

North Carolina Lawyer Chapter  
“Preview of the 2018-2019 U.S. Supreme Court Term”  
Thursday, September 27, 2018

- I. Welcome – Press Millen
- II. Overview of ACS – Professor William Marshall
- III. Introduction of Panelists; Brief Overview of the Court’s Docket – Chris Browning
- IV. The Confirmation Process; What to Expect if Judge Kavanaugh is Confirmed - Danielle Gray
  - a. Visit the ACS [SCOTUS Vacancy Toolkit](#) for recaps, action items, and outreach tips.
- V. Specific Cases of Interest this Term
  - a. Ryan Parks
    - i. [Franchise Tax Board of California v. Hyatt](#) – sovereign immunity of states
    - ii. [Virginia Uranium, Inc. v. Warren](#) – federal preemption
    - iii. [Gamble v. U.S.](#) – Double Jeopardy
  - b. Monica Webb-Shackleford
    - i. [Timbs v. Indiana](#) – Eighth Amendment, excessive fines
    - ii. [Knick v. Township of Scott](#) – Takings Clause
    - iii. [Gundy v. U.S.](#) – separation of powers, congressional delegation of authority to the U.S. Attorney General
  - c. Chris Browning (time permitting)
    - i. [Madison v. Alabama](#), [Bucklew v. Precythe](#) – Eight Amendment, cruel and unusual punishment
    - ii. The “Ag Law Trio” – [Indiana v. Massachusetts](#), [Missouri v. California](#), [Association des Eleveurs v. Becerra](#)
- VI. Q&A

**NAME OF PANEL:** Preview of the 2018-2019 U.S. Supreme Court Term

**DATE | TIME | LOCATION:** Thursday, September 27, 2018 | 12-1:30pm ET | Womble Bond Dickinson, 555 Fayetteville Street, #1100, Raleigh, NC 27601

**BRIEF DESCRIPTION:**

Join the North Carolina Lawyer Chapter of the American Constitution Society for a discussion of significant cases set for the 2018-2019 term of the U.S. Supreme Court, the nomination of Judge Brett Kavanaugh, and how the vacancy will impact ACS's founding principle that the law should be a force to improve the lives of all people.

**PANELISTS' NAMES AND BIOS:**

- **Christopher Browning**, Partner, Troutman Sanders LLP; former Solicitor General, State of North Carolina
- **Danielle C. Gray**, Senior Vice President, Chief Legal Officer, and Corporate Secretary, BlueCross BlueShield of North Carolina
- **Ryan Park**, Deputy Solicitor General, State of North Carolina
- **Monica Webb-Shackleford**, Attorney, Forrest Firm

**MATERIALS FOR PANEL:**

*The Nomination of Brett Kavanaugh and the Future of the Supreme Court*

[Trump Picked Kavanaugh. How Will He Change the Supreme Court?](#), POLITICO (July 09, 2018).

Aziz Huq, [Why You Shouldn't Care Whether Kavanaugh Is An 'Originalist'](#), POLITICO (Aug. 09, 2018).

Geoffrey R. Stone, [The Behavior of Supreme Court Justices When Their Behavior Counts the Most](#), ACS ISSUE BRIEF (September 2013).

Caroline Fredrickson, [Shell Game: Expect Trump's SCOTUS Nominee Kavanaugh To Duck And Dodge Key Questions During Confirmation Hearings](#), ACSBLOG (Aug. 29, 2018).

[Garza v. Hargan](#), No. 17-523 (2017).

*The Nomination Process*

Linda Greenhouse, [How Will We Know What A Supreme Court Nominee Really Thinks?](#), NEW YORK TIMES (July 05, 2018).

Ronald A. Klain, [Here's Who Should Demand To See Kavanaugh's White House Paper Trail](#), WASHINGTON POST (July 20, 2018).

### ***The Future of the Regulatory State***

[Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.](#), No. 82-1005 (1984).

[PHH Corporation v. CFPB](#), No. 15-1177 (2018).

William A. Galston, [Under The Radar: The Supreme Court Decision Brett Kavanaugh Is Most Likely To Overrule](#), BROOKINGS (July 10, 2018).

Michael S. Barr, Deepak Gupta, and Adam J. Levitin, [Brief On Rehearing En Banc Of Amici Curiae Financial Regulation Scholars In Support of Respondent](#), PHH Corporation v. CFPB (2018).

Tucker Higgins, [The Supreme Court Could Cripple An Obama-era Consumer Finance Watchdog If Agency Critic Brett Kavanaugh Is Confirmed](#), CNBC (July 10, 2018).

Lisa Heinzerling, [Trump Is Losing His War On Regulations](#), WASHINGTON POST (Mar. 27, 2018).

### ***Executive Power***

Corey Brettschneider, [Brett Kavanaugh's Radical View Of Executive Power](#), POLITICO (Sept. 04, 2018).

Victoria Nourse, [The Special Counsel, Morrison v. Olson, And The Dangerous Implications Of The Unitary Executive Theory](#), ACS ISSUE BRIEF (June 2018).

Neil Kinkopf, [The Implications For The Mueller Investigation Of Confirming Judge Brett Kavanaugh](#), (Aug. 23, 2018).