

ABBREVIATED U.S. SUPREME COURT CHART

U.S. SUPREME COURT TERM: 2012-13

Updated: June 17, 2013

New filings=green font

Updates=red font

Amicus cases= yellow highlight

CASE/DOCKET NO. /DATE FILED	ISSUE	STATUS
<i>Dixon v. University of Toledo</i> , 12-1402, 5/28/13	Employment & Labor: (1) Should the Elrod/Branti policymaker exception analysis—in which the U.S. Supreme Court established that the termination of a government employee based on the employee's political affiliation in political patronage cases is permissible under the First Amendment—apply to employee speech cases that do not involve political patronage; (2) Should a presumption apply in favor of protecting the free speech interests of a government employee in a case not involving political patronage, where the employee is speaking as a private citizen on a matter of public concern, and the speech does not directly criticize her employer or any identified policy of her employer	Pending Consideration
<i>Bowers v. Board of Regents of the Univ. System of Georgia</i> , 12-1360, 5/14/13	Employment & Labor: (1) Did the petitioner state plausible claims of Title IX gender discrimination against the Medical College of Georgia in the grade comparison methodology, Titles VI and IX retaliation against the Board of Regents, and Title IX retaliation against MCG related to both their misrepresentation of the petitioner's credentials and other conduct, and denial of due process via 42 U.S.C. § 1983 against state actors in official capacities on a fundamental right to purchase a medical education; (2) Does the Medical College of Georgia have the capacity to be sued under Title IX of the Education Amendments notwithstanding conflicts with Fed. R. Civ. P. 17(b) and state law; (3) Does the discovery rule apply to the statute of limitations and is evidence of events occurring outside the statute of limitations admissible in support of a discrimination and retaliation case arising from events occurring within the statute of limitations	Pending Consideration
<i>Ray v. OSU Student Alliance</i> , 12-1296, 4/25/13	Legal System: Does 42 U.S.C. § 1983 require that a government official have engaged in conduct that caused a constitutional violation, or can that official be held liable simply because he learned that a subordinate violated a constitutional right and did not take action in response	Pending Consideration
<i>Jefferson County Board of Education v. Phillip C.</i> , 12-1252, 4/16/13	Disabilities & Special Education: 1) Do the portions of 34 C.F.R. § 300.502 that shift the cost of an independent educational evaluation to boards of education constitute an ultra vires exercise of rule making authority; (2) May the secretary of education, by regulatory fiat, impose liability by default on a board of education if the board fails to invoke recourse that is not created or contemplated by the Individuals with Disabilities Education Act itself	Pending Consideration <i>Legal Clips</i> summary of Eleventh Circuit panel decision available at http://legalclips.nsba.org/?p=17340
<i>Smith v. Davis</i> , 12-1235, 4/10/13	Legal System: Did the petitioner have a clearly established substantive due process right to review the academic decision of the respondent relative to a college course the petitioner was enrolled in during the summer of 2009	Pending Consideration

<p>Jefferson Cnty, Sch. Dist. R-1 v. Elizabeth E., 12-1175, 3/26/13</p>	<p>Special Education & Disabilities: Does IDEA require a school district to pay for a residential placement that is required to treat a child's mental illness</p>	<p>Scheduled for Conference 6/20/13</p> <p>Legal Clips summary of Tenth Circuit's panel decision is available at http://legalclips.nsba.org/?p=17657</p> <p>NSBA's U.S. Supreme Court petition stage <i>amicus</i> brief is available at http://www.nsba.org/SchoolLaw/AmicusBriefs/Jefferson-County-School-District-R-1-v-Elizabeth-E-US-Sup-Ct.pdf</p>
<p>Elmbrook Sch. Dist. v. Doe, 12-755, 12/20/12</p>	<p>Religion: 1) Does the Establishment Clause prohibit the government from conducting public functions such as high school graduation exercises in a church building, where the function has no religious content and the government selected the venue for reasons of secular convenience; (2) Does the government "coerce" religious activity in violation of <i>Lee v. Weisman</i>, 505 U.S. 577 (1992), and <i>Santa Fe Independent School District v. Doe</i>, 530 U.S. 290 (2000), where there is no pressure to engage in a religious practice or activity but merely exposure to religious symbols; (3) Does the government "endorse" religion when it engages in a religion-neutral action that incidentally exposes citizens to a private religious message</p>	<p>Pending Consideration</p>
<p>Schuette v. Coalition to Defend Affirmative Action, 12-682, 11/28/12</p>	<p>Equity & Discrimination: Does a state violate the Equal Protection Clause by amending its constitution to prohibit race- and sex-based discrimination or preferential treatment in public university admissions decisions</p>	<p>Review Granted 3/25/13</p>
<p>Florida v. Jardines, 11-564, 11/4/11</p>	<p>Student Rights & Discipline: Is a dog sniff at the front door of suspected grow house by a trained narcotics-detection dog a Fourth Amendment search requiring probable cause</p>	<p>Decided 3/26/13 Court 5-4 held: use of drug sniffing dog on individuals' front porch constituted search and violated Fourth Amendment</p>
<p>University of Texas Southwestern Medical Center v. Nassar, 12-484, 10/17/12</p>	<p>Employment & Labor: Does Title VII's retaliation provision and similarly worded statutes require a plaintiff to prove but-for causation—that an employer would not have taken an adverse employment action but for an improper motive—or instead require only proof that the employer had a mixed motive—that an improper motive was one of multiple reasons for the employment action</p>	<p>Argued 4/24/13</p>

McReady v. O'Malley , 12-349, 9/20/12	Employment & Labor: (1) Does the First Amendment right to academic freedom inhere in public university professors, protecting them against arbitrary interference by university employers; (2) Does a public university professor's speech contesting managerial decisions and addressing alleged misfeasance by university officials and employees "touch on a matter of public concern" where the managerial decisions and alleged misfeasance affect the education of students, and if so, can (a) the professor's speech be made as a citizen rather than as an employee where he has only teaching duties, (b) the public's interest in the professor's speech outweigh the university's interest in maintaining the efficient operation of its workplace, and (c) individual university officials be held liable for taking retaliatory employment actions against the professor for his speech; (3) Is a court's inquiry into a public employee's First Amendment protected status a mixed question of law and fact or solely a question of law in determining whether (a) the employee speaks as a citizen or as an employee, and (b) the employer's interest in maintaining the efficient operation of its workplace outweighs the public interest in the employee's speech	Pending Consideration
Patraw v. Groth , 12-287, 9/4/12	Employment & Labor: Should this court exercise its supervisory power in this case where the court below "so far departed from the accepted and usual course of judicial proceedings," depriving the plaintiff of her liberty and property without due process of law, and reaching a decision in conflict with governing U.S. Supreme Court precedent in <i>Jackson v. Birmingham Board of Education</i> , 544 U.S. 167 (2005)	Pending Consideration
Vance v. Ball State Univ. , 11-556, 10/31/11	Employment & Labor: As the Second, Fourth, and Ninth circuits have held, does the supervisor liability rule under <i>Faragher v. City of Boca Raton</i> , 524 U.S. 775 (1998), and <i>Burlington Industries Inc. v. Ellerth</i> , 524 U.S. 742 (1998), apply to harassment by those whom the employer vests with authority to direct and oversee their victim's daily work, or is it limited to those harassers who have the power to hire, fire, demote, promote, transfer, or discipline their victim, as the First, Seventh, and Eighth circuits have held	Argued 11/26/12
Fisher v. University of Texas at Austin , 11-345, 9/15/11	Equity & Discrimination: Do this Court's decisions interpreting the Equal Protection Clause of the Fourth Amendment, including <i>Grutter v. Bollinger</i> , 539 U.S. 306, 71 U.S.L.W. 1788 (2003), permit the University of Texas at Austin's use of race in undergraduate admissions decisions	Argued 10/10/12