

# FOREWORD

HILARIE BASS\*

The United States Court of Appeals for the Eleventh Circuit is the newest federal appellate court,<sup>1</sup> but has become a thought leader in jurisprudence. One decision that perhaps most graphically illustrates the court's approach is *Glassroth v. Moore*, which arose from then-Alabama Supreme Court Chief Justice Roy Moore's installation of a stone monument of the Ten Commandments in the Alabama State Judicial Building.<sup>2</sup> In an opinion that carefully balances First Amendment issues, and also reinforces the federal courts' power to enforce constitutional commands, the Eleventh Circuit held that the monument violated the Establishment Clause of the First Amendment.<sup>3</sup> Demonstrating extraordinary respect for an independent judiciary, Judge Carnes wrote:

The rule of law does require that every person obey judicial orders when all available means of appealing them have been exhausted. The chief justice of a state supreme court, of all people, should be expected to abide by that principle. We do expect that if he is unable to have the district court's order overturned through the usual appellate processes, when the time comes Chief Justice Moore will obey that order. If necessary, the court order will be enforced. The rule of law will prevail.<sup>4</sup>

The Eleventh Circuit's decisions continue to reflect a commitment to rights and remedies. In 2017, the court issued its decision in *Lewis v. City of Union City*, which protected a civil rights plaintiff's

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\* University of Miami School of Law Class of 1981, Co-President of Greenberg Traurig, and current American Bar Association President. The author would like to thank Greenberg Traurig associate Katherine M. Clemente for her assistance in drafting and editing this introduction.

<sup>1</sup> *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc).

<sup>2</sup> 335 F.3d 1282, 1284-85 (11th Cir. 2003).

<sup>3</sup> *Id.* at 1284, 1303.

<sup>4</sup> *Id.* at 1303.

right to a jury trial.<sup>5</sup> The case arose from a Georgia police department's termination of an African-American police detective with a heart condition, after her doctor had refused to clear her for mandatory taser shock training.<sup>6</sup> Lewis asserted that her discharge reflected unlawful disability, racial, and/or gender discrimination, but the district court ruled in favor of the police department on summary judgment.<sup>7</sup> On appeal, the Eleventh Circuit held that "the evidence before the district court properly might have yielded any of a number of conclusions," and the question whether the police department terminated Lewis because of a perceived disability, or her race or gender, should go before a jury.<sup>8</sup>

Also last year, the Eleventh Circuit waded into one of the most contentious social issues of our time. In *Wollschlaeger v. Governor of Florida*, the court struck down portions of Florida's Firearms Owners' Privacy Act.<sup>9</sup> The Act prohibited doctors from asking patients or their parents about guns in the home, recording answers to such questions, and "unnecessarily" harassing patients about gun ownership.<sup>10</sup> The Eleventh Circuit held that these provisions violated the First Amendment.<sup>11</sup>

For ten years, the *University of Miami Law Review's* annual Eleventh Circuit issue has apprised legal professionals of developments in Eleventh Circuit law, and stimulated interest in the difficult issues confronting the court. This issue continues the *Law Review's* longstanding commitment to jurisprudence, and advancement of the law through scholarly work.

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<sup>5</sup> See 877 F.3d 1000, 1005 (11th Cir. 2017).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> 848 F.3d 1293 (11th Cir. 2017).

<sup>10</sup> *Id.* at 1293, 1303.

<sup>11</sup> *Id.* at 1319.