

William & Mary Supreme Court Preview 2025 September 19-20, 2025

(Friday sessions will be held in the McGlothlin Courtroom. Saturday sessions will be held in Room 119. Overflow in Room 120 unless otherwise specified).

FRIDAY September 19, 2025

4:00 PM: Welcome (Professor Allison Orr Larsen)

4:05 PM - 5:30 PM: Moot Court - *Chiles v. Salazar*

- Advocates: Jaime Santos & Ben Snyder
- Moot Court Justices: Joan Biskupic (Chief), Judge Harris, Judge Rosenbaum, Kelsi Corkran, Pratik Shah, Meaghan VerGow, Jess Bravin, Pamela Karlan, Margaret Hu

Brief Description: In 2019, Colorado enacted a law banning licensed mental health professionals from engaging in "conversion therapy" with minors, defined as efforts to change a person's sexual orientation or gender identity. Kaley Chiles, a licensed counselor and practicing Christian, challenged the law, arguing that it prevents her from providing counseling consistent with her religious beliefs. She works with clients who want to discuss issues that, she says, "implicate Christian values about human sexuality and the treatment of their own body." Chiles contends that the Colorado law violates her First Amendment rights to free speech and to freely exercise her religion. The Tenth Circuit rejected her claim, ruling that the law regulates professional conduct, not speech, and is therefore subject to rational basis review, which it passes.

**As in the past, the audience is reminded that the moot court is an academic exercise only and no questions or positions taken by either the moot court justices or advocates should be attributed to them personally.*

5:30 PM – 6:30 PM: Procedural Changes at the Court: what is next for nationwide injunctions and the emergency docket?

- Moderator: Joan Biskupic
- Panelists: Melissa Murray, Kannon Shanmugam, Jonathan Adler, Elizabeth Prelogar

Brief Description: This panel will discuss the implications from the Supreme Court's end-of-term decision significantly limiting nationwide injunctions (*Trump v. CASA*), in addition to providing context about changes to the Court's emergency docket (aka shadow docket). The discussion will likely include insight on what those changes mean for the Court more broadly particularly in light of recent public criticisms from members of the Court.

6:30 PM: Conference adjourns for the evening

SATURDAY September 20, 2025

8:00 AM Continental Breakfast

9:00 AM – 10:00 AM: Election Law

- Moderator: Jan Crawford
- Panelists: Pamela Karlan, Erin Murphy, Rebecca Green, Bertrall Ross (remotely)

Brief Description: In addition to a high-stakes campaign finance case, the Justices have recently asked for briefing to consider the constitutionality of section two of the Voting Rights Act in the Louisiana redistricting controversy. This panel of experts will discuss those two cases and speculate on potential election disputes that may appear on the emergency docket this Term.

10:00 AM – 11:00 AM: Litigation over Executive Orders (Non-Immigration edition)

- Moderator: Abbie VanSickle
- Panelists: Jonathan Bond, Elizabeth Prelogar, Luke McCloud, Jonathan Ellis

Brief Description: The panel will discuss the unprecedented number of President Trump's executive orders currently facing legal challenges (either on the emergency docket or otherwise). At stake in these cases are the constitutional status of independent agencies, challenges to the administration's authority to impose tariffs, lawsuits opposing funding restrictions on universities, and more. (As noted, immigration challenges will be discussed in a separate break-out panel).

Break

11:15 AM – 12:15 PM: The Judges Panel: How minds are changed in judicial deliberation

- Moderator: Neal Devins
- Panelists: Judge Harris, Judge Quattlebaum, Judge Rosenbaum

Brief Description: Judges on the U.S. Courts of Appeals will answer questions about the deliberation process in judicial decision-making, with a focus on how and when they change their mind. Does oral argument matter? Is a changed mind more likely before or after drafting an opinion? Do norms affect the deliberation process? The goal of this conversation will be to pull back the curtain on the third branch of government to get a sense of how decisions are reached.

12:15 PM – 1:00 PM: Lunch Break

1:00 PM – 2:00 PM: Docket Deep Dives (3 choices in 3 different rooms):

- (A) Administrative Law: Greg Stohr (moderator), Jonathan Adler, Aaron-Andrew Bruhl, Pratik Shah
- (B) Immigration Law: Margaret Hu (moderator), Kelsi Corkran, Andrew Pincus, David Strauss
- (C) Criminal Law: Justin Jouvenal (moderator), Erwin Chemerinsky, Easha Anand, Beth Brinkmann

2:00 PM – 2:15 PM: Break and return to 119.

2:15 PM – 3:15 PM: Civil Rights Panel

- Moderator: Ann Marimow
- Panelists: Erwin Chemerinsky, Erin Murphy, Jonathan Bond, Easha Anand

Brief Description: The Court will hear cases this Term involving the free exercise of religion, free speech, sports participation for transgender athletes, challenges to the death penalty under the Eighth Amendment, and a case presenting a *Heck v. Humphreys* federal courts issue involving remedies available under 1983. This panel will discuss the arguments in these cases and make predictions.

3:15 PM – 4:15 PM: The Supreme Court & The Internet

- Moderator: Jess Bravin
- Panelists: Beth Brinkmann, Kannon Shanmugam, Jonathan Ellis, David Strauss, Andrew Pincus

Brief Description: The Court will decide *Cox Communications v. Sony Music* this Term which is a high-stakes case asking the Court to define copyright infringement liability for internet service providers (ISPs) based on their customers' acts of infringement. This panel will discuss the arguments in that case and situate it within the Court's recent forays into disputes that involve the Internet. These experts will speculate on themes and future moves including thoughts on the pending emergency application involving state age-verification and parental-consent requirements for social media accounts.

4:15 PM CONCLUDE