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Moot Court

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2020 Supreme Court Preview Moot Court

On Friday, September 11, 2020 at 4:05pm, the Supreme Court Preview will feature a moot court of California v. Texas. This case presents another constitutional challenge to the individual mandate in the Affordable Care Act (the mandate was upheld in 2012 as a permissible use of Congressional taxing power). In 2017 Congress amended the ACA to set the penalty for not buying health insurance at zero. That change led Texas (along with several other states and individuals) to file a lawsuit arguing that because the penalty for not buying health insurance is zero, it is no longer a tax and the mandate is therefore unconstitutional. The Fifth Circuit Court of Appeals struck down the mandate. California (and several other states) joined the lawsuit to defend the law. On this page, you will find relevant documents to the upcoming case including the lower court opinion, party briefs, and relevant news articles.

California v. Texas (No. 19-840)

Issues:

1. Whether the individual and state plaintiffs in this case have established Article III standing to challenge the minimum-coverage provision in Section 5000A(a) of the Patient Protection and Affordable Care Act (ACA).
2. Whether reducing the amount specified in Section 5000A(c) to zero rendered the minimum-coverage provision unconstitutional.
3. If so, whether the minimum-coverage provision is severable from the rest of the ACA.

Lower Court Opinion

- [Texas v. United States](#) (United States Court of Appeals for the Fifth Circuit)

Party Briefs

- [Brief of Petitioners California, et al.](#)
- [Brief of Respondents State of Texas, et al.](#)
- [Brief of Respondents Neill Hurley and John Nantz](#)
- [Brief of Federal Respondents](#)
- [Reply Brief of Petitioners California, et al.](#)
- [Reply Brief of Respondent House of Representatives in support of petitioners](#)

Supplemental Materials

- [Motions and Amicus Briefs](#) - SCOTUSblog
- [Supreme Court to Hear Obamacare Appeal](#) - Adam Liptak & Abby Goodnough, The New York Times
- [Federal Judge Rules Affordable Care Act Is Unconstitutional Without Insurance-Coverage Penalty](#) - Stephanie Armour & Brent Kendall, The Wall Street Journal
- [Trump administration asks Supreme Court to strike down Obamacare](#) - Meagan Flynn & Tim Elfrink, The Washington Post
- [Trump administration asks Supreme Court to invalidate Obamacare](#) - Ariane de Vogue, Tami Luhby, & Sarah Mucha, CNN
- [Trump Administration Asks Supreme Court to Strike Down Affordable Care Act](#) - Sheryl Gay Stolberg, The New York Times
- [Trump administration asks Supreme Court to stike down Obamacare amid pandemic, recession](#) - Sahil Kapur, CNBC
- [Supreme Court will hear major challenge to Obamacare](#) - Susannah Luthi, Politico
- [Everything you need to know about the Supreme Court's new Obamacare case](#) - Dylan Scot, Vox
- [The fate of Obamacare is in the Supreme Court's hands yet again](#) - Ian Millhiser, Vox
- ['The Entire ACA Thus Must Fall,' Trump's DOJ Demands at US Supreme Court](#) - Marcia Cole, The National Law Journal
- [Will The ACA Case Now Before The Supreme Court Make It Harder for ERISA Fiduciary Breach Plaintiffs To Establish Standing?](#) - Mark Casciari & Namrata Kotwani, JD Supra