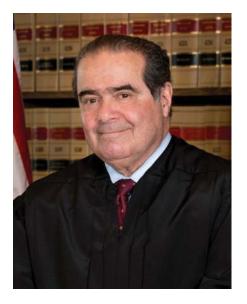
# U.S. Supreme Court Update

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25<sup>th</sup> Annual Conference on State & Federal Appeals June 10, 2016



## Antonin Scalia (1936-2016)





#### 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.



## 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)



#### 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)



### 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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