***AJEI Conference***

***“Supreme Court Preview” Panel Discussion***

***November 4, 2017***

*Participants*

Panelist, Honorable Patrick Higginbotham, Federal Judge, U.S. Court of Appeals for the Fifth Circuit

Panelist, Professor Pam Karlan, Co-Director of the Stanford Law School Supreme Court Litigation Clinic

Moderator, Dean David Levi, Dean of Duke University School of Law

*Learning Objectives*

The panelists will comment on the current composition of the Supreme Court and the state of the Court’s docket. They will then discuss pending U.S. Supreme Court cases in various topical areas, including (1) criminal procedure and evidence; (2) equality, the First Amendment, and the culture wars; (3) voting and elections; and (4) human rights-related issues.

*Topical Outline*

# Introduction

## The shape of the Court

## The shape of the docket

# Criminal procedure and evidence

## Carpenter v. United States

Does the seizure and search of historical cell phone records revealing the location and movements of a cell phone user over several months require a warrant?

## In the pipeline: Robinson v. United States

Under Terry v. Ohio, 392 U.S. 1 (1968), officers who lack probable cause or a warrant may search a person they have lawfully stopped only if they have specific and articulable reason to believe that person is “armed and presently dangerous.” In a state that permits residents legally to carry firearms while in public, whether, or under what circumstances, an officer’s belief that a person is armed allows the officer to infer for purposes of a Terry search that the person is “presently dangerous”?

# Equality, the First Amendment, and the Culture Wars

## Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission

## 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.

## In the pipeline: Evans v. Georgia Regional Hospital

Does Title VII’s prohibition on discrimination “because of . . . sex” forbid discrimination based on sexual orientation?

# Voting and Elections

## Gill v. Whitford

Is partisan gerrymandering justiciable?

## In the pipeline: Abbott v. Veasey

## Does Texas’s voter ID law violate the Voting Rights Act?

## In the pipeline: Abbott v. Perez

## Do Texas’s congressional and state house districts violate federal law?

# Human rights-related issues

## Jesner v. Arab Bank

Can corporations be sued under the Alien Tort Statute?

## Trump v. International Refugee Assistance Project and Trump v. Hawaii

Did the President have statutory authority to issue an Executive Order that suspends for 90 days the entry of foreign nationals of six countries that have predominantly Muslim populations?

Does the Executive Order violate Section 1152 of the INA, which prohibits nationality discrimination in the issuance of immigrant visas?

Does the Executive Order violate the Establishment Clause?