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Recording Date – November 13, 2017

Recording Availability – June 6, 2018

Meeting Location	Date	Time	Topic
King County Bar Association 1200 Fifth Avenue - Suite 700 Seattle, WA	Monday, November 13, 2017	12:00 PM to 1:15 PM	2017 Supreme Court Preview

AGENDA

12:00 PM Introduction

12:10 PM Presentation: ‘2017 Supreme Court Preview’, by Eric Miller, Perkins Coie

- Significant cases from last Term that you might have missed
- Cases to watch in the upcoming Term
- How Justice Gorsuch will (or will not) change the Court

1:15 PM Adjourn

SPEAKER BIOGRAPHY

Eric Miller, Perkins Coie - Eric Miller focuses on Supreme Court and appellate litigation. He has presented more than 50 appellate arguments, including 15 in the Supreme Court of the United States. Most recently, in *Lewis v. Clarke*, 137 S. Ct. 1285 (2017), he obtained a unanimous decision establishing that the sovereign immunity of an Indian tribe does not bar damages actions against tribal employees.

Before joining Perkins Coie, Eric served for more than five years as an Assistant to the Solicitor General of the United States. In that capacity, he represented the government in the Supreme Court in numerous cases in a wide range of fields, including communications, energy, employment, and administrative law. In 2008, he was awarded the Attorney General's Distinguished Service Award for his conduct of national-security litigation.

Eric previously served as Deputy General Counsel of the Federal Communications Commission, where he managed the litigation division of the Commission's Office of General Counsel, which is responsible for defending the Commission's orders in federal courts of appeals. He has also served on the Appellate

Staff of the Civil Division of the United States Department of Justice and in the Justice Department's Office of Legal Counsel.

Eric has served as a part-time lecturer at the University of Washington School of Law, including teaching *Supreme Court Decision Making* in the spring quarter of 2017.

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King County Bar Association – Appellate Practice Section
November 13, 2017

2017 Supreme Court Preview

Eric D. Miller, Perkins Coie LLP

A quick look back at last Term

Overview of the docket for October Term 2017

- How much of the docket is filled
- How the number of granted cases compares to recent years

First Amendment

- *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm’n*
- *National Institute of Family and Life Advocates v. Becerra* (California Reproductive FACT Act)
- *Janus v. AFSCME* (public-sector agency shop arrangements)

First and Fourth Amendment

- *Lozman v. Riviera Beach* (retaliatory-arrest claims)

Fourth Amendment

- *Carpenter v. United States* (cell-site location data)
- *United States v. Microsoft Corp.* (extraterritorial search warrants)
- *Collins v. Virginia* (vehicle in the curtilage of a house)
- *Byrd v. United States* (expectation of privacy in a rented car)

Criminal Procedure

- *City of Hays, Kansas v. Vogt* (compelled statements at a probable cause hearing)
- *McCoy v. Louisiana* (concession of guilt by defense counsel)

Miscellaneous

- *Oil States Energy Services v. Greene’s Energy Group* (*inter partes* review)
- *NLRB v. Murphy Oil USA* (agreements to arbitrate work-related claims)
- *Jesner v. Arab Bank* (Alien Tort Statute and corporate defendants)
- *Gill v. Whitford* (partisan gerrymandering)

Two pending petitions to watch

- *Washington v. United States*
- *Hargan v. Garza*