NINE BY NINE: SUPREME COURT REVIEW 2024-25 TERM

U.S. Supreme Court

MARSHALL H. TANICK
ATTORNEY

Supreme Court Building

NINE BY NINE:
NINE KEY HIGH COURT CASES

Summer/Fall 2025

Presented By:
Marshall H. Tanick
Meyer Njus Tanick Linder Robbins, P.A.

.

NINE FOR NINE
SUPREME COURT REVIEW
BY MARSHALL H. TANICK

Tanick's Ten Take Aways

1. Minnesota Matter: IDEA, Osseo

2. Standing Suits

3. Decisions Declined

4. Guns Galore

5. Deaths Denied (or Delayed)

TANICK'S TEN TAKE AWAYS (cont.)

6. 6. Gender Jousts

7. 7. Religious Rulings

8. 8. Injunctions Impaired

9. 9. Trump's Triumphs

10. *Looking Ahead to 2025-26

TANICK'S TAKE AWAYS

1. No Blockbusters like recent years, ***Dobbs v. Jackson Women's Health Organization***, 597 U.S. 215 (2022); overruling ***Roe v. Wade***, 410 U.S. 113 (1973);

Perhaps ***Trump v. CASA,*** 145 S.Ct. 2540 (2025) national injunctions restricted

2. Still sharply splintered: 6-3 votes *E.g.* ***Ames v. Ohio Dept. of Youth Services***, 145 S.Ct. 1540 (2024) Amy Coney Barrett v. Kentaji Brown Jackson

3. Amy Coney Barrett not moving much; Brett Kavanaugh shifting further to the right

4. Predictive outcomes (All but one – Guess which one?)

5. Brown Jackson emerges as progressive voice in ***Ames v. Ohio Dept. of Youth Services,*** *supra,* as dissenter in ***Trump v. CASA,*** *supra*

6. "Shadow Docket" Looms as Elena Kagan laments

7. Death row inmates rejoice: 2 victories

8. Three Truisms: Environmentalists lose; so do transgenders; religious claimants win

9. Trump's Triumphs: getting "tired of winning"

MINNESOTA MATTER: IDEA, OSSEO

Maple Grove parents prevail on behalf of their disabled student in Osseo.

A.J.T. v. Osseo Area Schools, ISD #279, 145 S.Ct. 1122 (2025). Unanimous ruling written by Chief Justice John Roberts rejects IDEA requires proof of "bad faith" or "gross misjudgment" by school personnel in providing specialized services under the Individuals Disabilities in Education Act (IDEA), 20 U.S.C. § 1400, *et seq*. The decision reverses two lower court rulings here in Minnesota and in Eighth Circuit Court of Appeals.

The ruling greatly facilitates leverage of parents to challenge school authorities regarding disabled students now that schools are required to provide "special" services on a reasonable basis without having to prove high degree of culpability.

STANDING SUITS

Addressing Standing to Sue Doctrine, court gives red light to one case and green light to another.

Another triumph for the Trump administration (more about that later)

*The Court in a "shadow docket" ruling holds that non-profit groups lack standing to sue on behalf of 16,000 eliminated probationary Federal employees as part of the purge by the Elon Musk Department of Government Efficiency (DOGE) in ***Office of Personnel Management v. American Federation of Government Employees***, 145 S.Ct. 1914 (2025).

STANDING SUITS (cont.))

***Diamond Alternative Energy, LLC v. EPA*,** 145 S.Ct. 2121 (2025)

But private lawsuit allowed by fuel manufacturers challenging California's strict vehicle emissions restrictions. In a 6-3 vote, written by Justice Kavanaugh, Court say "targets" of governmental regulations should not be "locked out" from challenging measures impacting them.

Justice Jackson's scathing dissent: Court is favoring "moneyed interests" over "regular citizens" and giving undue deference to "corporate interests."

DECISIONS DELAYED

Oklahoma Charter School Board v. Drummond,

145 S.Ct. 1916 (2025)(Mem)

Court deadlocks 4-4, due to Coney Barrett recusal, on public funding of religious charter school. She removes herself due to association with Notre Dame Law School professor advising the Charter School claimants. Case highlights reasons for recusal. But the issue is likely to return to court soon.

Jacobson v. Worth, 99 F.4th 432 (8th Cir. 2024), cert denied No. 24-782, (April 21, 2025). Court declines to take up Minnesota appeal of lower court rulings here and by Eighth Circuit invalidating state 21-year-old age restriction for gun permits under "historical tradition" standard of Second Amendment rationale of ***New York Rifle & Pistol Assn. v. Bruen***, 142 S.Ct. 2111 (2022).

GUNS GALORE

Ghosts Gambit: The Trump I-era regulation by the Federal Bureau of Alcohol, Firearms, Tobacco & Explosives (AFTE) barring home made "ghost guns" is upheld in ***Bondi v. VanDerstock,*** 145 S.Ct. 857 (2025). The Court, in "emergency" decision, contrary to other rulings, deferred to the discretion of the administrative body. Compare ***Loper Bright Enterprises v. Raimondo***, 603 U.S. 369 (2024) (overturning Chevron administrative agency "discretion" doctrine).

The ruling addresses concerns over proliferation of such untraceable weapons; 45,000 of them found at crime scenes.

Mexican Matter: The Court unanimously rejects a lawsuit by the Mexican government against seven U.S. gun manufacturers for distributing firearms to Mexican drug cartel groups. ***Smith & Wesson Brands v. Estados Unis Mexicanos,*** 145 S.Ct. 1556(2025). The Court, by a 9-0 vote, written by Justice Elena Kagan bars action under the Federal Protection of Lawful Commerce in Arms Act (15 U.S.C. § 79.092(a).

BREAKING NEWS

Minnesota Supreme Court in ***State v. Vagel***, 2025 WL 2233657 (Minn. Aug. 6, 2025)invalidates state ban on "ghost" guns under Minn. Stat. § 609.667 (3) on grounds that there is no Federal serial number requirement, as referenced in the statute.

DEATHS DENIED (OR DELAYED)

A pair of condemned inmates on death row dodged death, at least for the time being.

*New trial ordered for death row inmate due to prosecutorial misconduct, including knowingly using a lying witness and concealment about his record in ***Glossip v. Oklahoma,*** 145 S.Ct. 612 (2025), as agreed to by prosecutor. Case tightens requirements on prosecution disclosure in criminal cases.

*Death row inmate is entitled to DNA testing of evidence used to convict him in 6-3 vote, written by Justice Sotomayor in ***Gutierrez v. Saenz***, 145 S.Ct. 2258 (2025). An impatient Justice Thomas chafes at "delay" in imposing death penalty in this and other cases.

GENDER JOUSTS

The LGBTQ+ community comes out on the losing end of a pair of cases.

* "**Reverse" Ruling:** A dismissal of a "reverse discrimination" case brought by a white straight woman who claimed to be passed over for a promotion and then demoted in favor of two gay employees is reversed in ***Ames v. Ohio Dept. of Youth Services***, 145 S.Ct. 1540 (2025). In a unanimous ruling written by Justice Jackson, the Court holds that the lower courts erroneously imposed a higher legal standard and should use the regular multi-part burden-shifting standard of whether the claimant has a prima facie case of discrimination, whether the employer has rebutted it, and whether the defense is pretextual.

GENDER JOUSTS (cont.)

A state law in Tennessee, similar to one in two dozen states, barring chemical treatments for transgender minors is upheld in ***U.S. v. Skrmetti***, 145 S.Ct. 1816 (2025). The Court, in a 6-3 decision, written by Chief Justice Roberts, refused to interfere with legislative "discretion" due to the court's lack of "expertise" in such matters. Case was followed by four other transgender rights reversals.

RELIGIOUS RULINGS

Tax exemption** allowed for Catholic religious social services organization not engaged in proselytization nor faith services in ***Catholic Charities Bureau v. Wisconsin Labor, 145 S.Ct. 1583 (2025). Unanimous decision written by Justice Sonia Sotomayor holds that refusal by lower courts to permit exemption violates First Amendment right of religious freedom. The case extends almost unbroken string of victories for religious freedom claimants during Roberts' era since 2005.

Curriculum Case.** Parents objecting on religious grounds to elementary class using LGBTQ+ book and discussion entitled to remove students from class in ***Mahmoud v. Taylor, 145 S.Ct. 2332 (2025). The 6-3 ruling strengthens "book ban" movement, written by Justice Samuel Alito, empowers parents to have curriculum oversight.

INJUNCTIONS IMPAIRED

Authority of district court judges to enjoin nationwide practices severely restricted by 6-3

6-3 ruling, written by Justice Amy Coney Barrett in birthright citizenship case. ***Trump v. CASA***, 145 S.Ct. 2540 (2025). Challenges to administrative rulings must be brought on a case-by-case basis, except in extraordinary circumstances or as class actions. Dissent by Justice Sotomayor claims "gamesmanship" that "disregards … long history of recognition relief granted to non-parties." To amplify, she offers a dystopian view of the "degradation of the Rule of Law that will hasten the downfall of our governing institutions marking our collective demise."

Meanwhile, the birthright citizenship issue remains open under 14th Amendment that "all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens."

TRUMP'S TRIUMPHS

• Nearly complete triumphs across the board

in rulings favorable to President Trump and his

Administration.

*DOGE lay-offs: Office of Personnel Management Case

*Immigration Cases: ***Department of Homeland Security v. D.V.D .***, 145 S.Ct. 2153 (2025), authority to deport immigrants to their countries with no Due Process.

*Abortion Rights: Cut off of Medical Funds cannot be challenged by individuals. ***Medicare v. Planned Parenthood of South Carolina***, 145 S.Ct. 2219 (2025)

LOOKING AHEAD

Same Sex Marriage declined:** ***Davis v. Ermold
Tariffs case: ***V.O.S. Selections, Inc. v. Trump***

Birthright Battle Back (BBB)

Abortion Pill Availability

Republican challenge to campaign financing restrictions

Prisoner's religious rights (shaved head) and Execution of intellectually disabled prisoner

Other Trump cases: National Guard Activation

Employee Displacements, etc.

Two more consolidated transgender cases: athletes in school sports

Same sex marriage challenge

SEE YOU NEXT YEAR