

The Supreme Court - February 24, 2020

Today, the Supreme Court of the United States issued the following opinion:

Roman Catholic Archdiocese of San Juan v. Acevedo Feliciano, No. 18-921: Active and retired employees of Catholic schools in Puerto Rico filed a suit in Puerto Rico's Court of First Instance alleging that the trust created by the Office of the Superintendent of Catholic Schools of the Archdiocese of San Juan to administer a pension plan for Catholic school employees had been terminated and eliminated the employees' pension benefits. This set off a series of appeals up and down the Puerto Rico appellate courts as to which of the Catholic organizations or entities identified as defendants had legal personalities and could be held responsible for continuing to pay the pensions. After the Archdiocese was held liable, it petitioned the United States Supreme Court claiming that the Puerto Rico courts had violated the religious autonomy doctrine. Today, in a per curiam opinion, the Court avoided addressing that issue, instead vacating the Puerto Rico court's judgment on the basis that the Puerto Rico Court of First Instance issued the orders at issue after the proceeding was removed to federal district court by the Archdiocese, but before the federal court remanded the proceeding back to the Puerto Rico court. The Court thus held that the Puerto Rico court lacked jurisdiction and its orders were void.

The Court's decision is available [here](#).

Today, the Supreme Court of the United States granted certiorari in the following case:

Fulton v. Philadelphia, No. 10-123: The Court granted review on three questions challenging the City of Philadelphia's exclusion of Catholic Social Services ("CSS") from the city's foster care system on the basis of CSS's position on same-sex marriage: 1) Whether free exercise plaintiffs can only succeed by proving a particular type of discrimination claim—namely that the government would allow the same conduct by someone who held different religious views—as two circuits have held, or whether courts

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must consider other evidence that a law is not neutral and generally applicable, as six circuits have held? 2) Whether *Employment Division v. Smith*, 494 U.S. 573 (1990), should be revisited? 3) Whether a government violates the First Amendment by conditioning a religious agency's ability to participate in the foster care system on taking actions and making statements that directly contradict the agency's religious beliefs?