No. 23-191

In the Supreme Court of the United States

NANCY WILLIAMS, ET AL.,

Petitioners,

v.

FITZGERALD WASHINGTON,
ALABAMA SECRETARY OF LABOR,

Respondent.

On Writ of Certiorari to the Supreme Court of Alabama

BRIEF OF AMICI CURIAE NATIONAL HEALTH LAW PROGRAM; JUSTICE IN AGING; JUDGE DAVID L. BRAZELON CENTER FOR MENTAL HEALTH LAW; NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE; AND NATIONAL LEGAL AID AND DEFENDER ASSOCIATION IN SUPPORT OF PETITIONER

Matthew W. Wolfe
Theresa M. Sprain
Counsel of Record
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
2235 Gateway Access Point, Suite 220
Raleigh, NC 27607
(984) 844-7941
tsprain@bakerdonelson.com

April 18, 2024 *Counsel for Amici Curiae*

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INTEREST OF THE AMICI CURIAE[1]

Amici Curiae NATIONAL HEALTH LAW PROGRAM; JUSTICE IN AGING; JUDGE DAVID L. BRAZELON CENTER FOR MENTAL HEALTH LAW; NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE; AND NATIONAL LEGAL AID AND DEFENDER ASSOCIATION are all public interest organizations dedicated to improving access to public benefits and supporting the constitutional and statutory rights of various individuals.

While each *Amicus* has particular interests, they collectively bring to the Court a commitment to advocate on behalf of low-income people, women, older adults, people with disabilities, and children. *Amici* research and provide education on a range of policy and legal issues affecting these populations, including access to the courts.

These organizations collectively advocate, educate, and litigate at the federal and state levels. One of the key priorities of *Amici* has been to ensure that Section 1983 remains a viable mechanism to vindicate federal constitutional and statutory rights in federal and state courts.

As such, the *Amici* have a strong interest in the outcome of this appeal.

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[1] No counsel representing any party to the case authored this brief in whole or in part and no counsel or party made any monetary contribution to the preparation or submission of the brief.

SUMMARY OF THE ARGUMENT

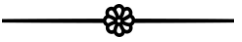
The decision below creates an impermissible barrier to state courts for individuals seeking to challenge systemic civil rights violations under 42 U.S.C. § 1983 and obtain injunctive relief without first exhausting administrative remedies. *Amici* are keenly aware of Section 1983's particular importance for public benefits enrollees to access a court (state or federal) to seek injunctive relief from ongoing systemic violations without the delay of exhausting administrative remedies.

If upheld by this Court, the decision would undermine precedent established by this Court four decades ago that allows plaintiffs to access courts without having to first exhaust administrative remedies, which may in and of themselves be contributing to—or exacerbating—the systemic violations. As articulated cogently in the Brief of Petitioners, the decision below is squarely at odds with this Court's precedent, most conspicuously in *Felder v. Casey*, 487 U.S. 131 (1988). *Felder* stands for the proposition that the no-exhaustion rule for § 1983 actions established by this Court in *Patsy v. Board of Regents of Florida*, 457 U.S. 496 (1982), applies equally to state courts as it does to federal courts. The Alabama decision is also inconsistent with other state courts applying *Felder* and *Patsy*.

Any undermining of *Felder* or *Patsy* by this Court would be severely disruptive to the well-established landscape of § 1983 litigation. It would also undermine the broad and sweeping purpose behind Congress's enactment of § 1983 and create confusion in the state

courts and among individuals seeking to redress civil rights violations.

The decision of the Alabama Supreme Court should therefore be reversed.



ARGUMENT

I. CONGRESS ENACTED SECTION 1983 TO PROVIDE INDIVIDUALS BROAD ACCESS TO COURTS TO REDRESS CIVIL RIGHTS VIOLATIONS BY STATE OFFICIALS.

Section 1983 provides "every person" with an important procedural vehicle to obtain redress against state and municipal actors whose conduct has deprived that person "of any rights, privileges, or immunities secured by the Constitution and laws" of the United States. 42 U.S.C. § 1983. Section 1983's purpose is "to interpose the federal courts between the States and the people, as guardians of the people's federal rights —to protect the people from unconstitutional action under color of state law." *Patsy*, 457 U.S. at 503 (internal quotation marks omitted).

Section 1983 litigation has long protected federal rights guaranteed by the U.S. Constitution or a federal statute. As this Court observed in *Felder*, in enacting § 1983:

> Congress meant to provide individuals immediate access to the federal courts and did not contemplate that those who sought to vindicate their federal rights in state courts could be required to seek redress in the first instance

> from the very state officials whose hostility to those rights precipitated their injuries.

487 U.S. at 133.

As this Court stated in *Burnett v. Grattan*, 468 U.S. 42 (1984), "the central objective of the Reconstruction-Era civil rights statutes . . . is to ensure that individuals whose federal constitutional or statutory rights are abridged may recover damages or secure injunctive relief." *Id.* at 55. Section 1983 is thus meant "to be accorded 'a sweep as broad as its language.'" *Felder*, 487 U.S. at 139 (quoting *United States v. Price*, 383 U.S. 787, 801 (1966)).

As one court described it, Section 1983 is the "workhorse of civil rights litigation." *Morgan v. District of Columbia*, 824 F.2d 1049, 1056 (D.C. Cir. 1987). The case that Petitioners contend—and *Amici* agree—controls, *Patsy*, canvassed the legislative debates of the 1871 Congress. 457 U.S. at 506–07. The Court concluded that "many legislators interpreted [§ 1983] to provide dual or concurrent forums in the state and federal system, enabling the plaintiff to choose the forum in which to seek relief." *Id.* Thus, "state courts as well as federal courts are entrusted with providing a forum for the vindication of federal rights violated by state or local officials acting under color of state law." *Haywood v. Drown*, 556 U.S. 729, 735 (2009).

Section 1983 is particularly important for beneficiaries of public benefit programs in those limited but critical instances where a federal statute creates federal rights enforceable by them. *See Health & Hospital Corporation of Marion County, Indiana v. Talevski*, 599 U.S. 166, 183 (2023) (finding that provisions of the Medicaid Nursing Home Reform Act

created enforceable rights via § 1983); *Wilder v. Va. Hosp. Ass'n*, 496 U.S. 498, 524 (1990) (allowing enforcement of a Medicaid Act provision concerning payment for institutional services); *Wright v. Roanoke Housing Authority*, 479 U.S. 418, 424–29 (1987) (holding that certain rights under Brooke Amendment to the Housing Act were enforceable under § 1983); *Maine v. Thiboutot*, 448 U.S. 1, 4–8 (1980) (holding "the phrase 'and laws,' as used in § 1983, means what it says" and allowing enforcement of a Social Security Act provision); *Edelman v. Jordan*, 415 U.S. 651, 675 (1974) ("[S]uits in federal court under § 1983 are proper to secure compliance with the provisions of the Social Security Act on the part of participating States."); *Rosado v. Wyman*, 397 U.S. 397, 422–23 (1970) (holding that suits in federal court under § 1983 are proper to secure compliance with provisions of the Social Security Act). Indeed, on multiple occasions, the Supreme Court has recognized that individuals may enforce various provisions of the Social Security Act through section 1983); *King v. Smith*, 392 U.S. 309, 333–34 (1968) (allowing enforcement of the "reasonable promptness" provision of a Social Security Act program).

Finally, in *Alden v. Maine*, 527 U.S. 706 (1999), this Court held that, under the structure of the federal Constitution and historic principles of sovereign immunity, Congress cannot authorize suits against states in state courts for violations of federal law without the consent of the states, except when Congress acts pursuant to its Fourteenth Amendment powers. *Id.* at 755–56. There is no dispute that Congress was acting pursuant to its Fourteenth Amendment powers when it enacted § 1983. Accordingly, Section 1983 continues

to provide a pathway to state court to redress systemic civil rights violations and seek injunctive relief.

II. THE DECISION BELOW IS CONTRARY TO THIS COURT'S HOLDINGS IN *PATSY* AND *FELDER* AND INCONSISTENT WITH OTHER STATE COURTS' APPLICATION OF THIS COURT'S PRECEDENT.

A. The Underlying Decision Is Contrary to This Court's Holdings in *Patsy* and *Felder*.

In *Patsy v. Board of Regents of Florida*, 457 U.S. 496 (1982), this Court held that a plaintiff need not exhaust state administrative remedies before instituting a § 1983 suit in federal court. In *Felder v. Casey*, 487 U.S. 131 (1988), the Supreme Court confirmed that the *Patsy* holding applied equally to section 1983 litigation commenced in state courts.

In so holding, Justice Brennan, writing for the Court, wrote:

> States retain the authority to prescribe the rules and procedures governing suits in their courts. As we have just explained, however, that authority does not extend so far as to permit States to place conditions on the vindication of a federal right. . . . Given the evil at which the federal civil rights legislation was aimed, there is simply no reason to suppose that Congress meant to provide these individuals immediate access to the federal courts notwithstanding any provision of state law to the contrary, yet contemplated that those who sought to vindicate their federal rights in state courts could be required to seek redress in the first instance from the

> very state officials whose hostility to those rights precipitated their injuries.

Id. at 147 (citations and footnote omitted). It is "plain that Congress never intended that those injured by governmental wrongdoers could be required, as a condition of recovery, to submit their claims to the government responsible for their injuries." *Id.* at 142.

Since *Felder*, this Court has had occasion to revisit *Patsy* and *Felder* and has reaffirmed their collective precedent. *See, e.g.*, *Porter v. Nussle*, 534 U.S. 516, 523 (2002) ("Ordinarily, plaintiffs pursuing civil rights claims under 42 U.S.C. § 1983 need not exhaust administrative remedies before filing suit in court."). This Court has applied the non-exhaustion rule broadly and recognized only two limited exceptions, neither of which applies to the case at bar.[2] The court below provides no basis to ignore this Court's precedents. As argued in detail in the Brief of Petitioner, *Felder* and *Patsy* control.

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[2] This first exception is when exhaustion may be required by some other federal statute, such as the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), or the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(l), both of which expressly predicate relief on the exhaustion of administrative remedies. *See Patsy*, 457 U.S. at 508 (recognizing that, "[i]n § 1997e, Congress . . . created a specific, limited exhaustion requirement for adult prisoners bringing actions pursuant to § 1983"). The second exception is when state "taxpayers are barred by the principle of comity from asserting § 1983 actions against the validity of state tax systems in federal courts" without first exhausting their state judicial remedies. *Fair Assessment in Real Estate Ass'n, Inc. v. McNary*, 454 U.S. 100, 116 (1981).

B. The Underlying Decision Is Inconsistent with Other State Courts' Application of This Court's Precedent.

The Alabama court's decision is not only grounded in a faulty reading of *Patsy* and *Felder*; it is also inconsistent with its sister state courts that have read *Patsy* and *Felder* for the proposition that § 1983 preempts state laws that require exhaustion of administrative remedies prior to access to any court. *See, e.g.*, *Burch v. Keck*, 56 Kan. App. 2d 1162, 1169, 444 P.3d 1000, 1005 (2019) ("In conclusion, based on the holdings in *Patsy* and *Felder*, we have no hesitation in concluding federal law preempts the exhaustion requirement. . . . "); *Leach v. New Mexico Junior Coll.*, 2002-NMCA-039, ¶ 25, 132 N.M. 106, 113, 45 P.3d 46, 53 (concluding that the *Patsy* non-exhaustion rule "is equally applicable in state court."); *Galland v. City of Clovis*, 24 Cal. 4th 1003, 1043, 103 Cal. Rptr. 2d 711, 741, 16 P.3d 130, 157 (2001), *as modified* (Mar. 21, 2001) (stating that "[f]ollowing *Felder*, virtually every court that has examined the issue has held that a plaintiff who files a section 1983 suit in state court need not first initiate or exhaust state administrative remedies"); *Brosterhous v. State Bar*, 12 Cal. 4th 315, 339, 906 P.2d 1242, 1257 (1995), *as modified* (Jan. 18, 1996) ("In *Felder*, the Court held that *Patsy* is applicable to state court actions."); *Aged Hawaiians v. Hawaiian Homes Comm'n*, 78 Haw. 192, 202, 891 P.2d 279, 289 (1995) (holding in § 1983 case that, "to the extent that the [state trial] court relied upon the doctrine of exhaustion, its decision was erroneous."); *Esslinger v. Baltimore City*, 95 Md. App. 607, 614–15, 622 A.2d 774, 778 (1993) ("It is now clearly established that a plaintiff suing under 42 U.S.C. § 1983—either in state or federal court—need not

exhaust his administrative remedies prior to bringing his § 1983 action."); *Casteel v. Vaade*, 167 Wis. 2d 1, 14, 481 N.W.2d 476, 481 (1992) ("A state court may not require a complainant to exhaust state administrative remedies before bringing a [§] 1983 action in state court unless the complainant falls under a clear exception to the 'no exhaustion rule' adopted by the United States Congress."); *Diedrich v. City of Ketchikan*, 805 P.2d 362, 369 (Alaska 1991) (concluding that plaintiff "need not comply with state procedural law in seeking a judicial resolution of his section 1983 claims"); *Miller v. District of Columbia*, 587 A.2d 213, 215 (D.C. App. 1991) (holding that "unless Congress acts to impose exhaustion requirements, the no-exhaustion rule at work both in federal and state court § 1983 litigation applies in the local [D.C. courts] as well."). *See also Mangiafico v. Town of Farmington*, 331 Conn. 404, 426, 204 A.3d 1138, 1152 (2019); *Patel v. Thomas*, 793 P.2d 632, 635 (Colo. App. 1990); *Allen v. Bergman*, 198 Ga. App. 57, 400 S.E.2d 347, 348–49 (1990); *Zeigler v. Kirschner*, 162 Ariz. 77, 781 P.2d 54, 59–60 (Ariz. App. 1989); *Arkansas State Medical Bd. v. Leipzig*, 299 Ark. 71, 770 S.W.2d 661, 662 (1989); *Brumage v. Woodsmall*, 444 N.W.2d 68, 70 (Iowa 1989); *Blackwell v. City of St. Louis*, 778 S.W.2d 711, 714 (Mo. App. 1989).

Even state courts that have considered permitting certain state exhaustion requirements in limited contexts different than the case at bar have done so while acknowledging *Felder* and *Patsy*. *See, e.g.*, *Boughton Trucking & Materials, Inc. v. Cnty. of Will*, 229 Ill. App. 3d 576, 581, 593 N.E.2d 1119, 1122–23 (1992) ("The central tenet of *Felder* is that States may place no greater burden upon section 1983 claimants than that imposed by Federal law."); *Nutbrown v. Munn*,

311 Or. 328, 339, 811 P.2d 131, 138 (1991) (interpreting *Felder* as striking down all "state rules that would have the effect of limiting the remedy in a way that it would not be limited if the action were brought in federal court.").

In no state court other than the underlying court has there been any suggestion that the result of whether an exhaustion requirement applies is somehow dependent on which court the plaintiff chooses. In no other court other than the underlying court has a court questioned the validity and applicability of *Felder* and *Patsy* to § 1983 actions in state court.

State courts' otherwise consistent treatment of this Court's precedent in *Felder* and *Patsy* is important for two reasons. First, it demonstrates how out of line the underlying court is with its sister courts. Second, and more importantly, it shows how disruptive any modification to *Felder* or *Patsy* would be to individuals seeking redress for civil rights violations in state courts and for those state courts themselves. *Felder* and *Patsy* are settled law and should remain settled.

III. ALLOWING AN ADMINISTRATIVE EXHAUSTION REQUIREMENT PRIOR TO ACCESS TO STATE COURTS WOULD UNDERMINE SECTION 1983'S CRITICAL ROLE IN ADDRESSING SYSTEMIC, ONGOING VIOLATIONS OF CIVIL RIGHTS.

Creating the distinction sought by Respondent would undo this Court's precedent and effectively close state courts to plaintiffs bringing claims under § 1983 and risk creating inconsistent outcomes depending on which court the plaintiffs brought their claims. This risk of inconsistent outcomes and unnecessary burdens

on claimants is precisely what § 1983 was designed to prevent.

As this Court reasoned in *Felder*, the burden of an exhaustion rule "is inconsistent in both design and effect with the compensatory aims of the federal civil rights laws" and "reveals that the enforcement of such statutes in § 1983 actions brought in state court will frequently and predictably produce different outcomes in federal civil rights litigation based solely on whether that litigation takes place in state or federal court." 487 U.S. at 141.

CONCLUSION

For the reasons stated above, *Amici Curiae* respectfully request that the Court reverse the judgment of the Alabama Supreme Court.

Respectfully submitted,

Matthew W. Wolfe
Theresa M. Sprain
Counsel of Record
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
2235 Gateway Access Point, Suite 220
Raleigh, NC 27607
(984) 844-7941
tsprain@bakerdonelson.com

Counsel for Amici Curiae

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