2009-2010 Supreme Court Preview: Contents

Institute of Bill of Rights Law at The College of William & Mary School of Law

Repository Citation
Institute of Bill of Rights Law at The College of William & Mary School of Law, "2009-2010 Supreme Court Preview: Contents" (2009). Supreme Court Preview. 208.
https://scholarship.law.wm.edu/preview/208

Copyright © 2009 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
https://scholarship.law.wm.edu/preview
SUPREME COURT PREVIEW

What to Expect From the New Term

October 2 & 3, 2009
2009-2010 Supreme Court Preview

Institute of Bills of Rights Law

The Institute of Bill of Rights Law was established at William & Mary in 1982 to support research and education on the Constitution and the Bill of Rights. One of the principal missions of the Institute is to facilitate interaction between the professions of law and journalism. Through a discussion of key cases on the Supreme Court's docket at the start of each term, the annual Supreme Court Preview provides in-depth education for journalists on the underlying issues to enhance press coverage of the decisions.

STAFF

Neal Devins, Goodrich Professor of Law, Director of the Institute of Bill of Rights Law, and Professor of Government

Melody S. Nichols, Assistant Director of the Institute of Bill of Rights Law

Linda Quigley, Adjunct Professor of Law and Consultant to the Institute of Bill of Rights Law for the Supreme Court Preview

Lead Student Editor

Ryan Millett

Assistant Student Editors

Edward Finn  Kevin Ferrigan  Joe Massicotte

Melissa McDowell  Brandon Waterman

The Institute of

Bill of Rights

Law

William & Mary School of Law
Williamsburg, Virginia 23187-8795
(757) 221-3810 ♦ Fax (757) 221-3775
E-Mail: IBRL@wm.edu ♦ Web: IBRL.org
2009-2010 Supreme Court Preview

Table of Contents

Schedule of Events p. i
Who’s Who on the Panels p. ii

I. MOOT COURT: GRAHAM v. FLORIDA

In This Section:

New Cases: 08-7412 Graham v. Florida; 08-7621 Sullivan v. Florida

Synopsis and Questions Presented p. 2
Synopsis and Questions Presented p. 12
“High Court to Look at Life Sentences for Juveniles” p. 14
Robert Barnes

“Why Two Juvenile Sentence Cases?” p. 16
Lyle Denniston

“Sentenced as Teen, Convicted Rapist Appeals to Highest Court” p. 18
Bill Mears

“Judge Gives Teen-Ager Life Term in Rape Case” p. 21
The Associated Press

“Police Arrest 3 Robbery Suspects” p. 22
Tia Mitchell

“Defining ‘Cruel and Unusual’ When Offender Is 13” p. 23
Adam Liptak

“States Reconsider Life Behind Bars for Youth” p. 26
Amanda Paulson

“Supreme Court Bans Execution of Juveniles” p. 28
David G. Savage

“U.S. Supreme Court vs. the World” p. 31
Tony Mauro
II. JUSTICE SOTOMAYOR AND THE SUPREME COURT

In this Section:

“The Young and the Reckless: The Supreme Court Contemplates Executing Juveniles”  
Dahlia Lithwick  
p. 33

“Obama Chooses Sotomayor for Supreme Court Nominee”  
Jeff Zeleny  
p. 39

“From Humble Orgins, a Court Nominee in Obama’s Image”  
Joan Biskupic and Martha T. Moore  
p. 41

“Sotomayor’s Record Sets off Few Ideological Alarm Bells”  
David G. Savage and Christie Parsons  
p. 45

“Uncommon Detail Marks Rulings by Sotomayor”  
Jerry Markon  
p. 48

“Queries on Abortion and Guns Fail to Break Judge’s Stride”  
Sheryl Gay Stolberg and Neil A. Lewis  
p. 52

“Diversity a Touchy Subject at Sotomayor Hearings”  
James Oliphant and David G. Savage  
p. 55

“She’s Come Redone”  
Dahlia Lithwick  
p. 58

“A Judge’s View of Judging Is on the Record”  
Charles Savage  
p. 61

“Identity Politics and Sotomayor”  
Stuart Taylor  
p. 63

“Her Justice Is Blind”  
Thomas Goldstein  
p. 66

“The Sotomayor Nomination”  
Richard Epstein  
p. 68

“Opposing View: A Confirmation Conversation”  
Jeff Sessions  
p. 70

“Vote No on Sotomayor”  
David McIntosh  
p. 71
III. THE SUPREME COURT IN 2020 – No Materials

In America, all things political have a way of turning into judicial controversies. Increasingly, major issues on the national policy agenda turn into litigation, and, ultimately, controversies before the U.S. Supreme Court. Accordingly, it is worthwhile to contemplate how today's politics will translate into future judicial battles. The panel, "The Supreme Court in 2020" will consider what those issues might be, which of today's political controversies are most likely to work their way to the Court, what the Court's role in political controversies ought to be, and whether the Court will likely facilitate or limit some of these reforms.

IV. BUSINESS

In This Section:

New Case: 08-964 Bilski v. Doll

Synopsis and Questions Presented

“Justices to Weigh Issue of Patenting Business Methods”
Adam Liptak

“Supremes Asked to Review Key Patent Decision”
Client Server News (USA)

“Patent Ruling May Undercut Intellectual Property Rights”
Rick Stouffer

“Patent Rules out of Date, Inventors Say”
Carol J. Williams

New Case: 08-905 Merck v. Reynolds

Synopsis and Questions Presented

“Merck Gets High Court Hearing on Investor Vioxx Suit”
Greg Stohr

“Court Revives Merck Class-Action Suit”
Sophia Pearson

“Pension Fund of New York Files Suit Against Merck” p. 119
Barry Meier

“Justice Dept. and S.E.C. Investigating Merck Drug” p. 121
Andrew Pollack

“Revisiting the Limitations Period for Securities Fraud” p. 123
Sarah S. Gold and Richard L. Spinogatti

New Case: 08-661 American Needle Inc. v. NFL

Synopsis and Questions Presented p. 127

“Court Takes Case over Licensing of NFL Apparel” p. 133
Frederic J. Frommer

“NFL-Reebok Licensing Accord Gets U.S. Supreme Court Scrutiny” p. 135
Greg Stohr

“Analysis: Obama, the Hat, and the Court” p. 136
Lyle Denniston

“Antitrust Case Could Be Armageddon” p. 138
Lester Munson

New Case: 08-586 Jones v. Harris Associates

Synopsis and Questions Presented p. 144

“The Supreme Court’s Review of a Section 36(b) Fee Suit” p. 150
Thomas O. Gorman

“High Court Review of Mutual Fund Case Likely” p. 152
Lea Anne Copenhefer, Steven R. Howard, Roger P. Joseph, and Joshua B. Sterling

“United States: Two Recent Decisions Impact Mutual Fund Fees and Income Interest Taxability” p. 156
Amy Pershkow

“Court Rejects Thrust of Investor Suit Against Funds” Fund Action p. 158

“Practical Implications of a Supreme Court Ruling in Jones v. Harris” p. 159
William Birdthistle
New Case: 08-240  Mac’s Shell Service v. Shell Oil Products
08-372  Shell Oil Products v. Mac’s Shell Service

Synopsis and Questions Presented  p. 161

“Gas Station Lease Dispute Will Get U.S. Supreme Court Scrutiny” p. 169
Greg Stohr

“1st Circuit Upholds $4.5M Verdict in Gas Price Suit Against Shell” p. 170
*The National Law Journal*

“Jury Rules for Franchises in Shell Trial” p. 172
Kimberly Blanton

“Shell Oil Tightens Noose—Dealers Take Operator to Court” p. 173
L. Kim Tan

V. CRIMINAL

In This Section:

New Case: 08-876 Black v. United States

Synopsis and Questions Presented  p. 178

“Conrad Black’s Anti-Fraud Case Will Go to Supreme Court” p. 184
David G. Savage

“Convictions of Black, 3 Other Execs Upheld” p. 185
Mary Wisniewski

“Judges Appear Cool to Black Appeal” p. 186
Susan Chandler

“Media Tycoon Begins Term in Federal Prison” p. 187
Stephen Hudak

“Unbowed Black Gets 6 1/2 Years” p. 189
David Savage

“Dark Day for Lord Black” p. 192
Ameet Sachdev, David Greising and Susan Chandler

“Lord Black Is Indicted by U.S.” p. 195
Geraldine Fabrikant

“DOJ May Rein in Use of ‘Honest Services’ Statute” p. 198
Lynne Marek

**New Case:** 08-1196 *Weyhrauch v. United States*

Synopsis and Questions Presented  
“Supreme Court Takes Weyhrauch Mail-Fraud Question”  
Erika Bolstad  

“Court OKs Weyhrauch Evidence”  
Lisa Demer and Richard Mauer  

“Corruption Trials Divided; Kott’s Hearing Continues, but Weyhrauch’s Stalls on Federal Appeal”  
Richard Mauer and Lisa Demer  

“Indictment: Weyhrauch Sought Work with VECO”  
Pat Forgery  

**New Case:** 08-1224 *United States v. Comstock*

Synopsis and Questions Presented  
“Supreme Court to Review Sex Offender Law”  
Warren Richey  

“Release of Sex Offenders Delayed”  
Lyle Denniston  

“4th Circuit Strikes Down Indefinite Lock-up of Those Tagged ‘Sexually Dangerous’”  
Pamela A. McLean  

“8th Circuit Says Adam Walsh Act Constitutional”  
Angela Riley  

“4th Circuit Got It Right in Comstock”  
Corey Rayburn Yung  

“U.S. Plans to Detain Worst Sex Offenders”  
*USA Today*  

“New Law Designed to Provide More Protection for Children”  
Sonya Kimbrell  

**New Case:** 07-11191 *Briscoe v. Virginia*

Synopsis and Questions Presented
“Analysis: Is Melendez-Diaz Already Endangered?”
Lyle Denniston

“U.S. Supreme Court to Hear Virginia Confrontation Case”
Alan Cooper

“Requiring Accused to Demand Presence of Analyst Doesn’t Deny Confrontation Right”
US Law Week

“AG Candidate Wants Special Session After Supreme Court Ruling”
Associated Press

VI. FIRST AMENDMENT

In This Section:

Reargument: 08-205 Citizens United v. F.E.C.

Synopsis and Question Presented

“Court Appears Poised to Rewrite Spending Rules”
Adam Liptak

“High Court Hears Arguments over Anti-Clinton Film”
Joan Biskupic

“The Supreme Court Reviews Hillary: The Movie”
Dahlia Lithwick

“Hillary: The Movie to Get a Supreme Court Review”
David G. Savage

“Now Showing: Hillary: The Movie and Election-Law Gripes”
Warren Richey

“Campaign ’08: Advertising; Makers of Anti-Clinton Film Lose Ruling”
The Associated Press

“Some Who Fight for McCain Are Fighting Against McCain-Feingold”
Matthew Mosk and Robert Barnes

“Citizens United: Did the Supreme Court Ask for a Briefing to Cure an Incurable Defect?”
Rick Hasen
“Justices Restrict Corporate Gifts for Politicians”
Linda Greenhouse  

“Justices Uphold Campaign Finance Law”
Charles Lane  

New Case: 08-769 United States v. Stevens

Synopsis and Question Presented  
“Animal Cruelty Law Draws U.S. High Court Review in Speech Case”
Greg Stohr  

“No Crime to Depict Animal Cruelty, Court Rules”
David G. Savage  

“Dogfighting Underworld Stretches Through Western Pennsylvania”
Torsten Ove  

“Authorities out to Crush Animal Snuff Films”
Martin Kasindorf  

“They’re Perverted, but Are They Protected?”
Jessica Reaves  

New Case: 08-472 Salazar v. Buono

Synopsis and Questions Presented  
“Cross Display Draws U.S. Supreme Court Review in Test for Obama”
Greg Stohr  

“Intriguing Issues About Religion”
Lyle Denniston  

“High Noon at Sunrise Rock”
Christopher Levenick  

“Veterans Fight to Be Remembered”
Jennifer Grisham  

“Supreme Court Agrees to Hear Mojave Cross Case”
David G. Savage  

“Desert Cross May Lead to Landmark Church-State Ruling”

David G. Savage

“9th Circuit Topples Mojave Desert Cross”
The Associated Press

“Judge Orders Cross Removed from Mojave National Preserve”
Kurt Repanshek

“Critics Say the Park Service Is Letting Religion and Politics Affect Its Policies”
Michael Janofsky

“Lawmaker Seeks Land Swap to Let Mojave Cross Stand”
Julie Cart

“Context Is Key to Sorting out Commandments Rulings”
Tony Mauro

New Case: 08-103 Reed Elsevier, Inc. v. Muchnick

Synopsis and Question Presented

“Court to Rule on Copyright Settlement”
Lyle Denniston

“Supreme Court to Revisit a Case on Breach of Copyright”
Adam Liptak

“Tasini Parties Ask Supreme Court to Overturn Settlement Rejection”
Andrew R. Albanese

“Second Circuit Holds Copyright Class Action Claims Must Be Based on Registered Copyright”
Andrew Ungberg

“Appeals Court Voids Agreement to Pay Freelancers for Work Published on the Web”
Richard Pérez-Peña

“Righting a Wrong Against Writers”
Shannon P. Duffy

“Copyright Developments You Should Know About”
Leonard D. DuBoff

“Did Second Circuit Eviscerate Copyright Class Actions?”
Peter L. Simmons and Mitchell Epner
VII. Individual Rights

In This Section:

New Case: 08-1151 Stop the Beach Renourishment v. Florida

Synopsis and Question Presented

“Supreme Court Takes up Property-Rights Case”
Warren Richey

“Beach Renourishment Victory: In a Long-Awaited Decision, High Court Says It’s State’s Duty to Restore Sand”
Fraser Sherman

“Walton Resumes Beach Restoration near Pompano Joe’s”
Heather Civil

“A Frontline in the Sand Against Erosion”
Robbyn Brooks

“Judge Says Renourishment Permit Should Be Issued”
Heather Civil

“Justices Uphold Taking Property for Development”
Linda Greenhouse

Looking Ahead: 08-1234 Kiyemba v. Obama

Synopsis and Question Presented

“Detainees’ Case Put Off”
Lyle Denniston

“Court Blocks Release of 17 Uighurs into U.S.”
Del Quentin Webber and Carrie Johnson

“Judge Orders Guantanamo Releases”
David G. Savage

“For 20 at Guantanamo, Court Victories Fall Short”
William Glaberson

“Analysis: What Are Detainees’ Rights Now?”
Lyle Denniston

“Analysis: Congress Moves to Control Detainees”

Lyle Denniston

“Detainees Challenge New Law”
Lyle Denniston

Looking Ahead: 08-1497 National Rifle Association v. City of Chicago

Synopsis and Question Presented

“NRA Takes Gun Case to High Court”
Joan Biskupic

“Court Upholds Chicago’s Gun Laws”
David G. Savage

“The Best Nine-Page Opinion Ever Written!”
Sandy Levinson

“Judge: Chicago’s Handgun Ban Legal”
Fran Spielman

“Conflicting Rulings on Guns Open Way to Supreme Court Review”
John Schwartz

“Gun Ruling Was Called a Landmark, but That Remains to Be Seen”
Adam Liptak