

Supreme Court Review

American Judges Association
September 16, 2009

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I. Criminal procedure

A. Fourth Amendment

Herring v. United States, 129 S.Ct. 695 (2009). Evidence should not be excluded when police rely in good faith on erroneous information from another jurisdiction in conducting an arrest. Exclusionary rule should be applied only when there is substantial additional deterrence of police misconduct to be gained.

Arizona v. Gant, 129 S.Ct. 1710 (2009). Police may search the passenger compartment of a vehicle incident to a recent occupant's arrest only if it is reasonable to believe that the arrestee might access the vehicle at the time of the search or that the vehicle contains evidence of the offense of arrest.

Safford Unified School Dist. v. Redding, 129 S.Ct. 2633 (2009). School officials violated the Fourth Amendment in strip searching a seventh grade girl on suspicion that she has prescription strength ibuprofen. However, school officials were protected by qualified immunity because there was not clearly established law at the time this occurred.

B. Confrontation Clause

Melendez-Diaz v. Massachusetts, 129 S.Ct. 2527 (2009). *Crawford v. Washington* applies to laboratory analyst's reports because they are testimonial.

C. Sixth Amendment right to counsel

Montejo v. Louisiana, 129 S.Ct. 2079 (2009). Jackson v. Michigan is overruled. The invocation of the Sixth Amendment right to counsel does not bar further

police-initiated contacts with a defendant, although Edwards v. Arizona still might do so.

D. DNA testing for criminal defendants

District Attorney for Third Judicial District v. Osborne, 129 S.Ct. 2308 (2009). Brady v. Maryland does not extend to the post-conviction process. Due process is not violated by Alaska rule of allowing post-conviction DNA testing only if (1) that the conviction rested primarily on eyewitness identification evidence, (2) that there was a demonstrable doubt concerning the defendant's identification as the perpetrator, and (3) that scientific testing would likely be conclusive on this issue.

II. Due process

Caperton v. A.T. Massey Coal Co., 129 S.Ct. 2252 (2009). Due process is violated when a judge participates in a case after having received substantial campaign contributions from one of the litigants.

III. First Amendment

Pleasant Grove v. Summum, 129 S.Ct. 1125 (2009). If a local government places a religious symbol on government property, it is not required to allow other religions to place their symbols on the government property.

IV. Preemption

Wyeth v. Levine, 129 S.Ct. 1187 (2009). The approval of a warning label on a prescription drug does not preempt state tort liability for failure to adequately warn of the risks of a prescription drug.

V. Employment discrimination

Crawford v. Metropolitan Government of Nashville & Davidson County, Tennessee, 129 S.Ct. 846 (2009). Employee who spoke out about sexual harassment in response to an internal investigation is protected from retaliation.

Ricci v. DeStefano, 129 S.Ct. 2658 (2009). Under Title VII, before an employer can engage in intentional discrimination for the asserted purpose of avoiding or remedying an unintentional, disparate impact, the employer must have a strong basis in evidence to believe it will be subject to disparate-impact liability if it fails to take the race-conscious, discriminatory action.

VI. Civil rights

Northwest Austin Municipal Utility District v. Holder, 129 S.Ct. 2504 (2009). The congressional extension of section five of the Voting Rights Act is interpreted to avoid the constitutional issue by allowing local governments to have the ability to “bail out” of its requirements.

Van De Kamp v. Goldstein, 129 S.Ct. 855 (2009). Supervisors in a prosecutor’s office may not be held liable for failure to develop adequate procedures to ensure that impeachment evidence is turned over to the defendant as is constitutionally require.

Pearson v. Callahan, 129 S.Ct. 808 (2009). When a court is considering qualified immunity, it does not have to first determine if there is a constitutional violation before deciding whether there is clearly established law that the reasonable officer should know.

Haywood v. Drown, 129 S.Ct. 2108 (2009). New York law which precludes suits against corrections officers for money damages, including under §1983, is impermissible. State cannot bar federal claims in state court other than through the effects of a neutral rule of judicial administration.