

## “A Court in Transition: The U.S. Supreme Court's 2017-18 Term”

Tuesday, December 12, 2017 from 6:00 PM to 9:00 PM PST  
Four Seasons Hotel  
757 Market Street  
Veranda Ballroom - 5th Floor  
San Francisco, CA 94103

The Supreme Court's 2017-18 Term - the first Term with the Court at full strength with the confirmation of Associate Justice Neil M. Gorsuch - is likely to be a blockbuster, with significant cases concerning immigration, arbitration, the First Amendment, voting rights, and more. But some of the most important questions about this Term are not on the Court's docket. How will the addition of Justice Gorsuch shape the Court? Will the Court be drawn into cases concerning presidential power, and how will it handle those cases?

Join ABTL's Northern California Chapter and a distinguished panel of experts for a mid-term review of the U.S. Supreme Court's 2017-18 Term, and a discussion of the Court's future in the Trump era. Panelists are Associate Justice Goodwin Liu, California Supreme Court; Theodore J. Boutrous, Jr., Gibson, Dunn & Crutcher LLP; and Professor Jeffrey Fisher, Stanford Law School.

### Significant cases of the 2017-18 Term and Resources

*Carpenter v. United States*, No. 16-402. Whether the warrantless seizure and search of historical cellphone records revealing the location and movements of a cellphone user over the course of 127 days is permitted by the Fourth Amendment.

Transcript of argument:

[https://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/2017/16-402\\_3f14.pdf](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-402_3f14.pdf)

Briefs and analysis: <http://www.scotusblog.com/case-files/cases/carpenter-v-united-states-2/>

*Christie v. National Collegiate Athletic Association*, No. 16-476. Whether a federal statute that prohibits modification or repeal of state-law prohibitions on private conduct impermissibly commandeers the regulatory power of states in contravention of *New York v. United States*.

Transcript of argument:

[https://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/2017/16-476\\_4fb4.pdf](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-476_4fb4.pdf)

Briefs and analysis: <http://www.scotusblog.com/case-files/cases/christie-v-national-collegiate-athletic-association-2/>

*Epic Systems Corp. v. Lewis*, No. 16-285, and consolidated cases. Whether an agreement that requires an employer and an employee to resolve employment-related disputes through individual arbitration, and waive class and collective proceedings, is enforceable under the Federal Arbitration Act, notwithstanding the provisions of the National Labor Relations Act.

Transcript of argument:

[https://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/2017/16-285\\_q811.pdf](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-285_q811.pdf)

Briefs and analysis: <http://www.scotusblog.com/case-files/cases/epic-systems-corp-v-lewis/>

*Gill v. Whitford*, No. 16-1161. (1) Whether the district court violated *Vieth v. Jubelirer* when it held that it had the authority to entertain a statewide challenge to Wisconsin's redistricting plan, instead of requiring a district-by-district analysis; (2) whether the district court violated *Vieth* when it held that Wisconsin's redistricting plan was an impermissible partisan gerrymander, even though it was undisputed that the plan complies with traditional redistricting principles; (3) whether the district court violated *Vieth* by adopting a watered-down version of the partisan-gerrymandering test employed by the plurality in *Davis v. Bandemer*; (4) whether the defendants are entitled, at a minimum, to present additional evidence showing that they would have prevailed under the district court's test, which the court announced only after the record had closed; and (5) whether partisan-gerrymandering claims are justiciable.

Transcript of argument:

[https://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/2017/16-1161\\_mjn0.pdf](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-1161_mjn0.pdf)

Briefs and analysis: <http://www.scotusblog.com/case-files/cases/gill-v-whitford/>

*Husted v. A. Philip Randolph Institute*, No. 16-980. Whether 52 U.S.C. § 20507 permits Ohio's list-maintenance process, which uses a registered voter's voter inactivity as a reason to send a confirmation notice to that voter under the National Voter Registration Act of 1993 and the Help America Vote Act of 2002.

Argument scheduled for January 10, 2018.

Briefs and analysis: <http://www.scotusblog.com/case-files/cases/husted-v-philip-randolph-institute/>

*Janus v. American Federation of State, County, & Municipal Employees, Council 31*, No. 16-1466. Whether *Abood v. Detroit Board of Education* should be overruled and public-sector “agency shop” arrangements invalidated under the First Amendment.

Argument not yet set.

Briefs and analysis: <http://www.scotusblog.com/case-files/cases/janus-v-american-federation-state-county-municipal-employees-council-31/>

*Jesner v. Arab Bank, PLC*, No. 16-499. Whether the Alien Tort Statute, 28 U.S.C. § 1350, categorically forecloses corporate liability.

Transcript of argument:

[https://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/2017/16-499\\_n24m.pdf](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-499_n24m.pdf)

Briefs and analysis: <http://www.scotusblog.com/case-files/cases/jesner-v-arab-bank-plc/>

*Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, No. 16-111. Whether applying Colorado's public accommodations law to compel the petitioner to create expression that violates his sincerely held religious beliefs about marriage violates the free speech or free exercise clauses of the First Amendment.

Transcript of argument:

[https://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/2017/16-111\\_onjq.pdf](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/16-111_onjq.pdf)

Briefs and analysis: <http://www.scotusblog.com/case-files/cases/masterpiece-cakeshop-ltd-v-colorado-civil-rights-commn/>

*National Institute of Family & Life Advocates v. Becerra*, No. 16-1140. Whether the disclosures required by the California Reproductive FACT Act violate the protections set forth in the free speech clause of the First Amendment, applicable to the states through the 14th Amendment.

Argument not yet set.

Briefs and analysis: <http://www.scotusblog.com/case-files/cases/national-institute-family-life-advocates-v-becerra/>