

Christina Crozier in Law360: Analyzing Masterpiece Cakeshop Decision

June 21, 2018 Christina Crozier

PRACTICES Appellate, Litigation

It's unusual for the U.S. Supreme Court to grant certiorari and then dodge the issues that it undertook to resolve. That's what happened this week in *Masterpiece Cakeshop Ltd. v. Colorado Civil Rights Commission* — the long-awaited case involving a baker who declined to bake a cake for a gay couple's wedding. The case pits several fundamental rights against one another — the free exercise of religion, freedom of speech and civil rights for gay Americans.

In its majority opinion, the Supreme Court did not attempt to decide which right trumps the other. Instead, the court decided the case in favor of the baker on grounds that are so narrow and case-specific that they are hardly useful as precedent in future cases.

It may be that after granting certiorari, the Supreme Court discovered factual problems in the record, which made the case a poor vehicle for deciding such an important issue. Or it could be that upon serious reflection, the court determined that this already-divided country needed more time to fully digest the right to gay marriage, made law just three years ago in *Obergefell v. Hodges*. ...

To read the full article, click on the PDF linked below.

[Crozier-Masterpiece-Cakeshop-Decision.PDF](#)

[First appeared in Law360 on June 6, 2018.](#) (Subscription required)