

STATUS OF CASES ARGUED
BEFORE THE UNITED STATES SUPREME COURT
OCTOBER TERM, 2011

The following charts will summarize the final disposition of all cases that will be argued before the Supreme Court of the United States during October Term 2011. The 2010 Term began on October 3, 2011 and is scheduled to end in late June or early July, 2012.

Court-watchers often find that they can predict who will be the author of the final opinions issued from each session based on the previous authorship distribution, because typically each Justice is assigned at least one majority opinion per session. Because the author of the final opinion in a case is not always the same Justice who initially received the writing assignment, and because the Court sometimes departs from its usual patterns for various reasons (including assigning extra opinions to Justices who are more current on their assignments than other Justices), the exercise of predicting the author of a not-yet-released majority opinion is always one with a high potential for error. Nevertheless, experience has shown that the predictive exercise yields correct results often enough to make it interesting, even if not totally reliable.

The first chart below summarizes the Term, with each session represented by a column. The chart lists the number of cases that were or will be argued during the session, the number resolved to date, and how those cases were resolved—how many majority opinions each Justice drafted, and the number resolved *per curiam* or otherwise without a majority opinion.

The remaining tables present more detailed information on each session of the Term than is included in the summary table. Each session is presented on its own page, and includes a row for each case argued—specifying the case’s name, the date of argument, a brief summary of the issue presented, and, for those cases already decided, the date of decision and the author of the majority opinion. The next table includes similar information for opinions issued during the Term where oral argument was never conducted. A final table includes information about the cases in which the Court has granted certiorari but has not yet set a date for oral argument.

We try to update these charts when the Court schedules additional cases for oral argument or issues an opinion. We hope that you find this document useful, and welcome your feedback on it (which should be directed to kranlett@mayerbrown.com).

**SUMMARY TABLE
OCTOBER TERM, 2011**

	<i>Session beginning:</i>							NA	Tot.
	Oct. 3	Oct. 31	Nov. 28	Jan. 9	Feb. 21	Mar. 19	Apr. 16		
TOTAL ARGUMENTS SCHEDULED	12	12	12	11	10	9	6		72
ROBERTS	1	1	1						3
SCALIA	2	1							3
KENNEDY			1						1
THOMAS	1	1							2
GINSBURG	2	1	1						4
BREYER	2	1							3
ALITO	1								1
SOTOMAYOR		1							1
KAGAN	1	1							2
PC				1				7	8
DIG									0
D									0
AEDC									0
R									0
Disposed of	10	7	3	1	0	0	0	7	28
Pending	2	5	9	10	10	9	0	0	45

KEY

- PC = Per curiam
DIG = Dismissed as improvidently granted
D = Dismissed for other reasons
AEDC = Affirmed by an equally divided Court
R = Set for reargument

DETAILED CASE DISPOSITION TABLES

1: Session beginning October 3, 2011

Case Name	Docket Number	Issue	Argument Date	Decision Date	Author
<i>Douglas v. Indep. Living Ctr. of S. Cal.</i> <i>Douglas v. Ca. Pharmacists' Ass'n</i> <i>Douglas v. Santa Rosa Mem. Hosp.</i>	09-958 09-1158 10-283	Right to sue under the Supremacy Clause to challenge a state law asserted to be preempted by a provision of the Medicaid Act that is not otherwise enforceable by private parties under 42 U.S.C. § 1983 or an implied private right of action	10/3	2/22	Breyer
<i>Reynolds v. United States</i>	10-6549	Standing under Sexual Offender Registration and Notification Act to challenge interim rule making the Act retroactive	10/3	1/23	Breyer
<i>Maples v. Thomas</i>	10-63	Abandonment by attorneys and state's failure to act when mail to attorneys was returned unopened as excuse for missing filing deadline	10/4	1/18	Ginsburg
<i>Martinez v. Ryan</i>	10-1001	Federal constitutional right to effective assistance of state post-conviction counsel in preparing ineffective-assistance-of-trial-counsel claim that state law requires to be raised in a state post-conviction proceeding	10/4		
<i>Howes v. Fields</i>	10-680	Custody for <i>Miranda</i> purposes of prisoner isolated from general population and questioned about conduct outside the prison	10/4	2/21	Alito
<i>Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC</i>	10-553	Ministerial exception to federal antidiscrimination laws as applied to teacher at religious elementary school	10/5	1/11	Roberts
<i>Golan v. Holder</i>	10-545	Challenge under the First Amendment and the Copyright Clause to restoration of copyrights to works in the public domain	10/5	1/18	Ginsburg
<i>Pac. Operators Offshore v. Valladolid</i>	10-507	Outer continental shelf worker's eligibility under the Outer Continental Shelf Lands Act for compensation for injury suffered on land	10/11	1/11	Thomas
<i>CompuCredit Corp. v. Greenwood</i>	10-948	Arbitrability of claims under federal Credit Repair Organizations Act	10/11	1/10	Scalia

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<i>Greene v. Fisher</i>	10-637	Supreme Court decision announced before a state prisoner's conviction is final but after his last state-court decision on the merits as "clearly established Federal law" under AEDPA that may provide the basis for federal habeas relief	10/11	11/8	Scalia
<i>Florence v. Bd. of Chosen Freeholders</i>	10-945	Fourth Amendment challenge to jail's policy of suspicionless strip searches of all arrestees, regardless of seriousness of offense	10/12		
<i>Judulang v. Holder</i>	10-694	Discretionary relief from removal under former Section 212(c) of INA for lawful permanent resident who pleaded guilty to an offense that renders him deportable and excludable under differently phrased statutory subsections, but who did not depart and reenter the United States after conviction and before removal proceedings began	10/12	12/12	Kagan

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2: Session beginning October 31, 2011

Case Name	Docket Number	Issue	Argument Date	Decision Date	Author
<i>Lafler v. Cooper</i>	10-209	Whether ineffective assistance of counsel during plea bargain negotiations violates Sixth Amendment rights of defendant later convicted and sentenced in fair trial and, if so, what remedy is appropriate	10/31		
<i>Missouri v. Frye</i>	10-444	Whether counsel's failure to communicate more favorable plea offer to defendant who validly pleads guilty is ineffective assistance of counsel and, if so, what remedy should is appropriate	10/31		
<i>Rehberg v. Paulk</i>	10-788	Absolute immunity in Section 1983 claim of government official who presented perjured testimony as a complaining witness	11/1		
<i>Minneeci v. Pollard</i>	10-1104	<i>Bivens</i> action to sue private jail operator's employees who have no employment or contractual relationship with government	11/1	1/10	Breyer
<i>Perry v. New Hampshire</i>	10-8974	Due process challenge to unreliable pretrial identification when the suggestive identification procedures were not the result of state action	11/2	1/11	Ginsburg
<i>Gonzalez v. Thaler</i>	10-895	Existence of jurisdiction to issue a certificate of appealability and standard for determining timeliness of federal habeas petition	11/2	1/10	Sotomayor
<i>Zivotofsky v. Clinton</i>	10-699	Whether federal statute that directs the Secretary of State how to record the birthplace of an American citizen on a Consular Report of Birth Abroad and on a passport raises political question or infringes upon President's power to recognize foreign sovereigns	11/7		
<i>Kawashima v. Holder</i>	10-577	Filing and aiding and abetting the filing of false statements on corporate tax returns as aggravated felonies warranting removal	11/7	2/21	Thomas
<i>United States v. Jones</i>	10-1259	Installing GPS tracking device on car without warrant or consent as Fourth Amendment violation	11/8	1/23	Scalia

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<i>Smith v. Cain</i>	10-8145	State courts' failure to make factual findings or provide reasons for rejecting substantial <i>Brady</i> , <i>Napue</i> , and <i>Giglio</i> claims as violation of due process	11/8	1/10	Roberts
<i>Nat. Meat Ass'n v. Harris</i>	10-224	Preemption by Federal Meat Inspection Act and implementing regulations of state criminal law requiring euthanization of animals that federal regulations require to be quarantined for inspection	11/9	1/23	Kagan
<i>Kurns v. Railroad Friction Prods. Co.</i>	10-879	Preemptive effect of Locomotive Inspection Act on state-law tort claims based on exposure to asbestos during repair of locomotives at railroad maintenance facilities	11/9		

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3: Session beginning November 28, 2011

Case Name	Docket Number	Issue	Argument Date	Decision Date	Author
<i>First Am. Fin. Corp. v. Edwards</i>	10-708	Whether uninjured person has standing to bring claim for statutory damages under Real Estate Settlement Procedures Act	11/28		
<i>Mims v. Arrow Fin. Servs., LLC</i>	10-1195	Federal question jurisdiction over private actions brought under Telephone Consumer Protection Act	11/28	1/18	Ginsburg
<i>Hall v. United States</i>	10-875	Dischargeability of a federal tax debt arising out of a debtor's post-petition sale of a farm asset in a Chapter 12 bankruptcy	11/29		
<i>Credit Suisse Secs. v. Simmonds</i>	10-1261	Existence and duration of tolling of two-year limitations period for claims under Section 16(b) of the Securities Exchange Act	11/29		
<i>Setser v. United States</i>	10-7387	Whether federal sentence may be served consecutively to state sentence that had not yet been imposed	11/30		
<i>FAA v. Cooper</i>	10-1024	Mental and emotional injuries as "actual damages" under civil remedies provisions of Privacy Act	11/30		
<i>Caraco Pharm. Labs. Ltd. v. Novo Nordisk A/S</i>	10-844	Application of counterclaim provision of the Hatch-Waxman Act when patent does not claim an approved method of using the drug and the brand had to correct patent information submitted to the FDA	12/5		
<i>Messerschmidt v. Millender</i>	10-704	Qualified immunity of police officers for obtaining facially valid warrant to search for firearms and gang-related items in residence of family member of gang member who shot at his girlfriend	12/5	2/22	Roberts
<i>Martel v. Clair</i>	10-1265	Right of federal habeas petitioner to new appointed counsel when dissatisfied with current appointed counsel	12/6		
<i>Williams v. Illinois</i>	10-8505	Confrontation Clause challenge to admission of lab report by unavailable witness to explain independent opinions of testifying witness	12/6		

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<i>Mayo Collaborative Servs. v. Prometheus Labs., Inc.</i>	10-1150	Patentability of correlations between blood test results and patient health	12/7		
<i>PPL Montana, LLC v. Montana</i>	10-218	Standard for assessing whether waterway was navigable when state joined the Union and hence owns the waterway, and preemption of state claim to waterway by Federal Power Act and leases of waterway from federal government	12/7	2/22	Kennedy

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4: Session beginning January 9, 2012

Case Name	Docket Number	Issue	Argument Date	Decision Date	Author
<i>Sackett v. EPA</i>	10-1062	Statutory and due process right to pre-enforcement judicial review of EPA order under the Clean Water Act to restore wetlands	1/9		
<i>Kappos v. Hyatt</i>	10-1219	Standard for introducing new evidence in lawsuit challenging denial of patent application	1/9		
<i>Perry v. Perez</i> <i>Perry v. Davis</i> <i>Perry v. Perez</i>	11-713 11-714 11-715	Constitutionality of Texas redistricting maps drawn by district court	1/9	1/20	PC
<i>Knox v. Serv. Employees Int'l Union, Local 1000</i>	10-1121	First Amendment challenge to state's conditioning employment on payment of union assessment for political expenditures without providing notice and right to object	1/10		
<i>FCC v. Fox Television Stations</i>	10-1293	FCC's current indecency-enforcement regime as violation of First or Fifth Amendments	1/10		
<i>Coleman v. Md. Ct. App.</i>	10-1016	Self-care leave provision of Family and Medical Leave Act as abrogation of states' Eleventh Amendment immunity	1/11		
<i>Roberts v. Sea-Land Servs., Inc.</i>	10-1399	Whether the applicable benchmark for determining the statutory cap on compensation to disabled maritime workers is the national average weekly wage in the year that the injury occurred or the year that the compensation was awarded	1/11		
<i>United States v. Home Concrete & Supply, LLC</i>	11-139	Validity of Treasury regulation that an understatement of gross income resulting from an overstatement of basis in sold property is an "omission" from gross income" that triggers the extended six-year assessment period	1/17		
<i>Filarski v. Delia</i>	10-1018	Qualified immunity for private lawyer retained to work on internal investigation for government	1/17		

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<p><i>Holder v. Gutierrez</i> <i>Holder v. Sawyer</i></p>	<p>10-1542 10-1543</p>	<p>Imputation of parent’s years of residence or of “lawful permanent resident” status to unemancipated minor who resided with that parent and now seeks cancellation of removal</p>	<p>1/18</p>		
<p><i>Vartelas v. Holder</i></p>	<p>10-1211</p>	<p>Retroactivity of Illegal Immigration Reform and Immigrant Responsibility Act provision permitting legal permanent residents who have pleaded guilty to certain crimes to be denied reentry after traveling abroad</p>	<p>1/18</p>		

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5: Session beginning February 21, 2012

Case Name	Docket Number	Issue	Argument Date	Decision Date	Author
<i>Freeman v. Quicken Loans Inc.</i>	10-1042	Whether Section 8(b) of the Real Estate Settlement Procedures Act prohibits a real estate settlement services provider from charging an unearned fee only if the fee is divided between two or more parties	2/21		
<i>Taniguchi v. Kan Pac. Saipan, Ltd.</i>	10-1472	Costs for translating written documents as “compensation of interpreters” awarded to prevailing parties under 28 U.S.C. § 1920(6)	2/21		
<i>United States v. Alvarez</i>	11-210	First Amendment challenge to Stolen Valor Act, which makes it a crime to claim falsely to have been awarded a medal or other military decoration	2/22		
<i>Blueford v. Arkansas</i>	10-1320	Double Jeopardy bar to reprosecution of offense after jury announces that it has voted against guilt on that offense but is deadlocked on a lesser-included offense	2/22		
<i>Elgin v. Dep’t of Treasury</i>	11-45	Civil Service Reform Act as jurisdictional bar for federal employees’ constitutional claims for equitable relief	2/27		
<i>Wood v. Milyard</i>	10-9995	Appellate court’s authority to raise sua sponte a statute-of-limitations defense to a state prisoner’s habeas petition, and state’s declaration that it “will not challenge, but [is] not conceding, the timeliness” of petition as a waiver of that defense	2/27		
<i>Kiobel v. Royal Dutch Petroleum</i>	10-1491	Corporate civil tort liability under the Alien Tort Statute	2/28		
<i>Mohamad v. Palestinian Auth.</i>	11-88	Political organization can be an “individual” subject to liability under the Torture Victims Protection Act	2/28		
<i>Magner v. Gallagher</i>	10-1032	Existence and standard for disparate-impact claims under Fair Housing Act	2/29		

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<i>Armour v. Indianapolis</i>	11-161	Equal Protection challenge to refusal by local taxing authority to refund payments by taxpayers who paid assessments in full after having forgiven obligations of identically situated taxpayers who were paying over a multi-year installment plan	2/29		
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6: Session beginning March 19, 2012

Case Name	Docket Number	Issue	Argument Date	Decision Date	Author
<i>Astrue v. Capato</i>	11-159	Eligibility for child survivor benefits under Title II of Social Security Act of child who cannot inherit under state law because conception occurred after death of biological parent	3/19		
<i>S. Union Co. v. United States</i>	11-94	Whether Fifth and Sixth Amendments require that jury rather than judge find all facts necessary to impose criminal fine	3/19		
<i>Miller v. Alabama</i>	10-9646	Life-without-parole sentence as cruel and unusual punishment for 14 year old convicted of homicide	3/20		
<i>Jackson v. Hobbs</i>	10-9647	Life-without-parole sentence as cruel and unusual punishment for 14 year old convicted of homicide in which the defendant neither hurt nor intended to hurt the victim	3/20		
<i>Vasquez v. United States</i>	11-199	Standard for determining whether erroneous admission of hearsay evidence was harmless error	3/21		
<i>Reichle v. Howards</i>	11-262	Probable cause to arrest as bar to First Amendment retaliatory-arrest claim, and qualified or absolute immunity against such claims for secret service agents	3/21		
<i>United States Dep't of Health & Human Servs. v. Florida</i>	11-398	Whether Affordable Care Act's mandate that individuals obtain health insurance or pay a penalty exceeds Congress's Article I powers, and whether lawsuit challenging that provision of the Act is barred by the Anti-Injunction Act	3/26 and 3/27		
<i>Nat'l Fed. of Indep. Bus. v. Sebellius</i> <i>Florida v. United States Dep't of Health & Human Servs.</i>	11-393 11-400	Severability of Affordable Care Act's mandate that individuals obtain health insurance or pay a penalty from remainder of Act	3/28		
<i>Florida v. United States Dep't of Health & Human Servs.</i>	11-400	Whether Affordable Care Act exceeds Congress's spending power by conditioning receipt of all federal funding under the largest grant-in-aid program on conditions in the Act	3/28		

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7: Session beginning April 16, 2012

Case Name	Docket Number	Issue	Argument Date	Decision Date	Author
<i>Christopher v. SmithKline Beecham Corp.</i>	11-204	Applicability of Fair Labor Standards Act's outside-sales exemption to pharmaceutical sales representatives, and whether to defer to Secretary of Labor's interpretation of that exemption and related regulations	4/16		
<i>Dorsey v. United States Hill v. United States</i>	11-5683 11-5721	Applicability of statute reducing crack-powder sentencing differential when statute passed after offense committed but before sentencing proceeding	4/17		
<i>Salazar v. Ramah Navajo Chapter</i>	11-551	Secretary of Interior's obligation to pay costs that contractor incurred under Indian Self-Determination and Education Assistance Act when costs exceed the express statutory cap on available appropriations	4/18		
<i>RadLAX Gateway Hotel v. Amalgamated Bank</i>	11-166	Whether a debtor may pursue a chapter 11 plan that proposes to sell assets free of liens by providing secured creditor the indubitable equivalent of its claim rather than allowing that creditor to credit bid	4/23		
<i>Match-E-Be-Nash-She-Wish Band v. Patchak Salazar v. Patchak</i>	11-246 11-247	Quiet Title Act as waiver of U.S.'s sovereign immunity from suit challenging title to land it holds in trust for an Indian tribe, and standing of individual allegedly injured by casino on Indian trust land to challenge decision taking title to that land in trust	4/24		
<i>Arizona v. United States</i>	11-182	Preemption by federal immigration laws of Arizona law directing state law enforcement to cooperate and communicate with federal immigration officials and imposing state penalties for non-compliance with federal immigration requirements	4/25		

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8: Cases not on the argument calendar

<i>Case Name</i>	<i>Docket Number</i>	<i>Issue</i>	<i>Decision Date</i>	<i>Author</i>
<i>Cavazos v. Smith</i>	10-1115	Scope of federal post-conviction review of the sufficiency of the evidence to support a state-court conviction	10/31	PC
<i>KPMG LLP v. Cocchi</i>	10-1521	Enforceability of arbitration agreement when complaint raises arbitrable and non-arbitrable claims.	11/7	PC
<i>Bobby v. Dixon</i>	10-1540	Scope of federal post-conviction review of state supreme court's application of <i>Miranda</i>	11/7	PC
<i>Hardy v. Cross</i>	11-74	Government's burden to procure absent witness before that witness's prior testimony may be admitted at trial	12/12	PC
<i>Ryburn v. Huff</i>	11-208	Qualified immunity of police officers who followed suspect into home because of fear of imminent violence	1/23	PC
<i>Wetzel v. Lambert</i>	11-38	Scope of federal post-conviction review of state court's rejection of <i>Brady</i> claim	2/21	PC
<i>Marmot Health Care Ctr. v. Brown</i>	11-	Federal Arbitration Act preemption of state law barring arbitration of personal-injury and wrongful-death claims against nursing homes	2/21	PC

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9: Cases in which certiorari has been granted and will be argued next Term

Case Name	Docket Number	Issue
<i>Florida v. Jardines</i>	11-564	Sniff at front door by trained narcotics dog as search for which the Fourth Amendment requires probable cause
<i>Kloeckner v. Solis</i>	11-184	Whether Federal Circuit or district court has jurisdiction over Merit Systems Protection Board rulings on discrimination claims
<i>United States v. Bormis</i>	11-192	Little Tucker Act as waiver of U.S. sovereign immunity from damages actions under Fair Credit Reporting Act
<i>Cavazos v. Williams</i>	11-465	State court decision denying relief with explanation that doesn't acknowledge federal-law basis for claim as an "adjudicat[ion] on the merits" for purposes of AEDPA
<i>Fisher v. Univ. of Tex. at Austin</i>	11-345	Equal Protection challenge to use of race in undergraduate admissions decisions
<i>Lozman v. Riviera Beach</i>	11-626	Indefinitely moored floating structure that receives utilities from shore and not intended for use for maritime transportation or commerce as a "vessel" triggering federal maritime jurisdiction