

Supreme Court 2011-12 Term in Haiku

National Federation of Independent Business v. Sebelius (June 28, 2012)

On this all agree

The Anti Injunction Act

Does not bar challenge

Commerce Clause can't save

Individual mandate

But Taxing Clause does

Medicaid changes

States can't lose existing funds

New programs opt-out

Kennedy, et al. dissenting

It's a penalty

You rewrote the statute, John

We'd throw it all out

U.S. v. Alvarez (June 28, 2012)

Stolen Valor Act

Content-based speech restriction

Fails strict scrutiny

Miller v. Alabama (June 25, 2012)

Killers at fourteen

Lifetime sentence, no parole

Cruel, unusual

American Tradition Partnership v. Bullock (June 25, 2012)

Hey now, Montana!

See *Citizens United*

One page reversal

Arizona v. U.S. (June 25, 2012)

Immigration law

Status confirmation fine

Three other parts not

Southern Union Co. v. U.S. (June 21, 2012)

Criminal sanctions

Facts determining amount

Question for jury

Knox v. Service Employees Int'l Union (June 21, 2012)

“Agency shop” fees

Undisclosed special increase

Opt-in required

Dorsey v. U.S. (June 21, 2012)

Crack cocaine dealer

Sentencing guideline changes

Cover pre-act sales

F.C.C. v. Fox Television Stations, Inc. (June 21, 2012)

Stray f-bombs, bare skin

Broadcast indecency rules

Fair notice lacking

Salazar v. Ramah Navajo Chapter (June 18, 2012)

Tribal contractors

Incur support costs for Tribe

Feds must pay in full

Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians v. Patchak (June 18, 2012)

Neighbor may challenge

Government purchase of land

For tribe casino

Christopher v. Smith Kline Beecham Corp. (June 18, 2012)

Pharma “detailers”

Considered “outside salesmen”

No overtime due

Williams v. Illinois (June 18, 2012)

DNA testing

Experts may speak of results

That others obtained

Parker v. Matthews (June 11, 2012)

Sixth Circuit chided

“Flimsiest of rationales”

For habeas grant

Elgin v. Department of the Treasury (June 11, 2012)

Fired Fed workers

Administrative review

No district court suit

Armour v. Indianapolis (June 4, 2012)

Sewer improvements

No equal protection claim

Those who paid full fee

Reichle v. Howards (June 4, 2012)

No fan of Cheney

Arresting agents immune

Free speech claim unclear

Coleman v. Johnson (May 29, 2012)

Murder in alley

No habeas for lookout

Respect the jury

Radlax Gateway Hotel, LLC v. Amalgamated Bank (May 29, 2012)

Bankruptcy cramdown

Must allow credit bidding

For plan approval

Blueford v. Arkansas (May 24, 2012)

Foreperson's report

Does not count as acquittal

Retrial allowed

Freeman v. Quicken Loans, Inc. (May 24, 2012)

Mortgage discount fees

No RESPA violation

Not split with others

Holder v. Martinez Guitierrez (May 21, 2012)

Deportation law

Parent's time as resident

Doesn't help out child

Taniguchi v. Kan Pacific Saipan, Ltd. (May 21, 2012)

Prevailing Party

Document translation costs

Can't be awarded

Astrue v. Capato (May 21, 2012)

In vitro babies

No survivor benefits

Conceived post-mortem

Hall v. U.S. (May 14, 2012)

Farm in bankruptcy

Capital gains tax from sale

Not dischargeable

U.S. v. Home Concrete & Supply (Apr. 25, 2012)

Taxes underpaid

Property basis too high

Tax man has three years

Wood v. Milyard (Apr. 24, 2012)

Timeliness issue

Appeals court raised on its own

Discretion abused

Mohamad v. Palestinian Authority (Apr. 18, 2012)

Torture Victim claims

Against organizations?

No, just real people

Kappos v. Hyatt (Apr. 18, 2012)

Patent applicant

May submit new evidence

In district court suit

Caraco Pharmaceutical Labs. v. Novo Nordisk (Apr. 17, 2012)

Generic maker

May sue drug patent holder

To correct use code

Filarsky v. Delia (Apr. 17, 2012)

Private attorney

Qualified Immunity

Working for City

Rehberg v. Paulk (Apr. 2, 2012)

Complaining witness

Civil suit immunity

Grand jury statement

Florence v. Board of Chosen Freeholders of County of Burlington (Apr. 2, 2012)

Minor offenders

May be subject to strip search

Before jail entry

Vartelas v. Holder (Mar. 28, 2012)

Short visits to Greece

Old immigrant law applies

No U.S. “entry.”

Setser v. U.S. (Mar. 28, 2012)

Federal sentence

May run consecutive to

Future state sentence

FAA v. Cooper (Mar. 28, 2012)

HIV pilot

No mental damage award

Privacy Act claim

Credit Suisse Securities (USA) LLC v. Simmonds (Mar. 26, 2012)

“Short-swing” profits suit

No limitations tolling

Except rare cases

Zivotofsky v. Clinton (Mar. 26, 2012)

Birthplace on passport

Political question? No.

Courts may reach merits

Lafler v. Cooper (Mar. 21, 2012)

Plea deal rejected

Counsel wrong about the law

State must reoffer

Missouri v. Frye (Mar. 21, 2012)

Defendants' counsel

May have been ineffective

Plea deals not disclosed

Sackett v. EPA (Mar. 21, 2012)

Homeowners near lake

Received EPA findings

Have APA claim

Martinez v. Ryan (Mar. 20, 2012)

Habeas claimant

Ineffective counsel TWICE!

Fed. Court may hear claim

Roberts v. Sea-Land Services (Mar. 20, 2012)

Injured dock worker

Gets twice the average wage

Year of injury

Mayo Collaborative Servs. v. Prometheus Labs. (Mar. 20, 2012)

Disease treatment plan

Natural phenomena

Not patentable

Coleman v. Court of Appeals of Maryland (Mar. 20, 2012)

FMLA case

Sovereign immunity

Self-care provision

Martel v. Clair (Mar. 5, 2012)

On decision's eve

Second new counsel request

Habeas denied

Kurns v. Railroad Friction Prods. Corp. (Feb. 29, 2012)

Railroad machinist

Asbestos-based state tort claim

U.S. law pre-empts

PPL Montana v. Montana (Feb. 22, 2012)

Hydroelectric

Non-navigable river

No rent due to State

Douglas v. Independent Living Ctr. of S. Cal. (Feb. 22, 2012)

State Medicaid cuts

Supremacy Clause Issue?

Let Ninth Circuit rule

Messerschmidt v. Melender (Feb. 22, 2012)

Warrant sought gang stuff

Qualified immunity

Scope reasonable

Marmet Health Care Center v. Brown (Feb. 21, 2012)

Arbitration clause

Signed pre-conduct, but covers

Torts by nursing home

Wetzel v. Lambert (Feb. 21, 2012)

Evidence withheld

Ambiguous notations

Habeas denied

Kawashima v. Holder (Feb. 21, 2012)

Immigration law

Aiding, abetting tax fraud

Deportable crime

Howes v. Fields (Feb. 21, 2012)

Questioned in prison

Told he could return to cell

No *Miranda* need

Reynolds v. U.S. (Jan. 23, 2012)

Registration rule

No pre-Act sex offenders

Unless A.G. says

Ryburn v. Huff (Jan. 23, 2012)

School shooting rumor

Qualified immunity

Cops who entered house

National Meat Association v. Harris (Jan. 23, 2012)

Pig slaughterhouses

Federal regulations

Preempt state statutes

U.S. v. Jones (Jan. 23, 2012)

GPS on car

Cops installed and monitored

“Search” that needs warrant

Perry v. Perez (Jan. 20, 2012)

New Texas districts

Legislature’s map should guide

Interim map scrapped

Maples v. Thomas (Jan. 18, 2011)

Pro bono lawyers

Did not tell client they quit

Missed deadline excused

Mims v. Arrow Financial, LLC (Jan. 18, 2012)

Robocaller suits

Can be brought in many courts

State or federal

Golan v. Holder (Jan. 18, 2012)

Congress may expand

Copyright coverage to

Public domain works

Perry v. New Hampshire (Jan. 11, 2012)

Car window smasher

Eyewitness identified

Not too suggestive

Pacific Operators Offshore, LLP v. Valladolid (Jan. 11, 2012)

Driller killed onshore

OCSLA applies

Substantial nexus

Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC (Jan. 11, 2012)

“Called” church school teacher

Time off for narcolepsy

Church could terminate

Gonzalez v. Thaler (Jan. 10, 2012)

Habeas claimant

No highest state court appeal

Untimely request

Minneci v. Pollard (Jan. 10, 2012)

Private prisoner

Has no Eighth Amendment case

Adequate state claim

CompuCredit Corp. v. Greenwood (Jan. 10, 2012)

Arbitration clause

Credit repair company

Agreement enforced

Smith v. Cain (Jan. 10, 2012)

First-degree murder

Eyewitness statements withheld

Conviction reversed

Judulang v. Holder (Dec. 12, 2011)

B.I.A. standard

Arbitrary, capricious

Deportation stopped

Hardy v. Cross (Dec. 12, 2011)

Confrontation Clause

Good faith effort made by State

To locate witness

Greene v. Fisher (Nov. 8, 2011)

Habeas standard

Established federal law

Time of conviction

Bobby v. Dixon (Nov. 7, 2011)

***Miranda* delayed**

Suspect urged to cut a deal

No habeas claim

KPMG LLC v. Cocchi (Nov. 7, 2011)

Madoff fraud victims

Must arbitrate covered claims

Litigate others

Cavazos v. Smith (Oct. 31, 2011)

Shaken baby case

Don't substitute court's judgment

For that of jury

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