

The Supreme Court - February 27, 2019

Today, the Supreme Court issued three decisions:

Jam v. International Finance Corporation, No. 17-1011: The International Finance Corporation is a U.S.-based international development bank of which 184 countries are members. Plaintiffs sued the IFC for damages and injunctive relief related to the construction of a power plant which the IFC financed in India. The D.C. Circuit, however, held that the IFC was absolutely immune from suit under the International Organizations Immunities Act of 1945 ("the Act"). Today, the Supreme Court reversed and remanded. The Court held that, under the Act, international organizations have the same immunities as those enjoyed by foreign governments under the Foreign Sovereign Immunities Act. And because foreign governments do not enjoy absolute immunity under the FSIA, neither do international organizations.

The Court's decision is available [here](#).

Madison v. Alabama, No. 17-7505: In the decades Vernon Madison has spent on death row, his mental condition has sharply deteriorated. He has been diagnosed with vascular dementia with attendant disorientation, confusion, and memory loss. Now he claims he can no longer remember the murder for which he has been sentenced to die. Madison petitioned for relief from his sentence, arguing that, under the Supreme Court's Eighth Amendment jurisprudence, he was no longer mentally competent for execution. Alabama state courts rejected this argument, stating that dementia and memory loss were not sufficient for a finding of mental incompetence. Today, the Supreme Court reversed and remanded for reconsideration of Madison's competency. The Court held that the determinative factor for competency is whether the prisoner rationally understands the reason why the State seeks his execution. So long as a prisoner's dementia (or any other mental illness) prevents this understanding, the Court held, that illness may support a stay of execution under the Eighth Amendment.

Related Capabilities

- Appellate
- Construction Litigation
- International Arbitration & Litigation

The Court's decision is available [here](#).

Garza v. Idaho, No. 17-1026: Gilberto Garza Jr. signed two plea agreements, each with clauses waiving his right to appeal. After sentencing, Garza repeatedly asked his trial counsel to file notices of appeal, but trial counsel failed to do so. Later, in post-conviction proceedings, Garza argued that his trial counsel was constitutionally ineffective because he did not file the notices of appeal. But the Idaho Supreme Court held that, given the appeal waivers, Garza needed to, but could not, show prejudice to support his ineffective assistance of counsel claim. Today, the Supreme Court reversed and remanded. Extending its holding in *Roe v. Flores-Ortega*, 528 U.S. 470 (2000), the Court held that—even where a defendant has signed an appeal waiver—prejudice is presumed when an attorney's deficient performance costs the defendant an appeal that the defendant would have otherwise pursued.

The Court's decision is available [here](#).