

Cases Argued by Public Citizen in the United States Supreme Court

Public Citizen attorneys have argued 67 cases before the U.S. Supreme Court, listed below.

[EMD Sales , Inc. v. Carrera, __ U.S. __ \(2025\)](#)

Attorney: Bateman

Question presented: Whether the standard of proof that employers must satisfy to demonstrate the applicability of a Fair Labor Standards Act exemption is preponderance of the evidence or clear-and-convincing evidence.

[U.S. Dep't of Agriculture Rural Development Rural Housing Service v. Kirtz, __ U.S. __ \(2024\)](#)

Attorney: Joshi

Question presented: Whether sections 1681n and 1681o of the Fair Credit Reporting Act waive federal agencies' sovereign immunity from civil liability under the Act.

[Viking River Cruises v. Moriana, 596 U.S. 639 \(2022\)](#)

Attorney: Nelson

Question presented: Whether the Federal Arbitration Act requires enforcement of a bilateral arbitration agreement providing that an employee cannot raise representative claims, including under PAGA.

[BNSF Railway Co. v. Tyrell, 581 U.S. 402 \(2017\)](#)

Attorney: Murray

Question presented: May a state court exercise personal jurisdiction to adjudicate a claim under the Federal Employers' Liability Act over a U.S.-based defendant doing business in the state and at home there without violating the Due Process Clause of the Fourteenth Amendment?

[Northwest, Inc. v. Ginsberg, 572 U.S. 273 \(2013\)](#)

Attorney: Rosenbaum

Question presented: Did the court of appeals correctly hold that Ginsberg's contract claim based on the covenant of good faith and fair dealing is not preempted by the Airline Deregulation Act's preemption provision, 49 U.S.C. § 41713(b)(1), which provides that

States “may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation”?

Marx v. General Revenue Corp., 568 U.S. 371 (2013)

Attorney: Zieve

Question presented: Whether a prevailing defendant in an FDCPA case may be awarded costs where the lawsuit was not brought in bad faith and for the purpose of harassment.

Tibbals v. Carter, sub nom. Ryan v. Gonzales, 568 U.S. 57 (2012)

Attorney: Michelman

Question presented: Does a court have discretion to stay habeas proceedings when the petitioner's mental incompetence renders him unable to provide assistance that is necessary to the litigation of his claims?

Mims v. Arrow Financial Services, LLC, 565 U.S. 368 (2012)

Attorney: Nelson

Question presented: Did Congress divest the federal district courts of their federal-question jurisdiction under 28 U.S.C. § 1331 over private actions brought under the Telephone Consumer Protection Act?

CompuCredit Corp. v. Greenwood, 565 U.S. 95 (2012)

Attorney: Nelson

Question presented: Whether the plain language of the Credit Repair Organizations Act creates a non-waivable right to sue that forecloses enforcement of a predispute arbitration clause in a consumer contract.

AT&T Mobility LLC v. Concepcion, 563 U.S. 333 (2011)

Attorney: Gupta

Question presented: When a class-action ban that is otherwise unenforceable under generally applicable contract law is embedded in an arbitration agreement, is the contract law preempted by the Federal Arbitration Act?

Chase Bank USA, N.A. v. McCoy, 562 U.S. 195 (2011)

Attorney: Beck

Question presented: Where a creditor reserves discretion to increase a cardholder's interest rate up to a stated maximum rate in the event of default, does the Truth in Lending Act, as implemented by the applicable version of Regulation Z, require the creditor to notify the cardholder when it chooses to increase the cardholder's rate, and to disclose the new rate it has chosen to apply?

Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co., 559 U.S. 393 (2010)

Attorney: Nelson

Questions presented:

1. Can a state legislature properly prohibit the federal courts from using the class action device for state law claims?
2. Could state-law class actions eventually disappear altogether, as more state legislatures declare them off limits to the federal courts?

Taylor v. Sturgell, 553 U.S. 880 (2008)

Attorney: Rosenbaum

Question presented: Can a non-party be bound by the judgment in a case under the theory that he was “virtually represented” by a party to the case when the non-party had no legal relationship with the party and did not receive notice of the litigation?

Richlin Security Service Co. v. Chertoff, Secretary of Homeland Security, 553 U.S. 571 (2008)

Attorney: Wolfman

Question presented: Under the Equal Access to Justice Act (EAJA), 5 U.S.C. § 504(a)(1) and 28 U.S.C. § 2412(d)(1)(A), may a prevailing party be awarded attorney fees for paralegal services at the market rate for such services, or does EAJA limit reimbursement for paralegal services to cost only?

Warner-Lambert Co., LLC v. Kent, 552 U.S. 440 (2008)

Attorney: Zieve

Question presented: Whether, under the conflict preemption principles in *Buckman Co. v. Plaintiffs' Legal Committee*, 531 U.S. 341 (2001), federal law preempts the provision in a Michigan statute that allows a product liability claim to be maintained against a drug manufacturer of an FDA-approved drug only if the manufacturer failed to submit to the FDA or misrepresented information to the FDA that was required to be submitted and the FDA would not have approved the drug or would have withdrawn approval if the company had been not done so.

Riegel v. Medtronic, Inc., 552 U.S. 312 (2008)

Attorney: Zieve

Question presented: Whether the express preemption provision of the Medical Device Amendments to the Food, Drug, and Cosmetic Act, 21 U.S.C. § 360k(a), preempts state-law claims seeking damages for injuries caused by medical devices that received premarket approval from the Food and Drug Administration

Jones v. Flowers, 547 U.S. 220 (2006)

Attorney: Kirkpatrick

Question presented: 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?

Will v. Hallock, 546 U.S. 345 (2006)

Attorney: Zieve

Questions presented:

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?

Garcetti v. Ceballos, 547 U.S. 410 (2006)

Attorney: Robin-Vergeer

Question presented: 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?

Lockhart v. United States, 546 U.S. 142 (2005)

Attorney: Wolfman

Question presented: May the government withhold social security benefits in order to collect old student loan debt?

[Cheney v. U.S. District Court, 542 U.S. 367 \(2004\)](#)

Attorney: Morrison

Question presented: 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"?

[Scarborough v. Principi, 541 U.S. 401 \(2004\)](#)

Attorney: Wolfman

Question presented: 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?

[Roell v. Withrow, 538 U.S. 580 \(2003\)](#)

Attorney: Frost

Question presented: 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?

[Barnes v. Gorman, 536 U.S. 181 \(2002\)](#)

Attorney: Nelson

Question presented: 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?

[Dusenbery v. United States, 534 U.S. 161 \(2002\)](#)

Attorney: Zieve

Question presented: 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?

[Lee v. Kemna, 534 U.S. 362 \(2002\)](#)

Attorney: Robin-Vergeer

Question presented: 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?

Jefferson County v. Acker, 527 U.S. 423 (1999)

Attorney: Morrison

Question presented: Is the Jefferson County occupational license tax unconstitutional as applied to federal judges?

Raines v. Byrd, 521 U.S. 811 (1997)

Attorney: Morrison

Question presented: 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?

Richardson v. McKnight, 521 U.S. 399 (1997)

Attorney: Vladeck

Question presented: Are prison guards employed by for-profit corporations entitled to qualified immunity in civil rights actions?

Edmond v. United States, 520 U.S. 651 (1997)

Attorney: Morrison

Question presented: Were civilian judges serving on the Coast Guard appeals court appointed in violation of the Appointment Clause?

Medtronic, Inc. v. Lohr, 518 U.S. 470 (1996)

Attorney: Wolfman

Question presented: Does federal law pertaining to the regulation of medical devices preempt tort claims to compensate injured victims?

Doctor's Associates, Inc. v. Casarotto, 517 U.S. 681 (1996)

Attorney: Sikes

Question presented: Is a Montana law requiring all mandatory arbitration clauses be printed on the covers of printed consumer contracts preempted by the Federal Arbitration Act?

Yamaha Motor Corp. v. Calhoun, 516 U.S. 199 (1996)

Attorney: Morrison

Question presented: 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?

Stone v. INS, 514 U.S. 386 (1995)

Attorney: Morrison

Question presented: 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?

Elder v. Holloway, 510 U.S. 510 (1994)

Attorney: Tankersley

Question presented: May civil rights plaintiffs be denied relief merely because their lawyers fail to cite appropriate case law in the trial court?

Weiss v. United States, 510 U.S. 163 (1994)

Attorney: Morrison

Question presented: Does the current system of military judges violate the Appointments and Due Process Clauses?

Edenfield v. Fane, 507 U.S. 761 (1993)

Attorney: Vladeck

Question presented: Do Florida's restrictions on accountants' efforts to attract clients violate the First Amendment?

Helling v. McKinney, 509 U.S. 25 (1993)

Attorney: Hitchcock

Question presented: 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)?

Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, Inc., 501 U.S. 252 (1991)

Attorney: Goldman

Question presented: Does congressional review board that can veto actions of authority that runs National and Dulles Airports violate separation of powers?

Melkonyan v. Sullivan, 501 U.S. 89 (1991)

Attorney: Wolfman

Question presented: 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?

International Organization of Masters, Mates & Pilots v. Brown, 498 U.S. 466 (1991)

Attorney: Levy

Question presented: 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

Public Citizen v. U.S. Department of Justice, 491 U.S. 440 (1989)

Attorney: Glitzenstein

Question presented: 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?

American FSA Employees v. Garfinkel, 490 U.S. 153 (1989)

Attorney: Goldman

Question presented: Do non-disclosure requirements imposed on federal employees violate federal statutes or the Constitution?

Barnard v. Thorstenn, 489 U.S. 546 (1989)

Attorney: Hitchcock

Question presented: May the Virgin Islands refuse to admit non-residents to its bar?

Mistretta v. United States, 488 U.S. 361 (1989)

Attorney: Morrison

Question presented: Do the federal sentencing guidelines violate principles of separation of powers?

Michigan Citizens for an Independent Press v. Thornburgh, 493 U.S. 38 (1989)

Attorney: Schultz

Question presented: Did the attorney general improperly approve a joint operating agreement between the Detroit News and the Detroit Free Press?

Supreme Court of Virginia v. Friedman, 487 U.S. 59 (1988)

Attorney: Hitchcock

Question presented: 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?

Lingle v. Norge, 486 U.S. 399 (1988)

Attorney: Levy

Question presented: Are claims for wrongful discharge for filing a workers compensation claim preempted by federal labor law?

U.S. Department of Justice v. Julian, 486 U.S. 1 (1988)

Attorney: Glitzenstein

Question presented: 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?

West v. Conrail, 481 U.S. 35 (1987)

Attorney: Levy

Question presented: Does the filing of the complaint in a duty of fair representation case satisfy the statute of limitations?

Bowsher v. Synar, 478 U.S. 714 (1986)

Attorney: Morrison

Question presented: 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?

Young v. Community Nutrition Institute, 476 U.S. 974 (1986)

Attorney: Schultz

Question presented: Must the FDA engage in a formal proceeding before permitting certain food products to be sold with dangerous additives in them?

Zauderer v. Office of Disciplinary Counsel of the Supreme Court of Ohio, 471 U.S. 626 (1985)

Attorney: Morrison

Question presented: 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?

CIA v. Sims, 471 U.S. 159 (1985)

Attorney: Levy

Question presented: 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?

Bernal v. Fainter, 467 U.S. 216 (1984)

Attorney: Hitchcock

Question presented: May a state condition the right to become a notary public on being a citizen of the United States?

INS v. Chadha, 462 U.S. 919 (1983)

Attorney: Morrison

Question presented: Is the provision under which either house of Congress may veto certain actions taken by administrative agencies a violation of separation of powers?

Regan v. Taxation with Representation of Washington, 461 U.S. 540 (1983)

Attorney: Sims

Question presented: Is the prohibition on all but insubstantial amounts of lobbying by charitable organizations a violation of the First Amendment and the Equal Protection Clause?

Frazier v. Heebe, 482 U.S. 615 (1982)

Attorney: Hitchcock

Question presented: 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?

Barrentine v. Arkansas Best Freight System, 450 U.S. 728 (1981)

Attorney: Vladeck

Question presented: 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?

GTE Sylvania v. Consumer Product Safety Commission, 445 U.S. 375 (1980)

Attorney: Morrison

Question presented: 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?

Duke Power Co. v. Carolina Environmental Study Group, 438 U.S. 59 (1978)

Attorney: Schultz

Question presented: 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?

Nader v. Allegheny Airlines, 426 U.S. 290 (1976)

Attorney: Robertson

Question presented: Does the federal regulatory scheme for interstate air travel preclude a passenger who is wrongfully bumped from a flight for suing for damages?

Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, 425 U.S. 748 (1976)

Attorney: Morrison

Question presented: Does the First Amendment apply to commercial speech, and if so, is the Virginia statute forbidding the advertising of prescription drug prices unconstitutional?

Administrator, Federal Aviation Administration v. Robertson, 422 U.S. 255 (1975)

Attorney: Morrison

Question presented: May the FAA withhold documents under the Freedom of Information Act (FOIA) based on a statute giving the agency discretion to do so?

Goldfarb v. Virginia State Bar, 421 U.S. 773 (1975)

Attorney: Morrison

Question presented: Are minimum fee schedules promulgated by bar associations unlawful under the federal anti-trust laws?

Campaign Clean Water v. Train, 420 U.S. 136 (1975)

Attorney: Jacks

Question presented: Does the President have the power to refuse to spend money appropriated by Congress unless specifically authorized by Congress to do so?

Alexander v. Americans United, 416 U.S. 752 (1974)

Attorney: Morrison

Question presented: May an organization that was denied tax exempt status obtain a court ruling directly on the validity of the IRS's action?