

**Cases Argued by Public Citizen Litigation Group Attorneys
in the Supreme Court of the United States**

CASE	ATTORNEY	QUESTION PRESENTED	OUTCOME
<i>Jones v. Flowers</i>	Kirkpatrick	When mailed notice of a tax sale or property forfeiture is returned undelivered, does due process require the government to make any additional effort to locate the owner before taking the property?	Won
<i>Will v. Hallock</i>	Zieve	1. Whether a court of appeals has jurisdiction over interlocutory appeal of a district court's order denying a motion to dismiss based on the Federal Tort Claims Act's judgment bar provision. 2. If a claim under the FTCA is dismissed because it falls within one of the statute's exceptions to liability, does the Act's judgment bar provision preclude the plaintiff from bringing a constitutional claim based on the same facts?	Won on first question (Court did not reach second question)
<i>Lockhart v. United States</i>	Wolfman	May the government withhold social security benefits in order to collect old student loan debt?	Lost
<i>Garcetti v. Ceballos</i>	Robin-Vergeer	Is speech by a public employee on a matter of public concern entitled to First Amendment protection when the speech is related to the employee's job?	Lost
<i>Cheney v. United States District Court</i> , 124 S.Ct. 2576 (2004)	Morrison	Can the Federal Advisory Committee Act be construed, consistent with the Constitution, to authorize discovery orders directing the Vice President to produce information about his "Energy Task Force"?	Lost
<i>Scarborough v. Principi</i> , 541 U.S. 401 (2004)	Wolfman	Is an applicant for attorney's fees under the Equal Access to Justice Act barred from obtaining a fee award by the Act's 30-day statute of limitations solely because the applicant's timely-filed fee application did not initially allege that the position of the government in the underlying litigation lacked substantial justification?	Won
<i>Roell v. Withrow</i> , 538 U.S. 580 (2003)	Frost	Did the Court of appeals correctly vacate a final judgment entered by a magistrate judge on the ground that two defendants did not consent to the referral to the magistrate judge prior to trial?	Lost
<i>Barnes v. Gorman</i> , 536 U.S. 181 (2002)	Nelson	Are punitive damages available to plaintiffs in cases brought under Title II of the Americans With Disabilities Act and Section 504 of the Rehabilitation Act?	Lost
<i>Dusenberry v. United States</i> , 534 U.S. 161 (2002)	Zieve	Did the federal government violate the Due Process Clause of the Fifth Amendment by failing to give actual notice to an inmate in its own prison system before it forfeited the inmate's property for its own benefit?	Lost
<i>Lee v. Kemna</i> , 534 U.S. 362 (2002)	Robin-Vergeer	Was a defendant denied his rights to a fair trial and due process of law when the trial court refused to grant him an overnight continuance to locate his three subpoenaed alibi witnesses who unexpectedly, and for reasons not attributable to the defendant, did not return after a lunch break on the last day of trial?	Won

<i>Jefferson County v. Acker</i> , 527 U.S. 423 (1999)	Morrison	Is the Jefferson County occupational license tax unconstitutional as applied to federal judges?	Lost
<i>Raines v. Byrd</i> , 521 U.S. 811 (1997)	Morrison	Did members of Congress have Article III standing to challenge the Line Item Veto Act as a violation of the Presentment Clause in Article I?	Lost
<i>Richardson v. McKnight</i> , 521 U.S. 399 (1997)	Vladeck	Are prison guards employed by for-profit corporations entitled to qualified immunity in civil rights actions?	Won
<i>Edmond v. United States</i> , 520 U.S. 651 (1997)	Morrison	Were civilian judges serving on the Coast Guard appeals court appointed in violation of the Appointment Clause?	Lost
<i>Medtronic, Inc. v. Lohr</i> , 518 U.S. 470 (1996)	Wolfman	Does federal law pertaining to the regulation of medical devices preempt tort claims to compensate injured victims?	Won
<i>Doctor's Associates v. Casarotto</i> , 517 U.S. 681 (1996)	Sikes	Is a Montana law requiring all mandatory arbitration clauses be printed on the covers of printed consumer contracts preempted by the Federal Arbitration Act?	Lost
<i>Yamaha Motor Corp. v. Calhoun</i> , 516 U.S. 199 (1996)	Morrison	Does federal law, which is designed to compensate injured seamen, preempt state tort law for maritime accidents occurring within the territorial waters of the United States?	Won
<i>Stone v. INS</i> , 514 U.S. 386 (1995)	Morrison	Must an alien who loses before the Immigration Service and files a timely request for reconsideration seek immediate court review or may he await the decision on reconsideration?	Lost
<i>Elder v. Holloway</i> , 510 U.S. 510 (1994)	Tankersley	May civil rights plaintiffs be denied relief merely because their lawyers fail to cite appropriate case law in the trial court?	Won
<i>Weiss v. United States</i> , 510 U.S. 163 (1994)	Morrison	Does the current system of military judges violate the Appointments and Due Process Clauses?	Lost
<i>Edenfield v. Fane</i> , 507 U.S. 761 (1993)	Vladeck	Do Florida's restrictions on accountants' efforts to attract clients violate the First Amendment?	Won
<i>Helling v. McKinney</i> , 509 U.S. 25 (1993)	Hitchcock	Does the Eighth Amendment prohibition on cruel and unusual punishment apply to prisoners who face health dangers (from being confined in a cell with a heavy smoker)?	Won
<i>Citizens Against Aircraft Noise v. Met. Washington Airports</i> , 501 U.S. 252 (1991)	Goldman	Does congressional review board that can veto actions of authority that runs National and Dulles Airports violate separation of powers?	Won
<i>Melkonyan v. Sullivan</i> , 501 U.S. 89 (1991)	Wolfman	In a Social Security case, in which a court has ordered a remand to the agency, may a claimant wait until winning his case before seeking fees for obtaining the remand?	Won
<i>Int'l Organization of Masters, Mates and Pilots v. Brown</i> , 498 U.S. 466 (1991)	Levy	Did a union violate section 401(c) of the Labor-Management Reporting and Disclosure Act by refusing a request of a member to mail election campaign literature to his fellow union members until	Won

		after nominations had been held?	
<i>Public Citizen v. Dept. Of Justice</i> , 491 U.S. 440 (1989)	Glitzenstein	Is the American Bar Association judicial selection committee, which offers its opinions on judicial nominations to the attorney general, an advisory committee under the Federal Advisory Committee Act?	Lost
<i>American FSA Employees v. Garfinkel</i> , 490 U.S. 153 (1989)	Goldman	Do non-disclosure requirements imposed on federal employees violate federal statutes or the Constitution?	Won
<i>Barnard v. Thorstenn</i> , 489 U.S. 546 (1989)	Hitchcock	May the Virgin Islands refuse to admit non-residents to its bar?	Won
<i>Mistretta v. United States</i> , 488 U.S. 361 (1989)	Morrison	Do the federal sentencing guidelines violate principles of separation of powers?	Lost
<i>Michigan Citizens for an Independent Press v. Thornburgh</i> , 493 U.S. 38 (1989)	Schultz	Did the attorney general improperly approve a joint operating agreement between the Detroit News and the Detroit Free Press?	Lost
<i>Supreme Court of Virginia v. Friedman</i> , 487 U.S. 59 (1988)	Hitchcock	May Virginia refuse to let a non-resident be admitted to its bar without taking the bar exam, as Virginia residents are permitted to do?	Won
<i>Lingle v. Norge</i> , 486 U.S. 399 (1988)	Levy	Are claims for wrongful discharge for filing a workers compensation claim preempted by federal labor law?	Won
<i>Department of Justice v. Julian</i> , 486 U.S. 1 (1987)	Glitzenstein	Are presentence reports, prepared for use by federal judges and shown to prisoners at sentencing and when they are seeking parole, exempt from copying under the FOIA?	Won
<i>West v. Conrail</i> , 481 U.S. 35 (1987)	Levy	Does the filing of the complaint in a duty of fair representation case satisfy the statute of limitations?	Won
<i>Bowsher v. Synar</i> , 478 U.S. 714 (1986)	Morrison	Was the Gramm-Rudman balanced budget act constitutional where it delegated broad authority to the comptroller general, an agent of Congress, to carry out the act?	Won
<i>Young v. Community Nutrition Institute</i> , 476 U.S. 974 (1986)	Schultz	Must the FDA engage in a formal proceeding before permitting certain food products to be sold with dangerous additives in them? * Although the case was lost on this ground, it was won on a more narrow ground on remand.	Lost *
<i>Zauderer v. Office of Disciplinary Counsel of the Supreme Court of Ohio</i> , 471 U.S. 626 (1985)	Morrison	Was the decision of the Ohio Supreme Court to discipline a lawyer for taking out ads seeking to inform women of his availability to provide legal services in connection with Dalkon Shield litigation a violation of the First Amendment?	Won
<i>CIA v. Sims</i> , 471 U.S. 159 (1985)	Levy	Are the names of persons who are investigators or otherwise took part in a CIA program on the effects of certain psychedelic drugs exempt from disclosure under the FOIA as intelligence sources?	Lost
<i>Bernal v. Fainter</i> , 467 U.S. 216 (1984)	Hitchcock	May a state condition the right to become a notary public on being a citizen of the United States?	Won

<i>INS v. Chadha</i> , 462 U.S. 919 (1983)	Morrison	Is the provision under which either house of Congress may veto certain actions taken by administrative agencies a violation of separation of powers?	Won
<i>Taxation with Representation v. Regan</i> , 461 U.S. 540 (1983)	Sims	Is the prohibition on all but insubstantial amounts of lobbying by charitable organizations a violation of the First Amendment and the Equal Protection Clause?	Lost
<i>Frazier v. Heebe</i> , 482 U.S. 615 (1982)	Hitchcock	May a federal district court condition admission to its bar on the applicant either residing in or having an office in the state where the federal court is located?	Won
<i>Barrentine v. Arkansas Best Freight System</i> , 450 U.S. 728 (1981)	Vladeck	Does unsuccessful arbitration under a collective bargaining agreement of a dispute about overtime pay preclude workers from suing their employer based on a federal statute also protecting the right to overtime pay?	Won
<i>GTE Syloania v. Consumer Product Safety Commission</i> , 445 U.S. 375 (1980)	Morrison	May a requestor under the FOIA sue to obtain access to records after the submitter has sued in another court to prevent the records' release?	Lost
<i>Duke Power Co. v. Carolina Environmental Study Group</i> , 438 U.S. 59 (1978)	Schultz	Does the federal statute that puts a cap on the amount of money that victims of a nuclear power plant disaster can recover violate the Constitution?	Lost
<i>Nader v. Allegheny Airlines</i> , 426 U.S. 290 (1976)	Robertson	Does the federal regulatory scheme for interstate air travel preclude a passenger who is wrongfully bumped from a flight for suing for damages?	Won
<i>Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council</i> , 425 U.S. 748 (1976)	Morrison	Does the First Amendment apply to commercial speech, and if so, is the Virginia statute forbidding the advertising of prescription drug prices unconstitutional?	Won
<i>Administrator, Federal Aviation Administration v. Robertson</i> , 422 U.S. 255 (1975)	Morrison	May the FAA withhold documents under the Freedom of Information Act (FOIA) based on a statute giving the agency discretion to do so? * Shortly after the Supreme Court upheld the withholding, Congress overruled the decision.	Lost*
<i>Goldfarb v. Virginia State Bar</i> , 421 U.S. 773 (1975)	Morrison	Are minimum fee schedules promulgated by bar associations unlawful under the federal anti-trust laws?	Won
<i>Campaign Clean Water v. Train</i> , 420 U.S. 136 (1975)	Jacks	Does the President have the power to refuse to spend money appropriated by Congress unless specifically authorized by Congress to do so?	Won
<i>Alexander v. Americans United</i> , 416 U.S. 752 (1974)	Morrison	May an organization that was denied tax exempt status obtain a court ruling directly on the validity of the IRS's action? * Shortly after the Supreme Court ruled against the taxpayer, Congress enacted a special statute providing for such review.	Lost *

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