

Client Alert: SCOTUS Overrules *Roe v. Wade*: Part I: Potentially Wide-Ranging Impact on Companies Navigating Employee Benefits, Privacy Protections, and Law Enforcement Demands

Publications

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On June 24, 2022, the Supreme Court issued its opinion in *Dobbs v. Jackson Women's Health Organization*. Authored by Justice Alito, the decision, which hewed closely to the draft opinion that was leaked on May 2, 2022, upheld the Mississippi abortion ban at issue (6-3) and further held that the Constitution does not grant a right to abortion (5-4), overturning the landmark decisions in *Roe v. Wade* and *Planned Parenthood of Southeastern Pennsylvania v. Casey*. Four justices—Thomas, Gorsuch, Kavanaugh, and Barrett—joined Alito for a 5-4 holding overturning *Roe*. This opinion will have far reaching impact on the “liberty and equality of women” across America, as Justices Breyer, Sotomayor, and Kagan argue in their dissent. Additionally, Justice Thomas’s concurring opinion indicates that the Court’s work may not be done with regard to reevaluating its other key substantive due process precedents that read a privacy right into the Constitution, including rights to contraception and same-sex marriage.

Immediately, the Court’s *Dobbs* decision means that there is no longer a federal constitutional right to an abortion, and thus abortion procedures and medication will be governed by the laws of each state. Access to abortion is expected to be severely restricted or banned outright in nearly half of the states. In Part II of this alert, we discuss the status of abortion laws in states across the country.

[Read the full alert here.](#)

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