



June 21, 2012

SUPREME COURT UPDATE

The Supreme Court announced decisions in four cases this morning.

- *Southern Union Company v. United States* – The Court extended the reasoning of its prior case, *Apprendi v. New Jersey*, to the imposition of criminal fines. Thus, a jury must make the determination of facts warranting the imposition of a fine.
- *Knox v. SEIU* – The Court held that the First Amendment protects non-union employees by requiring public-sector unions: 1) to get affirmative consent before using funds for general electioneering purposes; and, 2) to give a fresh notice whenever new dues increases are imposed.
- *Dorsey v. United States* and *Hill v. United States* – The Court applies the lower mandatory minimum sentences for crack cocaine offenses under the Fair Sentencing Act to defendants who were convicted before the Act went into effect but sentenced after it.
- *Federal Communications Commission v. Fox* – The Court held that because the FCC had not given broadcasters sufficient notice of certain indecency proscriptions – fleeting expletives and momentary nudity – the FCC’s standards were unconstitutionally vague.

More decisions will be announced on Monday, June 25, 2012.

Supreme Court Decisions Remaining This Term

With today’s decisions, there are five cases yet to be decided this term.

Case Name		Date of Argument	Question for the Court
1.	First American Financial Corp. v. Edwards	November 28, 2011	Federal law allows homebuyers to sue banks and title companies when they pay kickbacks for the closing of a mortgage loan. This case will decide if such payments are constitutional where price or quality of the services provided is not affected.

2.	United States v. Alvarez	February 22, 2012	Whether a federal law criminalizing lies about receiving military medals or honors violates the First Amendment.
3.	Miller v. Alabama/ Jackson v. Hobbs	March 20, 2012	Whether a sentence of life without parole for someone who was convicted of murder when he was fourteen violates the Constitution's prohibition on cruel and unusual punishment.
4.	U.S. Department of Health and Human Services v. Florida National Federation of Independent Business v. Sebelius Florida v. Department of Health and Human Services	March 21, 2012	(1) Whether Congress has the power under the Constitution to require virtually all Americans to obtain health insurance or pay a penalty; and (2) whether the Anti-Injunction Act, which prohibits taxpayers from filing a lawsuit to challenge a tax until the tax goes into effect and they are required to pay it, prohibits a challenge to the Act's provision requiring virtually all Americans to obtain health insurance or pay a penalty until after the provision goes into effect in 2014.
5.	Arizona v. United States	April 25, 2012	Whether federal immigration laws preclude Arizona's efforts at cooperative law enforcement.