**Why the Roberts' Courts New Take on Constitutional Law May Revolutionize Agricultural Law**

Erin Morrow Hawley,

Senior Fellow, Kinder Institute,

Of Counsel at Kirkland and Ellis LLP, and

Senior Counsel for the Independent Women’s Center for Law and Liberty

# Overview of the 2019 Supreme Court Term (statistical numbers)

## Unanimous cases

## Level of agreement between Justices Kavanauch and Gorsuch

## Any areas in which Justices Kavanaugh and Gorsuch agree with one another and Chief Justice Roberts.

# Administrative Law

## Chief Justice Robert’s Position

## Justice Kavanaugh’s Position

## Justice Gorsuch’s Position

# *Gundy v. United States*

## Case background

## Nondelegation background-Sick Chicken case

## Holding

## Justice Gorsuch’s Dissent

## Implications for Agriculture

# *Kisor v. Wilkie*

## Case background

## Chevron background

## Holding

## Dissent

## Chief Justice Robert’s Concurrence

## Implications for Agriculture

### *Catskill Mountains Chapter of Trout Unlimited v. EPA*

### *Georgia v. Wheeler* (S.D. Ga. August 21, 2019).

### 2019 Proposed WOTUS Rule

# *County of Maui, Hawaii v. Hawaii Wildlife Fund*

## Background

## Arguments

## Implications for agriculture