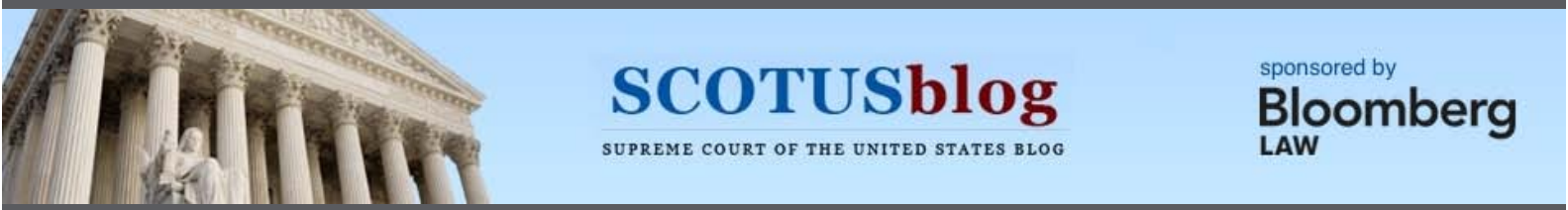


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Posted Thu, December 8th, 2011 11:31 am

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## Thursday round-up

Yesterday the Court heard oral arguments in two cases, [Mayo Collaborative Services v. Prometheus Laboratories](#) and [PPL Montana LLC v. Montana](#). Lyle Denniston [covered](#) the oral argument for this blog in *Mayo* – in which the Court is considering the scope of patent rights for a method of gauging medical patients’ reaction to drug dosages – while Greg Stohr has a detailed report for [Bloomberg](#). Other coverage comes from Adam Liptak at the [New York Times](#), Robert Barnes of the [Washington Post](#), Gene Quinn at [IP Watchdog](#), [Bloomberg Businessweek](#), the [Associated Press](#) (via the Washington Post), [Reuters](#), [Ars Technica](#), and [Patently-O](#). Before the oral argument, the [Minneapolis Star Tribune](#) previewed the case, while Alex Philippidis analyzes the *amicus* filings in the case at [Genetic Engineering & Biotechnology News](#) and concludes that if the Court’s recent decision in “[Bilski v. Kappos](#) is any guide, the court’s standard can be expected not to rely on the rigidity of a single test but on some combination of tests grounded in precedent and designed to advance life science innovation.”

In *PPL Montana*, which Thomas Merrill [previewed](#) for this blog, the Court considers what the proper test should be for determining a river’s navigability. [Bloomberg](#) previewed the case, as did [NBC Montana](#), while the Associated Press (via [CBS](#)), the [PBS Newshour](#), [Greenwire](#), and [KURL8 News](#) of Billings, Montana all provide coverage of the oral argument.

Yesterday, the University of Texas filed its brief opposing certiorari in [Fisher v. University of Texas at Austin](#), the challenge to its affirmative action policies. Lyle [reported](#) on the filing for this blog, which Adam Chandler also discusses in a post at [Just Enrichment](#).

Tuesday’s oral argument in the Confrontation Clause case [Williams v. Illinois](#) (which is also our topic in today’s [Community](#)) continues to generate discussion. Federal Evidence Review posted both a [preview](#) and [review](#) of the case, while Garrett Epps of the [Atlantic](#) reports that the oral argument as “highlight[ed] a split in the Court’s conservative wing.” Debra Cassens Weiss of the [ABA Journal](#) and the [Associated Press](#) (via the Atlanta Journal-Constitution) also have coverage.

Briefly:

- In a recent speech in Arizona, retired Justice Sandra Day O’Connor described her path to the Court. The [Yuma Sun](#) has coverage. (Hat tip to How Appealing for the link.)
- The Supreme Court will publish a cookbook in honor of Martin Ginsburg. Coverage



### Most Recent Posts

- [Texas asks split primaries](#) 8:54pm on 12/12
- [Today in the Community: December 12, 2011](#) 4:34pm on 12/12
- [Another landmark ruling in the offing](#) 11:09am on 12/12
- [Details on today’s orders and opinions](#) 11:00am on 12/12
- [Live blog of opinions: December 12, 2011](#) 9:39am on 12/12

### Calendar: December 2011

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- Orders/Opinions
- Arguments
- Conferences
- Events
- Holidays
- Multiple

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comes from the [Blog of the Legal Times](#).

- In an editorial at the [Fort Worth-Star Telegram](#), Linda P. Campbell argues that the upcoming Texas redistricting case (which Lyle analyzes [here](#)) shows that “judicial activism is in the eye of the beholder.”
- The Associated Press (via [ABC News](#)) reports that the Eighth Circuit has agreed to an en banc review of a case challenging a law banning peaceful protests at funerals. The law was enacted in response to protests by the Westboro Baptist Church, one of the respondents in last Term’s [Snyder v. Phelps](#).
- In the context of a discussion with his young daughter about the Affordable Care Act and a hypothetical law requiring everyone to eat broccoli, Mike Dorf of [Dorf on Law](#) discusses the historical distinction between prohibitions and affirmative obligations.
- The (Fort Dodge, Iowa) [Messenger](#) reports on the testimony of Iowa Supreme Court Chief Justice Mark Cady at Tuesday’s Senate Judiciary Committee hearing on the merits of allowing cameras in the courtroom.

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Posted in [Round-up](#)

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Miranda’s “in custody” requirement

[Hardy v. Cross](#)

State court determinations and federal habeas

[Judulang v. Holder](#)

Discretionary immigration relief

#### Community Discussions

[Sackett v. EPA](#)

Governmental enforcement of federal environmental laws against private property owners

[The Confrontation Clause and Williams v. Illinois](#)

The Court’s controversial Confrontation Clause jurisprudence through the prism of its latest case, *Williams v. Illinois*.

[Arizona v. United States: S.B. 1070](#)

Petition to be considered December 9.

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The Court and the press

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[Richie says, "Some witnesses provide pieces of the puzzle, even crucial pieces, without accusing a person of doing anything." Bingo!...](#)

Charles Nesson on 12/13 at 9:53 pm

[Richie says, "In answer to the questions posed by my old teacher \(and Evidence teacher, no less — from 1975!\) Charlie Nesson: The..."](#)

Charles Nesson on 12/13 at 5:59 pm

[For too long, federal, state and local governmental bodies have looked at the regulation of private property as an area where any exercise...](#)

William Maurer on 12/13 at 5:13 pm

[Sackett v. EPA SCOTUS Blog Community Discussion Day 1. Are Property Owners](#)