

Amy Howe *Editor/Reporter*

Posted Thu, March 12th, 2015 6:18 am

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Thursday round-up

Monday's decisions in *Perez v. Mortgage Bankers Association*, holding that amendments to interpretative rules do not require notice-and-comment rulemaking, and *Department of Transportation v. Association of American Railroads*, holding that Amtrak is a governmental entity, continue to spawn coverage and commentary. At [Procedurally Taxing](#), Patrick Smith suggests that, although *Perez* "is clearly significant in its direct application, . . . [w]hat may be even more significant about the opinion is what the concurring opinions in the case say about *Auer*." At the blog of the [American College of Environmental Lawyers](#), Seth Jaffe similarly contends that "[t]he truly interesting part of the case was in the concurring opinions. Both Justices Scalia and Thomas, effectively joined by Justice Alito, argued that Supreme Court decisions giving deference to agencies' interpretation of their own rules have no constitutional foundation and should be overruled." And a post about the railroad case at the [International City/County Management Association](#) argues that, although "a ruling that the proper comparison class in this case is all commercial and industrial taxpayers would have been even better, the Court's ruling that lower courts must look at total taxes paid, and justifications for why particular competitors don't pay particular taxes, will mean that 4-R Act discrimination cases may be less likely to succeed."

Briefly:

- At the [National Constitutional Center](#), Scott Bomboy contends that "[t]he highest court in the land of toys isn't the Supreme Court, it's apparently Lego, which won't allow Supreme Court figurines in a play set because they are considered too 'political.'"
- At The Economist's [Democracy in America](#) blog, Steven Mazie outlines what he describes as "a plausible scenario" in which the Chief Justice "may vote in the liberal direction in *both King v Burwell*, the Obamacare case, and *Obergefell v Hodges*, the same-sex marriage case."

A friendly reminder: We rely on our readers to send us links for the round-up. If you have or know of a recent (published in the last two or three days) article, post, or op-ed relating to the Court that you'd like us to consider for inclusion in the round-up, please send it to roundup [at] scotusblog.com.

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Recommended Citation: Amy Howe, *Thursday round-up*, SCOTUSBLOG (Mar. 12, 2015, 6:18 AM), <http://www.scotusblog.com/2015/03/thursday-round-up-266/>