

A Month in the Life of the U.S. Court of Appeals for the D.C. Circuit

(prepared by AFL-CIO for the Coalition for a Fair & Independent Judiciary)

Cases Decided in May 2005 (Excluding habeas and tort claims)

The U.S. Court of Appeals for the District of Columbia Circuit is widely regarded as the second most important court in America, behind only the U.S. Supreme Court. This is due to its location in the nation's capital, where all three branches of government and most federal agencies are located, and because of the national jurisdiction bestowed upon the court by Congress.

The D.C. Circuit is the administrative law court. It is the court that most closely oversees the actions of federal agencies – national safeguards adopted under the Clean Air Act by the Environmental Protection Agency, orders of the Federal Communications Commission, unfair labor practice decisions by the National Labor Relations Board, worker safety protections issued by the Occupational Safety and Health Administration, and much more. And because the U.S. Supreme Court grants review in so few cases, the D.C. Circuit is typically the last word on these important cases.

A review of one month's decisions by the D.C. Circuit reveals the breadth, importance, and impact of the court's work to the lives of millions of Americans.

CSX Transportation, Inc. vs. Anthony A. Williams, Mayor of the District of Columbia, No. 05-5131 (5/03/2005)

Case involved a District of Columbia law that forbid trains carrying toxic substances from traveling within 2.2 miles of the District.

American Library Association vs. FCC, No. 04-1037 (5/06/2005)

The American Library Association challenged FCC's authority to issue a rule that required all receivers of digital television signals to be equipped with anti-redistribution equipment.

Covad Communications Company vs. Bell Atlantic Corporation, No. 02-7057 (5/6/05)

Antitrust lawsuit claiming that Atlantic Bell violated the Sherman Act by refusing to deal with its rivals.

John F. Kreis vs. Secretary of the Air Force, No. 04-5197 (5/06/2005)

Case involved the Air Force's refusal to give a Naval officer a retroactive promotion.

In Re: Madison Guaranty Savings & Loan, No. 94-0001 (5/06/2005)

Request for attorneys' fees under the Independent Counsel laws. The person making the request was a junior White House staffer who helped write a memo terminating several staff in the Travel Office.

Lucy Murray vs. David Gilmore, No. 04-7027 (5/06/2005)

Title VII claim alleging race and sex discrimination.

Wal-Mart Stores Inc. vs. Secretary of the Department of Labor, No. 04-1127 (5/10/2005)

Case involved enforcement of an OSHA safety citation against Wal-Mart over a conveyor belt blocking an emergency exit in an Alabama retail store.

American Chemistry Council vs. Michael Leavitt, Administrator of the EPA, No. 04-5189 (5/10/2005)

Industry challenge to EPA's classification of an ozone-causing chemical as a "toxic chemical."

In Re Cheney, No. 02-5354 (5/10/2005)

Action by the Sierra Club and Judicial Watch seeking disclosure of documents regarding an energy advisory committee chaired by Vice President Cheney. The groups sought to uncover the identity and influence of energy interest groups during the formulation of President Bush's energy policy.

SBC Communication Inc. vs. FCC, No. 03-1147 (5/13/2005)

Lawsuit by SBC challenging a ruling that it violated a term its merger with Ameritech.

Electricity Consumers Resource Council vs. FERC, No. 03-1449 (5/13/2005)

Case concerned the Federal Energy Regulatory Commission's approval of New York's new rate design that was designed to prevent shortages at peak times. The Electricity Consumers Resource Council argued that the plan would adversely affect energy costs for large industrial consumers.

Marian Wagener vs. SBC Pension Benefit Plan, No. 04-7060 (5/17/2005)

Two SBC retirees brought suit under ERISA against the SBC Pension plan to recover retirement benefits that they claimed they were owed.

Diane George vs. Michael Leavitt, Administrator of the EPA, No. 03-5356 (5/17/2005)

Appeal of the dismissal of a Title 7 discrimination claim.

Xcel Energy Services Inc. vs. FERC, No. 04-1182 (5/17/2005)

A Minnesota power utility challenged federal energy regulations regarding renewable energy credits intended to spur clean energy.

Rosita S. Javier vs. Commissioner of Social Security, No. 03-5153 (5/20/2005)

Case involving the Social Security Administration's termination of survivor benefits to a widow and children after a paternity test revealed that the children were not biologically related to the deceased (although the deceased had formally adopted the children).

Luck Music Library vs. Alberto Gonzales, Attorney General of the U.S., No. 04-5240 (5/24/2005)

Case involved copyright protections for foreign musicians who failed to comply with U.S. copyright formalities.

International Union, United Mine Workers vs. MSHA, No. 04-1164 (5/24/2005)

Challenge by the United Mine Workers Union to mine ventilation regulations issued by the Secretary of Labor that the Union said illegally weakened existing safety protections in mines.

Linda Roebuck vs. Odie Washington, No. 04-7063 (5/24/2005)

Title VII complaint alleging sex discrimination by the DC Department of Corrections.

Government of Rwanda vs. Robert W. Johnson, No. 04-7044 (5/27/2005)

During the Rwandan genocide of 1994, Washington lobbyists agreed that, in exchange for \$80,000 from the Rwandan Hutu government, they would portray the Tutsi minority as rebel terrorists in order to gain favorable relations with the U.S. government. Two days after the lobbyists accepted payment, the U.S. government ordered the Rwandan embassy closed down and all diplomatic relations with the Hutu government ceased. After a new Rwandan government gained control, it sued the lobbyists to recover sums that it claimed were not ever put to use.

Lawrence Maxwell vs. John Snow, Secretary of the Department of the Treasury, No. 04-5082 (5/27/2005)

A group of over 500 taxpayers sued the IRS to force production of documents relating to their individual income tax returns.

Venetian Casino vs. EEOC, No. 04-5098 (5/27/2005)

Case involved subpoenas issued by the EEOC to Venetian Casino for the production of documents relating to a discrimination claim. Venetian brought an action challenging EEOC's subpoenas and an alleged EEOC disclosure policy that Venetian feared would expose its trade secrets.

Palace Sports Entertainment vs. NLRB, No. 04-1261 (5/31/2005)

Case involved the enforcement of an NLRB order to reinstate and award back pay to an employee disciplined and fired for supporting a union at his workplace.

AFL-CIO vs. Elaine L. Chao, Secretary of the Department of Labor, No. 04-5057 (5/31/2005)

Union challenge to rules issued by the Secretary of Labor requiring unions to file itemized reports of ordinary receipts and expenditures. The AFL-CIO challenged the Secretary's authority to issue these new reporting requirements.

In Re: Madison Guaranty Savings & Loan, No. 94-0001 (5/31/2005)

Independent Counsel Kenneth Starr subpoenaed a Navy chief petty officer assigned to the White House during Clinton's presidency. The Independent Counsel then informed the Naval officer that he was under investigation for perjury. The officer hired a lawyer to defend his interests and brought this claim for recovering attorney fees under the Independent Counsel laws.

Program Suppliers vs. Librarian of Congress, No. 04-1070 (5/31/2005)

PBS and others brought a claim alleging bias in the Librarian of Congress' distribution of royalty payments and claiming that the distribution methodology adversely affected public television providers.

Brooklyn Union Gas Company vs. FERC, No. 04-1079 (5/31/2005)

A natural gas company challenged FERC's ruling over a newly merged gas pipeline company's proposed rate structure.

Spirit of the Sage Council vs. Gale Norton, Secretary of the Department of the Interior, No. 03-5345 (5/31/2005)

Procedural challenge by wildlife protection groups to two rules issued under the Endangered Species Act.