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US v. Marino

August 9, 2016

Evidence, Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence and conviction of wire fraud, 8 U.S.C. section 1343, is affirmed over defendant's meritless claims that: 1) the judge erred by admitting hearsay evidence; 2) insufficient evidence supported the judge's finding that he had cheated Dell and DTA and that he had monkeyed around with the electronic-monitoring equipment; and 3) his sentence requiring him to spend a year at Coolidge House is substantively unreasonable.

Doe v. Cape Elizabeth Sch.

August 5, 2016

Evidence, Education Law

(United States First Circuit) - In a case that raises an important issue regarding eligibility for special education under the Individuals with Disabilities Education Act (IDEA), namely whether a child with a strong academic record may still be found to have a learning disability and a need for special education, thereby entitling her to special education and related services, the District Court's decision, which affirmed the administrative hearing officer's determination that their child is no longer eligible to receive special education under the IDEA despite allegedly suffering from a reading fluency deficit, is vacated where: 1) without regard to how it reflects her reading fluency skills; and 2) the court failed to make an independent judgment as to the additional evidence submitted by the Does and afforded excessive deference to the hearing officer's determinations in weighing the relevant reading fluency measures.

US v. Garay-Sierra

August 5, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for guilty plea to carjacking with intent to cause death and serious bodily harm, 18 U.S.C. section 2119(2), and possession of a firearm during a crime of violence, section 924(c)(1)(A)(ii), is: 1) affirmed as to defendant's sentence on the carjacking count; and 2) vacated as to his sentence on the firearm count, and remanded for resentencing.

Fontanillas-Lopez v. Morel Bauza Cartagena & Dapena

August 5, 2016

Civil Rights, Labor & Employment Law, Attorney's Fees

(United States First Circuit) - In a suit alleging sex discrimination claims under federal and Puerto Rico law against plaintiff's former employer, the District Court's denial of plaintiff's motion to vacate summary judgment to defendants on her federal claims and dismissal of state

claims, and grant of attorney's fees are affirmed where plaintiff has failed to show that the district court abused its discretion in holding her to the local rules' ordinary page limits, in awarding attorneys' fees to the prevailing defendants, or in rejecting her motions to set aside the summary judgment order and the fees award.