

Pin The Washington Post by dragging this icon to your Windows taskbar → ? Ignore X

Hello corderoric Sign Out Print Subscription Conversations Today's Paper Going Out Guide Jobs Cars Real Estate Rentals Classifieds

Home POLITICS OPINIONS LOCAL SPORTS National World Business Investigations Lifestyle Entertainment Multimedia

The Washington Post Make us your start page POSTPOLITICS

Washington, DC 81° Partly Cloudy Personalize

Campaign 2012 Congress Courts & Law The Fed Page Health Care Polling White House Who Runs Gov Blogs & Columns

In the News David Wu Debt ceiling Mexican Romneys Michele Bachmann House GOP freshmen

Advertisement

Robert Barnes

Reporter

A priceless win at the Supreme Court? No, it has a price.

Text Size Print E-mail Reprints

By Robert Barnes, Published: July 25

A big victory at the Supreme Court isn't priceless, after all. It costs somewhere north of \$1,144,602.64.

That's what the video game industry spent to convince the court that California's law banning the sale or rental of violent video games to minors violated the First Amendment. And it asked the court Monday to make the state pay the legal cost of the case, most of which went to the law firm of Jenner & Block.

10 Comments

Weigh In Corrections?

Tweet 22

Send Recommend

You recomm priceless wi the Suprem

Archive

E-mail

Advertisement

Two industry trade groups — the Entertainment Merchants Association and Entertainment Software Association — relied on civil rights laws in asking for the fees. Federal law allows the prevailing parties in such cases to collect their costs from the losing side.

In Brown v. Entertainment Merchants Association, according to the motion, the industry "vindicated important First Amendment rights and enjoined enforcement of an unconstitutional law." The court voted 7 to 2 to strike down the law, with Justice Antonin Scalia writing that the Constitution does not give a state a "free-floating power to restrict the ideas to which children may be exposed."

Advertisement SEE THE PLAN. SPREAD THE WORD. Chesapeake ENERGY CHK.COM/INDEPENDENCE

The Hunt for Bin Laden A new Kindle Single from the staff of The Washington Post Available now for \$1.99

Personalized News About The Debt Ceiling Debate Keep up with any interest with Trove. See the Debt Ceiling Debate channel.

who runs GOV Focus on Transportation Find key transportation news and officials. WhoRunsGov.com

The Fed Page Latest news on the federal workforce, agencies, regulations and oversight. Go to The Fed Page

Network News Hide this Friends' Activity Most Popular Twitter Activity

Christian Genetski, ESA's general counsel, said: "We certainly feel it's unfortunate that California taxpayers are suffering the consequences" of the state's decision to pass the law. But he said the industry warned then-Gov. Arnold Schwarzenegger (R) not to sign the legislation because every court that had looked at similar laws found

them unconstitutional.

The parties received \$276,000 (plus interest) from the state when they prevailed at the district court level, and \$94,000 at the appeals court level. A spokeswoman said California Attorney General Kamala D. Harris had no comment on the motion.

The petition lays out in eye-popping detail — to anyone who doesn't work for a high-powered Washington law firm — what it costs to retain a high-powered Washington law firm for a Supreme Court case.

Nine Jenner & Block lawyers brought in nearly \$1.1 million in fees for their work in 2009 and 2010, led by veteran Supreme Court advocate Paul M. Smith. Smith, who argued the case before the court, spent more than 321 hours on the case, at an hourly rate of \$765.

The price is "similar" to what others charge "in the relevant market of attorneys who regularly practice before the Supreme Court," the motion says.

And all the bills aren't in yet. The costs for 2011 are still open; the cost of filing the motion will be in that invoice.

Recommend You recommend A priceless win at the Supreme Court? No, it has a price. · [Admin Page](#) · [Insights](#) · [Error](#) You and 38 others

Send Tweet 22

[Confirm](#)

Weigh In

[About Discussions, Badges](#) [Discussion Policy](#)

[CREATE ID](#) [+ SHARE THIS DEBATE](#)

You do not have a valid MyPost ID. You must create a valid MyPost ID to comment or post. If you post before creating a MyPost ID, your comment will be saved while you are guided through the login process.

Limit 3000 characters (3000 characters remaining)

[Post](#)

[Top Comments \(0\)](#) [All Comments \(10\)](#)

[Newest first](#) [Oldest first](#) [Most Recommended first](#)

[Live](#)

No Top Comments are available at the moment. [View all Comments.](#)

Comments our editors find particularly useful or relevant are displayed in Top Comments, as are comments by users with these badges: [Post Forum](#). Replies to those posts appear here, as well as posts by staff writers.

Your Friends' Most Recent Activity

Create an account or [log in](#) to See what your friends are doing.

[Obama's and Bush's effects on the deficit in one graph](#)
35,397 people recommend this.

[Bachmann benefitted from federal home loan program](#)
2,674 people recommend this.

[Ads by Christian groups pressure lawmakers to protect the poor in debt talks](#)
1,890 people recommend this.

[U.S. officials believe al-Qaeda on brink of collapse](#)
754 people recommend this.

[More Americans unhappy with Obama on economy, jobs](#)
2,635 people recommend this.

[Camp Quest is atheists' answer to Bible school](#)
530 people recommend this.

Facebook social plugin

Follow The Post: [View More Activity](#)

The Post Most: Politics

[Most Popular](#)

1. Boehner, Reid appear to have given ground in debt proposals
2. Obama changes tone in public debate over debt ceiling
3. Postal Service names 3,700 post offices that could be closed
4. Bachmann benefitted from federal home loan program
5. Ads by Christian groups pressure lawmakers to protect the poor in debt talks

[+ Top Videos](#)

[+ Top Galleries](#)

POTUS Tracker

- [Tuesday, July 26, 2011](#)
- 10 a.m. Obama and Biden receive the Presidential Daily Briefing
 - 10:30 a.m. Obama meets with senior advisers
 - 3:15 p.m. Obama and Biden meet with Secretary of Defense Panetta

Congressional Database

- Explore the 112th [House](#) [Senate](#) [Bills](#)
- HouseH RES 355 July 19, 2011 [More](#)
 - HouseOn Approving the Journal July 18, 2011 [More](#)
 - HouseH R 33 July 18, 2011 [More](#)