

Jenner & Block Files US Supreme Court Amicus Brief on Behalf of Historians of Education

News

August 25, 2026

Jenner & Block filed an amicus brief with the US Supreme Court on August 24, 2026, on behalf of three historians of American education -- Robert N. Gross, Adam Laats, and Ann Marie Ryan -- in support of Colorado officials defending the state's preschool nondiscrimination policy in *St. Mary Catholic Parish v. Roy*.

The case asks whether Colorado violated the Free Exercise Clause by excluding Catholic preschools from its universal preschool program after they declined to comply with a nondiscrimination condition covering sexual orientation and gender identity. Petitioners argue the condition is a novel burden on religious exercise. Our brief shows otherwise: for two centuries, Catholic institutions have often sought out nondiscrimination conditions to secure access to public schools, tax exemptions, and public funding.

The case carries implications nationwide, as many states run voucher, tax credit, and universal pre-K programs subject to similar conditions.

The team for the matter included Partners Howard Suskin, Adam Unikowsky and Cayman Mitchell, and Associate Christina Isnardi, with valuable assistance from Paralegal Supervisor Cheryl Olson and Legal Assistant Beth Gulden.

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