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SUPREME COURT OF THE UNITED STATES BLOG

Marissa Miller *Round-up*

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Friday round-up

Coverage of the Court winds down after a busy week in which the Justices issued opinions in four cases and heard seven oral arguments.

On Wednesday, the Court issued its decision in *Hosanna-Tabor Church v. EEOC*, holding that the First Amendment bars suits brought by ministers who claim that they were terminated by their churches in violation of employment discrimination laws. The decision has continued to generate coverage, with summaries and analysis of the decision appearing in the Los Angeles Times and the Washington Times, and at NPR and UPI. In an article for the New York Times, John Cushman reports that the decision has been received positively in religious communities. At the Atlantic, Garrett Epps discusses the Court's decision to save for another day the task of formulating a legal test that will determine which religious employees qualify for newly established "ministerial exception," while at the WSJ Law Blog, Peter Landers examines the use of English law in the Chief Justice's opinion for the Court. In an op-ed for CNN, Douglas Laycock, who argued the case on behalf of the church, describes the decision as "sweeping" and "unqualified." The case has also begun to draw both praise and criticism from the nation's editorial pages. The editorial boards of the Christian Science Monitor, the Los Angeles Times, and theChicago Sun-Times characterize the case as a victory for religious freedom, as do op-eds in the Houston Chronicle and the Washington Examiner. On the other hand, the editorial board of the New York Times comes out against the decision, arguing that the Court's "sweeping deference to churches does not serve them or society wisely."

On Tuesday, the Court heard oral arguments in *FCC v. Fox Television Stations, Inc.*, involving a challenge to the constitutionality of the FCC's indecency regime. In an op-ed for the Fort Worth Star-Telegram, Linda Campbell reviews the oral argument and concludes that the "late, profane iconoclast George Carlin must have been rolling in his grave Tuesday — with laughter at the irony and potential." At ReporterNews.com, Jeremy Goldmeier reviews the issues in the case; he concludes that "[n]o matter which way the court leans, final control over what appears on a TV screen still rests in the hands of those wielding the remote." Other reports on the oral argument come from Rodney Ho at the blog of the Atlanta Journal Constitution and Joe Flint at the

blog of the Los Angeles Times. Finally, at the Huffington Post, Berin Szoka and Ilya Shapiro urge the Court to invalidate the FCC's indecency rules.

Finally, today's clippings also include coverage of the Court's opinions in *Perry v. New Hampshire* and *CompuCredit Corp. v. Greenwood*, as well as the oral argument in *Coleman v. Maryland Court of Appeals*. David Savage of the Los Angeles Times and Adam Liptak at the New York Times have coverage of *Perry*, in which the Court held that the Due Process Clause does not require courts to inquire into the reliability of an eyewitness identification if that identification was not procured by law enforcement officials under unnecessarily suggestive circumstances.

At Forbes, Mickey Meece discusses *CompuCredit* with class-action attorney Alan Kaplinsky, who argues that arbitration is in consumers' best interests. In the Los Angeles Times, columnist David Lazarus takes the opposite view, arguing that, in the wake of the case, Congress should pass a law to invalidate arbitration clauses in consumer and employer contracts.

JURIST has coverage of the oral argument in *Coleman* – a challenge to the constitutionality of the self-care provision of the Family and Medical Leave Act – as well as the argument in *Roberts v. Sea-Land Services*. Writing for the Huffington Post, Debra Ness argues that there is only one acceptable ruling in *Coleman*: "that the state of Maryland be held accountable for firing a hardworking employee who simply asked for leave under the Family and Medical Leave Act to recover from a serious medical condition." At Healthwatch, The Hill's health care blog, Julian Pecquet reports on an *amicus* brief filed on behalf of lawmakers involved in drafting the FMLA.
Briefly:

- At this blog, Richard Epstein analyzes Wednesday's decision in *Pacific Operators Offshore, LLP v. Valladolid*.
- At the WSJ Law Blog, Jess Bravin discusses Justice John Paul Stevens's repeated criticisms of Justice William O. Douglas in his memoir *Five Chiefs*.
- At Cato@Liberty, Trevor Burrus predicts that the Court will summarily reverse the Montana Supreme Court's recent decision upholding the state's ban on independent expenditures by corporations – a ruling that Burrus calls an attempt to "nullify" *Citizens United*.
- NPR's Carrie Johnson discusses prosecutorial misconduct and *Brady* obligations in the wake of the Court's decision in *Smith v. Cain* to give the petitioner a new trial.
- Ross Runkel at this blog discusses this week's oral argument in *Knox v. SEIU*.
- The Honolulu Star Advertiser reports that Justice Sonia Sotomayor will be visiting the William S. Richardson School of Law Hawaii at the end of this month.
- Writing for the Huffington Post, Miles Zaremski argues that the constitutionality of health care reform is effectively established by the Court's opinion in*Gonzales v. Raich*, an opinion joined by Justice Scalia.