

# Supreme Court Term Preview

Thursday, September 29, 12 – 1 pm PDT

Members of the UCI Law faculty preview several of the major cases the Supreme Court will consider during the upcoming court term. The event will be moderated by [Henry Weinstein](#), Professor of Lawyering Skills.

## Panelists and Cases:

[Mario Barnes](#), Professor of Law

**Expertise:** Criminal Law; Constitutional Law; National Security Law; Race and the Law

**Case:** [Merrill v. Milligan](#)

**Issue(s):** Whether the state of Alabama's 2021 redistricting plan for its seven seats in the United States House of Representatives violated Section 2 of the Voting Rights Act, 52 U. S. C. §10301.21

[Courtney Cahill](#), Professor of Law

**Expertise:** Constitutional law; Anti-Discrimination Law; Reproductive Rights; Sex Equality; LGBTQ Equality

**Case:** [303 Creative LLC v. Elenis](#)

**Issue(s):** Whether applying a public accommodation law to compel an artist [who does not want to provide services to a couple planning a same-sex wedding] to speak or stay silent violates the free speech clause of the First Amendment.

## [Stephen Lee](#), Professor of Law

**Expertise:** Administrative Law; Immigration Law

**Case:** [Mallory v. Norfolk Southern Railway](#)

**Issue(s):** Whether the due process clause of the 14th Amendment prohibits a state from requiring a corporation to consent to personal jurisdiction to do business in the state.

## [Rachel Moran](#), Distinguished and Chancellor's Professor of Law

**Expertise:** Civil Rights; Education Law and Policy; Higher Education and Affirmative Action; Latino-Related Law and Policy; Legal Education; Torts

**Case 1:** [Students for Fair Admissions Inc. v. President & Fellows of Harvard College](#)

**Issue(s):** (1) Should the Supreme Court overrule *Grutter v. Bollinger*, 539 U.S. 306 (2003), and hold that institutions of higher education cannot use race as a factor in admissions?  
(2) Title VI of the Civil Rights Act bans race-based admissions that, if done by a public university, would violate the Equal Protection Clause. *Gratz v. Bollinger*, 539 U.S. 244, 276 n.23 (2003). Is Harvard violating Title VI by penalizing Asian-American applicants, engaging in racial balancing, overemphasizing race and rejecting workable race-neutral alternatives?

**Case 2:** [Students for Fair Admissions v. University of North Carolina](#)

**Issue(s):** (1) Should the Supreme Court overrule *Grutter v. Bollinger*, 539 U.S. 306 (2003), and hold that institutions of higher education cannot use race as a factor in admissions?  
(2) Can a university reject a race-neutral alternative because it would change the composition of the student body, without proving that the alternative would cause a dramatic sacrifice in academic quality or the educational benefits of overall student-body diversity?

## [Tony Reese](#), Chancellor's Professor of Law

**Expertise:** Copyright Law; Trademark Law

**Case:** [Andy Warhol Foundation for the Visual Arts v. Goldsmith](#)

**Issue(s):** Whether a work of art is "transformative" when it conveys a different meaning or message from its source material (as the Supreme Court, U.S. Court of Appeals for the 9th Circuit, and other courts of appeals have held), or whether a court is forbidden from considering the meaning of the accused work where it "recognizably deriv[es] from" its source material (as the U.S. Court of Appeals for the 2nd Circuit has held).

## [Mark Rosenbaum](#), Adjunct Professor of Law

**Expertise:** Civil rights; Supreme Court litigation; constitutional analysis

**Case:** [Moore v. Harper](#)

**Issue(s):** Whether a State's judicial branch may nullify the regulations governing the "Manner of holding Elections for Senators and Representatives . . . prescribed . . . by the Legislature thereof," U.S. CONST. art. I, § 4, cl. 1, and replace them with regulations of the state courts' own devising, based on vague state constitutional provisions purportedly vesting the state judiciary with power to prescribe whatever rules it deems appropriate to ensure a "fair" or "free" election.

## [Ji Seon Song](#), Assistant Professor of Law

**Expertise:** Criminal Law; Criminal Procedure; Policing, Race and the Law; Juvenile Law

**Case:** [Reed v. Goertz](#)

**Issue(s):** Whether the constitutionality of a Texas law limiting the amount of time an inmate [in this instance, a death row inmate] has to file a federal civil rights lawsuit seeking DNA tests that could establish the inmate was wrongfully convicted.

[Katie Tinto](#), Clinical Professor of Law and Director, Criminal Justice Clinic

**Expertise:** Criminal Law; Criminal Procedure; Criminal Defense

**Case:** [Cruz v. Arizona](#)

**Issue(s):** Whether the Arizona Supreme Court's holding that Arizona Rule of Criminal Procedure 32.1 (g) precluded post-conviction relief is an adequate and independent state-law ground for the judgment.