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Editor's Note :

Each day for the remainder of the week, we will be posting previews on the oral arguments on the Affordable Care Act. Our health care resource page, including briefs and documents and archived coverage, is here.

Conor McEvily Round up
Posted Wed, March 21st, 2012 9:25 am
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Wednesday round-up

Yesterday was a busy one for Court reporters and commentators alike. The Court heard arguments in two cases and released opinions in four others. Meanwhile, next week's health care arguments continued to generate headlines.

The two cases in which the Court heard arguments yesterday were *Miller v. Alabama* and *Jackson v. Hobbs*, both of which involve the constitutionality of life-without-parole sentences for teenagers who commit murder. Lyle Denniston (who also previewed the two cases for this blog) reports that at oral argument the Court "appeared to be reaching for a compromise." Additional coverage of the arguments is provided by Nina Totenberg of NPR, Robert Barnes of the Washington Post, Adam Liptak of the New York Times, David G. Savage of the Los Angeles Times, Raju Chebium of USA Today, Warren Richey of the Christian Science Monitor, Bill Mears of CNN, Mike Sacks of the Huffington Post, James Vicini of Reuters, Mark Sherman of the Associated Press, Dahlia Lithwick of Slate, and Mary Orndorff of the Birmingham News. (Thanks to Howard Bashman for the last link.) At the blog Sentencing Law and Policy, Stephanos Bibas expresses surprise at "how confused the Justices are about how to frame the issues," while at the same blog Douglas A. Berman observes that "some Justices may be drawn to a substantive Eighth Amendment rule" while others "may be drawn to a procedural rule." Finally, the editorial board of the New York Times urges the Court to reject life-without-parole sentences, arguing that such a sentence for "14-year-olds, whose judgment and understanding have not been fully formed, takes away hope and reform and punishes them as adults, which they are not." Links to the transcripts in both of the arguments are available here.

The Court also released opinions in four cases yesterday, the details of which Kali has covered here. In *Martinez v. Ryan*, the Court held that where, under state law, ineffective-assistance-of-trial-counsel claims must be raised in an initial-review collateral proceeding, a procedural default will not bar a federal habeas court from hearing those claims if, in the initial-review collateral proceeding, there was no counsel or counsel in that proceeding was ineffective. Jaclyn Belczyk provides coverage of the opinion for JURIST, as does Debra Cassens Weiss at the ABA Journal. At Sentencing Law and Policy, Douglas A. Berman suggests that the Court's resolution of the case "is designed to try to ensure that the ruling ends up not being especially consequential," while at the blog Crime and Consequences Kent Scheidegger has two posts (here and here) weighing in on the implications of the "narrow" decision. At Concurring Opinions, Gerard Magliocca awards points to Justice Scalia for starting his *Martinez* dissent with, "Let me get this straight . . . ."

In *Mayo Collaborative Services v. Prometheus Laboratories*, the Court held that the process patent that Prometheus Laboratories had obtained for correlations between blood test results and patient health is not eligible for a patent because it incorporates laws of nature. Coverage of the decision comes from Lyle Denniston of this blog, Greg Stohr of Bloomberg, Adam Liptak of the New York Times, Jesse J. Holland at the Associated Press, Diane Bartz and James Vicini of Reuters, Joe Palazzolo of the Wall Street Journal Law Blog, Debra Cassens Weiss of the ABA Journal, and Jim Spencer of the Minneapolis Star Tribune. (Thanks again to Howard Bashman for the last link.)

In *Roberts v. Sea-Land Services, Inc.*, the Court held that an employee is "newly awarded compensation" for purposes of the Longshore and Harbor Workers' Compensation Act when he first becomes disabled and thereby becomes statutorily entitled to benefits, no matter whether, or when, a compensation order issues on his behalf. Hillary Stemple covers the opinion for JURIST. And in *Coleman v. Court of Appeals of Maryland* the Court held that state workers may not sue their employers for money for violating the self-care provision of the federal Family and Medical Leave Act. Providing coverage of the decision are Greg Stohr of Bloomberg, Adam Liptak of the New York Times, Robert Barnes of the Washington Post, David G. Savage of the Los Angeles Times, James Vicini of Reuters, Jesse J. Holland of the Associated Press, Debra Cassens Weiss of the ABA Journal, Warren Richey of the Christian Science Monitor, and Ruthann Robson of the Constitutional Law Prof Blog. At PrawfsBlawg, Michael Waterstone explains why he views *Coleman*'s plurality decision as "a growing trend of harmful and indefensible 'new federalism' decisions."

As next week's arguments in the health care cases draw near, coverage of both the Affordable Care Act (ACA) and the challenges to its provisions continues apace. Lyle Denniston of this blog has two posts (here and here) on the first two questions that the Court will address next week: whether the Anti-Injunction Act bars the Court from considering the constitutionality of the ACA's individual mandate and whether the individual mandate itself is unconstitutional. Ariane de Vogue of ABC News provides an overview of the issues that will be argued next week, while at the Associated Press Mark Sherman and Ricardo Alonso-Zaldivar outline six "potential outcome[s]" for the cases. At the Huffington Post, Mike Sacks interviews Professor Randy Barnett and former Acting Solicitor General Neal Katyal on the mandate's constitutionality, and at Bloomberg Amanda J. Crawford discusses how a decision striking down the ACA provision that expands Medicaid "might expose environmental and educational laws to legal challenges while hurting stocks." At USA Today, Richard Wolf reports that, in an attempt to look for precedents for the Act's individual mandate, supporters of the law are looking to the Militia Act of 1792, which arguably required certain citizens to enter into commerce by purchasing military supplies. And in a Wall Street Journal op-ed, Douglas Holtz-Eakin and Vernon L. Smith argue that the individual mandate is part of "an intricate, balanced policy on a flawed economic foundation" and thus cannot be severed from the rest of the ACA.

Finally, today the Court will hear arguments in *Vasquez v. United States*, involving the federal harmless error rule, and *Reichle v. Howards*, in which a protester who was arrested for confronting and briefly touching Vice President Cheney at a shopping mall, is suing the federal officer who arrested him for retaliating against him for speaking out. At this blog Tejinder Singh previews the former case, and Lyle Denniston previews the latter. John Ingold also previews *Reichle* for the Denver Post. (Thanks again to Howard Bashman for the link.)

Briefly:

- Eric Connor of the Greenville (S.C.) News (subscription required) reports that retired Justice O'Connor will be in Greenville, South Carolina to preside over several cases in the Fourth Circuit. (Thanks to Howard Bashman for the link).
- At this blog, John Elwood reviews Monday's relisted and held cases.
- Federal Evidence Review takes a close look at Monday's argument in *Southern Union Co. v. United States*.

Posted in Round-up

Recommended Citation: Conor McEvily, *Wednesday round-up*, SCOTUSblog (Mar. 21, 2012, 9:25 AM), http://www.scotusblog.com/2012/03/wednesday-round-up-127/