

The Supreme Court Update - February 25, 2026

by Andrew Brantingham, Ian Blodger, Jessica M. Leano, and Brock Huebner

On February 25, 2026, the Supreme Court of the United States issued two decisions:

GEO Group, Inc. v. Menocal, No. 24-758: This case interprets the scope of federal appellate courts' jurisdiction to review collateral orders, which are orders parties may appeal immediately without waiting for a final decision like orders denying claims of absolute immunity, qualified immunity, and state sovereign immunity. A putative class action of former detainees sued GEO Group, Inc. ("GEO"), an operator of private detention facilities under contract with the U.S. Immigration and Customs Enforcement, alleging GEO's work policies were unlawful. GEO moved to dismiss the lawsuit under the Supreme Court's *Yearsley v. W. A. Ross Construction Co.*, 309 U.S. 18 (1940) precedent, which held that a federal contractor cannot be held liable for acts the government lawfully "authorized and directed" the contractor to perform. The district court ruled the *Yearsley* doctrine did not apply and declined to dismiss the case. The Tenth Circuit Court of Appeals rejected GEO's attempt to immediately appeal the district court's decision. The Supreme Court unanimously affirmed the Tenth Circuit. Justice Kagan authored an opinion joined by seven justices in full and Justice Thomas in part, holding that the *Yearsley* doctrine provides a merits defense, not an immunity from suit, and so is not subject to interlocutory appeal as a collateral order. Justice Thomas filed a concurrence disagreeing with the Court's collateral-order doctrine precedents. Justice Alito wrote separately, concurring only in the judgment.

View the Court's [decision](#).

Villarreal v. Texas, No. 24-557: This case addresses the limitations on a criminal defendant's right to consult his or her counsel during the defendant's trial testimony. The dispute arose from Petitioner David Villarreal's trial for murder, where a 24-hour overnight recess interrupted his testimony. The trial judge instructed Villarreal's attorney not to "manage his testimony," but noted that Villarreal retained his right to confer with his attorney about topics like possible sentencing issues. The trial concluded and

Related People

- Andrew Brantingham
- Ian Blodger
- Jessica M. Leano
- Brock Huebner

Related Capabilities

- Appellate

Villarreal was convicted of murder. The Texas Court of Criminal Appeals held the trial judge's order was permissible. The Supreme Court held in a decision unanimous as to the judgment authored by Justice Jackson, that a qualified conferral order that prohibits only discussion of the defendant's testimony for its own sake during a midtestimony overnight recess permissibly balances the defendant's Sixth Amendment right to counsel against the burden of offering unaltered trial testimony and does not violate the Constitution. Justice Alito filed a concurring opinion. Justice Thomas also issued a concurrence, joined by Justice Gorsuch.

View the Court's [decision](#).