

Western New England University School of Law
THE TWENTY-FIFTH ANNUAL
Supreme Court Review Conference
Important Decisions of the 2019-2020 Term
Tuesday, October 13, 2020: 6:00 p.m. to 8:30 p.m.

PROGRAM

6:00 p.m. — Welcome: Dean Sudha Setty

6:05 p.m. — Prof. Julie Steiner, Director of the Legislative Institute

6:10 p.m. — The Chief Justice Rules: The Trump Subpoena Cases

Presenter: Professor Emeritus Bruce Miller

6:30 p.m. — Interpreting the Sixth Amendment Jury Trial Right

Presenter: Professor Bridgette Baldwin

6:45 p.m. — “Because of Sex”

Presenter: Professor Jennifer Levi

7:10 p.m. — The Administrative State

Presenter: Professor Erin Buzuvis

7:35 p.m. — Religious Liberty Gets a Blessing

Presenter: Professor Emeritus Leora Harpaz

**8:00 p.m. — Panel Discussion: Professors Buzuvis, Harpaz, Levi,
and Miller**

*Sponsored by the Law School’s Institute for Legislative and Governmental
Affairs*

LIST OF PRINCIPAL CASES

First Session: The Trump Subpoena Cases

Presenter: Professor Emeritus Bruce Miller

1. *Trump v. Mazars, USA, LLP*, 140 Sup. Ct. 2019 (July 9, 2020) (7-2) (majority opinion by Chief Justice Roberts) (adopting a 4 factor test to be applied by the court below to take adequate account of the separation of powers concerns raised by Congressional subpoenas seeking the President's personal information in the form of business records and tax returns).
2. *Trump v. Vance*, 140 S. Ct. 2412 (July 9, 2020) (7-2) (majority opinion by Chief Justice Roberts) (holding that the President has the same protections available to every citizen to challenge a state grand jury subpoena as well as the ability to challenge a specific subpoena based on constitutional objections and rejecting both the President's claim of absolute immunity from state criminal proceedings as well as the federal government's argument that the state has to make a heightened showing of need for the requested documents).

Second Session: Sixth Amendment Jury Trial Right

Presenter: Professor Bridgette Baldwin

1. *Ramos v. Louisiana*, 140 Sup. Ct. 1390 (April 20, 2020) (6-3) (opinion by Justice Gorsuch) (overruling *Apodaca v. Oregon* and finding the Sixth Amendment as applied to both the state and federal governments requires a unanimous jury verdict to convict a defendant of a serious crime).

Third Session: "Because of Sex"

Presenter: Professor Jennifer Levi

1. *Bostock v. Clayton County*, 140 Sup. Ct. 2551 (June 15, 2020) (6-3) (opinion by Justice Gorsuch) (interpreting Title VII of the Civil Rights Act of 1964 to prohibit employment discrimination based on sexual orientation and transgender status).
2. *June Medical v. Russo*, *June Medical Services LLC v. Russo*, 140 S. Ct. 2103 (June 29, 2020) (5-4) (plurality opinion by Justice Breyer) (striking down a Louisiana law requiring that physicians performing abortions have admitting privileges at a hospital within 30 miles of the abortion clinic where they work).

Fourth Session: The Administrative State

Presenter: Professor Erin Buzuvis

1. *Department of Homeland Security v. Regents of the University of California*, 140 S. Ct. 1891 (June 18, 2020) (5-4) (opinion by Chief Justice Roberts) (concluding that the Department of Homeland Security's decision to wind down the Deferred Action for Childhood Arrivals (DACA) program was arbitrary and capricious in violation of the Administrative Procedure Act).
2. *Seila Law LLC v. Consumer Financial Protection Bureau*, 140 S. Ct. 2183 (June 29, 2020) (5-4) (Opinion by Chief Justice Roberts) (invalidating the limitation on the President's ability to remove the director of the Bureau on separation of powers grounds, but severing the unconstitutional provision and leaving in place the other provisions of the Dodd-Frank Act that create the Bureau and grant it authority).

Fifth Session: Religious Liberty Gets a Blessing

Presenter: Professor Emeritus Leora Harpaz

1. *Espinoza v. Montana Department of Revenue*, 140 S. Ct. 2246 (June 30, 2020) (5-4) (opinion by Chief Justice Roberts) (finding that the Montana Supreme Court's decision to invalidate a state scholarship program that applied to both religious and nonreligious private schools based on the provision in the state constitution that prohibited aid to religious schools violated the Free Exercise Clause).
2. *Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (July 8, 2020) (7-2) (opinion by Justice Thomas) (holding that the federal government had authority under the Affordable Care Act to create broad exemptions for employers with religious or moral objections from the need to comply with the ACA's contraceptive mandate).
3. *Our Lady of Guadalupe School v. Morrissey-Berru*, 140 S. Ct. 2049 (July 8, 2020) (7-2) (opinion by Justice Alito) (ruling that the "ministerial exception" under the First Amendment religion clauses bars employment discrimination claims by teachers at Catholic elementary schools even if they have no formal status as ministers or academic training in theology).