

# Bathroom Reader

Issue 25, Mid-March 2016

## THREE-JUDGE PANEL FOR DISTRICT COURT

A federal district court sometimes hears cases with a three-judge panel. This is often used for certain suits involving the Civil Rights Act and Voting Rights Act.

The parties request a panel and the judge receiving the motion determines if a panel is needed. That judge notifies the chief judge of the circuit, who then picks two other judges. At least one of the two must be a circuit court judge. Those two, plus the judge who first receives the motion, make up the panel. And for appeals from the panel? They proceed directly to the U.S. Supreme Court.

This three-judge panel procedure may seem like an uninteresting specialty. But, some (in)famous cases have proceeded this way. For example, *McCutcheon v. FEC* and *Citizens United v. FEC*.

## NO MONEY, MO' PROBLEMS

That could be the title of a collaboration between Biggie and 50 Cent, if Biggie was still with us.

Since filing for bankruptcy in July, entertainer Curtis James Jackson III (50's legal name), has

repeatedly posted pictures of himself with stacks of \$100 bills on Instagram. When the court heard about the photos, it set a hearing to have 50 Cent explain why, for example, he is able to spell out "broke" with \$10,000 in cash.



50 Cent's lawyers have portrayed the pictures as merely keeping up his image as an entertainer, but will need to convince Judge Ann Nevis that the rapper has been honest about his finances. So, bragging about buying estates or posting pictures with captions reading "I'm Too Rich," is probably only going to spell "trouble" for 50.

## HAPLESS LAW CLERK

At the end of each term, the late Justice Antonin Scalia would sign an opinion of his clerks' choosing for clerks to keep as a memento. John F. Duffy, a UVA Law professor, chose a case called *Conroy v. Aniskoff*. The dedication? "To John Duffy - The hapless law clerk."

While that dedication could seem like a slight, it was all made in good fun. In *Conroy*, Justice Scalia wrote a concurrence that examined the legislative history to counter the majority's review of the history. "I confess," wrote Justice Scalia, "that I have not personally investigated the entire legislative history . . . . The excerpts I have examined and quoted were unearthed by a hapless law clerk to whom I assigned the task." That clerk, of course, was Duffy.

For the full story by Duffy, see <http://tinyurl.com/j3djjr9>. The case is *Conroy*, 507 U.S. 511 (1993).

## LSG ROUND-UP

At the beginning of the semester, the Law School Government had elections: Brandon Marc Higa - President; Alyssa-Marie Kau - Treasurer; Christina Lizzi - Secretary.

More recently, others were confirmed to various positions. Andy Kiyuna & Jaime Tokioka - Judiciary; Natalie Moreland - ABA Student Rep; Rachel James - Part-time Program Senator; Anna Jang & Erin Kealoha Fale - Election Committee Co-Chairs; James Diehl - Faculty Hiring Committee member.

Congratulations and thank you for serving on the LSG!