

Press Releases

O'Melveny Teams with Center for Reproductive Rights to Win Supreme Court Victory in Key Abortion Case



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WASHINGTON, DC—June 29, 2020—Serving as co-counsel with the Center for Reproductive Rights, O'Melveny achieved an important victory at the Supreme Court of the United States today in a high-profile matter that tested the Court's fidelity to its abortion-rights jurisprudence for the first time since the appointments of Justices Neil Gorsuch and Brett Kavanaugh.

In *June Medical Services LLC v. Russo*, the Justices considered whether Louisiana's law requiring abortion doctors to have admitting privileges at nearby hospitals imposes an "undue burden" on the constitutional right to obtain an abortion. Four years ago, in *Whole Woman's Health v. Hellerstedt*, the Court struck down an identical Texas law.

The ruling today struck down Louisiana's law as well. Justice Breyer, writing for himself and three other Justices, reaffirmed that state laws imposing burdens on women seeking pre-viability abortion that outweigh their asserted benefits care are unconstitutional. Chief Justice Roberts—who delivered the deciding fifth vote—noted that he "joined the dissent in *Whole Woman's Health* and continues to believe that the case was wrongly decided." At the time, he concluded that fidelity to that precedent required the Court to invalidate the Louisiana law. The Court also rejected the State of Louisiana's argument that abortion providers lack legal standing in cases such as this to challenge abortion regulations on behalf of their patients.

Today's ruling marks the fifth time that O'Melveny has prevailed in a Supreme Court case this Term.

An adverse decision could have had significant implications for women's access to abortion in America, potentially making it impossible under certain circumstances for abortion providers to challenge state laws placing unjustified obstacles in the path of the right to choose an abortion.

"I'm gratified to have played a role in securing this important ruling that protects the reproductive freedom of women across this country," said O'Melveny special counsel Jeff Fisher who served as co-counsel in the case along with Julie Rikelman and Travis Tu of the Center for Reproductive Rights. Mr. Fisher also serves as co-director of the Stanford Supreme Court Litigation Clinic.

Jonathan Hacker, chair of O'Melveny's Supreme Court and Appellate Litigation Practice, added: "O'Melveny has a proud history of fighting alongside the Center for Reproductive Rights and others for women's rights across the country and we are pleased to stand with them now as we celebrate this important ruling by the High Court."

"This is a big win that vindicates what we've said all along, which is that the Louisiana admitting privileges law is unconstitutional. This is a victory for the people of Louisiana and the rule of law, but this case never should have gotten this far," said Nancy Northup, President & CEO of the Center for Reproductive Rights. "As a result of this decision, the clinics in Louisiana can stay open to serve the one million women of reproductive age in the state."

In addition to Mr. Fisher, the O'Melveny team who represented the Center for Reproductive Rights in this case included partner Anton Metlitsky, counsel Brad Garcia, counsel Kendall Turner, associate Jeremy Girton, and counsel Samantha Goldstein with support from many others.

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