October Argument Session (13 Cases)

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgement
08-680	Maryland v. Shatzer	Decided	ST	10/5/09	2/24/10	Scalia	9-0	Reversed and Remanded
Holding: A "break in custody" permits the police to resume questioning a suspect who had previously asked for a lawyer. If the break in custody lasts more than two weeks between interrogations, the decision in *Edwards v. Arizona* does not apply to suppress a confession.								
08-678	Mohawk Industries v. Carpenter	Decided	CA11	10/5/09	12/8/09	Sotomayor	9-0	Affirmed
Holding: The Supreme Court held that a party cannot immediately appeal from a federal trial judge's ruling that a he must turn over evidence because it is not protected by the attorney-client privilege.								
08-769	US v. Stevens	Decided	CA3	10/6/09	4/20/10	Roberts	8-1	Affirmed
Holding: A law that makes it a crime to create or sell depictions of animal cruelty (including, in this case, dogfighting videos), applies to such a broad spectrum of expression (including, for example, hunting videos) that it violates the First Amendment right to free speech.								
08-6925	Johnson v. US	Decided	CA11	10/6/09	3/2/10	Scalia	7-2	Reversed and Remanded
Holding: The Florida felony offense of battery does not require physical force between two people and therefore does not constitute a "violent felony" for the purposes of federal sentencing guidelines.								
08-728	Bloate v. US	Decided	CA8	10/6/09	3/8/10	Thomas	7-2	Reversed and Remanded
Holding: The time granted to prepare pretrial motions is not automatically excluded from the 70-day limit under the Speedy Trial Act of 1974.								
08-472	Salazar v. Buono	Decided	CA9	10/7/09	4/28/10	Kennedy	5-4	Reversed and Remanded
Holding: After he received a court order in a previous case, the petitioner had standing to request that a cross place in a federal park be removed. However, the District Court was wrong to block the government's land transfer to a group who wanted to maintain the cross.								
08-103	Reed Elsevier v. Muchnick	Decided	CA2	10/7/09	3/2/10	Thomas	8-0	Reversed and Remanded
Holding: A copyright must be registered before one may file an infringement claim, but the failure of a copyright holder to have a registration does not restrict a federal court's power to decide infringement claims involving works that are not registered.								
08-604	Union Pacific Rail v. Locomotive Eng.	Decided	CA7	10/7/09	12/8/09	Ginsburg	9-0	Affirmed
Holding: Federal law provides for the binding arbitration of labor disputes involving railroads. The Court had agreed to decide whether (i) a court may overturn an arbitration award on the ground that it was unconstitutional, and (ii) the arbitration ruling in this case was in fact unconstitutionally retroactive. But it did not rule on those issues because it concluded that the arbitration violated the relevant federal statute.								
08-651	Padilla v. Kentucky	Decided	ST	10/13/09	3/31/10	Stevens	7-2	Reversed and Remanded
Holding: When counseling a client on whether or not to plead guilty to a crime, a defense attorney has a responsibility to tell his client if the guilty plea will cause the client to be deported or have other immigration consequences.								
08-724	Smith v. Spisak	Decided	CA6	10/13/09	1/12/10	Breyer	9-0	Reversed
Holding: Instructing a jury to consider only mitigating facts that were clearly mitigating is not a violation of "clearly established Federal law." The defendant's lawyer's closing argument - poor or not - did not clearly influence the outcome of the case.								
138, Orig.	South Carolina v. North Carolina	Decided	ST	10/13/09	1/20/10	Alito	5-4	Reversed
Holding: When states participate in litigation, private parties may intervene only if they show a unique and compelling interest. Here, two parties were permitted to intervene but a third party was shown to have a compelling, but non-unique interest.								
08-351	Alvarez v. Smith	Decided	CA7	10/14/09	12/8/09	Breyer	8-1	Vacated and Remanded
Holding: A challenge to an Illinois statute authorizing forfeiture of personal property used to facilitate drug crimes was mooted when parties resolved underlying disputes as to ownership of the property.								
08-970	Perdue v. Kenny A.	Decided	CA11	10/14/09	4/21/10	Alito	5-4	Reversed and Remanded
Holding: A federal court can award larger-than-usual attorney's fees to a civil rights lawyer who gives an especially strong performance in a particular case, but only in "extraordinary circumstances."								

November Argument Session (13 Cases)

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgement
08-586	**Jones v. Harris Associates LP.**	**Decided**	**CA7**	**11/2/09**	**3/30/10**	**Alito**	**9-0**	**Vacated and Remanded**
Holding: Mutual fund shareholders may challenge the amount of fees the fund's investment advisors charge for their services, even if the fee was fully disclosed to, and approved by, the fund's board of directors. In deciding whether the fees are excessive, courts must consider the totality of the circumstances, including how much the advisors charge other clients for similar services and whether the board of directors engaged in a fully-informed and disinterested review of the fees.								
08-1008	**Shady Grove v. Allstate Ins. Co.**	**Decided**	**CA2**	**11/2/09**	**3/31/10**	**Scalia**	**5-4**	**Reversed and Remanded**
Holding: Plaintiffs may sometimes sue for violations of state law in federal court. In such cases, state law decides the substantive claims, but federal law decides the procedures by which the case will be decided. The Court held that a state law forbidding that certain state claims be decided in a class action governed procedure, and therefore did not apply in federal court.								
08-992	**Beard v. Kindler**	**Decided**	**CA3**	**11/2/09**	**12/8/09**	**Roberts**	**8-0**	**Vacated and Remanded**
Holding: A defendant convicted in state court cannot challenge his conviction in a federal "habeas corpus" petition if there is an "independent and adequate" basis in state law for rejecting his claims — for example, if the defendant missed a deadline created by state law. The Supreme Court ruled that state law is not "inadequate" merely because state court judges have discretion whether to apply or ignore it.								
08-674	**NRG Power v. Maine Pub. Util. Comm'n**	**Decided**	**DC**	**11/3/09**	**1/13/10**	**Ginsburg**	**8-1**	**Reversed and Remanded**
Holding: When a third party challenges an agreement between an energy company and a utility over the rate the utility will pay for electricity, federal law presumes that rate is legal.								
08-538	**Schwab v. Reilly**	**Argued**	**CA3**	**11/3/09**				
Question presented: When a debtor files for bankruptcy, she must declare the value of her property, at which point the creditor to whom she is indebted can object to this declared amount. The question presented is: if the creditor does not object, and the debtor later realizes that the property is worth more than the declared amount, can the creditor collect the difference in value?								
08-969	**Hemi Group, LLC v. City of New York**	**Decided**	**CA2**	**11/3/09**	**1/25/10**	**Roberts**	**5-3**	**Reversed and Remanded**
Holding: If a city cannot show that it lost revenue because of a crime under the federal Racketeer Influenced and Corrupt Organizations Act (RICO), it cannot use that statute to recover unpaid taxes.								
08-1065	**Pottawattami County v. McGhee**	**Dismissed**	**CA8**	**11/4/09**	**--**	**--**	**--**	**--**
Dismissed following settlement between parties								
08-9156	**Wood v. Allen**	**Decided**	**CA11**	**11/4/09**	**1/20/10**	**Sotomayor**	**7-2**	**Affirmed**
Holding: Defendant's sentence should not be overruled because his attorney did not make an "unreasonable decision" to withhold evidence of his mental deficiencies.								
08-7412	**Graham v. Florida**	**Decided**	**ST**	**11/9/09**	**5/17/10**	**Kennedy**	**6-3**	**Reversed and Remanded**
Holding: It is unconstitutional to sentence a juvenile offender to life in prison without parole when the crime does not involve murder, given the Eighth Amendment's ban on "cruel and unusual" punishment.								
08-7621	**Sullivan v. Florida**	**DIG**	**ST**	**11/9/09**	**5/17/10**	**-**	**-**	**-**
Dismissed as Improvidently Granted								
08-964	**Bilski v. Kappos**	**Argued**	**FED**	**11/9/09**				
Question presented: When can a patent be issued for a method of doing business?								
08-911	**Kucana v. Holder**	**Decided**	**CA7**	**11/10/09**	**1/20/10**	**Ginsburg**	**9-0**	**Reversed and Remanded**
Holding: Discretionary determinations by the Board of Immigration Appeals, such as whether or not to "reopen" a previous ruling, cannot be appealed to a federal appeals court.								
08-1107	**Hertz Corp. v. Friend**	**Decided**	**CA9**	**11/10/09**	**2/23/10**	**Breyer**	**9-0**	**Vacated and Remanded**
Holding: The "principal place of business" of a corporation is the place where its high level officers direct, control, and coordinate its activities, which will usually be its corporate headquarters.								

December Argument Session (10 Cases)

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgement
08-304	**Graham County v. US ex rel. Wilson**	**Decided**	**CA4**	**11/30/09**	**3/30/10**	**Stevens**	**7-2**	**Reversed and Remanded**
Holding: Lawsuits under the Federal False Claims Act seeking to recover federal funds that have been misspent are barred if the information used in the lawsuits came from state or local agencies' reports or audits.								
08-905	**Merck v. Reynolds**	**Decided**	**CA3**	**11/30/09**	**4/27/10**	**Breyer**	**9-0**	**Affirmed**
Holding: The time for a plaintiff to file a federal securities fraud lawsuit begins to run as soon as a plaintiff discovers, or reasonably should have discovered, all of the facts that make up the violation, including the defendant's intent to defraud.								
08-1119	**Milavetz v. US**	**Decided**	**CA8**	**12/1/09**	**3/8/10**	**Sotomayor**	**9-0**	**Reversed and Remanded**
Holding: Federal bankruptcy law prohibits lawyers from advising a debtor to take on more debt when filing for bankruptcy and certain disclosure requirements do not violate the attorney's free speech rights.								
08-1134	**US Aid Funds v. Espinosa**	**Decided**	**CA9**	**12/1/09**	**3/23/10**	**Thomas**	**9-0**	**Affirmed**
Holding: A bankruptcy court has the authority to discharge a student loan debt even if the student has not filed a claim of undue hardship.								
08-1151	**Stop the Beach v. Florida**	**Argued**	**ST**	**12/2/09**				
Question presented: The Florida Supreme Court held that when the state deposited sand to stop erosion, that land became the state's property. The question presented is whether that ruling violated the federal Constitution, including because it constituted a "taking" of private property without compensation.								
08-861	**Free Ent. Fund v. PCAOB**	**Argued**	**DC**	**12/7/09**				
Question presented: The Public Company Accounting Oversight Board has various powers related to regulating public companies. The question presented is whether the Board's structure violates the Constitution because the President does not have the direct power to appoint or remove Board members, or to direct the Board's decisions.								
08-1175	**Florida v. Powell**	**Decided**	**ST**	**12/7/09**	**2/23/10**	**Ginsburg**	**7-2**	**Reversed and Remanded**
Holding: Police satisfy the requirements of *Miranda v. Arizona* when they advise a suspect that they have the right to talk to a lawyer before answering questions and that they can request a lawyer at any point during questioning.								
08-876	**Black v. US**	**Argued**	**CA7**	**12/8/09**				
Question presented: Federal law makes it a crime to deprive your employer of your "honest services." One question presented by this case is whether an employee of a private company violate the statute if there is no risk that his employer will be harmed? The case also presents an unrelated question regarding what a defendant must do to object to an erroneous jury instruction.								
08-1196	**Weyhrauch v. US**	**Argued**	**CA9**	**12/8/09**				
Question presented: Can a state government official be convicted under the honest services statute for conduct that is not illegal under state law?								
08-1198	**Stolt-Nielsen S.A. v. AnimalFeeds**	**Decided**	**CA2**	**12/9/09**	**4/27/10**	**Alito**	**5-3**	**Reversed and Remanded**
Holding: When a defendant is alleged to have violated many people's rights, the victims can sometimes bring their claims in court as a group, through a "class action" lawsuit. At the same time, rather than litigate disputes in courts, people sometimes agree to arbitration. In this case, the Supreme Court held that an arbitration may proceed as a class action only if the parties agreed to arbitrate on a class-wide basis.								

January Argument Session (10 Cases)

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgement
132, Orig	**Alabama v. North Carolina**	**Argued**	**ST**	**1/11/10**				
Question presented: The dispute is over the construction of a hazardous waste facility in North Carolina pursuant to a compact between several states.								
07-11191	**Briscoe v. Virginia**	**Decided**	**ST**	**1/11/10**	**1/25/10**	**Per Curiam**	**9-0**	**Vacated and Remanded**
Holding: Vacated and Remanded in light of the Court's decision in *Melendez-Diaz v. Massachusetts* (2009).								
08-1224	**US v. Comstock**	**Decided**	**CA4**	**1/12/10**	**5/17/10**	**Breyer**	**7-2**	**Reversed and Remanded**
Holding: The Court upholds the law passed by Congress to order the civil commitment of a mentally ill federal prisoner who is a sex offender with the commitment to continue beyond the date the inmate otherwise would be released.								
08-645	**Abbott v. Abbott**	**Decided**	**CA5**	**1/12/10**	**5/17/10**	**Kennedy**	**6-3**	**Reversed and Remanded**
Holding: A parent has a right of custody under the Hague convention on child abduction by reason of the parent's ne exeat right. That right is the authority to consent before the other parent can remove a child from the country where the child is living.								
08-661	**American Needle v. NFL**	**Argued**	**CA7**	**1/13/10**				
Question presented: The federal antitrust laws prohibit some "collective" action by "separate" entities. The question presented is whether that provision applies when NFL teams work together in marketing gear, or are the teams in that context instead a "single entity."								
08-1200	**Jerman v. Carlisle**	**Decided**	**CA6**	**1/13/10**	**4/21/10**	**Sotomayor**	**7-2**	**Reversed and Remanded**
Holding: Debt collectors are liable for violating the Fair Debt Collection Practices Act even if they did not know that their conduct violated the statute.								
08-240	**Mac's Shell Serv. v. Shell Oil Prod.**	**Decided**	**CA1**	**1/19/10**	**3/2/10**	**Alito**	**9-0**	**Reversed and Remanded**
Holding: A gas station may not sue a former franchisor for "constructive termination" under the Petroleum Marketing Practices Act.								
08-1214	**Granite Rock v. Teamsters**	**Argued**	**CA9**	**1/19/10**				
Question presented: In this case, the employer wants to sue over a collective bargaining agreement signed by a local union rather than its international. The questions are, under federal labor law, whether (1) a federal court or instead an arbitrator should decide whether there is an actual agreement, and (2) the employer should sue the international or instead the local.								
08-1402	**Berghius v. Smith**	**Decided**	**CA6**	**1/20/10**	**3/30/10**	**Ginsburg**	**9-0**	**Reversed and Remanded**
Holding: Defendants have the right to a trial by a jury selected from a fair cross-section of the community. In this case, in which an African-American man convicted by an all-white jury selected from a pool that contained a very small percentage of African Americans, the Court held that there was not enough evidence of systematic exclusion of African-American jurors from the pool to establish a constitutional violation.								
08-810	**Conkright v. Frommert**	**Decided**	**CA2**	**1/20/10**	**4/21/10**	**Roberts**	**5-3**	**Reversed and Remanded**
Holding: When an employee health plan gives the plan administrator the power to resolve ambiguities in the plan's terms, the administrator's interpretation is entitled to deference in court. The Court held that the administrator's right to deference is not lost simply because the administrator previously had a different interpretation of the plan, even if that prior interpretation had been found unreasonable by a court.								

February Argument Session (12 Cases)

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgement
08-1322	**Astrue v. Ratliff**	**Argued**	**CA8**	**2/22/10**				
Question presented: When a party wins a lawsuit against the government and is awarded her attorneys' fees, do those fees first go to the party or instead straight to the lawyer? The question matters because if they go to the party, the government can deduct money the party owes it (for example, to pay off back taxes).								
08-974	**Lewis v. City of Chicago**	**Argued**	**CA7**	**2/22/10**				
Question presented: Federal law sets a short deadline to file a "charge" with the Equal Employment Opportunity Commission to challenge discrimination by an employer, which is a prerequisite to later filing a lawsuit in court. The question is whether the deadline starts to run on the day the employer announces the act or instead on the later day the employer implements it.								
08-1498	**Holder v. Humanitarian Law Project**	**Argued**	**CA9**	**2/23/10**				
Question presented: Is the federal law criminalizing providing support for terrorist groups unconstitutional because it is either too vague or violates the right to free speech?								
08-1569	**US v. O'Brien**	**Argued**	**CA1**	**2/23/10**				
Question presented: In a federal gun case, does the judge decide whether the gun was a machine gun by a preponderance of the evidence, or must the jury find that beyond a reasonable doubt?								
08-1301	**Carr v. US**	**Argued**	**CA7**	**2/24/10**				
Question presented: The federal Sex Offender Registration and Notification Act (SORNA) requires defendants who commit certain sex-related offenses to register with state and federal databases. The issue is whether a defendant who committed a sex-related offense before SORNA became law must register after its enactment.								
08-1341	**US v. Marcus**	**Argued**	**CA2**	**2/24/10**				
Question presented: When a defendant raises an issue on appeal that he did not raise in the district court, that argument is generally subject to "plain error review," which is hard to prove. In this case, the defendant argued for the first time on appeal that he had been unconstitutionally convicted for conduct that occurred before the criminal statute was enacted. The question presented is whether that claim prevails on plain error review so long as there is "any possibility" the defendant was convicted for conduct prior to the statute's adoption, or whether a more stringent standard applies.								
08-1470	**Berghuis v. Thompkins**	**Argued**	**CA6**	**3/1/10**				
Question presented: The case raises two issues. First, when a defendant says he understands his "Miranda" rights but does not invoke or waive them, what are the police allowed to say in trying to persuade him to cooperate? Second, did the federal court of appeals in this case improperly override the state courts' ruling that the evidence of the defendant's guilt was so strong that he was not harmed by the bad performance of his lawyer?								
09-5327	**Holland v. Florida**	**Argued**	**CA11**	**3/1/10**				
Question presented: Can the fact that a defendant missed the one-year deadline to file a "habeas corpus" petition challenging his conviction be forgiven because it resulted from his lawyer's inexcusable mistake?								
08-1394	**Skilling v. US**	**Argued**	**CA5**	**3/1/10**				
Question presented: The case raises two issues regarding the "honest services" law. First, must the defendant have intended to benefit himself? Second, is the statute unconstitutionally vague? The case also raises a separate issue: what legal standard governs a claim that prejudice in the community prevented him from receiving a fair trial?								
08-1521	**McDonald v. City of Chicago**	**Argued**	**CA7**	**3/2/10**				
Question presented: Does the constitutional right to bear arms apply to state and local gun laws?								
08-1529	**Hui v. Castaneda**	**Decided**	**CA9**	**3/2/10**	**5/3/10**	**Sotomayor**	**9-0**	**Reversed and Remanded**
Holding: Public health service officers and employees are immune from Bivens actions for constitutional harms committed in the line of duty.								
08-1555	**Samantar v. Yousuf**	**Argued**	**CA4**	**3/3/10**				
Question presented: Does federal law permit a plaintiff to file a suit in this country against a former official of a foreign government for alleged human rights abuses he committed overseas while in office?								

March Argument Session (11 Cases)

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgement
08-998	**Hamilton v. Lanning**	**Argued**	**CA10**	**3/22/10**				
Question presented: Federal law requires that a debtor in a Chapter 13 bankruptcy pay her "projected disposable income" to her creditors during the period of her bankruptcy plan. The question presented is how to calculate "projected disposable income" when it is known that the debtor's future income will be substantially higher or lower than her past income.								
09-223	**Levin v. Commerce Energy**	**Argued**	**CA6**	**3/22/10**				
Question presented: May plaintiffs bring a suit in federal court alleging that a state tax exemption benefiting other parties but not them is unconstitutionally discriminatory?								
08-1457	**New Process Steel v. NLRB**	**Argued**	**CA7**	**3/23/10**				
Question presented: An administrative body known as the National Labor Relations Board makes rulings on federal labor law. The question is whether a Board ruling issued by only two board members is legal.								
08-1553	**Kawasaki v. Regal-Beloit Corp.**	**Argued**	**CA9**	**3/24/10**				
Question presented: Does a federal law holding shippers liable for damage to certain shipments apply to damage during the rail portion of an international shipment that has no domestic bill of lading?								
09-158	**Magwood v. Patterson**	**Argued**	**CA11**	**3/24/10**				
Question presented: A state defendant is generally not permitted to file a "second or successive" federal habeas corpus challenge to his conviction or sentence. Here, the defendant filed a habeas corpus application and won a right to a reconsideration of his sentence. After the state court imposed the same sentence again, he again sought federal habeas corpus. This time, he raised a new argument that could have been in his initial application but was not. The question presented is whether the latter petition is "second or successive" and therefore forbidden.								
09-338	**Renico v. Lett**	**Decided**	**CA6**	**3/29/10**	**5/3/10**	**Roberts**	**6-3**	**Reversed and Remanded**
Holding: The Michigan Supreme Court decision in the case was "reasonable" under federal habeas law, and therefore the Sixth Circuit was wrong in granting habeas relief to Reginald Lett.								
08-1191	**Morrison v. National Australia Bank**	**Argued**	**CA2**	**3/29/10**				
Question presented: When may federal courts hear a suit by foreign plaintiffs alleging that they were harmed by securities fraud in a transaction conducted overseas but that nonetheless has ties to the United States?								
09-6338	**Dillon v. US**	**Argued**	**CA3**	**3/30/10**				
Question presented: When a defendant seeks to modify his sentence in light of a revision to the federal Sentencing Guidelines, is the trial judge bound by the Guidelines or may he impose a different sentence?								
09-5201	**Barber v. Thomas**	**Argued**	**CA9**	**3/30/10**				
Question presented: Did the federal Bureau of Prisons properly adopt a rule that inmates receive "good-time" credit based on their time served rather than the length of the sentence (which would provide greater credits)?								
09-60	**Carachuri-Rosendo v. Holder**	**Argued**	**CA5**	**3/31/10**				
Question presented: Federal law forbids a lawful permanent resident who has been convicted of an "aggravated felony" from asking an immigration judge to cancel his deportation. A defendant who is convicted multiple times for drug offenses can be deemed to have committed an aggravated felony. The question presented is whether the successive drug conviction is an aggravated felony automatically or instead only if the court specifically finds that the defendant is a repeat offender.								
08-6261	**Robertson v. US ex rel. Watson**	**Argued**	**DC**	**3/31/10**				
Question presented: A person who violates a court order can be held in contempt, which can be civil (requiring payment of a fine, for example) or criminal (potentially requiring jail time). Here, a man violated a court order that he stay away from a woman. The woman successfully sought to have the man held in criminal contempt. The question presented is whether the Constitution permits a private person acting in her own name (rather than the government's) to seek criminal contempt.								

April Argument Session (8 Cases)

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgement
08-1371	**Christian Legal Society v. Martinez**	**Argued**	**CA9**	**4/19/10**				
Question presented: Does the First Amendment permit a state university to deny recognition and funds to a religious group that requires its members and leaders to share the organization's values, which conflict with the university's non-discrimination rules?								
08-1332	**City of Ontario v. Quon**	**Argued**	**CA9**	**4/19/10**				
Question presented: Does the Constitution prevent the government from reviewing text messages sent by an employee on a government device.								
09-367	**Dolan v. US**	**Argued**	**CA10**	**4/20/10**				
Question Presented: Whether a district court decision to enter a restitution order beyond the ninety-day time limit prescribed in 18 U.S.C. § 3664(d)(5) must be vacated.								
09-337	**Krupski v. Costa Crociere**	**Argued**	**CA11**	**4/21/10**				
Question Presented: Whether Fed. R. Cir. P. 15(c)(1)(C) – which permits an amended complaint to "relate back," for limitation purposes, when the amendment corrects a "mistake concerning the proper party's identity" – permits "mistakes" where the plaintiff had imputed knowledge of the identity of the added defendant prior to filing suit.								
09-497	**Rent-A-Center v. Jackson**	**Argued**	**CA9**	**4/26/10**				
Question Presented: Whether the district court is in all cases required to determine claims that an arbitration agreement subject to the Federal Arbitration Act ("FAA") is unconscionable, even when the parties to the contract have clearly and unmistakably assigned this "gateway" issue to the arbitrator for decision.								
09-448	**Hardt v. Reliance Standard Life Ins.**	**Argued**	**CA4**	**4/26/10**				
Question Presented: Whether ERISA § 502(g)(1) provides a district court with discretion to award reasonable attorney's fees only to a prevailing party; and (2) whether a party is entitled to attorney's fees pursuant to § 502(g)(1) when she persuades a district court that a violation of ERISA has occurred, successfully secures a judicially ordered remand requiring a redetermination of entitlement to benefits, and subsequently receives the benefits sought on remand.								
09-475	**Monsanto v. Geertson Seed Farms**	**Argued**	**CA9**	**4/27/10**				
Question Presented: (1) Whether plaintiffs under the National Environmental Policy Act are specially exempt from the requirement of showing a likelihood of irreparable harm to obtain an injunction; (2) whether a district court may enter an injunction sought to remedy a NEPA violation without conducting an evidentiary hearing sought by a party to resolve genuinely disputed facts directly relevant to the appropriate scope of the requested injunction; and (3) whether the Ninth Circuit erred when it affirmed a nationwide injunction that sought to remedy a NEPA violation based on only a remote possibility of reparable harm.								
09-559	**Doe #1 v. Reed**	**Argued**	**CA9**	**4/28/10**				
Question Presented: Does the First Amendment protect a referendum signer's right to anonymity?								

Term Statistics

Split	Total
9-0 (or 8-0)	16
8-1	3
7-2	8
6-3 (or 5-3)	6
5-4	4
Total Decided	**37**

Current Status	Count
Granted	0
Scheduled	0
Argued	38
Decided	37
Dismissed	1
DIG	1
Total Decided	37
Total Dismissed	2
Total Pending	38
Total Granted	**77**

Author	Count
Roberts	5
Stevens	2
Scalia	3
Kennedy	3
Thomas	3
Ginsburg	5
Breyer	5
Alito	5
Sotomayor	5
Per Curiam	1
Total Decided	**37**