

## 1: Wisconsin Lawyer: Recent Significant Wisconsin Federal Court Decisions:

*Cooper v. Aaron* () Holding: States cannot nullify decisions of the federal courts. Several government officials in southern states, including the governor and legislature of Alabama, refused to follow the Supreme Court's *Brown v.*

Virginia, U. Discrimination based on sexual orientation[ edit ] *Bowers v. Hardwick*, U. *Evans*, U. *Texas*, U. This decision invalidates all of the remaining sodomy laws in the United States. Department of Public Health, Mass. This was the first state court decision in which same-sex couples won the right to marry. *Windsor*, U. The federal government must recognize same-sex marriages that have been approved by the states. *SmithKline Beecham Corporation v. Abbott Laboratories*, F. Constitution as applied by the U. Supreme Court ruling in *Batson v. First time holding by a United States Court of Appeals that classifications based upon sexual orientation must be subjected to heightened scrutiny.* *Hodges*, U. Birth control and abortion[ edit ] *Griswold v. Connecticut*, U. *Baird*, U. *Wade*, U. Most restrictions during the first trimester are prohibited, and only health-related restrictions are permitted during the second trimester. *Population Services International*, U. *Casey*, U. The strict trimester framework of *Roe* is discarded and replaced with the more vague "undue burden" test. *Carhart*, U. *Hobby Lobby Stores, Inc.* As applied to such corporations, the requirement of the Patient Protection and Affordable Care Act that employers provide their female employees with no-cost access to contraception violates the Religious Freedom Restoration Act. *Hellerstedt*, U. End of life[ edit ] *Cruzan v. Director, Missouri Department of Health*, U. *Quill*, U. *Oregon*, U. *United States*, U. *McClung*, U. This ruling makes the Civil Rights Act of apply to virtually all businesses. *Katzenbach*, U. *Morgan*, U. *City of Boerne v. Flores*, U. Congress may only enact remedial or preventative measures that are consistent with the Fourteenth Amendment interpretations of the Supreme Court. *Holder*, U. Other areas[ edit ] *Corfield v. Coryell*, 6 Fed. Notable for Washington asserting the existence of cognizable rights within the ambit of the Privileges and Immunities clause Art. Frequently cited today by those urging the Supreme Court to create new, nontextual extra-Constitutional rights through the Privileges or Immunities clause of the Fourteenth Amendment, which has remained dormant since the Slaughter-House Cases but see *McDonald v. City of Chicago*, *Thomas, J. Ex parte Milligan*, 71 U. Trial by military tribunal is constitutional only when there is no power left but the military, and the military may validly try criminals only as long as is absolutely necessary. *Nevada*, 73 U. *Wong Kim Ark*, U. *Wheeler*, U. *California*, U. *Parker*, U. *Covert*, U. *Dulles*, U. *Secretary of State*, U. *Guest*, U. *Rusk*, U. *Thompson*, U. The decision helped to establish a fundamental "right to travel" in U. *Indiana*, U. *Collier*, F. *Donaldson*, U. Criminal law[ edit ] Fourth Amendment Rights: Freedom from unreasonable searches and seizures[ edit ] *Mapp v. Ohio*, U. Notable for expanding the "exclusionary rule" originally articulated against only the Federal government in *Weeks v. United States*, U. *Six Unknown Named Agents*, U. The existence of a remedy for the violation is implied from the importance of the right that is violated. *Gates*, U. *Board of Education v. Earls*, U. *Randolph*, U. *Jones*, U. Right to an attorney[ edit ] *Glasser v. Brady*, U. *Wainwright*, U. *Illinois*, U. *Arizona*, U. A police interrogation must stop if the suspect states that he or she wishes to remain silent. *In re Gault*, U. *Jackson*, U. *Louisiana*, U. Other rights regarding counsel[ edit ] *Strickland v. Washington*, U. *Kentucky*, U. First, where the law is unambiguous, attorneys must advise their criminal clients that deportation "will" result from a conviction. Second, where the immigration consequences of a conviction are unclear or uncertain, attorneys must advise that deportation "may" result. Finally, attorneys must give their clients some advice about deportation—counsel cannot remain silent about immigration consequences. Right to remain silent[ edit ] *Berghuis v. Thompkins*, U. A witness cannot invoke the privilege by simply standing mute; he or she must expressly invoke it.

## 2: Redistricting and the Supreme Court: The Most Significant Cases

*Federal Election Commission, ( decision) Corporations and unions can spend unlimited amounts in elections. National Federation of Independent Business v.*

The voter-approved ballot measure barring same-sex marriage was not defended by state officials, but rather a private party. This ruling cleared the way for same-sex marriage in California to resume, but left open-ended the legal language of 35 other states barring same-sex marriage. Take a look at other important cases decided by the high court. Hide Caption 1 of 17 Photos: The Supreme Court struck down the part of the law which denied legally marriage same-sex couples the same federal benefits provided to heterosexual spouses. Hide Caption 2 of 17 Photos: The decision determined how hundreds of millions of Americans will receive health care. Hide Caption 3 of 17 Photos: Federal Election Commission Activists rally in February to urge the Supreme Court to overturn its decision that fundamentally changed campaign finance law by allowing corporations and unions to contribute unlimited funds to political action committees not affiliated with a candidate. Hide Caption 4 of 17 Photos: The Supreme Court overturned the decision that convicted Gregory Lee Johnson of desecrating a venerated object after he set an American flag on fire during a protest. The court ruled that Johnson at right with his lawyer, William Kunstler was protected under the First Amendment right to freedom of speech. Hide Caption 5 of 17 Photos: When President Richard Nixon claimed executive privilege over taped conversations regarding the Watergate scandal, the Supreme Court ruled that he had to turn over the tapes and other documents. The ruling set a precedent limiting the power of the president of the United States. Hide Caption 6 of 17 Photos: Norma McCorvey, identified as "Jane Roe," sued Dallas County District Attorney Henry Wade over a law that made it a felony to have an abortion unless the life of the mother was in danger. The court agreed with Roe and overruled any laws that made abortion illegal in the first trimester. Here, McCorvey, left, stands with her attorney Gloria Allred in Hide Caption 7 of 17 Photos: Ernesto Miranda confessed to a crime without the police informing him of his right to an attorney or right against self-incrimination. His attorney argued in court that the confession should have been inadmissible, and in , the Supreme Court agreed. The term "Miranda rights" has been used since. Hide Caption 8 of 17 Photos: The Supreme Court overturned the burglary conviction of Clarence Earl Gideon after he wrote to the court from his prison cell, explaining he was denied the right to an attorney at his trial. Hide Caption 9 of 17 Photos: The Supreme Court overturned the conviction of Dollree Mapp because the evidence collected against her was obtained during an illegal search. The ruling re-evaluated the Fourth Amendment, which protects citizens against unreasonable searches and seizures. Hide Caption 10 of 17 Photos: Board of Education Nathaniel Steward recites his lesson surrounded by white classmates at the Saint-Dominique School in Washington. Board of Education, the Supreme Court ruled that it was unconstitutional to separate students based on race. Hide Caption 11 of 17 Photos: Fred Korematsu, a Japanese-American man, was arrested after authorities found out that he claimed to be a Mexican-American to avoid an internment camp during World War II. The court ruled that the rights of an individual were not as important as the need to protect the country during wartime. Hide Caption 12 of 17 Photos: The Supreme Court ruled that "separate but equal" facilities for blacks were constitutional, which remained the rule until Brown v. Board of Education in Hide Caption 13 of 17 Photos: Hide Caption 14 of 17 Photos: The ruling signaled a shift in power from the states to the federal government. Aaron Ogden, seen here, was given exclusive permission from the state of New York to navigate the waters between New York and certain New Jersey ports. When Ogden brought a lawsuit against Thomas Gibbons for operating steamships in his waters, the Supreme Court sided with Gibbons. Hide Caption 15 of 17 Photos: When a federal bank cashier, James W. McCulloch, refused to pay the taxes, the state of Maryland filed charges against him. Maryland, the Supreme Court ruled that chartering a bank was an implied power of the Constitution. The first national bank, pictured, was created by Congress in in Philadelphia. Hide Caption 16 of 17 Photos: When Secretary of State James Madison, seen here, tried to stop Federal loyalists from being appointed to judicial positions, he was sued by William Marbury. The case defined the boundaries of the executive and judicial branches of government. Madison This decision established the system of checks and

balances and the power of the Supreme Court within the federal government. Federalist William Marbury and many others were appointed to positions by outgoing President John Adams. The appointments were not finalized before the new Secretary of State James Madison took office, and Madison chose not to honor them. Marbury and the others invoked an Act of Congress and sued to get their appointed positions. The Court decided against Marbury. Chief Justice John Marshall wrote, "An act of the legislature repugnant to the constitution is void. Read More - Dred Scott v. Sandford This decision established that slaves were not citizens of the United States and were not protected under the US Constitution. Dred Scott and his wife Harriet sued for their freedom in Missouri, a slave state, after having lived with their owner, an Army surgeon, in the free Territory of Wisconsin. The Court decided against Scott. The decision overturned the Missouri Compromise, where Congress had prohibited slavery in the territories. The Dred Scott decision was overturned later with the adoption of the 13th Amendment, abolishing slavery in and the 14th Amendment in , granting citizenship to all born in the US. Ferguson This decision established the rule of segregation, separate but equal. The Court decided against Plessy. Justice Henry Billings Brown wrote, "The argument also assumes that social prejudice may be overcome by legislation and that equal rights cannot be secured except by an enforced commingling of the two races. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane. Plessy was overturned by the Brown v. Board of Education decision. Board of Education This decision overturned Plessy v. Ferguson and granted equal protection under the law. Segregation of the public school systems in the United States was addressed when cases in Kansas, South Carolina, Delaware, and Virginia were all decided together under Brown v. Third-grader Linda Brown was denied admission to the white school a few blocks from her home and was forced to attend the blacks-only school a mile away. The Court decided in favor of Brown unanimously. Racial segregation violates the Equal Protection Clause of the 14th Amendment. Gideon This decision guarantees the right to counsel. Clarence Earl Gideon was forced to defend himself when he requested a lawyer from a Florida court and was refused. He was convicted and sentenced to five years for breaking and entering. The Court decided in favor of Gideon unanimously. Sullivan This decision upheld the First Amendment rights of freedom of speech and freedom of the press. The Court decided against Sullivan unanimously. The First Amendment protects free speech and publication of all statements about public officials made without actual malice. Arizona The decision established the rights of suspects against self-incrimination. Ernesto Miranda was convicted of rape and kidnapping after he confessed, while in police custody, without benefit of counsel or knowledge of his constitutional right to remain silent. The court decided in favor of Miranda. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me? Under Texas law, she could not legally obtain an abortion. The Court decided in favor of Roe. Abortion is legal in all 50 states. Women have the right to choose between pregnancy and abortion.

### 3: 10 Supreme Court cases to watch in - National Constitution Center

*Court Decisions This list of state and federal cases consists of those deemed most significant to the effort at reform. You are invited to submit additional cases for consideration.*

However, over the past five decades, the United States Supreme Court has developed an extensive and complex jurisprudence on redistricting. Much of the case law is devoted to the constitutional requirement of one person, one vote, but over the past 20 years, more and more of the case law has addressed the impermissible uses of race in redistricting. In its current term, the court will address once again whether or not standards for partisan gerrymandering can be determined and applied. This page provides an overview of the most significant Supreme Court decisions on redistricting from the last five decades. These cases are grouped into four categories: Cases Relating to Population Baker v. For the first time, the court held that the federal courts had jurisdiction to consider constitutional challenges to state legislative redistricting plans. Since the earliest days of the republic, redrawing the boundaries of legislative and congressional districts after each decennial census has been primarily the responsibility of state legislatures. For decades, the U. Green, , and refused to order the legislatures to carry out their duty. In this case, the Tennessee General Assembly had failed to reapportion seats in the Senate and House of Representatives since By , population shifts in Tennessee made a vote in a small rural county worth 19 votes in a large urban county. The Court held that a federal district court had jurisdiction to hear a claim that this inequality of representation violated the Equal Protection Clause of the Fourteenth Amendment. Under the county unit system, Georgia tabulated votes for candidates in the Democratic primary for statewide offices in accordance with the population of the county in which the votes were cast, so that votes in less-populated counties were given greater weight than votes in more populated counties. In striking down this system of weighted voting, Justice William O. The Court held that the constitutionality of congressional districts was a question that could be decided by the courts. A three-judge federal district court held that drawing congressional districts was a task assigned by the Constitution to state legislatures, subject to guidance by Congress, and not assigned to the courts. Both houses of a bicameral state legislature must be apportioned substantially according to population. Legislative districts may deviate from strict population equality only as necessary to give representation to political subdivisions and provide for compact districts of contiguous territory. Legislative districts should be redrawn to reflect population shifts at least every 10 years. Once a constitutional violation has been shown, a court should take equitable action to correct it, bearing in mind the practical requirements of running an election. Alabama Senate and House seats had not been reapportioned among the counties since Each county had one or more senators and one or more representatives, regardless of population. According to the Census, the largest Senate district had about 41 times the population of the smallest Senate district, and the largest House district had about 16 times the population of the smallest House district. Alabama attempted to justify the disparity in the Senate by analogy to the federal system, but the Supreme Court found that comparison to not be pertinent. More flexibility is allowed for legislative districts than for congressional districts. A legislative plan will not be struck down for inequality of population if the difference in population between its largest district and its smallest district is less than 10 percent. Connecticut voters challenged the redrawing of Senate and House districts by the Apportionment Board. The Senate districts had a total population deviation of 1. The House districts had a total deviation of 7. The complaint alleged that the population deviations were larger than required by the Equal Protection Clause of the Fourteenth Amendment and split too many town boundaries. The Supreme Court held that the Board was not required to justify population deviations of this magnitude. In dissent, Justice William J. Brennan surveyed the various legislative plans whose total deviations the Court had approved or rejected and alleged it had established a ten-percent threshold: But a total deviation of less than 10 percent is not a safe harbor; plaintiffs may provide other evidence of discrimination within the 10 percent. Congressional districts must be mathematically equal in population, unless necessary to achieve a legitimate state objective. The New Jersey Legislature drew a congressional plan that had a total deviation of 3, people, or 0. The Supreme Court held that parties challenging a congressional plan bear the burden of proving that

population differences among districts could have been reduced or eliminated by a good-faith effort to draw districts of equal population. If the plaintiffs carry their burden, the state must then bear the burden of proving that each significant variance between districts was necessary to achieve some legitimate state objective. Since *Reynolds and Wesberry*, states have almost universally used total population as the unit for calculating population equality for districting plans. The Supreme Court held that its past opinions confirmed that states may use total population in order to comply with one person, one vote. The court did not hold that other methods are impermissible. *Cases Relating to Legislatures vs. Commissions Arizona State Legislature v. Arizona Independent Redistricting Commission, No.* The creation of a redistricting commission for congressional districts via ballot initiative does not violate the Elections Clause of the U. In , Arizona voters created the Arizona Independent Redistricting Commission via ballot initiative to redraw state legislative districts and congressional districts. In , the Arizona Legislature challenged the right of the commission to draft congressional lines, arguing that the Elections Clause of the U. Constitution only grants two institutions the power to regulate the time, place, or manner of electing congressional representatives: *Cases Relating to Race Beer v. United States, U.* Section 5 of the Voting Rights Act of only prohibits retrogression, not other forms of discrimination. Preclearance of a new redistricting plan will be denied only if it causes a minority group to have less opportunity to elect representatives of their choice than under the current plan. Section 5 of the Voting Rights Act prohibits certain states and political subdivisions with a history of racial discrimination from changing any voting law or practice without obtaining approval from either the U. Attorney General or the U. District Court for the District of Columbia. Approval for voting law changes in those jurisdictions would only be granted if the law had neither the purpose nor effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. Prior to , there were no majority-minority wards in the city. The Supreme Court held the plan was entitled to preclearance even though it disproportionately favored white voters, because by increasing the number of majority-minority wards in the city it placed black voters in a better position than they had been in under the previous plan. Following the amendments to the Voting Rights Act VRA , it was unclear precisely when the VRA would require a majority-minority district be drawn to prevent vote dilution. Legislative and congressional districts will be struck down by courts for violating the Equal Protection Clause if they cannot be explained on grounds other than race. Charlotte had the same interests, and did not have independent local needs that would be better served by having a more locally-oriented representative. Following *Shaw*, it remained unclear what the standard of review was under the new racial gerrymandering doctrine. In *Miller*, the U. Plaintiffs challenged the newly drawn districts as racial gerrymanders. The Supreme Court held for the plaintiffs, and established the rule for racial gerrymandering claims: If you want to argue that partisan politics, not race, was your dominant motive in drawing district lines, beware of using race as a proxy for political affiliation. To survive strict scrutiny under the Equal Protection Clause and avoid being struck down as a racial gerrymander, a district must be reasonably compact. Under the reapportionment of seats in Congress, Texas was entitled to three additional congressional districts. The Texas Legislature decided to draw one new Hispanic-majority district in South Texas, one new African-American-majority district in Dallas County, and one new Hispanic-majority district in the Houston area. In addition, the legislature reconfigured a district in the Houston area to increase its percentage of African Americans. The legislature used sophisticated software that allowed it to redistrict with racial data at the census block level. The Supreme Court struck down three districts, holding that race was the predominant factor in drawing the lines. Importantly, the court held that even if race was used solely as a proxy for political affiliation, a district could nonetheless be struck down as a racial gerrymander. As a result, redistricting plans and other changes in voting laws, such as voter identification requirements, need not be approved before they take effect. District Court for the District of Columbia a determination that the change neither had the purpose nor would have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. It balanced the exceptional conditions surrounding implementation of the Voting Rights Act with the basic principles of the 10th Amendment. The 10th Amendment reserves to the states all powers not specifically granted to the federal government. This includes the power to regulate elections. In addition, the principle of

equal sovereignty among the states frowns upon their disparate treatment. It also found that the exceptional conditions that gave rise to the Voting Rights Act no longer existed. *Alabama Legislative Black Caucus v. Racial gerrymandering claims proceed district-by-district, not against an entire plan. Section 5 of the Voting Rights Act does not require a covered jurisdiction to maintain a specific numerical minority percentage when redistricting. The district court upheld an Alabama Legislative redistricting plan that tried to make populations nearly equal in the districts, and attempted to maintain the same black population percentages in these districts as those in the plan from the previous decade. The Supreme Court reversed and remanded the case to the district court for several reasons. Case law since *Shaw v. Reno* see above has made clear that racial gerrymandering claims are judged on a district-by-district basis. The state could not use its equal-population goal as a factor to be weighed against other factors when redistricting. Rather, equal population is a constitutional mandate that undergirds the entire redistricting process and can neither give way to other mandatory factors nor justify deviating from them. Partisanship cannot be used to justify a racial gerrymander. Voters in two North Carolina congressional districts challenged their districts as unconstitutional racial gerrymanders. The state argued the case on two primary grounds. First, the state argued the increase in the percentage of black voters in the district was required to avoid a potential vote dilution challenge under Section 2 of the Voting Rights Act. Second, the state argued that any gerrymandering that had transpired was strictly partisan. The court rejected these arguments, holding that: *Cases Related to Partisanship Gaffney v.* The complaint alleged that the plan was a political gerrymander that favored the Republican Party. Partisan gerrymandering claims may be brought in federal courts under the Equal Protection Clause.*

## 4: History of the Supreme Court of the United States - Wikipedia

*Here is a look at some significant Wisconsin federal court decisions interpreting Wisconsin law since , encompassing common law claims, statutory interpretations, and a criminal case considering Wisconsin law under federal habeas corpus jurisdiction.*

Maryland , and its first recorded decision was *West v. Georgia* , in which it held that the federal judiciary could hear lawsuits against states. Soon thereafter, responding to the concerns of several states, Congress proposed the Eleventh Amendment , which granted states immunity from certain types of lawsuits in federal courts. The Amendment was ratified in 1795. No major cases came before the Supreme Court during this time. The Supreme Court met in windowless chambers in the Capitol from 1790 until 1800. The room has been restored and is now known as the Old Supreme Court Chamber. The Marshall Court [ edit ] See also: List of United States Supreme Court cases by the Marshall Court For intending to establish three departments, co-ordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone, the right to prescribe rules for the government of the others, and to that one too, which is unelected by, and independent of the nation. In the landmark case *Marbury v. Madison* , Marshall held that the Supreme Court could overturn a law passed by Congress if it violated the Constitution, legally cementing the power of judicial review. The Marshall Court also made several important decisions relating to federalism. Marshall took a broad view of the powers of the federal government—in particular, the interstate commerce clause and the Necessary and Proper Clause. For instance, in *McCulloch v. Maryland* , the Court ruled that the interstate commerce clause and other clauses permitted Congress to create a national bank, even though the power to create a bank is not explicitly mentioned in the Constitution. Similarly, in *Gibbons v. Ogden* , the Court found that the interstate commerce clause permitted Congress to regulate interstate navigation. The Marshall Court also made several decisions restraining the actions of state governments. The notion that the Supreme Court could consider appeals from state courts was established in *Martin v. Murray*. In several decisions, the Marshall Court confirmed the supremacy of federal laws over state laws. For example, in *McCulloch* , the Court held that a state could not tax an agency of the federal government. At the same time, however, the Marshall Court held in the landmark case *Barron v. Baltimore* that the Bill of Rights restricted the federal government alone, and did not apply to the states. Nonetheless, the Supreme Court would in later years hold that the Fourteenth Amendment had the effect of applying most provisions of the Bill of Rights to the states. In that case *Ogden v. Saunders* in , Marshall set forth his general principles of constitutional interpretation: Marshall was in the dissenting minority only eight times throughout his tenure at the Court, partly because of his influence over the associate justices. As Oliver Wolcott observed when both he and Marshall served in the Adams administration, Marshall had the knack of "putting his own ideas into the minds of others, unconsciously to them". Marshall had charm, humor, a quick intelligence, and the ability to bring men together. His sincerity and presence commanded attention. His opinions were workmanlike but not especially eloquent or subtle. His influence on learned men of the law came from the charismatic force of his personality, and his ability to seize upon the key elements of a case and make highly persuasive arguments. Together with his vision of the future greatness of the nation, these qualities are apparent in his historic decisions and gave him the sobriquet, The Great Chief Justice. The Court met in Washington only two months a year, from the first Monday in February through the second or third week in March. Six months of the year the justices were doing circuit duty in the various states. Marshall was therefore based in Richmond, his hometown, for most of the year. When the Court was in session in Washington, the justices boarded together in the same rooming house, avoided outside socializing, and discussed each case intently among themselves. Decisions were quickly made usually in a matter of days. Marshall wrote nearly half the decisions during his 33 years in office. Lawyers appearing before the court, including the most brilliant in the United States, typically gave oral arguments and did not present written briefs. The justices did not have clerks, so they listened closely to the oral arguments, and decided among themselves what the decision should be. The court issued only one decision; the occasional dissenter did not issue a separate opinion. After the Court came to a decision, he

would usually write it up himself. Often he asked Justice Story , a renowned legal scholar, to do the chores of locating the precedents, saying, "There, Story; that is the law of this case; now go and find the authorities. Taney , who had a somewhat more limited view of the powers of the federal government. Dred Scott , a slave from Missouri , sued for his freedom on the grounds that his master had taken him into Illinois and the territory of Wisconsin , both of which prohibited slavery, for extended periods of time. Taney, however, ruled that members of the African race were not and could never become citizens of the United States. Consequently, he ruled that Scott therefore had no standing to file the lawsuit. Moreover, he held that the Missouri Compromise , under which Congress prohibited slavery in certain territories that formed part of the Louisiana Purchase , was unconstitutional. The controversial decision met with outrage from abolitionists , and contributed to the tensions that led to the Civil War during the next decade. Chase to be Chief Justice. Chase had strong anti-slavery credentials and had previously served Lincoln as Secretary of the Treasury. His post-Civil War tenure featured several key decisions affirming the indestructibility of the Union. Chase was considered highly ambitious, even for a politician. In , Chase, while serving on the Supreme Court, ran for the Presidency, but his efforts were ultimately unsuccessful. Chase continued to serve as Chief Justice until his death in . In the aftermath of the Civil War Congress passed and the states ratified the Fourteenth Amendment , which, among other things, prevented states from abridging the "privileges and immunities of citizens," from denying due process of law, and from denying equal protection of the laws to any person. Many cases that came before the Court in the post-Civil War era involved interpretation of the Fourteenth Amendment. In the Civil Rights Cases , the Court under Chief Justice Morrison Waite held that Congress could not prohibit racial discrimination by private individuals as opposed to governments on the grounds of the Fourteenth Amendment. Later, in Plessy v. Ferguson , the Court under Chief Justice Melville Fuller determined that the equal protection clause did not prohibit racial segregation in public facilities, as long as the facilities were equal giving rise to the infamous term " separate but equal ". The sole dissenter in that case was John Marshall Harlan. The first important decision of the era was Lochner v. New York , in which the Court overturned a New York law limiting the number of hours bakers could work each week. United States , the Court overruled a federal law which forbade " yellow dog contracts " contracts that prohibited workers from joining unions. In , the Supreme Court made a landmark ruling in Gitlow v. New York , establishing the doctrine of incorporation , under which provisions of the Bill of Rights were deemed to restrict the states. Baltimore , the Bill of Rights restricted only the federal government; however, during the twentieth century, the Supreme Court held in a series of decisions the Fourteenth Amendment had the effect of applying some but not all provisions of the Bill of Rights to the states. The first such decision was Gitlow, in which the Supreme Court incorporated the protection of freedom of speech afforded by the First Amendment. Important decisions relating to incorporations were made during later decades, especially the s. The Hughes, Stone, and Vinson courts [ edit ] See also: During the s, the Supreme Court contained both a solid liberal bloc and a conservative bloc of Justices. Hughes, as a progressive Republican, tended to side with the Four Horsemen, as he did in Schechter Poultry Corporation v. United States, whilst Roberts was also swayed to the side of the conservatives. As a result, The Court continued to enforce a Federal laissez-faire approach, overturning many of President Franklin D. In response, President Roosevelt proposed the Judiciary Reorganization Bill called the "court-packing bill" by its opponents , which would have increased the size of the Supreme Court and permitted the appointment of additional presumably pro-New Deal Justices. Soon after the proposal of the court-packing plan, however, the Supreme Court ended the trend that had prevailed since Lochner. Justice Roberts, who had previously voted with the conservative bloc in invalidating New Deal legislation, began to vote on the opposite side. In , eight of the nine sitting Justices had been appointed by President Roosevelt, the sole exception being Owen Roberts. The Warren Court [ edit ] See also: Under him, the Court made a long series of landmark decisions. Board of Education , in which the Court unanimously declared segregation in public schools unconstitutional, effectively reversing the precedent set earlier in Plessy v. Ferguson and other cases. The Warren Court also made several controversial decisions relating to the Bill of Rights. The doctrine of incorporation, which had first taken root in Gitlow v. New York, was applied fully to most provisions of the Bill of Rights. Vitale , the Court declared that officially sanctioned prayer in public schools was

unconstitutional under the First Amendment. Similarly, in *Abington School District v. Schempp*, it struck down mandatory Bible readings in public schools. The Court also expanded and incorporated the rights of criminal defendants, on the basis of the Fourth, Fifth, and Sixth Amendments. *Mapp v. Ohio*, the Court incorporated the Fourth Amendment and ruled that illegally seized evidence could not be used in a trial. *Gideon v. Wainwright* established that states were required to provide attorneys to indigent defendants. *Arizona v. Goyens* held that the police must inform suspects of their rights including the right to remain silent and the right to an attorney before being interrogated. The decision is the source of the famous Miranda warning. Another significant and controversial decision made by the Warren Court was *Griswold v. Connecticut*, which established that the Constitution protected the right to privacy. The Burger Court [edit] See also: Burger, who served from 1969 to 1986. The Burger Court is best remembered for its ruling in *Roe v. Wade*.

### 5: Top US Supreme Court Decisions Fast Facts - CNN

*To that end, our own team of expert lawyer-editors got together and assembled top lists in four categories -- speeches, historical documents, laws, and landmark Supreme Court cases -- that they consider the most important legal documents in American history.*

Constitution is the supreme law of the land in the United States. It creates a federal system of government in which power is shared between the federal government and the state governments. Due to federalism, both the federal government and each of the state governments have their own court systems. Supreme Court and gives Congress the authority to create the lower federal courts. The Constitution and laws of each state establish the state courts. A court of last resort, often known as a Supreme Court, is usually the highest court. Some states also have an intermediate Court of Appeals. Below these appeals courts are the state trial courts. Some are referred to as Circuit or District Courts. Congress has used this power to establish the 13 U. Courts of Appeals, the 94 U. District Courts, the U. Court of Claims, and the U. Court of International Trade. Bankruptcy Courts handle bankruptcy cases. Magistrate Judges handle some District Court matters. States also usually have courts that handle specific legal matters, e. Parties dissatisfied with a decision of a U. District Court, the U. Court of International Trade may appeal to a U. Parties dissatisfied with the decision of the trial court may take their case to the intermediate Court of Appeals. A party may ask the U. Supreme Court to review a decision of the U. Court of Appeals, but the Supreme Court usually is under no obligation to do so. Supreme Court is the final arbiter of federal constitutional questions. Parties have the option to ask the highest state court to hear the case. Only certain cases are eligible for review by the U. They hold office during good behavior, typically, for life. Through Congressional impeachment proceedings, federal judges may be removed from office for misbehavior. State court judges are selected in a variety of ways, including election, appointment for a given number of years, appointment for life, and combinations of these methods, e. Types of Cases Heard.

## 6: Comparing Federal & State Courts | United States Courts

*Summary of Significant Federal Court Decisions (Decisions discussed below are from the W. District of PA, unless otherwise indicated) Velardo v.*

There are 94 district courts, 13 circuit courts, and one Supreme Court throughout the country. Courts in the federal system work differently in many ways than state courts. The primary difference for civil cases as opposed to criminal cases is the types of cases that can be heard in the federal system. Federal courts are courts of limited jurisdiction, meaning they can only hear cases authorized by the United States Constitution or federal statutes. The federal district court is the starting point for any case arising under federal statutes, the Constitution, or treaties. The plaintiff has the initial choice of bringing the case in state or federal court. Criminal cases may not be brought under diversity jurisdiction. States may only bring criminal prosecutions in state courts, and the federal government may only bring criminal prosecutions in federal court. Also important to note, the principle of double jeopardy “which does not allow a defendant to be tried twice for the same charge” does not apply between the federal and state government. If, for example, the state brings a murder charge and does not get a conviction, it is possible for the federal government in some cases to file charges against the defendant if the act is also illegal under federal law. They may also be removed by impeachment by the House of Representatives and conviction by the Senate. Throughout history, fourteen federal judges have been impeached due to alleged wrongdoing. One exception to the lifetime appointment is for magistrate judges, which are selected by district judges and serve a specified term. District Courts The district courts are the general trial courts of the federal court system. Each district court has at least one United States District Judge, appointed by the President and confirmed by the Senate for a life term. District courts handle trials within the federal court system “both civil and criminal. The districts are the same as those for the U. Attorneys, and the U. Attorney is the primary prosecutor for the federal government in his or her respective area. There are over district court judges nationwide. Some tasks of the district court are given to federal magistrate judges. Magistrates are appointed by the district court by a majority vote of the judges and serve for a term of eight years if full-time and four years if part-time, but they can be reappointed after completion of their term. In criminal matters, magistrate judges may oversee certain cases, issue search warrants and arrest warrants, conduct initial hearings, set bail, decide certain motions such as a motion to suppress evidence, and other similar actions. In civil cases, magistrates often handle a variety of issues such as pre-trial motions and discovery. Federal trial courts have also been established for a few subject-specific areas. Each federal district also has a bankruptcy court for those proceedings. Circuit Courts Once the federal district court has decided a case, the case can be appealed to a United States court of appeal. There are twelve federal circuits that divide the country into different regions. Cases from the district courts of those states are appealed to the United States Court of Appeals for the Fifth Circuit, which is headquartered in New Orleans, Louisiana. Additionally, the Federal Circuit Court of Appeals has a nationwide jurisdiction over very specific issues such as patents. Each circuit court has multiple judges, ranging from six on the First Circuit to twenty-nine on the Ninth Circuit. Circuit court judges are appointed for life by the president and confirmed by the Senate. Appeals to circuit courts are first heard by a panel, consisting of three circuit court judges. En banc opinions tend to carry more weight and are usually decided only after a panel has first heard the case. Beyond the Federal Circuit, a few courts have been established to deal with appeals on specific subjects such as veterans claims United States Court of Appeals for Veterans Claims and military matters United States Court of Appeals for the Armed Forces. Supreme Court of the United States The Supreme Court of the United States is the highest court in the American judicial system, and has the power to decide appeals on all cases brought in federal court or those brought in state court but dealing with federal law. For example, if a First Amendment freedom of speech case was decided by the highest court of a state usually the state supreme court, the case could be appealed to the federal Supreme Court. However, if that same case were decided entirely on a state law similar to the First Amendment, the Supreme Court of the United States would not be able to consider the case. After the circuit court or state supreme court has ruled on a case, either party may choose to appeal to the Supreme

Court. Unlike circuit court appeals, however, the Supreme Court is usually not required to hear the appeal. If the writ is granted, the Supreme Court will take briefs and conduct oral argument. The Court typically hears cases when there are conflicting decisions across the country on a particular issue or when there is an egregious error in a case. There are nine justices on the court — eight associate justices and one chief justice. The Constitution sets no requirements for Supreme Court justices, though all current members of the court are lawyers and most have served as circuit court judges. Justices are also often former law professors. The chief justice acts as the administrator of the court and is chosen by the President and approved by the Congress when the position is vacant. The Supreme Court meets in Washington, D. The court conducts its annual term from the first Monday of October until each summer, usually ending in late June.

## 7: Supreme Court Cases - - ScotusBlog

*A party may ask the U.S. Supreme Court to review a decision of the U.S. Court of Appeals, but the Supreme Court usually is under no obligation to do so. The U.S. Supreme Court is the final arbiter of federal constitutional questions.*

Here are cases to watch that the Justices will hear, or likely hear, before the end of April. Normally, the Justices wrap up arguments in cases in April, with the final decisions for a term announced in late June. However, with a vacancy on the bench to be filled in early , it remains to be seen when some cases will be scheduled and heard in Washington. Here is a list of 10 cases being followed by court watchers as potentially significant: Douglas County School District scheduled for arguments, January 11 The case addresses the following question: The youth is autistic and has attention deficit disorder, compromising his verbal and non-verbal communications skills. The family then sued to recover the private school tuition, contending that the school district was obliged to pay because it failed to provide Drew with an adequate educational opportunity. A trial judge and the U. Court of Appeals for the Tenth Circuit denied the challenge, finding that the law only required a benefit just above the trivial, and that Drew had done a bit better than that in public school. Tam scheduled for arguments, January 18 Lee v. Tam involves an appeal by the federal Patent and Trademark Office, seeking to have the Supreme Court revive a disparagement law. It has been struck down by a federal appeals court, in a case involving a rock music band that wanted to register its name, the SLANTS, for protection as a trademark. The law against disparaging trademarks has existed since , but the Supreme Court has never interpreted its meaning or scope. That has meant that the Patent and Trademark Office had wide discretion about what is banned under the law. Tam case, but the appeal was denied by the Court in October and a related federal court case is on hold, pending the outcome of the Lee v. Gloucester County School Board v. The Justices will consider the appeal of a county school board in Virginia, challenging a federal appeals court ruling that gave a year-old transgender boy a right to use the school restroom that conforms to his gender identity. Specifically, the order grants review of two questions. But the second question to be reviewed, if the decision goes against the government position, could make it unlikely the question about transgender rights will be decided. That other question tests whether the government announced its policy on transgender rights in the procedurally proper way. Los Angeles County v. Mendez to be scheduled The case centers on a legal rule that one federal appeals court has adopted, but others refuse to follow. The response at issue in this case was that one of the individuals who was shot and wounded raised a BB gun and pointed it at officers after they had broken into the shed without a search warrant. Over the years, courts have taken differing approaches on when such rights have been spelled out clearly. Police shootings in recent years have been involved more often in such cases. Trinity Lutheran Church of Columbia v. Pauley to be scheduled The Supreme Court seeks to answer the question of whether religiously affiliated schools can be constitutionally denied equal access to a government benefit, even if the benefit has nothing to do with matters of faith. At issue is a program in Missouri that provides rubberized material for school playgrounds, made out of old tires. The amendment still reads in part: Wisconsin to be scheduled The Supreme Court will look back at one of its big decisions from the s when it hears a dispute involving four family members and the state of Wisconsin. The parents bought the two lots originally, and they were conveyed to four of their children in and In , when the children began to explore selling the empty lot to pay for improvements in the cottage, they found out that a zoning law established in barred the children from selling the empty lot separate from the cottage. South Carolina Coastal Council , which said that the denial of all economic use of a property by a government regulation was a taking under the Fifth Amendment and required just compensation. Mesa scheduled for February 21 The United States Supreme Court said in October it would accept an appeal from the family of a boy from Mexico who was fatally shot by a U. Sergio Adrian Hernandez Guereca, 15, died in as he stood on Mexican soil by a border officer who fired his gun while on United States soil in Texas. The agent claimed Hernandez and others were throwing rocks at him. The full appeals court had unanimously ruled in favor of the agent. The Supreme Court took the appeal and also added a question about determining if the parents had a constitutional right to sue a Border Patrol officer. Kraft Foods to be scheduled In a highly

significant case involving patent law, the Court agreed to decide where lawsuits claiming infringement of a patent can be filed. A surprising proportion of those cases is being filed in just one federal court in Texas. *United States and Overton v. Their two appeals*, combined in a single ruling, could clarify the constitutional duty of prosecutors to hand over to defense lawyers items of evidence that could help gain a not-guilty verdict. At issue is the constitutional duty that the Supreme Court imposed on prosecutors in a decision, *Brady v. Although that duty has been binding now for more than a half-century*, the new appeals argued that lower courts remain uncertain about how to weigh the significance of evidence that prosecutors had withheld. In their appeals, one by six of those convicted and another by a seventh, their lawyers protested that a series of findings that turned up in the years after the trial was over had been withheld by prosecutors. Rather than limiting review to those specific claims, the Court said it would look at their cases as a whole, to see if their convictions should be overturned. *Baker to be scheduled* This case addresses an issue involving class-action lawsuits that the late Justice Antonin Scalia had complained about in other decisions. *Baker*, a group of consumers in Washington State sued Microsoft, complaining that its Xbox device had a defect that caused an optical disc to spin out of control, making the machine unplayable. The group then lost the lawsuit in a trial court but they also used a legal option called a voluntary dismissal of a claim with prejudice to keep the case alive. The court accepted the Microsoft appeal to clear up a conflict among lower courts on the legality of the dismiss-then-appeal question. Does the Constitution Require Birthright Citizenship?

### 8: Opinions of the Court -

*Alabama, the Supreme Court overturned the convictions of the "Scottsboro boys," and set a precedent that the right to counsel is required for death penalty cases under the Fourteenth Amendment's Due Process clause, whether in federal or state courts.*

He works with other MAC attorneys on systemic special education issues, consults to attorneys representing low-income parents and students in special education disputes, and writes occasional postings for the MAC blog. This is the first of what I hope to be a more or less monthly posting on special education law and practice. I then briefly cover all of the remaining Supreme Court decisions pertaining to special education. In my October posting, I plan to provide an overview of all of the relevant First Circuit decisions. In subsequent postings, I will discuss other important court decisions, state law and regulations that may extend beyond the federal floor, as well as practice suggestions. I welcome reader feedback, particularly any suggestions as to how these postings could be improved, including what other areas of special education law or practice I might address. Readers may contact Bill directly at [bcrane.massadvocates](mailto:bcrane.massadvocates). In language that lower courts continue to quote, the Supreme Court explained: Many courts including the First Circuit in its two most recent IDEA decisions have adopted a meaningful benefit standard. I quote here extensively from *Rowley* because of the importance of this point: The determination of when handicapped children are receiving sufficient educational benefits to satisfy the requirements of the Act presents a more difficult problem. The Act requires participating States to educate a wide spectrum of handicapped children, from the marginally hearing-impaired to the profoundly retarded and palsied. It is clear that the benefits obtainable by children at one end of the spectrum will differ dramatically from those obtainable by children at the other end, with infinite variations in between. One child may have little difficulty competing successfully in an academic setting with nonhandicapped children while another child may encounter great difficulty in acquiring even the most basic of self-maintenance skills. We do not attempt today to establish any one test for determining the adequacy of educational benefits conferred upon all children covered by the Act. Rather, educational benefit can only be understood appropriately within the context of what each particular student would be expected to be able to learn if provided an appropriate educational program. Judges and hearing officers cite to and are governed by the above-described legal standards, as well as elaborations of these standards found in countless federal court decisions. But, what is apparent from reading many, many IDEA decisions is that a relatively subjective factual analysis is usually determinative in a FAPE dispute. And, as with *Rowley*, a number of these decisions provide an important backdrop to the lower court decisions that have filled in much of the details of special education law. *Parma City School Dist.* The Court held that the party seeking relief bears the burden of proof in an administrative due process proceeding, such as the *BSEA*. *Cedar Rapids Community School Dist.* *Florence County School Dist.* The Court discussed the standards pursuant to which a parent may obtain reimbursement for a private educational placement. There are now a number of Circuit Court decisions including a First Circuit decision that will be discussed in my next posting that have relied on this decision to describe more specifically the requisites of a private educational placement that can be reimbursed. The Court established, for the first time, the right of parents to be reimbursed for their expenditures for private special education. The services requested did not fall within the medical exclusion because they need not be performed by a physician.

## 9: US Federal District Courts Case Law, Court Opinions & Decisions :: Justia

*Although the federal courts hear far fewer cases than the state courts, the cases they do hear tend more often to be of national importance. Think of the court cases you have heard the most about. Most are U.S. Supreme Court decisions, because the federal laws they uphold and the federal rights they protect extend to everyone in this country.*

Supreme Court will hear cases this term related to religious freedom in state prisons, taxes on railway carriers, traffic stops and more. Wogan October 3, Back row left to right: Sonia Sotomayor, Stephen G. Alito, Elena Kagan; Front row left to right: But Arkansas Corrections restricts beard length to a quarter of an inch. In protest, Holt filed a petition, arguing that the policy is a violation of his religious liberties under the federal Religious Land Use and Institutionalized Persons Act. Supreme Court in its next term, which begins Oct. Justices have already agreed to hear a host of cases that could affect state or local government. The disputes cover a range of issues, from a small town sign code that could be restricting free speech to a state regulatory board alleged to be violating federal antitrust laws. In the Holt case, scheduled for a hearing Oct. Supreme Court to Decide Limits on Race in Gerrymandering The attorneys general supporting Arkansas note that in other state prisons, inmates have hidden shanks, wire, rocks, razor blades and handcuff keys in their hair and beards. They also say that when inmates are allowed to grow facial hair and then shave it, the dramatic change in appearance poses a security risk, as prison guards might not recognize the inmate. If the court sides with Holt, the ruling will probably have narrow implications for prison grooming policies, but it could have larger meaning in terms of how prisons and jails balance safety concerns with religious liberties. Below is an initial list of Supreme Court cases already scheduled for the next term that could matter for state and local government. For an even more in-depth review of upcoming cases with implications with states and localities, SLLC is hosting a free webinar Oct. North Carolina Board of Dental Examiners v. Federal Trade Commission A state regulatory board composed mostly of dentists sent cease-and-desist orders to non-dentists performing teeth-whitening procedures and businesses selling teeth-whitening products. The Federal Trade Commission brought legal action against the board, arguing it was not immune from federal antitrust law. The case could have implications for state and local government boards across the country. Town of Gilbert, Ariz. A pastor at a local church posted temporary signs that the town manager said violated the sign code ordinance. The sign code imposes different restrictions on different types of signs, with greater flexibility for political or ideological messages than for notices of church gatherings. The court will have to decide whether local laws restricting speech based on content -- but not on particular viewpoints -- violate either the Free Speech Clause of the First Amendment or the Equal Protection Clause of the Fourteenth Amendment. To be determined Integrity Staffing Solutions v. The petitioners argue that the unpaid time they spent going through security each day violated the federal Fair Labor Standards Act. While the dispute involves private workers at a private company, governments could be affected because security screenings are also common in courthouses, jails, prisons, state capitols and other public buildings. North Carolina A county police officer in North Carolina pulled over a driver for having a broken rear brake light, based on a misunderstanding of state law. He thought the state required two functioning brake lights, but he was wrong. The traffic stop resulted in the officer finding a bag containing City of Roswell The city council in Roswell, Ga. The question before the court is whether a letter relying on council minutes as a rationale for denial meets a federal requirement for state or local government to justify in writing why it denied the construction of a wireless service facility. The case is combined with Alabama Legislative Black Caucus v. Wynne A couple living in Howard County, Md. Constitution allows a state or locality to tax all the income of its residents, including income earned in other states. In general, states provide a tax credit for earnings from other states. The couple believes they are owed a credit for both state and county taxes. The Maryland comptroller says that a partial credit is warranted for state, but not county taxes. Mortgage Bankers Association The question before the court in Perez is whether a federal agency must engage in a notice-and-comment procedure before it can make a major change to an agency rule. Nebraska and Colorado The three states formed an agreement in for apportioning use of water from the Republican River Basin. Kansas argues that Nebraska has violated that agreement by using more than

its share of water and owes Kansas money. The court will decide if Nebraska did violate the agreement and if so, what kind of relief is appropriate. An earlier version of this story listed the incorrect name of the county where the couple in *Comptroller v.* They live in Howard County, Md.

Golem, a hero for our time. The good want power Can you love yourself? Gulf Breezes (Harlequin Superromance No. 507) Country and capital list of world The Man Who Changed the World Play unsafe graham walmsley Ergonomics, a question of feasibility Diagnostic card error codes list in hindi American battle chart New materials in architecture Life Of Reverend Mother Mary Of St. Euphrasia Pelletier The land shifts in Asia Introduction to common laboratory assays and technology Philip F. DuPont Shout in the street Treasury of Indian Tales Study Guide T/A Economics 6e Passion of al-Hallaj Army field manuals Peace : the flower of justice. Lotto black book system Thousand autumns of jacob de zoet Post-face : a spirituality of dialogue. Choosing a Career in the Pulp and Paper Industry (World of Work (New York, N.Y.)) VALENTINA TUNSYANOVNA KYALUNDZYUGA XIII. THE CLOISTRAL LIFE 71 Understanding paragraph basics Tacitus Redivivus, or, Taking stock : A.B. Faustus assessment of the German element in America Claudia Lie Punny limericks for kidders and groan-ups The Harcourt Brace Anthology of Drama Objectivity in law Magical diary donald michael kraig The Assault-at-Arms Get in your Right Mind: Cultivating Rich-mode processes Father Kelly of the rosary Barton, W.V. Coalition-building in the United States House of Representatives. Topological model theory The role of theory in research Chinas economic relations with the West and Japan, 1949-79 Quality management for the technology sector