



MARGRAVE CELMINS

April 2019 Newsletter

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Grand Canyon Centennial



The Grand Canyon National Park celebrates its 100th birthday this year (actual date was February 26th). Spanish conquistadors were the first Europeans to see the canyon in 1540, then Spanish priests searching for a route from Santa Fe to their mission in California in 1776. Next, John Wesley Powell led

nine men on a thousand-mile trip down the Colorado River and through the Grand Canyon in 1869 (he was the first to consistently use the name “Grand Canyon”). President Theodore Roosevelt advocated for the preservation of the Grand Canyon area (first as a game preserve and two years later as a national monument in 1908). The park became official when President Woodrow Wilson signed the Grand Canyon National Park Act a hundred years ago. (The tale of how Teddy Roosevelt fared on a bear hunt in the park leading to the creation of our ubiquitous teddy bears is a story for another day.)

Now for some fun facts about the Grand Canyon, which is 277 miles long, up to 18 miles wide and more than a mile (6,000 ft.) deep:

1. The Grand Canyon is not the world’s deepest canyon. That distinction goes to Kali Gandaki Gorge in Nepal at an estimated $3\frac{3}{4}$ miles deep (estimated because the Himalayan Mountains surrounding it are measured at 5 miles high).
2. Domestically, Hells Canyon, carved by the Snake River along the border of Oregon and Idaho, is about a half mile deeper than the Grand Canyon.
3. It’s also not the world’s widest canyon. Australia wins that prize with Capertee Valley at a little more than 18 miles wide.

(But put it all together and we have a jewel with all three measurements: depth, width & length.)

4. The North Rim has an average height of 8,000 feet and is higher than the South Rim by 1,000 ft. If you could just walk across the canyon, only 10 miles separate the two rims. The North Rim is only reachable by hikers who tackle the 21 miles of the North and South Kaibab Trails or those who travel 220 miles by vehicle.
5. In the 1950s passenger flights would sometimes detour over the canyon for a better view. On June 30, 1956, United Airlines and TWA planes flying from Los Angeles to Chicago collided over the canyon, killing everyone on board. The Federal Aviation Administration was created in 1958 as a result of the accident.

You can join the park's 5 million annual visitors when the National Park Service has a fee-free day to celebrate National Park Week and Earth Day on Saturday, April 20th with demonstrations, games and much more. All Earth Day activities are also free.

Be sure to read about Margrave Celmins part in the sale of one of Phoenix's long-established Mexican restaurant chains, as well as Michael Kitchen's article on Subject Matter Jurisdiction.

Patty Copeland, Editor

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Business Sale

Margrave Celmins recently represented the sellers in a long-established Phoenix Mexican restaurant chain.

Patrick Van Zanen said, "While it was a complex transaction with multiple parties, all pieces were ultimately put together for a successful sale."

Subject Matter Jurisdiction

In last year's [article](#), I discussed the concept of [personal jurisdiction](#), which governs the power of a court to exercise control and enter orders binding a particular person. In this article, I will be discussing the concept of "subject matter jurisdiction," which governs the ability of a court to exercise power over certain issues and types of cases. Even if a court were to otherwise have power over an individual



based upon the “minimum contacts” that individual has to the territory of the court, if the court does not also have jurisdiction over the subject matter to be disputed, the court may not exercise control over the issue.

In Arizona (as in most of the United States), the county trial court is a court of “general jurisdiction,” which means that in general, it is empowered to hear and rule upon almost all cases arising within its geographic borders. In Arizona, these courts are called “superior” courts (for example, Maricopa County Superior Court). Generally speaking, if you need to sue someone, the county superior court where the act occurred or where the defendant resides will have the power to resolve the matter, assuming it also has personal jurisdiction over the persons involved. However, the superior courts do not have completely unrestricted subject matter jurisdiction.

For example, cases in which the amount at issue is less than \$10,000 are to be resolved in justice court (or, if less than \$2,500, potentially in small claims court). These courts are considered to be better suited for the inexpensive resolution of these cases, because if they were required to be litigated in the superior courts the amounts of attorneys’ fees and costs would quickly exceed the amounts at issue.

Among cases that are substantial enough to generally warrant hiring an attorney, the most common question of subject matter jurisdiction is whether or not a case can be brought in federal as opposed to state court. Federal court has a number of advantages to certain litigants (particularly Defendants), including the requirement for unanimous juries to find in favor of Plaintiff.

So when do the federal courts have subject matter jurisdiction? When the issue to be litigated arises under the United States Constitution, federal law, or in cases in which ambassadors or the United States itself is a party, the federal court has jurisdiction to hear the case. (Under certain circumstances, state courts are also permitted to address the question. In such cases, the state and federal courts are considered to have “concurrent” subject matter jurisdiction.)

Additionally, even if a case has nothing to do with the United States Constitution or federal law, the federal courts may (under certain circumstances) exercise subject matter jurisdiction concerning cases between citizens of different states. If, for example, a citizen of the State of California is sued by a citizen of the State of Arizona in Maricopa County Superior Court for a civil matter that does not involve federal law, the California citizen may nonetheless have the case removed to federal court (if

the case concerns a disputed amount exceeding \$75,000; smaller cases are not eligible to be removed). Because of the advantages to Defendants in federal court, questions of federal subject matter jurisdiction are frequently vigorously litigated.

Certain other courts are empowered to hear disputed cases in limited and specified cases. For example, federal bankruptcy courts are obviously empowered to hear bankruptcy matters. A full listing of such courts is beyond the scope of this article, and questions regarding the appropriate venue should be addressed to your lawyer.

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About Our Law Firm

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