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Now that the U.S. Supreme Court is back at full strength, its docket is already shaping up to be a blockbuster one for businesses, with cases that could limit class actions against employers, disrupt the patent litigation landscape and allow more securities law whistleblowers to sue corporations.

The justices appeared to take a cautious approach to the cases they granted in the last term in a seeming effort to avoid a dreaded 4-4 deadlock following Justice Antonin Scalia's sudden death in February 2016. But since Justice Neil Gorsuch joined the bench in April, the court has turned its attention back to higher-profile business clashes that involve closer calls, experts say.

"The court has not been shy about issuing 5-4 decisions when it has nine justices, and those decisions have gone in different directions depending on the composition of the five," said Joseph Palmore, co-chair of Morrison & Foerster LLP's appellate and Supreme Court practice. "I think we can reasonably expect a return to 5-4 decisions in high-profile cases."

This also is shaping up to be the term where the full force of the Trump administration will be felt. By the time Donald Trump assumed the presidency in January and made appointments to the solicitor general's office, most of the government briefing for Supreme Court cases had been submitted, but this term, Trump's Department of Justice will be putting its own stamp on all government arguments.

"I think people will be watching whether the court treats the executive branch any differently or whether things continue on as usual without the political turmoil of this year affecting the relationship between the court and the executive branch," said Gregory Rapawy, a partner at trial and appellate litigation firm Kellogg Hansen Todd Figel & Frederick PLLC.

Law360 received input for this story from the following attorneys: Adam Charnes of Kilpatrick Townsend & Stockton LLP, Amy Saharia of Williams & Connolly LLP, Ashley Parrish of King & Spalding LLP, Deepak Gupta of Gupta Wessler PLLC, Eric Miller of Perkins Coie LLP, Gregory Rapawy of Kellogg Hansen Todd Figel & Frederick PLLC, Joseph Palmore of Morrison & Foerster LLP and Saurabh Vishnubhakat of Texas A&M University School of Law.

Williams & Connolly is representing Ernst & Young and Digital Realty. Kellogg Hansen is representing the Indiana Public Retirement System, has filed an amicus brief for labor law professors supporting the individuals and NLRB in the employment arbitration cases and may represent amici advocating for Greene's Energy Group. Vishnubhakat has signed onto an amicus brief with other law professors in support of Oil States. Gupta Wessler has filed an amicus brief for financial regulation scholars and former government officials in favor of Joseph Jesner and the other petitioners and an amicus brief for the American Association for Justice supporting the individuals and the NLRB in the employment arbitration dispute. Perkins Coie intends to file an amicus brief for generic pharmaceutical manufacturers backing Greene's Energy Group.

Erin Coe is a feature reporter for Law360. Editing by Jocelyn Allison, Jeremy Barker and Rebecca Flanagan.

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