

U.S. Supreme Court Update

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Antonin Scalia (1936-2016)



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The Top Ten: # 10

Bernard v. Minnesota, Nos. 14-1470, 14-1468, & 14-1507

Argued April 20, 2016

Issue: Whether, in the absence of a warrant, a state may make it a crime for a person to refuse to take a chemical test to detect the presence of alcohol in the person's blood.

Prediction: Narrow holding rejecting warrantless breath tests in circumstances where warrants can be obtained on an expedited basis; careful avoidance of any decision about blood tests.

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The Top Ten: #9

Zubik v. Burwell, Nos. 15-191, etc.

Decided May 16, 2016

Holding: Judgments in cases involving religious nonprofit organizations' objections to Affordable Care Act's contraceptive-coverage mandate vacated and cases remanded for consideration of potential compromise approach involving concurrent contraceptive coverage without opt-in requirement.

Decision: 8-0 (*per curiam*)

Concurring opinion: Sotomayor (+Ginsburg)

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The Top Ten: #8

Evenwell v. Abbott, No. 14-940

Decided April 4, 2016

Holding: States may apportion legislative districts according to total population rather than voter-eligible population.

Decision: 8-0

Majority opinion: Ginsburg (+Roberts/ Kennedy/ Breyer/ Sotomayor/
Kagan)

Concurring opinions: Thomas, Alito (+Thomas)

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The Top Ten: #7

Montgomery v. Louisiana, No. 14-280

Decided January 25, 2016

Holding: *Miller v. Alabama*, 132 S. Ct. 2455 (2012) (juvenile homicide-offender may not be sentenced to life without parole absent consideration of juvenile's special circumstances) is retroactive.

Decision: 6-3

Majority opinion: Kennedy (+Roberts/ Ginsburg/ Breyer/ Sotomayor/
Kagan)

Dissenting opinion: Scalia (+Thomas/ Alito), Thomas

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