Attending the Supreme Court Case Hearing & the Pharmacy Rally
Rutledge v. PCMA
Frequently Asked Questions

• When will the Rutledge vs PCMA Supreme Court Case be heard?

April 27, 2020 Oral arguments are scheduled at 11:00 am:
The Supreme Court will issue their decision on Rutledge v. PCMA by the end of June.

• Are oral arguments open to the public?

All oral arguments are open to the public, but seating is limited and on a first-come, first-seated basis. Before a session begins, two lines form on the plaza in front of the building. One is for those who wish to attend an entire argument, and the other, a three-minute line, is for those who wish to observe the Court in session only briefly. Seating for the first argument begins at 9:30 a.m. and seating for the three-minute line begins at 10 a.m. The locations for these lines are marked with signs and there is a police officer on duty to answer your questions. Please see the following for further guidance (https://www.supremecourt.gov/oral_arguments/courtroomseating.aspx).

• Is there a planned pharmacy rally?

Yes. NCPA and its partnering organizations will hold an organized rally immediately after oral arguments on April 27th. Check the NCPA website for details.

• Are lab coats proper attire for the Supreme Court?

Yes. NCPA is asking rally participants to wear your white lab coats. HOWEVER, it would be best to take your coat off while sitting in oral arguments.

• What is the timeline of the legal briefs to be filed with the Supreme Court?

February 24, 2020: Arkansas Attorney general filed its brief on behalf of the state.
March 2, 2020: “Friend of the court” briefs are to be filed by organizations supporting Arkansas’ appeal.

• Is a letter writing campaign to Supreme Court Justices a good idea?

No. It is not appropriate to correspond with Supreme Court Justices about pending cases before the Court. A Supreme Court appeal is based on the record of a specific case, which in this instance, is the challenge brought by the state of Arkansas. Writing letters to the
Justices of the Supreme Court would do nothing to support this effort – if anything, it may be harmful.

- **Will the decision in Rutledge v. PCMA affect pending cases like North Dakota and Oklahoma?**

Yes. Any decision will be instructive to the courts currently handling challenges brought by PCMA. This case is the very first time the Supreme Court has entertained any legal challenge to PBMs and a state’s right to regulate PBMs. The extent and scope of this impact will be driven by the Supreme Court’s decision. Regardless of what happens, there will be clarity and NCPA, its members, and the states will follow this clarity to protect community pharmacy and the patients they serve.