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Tuesday round-up

By Amy Howe

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Yesterday the Court issued decisions in argued cases. In *Puerto Rico v. Franklin California Tax-Free Trust*, the Court ruled that Chapter 9 of the Bankruptcy Code preempts a Puerto Rico law creating a mechanism for the commonwealth's public utilities to restructure their debts. Lyle Denniston covered the ruling for this blog, with other coverage coming from NPR's Nina Totenberg, Lawrence Hurley of Reuters, Adam Liptak and Mary Walsh of The New York Times, and Lydia Wheeler of The Hill. InThe Washington Post, Brady Dennis reports on yesterday's denial of review in "an appeal from 20 states to block rules that limit the emissions of mercury and other harmful pollutants that are byproducts of burning coal." Commentary on yesterday's denial of review in the case of residents of American Samoa who were challenging the denial of birthright citizenship comes from Rose Villazor, who at Immigration Law Prof contends that "it is critical to understand what the Court's refusal to hear the case means for the individual plaintiffs who filed the case: they remain Americans with 'second class' status."

Commentary on the fiftieth anniversary of *Miranda v. Arizona* comes from Kent Scheidegger, who atCrime and Consequences offers "a simple proposal for a modernization of *Miranda*"; and from Samuel Gross and Maurice Possley, who at The Marshall Project suggest that electronic recording of interrogations "should be universal."

Commentary on last week's decision in the case of Pennsylvania death-row inmate Terrance Williams, in which the Court ruled that a judge who was significantly involved as a prosecutor in a critical decision regarding the defendant's case must recuse himself, comes from Noah Feldman of Bloomberg View, who contends that the dissents in the case "show how deeply divided the court really is over the death penalty – and how far the conservative justices are prepared to go in its defense"; David Sklansky, who at Legal Aggregate suggests that the case "serves as a reminder that in our system of criminal justice, the people who serve as judges, prosecutors, and defense attorneys—their skills, their characters, and their professional self-conceptions—can matter as much as or more than the rules under which they operate"; and

Dorothy Samuels, who in The Huffington Post concludes that, "by any reasonable reckoning, this was not a tough call." At Empirical SCOTUS, Adam Feldman looks at the Roberts Court's death penalty cases more broadly, concluding that "one more vote could very well lead to a return of the moratorium on the death penalty that this country saw in the mid-1970's between the Court's rulings in *Furman v. Georgia* and *Gregg v. Georgia*."

In The New York Times, Adam Liptak reports on a study by two law professors, who have concluded that "the Republican blockade of the nomination of Judge Merrick B. Garland, President Obama's pick for the Supreme Court" is "an unprecedented development." Commentary relating to the death of Justice Antonin Scalia and the dynamics on the eight-member Court comes from David Fontana in a series of posts (here, here, and here) at PrawfsBlawg.

Briefly:

- In The Advocate, Bryn Stole reports that approximately "300 Louisiana inmates spending their lives in prison for murders committed as teens are turning to the courts after the Legislature failed to address their sentences, which were declared unconstitutional by the U.S. Supreme Court in January."

- At More Soft Money Hard Law, Bob Bauer notes that the Court will "soon decide whether to take up a major case about disclosure and this has received little attention—far less than it should. At issue is the clarification of how far government authority extends in requiring the disclosure of the financing of 'issues speech'–speech or just information about candidates' positions that does not involve engaging in advocacy of their election or defeat."

- At Cato at Liberty, Ilya Shapiro and Jayme Weber urge the Court to grant review in a challenge to a local government's "rule that conditions shoreline owners' proposed land uses on dedicating a portion of their property as on-site conservation areas," arguing that the Court "should step in and clarify that its (now well-established)*Nollan–Dolan* precedents extend to takings via legislative actions, not just executive ones."

- At Appellate Practice Blog, Lisa Soronen discusses the Court's recent grant of review in the False Claims Act case *State Farm Fire & Casualty v. United States ex rel. Rigsby*.