

**Date and Time:** Monday, December 28, 2020 7:50:00 AM EST

## **Results List (includes up to 250)**

1. Results list for:"public rights doctrine"

**Client/Matter:** -None-

**Terms:** ["public rights doctrine"](#)

**Search Type:** Natural Language

**Narrowed by:**

**Content Type**  
Cases

**Narrowed by**  
-None-

**Results for: "public rights doctrine"****Cases**1.  [Oil States Energy Servs., LLC v. Greene's Energy Grp., LLC](#)

Supreme Court of the United States | Apr 24, 2018 | 138 S. Ct. 1365

**Overview:** Inter partes review under 35 U.S.C.S. §§ 311-319 did not violate U.S. Const. art. III where, inter alia, such review fell squarely within the public-rights doctrine, the review qualified property rights granted by the Patent Act, and nothing in the history or text of the Patent Clause or Article III suggested rejection of such review.

... REVIEW -- NONJUDICIAL DETERMINATION Headnote: 2 Judicial precedents recognize that the **public-rights doctrine** covers matters which arise between the government and persons subject to ... functions of the executive or legislative departments. In other words, the **public-rights doctrine** applies to matters arising between the government and others, which from ... Proceedings Separation of Powers, Jurisdiction HN2 Judicial precedents recognize that the **public-rights doctrine** covers matters which arise between the Government and persons subject to ... functions of the executive or legislative departments. In other words, the **public-rights doctrine** applies to matters arising between the government and others, which from ... Historical practice is not decisive here because matters governed by the **public-rights doctrine** may be assigned to the Legislature, the Executive, or the Judiciary. ... of the grant of a patent, thereby falling squarely within the **public-rights doctrine** , the review qualified the property rights granted by the Patent ... 76 L. Ed. 598 (1932) . In other words, the **public-rights doctrine** applies to matters "arising between the government and others, which from ...

2.  [Loveridge v. Hall \(In re Renewable Energy Dev. Corp.\)](#)

United States Court of Appeals for the Tenth Circuit | Jul 10, 2015 | 792 F.3d 1274

**Overview:** District court erred in sending a former client's state law claims against a former bankruptcy trustee to the bankruptcy court for final resolution without the parties' consent, as the parties were entitled to resolution in a U.S. Const. art. III court; the case could be referred to the bankruptcy court for a report and recommendation.

... the misfortune of possessing ideal terrain for testing the limits of **public rights doctrine** and they have provided the site for many such battles. See ... The Judiciary, Case or Controversy Courts, Authority to Adjudicate HN3 The **public rights doctrine** has something of "a potluck quality" to it. The original idea ... say in the midst of this still-very-much-ongoing battle over bankruptcy and **public rights doctrine** , you can say this much: cases properly in federal court ... different and a good deal more plausible than an extension of **public rights doctrine** to cases "factually intertwined" with bankruptcy. In places, you could read ...

... suggested that their lawful charter depends on and is limited by **public rights doctrine** . Despite the Constitution's general rule, over time the Supreme Court ...

... suggested that their lawful charter depends on and is limited by **public rights doctrine** . As developed to date, Congressional Duties & Powers, Lower Federal ...

... acknowledged its treatment of the doctrine has not been entirely consistent. **public rights doctrine** has something of "a potluck quality" to it. Waldman v. Stone ...

3.  [MCM Portfolio LLC v. Hewlett-Packard Co.](#)

United States Court of Appeals for the Federal Circuit | Dec 02, 2015 | 812 F.3d 1284

**Overview:** Patent Trial and Appeal Board ("PTAB") did not violate Article III or the Seventh Amendment to the U.S. Constitution when it conducted inter partes review of four claims in U.S. Patent No. 7,162,549, and substantial evidence supported PTAB's determination that the claims in question were invalid because they were obvious under prior art references.


... explained that it continues to apply the **public rights doctrine** to disputes between private parties in cases in which the claim ...

... government action. Stern explained that the Court continued to apply the **public rights doctrine** to disputes between private parties in "cases in which the claim ...

... 2d 675 (1986) . More recently, the Court expounded on the **public rights doctrine** in Stern v. Marshall , 564 U.S. 462...

... United States Supreme Court explained that it continues to apply the **public rights doctrine** to disputes between private parties in cases in which the claim ...

... government action. Stern explained that the Court continued to apply the **public rights doctrine** to disputes between private parties in "cases in which the claim ...

4.  [West v. Freedom Med., Inc. \(In re Apex Long Term Acute Care-Katy, L.P.\)](#)

United States Bankruptcy Court for the Southern District of Texas, Houston Division | Dec 28, 2011 | 465 B.R. 452

**Overview:** Bankruptcy court was not precluded by the U.S. Supreme Court's decision in Stern v. Marshall from entering a final judgment in cases under 11 U.S.C.S. § 547, or from issuing orders under 11 U.S.C.S. § 550 which required a transferee to turn over a § 547 transfer. Section 547 declarations were an exercise of the court's in rem authority.

... proofs of claim. Jury rights, Granfinanciera says, attach only when the **public rights doctrine** does not apply. Although all of these statements are dicta, if they are correct, preferential transfer claims fall outside the **public rights doctrine** for both Seventh Amendment and Article III purposes. The ...

... they could be decided by a bankruptcy court only through the **public rights doctrine**. Although the Supreme Court's opinion in Stern...

... together, imply that 11 U.S.C.S. § 547 claims fall outside the **public rights doctrine** . But the Court's decision in Central Va. Cmty. College v. ...

... essential to a limited regulatory objective within the agency's authority. The **public rights doctrine** originally applied to disputes between an individual and the government. Because ...

... III judiciary." 473 U.S. at 593-94 . Because Thomas links the **public rights doctrine** to Congress ' Article I powers, the doctrine has particular force ...

... dicta, if they are correct, preferential transfer claims fall outside the **public rights doctrine** for both Seventh Amendment and Article III purposes....

5.  [Granfinanciera v. Nordberg](#)

Supreme Court of the United States | Jun 23, 1989 | 492 U.S. 33

**Overview:** Corporations had not submitted claims against bankrupt estate and were therefore entitled to jury trial in trustee's fraudulent conveyance action against them because the suit was legal in nature and involved private rights rather than public rights.

... did not purport to be faithful to the origins of the **public rights doctrine** in Murray's Lessee; nor did it replace the careful analysis of ...

... yet federal, tribunal is entirely inconsistent with the origins of the **public rights doctrine** . The language of Article III itself, of course, admits of ...

... 851 . I would return to the longstanding principle that the **public rights doctrine** requires, at a minimum, that the United States be a party ...

... Congress Legislation, Statutory Remedies & Rights HN13 With respect to the **public rights doctrine** as it bears on the U.S. Congress' power to commit adjudication ...

... U.S. Const. amend. VII guarantee of a jury trial. the "**public rights**" **doctrine** as it bears on Congress ' power to commit adjudication of ...

... this holding that we uttered the words giving birth to the **public rights doctrine** . The plaintiff argued that if we were correct that the ...

6.  [Stern v. Marshall](#)

Supreme Court of the United States | Jun 23, 2011 | 564 U.S. 462

**Overview:** Although a bankruptcy court had authority under 28 U.S.C.S. § 157(b)(2)(C) to enter judgment on a debtor's core counterclaim, it lacked authority under U.S. Const. art. III to do so since the bankruptcy court was not subject to the constitutional assurances of independence which would allow adjudication of the debtor's state common law claim.

... to matters that arguably fall within the scope of the '**public rights**' **doctrine** , the presumption is in favor of Art. III courts." Northern ...

... granted under [the 1978] Act might be sustained under the '**public rights**' **doctrine** of Murray's Lessee ... and ...

... explained above, in Northern Pipeline we rejected the argument that the **public rights doctrine** permitted a bankruptcy court to adjudicate a state law suit brought ...

7.  [In re Mankin](#)

United States Court of Appeals for the Ninth Circuit | Jul 27, 1987 | 823 F.2d 1296

**Overview:** The bankruptcy court had jurisdiction over an action alleging fraudulent transfer of property because the action was a core proceeding in bankruptcy and the exercise of jurisdiction was constitutional.

... a party of record is not an absolute requirement of the **public rights doctrine**. the presence of the government as a party of record is not an absolute requirement of the **public rights doctrine**, ...

... The Judiciary, Jurisdiction Administrative Proceedings, Judicial Review HN6 The **public rights doctrine** is limited to matters arising between the government and persons subject ...

... the law as defined, is a matter of private rights. The **public rights doctrine** derives from a group of cases in which the ...

... Nevertheless, we believe the rationale underlying the **public rights doctrine** has at least some applicability to the proceeding at issue here. The **public rights doctrine** in large part simply constitutionalizes the historical understanding of what need ...

... The **public rights doctrine** is limited to matters arising between the government and persons subject ...

... the law as defined, is a matter of private rights. The **public rights doctrine** derives from a group of cases in which the Supreme Court ...

... debtor-creditor relations is not a public right. As noted above, the **public rights doctrine**, as construed by the Northern Pipeline plurality, is limited to ...

8.  [Dynergy Danskammer, L.L.C. v. Peabody COALTRADE Int'l Ltd.](#)

United States District Court for the Southern District of New York | Nov 07, 2012 | 905 F. Supp. 2d 526

**Overview:** Even if the claim were "core," it was a private right and did not meet any Stern exceptions, the district court would have to conduct duplicative review, the primary facts at issue would not be resolved by the bankruptcy court, and defendant had not consented to bankruptcy court adjudication, so the reference was withdrawn, 28 U.S.C.S. § 157(d).

... on the creditor's proof of claim in bankruptcy" is outside the **public rights doctrine**, and in fact, requires "the most prototypical exercise of judicial ...

... 73 L. Ed. 2d 598 (1982) (plurality opinion) (describing the **public rights doctrine**). Regardless of the exact contours of the public rights exception, ...

... corporation in the midst of Chapter 11 reorganization proceedings"). Therefore, the **public rights doctrine** does not permit final determination of Plaintiff's claim by the bankruptcy ...

... Consent can permit final adjudication by the bankruptcy court when the **public rights doctrine** does not apply. consent could permit final adjudication by the bankruptcy court when the **public rights doctrine** does not apply); see also ...

... at \* 2-3 (S.D.N.Y. Feb. 1, 2012) (applying Stern's **public rights doctrine** to the core/non-core Orion factor); Dev. Specialists, Inc., 462 B.R. ...

... 106 L. Ed. 2d 26 (1989) (holding that **public rights doctrine** did not encompass trustee's claim for fraudulent conveyance); Thomas v. Union ...

... contract claim could not be adjudicated in bankruptcy court under the **public rights doctrine**); see also Stern, 131 S. Ct. at 2611, 2615 ...

9.  [Sammons v. United States](#)

United States District Court for the Western District of Texas, San Antonio Division | Feb 07, 2017 | 2017 U.S. Dist. LEXIS 66207

... 598 (1932)). The Court has continued "to limit the [ **public-rights doctrine** ] to cases in which the claim at issue derives from ...

... 67-68 (internal quotation marks omitted). The Supreme Court first recognized the **public-rights doctrine** in Murray's Lessee v. Hoboken Land & Improvement Co., 59 ...

... surrounding Sammons's claim provide further support for the applicability of the **public-rights doctrine** here. Sammons's takings claim arises out of executive agency action to ...

... the Court has long recognized what it has termed a "**public-rights doctrine**" with respect to Article III decision-making. See Stern...

... See Stern, 564 U.S. at 485-93. The **public-rights doctrine** recognizes that there is a category of cases involving "public rights" ...

... the Supreme Court distinguished between cases within the reach of the **public-rights doctrine** —those arising "between the Government and persons subject to its authority ...

10.  [Cascades Projection LLC v. Epson Am., Inc.](#)

United States Court of Appeals for the Federal Circuit | May 11, 2017 | 864 F.3d 1309

... non-Article III tribunals adjudicate more disputes under the cover of the **public rights doctrine** , there must be vigilance in protecting Article III jurisdiction. Each ...

... upon showing extraordinary harm. Id. The Supreme Court first invoked the **public rights doctrine** in Murray's Lessee . There, the Court held that ...

... L. Ed. 2d 475 (2011) , the Court concluded that the **public rights doctrine** extends to "cases in which the claim at issue derives from ...

... this recent guidance from Stern , "the contours of the ' **public rights**' doctrine have been the source of much confusion and controversy." Wellness , ...

11.  [Lisanti v. Alamo Title Ins.](#)

Supreme Court of New Mexico | Sep 15, 2002 | 132 N.M. 750

**Overview:** Landowners did not waive their right to a jury trial on factual issues surrounding a dispute over title insurance coverage; the regulation that mandated arbitration violated the landowners' right to a trial by jury.

... Harrell sought a remedy against an agent of the state the **public rights doctrine** was applicable, "even if we interpreted Harrell's claim as stating a ...

... within that industry to a non-judicial forum such as arbitration. The **public rights doctrine** is a creation of the United States Supreme Court . In ...

... 882 P.2d at 523 . Consequently, the **public rights doctrine** under either the federal Constitution or the state constitution appears to ...

... The court rejects the claim that the **public rights doctrine** applies to any heavily-regulated industry. The doctrine requires a right of ...

... contract, and property cases. we must reject Alamo's claim that the **public rights doctrine** applies to any heavily-regulated industry. We understand the doctrine to require ...

... to a jury at the time of statehood and that the **public rights doctrine** announced by the United States Supreme Court is not applicable on ...

... time of statehood resolved by a jury in the case. The **public rights doctrine** did not apply to these facts. The court held that the ...

12.  [In re Safety Harbor Resort & Spa](#)

United States Bankruptcy Court for the Middle District of Florida, Tampa Division | Aug 30, 2011 | 456 B.R. 703

**Overview:** Bankruptcy court had constitutional authority to enter final orders regarding a creditor's request for a prohibition of dissipation of assets by non-debtor guarantors of a debt to the creditor, since the requested provisions were an integral part of confirmation of the bankruptcy debtor's plan which was within the court's core jurisdiction.

... considers the most recent—and only bankruptcy—case in which it discussed the **public rights doctrine** : *Granfinanciera, S.A. v. Nordberg* . 34 Id . at 2614 ...

... jurisdiction over Vickie's counterclaim could nevertheless be proper under the **public rights doctrine**. C. **Public Rights Doctrine** . 1. Vickie's Counterclaim is not a Matter of "Public Right." ...

... Improvement Co ., the first case in which it recognized the **public rights doctrine**....

... bankruptcy trustee's fraudulent conveyance claim unless the claim fell within the **public rights doctrine** . The Supreme Court ultimately concluded that a fraudulent conveyance action ...

... After concluding that Vickie's counterclaim did not fall within the **public rights doctrine** , the Supreme Court quickly disposed of another argument advanced by ...

... pronouncements in the area, the extent and possible application of the **public rights doctrine** to bankruptcy court jurisdiction, and finally, whether limiting bankruptcy courts' ability ...

13.  [Celotex Corp. v. AIU Ins. Co.](#)

United States Bankruptcy Court for the Middle District of Florida, Tampa Division | Apr 01, 1993 | 152 B.R. 667

... adjustment of debtor-creditor relations places this adversary proceeding squarely within the **Public Rights Doctrine** rather than a mere resolution of private state rights. This entire ...

... 157 respecting core proceedings. Otherwise, a strict rendering of the **Public Rights Doctrine** juxtaposed to present bankruptcy law would force the conclusion that Congress ...

... at a minimum arise "between the government and others." Moreover, the **Public Rights Doctrine** has not been definitively explained by the Supreme Court in cases ...

... this opinion, finding this adversary proceeding core does not violate the **Public Rights Doctrine**. In *Northern Pipeline* ...

... Thus, the constitutional infirmity envisioned in *Marathon* by way of the **Public Rights Doctrine** is now encapsulated solely within the non-core sector. Simply put, the ...

... of whether the government is a party, as suggested by the **Public Rights Doctrine**. Assuming, arguendo, any inquiry into core requires us to ascertain its relation to the **Public Rights Doctrine** , the inquiry would proceed through all three levels set forth ...

14.  [Saffa v. Wallace \(In re Wallace\)](#)

United States Bankruptcy Court for the Northern District of Oklahoma | Jun 23, 2004 | 311 B.R. 601

**Overview:** Plaintiff lacked standing to seek an order of criminal contempt against debtor for violating the bankruptcy court's permanent injunction order.

... of Justice, Contempt HN5 Bankruptcy jurisdiction is further limited by the **public rights doctrine**. Under the **public rights doctrine** , bankruptcy courts may only hear and decide issues that involve ...

... the constitutional boundary of bankruptcy ... jurisdiction is dependant on the **public rights doctrine** ... that doctrine has never encompassed criminal matters." Hipp, supra, 895 ...

... that the constitutional boundary of bankruptcy jurisdiction is dependant on the **public rights doctrine**, that doctrine has never encompassed criminal matters. bankruptcy jurisdiction is further limited by the **public rights doctrine**. ...

... 789 (Bankr. N.D. Okla. 2003) . Under the **public rights doctrine** , bankruptcy courts may only hear and decide issues that involve ...

15.  [Fisherman's Harvest, Inc. v. PBS & J](#)

United States Court of Appeals for the Federal Circuit | Jun 21, 2007 | 490 F.3d 1371

**Overview:** District court erred when it transferred negligence action which oyster growers filed against contractors U.S. Army Corps of Engineers hired to dredge a river, to U.S. Court of Federal Claims. 28 U.S.C.S. § 1497 did not give court of claims jurisdiction to hear growers' claims against the contractors, and district court had diversity jurisdiction.

... Supreme Court identified in *Granfinanciera*, the inquiries under the "**public rights doctrine**" and the Seventh Amendment are the same. 4 [I]f a statutory ...  
 ... III of the U.S. Constitution. The inquiries under the "**public rights doctrine**" and the Seventh Amendment are the same. If a statutory cause ...  
 ... by the private contractors raises constitutional concerns implicated by the "**public rights doctrine**" and the Seventh Amendment's guarantee of a right to a jury ...  
 ... Jury in Civil Actions Courts, Authority to Adjudicate HN10 The "**public rights doctrine**" draws a distinction between "public" rights, the adjudication of which Congress ...  
 ... Private tort actions are quintessentially suits at common law. The "**public rights doctrine**", first set forth in *Murray's Lessee v. Hoboken Land & ...*

16.  [Trinco Inv. Co. v. United States](#)

United States Court of Federal Claims | Oct 31, 2018 | 140 Fed. Cl. 530

**Overview:** Motion by possessors of interests in property to transfer their claims from the U.S. Court of Federal Claims to a United States District Court was denied because their argument that the Court of Federal Claims lacked subject matter jurisdiction to hear takings cases was unavailing, but Court of Federal Claims certified question for appeal.

... *Murray's Lessee*. Courts, Authority to Adjudicate HN13 The **public rights doctrine** has been extended to disputes between private parties concerning public rights. ...  
 ... Quoting *Crowell*, the Court stated: The [**public rights doctrine**] extends only to matters arising "between the Government and persons subject ...  
 ... L. Ed. 2d 598 (1982), and its precedents applying the **public-rights doctrine** have 'not been entirely consistent,' *Stern*, 564 U.S., at 488 ...  
 ... 458 U.S. at 63-86. According to *Northern Pipeline*, the **public rights doctrine** was first set forth in *Murray's Lessee*: [W]e do not ...  
 ... 587. In conclusion, the Court opines that "[i]n essence, the **public rights doctrine** reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...

17.  [Battat v. Comm'r](#)

United States Tax Court | Feb 02, 2017 | 148 T.C. 32

**Overview:** Presidential authority to remove Tax Court Judges for cause does not violate separation of powers. Even though Congress assigned Tax Court portion of judicial power of United States, the portion of that power assigned to Tax Court includes only public law disputes and does not include matters reserved by Constitution to U.S. Const. art. III courts.

... determination to a legislative court or an administrative agency. This [**public rights doctrine**] may be explained in part by reference to the traditional principle ...  
 ... to its consent to be sued. \* \* \* But the **public-rights doctrine** also draws upon the principle of separation of powers, and a ...



... Separation of Powers Federal Government, Claims By & Against HN8 The **public rights doctrine** may be explained in part by reference to the traditional principle ...  
 ... may attach conditions to its consent to be sued. But the **public-rights doctrine** also draws upon the principle of separation of powers, and a ...  
 ... Court, provisions authorizing removal of Tax Court Judges are constitutional. 1. **Public Rights Doctrine** Constitutional Law, Separation of Powers HN2 Although it is universally understood ...

18.  [Wellness Int'l Network, Ltd. v. Sharif](#)

Supreme Court of the United States | May 26, 2015 | 575 U.S. 665

**Overview:** Court reversed determination that debtor's Stern v. Marshall objection could not be waived and that the bankruptcy court lacked constitutional authority to enter final judgment on an alter-ego claim because U.S. Const. art. III, § 1, was not violated when the parties knowingly and voluntarily consented to adjudication by a bankruptcy judge.

... perform it. Although Stern claims indisputably involve private rights, the “ **public rights**” **doctrine** suggests a way in which party consent may transform the function ...  
 ... the exercise of the judicial power. The premise of the “ **public rights**” **doctrine** , as described above, is not that public rights affirmatively require ...  
 ... involving “private rights” is longstanding, but the contours of the “ **public rights**” **doctrine** have been the source of much confusion and controversy. See generally ...  
 ... the confusion may be Murray’s Lessee —the putative source of the **public rights doctrine** itself. Dictum in the case muddles the distinction between private and ...  
 ... claims indisputably involve private rights, the “ **public rights**” **doctrine** suggests a way in which party consent may transform the function ...  
 ... the exercise of the judicial power. The premise of the “ **public rights**” **doctrine** , as described above, is not that public rights affirmatively require ...

19.  [Waldman v. Stone](#)

United States Court of Appeals for the Sixth Circuit | Oct 26, 2012 | 698 F.3d 910

**Overview:** Because a debtor's affirmative fraud claims were only "related to" his bankruptcy, the bankruptcy court could only have submitted proposed findings and conclusions under 28 U.S.C.S. § 157(c)(1), and thus, the damages judgment against a creditor had to be recast as proposed findings and conclusions for the district court to review de novo.

... court can enter final judgment on such a claim. the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...  
 ... Stern , the Court reviewed the line of cases applying the **public-rights doctrine** to bankruptcy proceedings. 131 S. Ct. at 2609-14 . That line ...  
 ... Courts, Authority to Adjudicate Courts, Creation & Organization HN12 The **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

20.  [Germain v. Connecticut Nat'l Bank](#)

United States Court of Appeals for the Second Circuit | Mar 24, 1993 | 988 F.2d 1323

**Overview:** Chapter 7 bankruptcy trustee was allowed a jury trial in his suit against a creditor for tortious and contractual misconduct that occurred after the petition was filed because the claims only incidentally implicated the bankruptcy code.

... tort. On its face, then, the Trustee's action cannot invoke the **public rights doctrine**. However, the Bank argues that the **public rights doctrine** is not restricted to controversies over public rights, but may be ...  
 ... Supreme Court has not spoken extensively on the scope of the **public rights doctrine**. However, in Northern Pipeline Construction Co. v. ...  
 ... voluntarily waived his right to one or because, under the "**public rights**" **doctrine**, his complaint states only violations of public rather than private ...  
 ... of the Court's argument implicitly focused on the scope of the **public rights doctrine**. Id. at 87. Justice ...

21.  [Yellow Sign, Inc. v. Freeway Foods, Inc. \(In re Freeway Foods of Greensboro, Inc.\)](#)

United States Bankruptcy Court for the Middle District of North Carolina, Greensboro Division | Jan 13, 2012 | 466 B.R. 750

**Overview:** Bankruptcy court found that it had jurisdiction under 28 U.S.C.S. § 157 and Stern v. Marshall to resolve most of the claims, counterclaims, and third-party claims plaintiffs and defendants alleged in an adversary proceeding because the claims were related to a corporation's bankruptcy estate or the parties had consented to the court's jurisdiction.

... 458 B.R. at 687. This exception is known as the **public rights doctrine**. Public rights have been defined as involving disputes "between the ...  
 ... to legislatively created courts. This exception is known as the "**public rights doctrine**." Public rights have been defined as involving disputes between the ...  
 ... 131 S.Ct. at 2613. The Marathon court explained that the **public rights doctrine** extends only to matters arising "between the Government and persons subject ...  
 ... Ill court because Congress has nothing to do with it. The **public rights doctrine** provides that if Congress creates an independent federal right, then it ...  
 ... judges violated U.S. Const. art. III. The Court rejected the **public rights doctrine** as a basis for upholding the constitutionality of the Bankruptcy Reform ...  
 ... 458 U.S. at 87 (plurality opinion). The Court rejected the **public rights doctrine** 12 Congressional Duties & Powers, Lower Federal Courts The Judiciary, Jurisdiction ...  
 ... v. Marathon Pipe Line Co., the Court explained that the **public rights doctrine** extends only to matters arising between the Government and persons subject ...

22.  [Gecker v. Gierczyk \(In re Glenn\)](#)

United States Bankruptcy Court for the Northern District of Illinois, Eastern Division | May 24, 2006 | 359 B.R. 200

**Overview:** Trustee's motion to strike a jury demand was granted because, inter alia, the rights created by 11 U.S.C.S. § 362(k)(1) were so fundamental to the bankruptcy system that they were appropriately resolved by a bankruptcy judge sitting without a jury and they should, therefore, be viewed as "public rights" as that term was used in Granfinanciera.

... opinion equates "public rights" for jury trial purposes with the "**public rights**" doctrine in cases over whether Congress can assign matters to non-Article III ...

... he considers the majority's narrowing of the Court's understanding of the **public rights doctrine** to exclude any cases in bankruptcy. Id , at 89-90 . ...

... in arriving at its conclusion, and noted the expansion in the **public rights doctrine**. The Gordon court concluded that a suit under ...

... The "**public rights**" doctrine appears originally to have been confined to controversies to which the ...

... describes as the majority's expansion of the Court's understanding of the **public rights doctrine** to include cases where the Federal Government is not a party. ...

... opinion equates "public rights" for jury trial purposes with the "**public rights**" doctrine in cases over whether Congress can assign matters to non- U.S. ...

### 23. [National Velour Corp. v. Durfee](#)

Supreme Court of Rhode Island | Feb 21, 1994 | 637 A.2d 375

**Overview:** Corporation was not entitled to jury trial in environmental-enforcement proceeding initiated by director of state department of environmental management because action concerned public right, which was not guaranteed jury trial by Seventh Amendment.

... other justices essentially concurred) followed the United States Supreme Court 's **public-rights doctrine** in determining that no jury-trial right adhered in the administrative adjudication ...

... adjudication and imposition of a civil penalty although arguing that the **public-rights doctrine** must be limited to those proceedings "in which the government, as ...

... in the judgment)("I would return to the longstanding principle that the **public rights doctrine** requires, at a minimum, that the United States be a party ...

... that we should not look to Seventh Amendment jurisprudence or the **public-rights doctrine** in order to determine if National Velour's right to a jury ...

... Fundamental Freedoms HN7 The United States Supreme Court has expanded its **public-rights doctrine** to include those rights enforced by private individuals that are so ...

... judiciary. The United States Supreme Court has expanded its **public-rights doctrine** to include those rights enforced by private individuals that are "so ...

... 2d at 49 n. 10 . We are persuaded by the **public-rights doctrine** developed by the United States Supreme Court and adopt it to ...

### 24. [Exec. Benefits Ins. Agency v. Arkison \(In re Bellingham Ins. Agency\)](#)

United States Court of Appeals for the Ninth Circuit | Dec 04, 2012 | 702 F.3d 553

**Overview:** Although the bankruptcy court lacked jurisdiction to enter a final judgment on a fraudulent conveyance claim asserted against a noncreditor by the trustee, the noncreditor consented to the entry of a final judgment when it failed to object to the bankruptcy court's jurisdiction until the case reached the court of appeals.

... In re Mankin , 823 F.2d at 1308 ("The **public rights doctrine** in large part simply constitutionalizes the historical understanding of what need ...

... under [the Bankruptcy Reform] Act might be sustained under the '**public rights**' doctrine . . . I am satisfied that the adjudication of Northern's ...

... Court rejected that definition, opting for a more fluid position: "the **public rights doctrine** reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...

25.  [National Communs. Ass'n v. AT&T](#)

United States District Court for the Southern District of New York | Mar 16, 1998 | 1998 U.S. Dist. LEXIS 3198

**Overview:** Switchless reseller did not have a claim against common carrier for unlawful refusal to provide telecommunications services where its application for those services was speculative and reseller could not provide required user information.

... may properly be brought in an Article III court" the **public rights doctrine** "does not affect our analysis"). 45 In this footnote from Terry , the Court does not refer to the **public rights doctrine** by name. However, the two cases it cites in that footnote, ...

... footnote, and the passages in those two cases, clearly addressed the **public rights doctrine**. See Granfinanciera , 492 U.S. at 42...

... address the precise question raised by AT&T herein; namely, whether the **public rights doctrine** requires a federal district court to deprive a litigant of an ...

... may properly be brought in an Article III court" the **public rights doctrine** "does not affect our analysis"). 45 In this footnote from Terry , the Court does not refer to the **public rights doctrine** by name. However, the two cases it cites in that footnote, ...

... footnote, and the passages in those two cases, clearly addressed the **public rights doctrine**. ...

... Jury in Civil Actions Legislation, Statutory Remedies & Rights HN37 The **public rights doctrine** ensures that a party is not deprived of its Seventh Amendment ...

26.  [In re Allied Cos.](#)

United States District Court for the Southern District of Indiana, Indianapolis Division | Sep 17, 1991 | 137 B.R. 919

**Overview:** Defendant in an adversary proceeding who asserted a counterclaim that implicated the bankruptcy court's process of allowance and disallowance of claims, invoked the power of that court and waived his right to a jury trial under the Seventh Amendment.

... this decision might be to see it not as extending the **public rights doctrine** but rather as recognizing that those actions implicating the bankruptcy court ...

... n. 11 . Controversial though such an extension of the **public rights doctrine** might be, if it is to represent a true exception to ...

... Thus, the Supreme Court in Granfinanciera discussed only the **public rights doctrine** as an available exception to the Seventh Amendment jury right, reconciling ...

... (citation omitted). Perhaps Langenkamp could be construed as having extended the **public rights doctrine** to the point of including situations where the bankruptcy court is ...

27.  [Auto. United Trades Org. v. State](#)

Supreme Court of Washington | Aug 30, 2012 | 175 Wn.2d 214

**Overview:** Under Wash. Super. Ct. Civ. R. 19(a), while the Indian tribes were necessary parties whose joinder was not feasible due to sovereign immunity, in the circumstances of the case, they were not

indispensable. Equitable considerations allowed the action by the trade association against the State to proceed in their absence.

... into its analysis, the majority essentially conflates CR 19(b) with the **public rights doctrine**. The **public rights doctrine** may provide an exception to CR 19 dismissal when a plaintiff ...  
 ... present litigation threatens the tribes' legal entitlements in the compacts, the **public rights doctrine** is not available. Id. ¶75 As a result of its improper ...  
 ... AUTO is truly seeking to vindicate its private economic interest, the **public rights doctrine** does not apply. 11 Today's decision is particularly troubling because it ...  
 ... to justify treating him as an indispensable party.”). ¶73 But the **public rights doctrine** applies only when an action seeks to vindicate a public right, ...  
 ... if AUTO were truly seeking to vindicate a public right, the **public rights doctrine** is not available when the requested relief would deprive the absent ...

28.  [Earthwise Energy, Inc. v. Crusader Energy Grp., Inc.](#)

United States District Court for the Northern District of Texas, Dallas Division | Jan 17, 2013 | 2013 U.S. Dist. LEXIS 206522

... these matters to the bankruptcy courts for final adjudication. Under the **Public Rights doctrine** , the bankruptcy court may constitutionally adjudicate a cause of action ...  
 ... the Court in Granfinanciera contributed to its developing discussion on the **Public Rights Doctrine** . Although the Court discussed public rights in the context of ...  
 ... through the debtor's asset schedule on categorical grounds unsupported by the **Public Rights doctrine** . There are three reasons why a challenge to the inclusion ...  
 ... this argument stems from the Supreme Court's earlier decisions establishing the **Public Rights doctrine** and the fact that Stern did not distinguish between causes of ...  
 ... courts for any claim remotely related to a bankruptcy proceeding. The **Public Rights Doctrine** was not new, but had been largely left unexplained since it ...  
 ... for determining constitutional jurisdiction over an Art. I court under the **Public Rights doctrine** . Instead; it is the involvement of some government action, even ...

29.  [In re Clay](#)

United States Court of Appeals for the Fifth Circuit | Oct 03, 1994 | 35 F.3d 190

**Overview:** The creditors' motion to withdraw reference of a trustee's complaint from the bankruptcy court was improperly denied; the creditors were entitled to a jury trial, but the bankruptcy court did not have the authority to conduct the trial.

... a right to a judicial proceeding including a jury trial, the **public rights doctrine** cannot apply. " Congress [is] free to commit [public rights cases] ...  
 ... a right to a judicial proceeding including a jury trial, the **public rights doctrine** cannot apply. D. The trustee makes two counterarguments. First, he claims ...

30.  [Abdow v. Mass. Bay Transp. Auth.](#)

Superior Court of Massachusetts, At Suffolk | Oct 15, 2015 | 33 Mass. L. Rep. 126

**Overview:** Forty taxpayers lacked standing to challenge the Commonwealth's sale of parcels to casino builder, alleging builder did not comply with bidding process, Mass. Gen. Laws Ann. ch. 161A, § 5(b), because transaction did not involve expenditure of money or imposition of obligation of sort contemplated by Mass. Gen. Laws Ann. ch. 29, § 63, Twenty-Four.

... a consequence of the defendants' actions. The plaintiffs respond that the **public rights doctrine** permits them, as citizens who would otherwise lack standing, to seek ...

... It is brought as a mandamus claim and, under the "**public rights doctrine**," plaintiffs who might otherwise lack standing may seek to enforce ...

... nature of mandamus. It is not. The second is that the **public rights doctrine** applies under the circumstances presented here. It does not. Accordingly, Count ...

... State & Territorial Governments, Claims By & Against HN8 Under the **public rights doctrine**, the people of the Commonwealth of Massachusetts, rather than ...

... Territorial Governments, Claims By & Against Justiciability, Standing HN9 The **public rights doctrine** has been and should be applied narrowly, particularly where the relief ...

... [2]-The taxpayers also lacked standing to bring suit under the "**public rights doctrine**" because none of the remedies sought by the taxpayers was ...

... suit simply as citizens of the Commonwealth under the so-called "**public rights doctrine**." That is because they are not seeking to compel the ...

31.  [Thomas v. Union Carbide Agric. Prods. Co.](#)

Supreme Court of the United States | Jul 01, 1985 | 473 U.S. 568

**Overview:** Provision of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) mandating binding arbitration with only limited judicial review to resolve certain disputes under FIFRA did not violate U.S. Const. art III.

... of a federal regulatory scheme. Whatever the precise scope of the **public rights doctrine**, that case was clearly outside it and therefore adjudication before ...

... Congress under appellees' interpretation of Crowell. In essence, the **public rights doctrine** reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...

... between individuals would be thrown into doubt. In essence, the "**public rights doctrine**" reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...

... 19 New England L. Rev. 207, 231-232 (1983) ("**public rights doctrine** exalts form over substance"); Note, The Supreme Court, 1981 Term, 96 ...

... this regard it is worth noting that early cases recognizing a **public rights doctrine** typically involved either challenges to Government action affecting private interests in ...

32.  [In re Rheuban](#)

United States Bankruptcy Court for the Central District of California | Nov 16, 1990 | 121 B.R. 368

**Overview:** Bankruptcy court had jurisdiction to find that the challenging law firm failed to prove that disputed fees were reasonable, as such legal services were rendered in contemplation of and connection with debtor's bankruptcy case.

... federal law to be tried in an Article III court. The **public rights doctrine** permits Congress to select a quasi-judicial method of resolving matters that ...

... Scalia , J., concurring). Justice Scalia argues persuasively that the **public rights doctrine** has been improperly expanded beyond those proceedings in which the United ...

... a right to such compensation under state law; and (4) the **public rights doctrine** permits Congress to select a quasi-judicial method of resolving matters that ...

... argument that § 329 creates a legal claim, under the "**public rights**" doctrine O & L is not entitled to a jury trial. 2. **Public Rights Doctrine** Separation of Powers, Jurisdiction...

... careful reading of these cases leads me to conclude that the **public rights doctrine** extends beyond instances in which the United States is suing in ...

... on the foregoing survey of constitutional law, I conclude that the **public rights doctrine** empowers me to conduct the instant proceeding without encroaching on O ...

33.  [Retired Partners of Coudert Brothers Trust v. Baker & McKenzie LLP \(In re Coudert Bros. LLP\)](#)

United States District Court for the Southern District of New York | Sep 22, 2011 | 2011 U.S. Dist. LEXIS 110425

**Overview:** A bankruptcy court's dismissal of a trust's claims against a debtor was vacated because the trust's claims that the debtor transferred assets were claims involving private rather than public rights, and therefore, the bankruptcy judge lacked the power under U.S. Const. art. III to enter a final order dismissing the claims.

... respect to matters that arguably fall within the scope of the **public rights doctrine** , the presumption is in favor of Art. III courts. What ...

... to matters that arguably fall within the scope of the '**public rights**' doctrine, the presumption is in favor of Art. III courts." ...

34.  [Billing v. Ravin, Greenberg & Zackin, P.A.](#)

United States Court of Appeals for the Third Circuit | Apr 20, 1994 | 22 F.3d 1242

**Overview:** Legal malpractice claim used as defense to fee claim filed by debtor's bankruptcy attorney was part of claims-allowance process; debtors had no right to jury trial and allowance of fees was part of bankruptcy court's equitable jurisdiction.

... Seventh Amendment right to trial by jury in addition to the **public rights doctrine** . This restriction, less well articulated, has emerged in connection with ...

... Seventh Amendment right to trial by jury in addition to the **public rights doctrine** ." Maj. typescript op. at 11. This additional limitation on which ...

35.  [N. Pipeline Constr. Co. v. Marathon Pipe Line Co.](#)

Supreme Court of the United States | Jun 28, 1982 | 458 U.S. 50

**Overview:** The Bankruptcy Act of 1978's assignment of jurisdiction to bankruptcy courts of all civil proceedings arising under or related to cases filed under Title 11 was found to have violated art. III of the United States Constitution.

... to matters that arguably fall within the scope of the "**public rights**" doctrine, the presumption is in favor of Art. III courts. See ...

... 43 Harv. L. Rev. 894, 915 (1930). The **public-rights doctrine** is grounded in a historically recognized distinction between matters that could ...

... 917-918 (1930). 24 Of course, the **public-rights doctrine** does not extend to any criminal matters, although the Government is ...

... Comm'n, 430 U.S. 442, 450 (1977). The "**public rights**" doctrine was first set forth in Murray's Lessee v. Hoboken Land & ...

... 279 U.S. 438, 452 (1929). But the **public-rights doctrine** also draws upon the principle of separation of powers, and a ...

... attempted to catalog some of the matters that fall within the **public-rights doctrine**: "Familiar illustrations of administrative agencies created for the determination of ...

... powers granted under that Act might be sustained under the "**public rights**" doctrine of Murray's Lessee v. Hoboken Land & Improvement Co...

36.  [Fairholme Funds, Inc. v. United States](#)

United States Court of Federal Claims | Dec 06, 2019 | 147 Fed. Cl. 1

**Overview:** Where plaintiffs, shareholders of Fannie Mae and Freddie Mac (Enterprises), took issue with the conservator named for the Enterprises, amending a funding agreement between the Enterprises and the U.S. Department of the Treasury, the conservator acted within its statutory authority when it entered into the amendments.

... conditions to its consent to be sued. "In other words, the **public-rights doctrine** applies to matters arising between the government and others, which from ...

... 458 U.S. at 69), "and its precedents applying the **public-rights doctrine** have 'not been entirely consistent,'" id. (quoting Stern, 564 U.S. ...

... Federal Government, Claims By & Against HN20 The **public-rights doctrine** applies to matters arising between the government and others, which from ...

37.  [In re Rheuban](#)

United States Bankruptcy Court for the Central District of California | Jun 13, 1991 | 128 B.R. 551

**Overview:** Plaintiff's motion to vacate an order requiring him to disgorge compensation that he received from a debtor prior to the commencement of the debtor's bankruptcy case was denied.

... conduct trials by jury. It does make clear that the "**public rights**" doctrine was developed by the Court to reconcile with the plain language ...

... L. Ed. 2d 26; b. Makes clear that the "**public rights**" doctrine is not limited to causes of action in which the government ...

... federal government, the crucial question in determining the applicability of the **public rights doctrine** is whether "...

... conduct trials by jury. It does make clear that the "**public rights**" doctrine was developed by the Court to reconcile with the plain language ...

... administrative tribunals in which a jury is not available. The "**public rights**" doctrine has no applicability to disputes heard by bankruptcy judges ...

... of the disputes commonly heard by bankruptcy judges within the "**public rights**" doctrine. By this I refer to Congress' creation of "core" ...



... and that I conclude is correct. E. Article III, the **Public Rights Doctrine** and the Seventh Amendment  
The other principal conclusion reached by the ...

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38.  [Beard v. Braunstein](#)

United States Court of Appeals for the Third Circuit | Sep 21, 1990 | 914 F.2d 434

**Overview:** A cause of action to recover rent was a suit for money damages; therefore, the matter was not a core proceeding that could be tried by a bankruptcy court and appellant's Seventh Amendment right to a trial by jury was violated.

... 87 L. Ed. 2d 409 (1985) , the Court expanded the **public rights doctrine** to the extent that: Congress , acting for a valid legislative ...

... the judicial branch for enforcement. 11 Further comment on the " **public rights**" **doctrine** was provided in Commodity Futures Trading Comm'n v. Schor , 478 ...

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39.  [Murphy v. Felice \(In re Felice\)](#)

United States Bankruptcy Court for the District of Massachusetts, Eastern Division | Oct 05, 2012 | 480 B.R. 401

**Overview:** Bankruptcy court possessed constitutional authority to decide whether Chapter 7 debtor's beneficial interest in family trust, which was core proceeding under 28 U.S.C.S. § 157(b)(1), constituted estate property under 11 U.S.C.S. § 541(a). Determination stemmed from bankruptcy, affected only debtor's property interests, and did not augment estate.

... enact bankruptcy laws or from Congress 's power under the " **public rights**" **doctrine** to assign the matter to a non-Article III tribunal for final ...

... decision in Stern , Bankruptcy Judge Jeffrey Hughes analyzed the " **public rights**" **doctrine** with erudition in Meoli v. Huntington Nat'l Bank (In re Teleservices ...

... enact bankruptcy laws or from Congress 's power under the " **public rights**" **doctrine** to assign the matter to a non Article III tribunal for ...

... id. at 64-68 . The Supreme Court first articulated the " **public rights**" **doctrine** in Murray's Lessee v. Hoboken Land & Improvement Co....

... III courts]. See id. The Supreme Court has considered the " **public rights**" **doctrine** in the context of bankruptcy three times since the Bankruptcy Act ...

... U.S. at 276 . Although the extent to which the " **public rights**" **doctrine** reaches into the bankruptcy system—if it does at all—remains undefined, it ...

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40.  [SCI Mgmt. Corp. v. Sims](#)

Supreme Court of Hawai'i | Jun 18, 2003 | 101 Haw. 438

**Overview:** Appellees were entitled to a jury trial with respect to Hawai'i Civil Rights Commission's executive director's demand for \$ 400,000 in general damages, payable to two complainants, based on their allegations of sex discrimination and retaliation.

... should adopt the " **public rights**" **doctrine** , however, because, even if we were to hold that our ...

... assist the defendants in the present matter. Pursuant to the " **public rights**" **doctrine**, ...

... Hawai'i Constitution. Rather, the defendants urge us to adopt the " **public rights doctrine** " articulated by the United States Supreme Court with respect to ...  
 ... National Velour Corp., 637 A.2d at 379 (adopting "the **public-rights doctrine** developed by the United States Supreme Court in instances wherein the ...  
 ... I do not concur with the majority's narrow view of the **public rights doctrine** . 2 No party raises the question of whether a mandatory ...  
 ... concurring) (emphases added) (citation omitted). The majority contends that the **public rights doctrine** does not apply in this case because the HCRC sought monetary ...  
 ... plaintiffs' motion. Sims argued, inter alia, that, based on the " **public rights doctrine** ," respondents before the HCRC are not entitled to a jury ...

41.  [Conner v. Burford](#)

United States Court of Appeals for the Ninth Circuit | Jan 13, 1988 | 836 F.2d 1521

... able to affirm the judgment below without addressing whether the " **public rights**" **doctrine** would prevent the dismissal of an action where the lessees were ...  
 ... is not precedent on the question of the application of the **public rights doctrine** now before us. The lessees' citation to Naartex Consulting Corp. v. ...  
 ... NEPA and the ESA. The lessees argue strongly, however, that the **public rights doctrine** cannot apply here, since they claim that the district court destroyed ...  
 ... **public rights doctrine**. 47 Although the district court did not expressly consider the **public rights doctrine** in rejecting the lessees' motion to reopen, we may affirm on ...  
 ... able to affirm the judgment below without addressing whether the " **public rights**" **doctrine** would prevent the dismissal of an action where the lessees were ...  
 ... is not precedent on the question of the application of the **public rights doctrine** now before us....

42.  [McHugh v. Santa Monica Rent Control Bd.](#)

Supreme Court of California | Aug 17, 1989 | 49 Cal. 3d 348

**Overview:** Although a city rent control board was authorized to make an administrative adjudication of excess rent claims, it was not empowered to award treble damages or to direct immediate rent withholding without providing for judicial review of the order.

... agency without a jury. Indeed, in a recent discussion of the **public rights doctrine** , the high court confirmed this view: "The Court has treated ...  
 ... ) Behind the " **public rights**" **doctrine** lies the idea that when a legislative body acts by statute ...  
 ... involved here fall within the traditional scope of the federal " **public rights**" **doctrine**. A line of high court cases demonstrates that point...  
 ... the power of Congress " under a restrictive interpretation of the **public rights doctrine**. ( Thomas, supra , 473 U.S. at p. 589...  
 ... Right to Jury Trial and Waiver Civil Cases Administrative Matters **Public Rights Doctrine** . --A rent control board, operating under the authority of a ...  
 ... L. Ed. 2d 464, 475, 478 ] .) Behind the " **public rights**" **doctrine** lies the idea that when a legislative body acts by statute ...  
 ... involved here fall within the traditional scope of the federal " **public rights**" **doctrine**. ...

43.  [Samuels, Kramer & Co. v. Comm'r](#)

United States Court of Appeals for the Second Circuit | Apr 02, 1991 | 930 F.2d 975

**Overview:** Chief judge of tax court had authority under the Appointments Clause and statute to appoint inferior officers, such as special trial judges to complex cases, because the tax court was a department in the executive branch.

... that is not under U.S. Const. art. III . The "**public rights doctrine**" rests on the premise that any matters subject to adjudication in ...

... Thus, it is entirely consistent with the reasoning underlying the "**public rights doctrine**" to treat the tax court as a department associated with the ...

... legislative departments." Crowell , 285 U.S. at 50 . The "**public rights doctrine**" has its basis in the principle of separation of powers, ...

... The "**public rights doctrine**" rests on the premise that any matters subject to adjudication in ...

... Thus, it is entirely consistent with the reasoning underlying the "**public rights doctrine**" to treat the tax court as a department associated with the ...

... we find it entirely consistent with the reasoning underlying the "**public rights doctrine**" to treat the Tax Court as a department associated with the ...

... the constitutional functions of the executive or legislative departments. The "**public rights doctrine**" has its basis in the principle of separation of powers. ...

44.  [Conner v. Burford](#)

United States Court of Appeals for the Ninth Circuit | Jan 13, 1988 | 848 F.2d 1441

**Overview:** Federal agencies did not violate policy by selling oil and gas leases without preparing an environmental impact statement (EIS) because the sale of "no surface occupancy" leases was not an irreversible commitment of resources requiring an EIS.

... able to affirm the judgment below without addressing whether the "**public rights doctrine**" would prevent the dismissal of an action where the lessees were ...

... is not precedent on the question of the application of the **public rights doctrine** now before us. The lessees' citation to Naartex Consulting Corp. v. ...

... NEPA and the ESA. The lessees argue strongly, however, that the **public rights doctrine** cannot apply here, since they claim that the district court destroyed ...

... **public rights doctrine**. 48 Although the district court did not expressly consider the **public rights doctrine** in rejecting the lessees' motion to reopen, we may affirm on ...

... able to affirm the judgment below without addressing whether the "**public rights doctrine**" would prevent the dismissal of an action where the lessees were ...

... is not precedent on the question of the application of the **public rights doctrine** now before us. ...

45.  [Irons v. R.I. Ethics Comm'n](#)

Superior Court of Rhode Island, Providence | Oct 29, 2008 | 2008 R.I. Super. LEXIS 137

**Overview:** Past legislative acts performed by state legislator were protected by the Speech in Debate Clause, R.I. Const. art. 3, § 8; Ethics Commission was constitutionally precluded from questioning legislator about those acts. Legislator was not entitled to a jury trial because case did not fall within parameters of R.I. Const. art. 1, §§ 10, 15.

... Ethics Commission that its proceedings against Irons fall squarely within the **public rights doctrine** as articulated in National Velour. As in National Velour,...

... adopted the **public rights doctrine** developed over many years by the United States Supreme Court : "We are persuaded by the **public-rights doctrine** developed by the United States Supreme Court and Formal Adjudicatory Procedure, ...

... Court addresses Irons' contention that Ethics Commission proceedings fall outside the **public rights doctrine** because "the conduct proscribed in the Code of Ethics with which ...

... of public rights" and that this case clearly falls under the **public rights doctrine** adopted in National Velour Corp. v. Durfee, 637 A.2d 375...

... trial in certain environmental enforcement proceedings, our Supreme Court adopted the **public rights doctrine** developed over many years by the United States Supreme Court : "We are persuaded by the **public-rights doctrine** developed by the ...

... to Jury Trial HN50 The Rhode Island Supreme Court adopts the **public rights doctrine** to analyze the jury-trial right in instances wherein the Legislature has ...

#### 46. [United States v. Bond](#)

United States District Court for the Eastern District of New York | Sep 17, 2012 | 486 B.R. 9

**Overview:** Bankruptcy Trustee's tax refund suit fit squarely within the definition of a public right, as the suit was between the U.S. Government and a party subject to the Government's authority, concerned performance of executive branch constitutional functions (tax collection), and was only possible under the 11 U.S.C.S. § 106 sovereign immunity waiver.

... The U.S. Supreme Court has recognized the long history of the **public rights doctrine** in federal jurisprudence, which dates back to Murray's Lessee. Although the **public rights doctrine** has not been well-defined or treated consistently throughout history, the doctrine ...

... be described. the Supreme Court recognized the long history of the **public rights doctrine** in federal jurisprudence, which dates back to ...

... Trustee contends that this establishes that tax disputes fall under the **public rights doctrine** , while the IRS responds that a taxpayer's option to file ...

... the political branches of Government. Thus, for the most part, the **public rights doctrine** extends only to matters arising between the Government and persons subject ...

... The U.S. Supreme Court has recognized the long history of the **public rights doctrine** in federal jurisprudence, which dates back to Murray's Lessee. Although the **public rights doctrine** has not been well-defined or treated consistently throughout history, the doctrine ...

... be described. the Supreme Court recognized the long history of the **public rights doctrine** in federal jurisprudence, which dates back to Murray's Lessee v. Hoboken ...

... the political branches of Government. Thus, for the most part, the **public rights doctrine** extends only to matters arising "between the Government and persons subject ...

#### 47. [Kuretski v. Comm'r of IRS](#)

United States Court of Appeals for the District of Columbia Circuit | Jun 20, 2014 | 755 F.3d 929

**Overview:** Presidential authority to remove judges from U.S. Tax Court did not violate separation of powers since Court did not exercise judicial power of U.S. under U.S. Const. art. III, congressional establishment of Court as legislative court did not transfer Court to legislative branch, and Court exercised its authority as part of executive branch.

... 458 U.S. at 68 ). The " **public rights doctrine** reflects simply a pragmatic understanding that, when Congress selects a quasi-judicial ...

... determined by the Executive and Legislative Branches without judicial intervention. The **public rights doctrine** reflects simply a pragmatic understanding that, when Congress selects a quasi-judicial ...  
 ... the judicial powers is reduced. Although the precise contours of the **public rights doctrine** are not fully formed, it is settled that the category of ...  
 ... determined by the Executive and Legislative Branches without judicial intervention. The **public rights doctrine** reflects simply a pragmatic understanding that, when Congress selects a quasi-judicial ...  
 ... the judicial powers is reduced. Although the precise contours of the **public rights doctrine** are not fully formed, it is settled that the category of ...  
 ... is reduced." Id . Although the precise contours of the " **public rights**" **doctrine** are not fully formed, see Stern , 131 S. Ct. at ...

48.  [In re American Waste & Pollution Control Co.](#)

Court of Appeal of Louisiana, First Circuit | Mar 11, 1991 | 580 So. 2d 392

**Overview:** The court held that a statute providing for the direct appeal of decisions from the Department of Environmental Quality to appellate courts was unconstitutional. The court also held that the public rights doctrine was inapplicable in Louisiana.

... has found the **public rights doctrine** inapplicable in Louisiana . we find the **public rights doctrine** inapplicable in this state. Even were we to apply the **public rights doctrine** herein, the additional provisions in our constitution not present in the ...  
 ... S. Ct. at 2869, 73 L. Ed. 2d at . The **public rights doctrine** (and the Northern Pipeline case in particular) has been highly criticized. ...  
 ... state as a defendant to the district court, it is unconstitutional. **PUBLIC RIGHTS DOCTRINE** It has been suggested that in areas involving "public rights," the ...  
 ... the original jurisdiction otherwise vested in the district court. Whether the **public rights doctrine** has any application under the Louisiana Constitution is a question which ...  
 ... of Powers Evidence, Judicial Notice Federal Government, US Congress HN29 The **public rights doctrine** is explained by the United States Supreme Court as follows: the ...  
 ... the U.S. and the Louisiana Constitutions reveals the need for the **public rights doctrine** on the federal level but not on the state level. Congressional ...  
 ... 73 L. Ed. 2d 598 (1982) ("the **public-rights doctrine** is grounded in a historically recognized distinction between matters that could ...

49.  [Fairholme Funds, Inc. v. United States](#)

United States Court of Federal Claims | Dec 06, 2019 | 146 Fed. Cl. 17

**Overview:** Where plaintiffs, shareholders of Fannie Mae and Freddie Mac (Enterprises), took issue with the conservator named for the Enterprises, amending a funding agreement between the Enterprises and the U.S. Department of the Treasury, the conservator acted within its statutory authority when it entered into the amendments.

... conditions to its consent to be sued. "In other words, the **public-rights doctrine** applies to matters 'arising between the government and others, which from ...  
 ... 458 U.S. at 69 ), "and its precedents applying the **public-rights doctrine** have 'not been entirely consistent,'" id. (quoting Stern , 564 U.S. ...  
 ... Waiver, Interstate Commerce Immunities, Sovereign Immunity HN20 The **public-rights doctrine** applies to matters arising between the government and others, which from ...

50.  [Benjamin v. Jacobson](#)

United States District Court for the Southern District of New York | Jul 23, 1996 | 935 F. Supp. 332

**Overview:** State officials' motion to vacate prior consent decrees regarding prison conditions was granted because the decrees embodied executory relief over which a court retained jurisdiction and they were subject to alteration by retroactive legislation.

... integrated into a public regulatory scheme. Id. at 54 . The **public rights doctrine** , however, is inapplicable here. When the doctrine was first established ...

... statute and did not involve the United States. Even today, the **public rights doctrine** is an expression of congressional authority and therefore must be limited ...

51.  [Brott v. United States](#)

United States Court of Appeals for the Sixth Circuit | May 31, 2017 | 858 F.3d 425

**Overview:** A district court's dismissal of the landowners' Little Tucker Act claims against the United States for compensation for lack of subject matter jurisdiction and for failure to state a claim was affirmed since the United States Court of Federal Claims had landowners' compensation claims.

... Government, US Congress The Judiciary, Jurisdiction HN21 At one time the **public rights doctrine** applied only to matters arising between the Government and persons subject ...

... is necessary. Federal Government, US Congress The Judiciary, Jurisdiction HN20 The **public rights doctrine** allows Congress to remove consideration of certain matters from the judicial ...

... courts of the United States, as it may deem proper. The **public rights doctrine** allows Congress to remove consideration of certain matters from the judicial ...

... not withdraw from Art. III judicial cognizance. At one time the **public rights doctrine** applied "only to matters arising 'between the Government and persons subject ...

52.  [In re City of Detroit](#)

United States Bankruptcy Court for the Eastern District of Michigan, Southern Division | Dec 05, 2013 | 504 B.R. 191

**Overview:** Under 11 U.S.C.S. § 109(c), a city was eligible to be a Chapter 9 debtor where the bankruptcy court rejected the constitutional challenges to Chapter 9 and 2012 Mich. Pub. Acts 436, and the city showed that it met each of the eligibility requirements.

... conclude that its determination regarding the City's eligibility is within the **public rights doctrine** and therefore that the Court does have the authority to decide ...

... that various matters arising within a bankruptcy case are within the **public rights doctrine**. See., e.g., In re Bataa/Kierland LLC , ...

... Jurisdiction, Exclusive Federal Jurisdiction HN16 The cases uniformly conclude that the **public rights doctrine** is the basis of a bankruptcy court 's authority to adjudicate ...

... under the Bankruptcy Code. the cases have uniformly concluded that the **public rights doctrine** is the basis of a bankruptcy court 's authority to adjudicate ...

... that the resolution of certain fundamental bankruptcy issues falls within the **public rights doctrine.**"); Sigillito v. Hollander ( In re Hollander...

53.  [Bank United v. Manley](#)

United States District Court for the Northern District of Alabama, Western Division | Nov 29, 2001 | 273 B.R. 229

**Overview:** In consolidated appeals, the district court upheld bankruptcy court decisions holding that the bankruptcy court had subject matter jurisdiction over a debtor class action alleging a creditor's proof of claim violated the Bankruptcy Code.

... The **public rights doctrine** grows out of a historically recognized distinction between matters that could ...  
 ... rights -- are not properly delegated to non-Article III courts. The **public rights doctrine** grows out of a "historically recognized distinction between matters that could ...  
 ... the Marathon appellant in support of the bankruptcy courts was the **public rights doctrine** . Procedural Matters, Jurisdiction Congressional Duties & Powers, Lower Federal Courts ...  
 ... Congressional Duties & Powers, Lower Federal Courts HN11 The **public rights doctrine** grows out of a historically recognized distinction between matters that could ...  
 ... rights -- are not properly delegated to non-Article III courts. The **public rights doctrine** grows out of a "historically recognized distinction between matters that could ...

54.  [Butler v. Anderson \(In re C.R. Stone Concrete Contrs. Inc.\)](#)

United States Bankruptcy Court for the District of Massachusetts, Eastern Division | Oct 15, 2013 | 2013 Bankr. LEXIS 5692

**Overview:** Court recommended that district court withdraw reference of 20-count complaint filed by trustee because, although court could enter final judgment or submit proposed findings with some counts, consolidation of adversary proceeding would avoid inconsistent results and confusion, eliminate level of appeal, and serve interests of judicial economy.

... bankruptcy judge in 1978, the Supreme Court has considered the "**public rights**" **doctrine** in the context of bankruptcy three times, but each time did ...  
 ... to enact uniform bankruptcy laws or its power under the "**public rights**" **doctrine** to assign a matter to a non-Article III tribunal. 72 In ...  
 ... context at all. 73 The Supreme Court first articulated the "**public rights**" **doctrine** in Murray's Lessee v. Hoboken Land & Improvement Co ., 59 ...  
 ... (Bankr. E.D. Mo. 1992) . While the contours of the "**public rights**" **doctrine** have never been defined, these courts cite the following passage of ...

55.  [Young v. Station 27, Inc.](#)

Supreme Court of Oklahoma | Sep 12, 2017 | 2017 OK 68

**Overview:** The court erred in dismissing the claim because the retaliatory discharge action was based upon the retaliatory discharge statute, Okla. Stat. tit. 85, § 341 (2011), that was in effect when the employee's workers' compensation injury occurred, and Okla. Stat. tit. 85A, § 7 (Supp. 2013) did not prevent the employee's § 341 action.

... Buff. L. Rev. 731 (2015) , the author addressed how the **public rights doctrine** is used to justify an administrative determination of a private right. ...

... Natural Gas Co. , the Oklahoma Supreme Court discussed the **public rights doctrine** , a concept grounded in a historically recognized distinction between matters ...

... OK 52 , 687 P.2d 1049 . we discussed the "**public rights doctrine** ," a concept grounded in a historically recognized distinction between matters ...

56.  [Kapila v. Bank of Am., N.A. \(In re Pearlman\)](#)

United States Bankruptcy Court for the Middle District of Florida, Orlando Division | Jul 16, 2013 | 493 B.R. 878

**Overview:** Chapter 11 trustee did not have a right to a jury trial on claims alleging that he was entitled under 11 U.S.C.S. §§ 544, 548, and 550 and Fla. Stat. ch. 726 to recover payments a debtor made to a bank while he was operating a Ponzi scheme; trustee's power to rearrange priorities under Bankruptcy Code changed the character of the parties' dispute.

... avoidance action even though it was a creditor who triggered the **public rights doctrine** by filing a claim against the estate. Courts have different opinions ...

... legal claims, as long as the creditor does not invoke the **public rights doctrine** by filing a proof of claim against the debtor's bankruptcy estate. ...

... legal claims, as long as the creditor does not invoke the **public rights doctrine** by filing a proof of claim against the estate. Once a ...

57.  [Quality Props., LLC v. Pine Apple Conveyor Serv. Inc. \(In re Quality Props. LLC\)](#)

United States Bankruptcy Court for the Northern District of Alabama, Eastern Division | Nov 29, 2011 | 2011 Bankr. LEXIS 4872

**Overview:** Determination of validity and extent of mechanics' liens, priorities among such liens, and other competing interests in estate property, and the allowance or disallowance of claims allegedly secured by such liens and other interests, was core proceeding under 28 U.S.C.S. § 157(b)(2)(B), (K). With an exception, this led to denial of remand motions.

... bankruptcy court's ability to adjudicate proceedings is limited under the "**public rights**" doctrine . Although the Court issued only a plurality opinion on the ...

... bankruptcy court's ability to adjudicate proceedings is limited under the "**public rights**" doctrine. 458 U.S. at 63-76 (plurality opinion); ...

58.  [Tyler v. Banks \(In re Tyler\)](#)

United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division | Jun 05, 2013 | 493 B.R. 905

**Overview:** Although bankruptcy court had jurisdiction to adjudicate bankruptcy debtor's claim of fraudulent transfer in foreclosure sale of debtor's real property, and debtor had standing to pursue claim, factual issues remained since it was unclear whether sale was properly conducted under state law and whether sale price was reasonably equivalent value.



... under [the Bankruptcy Reform] Act might be sustained under the ' **public rights doctrine** . . . I am satisfied that the adjudication of Northern's ...

... Northern Pipeline plurality's definition, instead adopting a more flexible standard: "the **public rights doctrine** reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...

59.  [In re O'Sullivan's Fuel Oil Co.](#)

United States Bankruptcy Court for the District of Connecticut | Sep 06, 1989 | 103 B.R. 388

**Overview:** A trustee was eligible to seek a trial by jury because he did not voluntarily submit the estate's claim to the jurisdiction of the bankruptcy court for resolution.

... contract and property cases are not at all implicated by the **public rights doctrine**. Wholly private tort, contract and property cases . . . . are not at all implicated [by the **public rights doctrine**]." Id. at 51...

... contract, and property cases were not at all implicated by the **public rights doctrine** . The court found that the trustee was eligible to seek ...

... contract and property cases are not at all implicated by the **public rights doctrine** . Wholly private tort, contract and property cases . . . .

60.  [In re City of Detroit](#)

United States Bankruptcy Court for the Eastern District of Michigan, Southern Division | Sep 26, 2013 | 498 B.R. 776

**Overview:** Committee of retirees failed to show likelihood of success in obtaining withdrawal of bankruptcy reference to warrant stay of city's bankruptcy proceedings, since bankruptcy court had constitutional authority to resolve state law issues, and substantial harm to city in delaying its ability to provide services vastly outweighed any harm to retirees.

... that the resolution of certain fundamental bankruptcy issues falls within the **public rights doctrine**"); Sigillito v. Hollander (In re Hollander) , ...

... otherwise. On the contrary, the cases have uniformly concluded that the **public rights doctrine** is the basis of a bankruptcy court 's authority to adjudicate ...

... that various matters arising within a bankruptcy case are within the **public rights doctrine**. See., e.g., In re Bataa/Kierland LLC , ...

... the City's eligibility will likely be found to be within the **public rights doctrine** and therefore that the Court does have the authority to decide ...

61.  [Rushton v. Philadelphia Forest Prods. \(In re Americana Expressways\)](#)

United States District Court for the District of Utah, Central Division | Dec 10, 1993 | 161 B.R. 707

... 111 S. Ct. 330 (1990) (per curiam). 7 The **public rights doctrine** was not mentioned in Langenkamp . Instead, Langenkamp relied on that ...

... 44-45 . Langenkamp thus could be read as either extending the **public rights doctrine** to situations where the bankruptcy court is involved in the process ...

62.  [Schor v. Commodity Futures Trading Comm'n](#)

United States Court of Appeals for the District of Columbia Circuit | Aug 10, 1984 | 740 F.2d 1262

**Overview:** Judgment for the merchant on its common law counterclaims against the customer was reversed where the Commodity Exchange Act provided the CFTC with counterclaim jurisdiction only as to claims arising under it or CFTC regulations.

... the government and others. for a matter to fall within the **public rights doctrine**, Justice Brennan stated, it "must at a minimum arise 'between ...

... Pipeline] plurality." Commission Supplemental Brief at 28. Justice Brennan explained the **public rights doctrine** principally in separation of powers terms: The Framers expected that Congress ...

... The Judiciary, Jurisdiction HN7 For a matter to fall within the **public rights doctrine** of U.S. Const. art. III, it must at a minimum ...

63.  [Commodity Futures Trading Com v. Schor](#)

Supreme Court of the United States | Jul 07, 1986 | 478 U.S. 833

**Overview:** Supreme Court allowed petitioner's counterclaim because Congress clearly intended that Commodity Futures Trading Commission (CFTC) could decide counterclaims asserted in reparations actions; any intrusion by CFTC on judicial branch was de minimus.

... Constitutional Law, Separation of Powers Courts, Creation & Organization HN14 The **public rights doctrine** reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...

... matters subject to resolution by U.S. Const. art. III courts. "the **public rights doctrine** reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...

64.  [Deeba v. Corporate Group, LLC \(In re Macco Props., Inc.\)](#)

United States Bankruptcy Court for the Western District of Oklahoma | Jan 14, 2016 | 2016 Bankr. LEXIS 145

**Overview:** Bankruptcy court recommended that district court find that LLC had waived its right to trial by jury and deny LLC's motion to withdraw case from bankruptcy court; case had been in bankruptcy court for several years and court had power to conduct trial and submit proposed findings of fact and conclusions of law to district court for de novo review.

... a non- Article III tribunal could adjudicate the claim). The "**public rights doctrine**" excludes from the scope of Article III's exclusive judicial power ...

... full decision-making authority over claims involving so-called "public rights." The "**public rights doctrine**" excludes from the scope of Article III's exclusive judicial power the ...

... (1982) (explaining the historical evolution and constitutional basis for the "**public rights doctrine**"); Murray's Lessee v. Hoboken Land & Improvement Co....

65.  [Deeba v. McGinnis \(In re Macco Props.\)](#)

United States Bankruptcy Court for the Western District of Oklahoma | Feb 25, 2016 | 2016 Bankr. LEXIS 604

**Overview:** Court recommended that the district court find and conclude that defendant had waived trial by jury. He did not demand a jury trial in his answer or within fourteen days of filing the answer as required by Fed. R. Civ. P. 38(b). The court also recommended that the district court deny the motion to withdraw the reference under 28 U.S.C.S. § 157(d).

... thus, a non-Article III tribunal could adjudicate the claim). The "**public rights**" doctrine excludes from the scope of Article III's exclusive judicial power the ...

... full decision-making authority over claims involving so-called "public rights." The "**public rights**" doctrine excludes from the scope of U.S. Const. art. III 's exclusive ...

... (1982) (explaining the historical evolution and constitutional basis for the "**public rights**" doctrine); Murray's Lessee v. Hoboken Land & Improvement Co....

66.  [Deeba v. Superior Farm, LLC \(In re Macco Props.\)](#)

United States Bankruptcy Court for the Western District of Oklahoma | Jan 14, 2016 | 2016 Bankr. LEXIS 156

**Overview:** Bankruptcy court recommended that district court find that LLC had waived its right to trial by jury and deny LLC's motion to withdraw case from bankruptcy court; case had been in bankruptcy court for several years and court had power to conduct trial and submit proposed findings of fact and conclusions of law to district court for de novo review.

... thus, a non-Article III tribunal could adjudicate the claim). The "**public rights**" doctrine excludes from the scope of Article III 's exclusive judicial power ...

... full decisionmaking authority over claims involving so-called "public rights." The "**public rights**" doctrine excludes from the scope of Article III's exclusive judicial power the ...

... (1982) (explaining the historical evolution and constitutional basis for the "**public rights**" doctrine); Murray's Lessee v. Hoboken Land & Improvement Co....

67.  [In re Am. Hous. Found.](#)

United States Bankruptcy Court for the Northern District of Texas, Amarillo Division | Feb 10, 2012 | 469 B.R. 257

**Overview:** Dismissal of the fraudulent transfer and preference claims brought by the plaintiff-trustee was not required pursuant to Stern v. Marshall and Fed. R. Civ. P. 12(b)(1), which was incorporated into bankruptcy actions by Fed. R. Bankr. P. 7012.

... claims do not satisfy any of the "varied formulations" of the **public rights doctrine** ; and the preference claims, unlike Katchen and Langenkamp , are ...

... majority of the Supreme Court in Northern Pipeline held that the **public rights doctrine** did not encompass the adjudication of state-law claims. Id. (citing Northern ...

... all." Id. at 2612 . The dispute there fell within the **public rights doctrine** because the action was by the Treasury (the executive branch) concerning ...

68.  [In re Fairfield Sentry Ltd.](#)

United States District Court for the Southern District of New York | Sep 19, 2011 | 458 B.R. 665

**Overview:** A bankruptcy court's order that it had jurisdiction over the defending banks in an adversarial proceeding commenced by foreign funds under 11 U.S.C.S. § 1521 was reversed as it did not have jurisdiction since the cases did not arise under or in a bankruptcy case as required under 11 U.S.C.S. § 157 as there were no assets in the United States.

... Congress may assign to legislatively created courts. The scope of the **public rights doctrine** is not clearly defined. In short, if Congress creates an independent ...

... 131 S. Ct. at 2610 . The scope of the **public rights doctrine** is not clearly defined. In Northern Pipeline , a majority of ...

69.  [United States Lines v. American S.S. Owners Mut. Protection & Indem. Ass'n \(In re United States Lines\)](#)

United States Bankruptcy Court for the Southern District of New York | Jul 01, 1994 | 169 B.R. 804

**Overview:** Summary judgment for insurers was denied on most claims because plaintiffs' suit under insurance policies raised justiciable, core issues; the bankruptcy court had discretion to deny arbitration; and the injured claimants were intervenors of right.

... 76 L. Ed. 598 (1932) ( **public rights doctrine** extends to matters arising "between the government and the persons subject ...

... 988 F.2d 1323 , 1331 (2d Cir. 1993) (noting that **public rights doctrine** may apply to private rights that are inextricably intertwined with public ...

70.  [Imprisoned Citizens Union v. Shapp](#)

United States District Court for the Eastern District of Pennsylvania | Apr 27, 1998 | 11 F. Supp. 2d 586

**Overview:** The termination provisions of the Prison Litigation Reform Act were constitutional under separation of powers, equal protection, and due process analysis. Prisons were entitled to termination of a consent decree over inmates' objections.

... is limited to those cases involving a public right. The " **public**" **rights doctrine** was explored by the Supreme Court in Northern Pipeline Const. V. ...

71.  [In re Lockwood](#)

United States Court of Appeals for the Federal Circuit | Jan 11, 1995 | 50 F.3d 966

**Overview:** Plaintiff was entitled to a jury trial as a matter of right because the constitution gave him the same right to a jury trial on the factual questions of the patents' validity in a declaratory judgment action as he would have enjoyed at common law.

... n.5 (emphasis added). 5 The Supreme Court has never limited the **public rights doctrine** to such "exclusive" assignment. The panel's reasoning would eliminate any problem ...

72.  [Penson Fin. Servs. v. O'Connell \(In re Arbco Capital Mgmt., LLP\)](#)

United States District Court for the Southern District of New York | Jul 12, 2012 | 479 B.R. 254

**Overview:** Defendant's motion to withdraw the reference of debtor's Chapter 7 proceedings was denied because withdrawal was premature, and the bankruptcy court could better manage discovery. The district court concluded that the bankruptcy court lacked final authority to adjudicate the claims, but the reference could be withdrawn later if needed.

... would otherwise be within the purview of Article III courts. The **public rights doctrine**, first formulated in *Murray's Lessee v. Hoboken Land & Improvement* ...

73.  [In re L.T. Ruth Coal Co.](#)

United States Bankruptcy Court for the Eastern District of Kentucky, Lexington Division | May 14, 1986 | 66 B.R. 753

**Overview:** Remand of mining dispute involved in a bankruptcy case was improper where it was a core proceeding in the case; an evidentiary hearing was required to determine whether to permit the debtor to assume the leases at issue.

... would be an unwarranted and perhaps unconstitutional extension of the "**public rights**" doctrine. Why so? The property right or property under administration in ...

74.  [FUD'S, Inc. v. State](#)

Supreme Court of Rhode Island | Mar 31, 1999 | 727 A.2d 692

**Overview:** The statutory procedure for adjudicating employment discrimination charges was ruled unconstitutional because it deprived employers of the right to elect a jury trial while granting that right to employees.

... a statutory violation, is one that the court places outside the **public-rights doctrine**, but within a litigant's inviolable constitutional right to obtain a ...

... a statutory violation -- is one that we place outside the **public-rights doctrine**, but within a litigant's inviolable constitutional right to obtain a ...

... a statutory violation, is one that the court places outside the **public-rights doctrine**, but within a litigant's inviolable constitutional right to obtain a ...

... a statutory violation -- is one that we place outside the **public-rights doctrine**, but within a litigant's inviolable constitutional right to obtain a ...

75.  [Schmidt v. Levi Strauss & Co.](#)

United States District Court for the Northern District of California, San Jose Division | Mar 27, 2008 | 621 F. Supp. 2d 796

**Overview:** Manufacturing company was entitled to strike former employees' Fed. R. Civ. P. 39 demand for jury trial as to retaliatory discharge claim under 18 U.S.C.S. § 1514A of Sarbanes-Oxley Act; § 1514A did not imply statutory jury right, and there was no U.S. Const. amend. VII right to jury as remedies were equitable and § 1514A involved public right.

... Powers, Legislative Controls Constitutional Law, Congressional Duties & Powers HN24 The **public rights doctrine** is grounded in a historically recognized distinction between matters that could ...  
 ... with limited involvement by the U.S. Const. art. III judiciary. The **public rights doctrine** "is grounded in a historically recognized distinction between matters that could ...

76.  [R.I. Dep't of Envtl. Mgmt. v. United States](#)

United States Court of Appeals for the First Circuit | Apr 08, 2002 | 286 F.3d 27

**Overview:** District court properly enjoined administrative actions brought by private citizen-State employees against the State on the State's claim of sovereign immunity. The federal government could proceed on the claim.

... of federalism" are relevant to determinations under the **public rights doctrine**). Therefore, notwithstanding the **public rights doctrine** , we agree with the district court that Presiding Officers, Administrative ...  
 ... about mining the **public rights doctrine** for an answer to the question of whether the administrative proceedings ...  
 ... are sufficiently judicial to trigger the protections of sovereign immunity. The **public rights doctrine** was crafted for an entirely different purpose, namely, to determine the ...  
 ... argument, the appellants attempt to draw an analogy to the "**public rights**" **doctrine** , see generally N. Pipeline Constr. Co. v. Marathon Pipe Line ...  
 ... understood as judicial in nature. We are skeptical about mining the **public rights doctrine** for an answer to the question of whether the administrative proceedings ...  
 ... are sufficiently judicial to trigger the protections of sovereign immunity. The **public rights doctrine** was crafted for an entirely different purpose, namely, to determine the ...  
 ... intimated that "principles of federalism" are relevant to determinations under the **public rights doctrine**). Therefore, notwithstanding the **public rights doctrine**, we agree with the district court that ...

77.  [In re Bascus](#)

United States Bankruptcy Court for the Southern District of Texas, Houston Division | Mar 30, 2016 | 548 B.R. 742

**Overview:** There was no right to a jury trial in an action alleging violations of the statutory requirements for debt relief agencies and bankruptcy petition preparers since the action was closely integrated into the public bankruptcy scheme, and thus the public rights exception to the right to a jury trial was applicable.

... Duties & Powers, Bankruptcy Clause Procedural Matters, Jury Trials HN5 The **public rights doctrine** concerning the right to a jury trial is linked to Congress ...  
 ... significantly by its inclusion in U.S. Const. art. I . The **public rights doctrine** is linked to Congress ' Article I power, and has particular ...

78.  [Dee Enters. v. Indus. Claim Appeals Office](#)

Court of Appeals of Colorado, Division One | Jul 31, 2003 | 89 P.3d 430

**Overview:** Provisions of the Workers' Compensation Act conferring jurisdiction on ALJs to hear workers' compensation cases and providing the Industrial Claim Appeals Office with jurisdiction to review the ALJs' orders did not violate the Colorado Constitution.

... determination to a legislative court or an administrative agency." Indeed, the **public rights doctrine** is based upon a distinction between matters that could be determined ...

... involve purely private rights. the Act involves purely private rights. The **public rights doctrine** was first set forth in Den v. Hoboken Land & Improvement ...

... determination to a legislative court or an administrative agency. Indeed, the **public rights doctrine** is based upon a distinction between matters that could be determined ...

79.  [Stanbrough v. Valle \(In re Valle\)](#)

United States Bankruptcy Court for the District of Idaho | Feb 06, 2012 | 469 B.R. 35

**Overview:** Creditors were not entitled to jury trial in nondischargeability proceeding under 11 U.S.C.S. § 523(a) on debt arising from racketeering claims. Adjudication of underlying claim, which arose under nonbankruptcy law, was part of dischargeability determination and thus integral to restructuring debtor-creditor relationship without a jury trial.

... Rights, Trial by Jury in Civil Actions HN12 Under the "**public rights**" doctrine , the critical question in cases where the Federal Government is ...

... Seventh Amendment's guarantee of a jury trial. Under the "**public rights**" doctrine , the critical question in cases where the Federal Government is ...

80.  [Simpson v. Office of Thrift Supervision](#)

United States Court of Appeals for the Ninth Circuit | Jul 18, 1994 | 29 F.3d 1418

**Overview:** Non-Article III tribunal provided adequate adjudication and meaningful appellate review of case implicating public rights, and jury trial was not available; due process was not violated when agency director was objective and neutral.

... 64-67 . The only applicable exception to this case is the **public rights doctrine** . Simpson asserts that his case does not involve public rights, ...

81.  [CIMINO v. RAYMARK INDUS.](#)

United States Court of Appeals for the Fifth Circuit | Aug 17, 1998 | 151 F.3d 297

**Overview:** Modified trial plan in an asbestos personal injury and wrongful death class action was invalid where it failed to provide for the Seventh Amendment right to jury trial or for an individualized determination of causation and damages under state law.

... trials would impair the functioning of the scheme. under the "**public rights**" doctrine Congress can, even in some cases not involving the federal government, ...

... of the criteria to be used in assessing, under the "**public rights**" doctrine , "whether Congress has permissibly entrusted the resolution of certain disputes ...

... Rights, Trial by Jury in Civil Actions HN14 Under the "**public rights**" doctrine Congress can, even in some cases not involving the federal government, ...

82.  [Tenneco Oil Co. v. El Paso Natural Gas Co.](#)

Supreme Court of Oklahoma | Jul 17, 1984 | 1984 OK 52

**Overview:** An oil company and a gas company that were parties to a forced-pooling order were allowed to subsequently contract as to the interests created, duties defined, terms of participants, and operations.

... may attach conditions to its consent to be sued. But the **public-rights doctrine** also draws upon the principle of separation of powers, and an ...

... their determination to a legislative court or an administrative agency. The **public-rights doctrine** is grounded in a historically recognized distinction between matters that could ...

83.  [In re Millennium Lab Holdings II, LLC](#)

United States Court of Appeals for the Third Circuit | Dec 19, 2019 | 945 F.3d 126

**Overview:** Bankruptcy court had jurisdiction to confirm a plan that included non-consensual third-party releases and injunctions because the provisions were integral to restructuring the debtor-creditor relationship, the plan would fail without them, and thus, it was a 28 U.S.C.S. § 157(b)(2)(C) core proceeding and did not run afoul of U.S. Const. art. III.

... the restructuring of debtor-creditor relations may not have been grounded in **public rights doctrine**. Indeed, Chief Justice Roberts, the author of *Stern*, has ...

... rule we adopt today would not comport with the Supreme Court's **public rights doctrine**, similarly is unavailing. As already noted (see *supra* n. ...

84.  [In re Rheuban](#)

United States District Court for the Central District of California | Dec 27, 1990 | 124 B.R. 301

**Overview:** Where the cause of action was legal and no public rights were involved, it was inappropriate to be heard by a non-Article III tribunal. Where a party did not file a claim against the bankruptcy estate, he did not waive his right to jury trial.

... 329 is legal and not equitable in nature. B. THE **PUBLIC RIGHTS DOCTRINE** The **public rights doctrine** applies when "Congress, acting for a valid legislative purpose ...

85.  [Fairholme Funds, Inc. v. United States](#)

United States Court of Federal Claims | Apr 28, 2017 | 132 Fed. Cl. 49

**Overview:** Motion to intervene was denied because plaintiff filed takings claim in court predicated upon same operative facts as set forth in complaint he filed in Texas, Court lacked jurisdiction over his claims



under 28 U.S.C.S. § 1500 which did not have jurisdiction of any claim which plaintiff has pending in any other court any suit against United States.

... has never deviated from holding that the **public-rights doctrine** is limited "to cases in which the claim at issue derives ...

... "legislative" courts for resolution. State & Territorial Governments, Legislatures HN2 The **public-rights doctrine** extends only to matters arising between individuals and the Government in ...

... denied. Amicus Curiae Brief; Fifth Amendment Takings; Separation of Powers Doctrine; **Public Rights Doctrine** ; Constitutional Jurisdiction Charles J. Cooper, Washington, DC , for plaintiffs. ...

... 2017 U.S. Dist. LEXIS 66207, \*12 (citations omitted). In discussing the **public-rights doctrine** 's application to Article III decision making, Magistrate Judge Chestney further ...

86.  [In re Production Steel, Inc.](#)

United States District Court for the Middle District of Tennessee, Nashville Division | Apr 17, 1985 | 48 B.R. 841

**Overview:** The court declined to consider the constitutional question posed by defendant because there was no gap in the incumbency of the bankruptcy judges or the bankruptcy courts when the President signed the Federal Judgeship Act of 1984.

... The Court discussed this situation in the context of the so-called **public rights doctrine**. The Court stated that the **public rights doctrine** includes matters that "could be conclusively determined by the Executive ...

... The Court discussed this situation in the context of the so-called **public rights doctrine**. The Court stated that the **public rights doctrine** includes matters that "could be conclusively determined by the Executive and ...

87.  [Adams Nat'l Bank v. GB Herndon & Assocs. \(In re GB Herndon & Assocs.\)](#)

United States Bankruptcy Court for the District of Columbia | Oct 04, 2011 | 459 B.R. 148

**Overview:** Guarantors of debtor's loan were not entitled to relief from a grant of partial summary judgment under Fed. R. Civ. P. 59 and 60, where they had consented to the jurisdiction of the U.S. Const. art. I bankruptcy court, and any counterclaim they could have raised against the creditor bank were merged into a forbearance agreement.

... in compensation. Importantly, an exception to that requirement exists under the **public rights doctrine** . Under that exception, non-Article III judges may decide matters arising ...

... noted that an exception to this requirement existed under the "**public rights**" **doctrine** . Under this exception, non- Article III judges may decide "matters ...

88.  [Fisher Island Invs., Inc. v. Solby+Westbrae Partners](#)

United States Court of Appeals for the Eleventh Circuit | Feb 20, 2015 | 778 F.3d 1172

**Overview:** Bankruptcy court had both statutory and constitutional authority to enter final judgment on ownership issue because ownership issue was core matter because resolution of threshold ownership

issue was critical to administration of alleged debtors' estates and directly affected the debtor-creditor relationship, under 28 U.S.C.S. § 157(b)(2)(A), (O).

... claim did not implicate what would become known as the " **public rights**" doctrine. 458 U.S. 50 , 63-87 , ...

... Rehnquist , J., concurring, joined by O'Connor, J.). This " **public rights**" doctrine was described by the plurality in Northern Pipeline , which recognized ...

89.  [Shrewsbury Maple, LLC v. Bd. of Selectmen of Shrewsbury](#)

Appeals Court of Massachusetts | Jan 06, 2016 | 88 Mass. App. Ct. 1119

... standing based on this theory, their argument would, nevertheless, fail. The **public rights doctrine** extends only to citizens and is thus inapplicable to the corporate ...

**Public rights doctrine** . For the first time on appeal, the plaintiffs claim that they have standing under the **public rights doctrine** . Because the plaintiffs did not raise this argument below, we ...

... and because they are not citizens for the purpose of the **public rights doctrine** , the motion judge properly dismissed their complaint. Costs and fees ...

90.  [Bowen v. Amoco Pipeline Co.](#)

United States Court of Appeals for the Tenth Circuit | Jun 20, 2001 | 254 F.3d 925

**Overview:** Arbitrators' award was affirmed under the Federal Arbitration Act in claims related to a leak of defendant's oil pipeline where the parties were not entitled to contract for expanded judicial review of the arbitrators' award.

... Furthermore, the Oklahoma Supreme Court has applied the **public-rights doctrine** as articulated by the U.S. Supreme Court in determining how to ...

... 1984) . Administrative Proceedings & Litigation, Judicial Review HN15 Under the **public rights doctrine** , Congress may commit matters arising between the government and persons ...

91.  [Glen Ridge I Condominiums, Ltd. v. Federal Sav. & Loan Ins. Corp.](#)

Court of Appeals of Texas, Fifth District, Dallas | Dec 30, 1986 | 734 S.W.2d 374

**Overview:** Trial court improperly held that it lacked jurisdiction to hear borrowers' state law claims against receiver because the Constitution barred Congress from removing jurisdiction on these types of claims from the judiciary to agency adjudication.

... of sovereign immunity. The plurality in Northern Pipeline acknowledged that the **public rights doctrine** "may be explained in part by reference to the traditional principle ...

92.  [In re Hipp, Inc.](#)

United States Court of Appeals for the Fifth Circuit | Mar 16, 1990 | 895 F.2d 1503

**Overview:** Trial and conviction for criminal contempt against appellant for violation of a court order by filing five lis pendens notices on property of the estate should have gone before the district court, not the bankruptcy trustee.

... the constitutional boundary of bankruptcy court jurisdiction is dependent upon the **public rights doctrine**, 15 The Supreme Court's most recent pronouncement of this doctrine ...  
 ... of the concurring or dissenting justices -- that "of course, the **public-rights doctrine** does not extend to any criminal matters, although the Government is ...

93.  [Wellness Int'l Network, Ltd. v. Sharif](#)

United States Court of Appeals for the Seventh Circuit | Aug 21, 2013 | 727 F.3d 751

**Overview:** Bankruptcy court lacked constitutional authority to enter final judgment on plaintiffs' alter ego claim against a trust of which the debtor was trustee because it was a state-law claim between private parties that was wholly independent of federal bankruptcy law and was not resolved in the claims-allowance process.

... the contract claim at issue did not implicate the so-called "**public rights**" doctrine, id . at 67-76 (plurality opinion); ...

94.  [In re Jennings](#)

United States District Court for the District of Nevada | Feb 29, 1988 | 83 B.R. 752

... fell within the scope of the **Public Rights Doctrine** the plurality explained that "restructuring of the debtor-creditor relations, which is ...  
 ... mean that "core" bankruptcy issues are within the scope of the **Public Rights Doctrine**. See, In re Price-Watson Co., ...  
 ... be tried by legislative courts. Id. at 66 . and The **Public Rights Doctrine** . 13 Although reluctant to precisely define the doctrine, the plurality ...  
 ... whether Northern's claim against Marathon fell within the scope of the **Public Rights Doctrine** the plurality explained that "restructuring of the debtor-creditor relations, which is ...  
 ... mean that "core" bankruptcy issues are within the scope of the **Public Rights Doctrine**. ...

95.  [Mukamal v. BMO Harris Bank N.A. \(In re Palm Beach Fin. Partners, L.P.\)](#)

United States Bankruptcy Court for the Southern District of Florida, West Palm Beach Division | Nov 04, 2013 | 501 B.R. 792

**Overview:** Trustee had Seventh Amendment right to a jury trial on fraudulent transfer claims under 11 U.S.C.S. §§ 541, 544, 548, and 550 and Fla. Stat. §§ 726.105, 726.106, and 726.108 as they were actions at law which adjudicated private rights, there was no waiver, and there was no merit to argument that "Code-created" claims had no jury trial right.

... trial or was not entitled to a jury trial under the **public rights doctrine** . Id . at 1326 . First, the Germain Court determined ...

96.  [Paloian v. LaSalle Bank Nat'l Ass'n \(In re Doctors Hosp. of Hyde Park, Inc.\)](#)

United States Bankruptcy Court for the Northern District of Illinois, Eastern Division | Jul 17, 2013 | 2013 Bankr. LEXIS 3074

**Overview:** Bankruptcy debtor's payments of rent which exceeded market value were not constructively fraudulent transfers under 11 U.S.C.S. § 548 since the debtor was not shown to be insolvent during the relevant period, and the payments from the debtor's receivables which were properly sold to a separate entity were not transfers of property of the debtor.

... Nordberg , 492 U.S. 33 (1989) , which held that the **public-rights doctrine** does not allow a bankruptcy judge to decide a fraudulent conveyance claim ...

97.  [In re San Juan Hotel Corp.](#)

United States District Court for the District of Puerto Rico | Oct 06, 1982 | 1982 U.S. Dist. LEXIS 16094

... between the Board and the Bankruptcy Court . In discussing the **public rights doctrine** , the Supreme Court in Northern Pipeline reaffirmed that there are ...

... determined that this case falls within the recognized exception of the **public rights doctrine** , we hold that the decision of the Supreme Court in ...

98.  [River City Resort, Inc. v. Frankenberg \(In re River City Resort, Inc.\)](#)

United States Bankruptcy Court for the Eastern District of Tennessee, Southern Division | Jul 24, 2014 | 2014 Bankr. LEXIS 3148

**Overview:** The bankruptcy court determined that fraudulent transfer proceedings filed against the debtors contained claims defined as "core proceedings" under 28 U.S.C.S. § 157(b)(1), but were "Stern claims" that required adjudication by an Article III judge; equitable factors favored abstention and a remand to the state court.

... Judicial Review, Jurisdiction Appellate Jurisdiction, Final Judgment Rule HN13 The **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

... Ill court can enter final judgment on such a claim. the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance...

... The **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim

...

... Ill court can enter final judgment on such a claim. the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

99.  [U.S. Bank N.A. v. Verizon Communs., Inc.](#)

United States Court of Appeals for the Fifth Circuit | Jul 30, 2014 | 761 F.3d 409

**Overview:** Bankruptcy debtor was properly found to be solvent at the time of a spin-off from a parent corporation based on the value of the debtor as determined by reliance on the market price of the debtor's

stock as a reliable indicator of value, since unfavorable information allegedly withheld from the market was actually disclosed or was not material.


... (1982) . In *Granfinanciera* , the Supreme Court considered whether the **public-rights doctrine** transformed a fraudulent conveyance claim into an equitable claim when the ...

100.  [In re Motion to Dismiss: Constitutionality of Jurisdiction of Bankruptcy Court](#)

United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division | Aug 30, 1982 | 23 B.R. 334

**Overview:** It was improper to dismiss numerous bankruptcy actions based on a United States Supreme Court's stayed decision where the stay was proper, and the bankruptcy courts could continue to hear adversary proceedings until the issues were resolved.

... this distinction further, Justice Brennan wrote, ". . . . The **public rights doctrine** also draws upon the principal of separation of powers, and an ...

101.  [Executive Sounding Bd. Assocs. v. Advanced Mach. & Eng'g Co. \(In re Oldco M Corp.\)](#)

United States Bankruptcy Court for the Southern District of New York | Dec 20, 2012 | 484 B.R. 598

**Overview:** Where Chapter 11 trustee sought entry of a default judgment, the court could enter a final judgment pursuant to 28 U.S.C.S. § 157(c)(2) because defendant's failure to respond to the summons and complaint provided implied consent to the entry of a final default judgment by the court.

... Seventh Amendment right to a jury, the Court held that the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

102.  [Regents of the Univ. of Minn. v. LSI Corp.](#)

United States Court of Appeals for the Federal Circuit | Jun 14, 2019 | 926 F.3d 1327

**Overview:** Inter partes review (IPR) represents sovereign's reconsideration of initial patent grant, and differences between state and tribal sovereign immunity did not warrant a different result than in *Saint Regis*. Court therefore held that state sovereign immunity does not apply to IPR proceedings. Court affirmed decisions declining to dismiss petitions.

... 598 (1932)) . 19 This is not to say that the **public rights doctrine** may not cover instances of disputes between private parties regarding a ...

103.  [South Carolina State Ports Auth. v. FMC](#)

United States Court of Appeals for the Fourth Circuit | Mar 12, 2001 | 243 F.3d 165

**Overview:** Cruise ship company could not bring suit against state port authority who refused berthing space, since state's sovereign immunity protected it from being brought before a federal administrative tribunal by a private party.

... The United States also contends that the Supreme Court's " **public rights** " doctrine negates the suggestion that an agency adjudication is a judicial action. Invoking the **public rights doctrine** , however, does not change the fact that a private party ...

... The United States also contends that the Supreme Court's " **public rights** " doctrine negates the suggestion that an agency adjudication is a judicial action. Invoking the **public rights doctrine** , however, does not change the fact that a private party ...

104.  [Klein v. United States](#)

United States District Court for the Eastern District of Michigan, Southern Division | May 04, 2000 | 94 F. Supp. 2d 838

**Overview:** Decisions of the Tax Court had no precedential authority in a taxpayer negligence case before the United States District Court.

... disputes can be relegated to a non-Article III forum. The " **public rights** " doctrine rests on the premise that any matters subject to adjudication in ...

105.  [Drennen v. Certain Underwriters at Lloyd's of London \(In re Residential Capital, LLC\)](#)

United States District Court for the Southern District of New York | Dec 21, 2015 | 2015 U.S. Dist. LEXIS 170274

... Supp 2d 526 , 531 (S.D.N.Y. 2012) (collecting cases on the **public rights doctrine** ). The Court concurs with other judges in this District that, ...

... to matters that arguably fall within the scope of the ' **public rights** ' doctrine , the presumption is in favor of Art. III courts." (citation ...

106.  [Anderson v. CBS, Inc.](#)

United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division | Oct 01, 1982 | 31 B.R. 161

... this distinction further, Justice Brennan wrote, ". . . . The **public rights doctrine** also draws upon the principal of separation of powers, and an ...

107.  [LBLHA, LLC v. Town of Long Beach](#)

Court of Appeals of Indiana | Mar 26, 2015 | 28 N.E.3d 1077

**Overview:** Reversal of trial court's entry of summary judgment with respect to certain claims was necessary because the court should have added or joined under Ind. R. Trial P. 19 the State of Indiana or appropriate state officials as individuals in their official capacity as a party or parties to the proceedings prior to the rulings on the parties' motions.

... decided by neighboring State Supreme Courts have not held that the **public rights doctrine** has trumped anybody's private deed," that a resolution passed by the ...

108.  [McClelland v. Grubb & Ellis Valuation & Advisory Group \(In re McClelland\)](#)

United States Bankruptcy Court for the Southern District of New York | Dec 09, 2011 | 460 B.R. 397

**Overview:** Bankruptcy court was not precluded by the U.S. Supreme Court's decision in Stern v. Marshall from hearing a debtor's adversary proceeding alleging that a real estate appraisal group committed intentional misconduct and gross negligence while working for the court because the proceeding was a core proceeding under 28 U.S.C.S. § 157(b)(2)(A) and (O).

... to definitively rule that bankruptcy courts are empowered by the "**public rights doctrine**" to make final adjudications regarding matters that are fundamentally concerned with ...

... definitively rule that the bankruptcy court is empowered by the "**public rights doctrine**" to make final adjudications regarding matters that are fundamentally concerned with ...

109.  [Carter v. Schott \(In re Carter Paper Co.\)](#)

United States Bankruptcy Court for the Middle District of Louisiana | Apr 15, 1998 | 220 B.R. 276

**Overview:** A debtor was not entitled to a jury trial in an action brought against the trustee of his bankruptcy estate, because the debtor's claims regarding the administration of the estate were inherently equitable.

... Circuit has indicated that it is somewhat skeptical of whether the **public rights doctrine** as it now exists can provide any jurisdictional clarity to the ...

110.  [Seaboard Lumber Co. v. United States](#)

United States Claims Court | May 03, 1988 | 15 Cl. Ct. 366

**Overview:** The United States Claims Court, an Article I tribunal, had jurisdiction to adjudicate the government's breach of contract counterclaims in an action by a timber company challenging a contracting officer's determination.

... Murray's Lessee, Justice Curtis laid out the beginning of the "**public rights doctrine**" : (We) do not consider congress can either withdraw from judicial ...

111.  [Official Committee of Unsecured Creditors of Appalachian Fuels, LLC v. Energy Coal Resources, Inc. \(In re Appalachian Fuels, LLC\)](#)

United States District Court for the Eastern District of Kentucky, Northern Division | Apr 18, 2012 | 472 B.R. 731

**Overview:** The motions to withdraw reference of an adversary proceeding to the bankruptcy court were denied where although the motions were timely, the creditors had not established cause for purposes of 28 U.S.C.S. § 157(d).

... on the fraudulent conveyance proceeding unless the claim fell within the **public rights doctrine**. *Granfinanciera*, 492 U.S. at 56 . ...

112.  [Montana v. Atl. Richfield Co.](#)

United States District Court for the District of Montana, Helena Division | Feb 28, 1997 | 1997 U.S. Dist. LEXIS 24671

... L. Ed. 2d 26 (1989) . The State maintains the " **public rights doctrine** " operates to preclude a jury trial in a natural resource ...

... of the Seventh Amendment because of the operation of the " **public rights doctrine**". Under the "**public rights doctrine** ", Congress may assign adjudication of certain cases to non-Article III ...

113.  [Hoshijo ex rel. Scotto v. Caracaus](#)

Intermediate Court of Appeals of Hawai'i | Apr 27, 2012 | 128 Haw. 159

**Overview:** Although Haw. Rev. Stat. § 515-9(3) contemplated the option of a civil action instead of a Hawai'i Civil Rights Commission (HCRC) proceeding, a landlord charged with housing discrimination did not waive her Haw. Const. art. I, § 13 jury right by not requesting a notice of right to sue after the HCRC indicated it would not initiate a civil action.

... the question of whether, in some circumstances, Hawai'i should adopt the **public rights doctrine** , the supreme court held, under HRS chapter 368, even though ...

... 10 The supreme court rejected the complainants' argument that the " **public rights**" **doctrine** should be applied. *SCI Mgmt. Corp.*, 101 Hawai'i at 447-49 ...

114.  [Irons v. R.I. Ethics Comm'n](#)

Supreme Court of Rhode Island | Jun 29, 2009 | 973 A.2d 1124

**Overview:** Because the Ethics Amendment, R.I. Const. art. III, §§ 7 and 8, did not create an exception to the Speech in Debate Clause, R.I. Const. art. VI, § 5, and because a state senator's alleged actions were core legislative acts entitled to speech-in-debate immunity, the Rhode Island Ethics Commission could not question him about those acts.

... on the other hand, maintains that because this Court adopted the **public-rights doctrine** in *National Velour Corp. v. Durfee*, 637 A.2d 375...

... presented a formidable argument to support his position contending that the **public-rights doctrine** may not apply, we shall leave the analysis of that argument ...

115.  [Immigration & Naturalization Serv. v. Abudu](#)

Supreme Court of the United States | Mar 01, 1988 | 485 U.S. 94



**Overview:** On petition for reopening deportation hearing, decision by Board of Immigration Appeals, that respondent alien had not reasonably explained failure to initially request asylum, was subject to abuse-of-discretion standard.

... id., at 91 ( REHNQUIST , J., concurring in judgment) (" **public rights**" doctrine might sustain other powers granted non-Article III judges under the Bankruptcy ...

116.  [In re Innovative Commun. Corp.](#)

United States District Court for the District of the Virgin Islands, St. Thomas and St. John Division | May 30, 2014 | 2014 U.S. Dist. LEXIS 73592

... that Next came Granfinanciera, S.A. v. Nordberg, which held that the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

117. [Kroll v. Lee](#)

United States District Court for the Eastern District of Virginia, Alexandria Division | May 22, 2017 | 2017 U.S. Dist. LEXIS 77424

... 564 U.S. at 490 . Although the precise boundaries of the **public rights doctrine** are not fully delineated, this case is not close to the ...

... issues to an administrative agency of the Executive Branch[.]"). Because the **public rights doctrine** establishes that Congress was well within its rights to delegate to ...

118.  [Ford Motor Credit Co., LLC v. Franceschini \(In re Franceschini\)](#)

United States Bankruptcy Court for the Southern District of Texas, Houston Division | Jan 12, 2012 | 2012 Bankr. LEXIS 156

**Overview:** Where debtor-guarantor intentionally diverted funds that were the secured creditor's cash collateral to other payees with knowledge that his business was failing, diversion of the funds constituted willful and malicious conduct, and the debt was nondischargeable under 11 U.S.C.S. § 523(a)(6).

... court may, however, exercise authority over essential bankruptcy matters under the **public rights doctrine** . Because bankruptcy judges are not Article III judges, they may ...

... Court may, however, exercise authority over essential bankruptcy matters under the **public rights doctrine**. Under Thomas v. Union Carbide Agricultural Products Co....

119.  [Harris v. Pyramid GOM, Inc. \(In re Capco Energy, Inc.\)](#)

United States Bankruptcy Court for the Southern District of Texas, Houston Division | May 18, 2012 | 472 B.R. 378

**Overview:** A bankruptcy court recommended that the district court grant summary judgment in favor of a Chapter 11 trustee on the trustee's claims for breach of guaranties and for legal fees, as there was no genuine dispute on the only remaining issue of whether the guaranteed return was currently due and whether the amount could be calculated.

... bankruptcy court may exercise authority over essential bankruptcy matters under the **public rights doctrine** . A right closely integrated into a public regulatory scheme may ...  
 ... Court may, however, exercise authority over essential bankruptcy matters under the **public rights doctrine** . ...  
 ... bankruptcy court may exercise authority over essential bankruptcy matters under the **public rights doctrine** . A right closely integrated into a public regulatory scheme may ...  
 ... Court may, however, exercise authority over essential bankruptcy matters under the **public rights doctrine** . Under *Thomas v. Union Carbide Agricultural Products Co.*...

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120.  [In re Innovative Commun.](#)

United States District Court for the District of the Virgin Islands, Division of St. Thomas and St. John | Jan 14, 2014 | 2014 U.S. Dist. LEXIS 4535

... Next came *Granfinanciera, S.A. v. Nordberg* , which held that the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

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121.  [In re Innovative Commun. Corp.](#)

United States District Court for the District of the Virgin Islands, Division of St. Thomas and St. John | Jun 12, 2013 | 2013 U.S. Dist. LEXIS 82336

... Next came *Granfinanciera, S.A. v. Nordberg* , which held that the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

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122.  [Piggly Wiggly Ala. Distrib. Co. v. Mansel \(In re Mansel\)](#)

United States Bankruptcy Court for the Northern District of Mississippi | Apr 29, 2020 | 2020 Bankr. LEXIS 1165

**Overview:** Debtor did not have a Seventh Amendment right to a jury trial to determine whether a debt was nondischargeable. And pursuant to 11 U.S.C.S. § 502(a), the creditor's claim was deemed allowed because the creditor had filed its proof of claim in the underlying bankruptcy case and the debtor did not object.

... In *Granfinanciera* , the Supreme Court considered whether the **public rights doctrine** converted a fraudulent conveyance claim into an equitable claim that had ...

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123.  [Moore v. Roemer](#)

Court of Appeal of Louisiana, First Circuit | Apr 10, 1990 | 560 So. 2d 927

**Overview:** An act divesting the State of Louisiana's district courts of exclusive original jurisdiction to hear appeals from the decisions of administrative worker's compensation panels was unconstitutional.

... right. The worker's action is not a public right because the **public-rights doctrine** extends only to matters arising between the government and persons subject ...

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124.  [Campana v. Pilavis \(In re Pilavis\)](#)

United States Bankruptcy Court for the District of Massachusetts, Eastern Division | Jan 21, 1999 | 228 B.R. 808

**Overview:** Because they were parties to a fraudulent conveyance action that sought the avoidance of real property transfers, bankruptcy debtors were not constitutionally entitled to a jury trial.

... party may nevertheless be denied a jury trial under the " **public rights**" doctrine. The United States Supreme Court held that because the ...

... party may nevertheless be denied a jury trial under the ' **public rights**' doctrine ]. Id. at 42 . With respect to the first part ...

125.  [Prosser v. Springel](#)

United States District Court for the District of the Virgin Islands, Division of St. Thomas and St. John | Sep 27, 2013 | 2013 U.S. Dist. LEXIS 142911

... Next came Granfinanciera, S.A. v. Nordberg , which held that the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

126.  [Elec. Mach. Enters. v. Elec. Mach. Enters.](#)

United States District Court for the Middle District of Florida, Tampa Division | Apr 20, 2012 | 474 B.R. 778

**Overview:** In an appeal of a bankruptcy court judgment, the district court held that, even though some facts that underlaid a bankruptcy stay dispute also underlaid a non-core breach of contract claim, the non-core claim could not transmogrify into a core claim on which a bankruptcy judge could enter a final judgment by simple entanglement with a core claim.

... to matters that arguably fall within the scope of the ' **public rights**' doctrine, the presumption is in favor of Art. III courts."...

... respect to matters that arguably fall within the scope of the **public rights doctrine** , the presumption is in favor of Art. III courts. Congress ...

127.  [Goldstein v. Eby-Brown, Inc. \(In re Universal Mktg.\)](#)

United States Bankruptcy Court for the Eastern District of Pennsylvania | Nov 15, 2011 | 459 B.R. 573

**Overview:** Where chapter 7 trustee brought claims for relief under 11 U.S.C.S. § 544 for alleged pre-petition fraudulent transfers and related claims, transferee's motion to dismiss for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1), based on Stern v. Marshall and In re Blixseth, dismissal on that basis was not warranted.

... state law-based fraudulent transfer actions do not fall within the " **public rights**" doctrine . There is support for that proposition. See, e.g., In re ...

128.  [Malone v. Norwest Fin. Cal., Inc.](#)

United States District Court for the Eastern District of California | Feb 03, 2000 | 245 B.R. 389

**Overview:** Debtors could bring contested proceeding against creditors for improper solicitation of reaffirmation agreements. Claims at law could be heard before a jury, and district court retained jurisdiction.

... like a fraudulent conveyance action, do not implicate the "**public rights**" doctrine . V. WITHDRAWAL FROM BANKRUPTCY COURT This suit challenges the debt-collection ...

129.  [In re Visidata Corp.](#)

United States Bankruptcy Court for the Northern District of California | Feb 26, 1988 | 84 B.R. 673

**Overview:** Jury protection properly denied defendant in bankruptcy proceedings instituted by trustee to avoid a preferential transfer because no such protection is afforded in the context of this federal statutory right of action.

... 2d 409 (1985) . The Ninth Circuit recently stated that the **public rights doctrine** largely identifies proceedings that have traditionally not been tried exclusively in ...

130. [GOULD v. RHODE ISLAND BLDG. CONTRACTORS' REGISTRATION BD.](#)

Superior Court of Rhode Island, Washington | Apr 07, 1995 | 1995 R.I. Super. LEXIS 64

**Overview:** A provision in an enabling statute for a building contractors' registration board was unconstitutional, because it violated a contractor's right to a jury trial by assessing damages to homeowners that applied to the board.

... a jury. Id. In reaching this conclusion, the Court adopted the **public rights doctrine** developed by the United States Supreme Court . 637 A.2d at ...

131.  [Alaska Legislative Council v. Babbitt](#)

United States District Court for the District of Columbia | Jul 24, 1998 | 15 F. Supp. 2d 19

**Overview:** Claims of state legislative council and legislators/residents were barred by doctrine of claim preclusion because they were plainly "common public rights" that could have been presented in prior action by state against Secretary of the Interior.

... this issue stands.") The privity question is controlled by the "common **public rights**" doctrine enunciated by the Supreme Court in City of Tacoma v. Taxpayers ...

132.  [Howison v. Milo Enters.](#)

United States District Court for the District of Maine | May 21, 2012 | 2012 U.S. Dist. LEXIS 70308

**Overview:** Defendant's motion to withdraw reference under 11 U.S.C.S. § 157(d) was denied on timeliness grounds. Defendant did not act as soon as practicable so as to protect the court and the parties

in interest from useless costs and disarrangement of the calendar, and to prevent unnecessary delay. Unforgiving standard to timeliness requirement was applied.

... for withdrawal is untimely. In 1982, the Supreme Court highlighted the **public rights doctrine** and the constitutionality of the delegation of Article III powers to ...

133.  [White v. Univ. of Cal.](#)

United States District Court for the Northern District of California, San Francisco Division | Oct 09, 2012 | 2012 U.S. Dist. LEXIS 191061

**Overview:** In an action regarding ancient human remains, tribal committee possessed a sufficiently concrete and substantial interest to qualify as a necessary party under Fed. R. Civ. P. 19, but their joinder was not feasible due to their sovereign immunity; as previous cases in this situation had done, the court had no discretion but to dismiss.

... need not be decided, however, because as defendants correctly note, the **public rights doctrine** is not properly invoked where, as here, the tribe's asserted interest ...

134.  [Glinka v. Abraham & Rose Co.](#)

United States District Court for the District of Vermont | Jun 02, 1994 | 1994 U.S. Dist. LEXIS 21328

**Overview:** Withdrawal of proceeding from bankruptcy court was required in order to avoid unconstitutional jury trial when proceeding involved both core and non-core claims, and valid jury demands were present.

... the Bankruptcy Act, the bulk of the opinion addressed the "**public rights**" doctrine . 458 U.S. at 67-70 . The plurality drew a distinction ...

135.  [In re Vincent](#)

United States Bankruptcy Court for the Middle District of Tennessee | Jan 12, 1987 | 68 B.R. 865

**Overview:** An adversary proceeding was a core proceeding in bankruptcy court because the action was closely linked to the confirmation of a bankruptcy plan and was cognizable as a matter affecting the administration of the estate.

... Evidence, Judicial Notice Courts, Creation & Organization HN7 The **public rights doctrine** reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...  
... matters to a non-Article III forum of its own creation. "the **public rights doctrine** reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...

136.  [In re Broughton](#)

United States District Court for the Eastern District of North Carolina, Western Division | Dec 13, 2017 | 2017 U.S. Dist. LEXIS 206080

... by the Trustee were not equitable in nature, under the "**public rights**" doctrine , the Debtor would still not be entitled to a jury ...

... litigated..."). A trustee's use of § 363(b) clearly falls under the **public rights doctrine** . See Tutor v. Durkin (In re R2d2, LLC) , 591 ...

137. [River & Offshore Services Co. v. United States](#)

United States District Court for the Eastern District of Louisiana | Mar 13, 1987 | 1987 U.S. Dist. LEXIS 5072

... "public rights" exception to the rule of Northern Pipeline . The **public rights doctrine** recognizes that certain matters may be removed from the jurisdiction of ...

... sovereign immunity and the operations of naval vessels, is within the **public rights doctrine** . Plaintiff's second contention is that its tort claim against MTL ...

138.  [Makah Indian Tribe v. Verity](#)

United States Court of Appeals for the Ninth Circuit | Jul 31, 1990 | 910 F.2d 555

**Overview:** Because other sovereign Indian tribes were indispensable parties to an Indian tribe's challenge of a federal agency's salmon quota and they could not have been joined, the court dismissed the Indian tribe's challenge to the salmon quota.

... district court recognized this might be a claim, but held the **public rights doctrine** was "misplaced under the circumstances of this litigation" because the Makah ...

139.  [In re Price-Watson Co.](#)

United States Bankruptcy Court for the Southern District of Texas, Corpus Christi Division | Oct 28, 1986 | 66 B.R. 144

... may attach conditions to its consent to be sued." "But the **public rights doctrine** also draws upon the principle of separation of powers, and a ...

140.  [Rhode Island v. United States](#)

United States District Court for the District of Rhode Island | Sep 29, 2000 | 115 F. Supp. 2d 269

**Overview:** Preliminary injunction was issued. Plaintiffs most likely would have succeeded on merits by showing that sovereign immunity barred defendants' claims. Plaintiffs would have been irreparably harmed by violation of sovereign immunity.

... argue, this provision falls within the hazy boundaries of the "**public rights doctrine**." Even if the **public rights doctrine** permits administrative agencies to award such relief against private employers, it ...

141.  [Statewide Towing Ass'n v. City of Lowell](#)

Appeals Court of Massachusetts | Apr 27, 2007 | 68 Mass. App. Ct. 791

**Overview:** A towing company association had no standing to sue a city for required towing contractors to pay the city a consideration because it did not say the city's acts injured its members. It had no standing to allege, under Mass. Gen. Laws ch. 40, § 53, that the consideration was an unlawful tax because it did not sue on behalf of 10 taxable residents.

... required by law, so it had no separate standing under the **public rights doctrine** . The association said the consideration was an unlawful tax on ...

... not a party), it does not have separate standing under the **public rights doctrine** . Perella v. Massachusetts Turnpike Authy ., 55 Mass. App. Ct. ...

142. **I** [Goodale v. Duffy \(In re Duffy\)](#)

United States Bankruptcy Court for the District of Rhode Island | Sep 21, 2004 | 317 B.R. 49

**Overview:** Parties in a nondischargeability proceeding were not entitled to a jury trial because a nondischargeability proceeding was an essentially equitable action, drawing on bankruptcy court's equitable power to declare certain debts exempt from discharge.

... the party may nevertheless be denied a jury trial under the **public rights' doctrine** . This final step is implicated only when entitlement to a ...

... [the party may nevertheless be denied a jury trial under the **public rights' doctrine**]." Granfinanciera , 492 U.S. at 42 . ...

143. **A** [In re Avery](#)

United States Bankruptcy Court for the District of Colorado | Mar 20, 2012 | 2012 Bankr. LEXIS 1298

**Overview:** Bankruptcy court recommended that the district court impose criminal contempt sanctions on a bankruptcy petition preparer who failed to pay a fine the court imposed for violating 11 U.S.C.S. § 110 and was allegedly preparing petitions in violation of a cease and desist order. It was not clear that the bankruptcy court had criminal contempt powers.

... Pipeline Constr. Co. v. Marathon Pipe Line Co. , that the **public rights doctrine** , which allows matters to be removed from the jurisdiction of ...

... 73 L. Ed. 2d 598 (1982) , that the **public rights doctrine** , which allows matters to be removed from the jurisdiction of ...

144. **A** [Smith v. Mitchell \(In re Mitchell\)](#)

United States Bankruptcy Court for the Southern District of Iowa | Dec 17, 2003 | 2003 Bankr. LEXIS 2341

**Overview:** Action brought by trustee against one defendant was one for recovery of real property or a money judgment for its value including damages for withholding the property. Such action was an action at law. Thus, she had a U.S. Const. amend. VII constitutional right to demand a jury, which she had not waived. Court ordered jury trial on two counts.

... VII , the court must decide whether action falls under the **public rights doctrine** whereby Congress may assign the resolution of a matter to a ...

... Amendment , the court must decide whether action falls under the **public rights doctrine** whereby Congress may assign the resolution of a matter to a ...

145.  [Sheridan v. Michels \(In re Sheridan\)](#)

United States Court of Appeals for the First Circuit | Mar 29, 2004 | 362 F.3d 96

**Overview:** A disciplinary proceeding against an attorney for misconduct in prior bankruptcy cases was a non-core proceeding, and thus the bankruptcy court lacked jurisdiction to issue a final appealable order suspending the attorney from bankruptcy practice.

... always been permitted to adjudicate. However, Arnold addresses the somewhat arcane **public rights doctrine** , which describes a very narrow category of claims of a ...

146.  [Murray v. Dep't of Consumer & Bus. Servs.](#)

United States District Court for the District of Oregon | Aug 12, 2010 | 2010 U.S. Dist. LEXIS 96563

... 92 L. Ed. 2d 675 (1986) ("the **public rights doctrine** reflects simply a pragmatic understanding that when Congress selects a quasi-judicial ...

147.  [National Wildlife Federation v. Burford](#)

United States District Court for the District of Columbia | Feb 10, 1986 | 676 F. Supp. 280

**Overview:** A wildlife organization had standing to have land classifications reinstated where the fact that the land in question was previously open to commercial activities did not eliminate injury when the land was later made available for strip mining.

... alternative public interest does not weaken the force of the "**public rights**" **doctrine** in this case. See *Sierra Club v. Watt* , ...

148.  [United States v. Wells Fargo Home Mortg.](#)

United States Court of Appeals for the Tenth Circuit | Nov 25, 2015 | 631 Fed. Appx. 632

**Overview:** In a suit to reduce two taxpayers' federal tax liabilities to judgment, a district court's entry of summary judgment in favor of the United States and several mortgagees was affirmed since the district court had both subject-matter jurisdiction and personal jurisdiction over the taxpayers to render the judgment.

... States" to which the Constitution refers, but laws arising under the **public-rights doctrine** . Appellant's Opening Br. 20 ("In 26 U.S.C. § 7402(a) ' ...

149.  [Frictionless World, LLC v. Frictionless, LLC \(In re Frictionless World, LLC\)](#)

United States District Court for the District of Colorado | May 26, 2020 | 2020 U.S. Dist. LEXIS 91841



... limited " **public rights** " doctrine ); see also *Granfinanciera* , 492 U.S. 33 , 109 S. ...  
 ... in a bankruptcy proceeding did not fall within the limited " **public rights** " doctrine). Such authority is reserved for Article III courts....

150.  [Baun v. Bd. of Selectmen of Ashland](#)

Appeals Court of Massachusetts | Jun 18, 2015 | 87 Mass. App. Ct. 1130

... not a party), [they do] not have separate standing under the **public rights doctrine**." *Id.* at 795 .  
 Judgment affirmed ....

151.  [In re Brown](#)

United States Bankruptcy Court for the Southern District of Texas, Houston Division | Oct 17, 2014 | 521 B.R. 205

**Overview:** Surviving spouse of a deceased bankruptcy debtor was not entitled to a family allowance from the bankruptcy estate since the allowance was only payable from the debtor's probate estate, which was distinct from the bankruptcy estate and consisted solely of the debtor's exempt property, and the allowance was not a domestic support obligation.

... refined an exception to this general principle known as the " **public-rights doctrine** ," under which Article I courts may adjudicate matters "that historically ...

152.  [Pereira v. Garritano \(In re Connie's Trading Corp.\)](#)

United States District Court for the Southern District of New York | May 08, 2014 | 2014 U.S. Dist. LEXIS 63730

**Overview:** Magistrate judge recommended that motion for mandatory withdrawal of reference under 28 U.S.C.S. § 157(d) be denied because question of whether trustee had statutory standing under 11 U.S.C.S. § 544(b)(1) was question requiring application of bankruptcy statute and did not require significant interpretation of Article III standing principles.

... authority over a claim that did not fall within the " **public rights** " doctrine . See, e.g., *Dev. Specialists, Inc. v. Akin Gump Strauss Hauer ...*

153.  [Board of Trustees v. Thompson Bldg. Materials, Inc.](#)

United States Court of Appeals for the Ninth Circuit | Dec 27, 1984 | 749 F.2d 1396

**Overview:** Employer was required to pay a union withdrawal liabilities under the Multiemployer Pension Plan Amendments Act after employer ceased to make contributions into the union's pension program.

... court. 458 U.S. at 78 . We note, however, that the **public rights doctrine** also might have applied. *Crowell* , 285 U.S. at 54...

154.  [Standish v. Jackson \(In re Albertson\)](#)

United States District Court for the Southern District of West Virginia, Charleston Division | Jul 30, 2015 | 535 B.R. 662

... (2006) , abrogated Langenkamp and that "preferential transfers fall[] within the **public rights doctrine** " exception to Article III allowing adjudication by a non-Article III ...

155.  [In re Perry](#)

United States Bankruptcy Court for the Central District of California | Mar 01, 1990 | 111 B.R. 861

**Overview:** In a non-dischargeability determination case, creditors did not have right to jury trial under statutes or Seventh Amendment when Congress did not so intend, action was equitable, and creditors did not seek liquidation of their claim against debtor.

... the jury trial right in the arena of "public rights." The **public rights doctrine** permits Congress to deprive parties of their ...

156.  [In re Athos Steel & Aluminum, Inc.](#)

United States Bankruptcy Court for the Eastern District of Pennsylvania | Mar 16, 1987 | 71 B.R. 525

**Overview:** Majority shareholders did not breach fiduciary duties to minority shareholders under intrinsic fairness test when a closely-held debtor corporation purchased stock from another corporation which was also controlled by the majority shareholders.

... courts in the 1978 jurisdictional scheme exceeded the scope of the **public rights doctrine** . Appellants argue that a discharge in bankruptcy is indeed a ...

157.  [Juda v. United States](#)

United States Claims Court | Nov 10, 1987 | 13 Cl. Ct. 667

**Overview:** The court was denied subject matter jurisdiction over the island residents' claims that resulted from the United States nuclear testing program because the Compact of Free Association created a claims tribunal.

... States, involve matters of public rights, and are subject to the **public rights doctrine**. Northern Pipeline Co. v. Marathon Pipe Line Co.,...

158.  [Paloian v. Am. Express Co. \(In re Canopy Fin., Inc.\)](#)

United States District Court for the Northern District of Illinois, Eastern Division | Sep 01, 2011 | 464 B.R. 770

**Overview:** Defendant's motion to withdraw reference of instant fraudulent conveyance action to bankruptcy court under 28 U.S.C.S. § 157(a) was denied because United States Supreme Court in Stern did not strip bankruptcy court of authority to hear plaintiff's claims against defendant and to propose findings of fact and conclusions of law on those claims.

... Id. at 2610 . However, the Court found that the " **public rights**" **doctrine** did not apply to the counterclaim in question because, like the ...

159.  [Stonehill College v. Mass. Comm'n Against Discrimination](#)

Supreme Judicial Court of Massachusetts | May 06, 2004 | 441 Mass. 549

**Overview:** Employers who sought judicial review of decisions issued by the Massachusetts Commission Against Discrimination, which found that they committed illegal discrimination, were not entitled to a jury trial de novo when they sought judicial review.

... we should, for purposes of art. 15 analysis, adopt the " **public rights**" **doctrine** , advanced by the United States Supreme Court when considering claims ...

160.  [Southern Cal. Edison Co. v. United States](#)

United States Court of Federal Claims | Jun 02, 1997 | 38 Fed. Cl. 54

**Overview:** The United States was authorized to join public utility power companies and assert contingent claims against them because the contingent claims related to the main claim asserted against the United States, and subject matter jurisdiction was proper.

... Rush decision as controlling precedent -- a modern-day reaffirmation of the **public rights doctrine** first articulated by the Supreme Court over a century ago in ...

161.  [Washington Int'l Ins. Co. v. United States](#)

United States Court of International Trade | Jan 12, 1988 | 12 C.I.T. 11

**Overview:** Surety of importer had the right to a jury trial in challenging the appraised value of imported cheese, because both history and law showed that a trial by jury remained a fundamental right that applied to customs actions.

... v. Benson, supra , at 50 . The **public-rights doctrine** is grounded in a historically recognized distinction between matters that could ...

162.  [Messer v. Magee \(In re FKF 3, LLC\)](#)

United States District Court for the Southern District of New York | Aug 30, 2016 | 2016 U.S. Dist. LEXIS 117258

**Overview:** Creditor's motion to withdraw the reference to the bankruptcy court of the adversary proceedings commenced by the bankruptcy trustee was granted because many of the fraudulent transfer claims corresponded to the same transfers at issue under the breach of fiduciary duty claims, making adjudication of those claims in separate courts inefficient.

... at \* 2-3 (S.D.N.Y. Feb. 1, 2012) (applying Stern 's **public rights doctrine** to the core/non-core Orion factor); Dev. Specialists, Inc. , 462 B.R. ...

163.  [ShIPLEY Garcia Enters., LLC v. Cureton](#)

United States District Court for the Southern District of Texas, Mcallen Division | Aug 07, 2012 | 2012 U.S. Dist. LEXIS 110153

**Overview:** In plaintiff buyer's suit alleging breach of fiduciary duty, conversion, and fraud based on the purchase of a motorcycle dealership, remand was not warranted because the seller failed to establish improper joinder and as to a related bankruptcy filing, judicial estoppel did not operate as a defense to liability and render parties improperly joined.

... In Granfinanciera , the most recent case to have considered the **public rights doctrine** in the bankruptcy context, the Court had declined to find that ...

164.  [Scott v. Am. Sec. Ins. Co. \(In re Scott\)](#)

United States Bankruptcy Court for the Southern District of New York | Jun 13, 2017 | 572 B.R. 492

**Overview:** A Chapter 13 debtor did not have standing to exercise a trustee's avoidance powers under 11 U.S.C.S. § 544(b)(1) and under the N.Y. Debtor and Creditor Law and thus, that claim was dismissed. The court also recommended dismissing his pre-petition claims predicated on state law, the FDCPA, and/or common law for failure to state claims.

... 76 L. Ed. 598 (1932)) . The **public rights doctrine** is at the heart of the core/non-core distinction in § 157(b)(2) ...

165.  [In re Nell](#)

United States District Court for the District of Utah, Central Division | Feb 23, 1987 | 71 B.R. 305

... 458 U.S. at 71 , in the plurality's discussion of the **public rights doctrine** . It is also clear from the structure of the new ...

166.  [Marine Shale Processors v. United States EPA](#)

United States Court of Appeals for the Fifth Circuit | Apr 18, 1996 | 81 F.3d 1371

**Overview:** The Environmental Protection Agency properly denied a processing corporation's application for a Boiler and Industrial Furnace Permit because the corporation's rotary kiln system did not meet the definition of industrial furnace.

... over the permit proceeding represents a classic constitutional example of the **public rights doctrine** . Viewing our inquiry as governed by "practical attention to substance ...

167.  [National Wildlife Federation v. Burford](#)

United States Court of Appeals for the District of Columbia Circuit | Dec 11, 1987 | 835 F.2d 305

**Overview:** A preliminary injunction was properly issued against the Department of the Interior, as the district court did not err in finding that an environmental organization's suit under a federal land management act had a substantial likelihood of success.

... of the complaint. The court further noted that under the " **public rights**" doctrine , first articulated in National Licorice Co. v. NLRB , 309 ...

168. [Chelan Basin Conservancy v. Holding](#)

Superior Court of Washington, Chelan County | May 30, 2012 | 2012 Wash. Super. LEXIS 134

... flag and conveyed away the public's interest in contravention of the **public rights doctrine** . As considered in the context of this case, the second ...

169.  [Ctr. for Biological Diversity v. Pizarchik](#)

United States District Court for the District of Colorado | Mar 14, 2012 | 858 F. Supp. 2d 1221

... I note that neither of the cases plaintiffs cite discuss the **public rights doctrine** in the context of a required party's sovereign immunity. My own ...

170.  [GLC Ltd. v. Rowsey \(In re GLC Ltd.\)](#)

United States Bankruptcy Court for the Southern District of Ohio, Western Division | Nov 26, 2012 | 2012 Bankr. LEXIS 5499

... actions. Granfinanciera, S.A. v. Nordberg . . . held that the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

171.  [United States v. Green](#)

United States District Court for the Northern District of Oklahoma | May 22, 2015 | 2015 U.S. Dist. LEXIS 67001

... waived their "unalienable rights to enter and consent to any ' **public rights**' doctrine via any adhesion contract or implied-in-law contract." (Doc. 151 at 27-32; ...

172.  [Mathirampuzha v. Potter](#)

United States Court of Appeals for the Second Circuit | Nov 03, 2008 | 548 F.3d 70

**Overview:** Dismissal of a postal employee's Federal Tort Claims Act, 28 U.S.C.S. § 2671 et seq., emotional distress claim for lack of jurisdiction was vacated because the district court should have stayed proceedings pending a final determination by the Secretary of Labor as to coverage under the Federal Employees' Compensation Act, 5 U.S.C.S. § 8101 et seq.

... L. Ed. 2d 598 & n.18 (1982) (plurality) (discussing the " **public rights**" doctrine ). And Standards of Review, Deference to Agency Statutory Interpretation HN24 ...

173.  [United States v. Clark](#)

United States District Court for the Northern District of California | Oct 25, 2007 | 2007 U.S. Dist. LEXIS 81843

**Overview:** Demand of the taxpayers, trusts, and corporation for a jury trial in the action of the U.S. under I.R.C. § 7403 was granted, pursuant to the Seventh Amendment, as to their challenge to the legality of the federal tax assessments but was denied as to the fraudulent transfer issue, which was an equitable one that did not involve monetary damages.

... (Def. Memo, 2: 15-22). In addition, Defendants appeal to the " **Public Rights Doctrine** " as support for their claim to a jury trial, stating ...

174.  [In re Atlas Fire Apparatus, Inc.](#)

United States Bankruptcy Court for the Eastern District of North Carolina | Jan 21, 1986 | 56 B.R. 927

**Overview:** A bankruptcy court had jurisdiction to hear a debtor's action to set aside a deed of trust because the action was a "core proceeding" where it clearly affected the bankruptcy estate. Voluntary abstention was inappropriate in a core proceeding.

... powers granted under that Act might be sustained under the ' **public rights' doctrine** of Murray's Lessee v. Hoboken Land & Improvement Co.,...

175.  [In re Shaford Cos.](#)

United States Bankruptcy Court for the District of New Hampshire | Sep 11, 1985 | 52 B.R. 832

**Overview:** An adversary lawsuit brought by a debtor could not be constitutionally tried and determined by an untenured bankruptcy judge; state law contract action against defendant not involved in bankruptcy proceedings was not a core proceeding.

... powers granted under that Act might be sustained under the ' **public rights' doctrine** of Murray's Lessee v. Hoboken Land & Improvement Co.,...

176.  [In re Outlet Co. Stores](#)

United States Bankruptcy Court for the Southern District of New York | Feb 19, 1988 | 82 B.R. 694

**Overview:** Motion to dismiss bankruptcy adversary proceedings dismissed because jurisdictional scheme allowing bankruptcy judges to hear preference actions and procedural rule allowing nationwide service were not unconstitutional.

... restructuring of the debtor-creditor relationship. The Mankin court also analyzed the **public rights doctrine** as construed by the Supreme Court in Marathon, supra, 458 U.S. ...

177.  [In re Seton-Scherr, Inc.](#)

United States Bankruptcy Court for the Northern District of Ohio | Jan 21, 1983 | 26 B.R. 563


... core of the federal bankruptcy power" would fall under the " **public-rights** " doctrine so that the Article III requirement would not have to be ...

178.  [Lavelle v. Massachusetts Comm'n Against Discrimination](#)

Supreme Judicial Court of Massachusetts | Dec 23, 1997 | 426 Mass. 332

**Overview:** Respondent to discrimination claim filed with state agency had right to jury trial at some stage in proceedings if complainant sought more than equitable relief and elected not to seek judicial determination of claim.

... 9 In expressing this opinion, we need not embrace the " **public rights** " doctrine that the United States Supreme Court has advanced to justify the ...

179.  [Northwestern Inst. of Psychiatry, Inc. v. Travelers Indem. Co. \(In re Northwestern Inst. of Psychiatry, Inc.\)](#)

United States Bankruptcy Court for the Eastern District of Pennsylvania | Aug 29, 2001 | 268 B.R. 79

**Overview:** The insurance coverage issue was a core proceeding since the policy was issued to the debtor-in-possession post-petition and the recovery under that policy was integral to the debtor's ability to reorganize under Chapter 11.

... adjustment of debtor-creditor relations places this adversary proceeding squarely within the **Public Rights Doctrine** rather than a mere resolution of private state rights"); Allied Stores ...

180.  [Steeple v. Time Ins. Co.](#)

United States District Court for the Northern District of Oklahoma | Sep 30, 1991 | 139 F.R.D. 688

**Overview:** ERISA beneficiary had a right to a jury trial to recover plan benefits because the action was essentially one in breach of contract and § 502, 29 U.S.C.S. § 1132, allowed participants and beneficiaries to bring civil actions to enforce legal rights in the form of benefits due.

... 109 S.Ct. 2782 , 2795-2797 , the Court discussed the " **public rights** " doctrine , whereby congress can create a new right, similar to a ...

181.  [Still v. Hopkins \(In re Hopkins\)](#)

United States Bankruptcy Court for the Eastern District of Tennessee, Southern Division | May 17, 2013 | 494 B.R. 306

**Overview:** Bankruptcy court could enter final judgment as to disallowance claims but did not have core jurisdiction over debtor's affirmative claims which required proof beyond that needed for disallowance claims; however, the court could recast its decision as proposed findings of fact and conclusions of law to be submitted to district court if necessary.

... Next came *Granfinanciera, S.A. v. Nordberg* , which held that the **public-rights doctrine** does not allow a bankruptcy court to decide a fraudulent-conveyance claim ...

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182.  [Feingerts v. D'Anna \(In re D'Anna\)](#)

United States Bankruptcy Court for the Eastern District of Louisiana | Mar 01, 2016 | 548 B.R. 155

**Overview:** Where a trustee of a testamentary trust purportedly sold her and the trust's interest in real property to debtor, the trustee lacked the authority to transfer a beneficiary's one-sixth interest because, prior to the sale, the trust terminated through its resolutive condition giving the beneficiaries perfect ownership by operation of law.

... It does not challenge or question the fundamental limitations of the **public rights doctrine** . Instead, it simply holds that a third party purchaser may ...

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183.  [Minn. v. Rapatt](#)

United States District Court for the District of Minnesota | Mar 23, 2016 | 2016 U.S. Dist. LEXIS 60154

... Taxes and of the Internal Revenue Laws application under the "**public rights**" **doctrine** relationship allegedly existing between Rapatt and the Government of the United ...

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184.  [Ellis-Hall Consultants, LLC v. Hofmann](#)

United States District Court for the District of Utah | Apr 11, 2017 | 2017 U.S. Dist. LEXIS 56795

... court determined that the plaintiffs, pursuant to an analysis of the **public rights doctrine** and applicable law, were entitled to a jury trial before an ...