

The Supreme Court Update - May 23, 2024

by Ian Blodger, Jessica M. Leano, and Brock Huebner

The Supreme Court of the United States issued three decisions today:

Alexander v. South Carolina State Conference of the NAACP, No. 22-807: This case concerns the interplay between allegations of racial and partisan gerrymandering when challenging a state's Congressional district maps. A three-judge federal panel struck down the map the South Carolina Republican state legislature proposed after the 2020 Census. The lower court concluded the proposed congressional district boundaries discriminated against the state's Black voters in violation of the 14th Amendment's Due Process Clause. Today, in a 6-3 decision authored by Justice Alito, the Court reversed, and held that the lower court failed to properly disentangle allegations of impermissible racial gerrymandering from other permissible considerations, including partisan advantage. The Court determined that the circumstantial and expert report evidence considered by the lower court, in particular when considered in light of the challengers' failure to propose an alternative map, was insufficient to overcome a presumption that the map boundaries were drawn in good faith. Justice Thomas concurred in part, but challenged the role of federal courts to draw district boundaries. Justice Kagan (joined by Justices Sotomayor and Jackson) dissented, arguing the majority failed to give proper deference to the lower court's fact-finding and imposed too high an evidentiary burden on parties asserting racial gerrymandering claims.

View the Court's [decision](#).

Coinbase, Inc. v. Suski, No. 23-3: This case addresses whether an arbitrator or the court should decide the arbitrability of a contract-related dispute when the parties have agreed to two contracts—one sending arbitrability disputes to arbitration, and the other either explicitly or implicitly sending arbitrability disputes to the courts. Coinbase users filed a class action against the cryptocurrency exchange platform, alleging that a Coinbase sweepstakes violated various state laws. After entering the sweepstakes, the user would have executed two contracts with Coinbase: the User Agreement, which sent disputes about arbitrability to arbitration, and the Official Rules of the sweepstakes,

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which appeared to send all disputes relating to the sweepstakes to California courts. The district court denied Coinbase's motion to compel arbitration, reasoning that which contract governed was a question for the court, and under California contract law, the Official Rules superseded the User Agreement. Thus, the Official Rules' forum selection clause controlled, and the parties' sweepstakes-related dispute was not subject to arbitration. The Ninth Circuit affirmed. Today, in a 9-0 opinion authored by Justice Jackson, the Court affirmed, holding that where parties have agreed to two contracts, one sending arbitrability disputes to arbitration, and the other either explicitly or implicitly sending arbitrability disputes to the courts, a court must decide which contract governs, Justice Gorsuch authored a concurrence.

View the Court's [decision](#).

Brown v. United States, No. 22-6389: This case interprets the federal Armed Career Criminal Act's ("ACCA") 15-year mandatory minimum sentencing provision. Specifically, the mandatory minimum sentence applies when a defendant convicted of illegal firearm possession had "three previous convictions" for "a serious drug offense," which can include state drug crimes involving controlled substances "defined in section 102 of the Controlled Substances Act." 18 U.S.C. §§924(e)(1), (2)(A)(ii). Today, in a 6-3 opinion authored by Justice Alito, the Court held that state court convictions remain "serious drug offenses" for the purposes of ACCA sentencing even if the controlled substance at issue in the predicate "serious drug offense(s)" is later removed from the federal drug schedules before the defendant's ACCA sentencing. The Court found support for its holding in the text, precedents, and purposes of ACCA. Justice Jackson dissented (joined by Justice Kagan in full and Justice Gorsuch in part), arguing that ACCA's textual reference to the Controlled Substances Act means the law incorporates subsequent changes to the federal drug schedules.

View the Court's [decision](#).