



The Supreme Court of the United States

This course provides an overview of the Supreme Court of the United States. This includes the Chief Justice, Major Decisions of the Franchise Tax Board of California v. Hyatt, and other important cases. The cases discussed are Gamble v. United States, Gundy v. United States, Flowers v. Mississippi, and Knick v. Scott. John Roberts and his two conflicting views are also explained.





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Dan served as President of The Chicago Bar Association for the 2014-2015 bar year and is former Chair of The Young Lawyers Section of the CBA. Dan was an adjunct professor at The John Marshall Law School, and has taught Insurance Law, Accounting for Lawyers and SCOTUS Judicial Biography.

Dan graduated summa cum laude from The John Marshall Law School and received his B.A. in Accounting from Monmouth College, magna cum laude. Dan is a frequent writer and presenter on various substantive topics, including technology and privacy, and in 2019, his book, “The Chief Justices,” was published.”

Experience

- Advised Illinois Department of Insurance regarding first two insurance company demutualizations approved under the Illinois Insurance Code.



- Represented buyer in a purchase of a California-domiciled insurer and assisted in redomestication.
- Represented buyer in purchase of a Massachusetts-domiciled insurer.
- Represented a multinational insurer in a transaction involving a complex merger involving multiple insurance departments and obtained regulatory approvals or exemptions from all jurisdictions.
- Represented a multinational insurer in an acquisition of control of an Oklahoma-domiciled insurer.
- Obtained certificates of authority for full expansion for client in more than forty jurisdictions.
- Counseled an insurer in an expansion and on acquisition strategy.
- Negotiated and obtained regulatory approval for a multinational insurer in an acquisition of a New York-domiciled specialty insurer.
- Advised non-profit entities on complex dissolutions, mergers and conversions.
- Conducted an internal investigation of alleged sexual harassment at a non-insurance related entity by a board member.

- Acted as outside general counsel for clients in a wide range of industries.

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Course Description

Course Presentation

This course provides an intellectual foundation and introduce a set of learning skills essential for success in the legal profession and for life beyond. The course will provide opportunities for careful reading, for creative and critical thinking, for oral and written communication, and for engaging with others in a shared conversation about stimulating material.

Course Material

This material is intended to be a guide in general and is not legal advice. If you have any specific question regarding the state of the law in any particular jurisdiction, we recommend that you seek legal guidance relating to your particular fact situation.

The course materials will provide the attendee with the knowledge and tools necessary to identify the current legal trends with respect to these issues. The course materials are designed to provide the attendee with current law, impending issues and future trends that can be applied in practical situations.

Course Learning Objectives and Outcomes

Upon completion of the course, participants should be able to apply the course material; improve their ability to research, plan, synthesize a variety of sources from authentic materials, draw conclusions; and demonstrate an understanding of the theme and concepts of the course by applying them in their professional lives.



Timed Agenda:

Time	Description
00:00:00	Program Start
0:00:21	Introduction to the Supreme Court of the US
0:09:58	Article III
0:17:25	The Chief Justice
0:20:16	The Chief Justice's Role
0:28:49	John Rutledge
0:34:11	Salmon Chase
0:37:53	The Chief Justices
0:38:20	William Howard Taft
0:40:38	Charles Evans Hughes
0:44:06	Earl Warren
0:48:24	October 2018 Term
0:51:32	Major Decisions
0:56:01	Franchise Tax Board
1:04:23	Box v. Planned Parenthood of Indiana and Kentucky, Inc.
1:06:17	Gamble v. United States
1:08:03	Gundy v. United States
1:10:02	The American Legion v. The American Humanist Association
1:14:09	Knick v. Scott
1:16:02	Partisan Gerrymandering
1:19:15	Census Question
1:28:20	The Roberts Court
1:28:34	John Roberts and His Two Conflicting Views
1:37:58	Program End



Course Material

The materials in this presentation are intended to provide a general overview of the issues contained herein and are not intended nor should they be construed to provide specific legal or regulatory guidance or advice. If you have any questions or issues of a specific nature, you should consult with appropriate legal or regulatory counsel to review the specific circumstances involved. Views expressed are those of the speaker and are not to be attributed to his firm or clients.

AGENDA

- A (Very Little) Bit About Me and Genesis of Book
- The Supreme Court
 - Article III of United States Constitution
 - Judiciary Act of 1789
 - Subsequent Judiciary Acts
- The October 2018 Term
 - Major Decisions
 - General Observations
- The Chief Justice Role



- Powers

The 17 Chiefs

Conclusion

Introduction

- **Co-Equal Branch of Government**

Lack of access

Lack of knowledge of what takes place

Lack of understanding

The Supreme Court

- **Article III**

Lightest wording

Lack of access or understanding

- **Judiciary Act of 1789**

- **Number of Justices Historically**

- **Number Who have served**

Associate Justices

Chief Justices



The Chief Justice

- Only reference in Constitution:
Impeachment of president, the chief justice presides.
- Not well defined in Judiciary Acts either
- Refer to it like Animal Farm, all animals equal, some more equal than others.
- Justice Roberts' numbering system

The Chief Justice's Role

- Function and Duties
- Ability to influence
Most effective in the Court's History

The Chief Justices

John Jay

John Rutledge

Oliver Ellsworth

John Marshall

Roger Taney

Salmon Chase

Morrison Waite

Melville Fuller

Edward White



The Chief Justices (cont'd)

William Howard Taft

Charles Evans Hughes

Harlan Fiske Stone

Fred Vinson

Earl Warren

Warren Burger

William Rehnquist

John Roberts

October 2018 Term

Major Decisions

Franchise Tax Board of California v. Hyatt

- https://www.supremecourt.gov/opinions/18pdf/17-1299_8njq.pdf
- Issue: Whether the decision in *Nevada v. Hall*, which permits a sovereign state to be haled into another state's courts without its consent, is correct?

Franchise Tax Board (cont'd)



- Held: *Nevada v. Hall* overturned.
- Justice Clarence Thomas wrote the majority 5-4 opinion
Reviewed *Nevada* and also historical
Argued for implicit structure of the Constitution and sovereignty
- Dissent by Justice Stephen Breyer

Box v. Planned Parenthood of Indiana and Kentucky, Inc.

- https://www.supremecourt.gov/opinions/18pdf/18-483_3d9g.pdf
- Issue: Does an Indiana law that prevents the incineration of fetal remains with surgical byproducts, authorizes simultaneous cremation of fetal remains, and leaves unchanged a woman's right "to determine the final disposition of the aborted fetus" bear a rational relationship to a legitimate state interest?

Box (cont'd)

- Issue not addressed: An Indiana provision barring the knowing provision of sex-, race-, or disability-



selective abortions by abortion providers.

- Held: The fetal tissue disposal passes rational basis.
- Per curiam opinion.
- Justice Thomas concurred to discuss the issue not addressed.

Gamble v. United States

- https://www.supremecourt.gov/opinions/18pdf/17-646_d18e.pdf

-
- Court refused to overturn concept of “dual sovereignty”

VA House of Delegates v. Bethune-Hill

- "In short," Ginsburg wrote, "Virginia would rather stop than fight on. One House of its bicameral legislature cannot alone continue the litigation against the will of its partners in the legislative process."

Gundy v. United States

- ***Gundy v. United States***
https://www.supremecourt.gov/opinions/18pdf/17-6086_2b8e.pdf
- proper delegation of authority
 - *But warning of what might be ahead*

Establishment Clause

- ***The American Legion v. The American Humanist Association***
https://www.supremecourt.gov/opinions/18pdf/17-1717_4f14.pdf
Cross does not violate Establishment Clause

-
- Flowers v. Mississippi
 - https://www.supremecourt.gov/opinions/18pdf/17-9572_k536.pdf
 - The numbers speak loudly. Over the course of the

first four trials, there were 36 black prospective jurors against whom the State could have exercised a peremptory strike. The State tried to strike all 36.”

Knick v. Scott

- https://www.supremecourt.gov/opinions/18pdf/17-647_m648.pdf
- The Court holds that the government violates the Takings Clause when it takes property without compensation, and a property owner may bring a lawsuit to challenge the taking under Section 1983 at that time.
- **Major case of overturning a precedent and more back and forth between liberals and conservatives.**

Late Decisions

- Partisan gerrymandering
- Census question

Current Court and Term- General Observations



- 70 Cases- Low by historical standards

- Interesting Court

Alignments

But also hyper focus on every decision and who is in

Ascendancy of Thomas

Divided Court

Precedent and Stare Decisis

The Roberts Court

- John Roberts and his two conflicting views

Conservative ideology

Court legacy, with no “swing voters” left

Conclusion

- Ebbs and flows of Court over time
- Politicization of the nominating process

Q&A

“The Chief Justices”

- Use the following link to view the book on



Amazon.

- **<https://amzn.to/2SMgqMR>**
-

Resources

Resources Specific to this Course

In addition, please see the resources cited within the material.

Resources for the Legal Professional

ABA Center for Professional Responsibility - www.abanet.org/cpr

Chicago Bar Association - www.chicagobar.org

Commission on Professionalism - www.2civility.org

Judicial Inquiry Board - <http://www.illinois.gov/jib>

Illinois Board of Admissions to the Bar - www.ilbaradmissions.org

Illinois Department of Financial and Professional Regulation - www.idfpr.com/default.asp

Illinois Lawyers' Assistance Program, Inc - www.illinoislap.org

Illinois State Bar Association - www.isba.org

Illinois Supreme Court - www.state.il.us/court

Lawyers Trust Fund of Illinois - www.ltf.org

MCLE Program - www.mcleboard.org

