

NINE FROM NINE: SUPREME COURT REVIEW 2025-26 TERM



U.S. Supreme Court



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Supreme Court Building

SOME KEY DECISIONS OF THE U.S. SUPREME COURT 2025-26 AND PREVIEW OF 2026-27

Fall, 2026

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MINNESOTA MATTERS

Montgomery v. Caribe Transport II, LLC 146 S.Ct. 1149



State law negligent hiring lawsuit against freight brokers are allowable under state law, not pre-empted by Federal Aviation Administration Authorization Act (FAAA), 49 U.S.C. § 14501 (c)(1).

A vehicle crash by transport truck striking stopped car in Illinois, the driver sued the freight broker for negligence, due to carrier's poor driving record and the broker, C.H. Robinson Worldwide of Eden Prairie, with 300 international offices.

Ruling: Unanimous 9-0, with concurrence by Justice Brett Kavanaugh, joined by Justice Samuel Alito.

Justice Amy Coney Barrett holds that statutory “safety exception” permits an injured party to sue a broker who is negligent in selecting unsafe carriers.

Impact: Greater expense for liability for the nation's 28,000 freight brokers who ship one-third of all U.S. freight through 784 licensed carriers.

Robinson is one of the largest, \$23 billion freight annually, 37 million shipments.

ARBITRATION ACTIONS

Two Arbitration Cases:

Jules v. Andre Balazs Properties, 146 S.Ct. 1209 (2026)

Employee discrimination claim by terminated hotel worker subject to arbitration agreement. Federal District Court stays litigation, arbitration award for employer, who seeks to confirm it, including \$34,500 sanction award under Federal Arbitration Act (FAA), 9 U.S. C. § 1



Employee's claim that Court lacked jurisdiction is rejected.

Ruling: Unanimous, 9-0, Justice Sonia Sotomayor upholds jurisdiction of Federal Courts for post-arbitral relief following earlier staying lawsuit.

Impact: Stronger authority of Courts in overseeing arbitration.

ARBITRATION ACTIONS (cont.)

Flores Foods, Inc. v. Brock, 146 S.Ct. 1358 (2026)

Wage claim by bakery delivery franchisee in Denver employee moves to compel arbitration under FAA. Employer resists, claims “interstate commerce” exception from compulsory arbitration.



Ruling: Unanimous, 9-0

Justice Neil Gorsuch (from Denver) holds that intrastate workers are covered by exemption if part of “interstate commerce chain” from compulsory arbitration under § 1 of the FAA.

Impact: Narrowing of Federal arbitral authority.

SEARCH SUITS

Case v. Montana, 146 S.Ct. 500 (2026)

Police in Montana respond to call regarding suicide threat, enter home without consent, resulting in confrontation, assault on an officer

Defended as violation of Fourth Amendment unlawful search.



Ruling: unanimous, 9-0, Justice Kagan holds that warrantless home entry allowed under “emergency aid” exception if reasonable to fear exigency of injury.

Impact: Broadens police searches without warrants.

SEARCH SUITS (cont.)

Chatrue v. United States, 146 S.Ct. 2193 (2026)

Police conduct search of bank robbery suspect in Virginia using cell phone location data with geofence warrant within 150 meter radius of site of the crime.



Ruling: Search invalidated; 6-3, majority opinion by Justice Elena Kagan recognizes “reasonable expectation of privacy” in cell phone location information, remanded for “reasonableness” review.

3 Dissenters: Alito, Barrett & Clarence Thomas

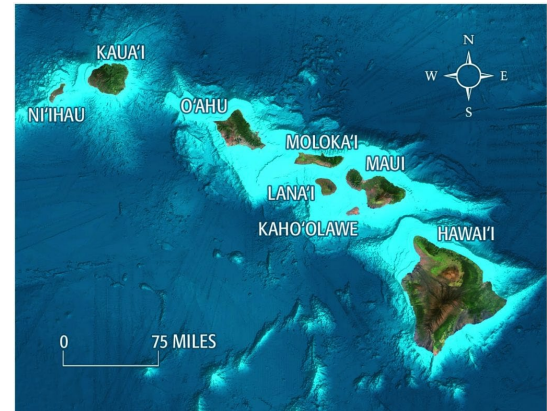
Parallels recent ruling by Minnesota Supreme Court in **State v. Contreras-Sanchez**, 33 N.W.3d 700 (Minn. 2026). Similarly limiting geo force warrants for “individualize” data.

Impact: Restricted use of cell phone search warrants.

GUNS GALORE

Wolford v. Lopez, 146 S.Ct. 2032 (2026)

Hawaii law barring guns holders on private property unless owner gives express verbal or written consent stricken under Second Amendment.



Ruling: 6-3, strikes down law, majority decision written by Justice Alito, based on the “historical tradition” of permissibility to have guns on private property unless expressly barred.

Three liberals dissent, Justice Ketanji Jackson Brown, on need for balancing public safety concerns v. Second Amendment and state authority under Federalism.

Impact: continued expansion of Second Amendment rights under “history and tradition” standard of *New York State Rifle and Pistol Assn. v. Bruen*, 597 U.S. 1 (2022).

PLEAS & PREEMPTORIES

U.S. v. Hunter, 146 S.Ct. 1702 (2026)

Appeal waiver in criminal guilty plea by \$500,000 wire fraudster overturned due to post-plea requirements of mental health defects and medication challenged as “miscarriage of justice.”



Ruling: 8-1, Justice Kagan writes opinion holding plea may be unenforceable on remand if “egregious error that would bring judicial system into disrespect.” Justice Thomas dissents.

Concurrences by Justice Gorsuch, joined by Sotomayor and Jackson raises concerns about plea bargaining procedures.

Impact: Expands grounds for challenging plea bargains.



PLEAS & PRE-EMPTORIES (cont.)

Pitchford v. Case, 146 S.Ct.1345 (2026)

Capital sentence for Black teenager for killing white grocery store owner during a robbery. At trial, prosecution exercises four preemptory challenges excluding Black jurors, resulted in 11 white, 1 Black juror conviction, challenged *Batson v. Kentucky*, 476 U.S. 79 (1986) grounds of racial neutrality.



Ruling: 5-4 reversal, written by Justice Kavanaugh due to failure to allow defense to challenge “race neutral” reasons for preemptions

Four dissenters would affirm on procedural grounds.

Impact: Reins in pre-emptories in race-related criminal cases.

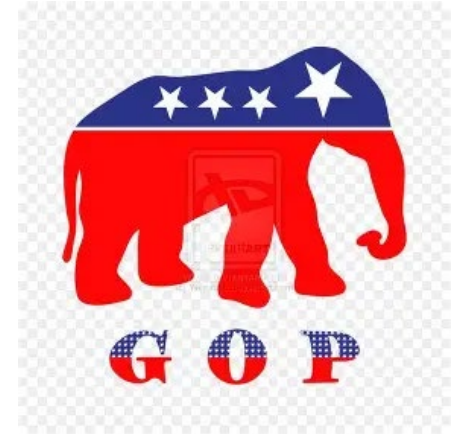
ELECTION EXERCISES

National Republican Senatorial Commission v. Federal Election Commission, 146 S.Ct. 2404 (2026).

Challenge by Republican campaign committee on restriction imposed by Federal Election Committee on coordinated funding raising by political parties and candidates.

Ruling: 6-3 decision written by Justice Kavanaugh strikes down limitation on party coordinated political expenditures and explicitly overturns *FEC v. Colorado Republican Campaign Committee*, 533 U.S. 431 (2001).

Impact: Continued expansion of political fund raising.



ELECTION EXERCISES (cont.)

Watson v. Republican National Committee, 146 S.Ct. 2165 (2026).

Republican challenge to Mississippi law, as in 15 other states, counting mail-in ballots received after election day if postmarked in time under Federal Uniform Election Day law, 3 U.S.C. § 1, *et seq.* written by Justice Coney Barrett.

Ruling: 5-4 mail in ballots permissible if post marked by Election Day, not violative of Federal law
4 conservative dissenters, Justice Alito warning of ballot box stuffing.

Impact: Allows late arriving mail-in ballots in 16 states.



Bost v. Illinois State Board of Elections, 146 S.Ct. 513 (2026).

Candidates have standing to challenge counting mail in ballot rules even if no negative impact.

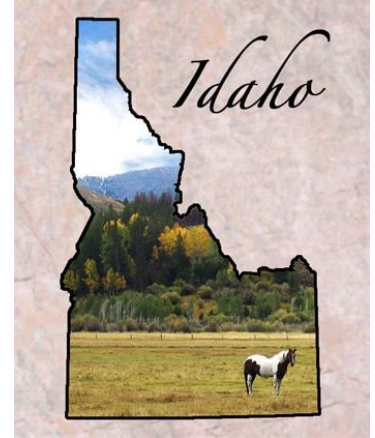
Holding 7-2 decision written by Chief Justice Roberts.

Impact: Broaden might raise election challenges.

TRANSGENDER TUSSLES

Little v. Hecox, 135 S.Ct. 819 *mem.* (2026)

Idaho law barring transgender women and girls from participating on any women's and girls' school sports teams. One of 25 similar state laws, struck down on Equal Protection grounds.



West Virginia v. B.R.J., 146 S.Ct. 2365 (2026)

West Virginia law prohibits transgender women and girls from participating on women or girls teams. Both laws deemed violative of Equal Protection and Title IX of Civil Rights Act.

Court reverses both appellate rulings and upholds the laws by 6-3 votes, written by Justice Kavanaugh as not improper “because of the biological differences between the sexes.” Three liberal dissenters.



Impact: More transgender defeat may presage suit by Department of Education against state of Minnesota allowing transgender athletes.

DISCRIMINATION DECISIONS

Louisiana v. Callas, 146 S.Ct. 1131 (2026)

Re-districting of Congressional boundaries to increase Black representation from 1 to 2 in state, proportional to one-third demographics under 1965 Voting Rights Act.



Ruling: Reversed, 6-3 decision by Justice Alito holds boundaries based on (Black) race violates Equal Protection Clause sets high bar of institutional discrimination for challenging gerrymandering following reasoning of *Rucho v. Common Cause*, 588 U.S. 684 (2019) precluding Federal Courts from hearing gerrymandering cases.

Impact: Partisan gerrymandering virtually immune from legal challenges.

DISCRIMINATION DECISIONS (cont.)

U.S.P.S. v. Konan, 146 S.Ct. 736 (2026)

Intentional refusal to deliver mail to Black business owner in Texas challenged under Federal Tort Claims Act.

Ruling 5-4, reversing lower court decision, written by Justice Thomas, granting immunity for “missing” and loss of mail under 28 U.S.C. § 2680(b).

4 dissenters, 3 liberals, plus Justice Gorsuch.

Impact: Immunizes Postal Service, mail-in voting?



TRUMP TOPICS



Four more challenges to – and by – President Trump regarding scope of Presidential authority.

Learning Resources, Inc. v. Trump, 146 S.Ct. 628 (2026)

Unanimous decision by Chief Justice Roberts bars President from unilaterally imposing *tariffs* under International Emergency Economic Powers Act (IEEPA), but no effect on other tariff processes.

Trump v. Slaughter, 146 S.Ct. 2283 (2026)

6-3 decision written by Chief Justice Roberts under “unitary any executive” theory allows President to remove/fire all Federal officials without cause or recourse, exant.

Trump v. Cook, 146 S.Ct. 2234 (2026)

5-4 ruling written by Chief Justice Roberts bars “no cause” recusal of Federal Reserve Commissioner under unique “independence” of that agency.

Trump v. Barbara, 146 S.Ct. 2438 (2026).

6-3 decision written by Chief Justice John Roberts rebukes Executive Order denying “birthplace citizenship” under 14th Amendment. “It’s a new world, but the same Constitution.”

Impact: 3 of 4 defeats, but ***Slaughter*** is major expansion of Presidential authority, like ***Trump v. United States immunity Case***, 603 U.S. 593 (2024).

LOOKING AHEAD

On The Docket (So Far) For 2026-27

Assault Rifle Bans: Revisiting *Bruen* and Second Amendment

Immigration: Permanent citizenship claims after denial of asylum

Parental Rights: Medical treatment, therapy for children without parental authorization.

Property Rights: “Just compensation” for private land for natural gas pipeline.

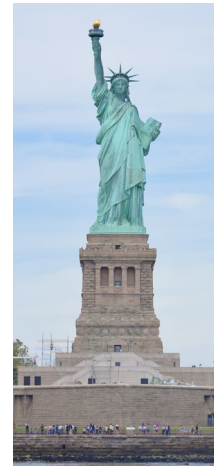
Trademarks: Judge or jury determination

Voting Rights: Arizona citizenship proof requirement

Unanimous Juries: Six states, like Minnesota, allow in six criminal cases; Florida case.

Declined

Dershowitz v. CNN: Won't revisit *New York Times v. Sullivan* Defamation.



That's all Folks!

