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Foreword: New Supreme Court Cases: Duquesne Law Faculty Explains

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Foreword: New Supreme Court Cases: Duquesne Law Faculty Explains

*Wilson Huhn**

During the 2021-2022 Term, the United States Supreme Court issued several groundbreaking opinions that fundamentally changed the interpretation of the Constitution in a number of areas, including freedom of religion under both the Free Exercise Clause and the Establishment Clause; reproductive freedom and the Right to Privacy; and justiciability, administrative law and the Separation of Powers. The Court also granted certiorari in another case that may have an enormous impact on our representative democracy and the right to vote in federal elections.

On September 30, 2022, several members of the faculty of the Thomas R. Kline School of Law of Duquesne University presented a Continuing Legal Education program, *New Supreme Court Cases: Duquesne Law Faculty Explains*, reviewing these developments. *Duquesne Law Review* graciously invited the faculty panel to contribute their analysis of these cases from the Supreme Court's 2021-2022 term for inclusion in this symposium issue of the Law Review.

Two members of the law faculty discuss decisions of the Supreme Court in 2022 that concern freedom of religion. Associate Dean for Academic Affairs Ann Schiavone analyzes *Kennedy v. Bremerton School District* involving prayer in the public schools,¹ and I summarize *Carson v. Makin*, involving the use of taxpayer funds to pay for religious education.²

Professor Rona Kaufman analyzes *Dobbs v. Jackson Women's Health Organization*, the landmark case that overruled *Roe v. Wade* and *Planned Parenthood of Southeastern Pennsylvania v. Casey*.³

Professor Richard Heppner addresses the issue of justiciability, analyzing the recent rulings of the Supreme Court dealing with standing, ripeness, and mootness.⁴

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1. See Ann L. Schiavone, *A "Mere Shadow" of a Conflict: Obscuring the Establishment Clause in Kennedy v. Bremerton*, 61 DUQ. L. REV. 40 (2023).

2. See Wilson Huhn, *Analysis of Carson v. Makin*, 61 DUQ. L. REV. 50 (2023).

3. See Rona Kaufman, *Privacy: Pre- and Post-Dobbs*, 61 DUQ. L. REV. 62 (2023).

4. See Richard L. Heppner Jr., *Let the Right Ones In: The Supreme Court's Changing Approach to Justiciability*, 61 DUQ. L. REV. 79 (2023).

Professor Dana Neacșu analyzes the reasoning of the Court in *West Virginia v. EPA*, and discusses justiciability as well as appropriate delegation of power to administrative agencies and the proper level of judicial deference to administrative decisionmaking.⁵

Professor Bruce Ledewitz analyzes the pending case of *Moore v. Harper* and the independent state legislature theory, addressing an issue that will determine the future of representative democracy in America.⁶

The Constitution protects the inalienable rights of Americans, preserves our representative democracy, and prescribes our form of government. These essays reflect the commitment of the authors to those fundamental freedoms.

5. See Dana Neacșu, *Applying Bentham's Theory of Fallacies to Chief Justice Robert's Reasoning in West Virginia v. EPA*, 61 DUQ. L. REV. 95 (2023).

6. See Bruce Ledewitz, *An Alternative to the Independent State Legislature Doctrine*, 61 DUQ. L. REV. 114 (2023).