

News Roundup

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The top story in the papers today is the continuing fallout from the *Bowden* case, some background on which is available [here](#). The *News and Observer* [reports](#) that Superior Court Judge Ripley Rand ordered the release of two inmates pursuant to *Bowden*, but that the court of appeals has stayed the order pending further review. For those interested in original documents, Judge Rand's order in the Faye Brown case is available [here](#).

Other stories of interest that have appeared recently include the following:

1. I noted in [this earlier news roundup](#) that the United States Supreme Court is reviewing the federal honest services fraud statute. The oral argument has taken place, and, as explained [here](#), the *Los Angeles Times* thinks it doesn't augur well for the future of the statute.
2. Speaking of the Court, it has just granted certiorari in *City of Ontario v. Quon*, a case that asks whether a government employee has a reasonable expectation of privacy in the messages on his employer-issued pager. Obviously, there are wide-ranging potential implications for the Fourth Amendment and electronic technologies. SCOTUSblog's brief coverage is [here](#), while Orin Kerr has two posts up on the Volokh Conspiracy, [here](#) and [here](#).
3. But pagers are so old fashioned. Social networking is all the rage now, and the *New York Times* reports [here](#) on a recent Florida ruling holding that judges should not be "Facebook friends" with lawyers who appear before them. Given that judges can be, and often are, *actual* friends with lawyers who appear before them, I'm not sure how sensible this rule is, but I'm open to persuasion.
4. Retired United States Supreme Court Justice Sandra Day O'Connor is spearheading an initiative to "assist state level efforts to move away from judicial elections," according to [this National Law Journal](#) article. This issue comes up from time to time in North Carolina. The North Carolina Bar Association, for example, favors a merit selection system. (They've just redesigned their website and I can't immediately find the relevant link on the new site, but an archived statement on the old site is available [here](#). In the interest of disclosure, I'm active in the NCBA, though I've never worked on judicial selection issues.) Not everyone's in favor of merit selection, as the Crime and Consequences blog observes [here](#).
5. Finally, Ohio recently became the first state to execute a death row inmate using a one-drug execution protocol. The Sentencing Law and Policy blog is, of course, all over this story. The most recent post is [here](#), and links to earlier posts on the same subject appear at the bottom of the page.