

Carol Rooney and Adam Topel Co-Author Article on Recent Developments in Appellate Advocacy

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Hinshaw attorneys Carol Rooney and Adam Topel have co-authored an analysis on “Recent Developments in Appellate Advocacy” for the American Bar Association’s *Tort Trial & Insurance Practice Law Journal*, Vol. 60, Issue 2. Also on the byline are Skyler McDonald, Daniel Mahfood, Jennifer B. Anderson, Brian C. Miller, Sara M Duenzo, and Adil Khoso.

Key Contents

The article is a survey of recent United States Supreme Court cases that may be of interest to trial and appellate litigators.

The authors analyze several landmark rulings from the court’s October Term 2024 in the following legal areas:

Constitutional Law

- Examine several landmark First Amendment and Equal Protection decisions, including ***United States v. Skrmetti***, where the court applied rational-basis review to Tennessee’s ban on gender-affirming care for minors.
- Analyze other decisions addressing the regulation of digital platforms and online speech—raising critical questions about how far legislatures can go in restricting content in the digital age.

Discrimination Law

- Unpack three significant rulings clarifying the scope of federal anti-discrimination protections:
 - ***Stanley v. City of Sanford*** holds that ADA Title I claims do not extend to retirees who no longer hold or seek employment.
 - ***A.J.T. v. Osseo Area Schools*** eliminates a heightened evidentiary bar for education-related disability claims.
 - ***Ames v. Ohio Department of Youth Services*** levels the playing field for majority-group plaintiffs bringing Title VII claims.

Employment Law

- Discuss ***E.M.D. Sales, Inc. v. Carrera***, in which the court unanimously held that the preponderance-of-the-evidence standard—not the more demanding clear-and-convincing standard—applies when an employer seeks to prove a Fair Labor Standards Act (FLSA) exemption, resolving a circuit split and restoring nationwide uniformity.

Civil Racketeer Influenced and Corrupt Organizations (RICO) Act

- Analyze ***Medical Marijuana, Inc. v. Horn***, which eliminated the long-standing “antecedent personal injury bar” in civil RICO cases. The decision opens the door to new damages theories while shifting the litigation battlefield to questions of causation, remoteness, and the meaning of “business” and “property.”

Administrative Law

- Explore decisions in a post-*Chevron* landscape that continue to refine the relationship between courts and agencies. Key cases include:
 - ***Williams v. Reed***, which addressed a Catch-22 facing Section 1983 plaintiffs challenging administrative delays;
 - ***Bourfa v. Mayarkas***, clarifying the scope of executive agency discretion over visa revocations; and
 - ***McLaughlin Chiropractic Associates v. McKesson Corp.***, holding that district courts are not bound by the FCC’s interpretation of the Telephone Consumer Protection Act.

Jurisdictional Issues

- Cover three decisions reshaping federal jurisdiction, including:

- ***Fuld v. Palestine Liberation Organization***, where the court refused to import the Fourteenth Amendment’s “minimum contacts” test into the Fifth Amendment;
- ***Royal Canin U.S.A. Inc. v. Wulschleger***, which requires remand when a plaintiff amends a complaint to drop all federal claims after removal; and
- ***Trump v. CASA, Inc.***, the landmark decision curtailing the use of universal injunctions by district courts.

Civil Procedure Rulings

- Review key procedural rulings, including
 - ***Waetzig v. Halliburton Energy Services***, holding that voluntary dismissals under Rule 41(a) are “final” for purposes of Rule 60 relief;
 - ***BLOM Bank SAL v. Honickman***, clarifying that Rule 60(b)(6)’s “extraordinary circumstances” standard is not diluted when a movant also seeks to amend a complaint; and
 - ***Parrish v. United States***, establishing that a premature notice of appeal “relates forward” to the date a case is reopened under 28 U.S.C. § 2107(c).

[Read the full article \(PDF\)](#)

- “[Recent Developments in Appellate Advocacy](#),” *Tort Trial & Insurance Practice Law Journal*, Vol. 60, Issue 2, Tort Trial and Insurance Practice Section, American Bar Association, Summer 2026

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