

POLITICO

Experts: Obama's SCOTUS pick unlikely to affect Fisher decision

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March 16, 2016

President Barack Obama's Supreme Court pick Merrick Garland will likely have no effect on *Fisher v. University of Texas*, challenging the affirmative action admissions policy of the University of Texas at Austin, experts say.

Bert Rein, the attorney representing plaintiff Abigail Fisher, said that with Garland's confirmation expected to drag out, the justices would have to decide they want to re-hear the case next term for him to have any impact.

That's unlikely, Rein said. Art Coleman, co-founder of EducationCounsel, agreed.

"I can't fathom an instance where it would be relevant," Coleman said. "Unless the court carries it over to the next term. The court would have to say for some reason that we want a rehearing when we're fully staffed and carry it over to the next term."

Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute, said Obama's pick "will almost certainly have no effect."

Justice Elena Kagan has already recused herself from the case and it's unlikely that the remaining liberals on the court will win over Justice Anthony Kennedy, he said. Many are anticipating a 4-3 ruling in Fisher's favor as a result. Fisher, who was rejected for admission in 2008, alleged the University had discriminated against her on the basis of race in violation of the Equal Protection Clause of the Fourteenth Amendment.