

The Supreme Court - October 2, 2017

On Thursday, September 28, 2017, the Supreme Court granted certiorari in the following cases:

Janus v. American Federation, No. 16-1466: Should *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977), which held that it is constitutional for a government to force its employees to pay agency fees to an exclusive representative for speaking and contracting with the government over policies that affect their profession, be overruled and public sector agency fee arrangements declared unconstitutional under the First Amendment?

Encino Motorcars, LLC v. Navarro, No. 16-1362: Whether service advisors at car dealerships are exempt under 29 U.S.C. §213(b)(10)(A) from the Fair Labor Standards Act's overtime-pay requirements.

Hall v. Hall, No. 16-1150: Should the clarity *Gelboim v. Bank of Am. Corp.*, 135 S. Ct. 897 (2015), gave to multidistrict cases – holding that for cases consolidated in multidistrict litigation, a final judgment in a single case triggers the “appeal-clock” for that case – be extended to single district consolidated cases, so that the entry of a final judgment in only one case triggers the appeal-clock for that case?

Dalmazzi v. United States, No. 16-961; **Cox v. United States**, No. 16-1017; **Ortiz v. United States**, No. 16-1423: (1) Whether the Court of Appeals erred in holding that Petitioners' claims were moot. (2) Whether certain judges' service on the Article I U.S. Court of Military Commission Review (“CMCR”) disqualified them from continuing to serve on the Army or Air Force Court of Criminal Appeals (“CCA”) under 10 U.S.C. §973(b)(2)(A)(ii). (3) Whether certain judges' simultaneous service on both the CMCR and the AFCCA violated the Appointments Clause. (4) Whether this Court has jurisdiction to review the cases in Nos. 16-961 and 16-1017 under 28 U.S.C. §1259(3).

Collins v. Virginia, No. 16-1027: Whether the Fourth Amendment's automobile exception permits a police officer, uninvited and without a warrant, to enter private

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property, approach a home, and search a vehicle parked a few feet from the house.

Byrd v. United States, No. 16-1371: Does a driver have a reasonable expectation of privacy in a rental car when he has the renter's permission to drive the car but is not listed as an authorized driver on the rental agreement?

Hays v. Vogt, No. 16-1495: Whether the Fifth Amendment is violated when statements are used at a probable cause hearing but not at a criminal trial.

McCoy v. Louisiana, No. 16-8255: Is it unconstitutional for defense counsel to concede an accused's guilt over the accused's express objection?

Rosales-Mireles v. United States, No. 16-9493: To meet the plain error standard, is it necessary, as the Fifth Circuit Court of Appeals required, that the error be one that "would shock the conscience of the common man, serve as a powerful indictment against our system of Justice, or seriously call into question the competence or integrity of the district judge?"