U.S. Court of Appeals for Sixth Circuit (Melson v. Prime Insurance Syndicate, Inc.)</i>, 696 N.W.2d 687 (Mich. 2005): The Michigan Supreme Court declined to answer certified questions from the Sixth Circuit. Justice Young concurred explaining why he believed answering a certified question would constitute an advisory opinion and would thus be unconstitutional. But Justice Markman wrote a lengthy dissent making a variety of arguments for why the certification procedure was constitutional. Justice Markman argued that the Court’s authority to answer certified questions derived from Michigan sovereignty, the federal structure, the equal footing doctrine, and the judicial power. He also discussed issues regarding the practical impact of the procedure, judicial comity, and consensus of authority. He further argued that answering a certified question was not an advisory opinion because the opinion would be binding on the federal court under <i>Erie v. Tompkins</i> and the fact that a federal court might erroneously ignore the Court’s decision did not delegitimize the exercise of its judicial power.</p> <p>The Michigan Supreme Court has recently resolved that the certification procedure is constitutional. <i>See In re Certified Question from U.S. Dist. Court for Western Michigan (Mattison v. Social Security Commissioner)</i>, 825 N.W.2d 566 (Mich. 2012) (dissenting, C.J., Young): “First, I continue to believe that this Court lacks the constitutional authority to issue advisory opinions other than as described in article 3, §</p>

	<p>Court.</p> <p>(b) A certificate may be prepared by stipulation or at the certifying court's direction, and must contain</p> <ul style="list-style-type: none"> (i) the case title; (ii) a factual statement; and (iii) the question to be answered. <p>The presiding judge must sign it, and the clerk of the federal, other state, or tribal court must certify it.</p> <p>(c) With the certificate, the parties shall submit</p> <ul style="list-style-type: none"> (i) briefs conforming with MCR 7.312; (ii) a joint appendix conforming with MCR 7.312(D); and (iii) a request for oral argument on the title page of the pleading, if oral argument is desired. <p>(d) If the Supreme Court responds to the question certified, the clerk shall send a copy to the certifying court.</p> <p>(e) The Supreme Court shall divide costs equally among the parties, subject to redistribution by the certifying court.</p> <p>(3) <i>Submission and Argument.</i> Certified questions may be submitted for a decision after receipt of the question. Oral argument of a certified question under subrule (2), if properly requested under subrule (2)(c)(iii), or under subrule (1) if desired by the Court, will be scheduled in accordance with MCR 7.313.</p> <p>Mich. Court Rule 7.303 (providing that Mich. Supreme Court has jurisdiction to respond to a certified question)</p>	<p>8 of Michigan's 1963 Constitution. My position regarding the Court's constitutional authority did not prevail, and I accept that the Court has determined otherwise. However, my constitutional reservation counsels that this Court should accept and answer certified questions from the federal courts sparingly and only when the Michigan legal issue is a debatable one and pivotal to the federal case that prompted the request for the certified question." (Footnotes omitted.)</p>
<p>(29) MINN <i>statute</i></p>	<p>Const. Art. VI</p> <p>§ 2. Supreme court; court of appeals</p> <p>The supreme court consists of one chief judge and not less than six nor more than eight associate judges as the legislature may establish. It shall have original jurisdiction in such remedial cases as are prescribed by law, and appellate jurisdiction in all cases, but there shall be no trial by jury in the supreme court.</p> <p>....</p> <p>Statutes, rules, etc.</p> <p>Minn. Stat. § 480.065</p> <p>(Rev. Unif. Act)</p>	<p>Who can answer: Minn. Supreme Ct.</p> <p>What: answer that may be determinative of an issue in pending litigation in the certifying court and there is no controlling appellate decision, constitutional provision, or statute of this state</p> <p>From: a court of the United States or an appellate court of another state, of a tribe, of Canada or a Canadian province or territory, or of Mexico or a Mexican state</p> <p>Note: In Wolner v. Mahaska Industries, Inc., 325 N.W.2d 39 (Minn. 1982), the Minn. Supreme Court held that an answer to a certified question is binding precedent.</p>

<p>(30) MISS <i>rule</i></p>	<p>Const. Art. 6 § 144. Judicial power of state The judicial power of the State shall be vested in a Supreme Court and such other courts as are provided for in this Constitution. § 146. Jurisdiction of Supreme Court The Supreme Court shall have such jurisdiction as properly belongs to a court of appeals and shall exercise no jurisdiction on matters other than those specifically provided by this Constitution or by general law. The Legislature may by general law provide for the Supreme Court to have original and appellate jurisdiction as to any appeal directly from an administrative agency charged by law with the responsibility for approval or disapproval of rates sought to be charged the public by any public utility. The Supreme Court shall consider cases and proceedings for modification of public utility rates in an expeditious manner regardless of their position on the court docket.</p> <p>Statutes, rules, etc. Miss. Code Ann. § 9-3-9 § 9-3-9. Jurisdiction of the court The Supreme Court shall have such jurisdiction as properly belongs to a court of appeals, and shall hear and determine all manner of pleas, complaints, motions, causes, and controversies, civil and criminal, which are now pending therein, or which may be brought before it, and which shall be cognizable in said court; but a cause shall not be removed into said court until after final judgment in the court below, except as provided by Section 9-4-3, or in cases particularly provided for by law; and the Supreme Court may grant new trials and correct errors of the circuit court in granting or refusing the same. Provided, however, the Supreme Court shall have such original and appellate jurisdiction as may be otherwise provided by law in cases and proceedings for modification of any rates charged or sought to be charged to the public by any public utility. § 9-3-39. Court may make and enforce rules The Supreme Court shall have power to make such rules in respect to making out records for said court and for the Court of</p>	<p>Who can answer: Miss. Supreme Ct.</p> <p>What: questions or propositions of law of this state which are determinative of all or part of that cause and there are no clear controlling precedents in the decisions of the Miss. Supreme Ct.</p> <p>From: U.S. Supreme Court or any U.S. court of appeals</p>
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	<p>Appeals as may be expedient, and may prescribe the form and manner in which records shall be prepared for appeal, and cause the same to be bound, but shall not require any record to be printed; and may enforce its rules by proper fines or by refusal to allow costs to be taxed to the clerks below on records not made out according to the rules, or by refusing to permit such records to be filed. And the court may prescribe the mode of pleading in causes therein, civil and criminal, and the manner of trying the same; and may also establish such rules of practice and proceedings therein as may be deemed necessary and proper for certainty and dispatch of business, and may dismiss causes for noncompliance with any of the rules; but such rules must be consistent with law.</p> <p>§ 9-3-61. General rule-making power vested in Supreme Court</p> <p>As a part of the judicial power granted in Article 6, Section 144, of the Mississippi Constitution of 1890, the Supreme Court has the power to prescribe from time to time by general rules the forms of process, writs, pleadings, motions, rules of evidence and the practice and procedure for trials and appeals in the Court of Appeals and in the circuit, chancery and county courts of this state and for appeals to the Supreme Court from interlocutory or final orders of trial courts and administrative boards and agencies, and certiorari from the Court of Appeals.</p> <p>Miss. R. App. P. 20 (based on part of old Unif. Act)</p>	
<p>(31) MO</p> <p><i>statute; unconstitu- tional</i></p>	<p>Const. Art. V</p> <p>§ 1. Judicial power--constitutional courts</p> <p>The judicial power of the state shall be vested in a supreme court, a court of appeals consisting of districts as prescribed by law, and circuit courts.</p> <p>§ 2. Supreme court--controlling decisions--number of judges--sessions</p> <p>The supreme court shall be the highest court in the state. Its jurisdiction shall be coextensive with the state. Its decisions shall be controlling in all other courts. It shall be composed of seven judges, who shall hold their sessions in Jefferson City at times fixed by the court.</p>	<p>Who can answer: [Mo. Supreme Ct.]</p> <p>What: [questions of Missouri law which may be relevant to the cause then pending and as to which it appears to the certifying court there is no controlling precedent in this state]</p> <p>From: [U.S. Supreme Court, a court of appeals of the United States, a U.S. district court, or a U.S. bankruptcy court]</p> <p>Note: In <i>Grantham v. Missouri Dept. of Corrections</i>, No. 72576, 1990 WL 602159 (Mo. July 13, 1990) (unpublished), the Missouri Supreme Court held that it had no jurisdiction to hear</p>

	<p>§ 3. Jurisdiction of the supreme court</p> <p>The supreme court shall have exclusive appellate jurisdiction in all cases involving the validity of a treaty or statute of the United States, or of a statute or provision of the constitution of this state, the construction of the revenue laws of this state, the title to any state office and in all cases where the punishment imposed is death. The court of appeals shall have general appellate jurisdiction in all cases except those within the exclusive jurisdiction of the supreme court.</p> <p>Statutes, rules, etc. Mo. Ann. Stat. § 477.004 (based on part of old Unif. Act)</p>	<p>certified questions:</p> <p>“The above-styled cause is pending before the United States District Court for the Western District of Missouri, Central Division, No. 89-4381-CV-C-5. That court has certified questions of Missouri law to this Court pursuant to § 477.004, RSMo Supp. 1989. Notwithstanding the statutory provision, this Court’s general jurisdiction is both established and limited by the Missouri Constitution, art. V, §§ 3 and 4. <i>State ex rel. Pitcairn v. Pub. Serv. Comm’n</i>, 92 S.W.2d 881 (Mo. 1936). Those constitutional provisions do not expressly or by implication grant the Supreme Court of Missouri original jurisdiction to render opinions on questions of law certified by federal courts.</p> <p>Finding no constitutional jurisdiction permitting this Court to respond, the Court must decline to answer the questions certified. So ordered.”</p>
<p>(32) MONT <i>rule</i></p>	<p>Const., Art. VII 1 Judicial power.</p> <p>The judicial power of the state is vested in one supreme court, district courts, justice courts, and such other courts as may be provided by law.</p> <p>2 Supreme court jurisdiction.</p> <p>(1) The supreme court has appellate jurisdiction and may issue, hear, and determine writs appropriate thereto. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law.</p> <p>(2) It has general supervisory control over all other courts.</p> <p>(3) It may make rules governing appellate procedure, practice and procedure for all other courts, admission to the bar and the conduct of its members. Rules of procedure shall be subject to disapproval by the legislature in either of the two sessions following promulgation.</p> <p>(4) Supreme court process shall extend to all parts of the state.</p> <p>Statutes, rules, etc. Court’s jurisdictional statutes at Mont. Code Ann. 3-2-201 et seq.</p> <p>Mont. Code Ann. Title 25 , Ch. 21, Rule 15 (in rules of appellate procedure) (Rev. Unif. Act)</p>	<p>Who can answer: Mont. Supreme Ct.</p> <p>What: question of law if the answer may be determinative of an issue in pending litigation in the certifying court and there is no controlling appellate decision, constitutional provision, or statute of Mont.</p> <p>From: a court of the United States, or the highest court of another State or of a tribe, or of Canada, a Canadian province or territory, Mexico, or a Mexican state</p> <p>Note: Court held it had authority to respond to a certified question but did not explain why in <i>Irion v. Glens Falls Ins. Co.</i>, 154 Mont. 156, 162, 461 P.2d 199, 202-03 (Mont. 1969).</p>

<p>(33) NEB <i>statute</i></p>	<p>Const. Art. V § 1. Power vested in courts; Chief Justice; powers The judicial power of the state shall be vested in a Supreme Court, an appellate court, district courts, county courts, in and for each county, with one or more judges for each county or with one judge for two or more counties, as the Legislature shall provide, and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof.</p> <p>§ 2. Supreme Court; number of judges; quorum; jurisdiction; retired judges, temporary duty; court divisions; assignments by Chief Justice The Supreme Court shall consist of seven judges, one of whom shall be the Chief Justice. A majority of the judges shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of five judges. The Supreme Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, election contests involving state officers other than members of the Legislature, and such appellate jurisdiction as may be provided by law. . . .</p> <p>Statutes, rules, etc. Neb. Rev. Stat. §§ 24- 219 through 24-225 (based on old Unif. Act)</p>	<p>Who can answer: Neb. Supreme Ct.</p> <p>What: questions of law which may be determinative of the cause then pending in the certifying court as to which it appears to the certifying court there is no controlling precedent in the decisions of the Supreme Court of this state</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, or a U.S. district court</p>
<p>(34) NEV <i>rule</i></p>	<p>Const. Art. 6 § 1. Judicial power vested in court system The Judicial power of this State is vested in a court system, comprising a Supreme Court, a court of appeals, district courts and</p>	<p>Who can answer: Nev. Supreme Ct.</p> <p>What: questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it</p>

<p>justices of the peace. The Legislature may also establish, as part of the system, Courts for municipal purposes only in incorporated cities and towns.</p> <p>§ 4. Jurisdiction of Supreme Court and court of appeals; appointment of judge to sit for disabled or disqualified justice or judge</p> <p>1. The Supreme Court and the court of appeals have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. The Supreme Court shall fix by rule the jurisdiction of the court of appeals and shall provide for the review, where appropriate, of appeals decided by the court of appeals. The Supreme Court and the court of appeals have power to issue writs of <i>mandamus</i>, <i>certiorari</i>, prohibition, <i>quo warranto</i> and <i>habeas corpus</i> and also all writs necessary or proper to the complete exercise of their jurisdiction. Each justice of the Supreme Court and judge of the court of appeals may issue writs of <i>habeas corpus</i> to any part of the State, upon petition by, or on behalf of, any person held in actual custody in this State and may make such writs returnable before the issuing justice or judge or the court of which the justice or judge is a member, or before any district court in the State or any judge of a district court.</p> <p>. . . .</p> <p>Statutes, rules, etc. Nev. R. App. P. 5 (based on old Unif. Act)</p>	<p>appears to the certifying court there is no controlling precedent in the decisions of the Supreme Court or Court of Appeals of this state</p> <p>From: U.S. Supreme Court, a court of appeals of the United States or of the District of Columbia, a U.S. district court, or a U.S. bankruptcy court</p> <p>Note: <i>Volvo Cars of North America, Inc. v. Ricci</i>, 122 Nev. 746, 137 P.3d 1161 (Nev. 2006), contains a discussion comparing various state supreme courts' treatments of whether a question of law "may be determinative of the cause then pending[.]"</p>
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<p>(35) NH rule</p>	<p>Const. Part SECOND Art. 72-a. [Supreme and Superior Courts.] The judicial power of the state shall be vested in the supreme court, a trial court of general jurisdiction known as the superior court, and such lower courts as the legislature may establish under Article 4th of Part 2. Art. 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. He shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law. Art. 74. [Judges to Give Opinions, When.] Each branch of the legislature as well as the governor and council shall have authority to require the opinions of the justices of the supreme court upon important questions of law and upon solemn occasions.</p> <p>Statutes, rules, etc. N.H. Rev. Stat. § 490:4 490:4 Jurisdiction. The supreme court shall have general superintendence of all courts of inferior jurisdiction to prevent and correct errors and abuses, including the authority to approve rules of court and prescribe and administer canons of ethics with respect to such courts, shall have exclusive authority to issue writs of error, and may issue writs of certiorari, prohibition, habeas corpus, and all other writs and processes to other courts, to corporations and to individuals, and shall do and perform all the duties reasonably requisite and necessary to be done by a court of final jurisdiction of questions of law and general superintendence of inferior courts.</p> <p>N.H. Supreme Ct. Rule 34 (based on part of old Unif. Act)</p>	<p>Who can answer: N.H. Supreme Ct.</p> <p>What: questions of law of this State which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court that there is no controlling precedent in the decisions of this court</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, or of the District of Columbia, or a U.S. district court</p>
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<p>(36) NJ <i>rule</i></p>	<p>Const., Art. VI, Sec. II Paragraph 2. Jurisdiction of Supreme Court 2. The Supreme Court shall exercise appellate jurisdiction in the last resort in all causes provided in this Constitution. Paragraph 3. Rules governing administration and practice and procedure; admission to practice law and discipline of persons admitted 3. The Supreme Court shall make rules governing the administration of all courts in the State and, subject to the law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.</p> <p>Statutes, rules, etc. N.J. Court Rules, Pt. 2, Rule 2:12A-1 to 2:12A-8 (based on part of Rev. Unif. Act)</p>	<p>Who can answer: N.J. Supreme Ct.</p> <p>What: question of law if the answer may be determinative of an issue in litigation pending in the 3rd Circuit and there is no controlling appellate decision, constitutional provision, or statute in this State</p> <p>From: U.S. Court of Appeals (3rd Cir.)</p> <p>Note: Rule first adopted eff. in 2000 as a temporary measure (2 year sunset; extended another 2 years.; sunset removed November 5, 2003)</p>
<p>(37) NM <i>statute and rule</i></p>	<p>Const. Art. VI Section 1. [Judicial power vested.] The judicial power of the state shall be vested in the senate when sitting as a court of impeachment, a supreme court, a court of appeals, district courts; probate courts, magistrate courts and such other courts inferior to the district courts as may be established by law from time to time in any district, county or municipality of the state. Section 2. [Supreme court; appellate jurisdiction.] Appeals from a judgment of the district court imposing a sentence of death or life imprisonment shall be taken directly to the supreme court. In all other cases, criminal and civil, the supreme court shall exercise appellate jurisdiction as may be provided by law; provided that an aggrieved party shall have an absolute right to one appeal. Section 3. [Supreme court; original jurisdiction; supervisory control; extraordinary writs.] The supreme court shall have original jurisdiction in quo warranto and mandamus against all state officers, boards and commissions, and shall have a superintending control over all inferior courts; it shall also have power to issue writs of</p>	<p>Who can answer: N.M. Supreme Ct.</p> <p>What: question of law if the answer may be determinative of an issue in pending litigation in the certifying court and the question is one for which answer is not provided by a controlling appellate opinion of the N.M. Supreme Ct. or the N.M. Court of Appeals or a constitutional provision or statute of this state</p> <p>From: a court of the United States, an appellate court of another state, a tribe, Canada, a Canadian province or territory, Mexico or a Mexican state</p>

	<p>mandamus, error, prohibition, habeas corpus, certiorari, injunction and all other writs necessary or proper for the complete exercise of its jurisdiction and to hear and determine the same. Such writs may be issued by direction of the court, or by any justice thereof. Each justice shall have power to issue writs of habeas corpus upon petition by or on behalf of a person held in actual custody, and to make such writs returnable before himself or before the supreme court, or before any of the district courts or any judge thereof.</p> <p>Statutes, rules, etc. N.M. Stat. Ann. §§ 39-7-1 through 39-7-13 (Rev. Unif. Act)</p> <p>N.M. R. App. P. 12-607</p>	
<p>(38) ND <i>rule</i></p>	<p>Const. Art. VI Section 1. [Judicial power] The judicial power of the state is vested in a unified judicial system consisting of a supreme court, a district court, and such other courts as may be provided by law.</p> <p>Section 2. [Supreme court jurisdiction] The supreme court shall be the highest court of the state. It shall have appellate jurisdiction, and shall also have original jurisdiction with authority to issue, hear, and determine such original and remedial writs as may be necessary to properly exercise its jurisdiction. The supreme court shall consist of five justices, one of whom shall be designated chief justice in the manner provided by law.</p> <p>Section 3. [Supreme court authority] The supreme court shall have authority to promulgate rules of procedure, including appellate procedure, to be followed by all the courts of this state; and, unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law.</p> <p>The chief justice shall be the administrative head of the unified judicial system. He may assign judges, including retired judges, for temporary duty in any court or district under such rules and regulations as may be promulgated by the supreme court. The chief justice shall appoint a court administrator for the unified</p>	<p>Who can answer: N.D. Supreme Ct.</p> <p>What: questions of law when the following conditions are met: (1) questions of law of this state are involved in any proceeding before the certifying court which may be determinative of the proceeding; (2) it appears to the certifying court there is no controlling precedent in the decisions of the supreme court of this state</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, a U.S. district court, or the highest appellate or intermediate appellate court of any other state</p> <p>Note: <i>McKenzie County v. Hodel</i>, 467 N.W.2d 701 (N.D. 1991): “The United States asserts that we should decline to answer the certified questions because the answers will not be dispositive of the action in federal district court. In support, the United States cites <i>Gelinske v. Farmers Grain & Trading Co.</i>, 446 N.W.2d 261 (N.D. 1989), and <i>State v. Larson</i>, 313 N.W.2d 750 (N.D. 1981). Both of those cases involved certification to this court from trial courts of this State under Chapter 32-24, N.D.C.C., and Rule 47.1, N.D.R. App. P. We will decline to answer certified questions from courts of this State if our answers would not be dispositive, wholly or principally, of the issues in the case. <i>E.g.</i>, <i>Gelinske v. Farmers Grain & Trading Co.</i>, <i>supra</i>, 446 N.W.2d at 263; <i>Bellemare v. Gateway Builders, Inc.</i>, 399 N.W.2d 308, 310 (N.D.</p>

judicial system. Unless otherwise provided by law, the powers, duties, qualifications, and terms of office of the court administrator, and other court officials, shall be as provided by rules of the court.

Statutes, rules, etc.

N.D. R. App. P. 47 (based on old Unif. Act)

note especially:

(c) Contents of certification order.

A certification order must contain:

- (1) a question of law formulated in a manner allowing the question to be answered by a “yes” or “no”;
- (2) a statement of all facts relevant to the question certified, showing fully the nature of the controversy in which the question arose;
- (3) a statement demonstrating there is no controlling precedent in the decisions of the supreme court.

....

(l) Withdrawal of order.

A certification order may be withdrawn by subsequent order of the certifying court before issuance of the written opinion of the supreme court.

Includes:

EXPLANATORY NOTE

Rule 47 was amended, effective March 1, 1996; March 1, 2003; October 1, 2014.

Rule 47 is substantially the same as the 1967 Uniform Certification of Questions of Law Act as drafted by the National Conference of Commissioners on Uniform State Laws.

Rule 47 was revised, effective March 1, 2003. The language and organization of the rule were changed to make the rule more easily understood and to make style and terminology consistent throughout the rules.

The following comments are based upon the Official Comments to the Uniform Certification of Questions of Law Act.

This rule provides that the supreme court has the right to answer questions certified to it; it is not mandatory that the court answer certified questions. See, for example, *Atlas Life Insurance Co. v. W. I. Southern, Inc.*, 306 U.S. 563, 59 S. Ct. 657, 83 L. Ed. 987 (1939) and *NLRB v. White Swan Co.*, 313 U.S. 23, 61 S. Ct. 751, 85 S. Ct. 751, 85 L. Ed. 1165 (1941) (in both cases the Supreme Court of the United States refused to answer certified questions).

1987).

A less stringent standard will be applied, however, in exercising our discretion to answer certified questions from courts of other jurisdictions under Rule 47, N.D. R. App. P. There is a logical policy basis for this apparent dichotomy. If we decline to answer questions certified by a court of this State, the parties may, as a matter of right, appeal from the final judgment or order of the trial court and obtain resolution of the relevant questions of law in this court. Thus, in the interest of judicial economy and orderly procedure, we will only answer certified questions which are dispositive of the issues in the case. However, if we decline to respond to questions certified by a federal court or court of another state, we leave that court to speculate upon unsettled issues of North Dakota law, and the parties have no recourse in the appellate courts of this State. Consequently, we deem it appropriate in this case to exercise our discretion to answer the certified questions.”

	<p>The courts listed as the court which may certify questions are the United States Supreme Court, the federal Courts of Appeals and the federal District Courts, which would include three-judge District Courts under 28 U.S.C. 2281 and 2284. Also included are “the highest appellate court or the intermediate appellate court” of other states. This provision allows certification of questions in conflicts cases.</p> <p>The statement of facts in a certification order should present all of the relevant facts. The purpose is to give the answering court a complete picture of the controversy so that the answer will not be given in a vacuum. The certifying court could include exhibits, excerpts from the record, a summary of the facts found by the court, and any other document which will be of assistance to the answering court.</p> <p>Subdivision (f) provides for incorporation by reference of the local rules or statutes governing briefs and arguments.</p> <p>Subdivisions (h) and (i) allow certifications from the supreme court to the highest court of another state. This could prove to be very useful in the case of conflicts of laws where the supreme court wishes to apply the law of another state. If the law of that state is unclear on the point, a question could be certified. This is the reciprocal provision of subdivision (a).</p> <p>Subdivision (l) is not part of the uniform rule. It was added in 1996 to formalize the procedure for withdrawal of the certification order when the case pending in the certifying court is settled prior to the issuance of the opinion by the supreme court.</p> <p>Rule 47 was amended, effective October 1, 2014, to replace “supreme court clerk” with “clerk of the supreme court.”</p> <p>Sources: Joint Procedure Committee Minutes of April 25-26, 2002, page 27.</p>	
<p>(39) OH <i>rule</i></p>	<p>Const. Art. IV</p> <p>§ 1. In whom judicial power vested</p> <p>The judicial power of the state is vested in a supreme court, courts of appeals, courts of common pleas and divisions thereof, and such other courts inferior to the supreme court as may from time to time be established by law.</p> <p>§ 2. The supreme court</p> <p>(A) The supreme court shall, until otherwise provided by law, consist of seven judges</p> <p>(B) (1) The supreme court shall have original jurisdiction in the following:</p> <p>[list, e.g., quo warranto (a) through (e), then:]</p>	<p>Who can answer: Oh. Supreme Ct.</p> <p>What: a question of Ohio law that may be determinative of the proceeding and for which there is no controlling precedent in the decisions of this Supreme Court</p> <p>From: a court of the United States</p> <p>Note: <i>Scott v. Bank One Trust Co., N.A., 62 Ohio St. 3d 39, 577 N.E.2d 1077 (Ohio 1991)</i> (authority from federalism): “However, jurisdictional analysis is irrelevant to Rule XVI’s [nb: now Rule 9.01] constitutionality, for a court does not exercise jurisdiction</p>

(f) In any cause on review as may be necessary to its complete determination;

(g) Admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law.

(2) The supreme court shall have appellate jurisdiction as follows:

(a) In appeals from the courts of appeals as a matter of right in the following:

(i) Cases originating in the courts of appeals;

(ii) Cases involving questions arising under the constitution of the United States or of this state.

(b) In appeals from the courts of appeals in cases of felony on leave first obtained,

(c) In direct appeals from the courts of common pleas or other courts of record inferior to the court of appeals as a matter of right in cases in which the death penalty has been imposed;

(d) Such revisory jurisdiction of the proceedings of administrative officers or agencies as may be conferred by law;

(e) In cases of public or great general interest, the supreme court may direct any court of appeals to certify its record to the supreme court, and may review and affirm, modify, or reverse the judgment of the court of appeals;

(f) The supreme court shall review and affirm, modify, or reverse the judgment in any case certified by any court of appeals pursuant to section 3(B) (4) of this article.

(3) No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the supreme court.

(C) The decisions in all cases in the supreme court shall be reported, together with the reasons therefor.

§ 5. Additional powers of supreme court; supervision; rule making

(A) (1) In addition to all other powers vested by this article in the supreme court, the supreme court shall have general superintendence over all courts in the state. Such general superintending power shall be exercised by the chief justice in accordance with rules promulgated by the supreme court.

(2) The supreme court shall appoint an administrative director . .

by answering a certified question. “Jurisdiction” means “the power to hear and determine a cause.” *Sheldon's Lessee v. Newton* (1854), 3 Ohio St. 494, 499. By answering a state-law question certified by a federal court, we may affect the outcome of the federal litigation, but the federal court still hears and decides the cause. Therefore, answering a certified question is not an exercise of jurisdiction.

Thus, we need no grant of jurisdiction in order to answer certified questions. Conversely, our jurisdiction under Section 2, Article IV cannot be the source of our power to answer such questions. If we have such power, we must seek it elsewhere.

In our view, such a **power exists by virtue of Ohio's very existence as a state in our federal system.** We begin with a truism: the Ohio Constitution permits the state to exercise its own sovereignty as far as the United States Constitution and laws permit. Since federal law recognizes Ohio's sovereignty by making Ohio law applicable in federal courts, the state has the power to exercise and the responsibility to protect that sovereignty. Therefore, if answering certified questions serves to further the state's interests and preserve the state's sovereignty, the appropriate branch of state government -- this court -- may constitutionally answer them.

The state's sovereignty is unquestionably implicated when federal courts construe state law. If the federal court errs, it applies law other than Ohio law, in derogation of the state's right to prescribe a “rule of decision.” “By allocating rights and duties incorrectly, the federal court both does an injustice to one or more parties, and frustrates the state's policy that would have allocated the rights and duties differently. The frustration of the state's policy may have a more lasting effect, because other potential litigants are likely to behave as if the federal decision were the law of the state. In that way, the federal court has, at least temporarily, *made* state law of which the state would have disapproved, had its courts had the first opportunity to pass on the question.” McCree, Foreword, 1976 Annual Survey of Michigan Law (1977), 23 Wayne L.Rev. 255, 257, fn. 10.

The danger is scarcely theoretical. Federal courts acknowledge that they frequently err in applying state law that is unclear or unsettled.

. . . .

Another federal judge has argued that it matters little if a federal court errs in applying state law, because if “state law is so unclear that a federal court, honestly trying to discover and apply it, falls into error the relevant state policies are so lacking in development and firmness that their nonapplication in a diversity case is not of very great moment.” Wright, *The Federal Courts and the Nature and Quality of State Law* (1967), 13

..

(3) The chief justice or acting chief justice, as necessity arises, shall assign any judge

(B) The supreme court shall prescribe rules governing practice and procedure in all courts of the state, which rules shall not abridge, enlarge, or modify any substantive right. Proposed rules shall be filed by the court, not later than the fifteenth day of January, with the clerk of each house of the general assembly during a regular session thereof, and amendments to any such proposed rules may be so filed not later than the first day of May in that session. Such rules shall take effect on the following first day of July, unless prior to such day the general assembly adopts a concurrent resolution of disapproval. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

Courts may adopt additional rules concerning local practice The supreme court may make rules to require uniform record keeping for all courts of the state, and shall make rules governing the admission to the practice of law and discipline of persons so admitted.

(C) The chief justice of the supreme court or any judge of that court designated by him shall pass upon the disqualification of any judge

Statutes, rules, etc.

Oh. Supreme Ct. Prac. Rules 9.01 – 9.08; see also **Rule 5.04** (varies from old Unif. Act)

Includes:

Rule 9.05 Preliminary memoranda; court determination of whether to answer question certified

(A) Preliminary Memoranda.

(1) Within twenty days after a certification order is filed with the Supreme Court, each party shall file a memorandum, not to exceed fifteen pages in length, addressing all questions of law certified to the Supreme Court.

(2) An amicus curiae may file a memorandum conforming to the requirements of this rule and supporting either party within twenty

Wayne L.Rev. 317, 320.

We respectfully disagree. Points of state law that seem unclear to federal courts may be quite clear to “informed local courts,” which “may find meaning not discernible to the outsider.” *Louisiana Power & Light Co. v. Thibodaux* (1959), 360 U.S. 25, 30, 79 S. Ct. 1070, 1073, 3 L.Ed.2d 1058, 1063. One cannot infer from a federal court’s honest misunderstanding of state law that the policies served by that law lack development and firmness.

Moreover, we strongly believe in the importance of accurately applying Ohio law in federal courts. “In the tension between federal and state power lies the promise of liberty.” *Gregory v. Ashcroft* (1991), 501 U.S. 452, ___, 111 S. Ct. 2395, 2400, 115 L.Ed.2d 410, 423. To the extent that a federal court applies different legal rules than the state court would have, the state’s sovereignty is diminished; as Judge McCree put it, the federal court has made state law. From the state’s viewpoint, losing part of its sovereignty is no small matter, especially since a federal court’s error may perpetuate itself in state courts until the state’s highest court corrects it. See *Nupnau v. Hink* (1964), 53 Ill.App.2d 81, 91, 203 N.E.2d 63, 68-69 (federal decision applying Illinois law entitled to deference in Illinois court), reversed (1965), 33 Ill.2d 285, 211 N.E.2d 379.

Certification ensures that federal courts will properly apply state law. Note, *Inter-jurisdictional Certification: Beyond Abstention toward Cooperative Legal Federalism* (1963), 111 U.Pa.L.Rev. 344, 362. It thus strengthens the “federalist structure of joint sovereigns,” *Gregory, supra*, 501 U.S. at ___, 111 S. Ct. at 2399, 115 L.Ed.2d at 422, and redeems “the promise of liberty,” *id.*, contained in the federal and Ohio Constitutions. We cannot doubt our power to protect Ohio’s sovereignty from inadvertent encroachments by federal courts. We therefore hold that Rule XVI is constitutional.”

(Emphasis added and footnote, brackets, and ellipses omitted.)

	<p>days after a certification order is filed with the Supreme Court.</p> <p>(B) Court Determination.</p> <p>The Supreme Court will review the memoranda and issue an order identifying the question or questions it will answer or decline to answer. The Clerk of the Supreme Court shall send a copy of the order to the certifying court and to all parties or their counsel.</p>	
<p>(40) OKLA statute</p>	<p>Const. Art. VII</p> <p>§ 1. Courts in which judicial power vested</p> <p>The judicial power of this State shall be vested in the Senate, sitting as a Court of Impeachment, a Supreme Court, the Court of Criminal Appeals, the Court on the Judiciary, the State Industrial Court, the Court of Bank Review, the Court of Tax Review, and such intermediate appellate courts as may be provided by statute, District Courts, and such Boards, Agencies and Commissions created by the Constitution or established by statute as exercise adjudicative authority or render decisions in individual proceedings. Provided that the Court of Criminal Appeals, [etc.] and such Boards, Agencies and Commissions as have been established by statute shall continue in effect, subject to the power of the Legislature to change or abolish said Courts, [etc].</p> <p>Municipal Courts . . . shall be limited in jurisdiction to criminal and traffic proceedings arising out of infractions of the provisions of ordinances of cities and towns or of duly adopted regulations authorized by such ordinances.</p> <p>§ 4. Jurisdiction of Supreme Court--Writs</p> <p>The appellate jurisdiction of the Supreme Court shall be coextensive with the State and shall extend to all cases at law and in equity; except that the Court of Criminal Appeals shall have exclusive appellate jurisdiction in criminal cases until otherwise provided by statute and in the event there is any conflict as to jurisdiction, the Supreme Court shall determine which court has jurisdiction and such determination shall be final. The original jurisdiction of the Supreme Court shall extend to a general superintending control over all inferior courts and all Agencies, Commissions and Boards created by law. The Supreme Court, Court of Criminal Appeals, in criminal matters and all other</p>	<p>Who can answer: Okla. Supreme Ct. and Okla. Court of Criminal Appeals (<i>nb: the Okla. Ct. of Criminal Appeal is the highest court for criminal law in OK</i>)</p> <p>What: question of law if the answer may be determinative of an issue in pending litigation in the certifying court and there is no controlling decision of the Supreme Court or Court of Criminal Appeals, constitutional provision, or statute of this state</p> <p>From: a court of the United States, or an appellate court of another state, or a federally recognized Indian tribal government, or Canada, a Canadian province or territory, Mexico, or a Mexican state</p> <p>Note: compare with Ohio: <i>Shebester v. Triple Crown Insurers</i>, 826 P.2d 603, 606 n.4 (Okla. 1992): <i>“This court needs no explicit grant of jurisdiction to answer certified questions from the federal court; such power comes from the United States Constitution’s grant of state sovereignty. By answering a state-law question certified by a federal court, we may affect the outcome of federal litigation, but it is the federal court who hears and decides the cause. Scott v. Bank One Trust Co., N.A., 62 Ohio St.3d 39, 577 N.E.2d 1077, 1079-80 (Ohio 1991). “Except in matters governed by the Federal Constitution or by Acts of Congress, the law to be applied in any case is the law of the state.” Erie R. Co. v. Tompkins, 304 U.S. 64, 78, 58 S. Ct. 817, 82 L. Ed. 1188, 1194 (1938). Certification assures that federal courts are apprised of the substantive norms of the Oklahoma legal system. Because governing federal procedural norms are to be applied by the federal court, we simply identify the available ex contractu remedies under Oklahoma law and leave for the circuit court panel to decide whether, under the record before it, the seller may invoke these theories</i></p>

	<p>appellate courts shall have power to issue, hear and determine writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and such other remedial writs as may be provided by law and may exercise such other and further jurisdiction as may be conferred by statute. Each of the Justices or Judges shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody and make such writs returnable before himself, or before the Supreme Court, other Appellate Courts, or before any District Court, or judge thereof in the State. The appellate and the original jurisdiction of the Supreme Court and all other appellate courts shall be invoked in the manner provided by law.</p> <p>Statutes, rules, etc. 20 Okla St. § 1601 et seq. (Rev. Unif. Act)</p>	<p><i>in the present appeal.”</i></p> <p><i>Bonner v. Okla. Rock Corp.</i>, 863 P.2d 1176, 1178-79 n.3 (Okla. 1993), has a similar, shorter paragraph.</p>
<p>(41) ORE <i>statute and rule</i></p>	<p>Const. Art. VII Section 2. Amendment's effect on courts, jurisdiction and judicial system; Supreme Court's original jurisdiction. The courts, jurisdiction, and judicial system of Oregon, except so far as expressly changed by this amendment, shall remain as at present constituted until otherwise provided by law. But the supreme court may, in its own discretion, take original jurisdiction in mandamus, quo warranto and habeas corpus proceedings. (1910 revision)</p> <p>Statutes, rules, etc. ORS §§ 28.200 to 28.255 (old Unif. Act)</p> <p>Or. R. App. P. 12.20</p>	<p>Who can answer: Oregon Supreme Ct.</p> <p>What: questions of law of this state that are involved in any proceedings in the certifying court and that may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court that there is no controlling precedent in the decisions of the Supreme Court and the intermediate appellate courts of this state</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, a U.S. district court, a panel of the Bankruptcy Appellate Panel Service or the highest appellate court or the intermediate appellate court of any other state</p> <p>Note: <i>In re Constitutionality of ORS 456.720</i>, 272 Or. 398, 537 P.2d 542 (Or. 1975) - Const. art. VII, s. 2 allows the legislature to expand the Supreme Court's original jurisdiction (case did not involve the Unif. Cert. of Questions of Law Act).</p> <p>Also, <i>Western Helicopter Servs., Inc. v. Rogerson Aircraft Corp.</i>, 311 Or. 361, 811 P.2d 627 (Or. 1991), contains a thorough discussion of what the Court considers in deciding whether to</p>

		accept a certified question.
(42) PA rule	<p>Const. Art. V</p> <p>§ 1. Unified judicial system</p> <p>The judicial power of the Commonwealth shall be vested in a unified judicial system consisting of the Supreme Court, the Superior Court, the Commonwealth Court, courts of common pleas, community courts, municipal courts in the City of Philadelphia, such other courts as may be provided by law and justices of the peace. All courts and justices of the peace and their jurisdiction shall be in this unified judicial system. (Footnote omitted.)</p> <p>§ 2. Supreme Court</p> <p>The Supreme Court</p> <p>(a) shall be the highest court of the Commonwealth and in this court shall be reposed the supreme judicial power of the Commonwealth;</p> <p>(b) shall consist of seven justices, one of whom shall be the Chief Justice; and</p> <p>(c) shall have such jurisdiction as shall be provided by law.</p> <p>Statutes, rules, etc.</p> <p>Pa. R. App. P., Rule 3341; see also Pa. Supreme Ct. Internal Operating Proc. § 8</p> <p>Rule 3341. Petitions for Certification of Questions of Pennsylvania Law</p> <p>(a) General Rule.--On the motion of a party or sua sponte, any of the following courts may file a petition for certification with the Prothonotary of the Supreme Court:</p> <p>(1) The United States Supreme Court; or</p> <p>(2) Any United States Court of Appeals.</p> <p>(b) Content of the Petition for Certification.--A petition for certification need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):</p> <p>(1) A brief statement of the nature and stage of the proceedings in the petitioning court;</p> <p>(2) A brief statement of the material facts of the case;</p> <p>(3) A statement of the question or questions of Pennsylvania law</p>	<p>Who can answer: Pa. Supreme Ct.</p> <p>What: a question of Pennsylvania law only where there are special and important reasons therefor. These include, but are not limited to, any of the following: (1) the question of law is one of first impression and is of such substantial public importance as to require prompt and definitive resolution by this Court; (2) the question of law is one with respect to which there are conflicting decisions in other courts; or (3) the question of law concerns an unsettled issue of the constitutionality, construction, or application of a statute of this Commonwealth. Also, the material facts must be undisputed, and the question of law must be one that the petitioning court has not previously decided.</p> <p>From: U.S. Supreme Court or U.S. court of appeals</p>

	<p>to be determined;</p> <p>(4) A statement of the particular reasons why the Supreme Court should accept certification; and</p> <p>(5) A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with the Supreme Court.</p> <p>There shall be appended to the petition for certification copies of any papers filed by the parties regarding certification, e.g., a motion for certification, a response thereto, a stipulation of facts, etc.</p> <p>(c) Standards.--The Supreme Court shall not accept certification unless all facts material to the question of law to be determined are undisputed, and the question of law is one that the petitioning court has not previously decided. The Supreme Court may accept certification of a question of Pennsylvania law only where there are special and important reasons therefor, including, but not limited to, any of the following:</p> <p>(1) The question of law is one of first impression and is of such substantial public importance as to require prompt and definitive resolution by the Supreme Court;</p> <p>(2) The question of law is one with respect to which there are conflicting decisions in other courts; or</p> <p>(3) The question of law concerns an unsettled issue of the constitutionality, construction, or application of a statute of this Commonwealth.</p>	
<p>(43)</p> <p>RI</p> <p><i>rule</i></p>	<p>Const. Art. X</p> <p>§ 1. Power vested in court</p> <p>The judicial power of this state shall be vested in one supreme court, and in such inferior courts as the general assembly may, from time to time, ordain and establish.</p> <p>§ 2. Jurisdiction of supreme and inferior courts -- Quorum of supreme court</p> <p>The supreme court shall have final revisory and appellate jurisdiction upon all questions of law and equity. It shall have power to issue prerogative writs, and shall also have such other jurisdiction as may, from time to time, be prescribed by law. A majority of its judges shall always be necessary to constitute a quorum. The inferior courts shall have such jurisdiction as may,</p>	<p>Who can answer: R.I. Supreme Ct.</p> <p>What: questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of this Court</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, or of the District of Columbia, or a U.S. district court</p> <p>Note: <i>In re Shepard Co.</i>, 115 R.I. 290, 342 A.2d 918 (R.I. 1975):</p> <p>“The initial issue for our consideration is whether Sup. Ct. R. 6</p>

	<p>from time to time, be prescribed by law.</p> <p>§ 3. Advisory opinions by supreme court</p> <p>The judges of the supreme court shall give their written opinion upon any question of law whenever requested by the governor or by either house of the general assembly.</p> <p>Statutes, rules, etc.</p> <p>§ 8-1-2. Jurisdiction and powers of court</p> <p>The supreme court shall have general supervision of all courts of inferior jurisdiction to correct and prevent errors and abuses therein when no other remedy is expressly provided; it may issue writs of habeas corpus, of error, certiorari, mandamus, prohibition, quo warranto and all other extraordinary and prerogative writs and processes necessary for the furtherance of justice and the due administration of the law; it may entertain informations in the nature of quo warranto and petitions in equity to determine title to any office; it shall have jurisdiction of petitions for trials and new trials, as provided by law, of bills of exceptions, appeals and certifications to the supreme court, and special cases in which parties having adversary interests concur in stating questions for the opinion of the court as provided by law; and it shall by general or special rules regulate the admission of attorneys to practice in all the courts of the state.</p> <p>Rhode Island Supreme Court Rule 6 (In appellate rules) (based on part of old Unif. Act)</p>	<p>permits certification of questions of law by a bankruptcy judge. Sup. Ct. R. 6 provides that “this court may answer questions of law certified to it by a United States District Court.” Under the provisions of the Bankruptcy Act, every district court is a court of bankruptcy when its jurisdiction is properly invoked, 11 U.S.C.A. §§ 1 (10), 11 (1966). As a court of bankruptcy, it is granted broad legal and equitable jurisdiction to hear and decide questions involving significant property rights. 11 U.S.C.A. § 11 (1966). Even a referee is a judicial officer vested with the power to exercise the jurisdiction conferred on the courts of bankruptcy. 11 U.S.C.A. §§ 64, 66 (1968); Bankruptcy Rule 901(7). In this situation, we see no reason to distinguish a district court and its officers when exercising bankruptcy jurisdiction from a district court and its officers when exercising more general functions. We conclude, therefore, that the terms of Sup. Ct. R. 6 encompass a question of law certified by a bankruptcy judge.” (Ellipses omitted.)</p>
<p>(44) SD <i>statute and rule</i></p>	<p>S.D. Const. Article V</p> <p>§ 1. The judicial power of the state is vested in a unified judicial system consisting of a Supreme Court, circuit courts of general jurisdiction and courts of limited original jurisdiction as established by the Legislature.</p> <p>§ 5. The Supreme Court shall have such appellate jurisdiction as may be provided by the Legislature, and the Supreme Court or any justice thereof may issue any original or remedial writ which shall then be heard and determined by that court. The Governor has authority to require opinions of the Supreme Court upon important questions of law involved in the exercise of his executive power and upon solemn occasions.</p>	<p>Who can answer: S.D. Supreme Ct.</p> <p>What: questions of law of this state involved in any proceeding before the certifying court which may be determinative of the cause pending in the certifying court and it appears to the certifying court and to the Supreme Court that there is no controlling precedent in the decisions of the Supreme Court of this state</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, or a U.S. district court</p>

	<p>The circuit courts have original jurisdiction in all cases except as to any limited original jurisdiction granted to other courts by the Legislature. The circuit courts and judges thereof have the power to issue, hear and determine all original and remedial writs. The circuit courts have such appellate jurisdiction as may be provided by law.</p> <p>Imposition or execution of a sentence may be suspended by the court empowered to impose the sentence unless otherwise provided by law.</p> <p>§ 12. The Supreme Court shall have general superintending powers over all courts and may make rules of practice and procedure and rules governing the administration of all courts. The Supreme Court by rule shall govern terms of courts, admission to the bar, and discipline of members of the bar. These rules may be changed by the Legislature.</p> <p>Statutes, rules, etc. S.D. Codified Laws § 15-24A-1 et seq. (part of old Unif. Act) Note: authority for § 15-24A-1 given as ch. 154 of the 1984 SD session laws and Supreme Ct. Rule 85-7. Authority for §§ 15-24A-3 through 15-24A-11 is given as Supreme Ct. Rule 85-7 only.</p>	
<p>(45) TENN <i>rule</i></p>	<p>Const. Art. VI Sec. 1. Judicial power.</p> <p>The judicial power of this State shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior Courts as the Legislature shall from time to time, ordain and establish; in the Judges thereof, and in Justices of the Peace. The Legislature may also vest such jurisdiction in Corporation Courts as may be deemed necessary. Courts to be holden by Justices of the Peace may also be established.</p> <p>Sec. 2. Supreme court.</p> <p>The Supreme Court shall consist of five Judges, of whom not more than two shall reside in any one of the grand divisions of the State. The Judges shall designate one of their own number who shall preside as Chief Justice. The concurrence of three of the Judges shall in every case be necessary to a decision. <i>The</i></p>	<p>Who can answer: Tenn. Supreme Ct.</p> <p>What: in a proceeding before the certifying court, there are questions of law of this state which will be determinative of the cause and as to which it appears to the certifying court there is no controlling precedent in the decisions of the Supreme Court of Tennessee</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, a U.S. district court in Tennessee, or a U.S. bankruptcy court in Tennessee</p> <p>Note: In <i>Haley v. University of Tennessee-Knoxville</i>, 188 S.W.3d 518 (Tenn. 2006), Court held that certification procedure was constitutional - Court not exercising jurisdiction, which was</p>

jurisdiction of this Court shall be appellate only, under such restrictions and regulations as may from time to time be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court. Said Court shall be held at Knoxville, Nashville and Jackson.
(Emphasis added.)

Statutes, rules, etc.

Tenn. Code Ann. § 16-3-201

16-3-201. Jurisdiction.

(a) *The jurisdiction of the court is appellate only*, under restrictions and regulations that from time to time are prescribed by law; but it may possess other jurisdiction that is now conferred by law upon the present supreme court.

(b) The court has no original jurisdiction, but appeals and writs of error, or other proceedings for the correction of errors, lie from the inferior courts and court of appeals, within each division, to the supreme court as provided by this code.

(c) The court also has jurisdiction over all interlocutory appeals arising out of matters over which the court has exclusive jurisdiction.

(d)(1) The supreme court may, upon the motion of any party, assume jurisdiction over an undecided case in which a notice of appeal or an application for interlocutory or extraordinary appeal is filed before any intermediate state appellate court.

(2) Subdivision (d)(1) applies only to cases of unusual public importance in which there is a special need for expedited decision and that involve:

- (A) State taxes;
- (B) The right to hold or retain public office; or
- (C) Issues of constitutional law.

(3) The supreme court may, upon its own motion, when there is a compelling public interest, assume jurisdiction over an undecided case in which a notice of appeal or an application for interlocutory or extraordinary appeal is filed with an intermediate state appellate court.

(4) The supreme court may by order take actions necessary or appropriate to the exercise of the authority vested by this section.

(e) Appeals of actions under title 2, chapter 17 relative to election contests shall be to the court of appeals in accordance with the Tennessee rules of appellate procedure.

(Emphasis added.)

limited to appellate jurisdiction; its power to answer a certified question comes from Tenn. Const. Art. VI, s. 1 (grant of judicial power).

	Tenn. Supreme Ct. Rule 23, §§ 1-10 (based on part of old Unif. Act)	
(46) VT <i>rule</i>	<p>Const., Chapter II</p> <p>§ 30. [Supreme court; jurisdiction]</p> <p>The Supreme Court shall exercise appellate jurisdiction in all cases, criminal and civil, under such terms and conditions as it shall specify in rules not inconsistent with law. The Supreme Court shall have original jurisdiction only as provided by law, but it shall have the power to issue all writs necessary or appropriate in aid of its appellate jurisdiction. The Supreme Court shall have administrative control of all the courts of the state, and disciplinary authority concerning all judicial officers and attorneys at law in the State.</p> <p>§ 37. [Rule-making power]</p> <p>The Supreme Court shall make and promulgate rules governing the administration of all courts, and shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. Any rule adopted by the Supreme Court may be revised by the General Assembly.</p> <p>Statutes, rules, etc.</p> <p>Vt. R. App. P. 14 (based on part of Rev. Unif. Act. Originally adopted eff. 12/31/00 to expire 12/31/01, extended and then made permanent in 2003)</p> <p>Note: Reporter's Notes for Rule</p> <p>This rule is based on the Uniform Certification of Questions of Law [Act][Rule] (1995), with certain variations and simplifications appropriate to Vermont practice. The purposes of the rule are to eliminate disparate interpretations of state law that may encourage forum shopping and to avoid the delay and expense that may result from application of the abstention doctrine in federal courts. According to a 1994 study, certification was available in 44 states and the District of Columbia. Currently, the uniform act has been adopted in either its 1967 or 1995 version in 32 states and the District of Columbia. See Prefatory Note, 12 Uniform Laws Annotated 68, 69, Supp. 7, 9 (1996; supp. 1999).</p> <p>Rule 14(a) provides that any federal court may certify a question of Vermont law to the Vermont Supreme Court for answer if two conditions are met: (1) the answer must be determinative of pending</p>	<p>Who can answer: Vt. Supreme Ct.</p> <p>What: a question of Vermont law if the answer might determine an issue in pending litigation and there is no clear and controlling Vermont precedent</p> <p>From: a federal court</p> <p>Note: The Court may decline to answer any question without providing any reasons for its decision.</p> <p><i>(Reporter's Notes, continued from previous column)</i></p> <p>Rule 14(c) places the burden on the certifying court to issue an appropriate order and forward it to the clerk of the Vermont Court, which may request transmission of all or part of the record to aid in its determination of the question. Vermont cannot directly impose standards that must be followed by a federal trial or appellate court in determining whether to certify a question of Vermont law. It may be assumed, however, that federal courts, as a matter of rule or practice, will adopt the equivalent of § 2 of the Uniform Certification of Questions of Law [Act][Rule] (1995). That section authorizes a court on its own or a party's motion in pending litigation to certify to the highest court of another jurisdiction a question of the law of that jurisdiction when conditions identical to those in Rule 14(a) are met. For example, the Second Circuit by rule provides for certification where authorized by state law of "an</p>

	<p>litigation and (2) there are no controlling Vermont precedents. The first condition assures that the standards of adverseness appropriate to the exercise of the judicial function by the Vermont Court are met. The rule is not an undertaking to render advisory opinions. The second condition is intended to prevent undue burdens on the Vermont Court by precluding unnecessary use of the procedure. In any event, the rule permits the Court to avoid such burdens by declining to consider a certified question without stating any reasons therefor. The Court need not hear argument on the issue of whether or not to answer a question but has inherent power to do so.</p> <p>Rule 14(b) permits the Vermont Court to reformulate a certified question. The Comment to the Uniform Rule indicates that reformulation is intended to strike a balance between “counterproductive rigidity” if the question could not be changed and an unlimited ability to amend the question that might “adversely affect the utility of the answer and result in the issuance of an advisory opinion.” The rule contemplates “retention of the specific terms and concepts of the question while allowing some flexibility in restating the question in light of the justiciable controversy before the certifying court.”</p> <p style="text-align: right;"><i>(Continued in next column)</i></p>	<p>unsettled question of state law that will control the outcome” of a pending case. Local Rules, 2d Cir., § 0.27 (1999). Narrow interpretations of the appropriateness of certification by that court will control its use by trial courts in the Second Circuit. See, e.g., <i>McCarthy v. Olin Corp.</i>, 119 F.3d 148 (2d Cir. 1997) (no certification where sufficient precedents in state law to evaluate merits of claim). Rule 14(d) specifies the content of the order to be issued by the certifying court.</p> <p>Rule 14(e) requires the Court to notify the certifying court that it has accepted the order or has reformulated or declined to answer the question. There is no express provision for notice to the parties, but incorporation of other provisions of the Vermont Rules of Appellate Procedure pursuant to subdivision (f) imposes that responsibility on the Vermont Court.</p> <p>Rule 14(f) makes clear that specific provisions of the Vermont Rules of Appellate Procedure apply to certification proceeding “so far as applicable.” . . .</p> <p>Rule 14(g) provides that the decision of the Court is to be rendered in the form of an opinion sent to the certifying court and served on the parties. Such service will be made pursuant to V. R. App. P. 25(c).</p> <p>Rule 14(h) [deals with costs].</p>
<p>(47) WASH <i>statute</i></p>	<p>Const. Art. IV § 1. Judicial power, where vested</p> <p>The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.</p> <p>§ 4. Jurisdiction</p> <p>The supreme court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the sum of two hundred dollars (\$200) unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to</p>	<p>Who can answer: Wash. Supreme Ct.</p> <p>What: question of local law of this state when, in the opinion of the federal court, it is necessary to ascertain the local law in order to dispose of a proceeding in the federal court and the local law has not been clearly determined</p> <p>From: any court of the United States</p> <p>Note: <i>In re Elliott</i>, 446 P.2d 347, 350-52 (Wash. 1968) (discussing <i>Sun Ins. Office, Ltd. v. Clay</i>, 133 So. 2d 735 (1961)): Legislature had const. authority for statute adopting certification of law procedure; “shall” in § 260.020 construed as “may” so that whether to accept question is discretionary with Wash. Supreme Court.</p>

	<p>any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the state or any judge thereof.</p> <p>Statutes, rules, etc. WASH. REV. CODE §§ 2.60.010 through 2.60.900 (actually, there are only sections -.010, -.020, -.030, and -.900)</p>	
<p>(48) WIS <i>rule</i></p>	<p>Const. Art. VII Section 3. Supreme court: jurisdiction. [As amended April 1977] (1) The supreme court shall have superintending and administrative authority over all courts. (2) The supreme court has appellate jurisdiction over all courts and may hear original actions and proceedings. The supreme court may issue all writs necessary in aid of its jurisdiction. (3) The supreme court may review judgments and orders of the court of appeals, may remove cases from the court of appeals and may accept cases on certification by the court of appeals.</p> <p>Statutes, rules, etc. Wis. Stat. §§ 821.01 through 821.12 (old Unif. Act; adopted by court rule, although codified as statute)</p>	<p>Who can answer: Wis. Supreme Ct.</p> <p>What: questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the supreme court and the court of appeals of this state</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, or the highest appellate court of any other state</p> <p>Note: <i>Hansen v. A.H. Robins, Inc.</i>, 113 Wis.2d 550, 551 n.1, 335 N.W.2d 578, 578-79 n.1 (Wis. 1983): Certification rules adopted pursuant to Wis. Stat. § 751.12 (Rules of pleading and practice), which requires supreme court to promulgate rules to “regulate pleading, practice, and procedure in judicial proceedings in all courts, for the purposes of simplifying the same and of promoting the speedy determination of litigation upon its merits.” Rules shall not abridge, enlarge, or modify substantive rights of any litigant.</p>

<p>(49) WYO <i>statute and rule</i></p>	<p>Const. Art. 5 § 1. How judicial power vested. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts, and such subordinate courts as the legislature may, by general law, establish and ordain from time to time. § 2. Supreme court generally; appellate jurisdiction. The supreme court shall have general appellate jurisdiction, co-extensive with the state, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law. § 3. Supreme court generally; original jurisdiction. The supreme court shall have original jurisdiction in quo warranto and mandamus as to all state officers, and in habeas corpus. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the supreme court, or before any district court of the state or any judge thereof.</p> <p>Statutes, rules, etc. Wyo. Stat. §§ 1-13-104 through 1-13-107 Wyo. R. App. P. 11.01 through 11.06 (based on part of old Unif. Act)</p>	<p>Who can answer: Wyo. Supreme Ct.</p> <p>What: “questions of law of this state which may be determinative of the cause then pending in the federal court, and as to which it appears to the federal court there is no controlling precedent in the existing decisions of the supreme court” (Wyo. Stat. § 1-13-106)</p> <p>From: any federal court</p>
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Other U.S. Jurisdictions

<p>(50) DC</p> <p><i>statute and rule</i></p>	<p>U.S. Const, Art. I, § 8 The congress shall have power</p> <p>....</p> <p>[17.] To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings[.]</p> <p>Statutes, rules, etc. D.C. Code § 11-723 (under Division II) § 11-721. Orders and judgments of the Superior Court. (a) The District of Columbia Court of Appeals has jurisdiction of appeals from -- (1) all final orders and judgments of the Superior Court of the District of Columbia; (2) interlocutory orders of the Superior Court of the District of Columbia -- (A) granting, continuing, modifying, refusing, or dissolving or refusing to dissolve or modify injunctions; (B) appointing receivers, guardians, or conservators or refusing to wind up receiverships, guardianships, or the administration of conservators or to take steps to accomplish the purpose thereof; or (C) changing or affecting the possession of property; and (3) orders or rulings of the Superior Court of the District of Columbia appealed by the United States or the District of Columbia pursuant to section 23-104 or 23-111(d)(2).</p> <p>§ 11-722. Administrative orders and decisions. The District of Columbia Court of Appeals has jurisdiction (1) except as provided in clause (2), to review orders and decisions of the Commissioner [Mayor] of the District of Columbia, the</p>	<p>Who can answer: D.C. Court of Appeals</p> <p>What: questions of law of the District of Columbia which may be determinative of the cause pending in the certifying court and as to which it appears to the certifying court that there is no controlling precedent in the decisions of the D.C. Court of Appeals</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, or the highest appellate court of any state</p>
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	<p>District of Columbia Council, any agency of the District of Columbia (including the Board of Zoning Adjustment of the District of Columbia and the Zoning Commission of the District of Columbia), and the District of Columbia Redevelopment Land Agency, in accordance with the District of Columbia Administrative Procedure Act (D.C. Official Code, secs. 2-501--2-510); and (2) to review orders and decisions of the Public Service Commission of the District of Columbia in accordance with section 8 of the Act of March 4, 1913 (D.C. Official Chapters 1 through 11, Title 34).</p> <p>D.C. Code § 11-723 (based on old Unif. Act)</p> <p>D.C. Court of Appeals Rule 22</p>	
<p>(51) GUAM <i>rule</i></p>	<p>The Organic Act of Guam § 1424-1. Local courts; Appellate Court Authorized. (a) The Supreme Court of Guam shall be the highest court of the judicial branch of Guam (excluding the District Court of Guam) and shall</p> <p>(1) have original jurisdiction over proceedings necessary to protect its appellate jurisdiction and supervisory authority and such other original jurisdiction as the laws of Guam may provide;</p> <p>(2) have jurisdiction to hear appeals over any cause in Guam decided by the Superior Court of Guam or other courts established under the laws of Guam;</p> <p>(3) have jurisdiction to issue all orders and writs in aid of its appellate, supervisory, and original jurisdiction, including those orders necessary for the supervision of the judicial branch of Guam;</p> <p>(4) have supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam;</p> <p>(5) hear and determine appeals by a panel of three of the justices of the Supreme Court of Guam and a concurrence of two such justices shall be necessary to a decision of the Supreme Court of Guam on the merits of an appeal;</p> <p>(6) make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the</p>	<p>Who can answer: Guam Supreme Ct.</p> <p>What: questions of law of Guam that are involved in any proceeding before the certifying court which may be determinative of the proceeding and it appears to the certifying court there is no controlling precedent in the decisions of the Guam Supreme Court</p> <p>From: U.S. Supreme Court, a court of appeals of the United States, a U.S. district court, or the highest appellate or intermediate appellate court of any state</p> <p>Note: <i>Maeda Pacific Corp. v. GMP Hawaii, Inc., 2011 Guam 20 (Guam 2011)</i> (distinguishing <i>Holden v. N L Industries, Inc.</i>, 629 P.2d 428 (Utah 1981), and holding that it had subject matter jurisdiction under 7 G.C.A. § 3107(a) to hear certified questions of law)</p>

<p>judicial branch of Guam, including procedures for the determination of an appeal en banc; and</p> <p>(7) govern attorney and judicial ethics and the practice of law in Guam, including admission to practice law and the conduct and discipline of persons admitted to practice law.</p> <p>....</p> <p>Statutes, rules, etc.</p> <p>7 Guam Code Ann. § 3107</p> <p>§ 3107. Jurisdiction of the Supreme Court.</p> <p>(a) Jurisdiction. The Supreme Court shall have authority to review all justiciable controversies and proceedings, regardless of subject matter or amount involved.</p> <p>(b) Additional Authority. Its authority also includes jurisdiction of original proceedings for mandamus, prohibition, injunction, and similar remedies to protect its appellate jurisdiction. The Supreme Court shall have jurisdiction of all appeals arising from judgments, final decrees, or final orders of the Superior Court in criminal cases and in civil cases and proceedings. The Supreme Court has original and appellate jurisdiction over attorney disciplinary matters including but not limited to admissions, qualifications, and standards of practice; and supervisory jurisdiction over all inferior courts in Guam and may make and promulgate rules governing the practice and procedure in the courts. This does not include administrative authority otherwise specifically prescribed in § 5102 of this Act.</p> <p>Guam Rule of App. Proc. 20(b) (old Unif. Act)</p> <p>Includes:</p> <p>(12) Withdrawal of Order. A certification order may be withdrawn by subsequent order of the certifying court before issuance of the written opinion of the Supreme Court.</p>	
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<p>(52)</p> <p>PUERTO RICO</p> <p><i>statute and rule</i></p>	<p>Const. Art. V</p> <p>§ 1 [Judicial power; Supreme Court; other courts]</p> <p>The judicial power of Puerto Rico shall be vested in a Supreme Court, and in such other courts as may be established by law.</p> <p>§ 3 [Supreme Court as court of last resort; composition]</p> <p>The Supreme Court shall be the court of last resort in Puerto Rico and shall be composed of a Chief Justice and four associate justices. The number of justices may be changed only by law upon request of the Supreme Court.</p> <p>§ 5 [Original jurisdiction of Supreme Court]</p> <p>The Supreme Court, any of its divisions, or any of its justices may hear in the first instance petitions for habeas corpus and any other causes and proceedings as determined by law.</p> <p>§ 6 [Rules of evidence and of civil and criminal procedure]</p> <p>The Supreme Court shall adopt for the courts rules of evidence and of civil and criminal procedure which shall not abridge, enlarge or modify the substantive rights of the parties. The rules thus adopted shall be submitted to the Legislative Assembly at the beginning of its next regular session and shall not go into effect until sixty days after the close of said session, unless disapproved by the Legislative Assembly, which shall have the power both at said session and subsequently to amend, repeal or supplement any of said rules by a specific law to that effect.</p> <p>Note to § 6: “On Feb. 9, 1979, the Supreme Court adopted a new body of Rules of Civil Procedure which were submitted to the Legislative Assembly on Jan. 8, 1979, amended by Act Aug. 4, 1979, No. 197, and became effective Aug. 20, 1979. These new Rules of Civil Procedure, 1979, are set out in App. III of Title 32.”</p> <p>Statutes, rules, etc.</p> <p>4 Laws of Puerto Rico Ann. § 25s</p> <p>The Supreme Court or each of its courtrooms shall hear on the following matters:</p> <p>....</p> <p>(f) Through a writ of certification, it shall be able to take cognizance of any matter certified to it by the United States Supreme Court, a United States Circuit Court of Appeals, a United States District Court, or the highest court of appeals of any of the</p>	<p>Who can answer: Puerto Rico Supreme Ct.</p> <p>What: question of law “if there is any judiciary matter before the requesting court in which matters pertaining to Puerto Rican law are implicated that may determine the outcome thereof, and with regard to which, in the opinion of the petitioning court, there are no clear precedents in the jurisprudence of said court” (4 L.P.R.A. § 25s)</p> <p>From: U.S. Supreme Court, a U.S. Circuit Court of Appeals, a U.S. district court, or the highest court of appeals of any state</p>
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	<p>states of the United States, when thus requested by any of said courts, if there is any judiciary matter before the requesting court in which matters pertaining to Puerto Rican law are implicated that may determine the outcome thereof, and with regard to which, in the opinion of the petitioning court, there are no clear precedents in the jurisprudence of said court.</p> <p>....</p> <p>32 Laws of Puerto Rico Ann. (Appendix, Subtitle III) §§ 53.1, 53.4 (in rules of civil procedure)</p>	
<p>(53)</p> <p>VIRGIN ISLANDS</p> <p><i>rule</i></p>	<p>Revised Organic Act of 1954 § 21 [District Court of the Virgin Islands and local law courts; jurisdiction of local law courts; rules] The judicial power of the Virgin Islands shall be vested in a court of record designated the ‘District Court of the Virgin Islands’ established by Congress, and in such appellate court and lower local courts as may have been or may hereafter be established by local law.</p> <p>The legislature of the Virgin Islands may vest in the courts of the Virgin Islands established by local law jurisdiction over all causes in the Virgin Islands over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the concurrent jurisdiction conferred on the District Court of the Virgin Islands by section 22(a) and (c) of this Act.</p> <p>The rules governing the practice and procedure of the courts established by local law and those prescribing the qualifications and duties of the judges and officers thereof, oaths and bonds, and the times and places of holding court shall be governed by local law or the rules promulgated by those courts.</p> <p>Statutes, rules, etc. 4 Virgin Islands Code § 21 Establishment; composition; sessions; seal The Supreme Court of the Virgin Islands is established pursuant to section 21(a) of the Revised Organic Act of the Virgin Islands, as amended, as the highest court of the Virgin Islands and in it shall be reposed the supreme judicial power of the Territory. As</p>	<p>Who can answer: Virgin Islands Supreme Ct.</p> <p>What: question of law which may be determinative of the cause then pending in the certifying court and concerning which it appears there is no controlling precedent in the decisions of the Supreme Court</p> <p>From: a court of the U.S. or the court of last resort of a state, the District of Columbia, or a territory of the U.S.</p>

used in this chapter, ‘Supreme Court’ or ‘Court’ means the Supreme Court of the Virgin Islands established under this section.

....

§ 32 Jurisdiction

- (a) The Supreme Court shall have jurisdiction over all appeals arising from final judgments, final decrees or final orders of the Superior Court, or as otherwise provided by law.
- (b) The Supreme Court shall have all inherent powers, including the power to issue all writs necessary to the complete exercise of its duties and jurisdiction under the laws of the Virgin Islands. The Supreme Court's authority also includes jurisdiction of original proceedings for mandamus, prohibition, injunction, and similar remedies to protect its appellate jurisdiction.
- (c) Upon an appeal from a judgment or an order, the Supreme Court may reverse or affirm, wholly or in part, or may modify the judgment or order appealed from, and each interlocutory judgment or intermediate or other order that it is authorized to review, and as to any or all of the parties. The Court shall thereupon render judgment of affirmance, judgment of reversal and final judgment upon the right of any or all of the parties, or judgment of modification thereon according to law, except where it may be necessary or proper to grant a new trial or hearing, when it may grant a new trial or hearing.
- (d) The Supreme Court may transfer any action or proceeding, except one over which it has exclusive jurisdiction which does not depend upon the monetary amount sought, to any other court within the judicial branch, having jurisdiction of the subject matter if such other court has jurisdiction over the classes of persons named as parties. The Supreme Court may transfer to itself any action or proceeding originated or pending in another local court or administrative agency within the Territory upon a finding that such a transfer will promote the administration of justice. The Supreme Court shall provide, by rules of court, for the time and procedure for transfer and for review, including, among other things, provisions for the time and procedure for transfer with instructions for review of all or part of a decision, and for remand as improvidently granted.

	<p>(e) Regulation of bar. The Supreme Court has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted to the practice of law.</p> <p>(f)(1) The Superior Court shall adopt the rules of court for the Superior Court of the Virgin Islands consistent with section 21(c) of the Revised Organic Act of the Virgin Islands.</p> <p>(2) The Supreme Court may adopt the rules of procedure governing criminal and civil matters before the Supreme Court, the rules of judicial ethics, and the rules for admissions to and governance of the Virgin Islands Bar.</p> <p>§ 34 Court rules</p> <p>(a) The Supreme Court may, from time to time, promulgate or amend general rules, or where it considers it best for the advancement of justice, may make special orders, provide for the conduct of the business of the Court, and regulate the practice and procedure governing causes and proceedings in the Court, provide for the holding of regular and special sessions, fix the time of and otherwise regulate the return of process issued out of the Court, and fix the fees that shall be paid and the costs that shall be assessed in the Court. All such fees and costs shall be credited to the General Fund of the Treasury of the Virgin Islands.</p> <p>(b) The Rules may not abridge, enlarge or modify any substantive right of any party.</p> <p>Virgin Islands Supreme Court Rule 38 (based on old Unif. Act plus right to reformulate question)</p>	
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