
DOWJONES | Newswires**Supreme Ct Agenda Includes Key Telecom, Insurance Cases**

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WASHINGTON (Dow Jones)--Telecommunications, bankruptcy, union membership and the role of expert testimony top a growing list of important business cases the Supreme Court will review when its new term formally begins Oct. 5.

So far, the justices have agreed to hear 34 cases, down from about 50 they had accepted by this time last year. Legal scholars say about half of those cases are business-related.

The court is expected to accept more cases as early as Tuesday; the justices gathered behind closed doors Monday to begin sorting through some 1,700 appeals that were filed over the summer.

Among the cases already accepted by the court is one that could decide the future of local telephone competition. And in another case with broad implications, the justices will consider whether the 2000 census should calculate U.S. population by statistical sampling or by an actual head count.

The justices will also ponder a closely watched appeal by Humana Inc. (HUM) that could decide whether insurers can be sued under federal racketeering statutes, and they'll take a second look at a big asbestos settlement involving Fibreboard Corp.

Legal scholars say the upcoming term may not break much new ground. Instead, many of the business cases will be used as a tool to clarify past decisions, such as the appeal involving expert testimony.

The case could help bring to focus a 1993 Supreme Court decision that said that before admitting expert scientific testimony, a trial judge must determine that the science involved is legitimate. Since the Daubert case, lower courts have been divided about what experts qualify as "scientific."

In the case before the justices, the plaintiffs sued South Korea's Kumho Tire Co., alleging that a defective tire on their minivan caused an accident. An engineer offered testimony supporting the claim, but a trial judge excluded it. An appeals court later reversed the decision, concluding that the expert wasn't relying on "scientific principles."

Oral arguments in the case, Kumho Tire vs. Carmichael, haven't yet been scheduled.

Perhaps the most closely watched business case of the term is AT&T vs. Iowa Utilities Board, which is actually a consolidation of eight cases that will determine how long-distance carriers like AT&T Corp. (T), MCI Worldcom Inc. (WCOM) and Sprint Corp. (FON) can compete in the \$100 billion business of local calling.

At issue is a ruling last summer from the Eighth U.S. Circuit Court of Appeals, which concluded that the Federal Communications Commission overstepped its authority when it set guidelines for prices would-be rivals would pay for access to local calling networks.

The appellate decision was a big victory for the regional Baby Bells and other local carriers, like GTE Corp. (GTE). The local phone companies argue that the states - not the FCC - determine the so-called "interconnection" rates under the 1996 Telecommunications Act. The justices will also consider how potential competitors can have access to pieces of the local calling network.

"Billions of dollars are at stake," said Washington attorney Donald Verilli, who represents MCI in the case. Oral arguments are scheduled for Oct. 13, and the justices have taken the unusual step of setting aside two hours for debate.

The case is also significant because the court could soon be asked to consider FCC rules that the Baby Bells say have unfairly kept them out of the long-distance business. The Fifth U.S. Circuit Court of Appeals recently ruled in favor of the FCC, overturning a decision by a federal judge in Texas.

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