

Megan Brown Previews Supreme Court's Upcoming Term during Federalist Society Panel

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Megan L. Brown, a partner in Wiley Rein's Litigation, Appellate, and Communications practices, previewed the Supreme Court of the United States' October 2013 term last week as part of a panel discussion with Neal Katyal, Michael Carvin, Nicholas Rosenkranz, and Mary Beth Buchanan, hosted by the Federalist Society and moderated by Jan Crawford of CBS News. Ms. Brown's October 2 presentation was televised on *C-SPAN* and covered by *The Christian Science Monitor*. The *C-SPAN* video of the panel discussion can be viewed [here](#).

Ms. Brown addressed the First Amendment cases, including challenges to campaign finance regulation, legislative prayer practices, and restrictions on protests outside abortion clinics. Ms. Brown also addressed a docketed case on state abortion restrictions, as well as a cert petition addressing searches of cellphones by law enforcement.

In *McCutcheon v. Federal Election Commission*, the Justices will hear a challenge to the constitutionality of a campaign finance law that limits the aggregate amount of money an individual can contribute to candidates or political organizations. Ms. Brown explained that the case is not going to be a game-changer unless the Court overrules its prior precedent in *Buckley v. Valeo*. "I don't think it's going to have an enormous real-world impact," Ms. Brown said of the case during the panel discussion, as quoted in an October 6 *Christian Science Monitor* article. "People get very excited about these cases in certain groups, but it [only affects] an incredibly small universe of people."

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In *Town of Greece v. Galloway*, the Supreme Court will hear a challenge to a Second Circuit ruling that a New York town violated the Establishment Clause of the Constitution by allowing volunteer private citizens to open town board meetings with a prayer.

In their review of the case, the Justices will likely consider the Supreme Court's 1983 ruling in *Marsh v. Chambers*, which upheld a legislative prayer practice in Nebraska "on a largely historical analysis that said legislative prayer has been done for 200 years, it's part of the fabric of the Constitution, it's not an Establishment Clause violation," Ms Brown said.

In another case, *McCullen v. Coakley*, the Court will consider the constitutionality of a Massachusetts "buffer zone" law that bars speakers—other than clinic employees or agents—from coming within 35 feet of an abortion clinic during business hours. Ms. Brown noted that the American Civil Liberties Union and the AFL-CIO are among organizations that filed *amicus* briefs urging the Supreme Court to review the law.

The *McCullen* case "will get a lot of attention," Ms. Brown said. "I know other states and localities are looking at similar laws ... so people will be watching this."