

# SG Will Argue In SC Congressional Map, Whistleblower Cases



By [Katie Buehler](#) · [Listen to article](#)

Law360 (September 26, 2023, 7:28 PM EDT) -- The U.S. Supreme Court on Tuesday granted the solicitor general's request to participate in two October oral argument sessions related to disputes over whether a whistleblower is required to prove his former employer intended to retaliate against him, and the constitutionality of South Carolina's congressional map.

The justices granted Solicitor General Elizabeth B. Prelogar's requests for 10 minutes of the court's time in both suits, according to a short order. An attorney from Prelogar's office will argue against the whistleblower requirement on Oct. 10 and against South Carolina's new map on Oct. 11.

In the whistleblower suit, [Murray v. UBS Securities LLC et al.](#), former UBS employee and whistleblower Trevor Murray [has asked](#) the justices to reverse a Second Circuit panel's August 2022 decision wiping out a \$900,000 jury verdict in his retaliation suit. Murray claims UBS fired him after he told supervisors he was being pressured to alter research on the bank's commercial mortgage-backed securities business.

Murray argues the circuit court panel wrongly determined that the trial court judge failed to instruct the jury that Murray was required under the Sarbanes-Oxley Act's whistleblower provision to prove UBS terminated him as payback for complaining about the pressure.

UBS contends the verdict shouldn't stand without a jury finding of intent, claiming it fired Murray as part of a round of layoffs due to poor financial performance in 2011 and not because of his complaint.

The U.S. [intends to argue](#) in favor of Murray, Prelogar told the high court in an [Aug. 15 filing](#). The U.S. Department of Labor and its administrative review board have long interpreted the act to require no showing of retaliatory intent, she said.

In the South Carolina case, [Alexander et al. v. The South Carolina State Conference of the NAACP et al.](#), the NAACP and several Black voters are challenging the constitutionality of the state's new congressional map.

The voters argue the map dilutes the voting power of Black residents in violation of the First and Fourteenth amendments by moving tens of thousands of Black voters out of South Carolina's 1st District to maintain its Republican tilt.

South Carolina lawmakers [claim](#) a judicial panel, that found the congressional district unconstitutional, reverse-engineered a race-based intent behind the redistricting even though evidence allegedly shows the divide was created using political data.

The U.S. intends to argue in favor of the Black voters, Prelogar told the court in an [Aug. 16 filing](#). The U.S. Department of Justice is charged with enforcing the Voting Rights Act, which also seeks to combat racial discrimination, she said.

The DOJ also [filed a July amicus brief](#) in the case arguing the panel's decision is supported by evidence and cannot be overturned.

Murray is represented by Robert L. Herbst and Benjamin J. Ashmore Sr. of [Herbst Law PLLC](#), Robert B. Stulberg and Patrick J. Walsh of [Stulberg & Walsh LLP](#), Easha Anand and Pamela S. Karlan of the Stanford Law School Supreme Court Litigation Clinic, and Scott A. Korenbaum.

UBS is represented by Eugene Scalia, Gabrielle Levin, Thomas G. Hungar, Andrew G.I. Kilberg and Anna L. Casey of [Gibson Dunn & Crutcher LLP](#).

The South Carolina lawmakers are represented by John M. Gore, Joseph P. Falvey and Ryan M. Proctor of [Jones Day](#), Robert E. Tyson Jr. and Vordman Carlile Traywick III of [Robinson Gray Stepp & Laffitte LLC](#), William W. Wilkins, Andrew A. Mathias, Mark C. Moore, Hamilton B. Barber and Michael A. Parente of [Maynard Nexsen PC](#), and M. Elizabeth Crum and Michael R. Burchstead of [Burr & Forman LLP](#).

The NAACP is represented by Janai S. Nelson, Samuel Spital, Leah C. Aden, Raymond Audain, John S. Susick, Santino Coleman and Antonio L. Ingram II of the [NAACP Legal Defense & Educational Fund Inc.](#), Adriel I. Cepeda Derieux, Ming Cheung, Davin M. Rosborough, Sophia Lin Lakin, David D. Cole, Patricia Yan and Cecilia D. Wang of the [American Civil Liberties Union](#), Allen Chaney of the [ACLU of South Carolina](#), John A. Freedman, Elizabeth S. Theodore, Stephen K. Wirth, John M. Hindley, Gina M. Colarusso, Jeffrey A. Fuisz, Andrew R. Hirschel and Sarah M. Gryll of [Arnold & Porter](#), and Christopher J. Bryant of [Bryant Legal LLC](#).

The whistleblower case is [Murray v. UBS Securities LLC et al.](#), case number [22-660](#), in the [Supreme Court of the United States](#).

The South Carolina case is [Alexander et al. v. The South Carolina State Conference of the NAACP et al.](#), case number [22-807](#), in the [Supreme Court of the United States](#).

--Editing by Lakshna Mehta.

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### Case Information

**Case Title**  
[Trevor Murray, Petitioner v. UBS Securities, LLC, et al.](#)

**Case Number**  
[22-660](#)

**Court**  
Supreme Court

**Nature of Suit**  
3790 LABOR LAWS-Other Litigation

**Date Filed**  
January 18, 2023

**Case Title**  
[Thomas C. Alexander, in His Official Capacity as President of the South Carolina Senate, et al., Appellants v. The South Carolina State Conference of the NAACP, et al.](#)

**Case Number**  
[22-807](#)

**Court**  
Supreme Court

**Nature of Suit**

**Date Filed**  
February 27, 2023

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