

The Supreme Court - September 29, 2016

The Supreme Court of the United States granted certiorari in nine cases today:

Lee v. Tam, No. 15-1293: Whether the disparagement provision in 15 U.S.C. §1052(a), which provides that no trademark shall be refused registration on account of its nature unless, inter alia, it “[c]onsists of . . . matter which may disparage . . . persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute,” is facially invalid under the Free Speech Clause of the First Amendment.

Expressions Hair Design v. Schneiderman, No. 15-1391: Do state no-surcharge laws unconstitutionally restrict speech conveying price information (as the Eleventh Circuit has held), or do they regulate economic conduct (as the Second and Fifth Circuits have held)?

Lewis v. Clarke, No. 15-1500: Whether the sovereign immunity of an Indian tribe bars individual-capacity damages actions against tribal employees for torts committed within the scope of their employment.

Endrew v. Douglas Cty. Sch. Dist. RE-1, No. 15-827: 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. §1400 et seq.?

McLane Co. v. EEOC, No. 15-1248: Whether a district court’s decision to quash or enforce an EEOC subpoena should be reviewed de novo, which only the Ninth Circuit does, or should be reviewed deferentially, which eight other circuits do, consistent with this Court’s precedents concerning the choice of standards of review.

Goodyear Tire v. Haeger, No. 15-1406 and **Musnuff v. Haeger**, No. 15-1491: Is a federal court required to tailor compensatory civil sanctions imposed under inherent powers to harm directly caused by sanctionable misconduct when the court does not

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afford sanctioned parties the protections of criminal due process?

Lynch v. Dimaya, No. 15-1498: Whether 18 U.S.C. §16(b), as incorporated into the Immigration and Nationality Act's provisions governing an alien's removal from the United States, is unconstitutionally vague.

Nelson v. Colorado, No. 15-1256: Colorado, unlike other states, does not refund monetary penalties imposed upon a person convicted of a crime when a conviction is reversed, but rather requires defendants to prove their innocence by clear and convincing evidence to get their money back. Is this requirement consistent with due process?