

ABBREVIATED U.S. SUPREME COURT CHART

U.S. SUPREME COURT 2015 TERM

Updated February 16, 2016

New filings=green font

Updates=red font

Amicus cases=yellow highlight

Scheduled for conference=green highlight

CASE/DOCKET NO. /DATE FILED	ISSUE(S)	STATUS
<i>Douglas v. Univ. of Chicago</i> , 15-985, 1/22/16	Employment & Labor: (1) Does the administration of discriminatory tests cited in Title VII reference only acts in which a specific individual is an applicant for a specific job?; (2) Can the "referral" at issue be an act of discrimination in which respondent administers biased ability tests whose results are used by employers as a threshold qualification; (3) Are only agents cited as liable third parties in Title VII—including employment agencies, unions, training institutes and labor-management councils—subject to Title VII third party liability, as the U.S. Courts of Appeals for the First, Second and Seventh circuits have held, or does Title VII Section 703(i)'s use of the broad term "respondent" invalidate the Seventh Circuit's ruling against the petitioner's claims	Pending Consideration
<i>Alves v. Bd. of Regents of the Univ. Sys. Of Ga.</i> , 15-971, 1/27/16	Employment & Labor: (1) Is a worker's speech pursuant to his or her duties, and thus outside the protection of the First Amendment (a) whenever the speech has the purpose or effect of furthering those responsibilities (the rule in the Sixth, Tenth, Eleventh and District of Columbia circuits), or (b) only when the speech was something the employer expected the worker to engage in (the rule in the Second, Seventh, Eighth and Ninth circuits)? (2) When an employee's speech involves several topics, only some of which are matters of public concern, does <i>Pickering v. Bd. of Educ. of Township High Sch. Dist.</i> , 391 U.S. 563 (1968), apply (a) only when the "main thrust" or primary purpose of the speech as a whole was a matter of public concern (the rule in the Fifth, Eighth, Tenth and Eleventh circuits), or (b) when any portion of the speech was a matter of public concern (the rule in the First, Second, Third, Fourth and Sixth circuits)? (3) Does the question of whether an employee's speech was about a matter of public concern generally turn on (a) whether the employee spoke with the purpose of addressing a matter of public concern, rather than furthering his or her own interests (the rule in the Seventh, Eighth and Eleventh circuits), or (b) whether the content of the speech was a matter of public concern (the rule in the First, Second, Third, Sixth and Ninth circuits)	Pending Consideration
<i>Moreno v. Donna Indep. Sch. Dist.</i> , 15-963, 12/23/14	Employment & Labor: Did the lower courts misapply summary judgment law by dismissing undisputed evidence as inconsequential and resolving material facts genuinely at issue in the defendants' favor	Pending Consideration

Mezu v. Morgan State Univ. , 15-928, 1/18/16	Employment & Labor: (1) Can an employer seek additional information directly from the employee's family member's health care provider contrary to the Family Medical Leave Act when the employee has already submitted complete and sufficient certifications from a physician and the employer did not choose to challenge the physician's diagnosis or treatment plan at the time leave was sought and did not seek a second opinion as allowed by the statute; (2) Did the court of appeals err in finding that there was no FMLA interference when there were substantial delays in processing the employee's FMLA applications and which were denied by the employer	Pending Consideration
Holub v. Gdowski , 15-839, 12/28/15	Employment & Labor: (1) Is a school auditor acting within her ordinary job duties where three times she requests of upper management permission to speak to the school board about fraud (she had never addressed the board previously) and three times upper management refused permission, so she goes behind management's back and reports the fraud to individual board members anyway; (2) Because the inquiry in determining whether a public employee is speaking as a citizen was contested in this case, is this a question of law only or a mixed question of law and fact not susceptible to summary judgment	Pending Consideration
Andrew F. v. Douglas Cty. Sch. Dist. RE-1 , 15-827, 12/22/15	Special Education & Disabilities: What is the level of educational benefit that school districts must confer on children with disabilities to provide them with the free appropriate public education guaranteed by the Individuals with Disabilities Education Act, 20 U.S.C. §1444 <i>et seq.</i>	Pending Consideration
Bell v. Itawamba Cty. Sch. Bd. , 15-666, 11/17/15	Student Rights & Discipline: Can public schools, consistent with the First Amendment, discipline students for their off-campus speech, and if so, to what extent	<p>Scheduled for Conference 2/19/16</p> <p><i>Legal Clips</i> Summary of Fifth Circuit <i>en banc</i> opinion available at http://legalclips.nsba.org/2015/08/24/fifth-circuit-sitting-en-banc-rules-mississippi-district-did-not-violate-students-first-amendment-rights-by-disciplining-him-for-off-campus-online-posting-of-rap-video-containing-threatening-langu/</p>

<p>Colo. State Bd. of Educ. v. Taxpayers for Pub. Educ., 15-558, 10/28/15</p>	<p>Privatization & School Choice: Does requiring a state to categorically deny otherwise neutral and generally available public aid on the basis of religion violate the U.S. Constitution</p>	<p>Scheduled for Conference 2/19/16</p> <p><i>Legal Clips</i> summary of Colorado Supreme Court decision available at http://legalclips.nsba.org/2015/07/06/colorado-supreme-court-strikes-down-districts-private-school-voucher-program-on-state-constitutional-grounds/</p>
<p>Douglas Cty. Sch. Dist. v. Taxpayers for Pub. Educ., 15-557, 10/28/15</p>	<p>Privatization & School Choice: Can Colorado's Blaine Amendment, which the unrebutted record plainly demonstrates was born of religious bigotry, be used to force state and local governments to discriminate against religious institutions without violating the religion clauses of the First Amendment and the equal protection clause of the Fourteenth Amendment</p>	<p>Scheduled for Conference 2/19/16</p> <p><i>Legal Clips</i> summary of Colorado Supreme Court decision available at http://legalclips.nsba.org/2015/07/06/colorado-supreme-court-strikes-down-districts-private-school-voucher-program-on-state-constitutional-grounds/</p>
<p>Doyle v. Taxpayers for Pub. Educ., 15-556, 10/27/15</p>	<p>Privatization & School Choice: Does it violate the religious clauses or equal protection clauses of the U.S. Constitution to invalidate a generally-available and religiously-neutral student aid program simply because the program affords students the choice of attending religious schools</p>	<p>Scheduled for Conference 2/19/16</p> <p><i>Legal Clips</i> summary of Colorado Supreme Court decision available at http://legalclips.nsba.org/2015/07/06/colorado-supreme-court-strikes-down-districts-private-school-voucher-program-on-state-constitutional-grounds/</p>

<i>Kucera v. Jefferson Cty. Sch. Bd. of Comm'rs</i> , 15-553, 10/26/15	Employment & Labor/Religion: Did the Jefferson County Board of School Commissioners violate the establishment clause of the First Amendment when it delegated the management, control and operation of its public "alternative school" to a religious institution	Pending Consideration <i>Legal Clips</i> summary of Sixth Circuit panel decision available at http://legalclips.nsba.org/2015/06/30/sixth-circuit-rules-that-tennessee-district-did-not-violate-first-amendments-establishment-clause-by-contracting-with-private-religious-school-to-provide-alternative-school-program/
<i>Ivy v. Williams</i> , 15-486, 10/14/15	Special Education & Disabilities: Did the U.S. Court of Appeals for the Fifth Circuit err in deciding that the relationship between public and private actors does not invoke dual obligations to accommodate in any context other than an express contractual relationship between a public entity and its private vendor	Pending Consideration
<i>Fry v. Napoleon Cmy. Sch.</i> , 15-497, 10/15/15	Special Education & Disabilities: Does the Handicapped Children's Protection Act of 1986, 20 U.S.C. §1415(l), require exhaustion in a suit, brought under the Americans with Disabilities Act and the Rehabilitation Act, that seeks damages—a remedy that is not available under the Individuals with Disabilities Education Act	Solicitor General invited to submit brief
<i>Fisher v. University of Texas at Austin</i> , 14-981, 2/10/15	Equity & Discrimination: Can the Fifth Circuit's re-endorsement of the University of Texas at Austin's use of racial preferences in undergraduate admissions decisions be sustained under this court's decisions interpreting the equal protection clause of the 14th Amendment, including <i>Fisher v. Univ. of Texas at Austin</i>	Argued 12/9/15 <i>Legal Clips</i> summary of Fifth Circuit panel decision on remand from U.S. Supreme Court available at http://legalclips.nsba.org/2014/07/24/fifth-circuit-panel-upholds-university-of-texas-race-conscious-admissions-policy/ NSBA's amicus brief is available at https://cdn-files.nsba.org/s3fs-public/reports/Fisher%20v%20%20UTA%20-%20NSBA%20Amicus%202015.pdf?mhaccc5FEZ49NAhc401P.q84cOn26oNl

<p><i>Friedrichs v. Cal. Teachers Ass'n</i>, 14-915, 1/26/15</p>	<p>Employment & Labor: (1) Should <i>Abood v. Detroit Bd. of Educ.</i>, 431 U.S. 209 (1977) be overruled and public-sector "agency shop" arrangements invalidated under the First Amendment; (2) Does it violate the First Amendment to require that public employees affirmatively object to subsidizing nonchargeable speech by public-sector unions, rather than requiring that employees affirmatively consent to subsidizing such speech</p>	<p>Argued 1/11/16</p>
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