

ALLIANCE FOR JUSTICE | ACTION CAMPAIGN

2025

STATE *of* JUSTICE

DEFENDING DEMOCRACY STARTS IN THE STATES.



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EXECUTIVE SUMMARY

In 2025, state supreme courts continued to play a pivotal role in protecting the core tenets of democracy. By diverging from the federal courts and their seeming reluctance to protect the rule of law, state courts demonstrated that although the federal system fails to protect due process, state constitutions and state courts offer another method to protect core tenets of democracy: civil and human rights and a just and reliable criminal legal system. Despite only two elections and one holdover from 2024, notable changes occurred within the courts. The judicial elections and the many unanticipated vacancies highlight the diverse and evolving methods by which justices are chosen across the states. The elections — especially the significant delay in North Carolina — also highlight ongoing trends in judicial elections, as well as corporate and billionaire efforts to influence court composition, as evidenced by record-breaking campaign spending. Several judges retired, resigned, or passed away. Notably, some resignations were explicitly linked to judges' unwillingness to serve on the court's minority or a desire for more direct involvement in partisan political activities. Advocates continue to stress the importance of these selections to protect and preserve key elements of our democracy: the rule of law; civil and human rights to all people regardless of race, nationality, immigration status, gender, gender presentation, or disability; efforts to safeguard the environment and workers' rights; poverty prevention efforts; and efforts to reform the US criminal legal system. Moreover, as the country gears up for an exceptionally active electoral cycle in 2026, the process of selecting state supreme court justices remains a key focus.

This report provides a comprehensive overview of the ongoing role of state supreme courts in sustaining our democracy by shaping the evolution of the United States and meeting its promises of a democracy that demands self-governance, civil and human rights, and equality under the law. As in previous years, state supreme courts continue to issue key decisions that protect and expand those elements of a thriving democracy. As the federal courts struggle to curb government overreach and abuse, state courts continue to play a crucial role in safeguarding those fundamental civil and human rights, especially for historically marginalized communities. This report also highlights significant cases and judicial figures from 2025, underscoring their impact on the legal landscape. State court watchers expect the upcoming year to be equally pivotal because the cases heard and decisions issued by state supreme courts will be essential to ensuring that the United States fulfills its obligations to every person in or under the control of the United States.

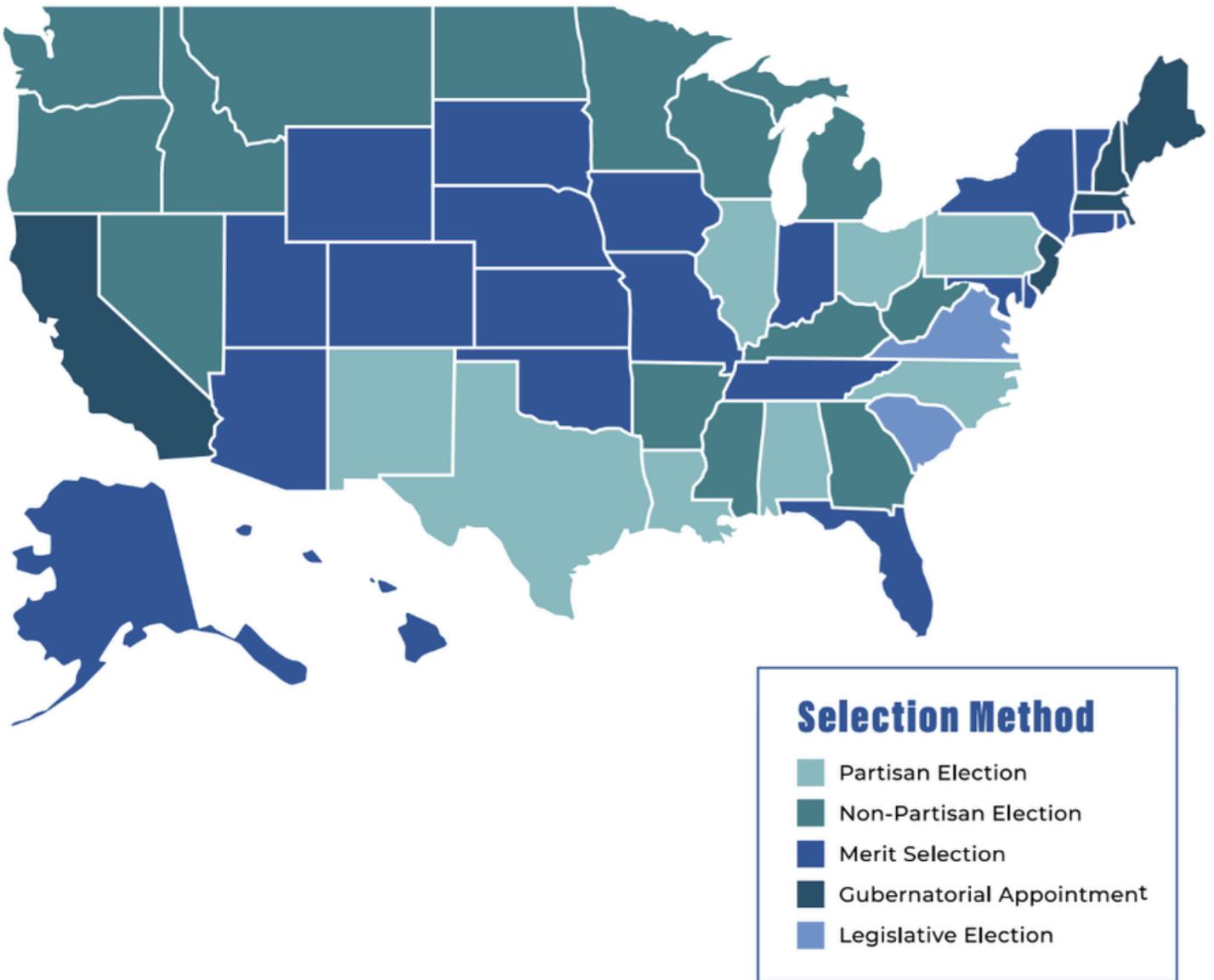
INTRODUCTION

As the foundation of our nation’s judicial system, local and state courts hear over 95% of court cases in the United States — over sixty-six million cases annually. Indeed, state supreme courts have served as an unexpected and underutilized tool in defense against government overreach, corporate and business abuses, and the continued erosion of fundamental and human rights and due process. By interpreting state constitutions to provide protections that often go beyond what federal courts interpret regarding the U.S. Constitution, state supreme courts have offered unique support in areas like racial, gender, and disability discrimination, medical privacy and autonomy, environmental protection, poverty alleviation, criminal legal reform, and due process that prioritizes individuals and communities — especially historically marginalized populations — over corporations and the wealthy.

In most states, voters can elect who sits on their state supreme court either through a direct election or a retention election following gubernatorial or legislative appointment. Voters can also weigh in on gubernatorial and legislative appointments to state supreme courts through pre-appointment public comment or post-appointment at the ballot box, where voters may hold elected decision-makers accountable for their judicial appointment decisions. The power held by state supreme courts has not gone unnoticed. In 2025, the two judicial elections discussed below saw spending exceeding \$18 million in one election and over \$100 million in the other. In recent years, state supreme court elections have received significantly more attention, including efforts to alter the method of selecting judges in Kansas and South Carolina, as well as significant financial investments from individuals like Elon Musk and Richard and Elizabeth Uihlein.

AFJ Action’s State Courts team continues to educate grassroots organizations, advocates, voters, and governing stakeholders about the importance of selecting demographically and professionally diverse attorneys and judges to serve on state supreme courts who are committed to preserving the rule of law, the foundation of democracy. AFJ’s **State Court Justice Project** is an interactive hub that details selection methods, jurist information, and the current composition of the highest courts in all 50 states. The hub also highlights AFJ priority states, provides in-depth information on state supreme court justices, notable cases from courts across the country, and original scholarly reports that explore the diversity of our states’ highest courts. Additionally, it offers information on how to weigh in on specific state supreme court vacancies through elections or appointments. The hub is continually growing, with the intention of equipping communities and activists in every state with knowledge of their state courts.

2025 STATE COURTS LANDSCAPE



The selection process for supreme court justices varies across states. Eight states choose their supreme court judges through partisan elections, 14 states via nonpartisan elections, 21 states through merit selection, five states by gubernatorial appointment, and two states through legislative election.

In **partisan elections**, judicial candidates are listed on the ballot with a political affiliation and are elected by the public. Under this model, candidate identifications on the ballot may include, for example, Democrat, Republican, Independent, Green, or Libertarian.

In **nonpartisan elections**, judicial candidates are not formally affiliated with a political party on the ballot and are chosen through public elections. In some states, such as Michigan, partisan primaries or nominating conventions are held to select judicial candidates who will represent their parties on the general election ballots.

2025 STATE COURTS LANDSCAPE

Retention elections are uncontested elections held when a justice’s term is about to expire. The justice is put on the ballot with a “yes” or “no” vote to keep their position. A justice up for retention election must meet a certain threshold of “yes” votes to remain in their seat. These thresholds vary by state but typically range from 50% to 60%. If a justice loses a retention election, a replacement will be appointed under the state’s interim appointment process.

Merit selection, also referred to as the Missouri Plan or assisted appointment, is a two-stage process. First, a nominating commission screens applications and interviews prospective candidates. Members of these commissions may be elected by bar associations, governors, legislatures, other elected officials, private citizens, or a combination of these methods. Then, the commission recommends a slate of preferred candidates — typically three to five — to the appointing body, which is usually the governor or the state legislature. The appointing body makes a final selection from this slate. Whether the appointing body is required to choose from the commission’s list varies by state. After an individual is appointed, they are retained on the bench for subsequent terms by retention elections or by review and renomination by the commission, governor, or legislature.

Gubernatorial appointment, also referred to as governor selection or appointment, is a process by which a state’s governor nominates individuals to the bench, and it sometimes involves some form of confirmation to the bench by another body. This selection method differs from merit selection because the governor does not have to choose candidates from a recommended or required slate. In some states, like Maine, the governor chooses to partner with a commission to identify and recommend candidates to the confirming body. Once the governor selects their nominee, a legislative or other government body may vote to confirm the nominee.

In **legislative elections**, the state’s legislature elects its justices by a vote. A judicial nominating commission may be used to initially vet potential judicial candidates and forward a select number to the legislative bodies for consideration.

IMPACTS ON PARTISAN CONTROL

Partisan control was on the line for several state supreme courts in 2025. In Wisconsin, Republicans had a chance to reclaim the state’s highest court after losing control of the court for the first time in more than 15 years in 2023. Pennsylvania Republicans sought to oust three longtime justices from the commonwealth’s high court, potentially reducing the court from seven justices to only four justices until early 2028. And a 2024 state supreme court race in North Carolina became the last 2024 general election race in the nation to be officially called, when the Republican candidate — who sought to further entrench his party’s control of the court — launched an unprecedented attempt to overturn the results of an election he narrowly lost, resulting in a legal battle that played out in state and federal courts for more than six months.

2025 STATE COURTS LANDSCAPE

NORTH CAROLINA SUPREME COURT ELECTION (2024)

One 2024 election remained unresolved. Until May of 2025, the North Carolina Supreme Court race between Supreme Court Justice Allison Riggs and Judge Jefferson Griffin was being adjudicated in the courts as Griffin attempted to disenfranchise over 65,000 voters to steal a victory.

On November 5, 2024, the North Carolina Supreme Court election was too close to call, but Griffin remained in the lead. As provisional, absentee, and mail-in ballots continued to be tallied by county boards of election, the difference between Griffin and Riggs narrowed. Riggs emerged as the winner after county boards finished their canvass, the process that ensures all votes cast were valid, by a margin of just over 625 votes out of the over 5.5 million cast, but Griffin quickly moved to request a recount. The state board of elections began the recount process. At the same time, Griffin challenged the validity of over 60,000 ballots, including Riggs' parents, for the supreme court election. Most of Griffin's protests centered on voters he claimed had invalid voter registrations and overseas and military ballots, with a smaller amount centered on deceased people or individuals with felonies. What ensued was a drawn-out legal battle in state and federal courts that left affected voters in limbo for months, waiting to see whether they would be disenfranchised.

After two recounts, Riggs still led the election with a slightly larger margin of 734 votes. Meanwhile, **litigation** challenging the election board's certification of the contested votes continued in state and federal court. While Griffin lost at the Wake County Superior Court, a Republican-controlled state court of appeals panel, affirmed by the state supreme court, ordered the board of elections to start a "cure" effort for military and overseas ballots. During the canvass and cure effort, Riggs filed for an injunction in federal court to block the state court order while the appeal continued in federal court. Despite the court denying an injunction against the cure effort, on May 5, 2025, Judge Richard Myers — a Trump appointee — ordered the board of elections to certify the results and halt the cure effort. While the courts ultimately upheld democracy and ended Griffin's illegitimate attempt to rewrite the rules in his favor, the months-long legal battle left voters unsure of their votes' status and exposed a dangerous extremism permeating conservative networks that seek to entrench their power across the judicial system at any cost.

2025 STATE COURTS LANDSCAPE

WISCONSIN SUPREME COURT ELECTION

The race between Waukesha County Circuit Court Judge Brad Schimel and Dane County Circuit Court Judge Susan Crawford to succeed retiring Wisconsin Supreme Court Justice Ann Walsh Bradley quickly became the most expensive state supreme court race in the nation's history, breaking the record set in 2023 during the campaign for another open seat on the Wisconsin Supreme Court. That previous race culminated in a victory for the liberal candidate, Janet Protasiewicz. Since Protasiewicz's victory, the court has issued decisions that have reshaped voting rights, abortion access, and executive authority in the state. The retirement of Bradley, a member of the liberal majority, offered conservatives a chance to reclaim the bench in 2025. More than \$100 million was spent on the race, both by the campaigns and outside groups supporting the candidates. The campaigns attracted national attention, with high-profile figures offering their support, including President Donald Trump (R), who endorsed Schimel, and former President Barack Obama (D), who endorsed Crawford. Crawford ultimately cruised to victory over Schimel in the general election on April 1, 2025, with 55% of the votes to Schimel's 45%. Her victory ensures that liberals will control the court until at least July of 2028, when the term currently held by Justice Rebecca Dallet is set to expire. Crawford was sworn in on August 1, 2025, to a term that will expire on July 31, 2035.

PENNSYLVANIA SUPREME COURT ELECTION

Voters retained three Pennsylvania Supreme Court justices, all Democrats, by wide margins in the November 4, 2025, election. Pennsylvania Supreme Court justices are first elected to the court in partisan elections; justices who wish to remain on the court after their initial 10-year term run in retention elections, in which voters are asked to decide whether a justice should serve another 10-year term or be removed from the court. Past retention elections had typically seen justices easily retained, with little attention paid to their races. But this year, following a pattern that has emerged in other electorally consequential state supreme court elections in recent years, the three justices faced intense campaigns from state and national Republicans who attacked their judicial records and urged voters to remove them from the court. If the Republicans had succeeded, the court's partisan balance would have shifted from five Democrats and two Republicans to an evenly split bench of two Democrats and two Republicans. Since the state constitution requires the Republican-controlled state senate to confirm any interim appointment made by the governor, who is currently a Democrat, the seats might have remained vacant until new justices could be elected in a partisan election in November 2027. This scenario, which Republicans were hoping to trigger, likely would have left the court deadlocked on any important issues it considered while comprising only four members.

HISTORIC FIRSTS

Two governors made history in their state in 2025 with their appointments to fill vacancies on their states' supreme court.



JUSTICE MARIA ELENA CRUZ

ARIZONA SUPREME COURT VACANCY

Former Arizona Supreme Court Justice Robert Brutinel announced he would retire from the state's highest court on October 31, 2024. On January 29, 2025, Gov. Katie Hobbs (D) appointed Arizona Court of Appeals Judge Maria Elena Cruz to fill the vacancy. Cruz is the first Black justice and the first Hispanic woman to join the state's highest court. She previously served as a judge pro tem for the Cocopah Indian Tribe, worked as a criminal defense and family law attorney, and served as a Yuma County prosecutor. She may serve on the court until November 2028, when she must run in a retention election to serve a full term on the court.



JUSTICE DEREK VAUGHN

NEBRASKA SUPREME COURT VACANCY

Former Justice Lindsey Miller-Lerman, a longtime justice of the Nebraska Supreme Court's Second Judicial District, announced she would retire from the court on October 31, 2025. Gov. Jim Pillen (R) selected Nebraska Fourth District Court Judge Derek Vaughn to succeed Justice Miller-Lerman on the court. Previously a county court judge and an assistant prosecutor, Justice Vaughn is the first Black justice and the first justice of color to serve on the Nebraska Supreme Court. He may continue serving until 2030, when he must run in a retention election for a full term on the court.

2025 STATE COURTS LANDSCAPE

SPENDING ROUNDUP

Among the largest spenders in the Wisconsin and Pennsylvania supreme court elections in 2025 were billionaires whose personal fortunes helped shape the races in both states. In Wisconsin, Elon Musk, the richest man in the world through his companies Tesla and SpaceX, personally spent more than \$3 million and gave more than \$19 million to groups supporting Republican candidate Brad Schimel. Richard and Elizabeth Uihlein, owners of the shipping supply company Uline, gave nearly \$8 million to the Wisconsin GOP and groups supporting Schimel. Diane Hendricks, the owner of wholesale construction materials distributor ABC Supply Co., gave more than \$3.5 million to the Wisconsin GOP. Hedge fund manager George Soros donated \$2 million to the Democratic Party of Wisconsin, and Illinois Gov. JB Pritzker (D), an heir to the Hyatt Hotels family fortune, gave \$1.5 million to the party in support of Susan Crawford, the Democratic candidate in Wisconsin. In Pennsylvania, Jeffrey Yass, co-founder of the global trading and investment firm Susquehanna International Group and the richest man in Pennsylvania, gave more than \$1.5 million to groups supporting the ouster of the three Pennsylvania Supreme Court justices, all Democrats.

WISCONSIN SUPREME COURT ELECTION

More than \$100 million was spent in the Wisconsin Supreme Court election in 2025, setting a new record for the most expensive state judicial race in U.S. history. Susan Crawford's campaign spent \$28.3 million, and Brad Schimel's campaign spent \$15.1 million. The Democratic Party of Wisconsin gave more than \$10.4 million to Crawford's campaign, while the Wisconsin GOP gave more than \$9.5 million to Schimel's campaign. Several outside donors and organization spent millions on the race, including Americans for Prosperity, funded by billionaire Charles Koch, which spent over \$3.3 million; Fair Courts America, financed by billionaire Richard Uihlein, which spent over \$4.4 million; and Elon Musk, the world's richest individual, who spent more than \$22 million; all in support of Schimel.

"If the supreme court is able to redraw the districts, they will gerrymander the district and deprive Wisconsin of two seats on the Republican side. Then they will try to stop all the government reforms we are getting done for you, the American people," Musk told a crowd of voters at a rally he held in the state the Sunday before the election, where he also gave checks for \$1 million each to three members of the audience. At the time, Musk was serving as a senior advisor to President Donald Trump (R). Musk and his electric car company, Tesla, are also currently embroiled in a legal battle with the state of Wisconsin, which prohibits vehicle manufacturers from selling their vehicles directly to consumers and instead requires them to be sold by third-party dealers. Musk is seeking an exemption from the laws to allow Tesla to open dealerships throughout Wisconsin.

2025 STATE COURTS LANDSCAPE

PENNSYLVANIA SUPREME COURT ELECTION

While outside spending in Pennsylvania may have been overshadowed by Wisconsin's record-breaking year, the retention election shattered previous records in the commonwealth, with over \$18.7 million spent to influence voters ahead of the November 4 election. Historically, these uncontested retention elections fall under voters' radars and lack attention and coverage. However, this election proved different from past years. Due to the state supreme court's rulings on several issues like upholding Act 77, which established no-excuse mail-in voting, and protecting the governor's emergency powers during the COVID-19 pandemic, conservative interests sought to unseat the three justices by launching multi-million-dollar campaigns.

Despite opposition efforts, pro-retention efforts made up the majority of expenses, tallying over \$13 million. According to campaign finance reports, Justice Donohue spent more than \$820,000 and received nearly \$1.8 million in in-kind contributions; Justice Dougherty spent over \$2.6 million and received more than \$2.1 million in in-kind contributions; and Justice Wecht spent over \$1.2 million and received more than two million dollars in in-kind contributions. Supporting the justices' retention, Pennsylvanians for Judicial Fairness reported over \$780,000 spent on independent expenditures for the supreme court race, and the ACLU reported more than \$900,000 to educate voters about the supreme court election. Two organizations, Commonwealth Partners and Citizens for Term Limits, anchored the opposition's campaign spending. Commonwealth Partners reported spending over three million dollars, and Citizens for Term Limits disclosed spending more than \$1.8 million to oppose the justices. Commonwealth Partners is connected to Jeffrey Yass, Pennsylvania's top billionaire, who has [a history](#) of donating to conservative special-interest groups. There is limited information on who funds Citizens for Term Limits, but the two groups share the same mailing address. However, disclosures and expenditures in Pennsylvania can be [difficult to track](#). Outside of the independent expenditures, the supreme court race also monopolized airtime across TV and other media, with an estimated \$9.5 million spent. Vote Yes For Fair And Independent Courts led in TV spending with nearly \$3.6 million, followed by Pennsylvanians For Judicial Fairness, which spent at least three million dollars.

MOVEMENT ATTORNEY SPOTLIGHT

Movement attorneys work to promote and protect civil and human rights while also addressing the systemic and institutional harms caused by white supremacy, Christian nationalism, authoritarianism, and structural discrimination endemic in our legal and carceral systems. Unlike traditional public interest attorneys, movement attorneys seek to dismantle these damaging structures to create a legal system and society that delivers equitable justice to all while acknowledging the intrinsic dignity of every person.

Movement attorneys are underrepresented in the legal field. Accordingly, in combination with other factors that work to uphold systemic injustice and white supremacy in our nation, movement attorneys who become judges are significantly underrepresented in both the state and federal judiciaries. Various studies exploring the composition of federal and state benches have found that up to 80% of judges at all levels of the judiciary have experience representing corporations or serving as former state or federal prosecutors, leaving little room for judges with experience as public defenders or advocates for civil and human rights. With other research showing that the previous legal experience of judges can have meaningful impacts on how they decide cases, AFJ Action recognizes that the presence of movement attorneys who become judges — including on state court benches — is crucial to ensuring that people who encounter the legal system are heard by judges whose professional and lived experiences equip them to bring empathy and understanding to their decisions and the sentences they impose.

Of the 15 states with vacancies in 2025, only two movement lawyers were selected to state supreme courts. There are still eight outstanding vacancies, meaning governors can still add critical professional diversity to state benches in California, Connecticut, Hawaii, and several other states.



JUSTICE LARKIN WALSH

KANSAS SUPREME COURT

In early August of 2025, Kansas Gov. Laura Kelly (D) appointed attorney Larkin Walsh to fill retired Justice Evelyn Wilson's seat on the state supreme court. Walsh brings over 20 years of experience in civil and appellate litigation to the Supreme Court. Throughout her career, her practice has spanned civil rights, consumer protection, appellate litigation, and labor and employment law. She also represented survivors of sexual abuse. Through this work, Walsh fought against the wealthy and powerful, abusive employers, and corporate greed. Her career highlights her fierce dedication to equal justice and is an excellent addition to the Kansas Supreme Court. Walsh's term will expire in January 2027, and she must stand for a retention election in 2026.



JUSTICE COLLEEN MELODY

WASHINGTON SUPREME COURT

Colleen Melody, the Wing Luke Civil Rights Division Chief and Senior Assistant Attorney General, filled retiring Justice Mary Yu's seat on the Washington Supreme Court following Gov. Bob Ferguson's (D) appointment in late November 2025. Melody joined the Washington attorney general's office in 2015 to lead the newly created civil rights division. As division chief, Melody sued the Trump administration over the Muslim travel ban and won. Prior to leading the civil rights division, Melody worked at the U.S. Department of Justice's Civil Rights Division, where she litigated housing discrimination cases. Her depth of experience in civil rights litigation gave her firsthand insight into the impact the law can have on individuals and families. Melody must run in a nonpartisan election in 2026 to remain in her seat.

2025 STATE SUPREME COURT ELECTIONS

In 2025, two state supreme courts held elections for a total of four seats. One state held a nonpartisan election for one seat, and one state held a retention election for three seats.

WISCONSIN

One seat on the Wisconsin Supreme Court appeared on the ballot in 2025 after Justice Ann Walsh Bradley announced she would not seek a third term on the court. Bradley first joined the Wisconsin Supreme Court in 1995 and was reelected to the court in 2005 and 2015. Wisconsin elects its supreme court justices in nonpartisan elections, though political parties can spend unlimited funds in support of candidates. In 2025, Dane County Circuit Court Judge Susan Crawford ran for the seat with support from the Democratic Party of Wisconsin, and Brad Shimel, formerly the attorney general of Wisconsin, was supported by the Wisconsin GOP. Crawford defeated Shimel in the April 1, 2025, election with 55% of the vote. She was sworn in to a 10-year term on the court on August 1, 2025.

PENNSYLVANIA

Justice Christine Donohue, Justice Kevin Dougherty, and Justice David Wecht were elected to the court in 2015 by partisan election as Democrats. To remain on the court, the justices stood for a nonpartisan retention election on November 4, 2025. Voters cast a yes or no ballot to determine if the justices should serve another term. Voters retained all three justices to serve another term. Donohue received 61.80% yes votes, Dougherty 61.79% yes votes, and Wecht 61.46% yes votes.

2025 STATE SUPREME COURT APPOINTMENTS

Eighteen vacancies occurred on supreme courts in 15 states with appointment processes in 2025. Two of those vacancies were due to sitting justices reaching their state's mandatory retirement age.

ALABAMA SUPREME COURT

On May 20, 2025, Gov. Kay Ivey (R) appointed then-Court of Civil Appeals Judge Bill Lewis to fill the vacancy created by Justice Jay Mitchell's retirement. Mitchell stepped down from the court on May 19 after feeling "called to play a larger role in" President Trump's effort to "restore the constitution." Ivey previously appointed Lewis to the Court of Civil Appeals in 2024. Prior to his appointment, Lewis served as a trial judge on the 19th Judicial Circuit in Elmore County since his election to that bench in 2016. Lewis began his career as an assistant district attorney, but for most of his career, Lewis worked in private practice.

President Trump nominated Lewis to serve as a federal judge for the Middle District of Alabama in August 2025, and the U.S. Senate confirmed Lewis in October. To fill the seat created by Lewis's confirmation to the federal court, Ivey appointed her general counsel, Will Parker, to the supreme court. Before working alongside Ivey, Parker worked at the Alabama attorney general's office as an assistant attorney general. Parker must run in a partisan election in 2028 to remain on the bench.

ALASKA SUPREME COURT

Alaska Gov. Mike Dunleavy (R) appointed Aimee Oravec to the state supreme court to fill the vacancy following Justice Peter Maassen's retirement on January 14, 2025. Oravec is Dunleavy's third addition to the court, making women the majority on the five-member court. Prior to her appointment, Oravec worked as general counsel for Doyon Utilities LLC. Oravec also worked in private practice, focusing on civil and appellate litigation as well as regulatory and employment law. Oravec must run for retention election in 2028 to remain on the court. This appointment was a missed opportunity to add a movement lawyer to the bench, as Anchorage Superior Court Judge Josie Garton was also forwarded to Dunleavy for consideration. Garton spent her career as a public defender and in legal services before Gov. Bill Walker (I) appointed her to the superior court.

2025 STATE SUPREME COURT APPOINTMENTS

ARIZONA SUPREME COURT

On October 31, 2024, former Arizona Supreme Court Justice Robert Brutinel retired from the court. Under Arizona’s assisted appointment system for midterm vacancies, the governor selects a replacement from a pool of candidates vetted by the state’s judicial nominating commission. The Arizona Commission on Appellate Court Appointments interviewed eight of the 17 candidates who applied for consideration to fill the vacancy created by Justice Brutinel’s retirement and recommended five finalists to Gov. Katie Hobbs (D). Hobbs appointed Arizona Court of Appeals Judge Maria Elena Cruz to fill the vacancy on January 29, 2025. Cruz is Hobbs’s first appointment to the seven-member court. She is the first Black justice and the first Latina to join the state’s highest court. She was previously a judge pro tem for the Cocopah Indian Tribe, a criminal defense and family law attorney, and a Yuma County prosecutor. She may serve on the court until November 2028, when she must run in a retention election to serve a full term.

GEORGIA SUPREME COURT

On July 17, 2025, Georgia Gov. Brian Kemp (R) appointed Benjamin Land, an appeals court judge, to fill the vacancy created by Justice Michael Boggs’s retirement on March 31, 2025. He is Kemp’s fifth addition to the court of nine justices and was one of three candidates sent to Kemp for consideration. Land’s service on the bench began after his appointment by Gov. Nathan Deal (R) to serve on the superior court for the Chattahoochee Judicial Circuit in 2018, where he remained until Kemp appointed Land to the Court of Appeals in 2022. Land was previously a trial and appellate attorney in private practice. He must stand for election in 2026 to remain on the bench. No incumbent justice has lost an election in the state so far.

KANSAS SUPREME COURT

Former Kansas Supreme Court Justice Evelyn Wilson retired from the state’s highest court in July 2025 after she was diagnosed with ALS. Wilson had served on the court since 2019 and had previously been a district court judge and a private practitioner. Kansas uses the assisted appointment method to replace supreme court justices in the event of a midterm vacancy, with the governor selecting the next justice from a pool of finalists selected by the state’s judicial nominating commission. The Kansas Supreme Court Nominating Commission forwarded three finalists to Kansas Gov. Laura Kelly (D) in June, and on August 7, Kelly selected Larkin Walsh, a civil rights and consumer protection litigator, to succeed Wilson on the bench. Larkin was sworn in on September 17 and may serve until 2026, when she must run in a retention election to serve a full six-year term on the court.

2025 STATE SUPREME COURT APPOINTMENTS

LOUISIANA SUPREME COURT

President Trump nominated Louisiana Supreme Court Justice William Crain to serve as a judge on the U.S. District Court for the Eastern District of Louisiana in late October 2025. The Senate confirmed Crain to the bench on December 9, 2025. Later that month, Judge Allison Penzato was temporarily appointed by the remaining justices to fill Crain’s seat on the bench. Penzato will serve in this position until June 30, 2026 or until the vacancy is filled. According to the state constitution, a special election must be held, and Penzato may not run for the seat.

MICHIGAN SUPREME COURT

Governor Gretchen Whitmer (D) appointed Noah Hood, a judge on the Michigan Court of Appeals, First District, on April 23, 2025, to fill a seat on the Michigan Supreme Court vacated by former Chief Justice Elizabeth Clement. Whitmer previously appointed Hood to the Court of Appeals in 2022 and to the Wayne County Circuit Court in 2019. Before serving as a judge, Hood was an assistant U.S. attorney for the Eastern District of Michigan and an assistant U.S. attorney for the Northern District of Ohio. Hood began his career in private practice. To serve a full term on the bench, Hood must run for election in 2026.

NEBRASKA SUPREME COURT

On October 13, 2025, former Nebraska Supreme Court Justice Lindsey Miller-Lerman of Nebraska’s Second Judicial District announced she would retire from the court. Miller-Lerman had served on the court since 1998 and was previously an appeals court judge and worked in private practice. She is the first woman to have served on the Nebraska Supreme Court. Nebraska uses the assisted appointment method to replace justices in the event of a midterm vacancy, with the governor choosing the court’s newest justice from a list of finalists selected by the nominating commission for each of the state’s seven judicial districts. The Second District Judicial Nominating Commission forwarded two finalists to Gov. Jim Pillen (R) on October 17. Pillen selected Nebraska Fourth District Court Judge Derek Vaughn as the court’s newest justice on November 10, 2025, and Vaughn was sworn in on the same day. Justice Vaughn is the first Black justice and the first justice of color to serve on the Nebraska Supreme Court. He previously served as a Douglas County Court judge and a Douglas County assistant prosecutor. He may continue serving until 2030, when he must run in a retention election for a full term on the court.

2025 STATE SUPREME COURT APPOINTMENTS

NEW HAMPSHIRE SUPREME COURT

Gov. Kelly Ayotte (R) announced her first nomination to the New Hampshire Supreme Court on August 26, 2025. Ayotte nominated Bryan Gould to fill the seat of Justice James Bassett, who will reach the state’s mandatory retirement age of 70 in September 2026 and retired from the court on August 31, 2025. The governor’s executive council confirmed Gould in a 4–1 vote. Gould worked in private practice in New Hampshire for over 30 years, largely focused on appellate civil litigation. Gould’s appointment caught some attention due to his ties to the Republican party, having represented the state party in cases as well as serving as counsel to Ayotte’s campaign. Ayotte appointed Gould to the judicial selection commission in May. Gould also served as counsel to Gov. Craig Benson (R) and counsel to the executive council.

SOUTH DAKOTA SUPREME COURT

The South Dakota Supreme Court comprises seven judicial circuits. First Supreme District Justice Janine Kern announced her intent to retire from the South Dakota Supreme Court in early December 2025. On November 4, South Dakota Gov. Larry Rhoden (R) appointed Robert Gusinsky, presiding judge on the seventh circuit, to fill Kern’s seat. Gusinsky joined the circuit bench after being appointed by Gov. Dennis Daugaard (R) in 2013. Prior to becoming a judge, Gusinsky was an assistant U.S. attorney for the District of South Dakota and began his career in private practice. To serve a full term on the bench, Gusinsky must run for retention in 2028.

2025 STATE SUPREME COURT APPOINTMENTS

TEXAS SUPREME COURT

On January 6, 2025, Texas Gov. Greg Abbott (R) elevated Jimmy Blacklock, an associate justice, to fill former Chief Justice Nathan Hecht's seat on the Texas Supreme Court. Hecht reached the state's mandatory retirement age of 75 in August 2024 and was required to leave the court by December 31, 2024. Abbott appointed James Sullivan to fill the vacancy created by Blacklock's elevation. Blacklock was previously general counsel to Abbott and worked alongside Abbott at the attorney general's office as deputy attorney general for legal counsel. Prior to his work with Abbott, Blacklock served in the Civil Rights Division of the U.S. Department of Justice during the George W. Bush administration. He also worked in private practice. Just like Blacklock, Sullivan was also Abbott's general counsel before his appointment to the court, and he also worked under Abbott at the Texas attorney general's office as solicitor general. Sullivan was also a private practice attorney. Their terms will expire in December 2026. The justices must run for re-election to remain on the bench.

Later in April, Justice Jeff Boyd announced his intent to retire at the end of the year, giving Abbott another opportunity to appoint a justice to the court. In October 2025, Abbott appointed Kyle Hawkins to serve the remainder of Boyd's term. Immediately prior to his appointment, Hawkins was a partner at a private practice firm. He also served as a counselor to the U.S. solicitor general and the Texas solicitor general during his time in private practice at various firms. Hawkins must run for election in 2026 to serve a full term.

UTAH SUPREME COURT

Due to Associate Chief Justice John Pearce's retirement, Utah Gov. Spencer Cox (R) nominated Third District Court Judge John Nielsen to the Utah Supreme Court on October 14, 2025. The Utah Senate confirmed Nielsen in November. Cox previously appointed Nielsen to the district court in 2024. Prior to becoming a judge, Nielsen worked in private practice, as an assistant solicitor general, and as a deputy county attorney. Nielsen must stand for retention in 2030 to remain on the bench.

2025 STATE SUPREME COURT APPOINTMENTS

WASHINGTON STATE SUPREME COURT

Washington Supreme Court Justice Mary Yu announced she would retire from the court in September 2025. Yu had served on the court since 2014 and was previously a circuit court judge and an assistant prosecutor. She is the first member of the LGBTQ+ community, the first Asian American, and the first Hispanic woman to serve on the Washington Supreme Court. She also officiated the state's first same-sex marriages in 2012. In Washington, vacancies on the state supreme court are filled by gubernatorial appointment. Washington Gov. Bob Ferguson (D) announced on November 24, 2025, that he would appoint Colleen Melody, who has litigated public civil rights matters at both the state and federal levels for more than 15 years, to succeed Justice Yu on the court. Melody was sworn in on January 1, 2026 and must run in a nonpartisan election in November 2026 to serve the remainder of the term, which expires in 2028.

WEST VIRGINIA SUPREME COURT OF APPEALS

In April 2025, Justice Beth Walker announced her intent to retire at the end of June. To fill Walker's seat on the court, Gov. Patrick Morrissey (R) appointed Judge Thomas Ewing to the state supreme court on August 6, 2025. Ewing was a judge on the Fifteenth Judicial Circuit and was first appointed in 2018 by Gov. Jim Justice (R). Prior to his judicial appointment, Ewing spent his career in private practice.

In late August, Justice Tim Armstead passed away after battling cancer. On November 21, Morrissey appointed Gerald Titus to fill the vacancy left by Armstead's death. Titus previously worked in private practice, focusing on business, commercial, and liability litigation, and as an assistant U.S. attorney for the Southern District of West Virginia. Both justices must stand for election in 2026 to serve the remainder of their terms.

WYOMING SUPREME COURT

After 11 years on the court, Chief Justice Kate Fox announced she would step down from the court on May 27, 2025. To fill that vacancy, Gov. Mark Gordon (R) appointed Wyoming Attorney General Bridget Hill to the Wyoming Supreme Court on April 11, 2025. Hill has served as attorney general since 2019. She was the director of the Office of State Lands and Investments and, prior to that role, an assistant attorney general. Hill must stand for a retention election in 2026 to serve a full term on the court.

ETHICS IN THE SPOTLIGHT

State supreme courts across the nation are vested with the power to determine disciplinary measures for attorneys and judges who violate their states' ethics codes and canons. Systems can vary from state to state, with some supreme courts considering recommendations from judicial ethics commissions or other oversight bodies. Systems in some states require supreme court justices to impose sanctions on their own colleagues, despite a recommendation from the American Bar Association's Model Rules for Judicial Disciplinary Enforcement, which recognizes that state supreme courts that are empowered to discipline their own members can contribute to appearances of potential impropriety and conflicts of interest. These rules are in place to ensure that the public can have confidence in the integrity of judicial proceedings and that misconduct by supreme court justices will be addressed by impartial decision-makers.

Ethics issues involving justices on two state supreme courts began in 2024 and continued into 2025, with one matter resolved in 2025 and the other continuing into 2026. An ethics complaint involving another state supreme court justice was initiated in late 2025 and has also continued into 2026.

MAINE

A dispute over misconduct by one of the seven Maine Supreme Judicial Court justices that has persisted for nearly two years continues to play out under a new system for the discipline of supreme court justices that was implemented by the court in the wake of the justice's misconduct.

Before joining the court in 2020, **Justice Catherine Connors** spent her legal career representing banks and banking interests as a complex corporate litigator. During confirmation hearings held as part of her nomination to the court, Connors was repeatedly asked about what she might do in the event of possible conflicts of interest. Connors answered that she expected to need to recuse herself from numerous cases, especially foreclosure appeals. Connors **assured lawmakers** that if any doubt arose concerning the appropriateness of hearing a case, she would "err on the side of recusal."

In early 2024, the Maine Supreme Court issued two 4–3 opinions that overturned important precedents it had set in two cases it heard in 2017: ***Pushard v. Bank of America*** and ***Federal National Mortgage Association v. Deschaine***. In those cases, the court held that foreclosure actions are unenforceable when lenders fail to meet legal requirements for notifying borrowers of default, and that banks may not bring multiple foreclosure actions against the same homeowners. But the opinions the court delivered in the 2024 cases — ***J.P. Morgan Mortgage Acquisition Corp. v. Moulton*** and ***Finch v. U.S. Bank*** — overturned the precedents set in 2017, eliminating these important protections for homeowners. Connors joined the majority in both *Moulton* and *Finch*. In 2017, Connors had represented the losing banks in the *Pushard* case, and the firm where she was formerly a partner submitted an amicus brief urging the court to overturn *Pushard* and *Deschaine* in 2024. The court would have been

ETHICS IN THE SPOTLIGHT

MAINE *(continued)*

tied at 3–3 if Connors had recused herself from hearing Moulton and Finch, leaving the protections for homeowners in place.

Following the release of the opinions in *Moulton* and *Finch*, longtime Maine foreclosure attorney Thomas Cox **filed a complaint** against Connors with Maine’s Committee on Judicial Conduct. The complaint alleged Connors had a conflict of interest and should have recused herself from participating in the court’s decisions. After an investigation, the commission found that Connors violated the Maine Code of Judicial Conduct, specifically noting that she had not adhered to the assurances she made during her confirmation hearings that she would recuse herself in cases before the court involving banks and foreclosures.

The committee recommended that Connors be sanctioned and that further action be considered by a panel of lower court judges rather than by the Maine Supreme Judicial Court itself. In response to the commission’s findings, the court proposed a new system for disciplining all state judges, including its own members, in which disciplinary authority would be transferred to an independent panel composed of superior court and district court judges. The court announced on June 25, 2025, that it would **adopt the new rules**, which require alleged violations of judicial conduct codes by all state judges to be decided by a six-member panel selected from a pool of retired and senior active superior and district court judges.

A panel of such judges will now decide how to address the complaint against Connors. Two days after the new rules took effect, the court **announced the judges** who will make up the panel deciding Connors’s case. In August 2025, the Maine Supreme Judicial Court published a **webpage** to ensure the public is aware of the new process and to make exhibits publicly available.

The Committee on Judicial Conduct submitted a brief echoing its earlier assessment that Connors should be publicly reprimanded. Connors’s brief maintained that she did nothing wrong because none of the parties had requested her recusal and because she had consulted the state’s Advisory Committee on Judicial Ethics before joining the court’s majority ruling in the two cases, with the committee finding no reason for her to recuse herself. But in its final reply brief, the Committee on Judicial Conduct noted that Connors had not disclosed all of the pertinent facts when consulting with the Advisory Committee on Judicial Ethics, which compromised the strength of the Advisory Committee’s informal opinion. The Committee on Judicial Conduct reaffirmed its opinion that Connors should be publicly reprimanded.

The panel of six judges heard oral arguments in the matter on December 15, 2025. They have not yet released its determination in the matter. Justice Connors retains the option to appeal the panel’s determination to the Maine Supreme Judicial Court.

ETHICS IN THE SPOTLIGHT

NEW HAMPSHIRE

An ethics scandal that plagued the New Hampshire Supreme Court for more than a year was resolved when the justice at the center of the scandal, who had been suspended from the court for more than a year, was returned to the bench after pleading guilty to a misdemeanor count of misuse of her office.

Justice Anna Barbara Hantz Marconi was **suspended from the court** in October 2024 in connection with allegations that she pressured then-New Hampshire Gov. Chris Sununu (R) to dissolve a criminal investigation into the actions of her husband, Geno Marconi. Marconi was formerly the director of New Hampshire's Division of Ports and Harbors, resigning in April 2024 amid an investigation into his alleged misconduct. Marconi was indicted in October 2024 on two felony counts of witness and evidence tampering.

That same month, Hantz Marconi was charged with two felonies and five misdemeanors related to the allegations that she misused her position as a justice of the state's highest court to interfere with the investigation into her husband's misconduct. Her license to practice law was suspended in accordance with the New Hampshire bar's attorney discipline standards, which mandate suspension for any attorney charged with a felony, and she was suspended from the court when the suspension of her law license rendered her unqualified to serve.

Hantz Marconi remained suspended until October 2025, when she pled guilty to one of the misdemeanor charges, criminal solicitation (misuse of position), in exchange for the dismissal of the six other charges, including the two felonies. The New Hampshire Supreme Court **lifted the suspension** on her law license. It reinstated her to the bench after determining that her offense was not a "serious crime" that would necessitate her continued suspension. Though Hantz Marconi is now serving as a member of the state's highest court once again, she was required to leave the court before her 70th birthday on February 12, 2026, in accordance with the state's mandate that judges retire before they turn 70. Her husband's trial is ongoing.

ETHICS IN THE SPOTLIGHT

KENTUCKY

In October 2025, a Louisville attorney who is also a local Republican Party official filed an **impeachment petition** against Kentucky Supreme Court Justice Pamela Goodwine. The complaint alleges that Goodwine should have recused herself from hearing an appeal before the court in April 2025 due to an alleged conflict of interest. The appeal asked the court to rehear a **case it had decided** in December 2024, which struck down a **2022 law** enacted by the legislature to strip powers from the Jefferson County Board of Education and vest them instead with the district's superintendent. Goodwine was elected to the court in November 2024 and took office on January 6, 2025, and is the first Black woman to serve on the Kentucky Supreme Court. She joined a majority of the court's seven justices who decided to **rehear the case** in April 2025. The same majority **invalidated the law** in a December 2025 opinion.

The complaint against Goodwine alleged that she received significant financial support from the Kentucky Education Association, the Jefferson County Teachers Association, and political action committees linked to Kentucky Gov. Andy Beshear (D) during her 2024 campaign for a seat on the court, presenting an alleged conflict of interest that should have prompted her to recuse herself from hearing the petition to rehear the case and participating in the majority's decision to overturn the December 2024 opinion. Richardson's complaint against Goodwine did not elaborate on why contributions to Goodwine from the governor and the two teachers' unions should require her to recuse herself from a case in which the Jefferson County Board of Education and the state's former education commissioner were the only plaintiffs.

Lawmakers in the Kentucky House of Representatives formed a committee to consider the impeachment petition in early 2026. The General Assembly is required to consider such matters when they are submitted to the House by citizens, but had to wait until the beginning of the 2026 legislative session to take up the petition. The committee considering the impeachment petition against Goodwine comprises seven Republicans and four Democrats. If the committee determines that the petition has merit, it will advance it to a full vote by the Kentucky House of Representatives to approve articles of impeachment against Goodwine. If two-thirds of the Kentucky Senate then vote to convict Goodwine, she will be removed from the court. Goodwine asserted that the complaint is "deficient, meritless, and fails to justify any further impeachment inquiry" in a 27-page response that urged the committee to dismiss the impeachment petition. The activities of the 2026 Kentucky House Regular Session Impeachment Committee and the progress of the committee's investigation into the complaint against Goodwine can be viewed [here](#).

2025 NOTABLE STATE SUPREME COURT CASES

IMPORTANT STATE SUPREME COURT DECISIONS FROM 2025

ACCESS TO HEALTHCARE

Hawaii

Nitta v. Hawaii Medical Services Association

The Hawaii Supreme Court ruled that the state's largest private health insurer cannot force customers to resolve all disputes arising from claims denials in arbitration. Advocates hope the ruling will improve patients' access to care and give doctors greater autonomy to recommend treatments.

CONSUMERS

Indiana

State of Indiana v. TikTok, Inc., et al.

The Indiana Supreme Court ruled that a 2022 lawsuit that the state brought against the company that owns TikTok can proceed. The lawsuit alleges that the app violates the state's deceptive consumer sales law by exposing children to inappropriate content and failing to notify users that the company may reveal their personal information to the Chinese government.

New York

Article 13 LLC v. Ponce De Leon Federal Bank, et al.

The New York Court of Appeals ruled the state's Foreclosure Abuse Prevention Act, enacted in 2022 and challenged by several lenders, is constitutional and applies retroactively, preserving the law's intent to protect homeowners from abusive foreclosure practices by lenders.

CRIMINAL JUSTICE

Arizona

Carson v. Gentry

The Arizona Supreme Court ruled that prosecutors may, without first obtaining a court's approval, refile charges against defendants who were previously deemed incompetent to stand trial.

2025 NOTABLE STATE SUPREME COURT CASES

CRIMINAL JUSTICE

Iowa

Eugene Sikora v. State of Iowa, et al.

The Iowa Supreme Court affirmed a lower court ruling that dismissed a formerly imprisoned individual's claim seeking damages for wrongful imprisonment, ruling that there is no relief available for the state to provide.

Maine

State v. McLain

The Maine Supreme Judicial Court ruled that police must obtain an explicit waiver of the right against self-incrimination from suspects who are being interrogated in their custody, affording stronger protections against self-incrimination under Maine's constitution than those afforded by the Fifth Amendment to the U.S. Constitution.

Michigan

People v. Carson

The Michigan Supreme Court ruled that search warrants authorizing police to search suspects' digital devices do not give police the authority to examine all data on those devices, holding that law enforcement officers must specify the type of information sought and its relevance to their investigation.

People v. Poole

The Michigan Supreme Court unanimously invalidated the sentences of more than 250 people serving life sentences for crimes committed when they were 18 years old, holding that such sentences violate state and federal constitutional prohibitions against cruel and unusual punishment.

Minnesota

State v. Plancarte

The Minnesota Supreme Court dismissed a criminal complaint against a woman who had been arrested and charged with indecent exposure after she exposed her breasts in a convenience store parking lot, ruling that exposing one's breasts in the absence of explicit sexual conduct does not constitute lewd behavior as defined by state statutes.

2025 NOTABLE STATE SUPREME COURT CASES

CRIMINAL JUSTICE

New Mexico

Ramirez v. Marsh

The New Mexico Supreme Court unanimously ruled that prosecutors are not required to divulge applications for **U and T visas** filed by alleged crime victims as part of the discovery process, ruling that sharing such applications, which allow alleged victims who lack legal residency status to remain in the U.S. after they reported crimes and while they testify against perpetrators, would have a chilling effect on the willingness of immigrants to report crimes and cooperate with law enforcement.

Pennsylvania

Pennsylvania v. Hunte

The Pennsylvania Supreme Court ruled that a state law that allows police to request that hospital employees draw blood from patients they believe were intoxicated when involved in an automobile accident is unconstitutional.

Commonwealth of Pennsylvania v. Brendan Alexander Linton

The Pennsylvania Supreme Court overturned the conviction of a cyclist who was charged with failure to move off the roadway, ruling that cyclists are not required to move off the road to let vehicles pass in every circumstance and setting an important precedent that vehicles may be required to yield to cyclists in some instances.

Texas

In the Interest of N.L.S. and E.J.C.

The Texas Supreme Court ruled that a district attorney can proceed with efforts to terminate an incarcerated man's parental rights, ruling that criminal history is grounds to terminate parental rights even if a person's alleged crimes did not directly cause harm to their child.

Washington

In re: Indigent Defense Standards

The Washington Supreme Court changed statewide standards pertaining to the maximum number of cases that public defenders must handle per year, lowering the requirements from a maximum of 150 felonies or 400 misdemeanors per year to a maximum of 47 felony cases or 120 misdemeanor cases in a year, in response to unmanageable caseloads that have thrown the state's indigent defense system into crisis in recent years.

2025 NOTABLE STATE SUPREME COURT CASES

DEATH PENALTY

Tennessee

Byron Black v. Commissioner of the Tennessee Department of Correction, et al.

The Tennessee Supreme Court overturned a lower court's order that directed the state to deactivate the implanted defibrillator of a man on death row before proceeding with his execution, ruling it amounted to a stay of execution that the lower court judge lacked the power to order and allowing his execution to proceed.

EDUCATION

New Hampshire

Rand et al. v. State of New Hampshire

The New Hampshire Supreme Court ruled that the state's education funding structure, which allows wealthy communities to retain excess funds raised from property taxes rather than remitting the excess funds to the state to be redistributed to economically disadvantaged communities, does not violate the state constitution's requirement that the state provide an adequate public education to all children in New Hampshire.

Oklahoma

Randall, et al. v. Fields, et al.

The Oklahoma Supreme Court permanently blocked the implementation of a new set of social studies standards that would have required public school children to be taught that the 2020 election was compromised, the COVID-19 virus was created in a lab, and other controversial topics, including lessons from the Christian Bible. The standards will remain blocked while the court considers a lawsuit that challenges their constitutionality.

ENVIRONMENT

Colorado

County Commissioners of Boulder County and City of Boulder v. Exxon Mobil Corporation, et. al

The Colorado Supreme Court ruled that a case brought by the City of Boulder and Boulder County, alleging that ExxonMobil and Suncor Energy knowingly and willfully exacerbated the harmful effects of climate change through fossil fuel emissions, could proceed in state court.

2025 NOTABLE STATE SUPREME COURT CASES

ENVIRONMENT

New York

Glen Oaks Village Owners, Inc., et al. v. City of New York, et al.

The New York Court of Appeals, the state's highest court, dismissed a lawsuit that sought to challenge New York City's implementation of a local law that aimed to address the effects of climate change on the city's inhabitants by requiring large buildings to reduce their greenhouse gas emissions.

Utah

Roussel v. State

The Utah Supreme Court dismissed a lawsuit brought by several Utah children that alleged the state's policy promoting investment in fossil fuel industries violated their constitutional right to grow up in a clean and healthful environment, ruling that the children lacked standing to bring the claim against the state government.

Wisconsin

Wisconsin Manufacturers and Commerce, Inc. v. Wisconsin Department of Natural Resources

In a 5–2 opinion, the Wisconsin Supreme Court upheld the Department of Natural Resources' authority to regulate producers of PFAS, also known as forever chemicals, under the state's law regulating toxic chemical spills.

EXECUTIVE POWER & CIVIL LIBERTIES

California

City of Chula Vista v. Castañares

The California Supreme Court ruled that certain drone-captured footage captured by police department-owned drones is not exempt from the state's public records law and that residents can obtain access to such footage through public records requests.

Connecticut

Erica Lafferty, et al. v. Alex E. Jones, et al.

The Connecticut Supreme Court declined to hear the appeal of a judgment against prominent conspiracy theorist Alex Jones in a defamation suit that resulted in a \$1.4 billion verdict against Jones for his sustained characterization of the 2012 Sandy Hook Elementary School shooting as an elaborate hoax.

2025 NOTABLE STATE SUPREME COURT CASES

EXECUTIVE POWER & CIVIL LIBERTIES

Maryland

In the Matter of the Marriage of Houser

In a unanimous opinion, the Maryland Supreme Court ruled that parents cannot waive child support during the process of reaching divorce and child custody or support agreements, holding that a parent's obligation to pay child support is owed to their child, not their co-parent, and that parents cannot waive their child's right to receive support to which they are legally entitled.

Nevada

Doe v. The Second Judicial District Court of the State of Nevada et al.

The Nevada Supreme Court ruled that the identity of John Doe, a person conducting surveillance of local elected officials by hiring a private investigator to attach tracking devices to their vehicles, must be revealed, holding that the activity was not written or spoken speech, and as such is "non-expressive in nature and not subject to First Amendment protection."

Wisconsin

Josh Kaul v. Wisconsin State Legislature

The Wisconsin Supreme Court ruled that a state law requiring the attorney general to obtain permission from a legislative committee to settle certain lawsuits violated the state constitution's separation of powers clause.

FREEDOM OF THE PRESS

Minnesota

Energy Transfer LP, et al. v. Greenpeace International, et al.

The Minnesota Supreme Court rejected an energy company's request to compel an independent news outlet to release information it had gathered in the course of covering a protest against the energy company, ruling that the First Amendment protects journalists even when they have been accused of criminal activity in the course of newsgathering.

2025 NOTABLE STATE SUPREME COURT CASES

GUN SAFETY

Georgia

Stephens v. State of Georgia

The Georgia Supreme Court ruled that a state law that prohibits individuals under age 21 from carrying handguns in public is constitutional, holding that the state constitution permits lawmakers to regulate the manner in which firearms are carried within the state.

Illinois

People v. Thompson

The Illinois Supreme Court ruled the state's law defining the aggravated unlawful use of a weapon does not violate the Second Amendment of the U.S. Constitution by requiring handgun owners to obtain both a Firearm Owner's Identification card and a Concealed Carry License to carry a concealed handgun in public.

Iowa

State of Iowa v. Jordan Kevin Cole

The Iowa Supreme Court ruled that a state law prohibiting residents from possessing firearms while subject to a domestic violence protective order did not violate the rights of a man who was convicted of possessing firearms because he agreed to abide by a protective order that prohibited him from possessing firearms while the order was in effect.

Massachusetts

Commonwealth v. Donnell

The Massachusetts Supreme Judicial Court ruled that the state's restrictive gun laws are applicable to gun owners living in other states who carry firearms across state lines into the commonwealth.

Minnesota

State v. Vagle

The Minnesota Supreme Court ruled that ghost guns need not carry serial numbers, holding that the state statute governing ghost guns cannot require them because it relies on a federal law that does not require them, and noting that Minnesota law does not specifically regulate ghost guns.

2025 NOTABLE STATE SUPREME COURT CASES

GUN SAFETY

Maryland

Fooks v. State of Maryland

The Maryland Supreme Court ruled that a state law prohibiting people sentenced to two or more years in prison from possessing firearms is constitutional, holding that it is no less prohibitive than laws that ban people convicted of felonies from possessing firearms.

Washington

State v. Gator's Custom Guns, Inc.

The Washington Supreme Court upheld the state's ban on high-capacity magazines, holding that such magazines are not "arms" as defined by the Second Amendment and that regulating their sale and use does not violate Second Amendment protections on the right to bear arms.

IMMIGRATION

Ohio

State ex rel. Jocelyn Rosnick v. Geauga County Sheriff's Office and Geauga County Sheriff Scott A. Hildenbrand

The Ohio Supreme Court ruled that a lawsuit challenging county officials' refusal to release records pertaining to the activities of the U.S. Immigration and Customs Enforcement (ICE), including information about communications and contracts between the county and ICE, may proceed.

LGBTQ+ AMERICANS

Mississippi

In The Matter of The Petition of S.M.-B., A Minor for Change of Name by and Through Monica Lee McKay, Natural Mother and Next Friend of Minor v. Mississippi State Board of Health

The Mississippi Supreme Court upheld a lower court's ruling that denied a transgender teenager's petition to change their legal name to align with their gender identity. The teen filed a request to change their name with the consent of both parents in 2023 when they were 16 years old.

2025 NOTABLE STATE SUPREME COURT CASES

LGBTQ+ AMERICANS

Minnesota

Cooper v. USA Powerlifting

The Minnesota Supreme Court ruled that businesses and other entities that serve the public, here an athletic association, must comply with the state's non-discrimination laws, requiring such entities to allow individuals to use facilities and participate in activities, and to access services that aligns with their gender identity, including transgender people.

Ohio

Moe v. Yost

The Ohio Supreme Court ruled that a ban on gender-affirming care for transgender children may remain in effect while a challenge to a state law banning such care is litigated in lower courts. The law also prohibits trans athletes from competing on school sports teams that align with their gender identity.

REPRODUCTIVE RIGHTS

Montana

Rhodes v. State of Montana

The Montana Supreme Court unanimously rejected a request to hear a challenge to a recently enacted amendment to Montana's constitution that enshrined the right to an abortion.

Planned Parenthood of Montana v. State of Montana

The Montana Supreme Court upheld a lower court ruling that struck down three laws the state legislature passed in 2021 to restrict access to abortion in the state, ruling that the laws violated the right to privacy afforded by the state constitution.

North Dakota

Access Independent Health Services, Inc., et al. v. Wrigley, et al.

The North Dakota Supreme Court overturned a lower court ruling that had determined the state's law prohibiting abortion was unconstitutional; three of the court's five justices agreed the law is unconstitutional, but state law requires four justices to agree on a law's constitutionality.

2025 NOTABLE STATE SUPREME COURT CASES

REPRODUCTIVE RIGHTS

South Carolina

Planned Parenthood v. South Carolina

The South Carolina Supreme Court upheld the state's **six-week abortion ban**, affirming that the term "fetal heartbeat" in the law referred to the earliest detected cardiac activity (around six weeks), rather than the period when a medically recognized heart structure develops (around nine weeks).

Wisconsin

Kaul v. Urmanski

The Wisconsin Supreme Court permanently blocked a state law enacted in 1849 that banned abortions, which retook effect when the U.S. Supreme Court overturned the right to abortion in its 2022 decision in *Dobbs v. Jackson Women's Health*.

VOTING RIGHTS

Georgia

Republican National Committee et al. v. Eternal Vigilance Action, Inc. et al.

The Georgia Supreme Court ruled that the state's elections board exceeded its authority when it passed a series of rules in 2024 that burdened elections administrators and voters.

Iowa

League of United Latin American Citizens of Iowa v. Pate, et al.

The Iowa Supreme Court ruled that a Hispanic organization lacks standing to challenge a law that prohibits the state from publishing voting materials in any language other than English, holding that the organization must prove its legal rights have been directly violated by the law to challenge its implementation.

Michigan

People v. Burkman

The Michigan Supreme Court declined to hear an appeal from two lobbyists who were charged with election interference and voter intimidation by the state's attorney general in 2020, rejecting the lobbyists' argument that their communications were constitutionally protected speech.

2025 NOTABLE STATE SUPREME COURT CASES

VOTING RIGHTS

Pennsylvania

Smerconish, et al v. Commonwealth of Pa., et al.

The Pennsylvania Supreme Court declined to hear a case brought by several independent Pennsylvania voters who asked the court to find that the state's closed primary system disenfranchises independent voters by prohibiting them from participating in primary elections, which are open only to voters who are members of registered political parties, in violation of the state constitution.

WORKERS' RIGHTS

Iowa

Mehmedovic, et al. v. Tyson Foods Inc., et al.

The Iowa Supreme Court ruled that the families of workers employed by Tyson Foods who died of complications from COVID-19 in the early days of the pandemic can continue their lawsuit alleging gross negligence and fraudulent misrepresentation against Tyson executives and managers.

Louisiana

McBride, et al. v. Old Republic Insurance Company, et al.

The Louisiana Supreme Court ruled that companies that subcontract workers on their job sites are not immune from civil tort liability when those subcontracted workers are injured on their job sites.

Maine

Maine State Chamber of Commerce, et al. v. Maine Department of Labor, et al.

The Maine Supreme Judicial Court rejected a shipping manufacturing company's assertion that a new state-funded paid medical leave program unlawfully seizes private property for public use, ruling that companies must pay into the state-funded program until the Department of Labor approves their proposed substitute programs.

Missouri

McCarty, et al. v. Missouri Secretary of State, et al.

The Missouri Supreme Court rejected a challenge to a law approved by voters in 2024 that expanded sick leave provisions and increased the state's minimum wage.

2025 NOTABLE STATE SUPREME COURT CASES

WORKERS' RIGHTS

Ohio

State ex. Rel. Culver v. Industrial Commission of Ohio, et al.

The Ohio Supreme Court ruled that a steel plant was not liable for the asphyxiation death of a security guard who was killed when a device that dispensed pressurized nitrogen gas inside the plant began leaking, ruling that the state law that allows lawsuits against companies who commit safety violations was not applicable in the case because nitrogen gas is not “toxic” as defined by the statute.

Oregon

Oregon-Columbia Chapter AGC v. ODOT

The Oregon Supreme Court ruled that the state’s Department of Transportation violated the state’s rulemaking process when it excluded a business association from the creation of an administrative rule to determine how the department would negotiate project labor agreements following the passage of a new law governing the scope of such agreements in 2021.

Wisconsin

Service Employees International Union Healthcare Wisconsin v. Wisconsin Employment Relations Commission

The Wisconsin Supreme Court unanimously ruled that the University of Wisconsin Health system is not required to engage in negotiations with a Madison nurses' union, upholding a 2022 determination by the Wisconsin Employment Relations Commission that found that the state’s law governing collective bargaining for public employees does not apply to the UW Health authority.

2025 NOTABLE STATE SUPREME COURT CASES

IMPORTANT STATE SUPREME COURT DECISIONS PENDING IN 2026

EDUCATION

Utah

Labresh, et al. v. Brown and Cox

The Utah Supreme Court will determine if the state's school voucher program violates the state constitution.

EXECUTIVE POWER & CIVIL LIBERTIES

New Jersey

State v. Miles

The New Jersey Supreme Court will decide whether prosecutors must provide information about facial recognition technology to a criminal defendant who was identified by the technology.

GUN SAFETY

Ohio

State v. Striblin

The Ohio Supreme Court heard oral arguments in a case that could overturn a law prohibiting people from carrying a concealed weapon while consuming alcohol in a bar.

Oregon

Arnold v. Kotek

The Oregon Supreme Court heard oral arguments in a case challenging a voter-approved law banning high-capacity magazines.

2025 NOTABLE STATE SUPREME COURT CASES

IMPORTANT STATE SUPREME COURT DECISIONS PENDING IN 2026

LGBTQ+ AMERICANS

Ohio

In re: L.E.S., E.S., N.S.

The Ohio Supreme Court heard oral arguments in a case that will determine if parents in same-sex relationships have parental rights over their children who are not biologically related to them.

NATIVE AMERICANS

Minnesota

In the Matter of the Welfare of the Children of: L. K. and A. S., Parents

Foster parents of twin Native children are asking the Minnesota Supreme Court to declare the Indian Child Welfare Act (ICWA) unconstitutional after being denied adoption rights to their foster children.

VOTING RIGHTS

Vermont

Morin and Rowell v. City of Burlington

The Vermont Supreme Court will decide if a 2023 charter change that allowed all residents to vote in city elections regardless of citizenship status is unconstitutional.

STATE SUPREME COURTS IN 2026 & BEYOND

2026 ELECTIONS & VACANCIES

ELECTIONS

Thirty-two states will hold elections for 66 state supreme court seats in 2026. Listed below in the calendar order of the election or registration deadlines, 15 seats will be on ballots in five states holding partisan elections, 27 seats will be on ballots in 13 states holding nonpartisan elections, and 24 seats will be on ballots in 14 states holding retention elections. Twenty-three of the 66 seats are held by justices who were nominated or supported by Democrats, with the remaining 43 seats being held by justices nominated or supported by Republicans. These numbers could change due to unanticipated resignations, vacancies, or appointments.

NONPARTISAN ELECTIONS

Wisconsin

One seat on the Wisconsin Supreme Court will be on the ballot in 2026 due to the retirement of Justice Rebecca Bradley. The filing period opened on December 1, 2025, and closed on January 6, 2026. Two Wisconsin Court of Appeals judges filed for the seat. Judge Chris Taylor is supported by the Democratic Party of Wisconsin, while Judge Maria Lazar is supported by the Wisconsin GOP. Wisconsin elects its supreme court justices in nonpartisan elections, though political parties can spend unlimited funds in support of candidates. The primary election is scheduled for February 17, 2026, and the two candidates will automatically advance to the general election on April 7, 2026.

West Virginia

The two seats on the West Virginia Supreme Court of Appeals that are currently occupied by Justices Tom Ewing and Gerald Titus III will be on the ballot in 2026. Ewing and Titus were both appointed to the state's highest court in 2025 and must run for election to fill the remainder of their terms. The filing period opened on January 12, 2026, and closed on January 31, 2026. The general election will be held on May 12, 2026.

Georgia

Three seats on the Georgia Supreme Court will be on the ballot in 2026. The seats are currently filled by Justices Sarah Warren, Charlie Bethel, and Ben Land. The filing period will open on March 3, 2026, and close on March 6, 2026. The general election will be held on May 19, 2026.

STATE SUPREME COURTS IN 2026 & BEYOND

NONPARTISAN ELECTIONS

Idaho

Two seats on the Idaho Supreme Court, currently occupied by Justices Cynthia Meyer and Gregory Moeller, will be on the ballot in 2026. The filing period opened on February 23, 2026, and will close on March 13, 2026. The general election will be held on May 19, 2026.

Kentucky

One seat on the Kentucky Supreme Court, currently held by Justice Debra Hembree Lambert, will be on the ballot in 2026. The filing period opened on November 5, 2025, and closed on January 9, 2026. Justice Lambert was the only candidate to file for the seat. She will automatically advance to the general election on November 3, 2026, and will presumably win a new term on the court.

Arkansas

Two seats on the Arkansas Supreme Court will be on ballots in 2026. Justices Cody Hiland and Nicholas Bronni currently hold the two seats. Hiland was appointed to the court in 2023 and appointed to a different vacant seat on December 20, 2024. Bronni was also appointed to another vacant seat on December 20, 2024. Under the Arkansas Constitution, candidates appointed to fill vacant seats are ineligible to run for election to the remainder of the term. Hiland and Bronni skirted this provision by announcing they intend to run for each other's seats. The filing period opened on February 23, 2026, and close on March 2, 2026. A primary election will be held on May 19, 2026.

Oregon

One seat on the Oregon Supreme Court, currently occupied by Justice Chris Garrett, will be on the ballot in 2026. The filing period opened on September 11, 2025, and will close on March 10, 2026. A primary election will be held on May 19, 2026, and the general election will be held on November 3, 2026.

Montana

One seat on the Montana Supreme Court will be on the ballot in 2026. The seat is currently held by Justice Beth Baker, who announced in April 2025 that she would not seek another term on the court. Amy Eddy, a judge of the Montana 11th Judicial District Court, and Dan Wilson, also a judge of the Montana 11th Judicial District Court who ran unsuccessfully for a seat on the court in 2024, have announced they will run for the seat. The filing period opened on January 8, 2026, and will close on March 9, 2026. A primary election will be held on June 2, 2026, and the top two vote-earners will advance to the general election on November 3, 2026.

STATE SUPREME COURTS IN 2026 & BEYOND

NONPARTISAN ELECTIONS

Nevada

Two seats on the Nevada Supreme Court will be on the ballot in 2026. The seats are currently occupied by Justices Kris Pickering and Douglas Herndon. The filing period opened on January 5, 2026, and closed on January 16, 2026. Pickering and Herndon both filed to run for new six-year terms on the court, and with no candidates filing to challenge them, they were automatically retained when the filing period closed. Their terms will expire in 2032.

North Dakota

Two seats on the North Dakota Supreme Court will be on the ballot in 2026. The seats are currently held by Justices Douglas Bahr and Jerod Tuft. The filing period opened on January 1, 2026, and will close on April 6, 2026. A primary election will be held on June 9, 2026, and the top two vote-earners for each seat will advance to the general election on November 3, 2026.

Washington

Five seats on the Washington Supreme Court will appear on the ballot in 2026. The five seats are currently held by Justices Requel Montoya-Lewis, Charlse Johnson, Debra Stephens, Barbara Madsen, and Colleen Melody. Johnson will reach the mandatory retirement age of 75 in 2026 and is ineligible to file for another term on the court, and Montoya-Lewis has announced she will retire from the court when her current term expires in December 2026. Johnson and Montoya-Lewis's seats will be filled in open races in 2026. Stephens has announced she will seek another six-year term on the court. Madsen has announced she will retire from the court by April 3, 2026, and Gov. Bob Ferguson (D) will appoint her replacement, who will be eligible to run to fill the remainder of the term in 2026. Melody was appointed to the court in late 2025 and will also run to fill the remainder of her term in 2026. The filing period will open on May 4, 2026, and will close on May 8, 2026. A primary election will be held on August 8, 2026, and the top two vote-earners for each seat will advance to the general election on November 3, 2026.

Minnesota

Three seats on the Minnesota Supreme Court will appear on the ballot in 2026. The three seats are currently held by Justices Paul Thissen, Theodora Gaïtas, and Sarah Hennesy. The filing period will open on May 19, 2026, and close on June 2, 2026. A primary election will be held on August 11, 2026, and the top two vote-earners for each seat will advance to the general election on November 3, 2026.

STATE SUPREME COURTS IN 2026 & BEYOND

PARTISAN ELECTIONS

Michigan

Two seats on the Michigan Supreme Court will be on the ballot in 2026. The seats are currently occupied by Chief Justice Megan Cavanagh and Justice Noah Hood. Michigan's system for selecting candidates for its state supreme court is unique among the states. One candidate for each seat on the ballot will be nominated by delegates of each registered political party at the parties' nominating conventions. The candidates will then appear on the nonpartisan section of the general election ballot. The deadline for parties to report their nominees to the secretary of state is August 31, 2026. The general election will be held on November 3, 2026.

Texas

Texas has two courts of last resort, one for civil matters and one for criminal matters. In 2026, four seats on the Texas Supreme Court and three seats on the Texas Court of Criminal Appeals will be on the ballot. The four seats on the Supreme Court are currently held by Chief Justice Jimmy Blacklock and Justices James Sullivan, Jeffrey Boyd, and Brett Busby, and the three seats on the Texas Court of Criminal Appeals are currently held by Judges Bert Richardson, Kevin Patrick Yeary, and David Newell; all are Republicans. The filing period opened on November 8, 2025, and closed on December 8, 2025.

All four incumbent Supreme Court justices filed to run for reelection. For the chief justice position, incumbent Chief Justice Jimmy Blacklock will seek to fill the remainder of the term to which he was appointed in January 2025 and is being challenged in the Republican primary by Steven W. Smith, who served on the court from 2002 to 2005 and currently works as the editor of the Texas Legal Guide. Two Democrats also filed to run for the chief justice position: Maggie Ellis, a justice of the Texas Third Court of Appeals in Austin; and Cory Carlyle, a former justice of the Texas Fifth Court of Appeals in Dallas. For the Place 2 seat, no Republicans filed to run in the primary against incumbent Justice James Sullivan, and one candidate filed to run in the Democratic primary: Chari Kelly, a justice of the Texas Third Court of Appeals in Austin. For the Place 7 seat, no Republicans filed to run in the primary against incumbent Justice Kyle Hawkins, who is running to fill the remainder of the term to which he was appointed in October 2025. Gordon Goodman, a former justice of the Texas First Court of Appeals in Houston, and Kristen Hawkins, a judge of the Harris County 11th District Court, filed to run as Democrats for the Place 7 seat. For the Place 8 seat, incumbent Justice Brett Busby will face a Republican primary by David Rogers, a solo practitioner and Pflugerville City Councilman. Gisela Triana, a justice of the Texas Third Court of Appeals in Austin, filed to run as a Democrat for the Place 8 seat.

STATE SUPREME COURTS IN 2026 & BEYOND

PARTISAN ELECTIONS

Texas

(Continued)

Two of the three incumbent Court of Criminal Appeals judges have decided to retire when their current terms expire in January 2027. For the Place 3 seat, incumbent Judge Bert Richardson declined to seek another term on the bench. Four Republicans filed to run for his seat: Brent Coffee, an attorney in the Election Integrity Division of the Texas attorney general's office; Alison Fox, a chambers attorney for the Texas Court of Criminal Appeals; Lesli Fitzpatrick, the director of special litigation at the Texas Department of Criminal Justice; and Thomas Smith, an attorney in the Criminal Justice Division of the Texas attorney general's office. Okey Anyiam, a Dallas criminal defense attorney, is running as a Democrat for the Place 3 seat. Incumbent Judge David Newell will also retire from his Place 9 seat in January 2027. Two candidates filed to run as Republicans for the Place 9 seat: Jennifer Balido, presiding judge of the Dallas County Criminal District Court No. 1; and John Messinger, an attorney in the Office of the Texas State Prosecuting Attorney. Holly Taylor, the Director of the Public Integrity and Complex Crimes Division for the Travis County District Attorney's Office, filed to run for the Place 9 seat as a Democrat.

Incumbent Judge Kevin Yeary is the only Court of Criminal Appeals judge with an expiring term seeking reelection in 2026. No candidates filed to run against Yeary in the Republican primary, and he will be challenged in the general election by Audra Riley, presiding judge of the Dallas County Criminal District Court No. 3, who filed as a Democrat to run for Yeary's Place 4 seat. Richardson and Newell are two of eight judges who ruled against Texas Attorney General Ken Paxton in a major case in 2021, when the court determined Paxton lacked the authority to prosecute crimes related to election integrity under a 1985 state law. Paxton publicly vowed to take political revenge on the eight judges who ruled against him, and in 2024, he recruited challengers to three of those judges' seats, driving support for the challengers' campaigns through his political network. All three incumbent judges lost their seats in the March 2024 Republican primary and were replaced in the November general election by Paxton's chosen candidates. Paxton promised to repeat his strategy in 2026 against Newell and Richardson. Yeary was the court's lone judge to rule in Paxton's favor in that case, and was the only one of the three Court of Criminal Appeals judges up for election in 2025 who did not attract a challenger in the Republican primary. Richardson and Newell chose to retire from the court rather than face bruising and likely futile primary campaigns.

A primary election will be held on March 3, 2026, and a primary runoff, if necessary, will be held on May 26, 2026. Libertarian, Green Party, and independent candidates who filed declarations of their intent to run by December 8, 2025 and meet other qualifications may also file to run for any of the seats until June 25, 2026. The general election will be held on November 3, 2026.

STATE SUPREME COURTS IN 2026 & BEYOND

PARTISAN ELECTIONS

North Carolina

One seat on the North Carolina Supreme Court will be on the ballot in 2026. The filing period opened on December 1, 2025, and closed on December 19, 2025. Justice Anita Earls (D), who currently holds the seat, filed to run for another term on the court. Sarah Stevens, a Republican member of the North Carolina House of Representatives, filed to challenge Earls for her seat. With only one candidate from each party filing for the seat, the primary election, scheduled for March 3, 2026, was canceled. The general election will be held on November 3, 2026.

Ohio

Two seats on the Ohio Supreme Court will appear on the ballot in 2026. The seats are currently held by Justice Jennifer Brunner (D) and Justice Dan Hawkins (R). The filing period closed on February 4, 2026. Four candidates will face off in the Republican primary for the chance to challenge Brunner, the court's lone Democrat, in the general election: former Franklin County Common Pleas Judge Colleen O'Donnell, Second District Court of Appeals Judge Ron Lewis, Fifth District Court of Appeals Judge Andrew King, and Ninth District Court of Appeals Judge Jill Flagg Lanzinger. First District Court of Appeals Judge Marilyn Zayas, a Democrat who ran unsuccessfully for a seat on the court in 2022, announced she will run against Hawkins. The primary election will be held on May 5, 2026, and the general election will be held on November 3, 2026.

Alabama

Two seats on the Alabama Supreme Court, currently held by Justices Brad Mendheim and Greg Shaw, will be on the ballot in 2026. The filing period closed on January 23, 2026. The incumbent justices, both Republicans, filed to run for new six-year terms on the court. No challengers filed to run for Mendheim's Place 7 seat, and he is presumed to win election to a new term in the general election. Shaw will be challenged for his Place 8 seat by Ashleigh Meyer Dunham, a fertility law and reproductive rights attorney who decided to run for a seat on the state's highest court following the legal firestorm that was unleashed by the court's opinion in *LePage v. Center for Reproductive Medicine, P.C.*, a high-profile 2024 decision that gave fertilized embryos in frozen storage by fertility clinics the same legal status as people. Dunham is running as a Democrat, and with only one candidate from each party filing to run for the seat, a primary election scheduled for May 19 was canceled. Shaw and Dunham will face off in the general election on November 3, 2026.

STATE SUPREME COURTS IN 2026 & BEYOND

PARTISAN ELECTIONS

Louisiana

Three seats on the Louisiana Supreme Court will be on the ballot in 2026. Louisiana is one of four states that elects supreme court justices to represent geographic judicial districts. The terms of Justices Cade Cole and Jay McCallum are expiring in December 2026, and a special election will be held for the seat vacated by former Justice William Crain's elevation to the U.S. District Court for the Eastern District of Louisiana in late 2025. Justice Cole holds the District 3 seat, Justice McCallum represents the District 4 seat, and Justice Crain occupied the District 1 seat. Under Louisiana's closed primary system for certain statewide elected offices, which is in effect for the first time in the 2026 election cycle, the filing period opened on February 11 and closed on February 13. No candidates filed to challenge Cole or McCallum, both Republicans, and they will be unopposed for new terms on the court. Two candidates filed to run for the District 1 seat: William H. Burris, a former judge of the Louisiana 22nd Judicial District Court Division E, and Blair Downing Edwards, a judge of the Louisiana First Circuit Court of Appeal Third District. Both are Republicans and will face off in the Republican primary election on May 16, 2026. With no Democrats filing to run for the seat, the winner of the Republican primary will become the next justice to occupy the District 1 seat and will be sworn in to the court within 30 days of the primary election certification.

STATE SUPREME COURTS IN 2026 & BEYOND

RETENTION ELECTIONS

Tennessee

One seat on the Tennessee Supreme Court will be on the ballot in 2026. The seat is currently held by Justice Mary Wagner, who is seeking a full eight-year term following her appointment to the court by Gov. Bill Lee (R) in 2024. The filing period closed on January 1, 2026. The general election will be held on August 6, 2026.

Florida

One seat on the Florida Supreme Court will be on the ballot in 2026. The seat is currently held by Justice Mary Wagner, who is seeking a full eight-year term following her appointment to the court by Gov. Bill Lee (R) in 2024. The filing period closed on January 1, 2026. The general election will be held on August 6, 2026.

New Mexico

Two seats on the New Mexico Supreme Court, currently occupied by Justices Shannon Bacon and David Thomson, will appear on the ballot in 2026. The filing period will close on June 25, 2026. The general election will take place on November 3, 2026.

Arizona

One seat on the Arizona Supreme Court, currently occupied by Justice John Lopez IV, will appear on the ballot in 2026. The filing period will open on June 6, 2026, and close on July 6, 2026. The general election will take place on November 3, 2026.

Utah

Two seats on the Utah Supreme Court, currently occupied by Justices Diana Hagen and Jill Pohlman, will appear on the ballot in 2026. The filing period will open on July 1, 2026, and will close on July 15, 2026. The general election will take place on November 3, 2026.

Alaska

One seat on the Alaska Supreme Court, currently occupied by Justice Jude Pate, will appear on the ballot in 2026. The filing period will close on August 1, 2026. The general election will take place on November 3, 2026.

Colorado

One seat on the Colorado Supreme Court, currently occupied by Justice William Hood, will appear on the ballot in 2026. The filing period will open on May 3, 2026, and close on August 3, 2026. The general election will take place on November 3, 2026.

STATE SUPREME COURTS IN 2026 & BEYOND

RETENTION ELECTIONS

Maryland

One seat on the Maryland Supreme Court, currently occupied by Justice Peter Killough, will appear on the ballot in 2026. The filing period will close on August 3, 2026. The general election will take place on November 3, 2026.

Wyoming

Two seats on the Wyoming Supreme Court, currently occupied by Justices Bridget Hill and Robert Jarosh, will appear on the ballot in 2026. The filing period will open on May 3, 2026, and close on August 3, 2026. The general election will take place on November 3, 2026.

South Dakota

One seat on the South Dakota Supreme Court, currently occupied by Justice Janine Kern, will appear on the ballot in 2026. The filing period will close on August 4, 2026. The general election will take place on November 3, 2026.

California

Two seats on the California Supreme Court, currently occupied by Justices Joshua Groban and Kelli Evans, will appear on the ballot in 2026. The filing period will open on July 17, 2026, and close on August 16, 2026. The general election will take place on November 3, 2026.

Kansas

Two seats on the Kansas Supreme Court, currently occupied by Justices Eric Rosen and Larkin Walsh, will appear on the ballot in 2026. The filing period will close on September 4, 2026. The general election will take place on November 3, 2026.

Missouri

One seat on the Missouri Supreme Court, currently occupied by Justice Paul Wilson, will appear on the ballot in 2026. The filing period will close on September 4, 2026. The general election will take place on November 3, 2026.

Oklahoma

Oklahoma has two courts of last resort, one for civil matters and one for criminal matters. In 2026, four seats on the Oklahoma Supreme Court and two seats on the Oklahoma Court of Criminal Appeals will be on the ballot. The seats on the Supreme Court are held by Justices John Kane IV, Travis Jett, Dana Kuehn, and Richard Darby, and the seats on the Court of Criminal Appeals are held by Judges Rob Hudson and Gary Lumpkin. The filing period will close on September 4, 2026. The general election will be held on November 3, 2026.

STATE SUPREME COURTS IN 2026 & BEYOND

VACANCIES

Vacancies are open or expected on at least nine state supreme courts in 2026, and eight vacancies in seven states have already been filled. Seven vacancies in six states remain unresolved after justices announced their intent to retire from their positions in 2025, and two additional vacancies have already opened in 2026. More vacancies are expected to occur as justices on benches around the country retire or transition to the federal bench.

California Supreme Court

Justice Martin Jenkins retired from the California Supreme Court in October 2025. Jenkins' retirement gives Gov. Gavin Newsom (D) the opportunity to appoint a fifth justice to the court. Newsom originally appointed Jenkins to the high court in 2020. Some advocates are calling for Newsom to add a second Latinx justice to the court. California's population is 40% Latino, yet it has only ever had one Latinx justice sitting on the court at a time, according to the Mexican American Legal Defense and Education Fund.

Colorado Supreme Court

Justice Melissa Hart retired from the Colorado Supreme Court on January 5, 2026. To fill Hart's seat, the Supreme Court Nominating Commission accepted applications in January 2026, interviewed candidates, and sent a list of finalists from which Gov. Jared Polis (D) could choose his appointee. On February 17, 2026, Polis appointed 8th Judicial District Chief Judge Susan Blanco to the supreme court. Blanco is Polis' second addition to the court, following his appointment of Justice Maria Berkenkotter in 2020. Blanco has served as a judge for the 8th Judicial District since her appointment in 2017. Prior to serving on the bench, Blanco worked in private practice as a criminal defense attorney and as a deputy district attorney. She will stand for retention in 2028.

Connecticut Supreme Court

Connecticut Gov. Ned Lamont (D) will make his fifth appointment to the Connecticut Supreme Court after Justice Joan Alexander was chosen to serve as the court's next chief administrator in November 2025. Alexander will continue to serve on the court during the transition. Lamont's office has not yet publicized a timeline for the nomination.

Delaware Supreme Court

In January 2026, Justice Karen Valihura notified Gov. Matt Meyer (D) that she will not seek reappointment for her seat on the Delaware Supreme Court. Valihura's last day on the court will be July 25, 2026. Prospective candidates will apply through the judicial nominating commission. The commission will vet all applicants and send a short list of prospective nominees to Meyer for consideration. Meyer's nominee must be confirmed by the Delaware State Senate. The Delaware Constitution requires that no more than three of the five justices on the court may be from the same political party.

STATE SUPREME COURTS IN 2026 & BEYOND

VACANCIES

Florida Supreme Court

In November 2025, Justice Charles Canady announced his intent to retire from the supreme court to take a role at University of Florida's Hamilton School for Classical and Civic Education beginning in 2026. To find Canady's successor, the Florida Judicial Nominating Commission opened the application process in early December. Later in the month, the commission released a short list of six candidates to Gov. Ron DeSantis (R), all of whom were white men. On January 14, DeSantis appointed First District Court of Appeal Judge Adam Tanenbaum, his sixth addition to the seven-member court. Of all the nominees, Tanenbaum brings some professional diversity to the court, having worked as a public defender and as general counsel for the Florida Department of State and Florida Department of Legal Affairs. Tanenbaum will need to stand for retention election in 2028 to remain on the court.

Hawaii Supreme Court

Anticipating Chief Justice Mark Recktenwald's mandatory retirement by his 70th birthday on October 8, 2025, the Hawaii Judicial Selection Commission opened the application process for Recktenwald's replacement on November 22, 2024. However, the pool of applicants failed to meet the minimum number of qualified applicants for the commission to consider. The commission extended the application deadline twice, finally closing the application period on November 3, 2025 – 256 days after the original deadline of February 20, 2025.

Justice Sabrina McKenna began serving as the court's acting chief justice when Recktenwald's retirement became effective on October 1, 2025. On December 5, 2025, the state's judicial selection commission released a list of five finalists for the chief justice vacancy: acting Chief Justice Sabrina McKenna; Associate Justice Vladimir Devens; land use and real estate attorney Lance Collins; environmental law professor David Forman; and criminal, civil, and appellate litigator Benjamin Lowenthal. Gov. Josh Green (D) will select the next chief justice from the commission's finalists. The Hawaii State Senate must confirm Green's selection.

Illinois Supreme Court

Illinois Supreme Court Justice Mary Jane Theis will retire on January 29, 2026. Illinois is unique in that the sitting justices select the interim justice replacement. The remaining justices appointed First District Appellate Justice Sanjay Tailor to succeed Theis. Tailor will serve through December 2028. Notably, Tailor is the first Asian American and South Asian to serve on the supreme court. Tailor was first appointed in 2003 as a trial judge in Cook County. He served on that bench for two decades until his election to the circuit bench. Prior to becoming a judge, Tailor worked in private practice, for the First National Bank of Chicago, and as an assistant state's attorney.

STATE SUPREME COURTS IN 2026 & BEYOND

VACANCIES

Kansas Supreme Court

Chief Justice Marla Luckert announced her retirement from the court in December 2025. She stepped down as chief justice on January 2, 2026, and was succeeded by then-Justice Eric Rosen. Luckert said she would officially retire from all other duties by early February. Luckert's retirement gives Gov. Laura Kelly (D) a fifth appointment to the supreme court. The Supreme Court Nominating Commission will have 60 days from the date of Luckert's retirement to open the application process, hold interviews, and forward a shortlist of three candidates to Kelly. From that list, Kelly will select the final appointee.

Mississippi Supreme Court

On September 2, 2025, President Donald Trump (R) nominated two Mississippi Supreme Court justices, Justice Robert Chamberlin and Justice Jimmy Maxwell, to fill vacancies on the U.S. District Court for the Northern District of Mississippi. Chamberlin was first elected to the Mississippi Supreme Court in 2016 and reelected in 2024. Maxwell was appointed to the court in 2015, then elected to full terms on the court in 2016 and 2024. Both Chamberlin and Maxwell were confirmed to lifetime appointments on the U.S. District Court on December 9, 2025. Both resigned from the Mississippi Supreme Court, giving Gov. Tate Reeves (R) his first two opportunities to choose justices of the state's highest court. The two new justices may serve on the court until 2028 when they may run in the November 2028 general election to fill the remainder of the terms, which both expire in 2032.

New Hampshire Supreme Court

In New Hampshire, supreme court justices must retire from the court before they reach their 70th birthday. Justice Anna Barbara Hantz Marconi turned 70 on February 12, 2026, and retired from the court on that date. On January 27, 2026, Gov. Kelly Ayotte (R) nominated Superior Court Justice Daniel Will to replace Hantz Marconi on the court. Will has served as a superior court justice since 2021 and previously served as the state's first solicitor general under then-Gov. Chris Sununu (R) and worked as a business and commercial litigator. On February 11, the governor's executive council confirmed Will in a 4-1 vote. Will may serve until he chooses to retire or until he turns 70 in 2036.

STATE SUPREME COURTS IN 2026 & BEYOND

VACANCIES

North Dakota Supreme Court

Last year, Justice Daniel Crothers announced his intent to retire from the North Dakota Supreme Court effective February 28, 2026. The state's Judicial Nominating Committee accepted applications in early December. On January 22, the committee forwarded six potential candidates to Gov. Kelly Armstrong (R). On February 18, Armstrong selected Mark Friese to replace Crothers on the court. Friese is currently a private practice defense attorney and serves as the state's Criminal Justice Act panel representative, which works with federal defenders to provide defense to indigent individuals. He will be sworn into the court on March 9 and may serve until 2028, when he must run in a retention election to serve the remainder of the term, which expires in 2032.

Tennessee Supreme Court

Justice Holly Kirby announced she will retire from the Tennessee Supreme Court effective June 30, 2026. Kirby's retirement gives Gov. Bill Lee (R) the opportunity to appoint a justice to take Kirby's seat. As of the end of November 2025, the Governor's Council for Judicial Appointments forwarded three candidates to Lee. On January 22, Lee announced his nomination of Court of Criminal Appeals Judge Kyle Hixson to the supreme court. Hixson has served in his current role since 2022. Prior to becoming a judge, Hixson worked as a deputy district attorney general and as assistant attorney general. Hixson must be confirmed by the General Assembly in order to serve on the court.

Vermont Supreme Court

Vermont Supreme Court Justice Karen Carroll retired from the court on August 23, 2025, and Justice William Cohen retired on December 27, 2025. The state's Judicial Nominating Board interviewed applicants for Carroll's vacancy in June and repeated the process for Cohen's vacancy in November. On January 5, 2026, Gov. Phil Scott (R) nominated Christina Nolan and Michael Drescher to fill the two seats. Nolan previously worked as an assistant district attorney and in private practice. Drescher began his career in private practice before working at the U.S. attorney for the District of Vermont. Drescher held multiple positions as assistant U.S. attorney, first U.S. attorney, and later led the office. In his confirmation hearing, committee Democrats scrutinized Drescher's record as a prosecutor, specifically his role in prosecuting immigration cases under President Trump's direction. Both nominees were confirmed to six-year terms by the state senate on February 3 and sworn into the court later that week. The senate confirmed Nolan with a vote of 27 to 3 but deadlocked on Drescher's nomination with 15 votes in favor of confirming him and 15 votes against. The state's lieutenant governor and senate president, John Rodgers, broke the tie in the senate to secure Drescher's confirmation. The two new justices may be retained for additional terms by the legislature until they reach the mandatory retirement age of 90, which will occur in 2055 for Drescher and 2069 for Nolan.

STATE SUPREME COURTS IN 2026 & BEYOND

VACANCIES

Virginia Supreme Court

On April 2, 2025, the Virginia General Assembly confirmed Virginia Court of Appeals Judge Junius P. Fulton III to become the next Virginia Supreme Court associate justice, succeeding Chief Justice S. Bernard Goodwyn. Goodwyn retired from the court on January 1, 2026. Fulton served on the court of appeals since its expansion in 2021. He has previously served as a judge of the Norfolk Circuit Court since 1996, where he helped to create a drug court that he also presided over for more than 20 years. Justices of the Virginia Supreme Court are elected to a 12-year term on the court by majority vote of both chambers of the General Assembly. In August 2025, the court's justices chose Associate Justice Cleo Powell to become the court's next chief justice. Powell was sworn in as Chief Justice on January 1, 2026, and is the first Black woman to serve as Chief Justice of the Virginia Supreme Court.

Washington

Washington Supreme Court Justice Barbara Madsen announced on February 2, 2026, that she will retire from the court on April 3. Madsen has served on the court since 1993 and was the first woman elected to the Washington Supreme Court. Midterm vacancies on the Washington Supreme Court are filled by gubernatorial appointment, with the governor choosing a replacement who may serve on the court until the next general election. Gov. Bob Ferguson (D) has indicated he will select Madsen's replacement by April 3. The justice chosen to replace Madsen may serve on the court until the end of 2026, when they must run in a nonpartisan election to fill the remainder of the term that expires in 2029.

STATE SUPREME COURTS IN 2027 & BEYOND

2027 ELECTIONS & VACANCIES

ELECTIONS

As of early 2026, two states will hold state supreme court elections in 2027. One seat on the Wisconsin Supreme Court will appear on the ballot in April 2027, and two seats on the Pennsylvania Supreme Court will appear on the ballot in November 2027.

Wisconsin

The term of Wisconsin Supreme Court Justice Annette Zeigler will expire on July 31, 2027. Justice Zeigler was previously elected to 10-year terms on the court in 2007 and 2017 and served as the court's chief justice from May 2021 to April 2025. It is not yet known if Zeigler will seek a third term on the court. The filing period will open on December 1, 2026, and will close on January 5, 2027. A primary election will be held on February 16, 2027, and the general election will be held on April 6, 2027.

Pennsylvania

The terms of two justices of the Pennsylvania Supreme Court will expire on January 3, 2028. Chief Justice Debra Todd was elected to the Pennsylvania Supreme Court as a Democrat in 2007 and retained in 2017; she is the first woman to serve as chief justice, a position she has held since 2022. Justice Sally Mundy was appointed to the court in 2016 by Gov. Tom Wolf (R) and elected as a Republican to a 10-year term on the court the following year. It is not yet known if either Todd or Mundy will seek an additional term on the court. Because both justices will have served a full 10-year term by the end of 2027, they are eligible to run in a retention election if they wish to serve another term. They must notify the secretary of the commonwealth no later than January 4, 2027, if they wish to stand for retention to the court. If either justice declines to seek retention to the court, their seat will be filled in a partisan election on November 2, 2027, with a primary election held on May 18, 2027.

STATE SUPREME COURTS IN 2027 & BEYOND

VACANCIES

Four vacancies are expected on four state supreme courts in 2027, all due to justices reaching their states' mandatory retirement age. Additional vacancies are expected to occur as justices on benches around the country retire or transition to the federal bench.

Minnesota

Minnesota Statutes Section 490.125 requires all judges to leave the court on which they serve by their mandatory retirement date, which Section 490.121 establishes as the last day of the month in which the judge reaches the age of 70. Minnesota Supreme Court Chief Justice Natalie Hudson will turn 70 on January 13, 2027, and must retire from the court by January 31, 2027. Hudson has served on the court since 2016 and as the court's chief justice since 2024; she is the first Black woman to serve on the Minnesota Supreme Court. In Minnesota, midterm vacancies on the state's highest court are filled by gubernatorial appointment, with the governor appointing a replacement who may serve on the court until the next general election. The new justice appointed to replace Hudson may serve on the court until 2028, when they may run in a nonpartisan election to a full six-year term on the court.

Hawaii

Article VI, Section 3 of the Hawaii Constitution requires Hawaii Supreme Court justices to retire from the court upon reaching the age of 70. The Hawaii Supreme Court's acting chief justice, Sabrina McKenna, will turn 70 on October 7, 2027. Justice McKenna was appointed to the court in 2011 by Gov. Neil Abercrombie (D) and was the first member of the LGBTQ+ community to serve on the state's highest court. Hawaii uses the assisted appointment method to replace justices in the event of a midterm vacancy, with the governor selecting the next justice from a pool of candidates vetted by the state's judicial nominating commission. The Hawaii Judicial Selection Commission will interview applicants interested in filling the vacancy and forward between three and six finalists to the governor. The governor will choose the next justice within 30 days of receiving the list of finalists, and the state Senate must confirm the governor's choice. The new justice may serve a 10-year term, after which they may be retained for additional terms by the judicial selection commission.

STATE SUPREME COURTS IN 2027 & BEYOND

VACANCIES

Arizona

Article VI, Section 39 of the Arizona Constitution requires Arizona Supreme Court justices to retire from the court upon reaching the age of 70. Arizona Supreme Court Justice Clint Bolick will turn 70 on December 26, 2027. Bolick was appointed to the court in 2016 by Gov. Doug Ducey (R) and worked as a libertarian civil rights litigator before joining the state's highest court. Arizona uses the assisted appointment method to fill vacancies in the event of a midterm vacancy, with the governor selecting the next justice from a pool of candidates vetted by the state's judicial nominating commission. The Arizona Commission on Appellate Court Appointments will interview applicants interested in filling the vacancy and forward at least three finalists to the governor within 60 days of the seat becoming vacant. The governor will choose the next justice from the pool of finalists, and the new justice will serve until 2030, when they may run in a retention election for a full term on the court.

Pennsylvania

Article V, Section 16 of the Pennsylvania Constitution requires state supreme court justices to retire by the end of the calendar year in which they turn 75. Justice Christine Donohue will turn 75 on December 24, 2027, and must leave the court by December 31, 2027. Donohue was elected to the Supreme Court as a Democrat in 2015 and was a superior court judge and a civil litigator before joining the Supreme Court. In Pennsylvania, midterm vacancies are filled by gubernatorial appointment, with the governor selecting a replacement justice who must be confirmed by the state senate. The new justice chosen to replace Donohue may serve on the court until the next regularly scheduled judicial election in 2029, when they may run in a partisan election to serve a full 10-year term on the court.

CONCLUSION

There is increasingly crucial work to do to ensure that state courts continue to meaningfully reflect the communities they serve and uphold and protect the rule of law, which is the crown jewel of democracy. With dozens of state supreme court elections in 2026, important vacancies to be filled via appointments on state supreme courts throughout the country, and critical cases coming before each of these courts, it is more urgent than ever that people in every state understand who sits on their courts and how they get there. AFJ Action remains committed to educating advocates, stakeholders, and voters about the importance of state supreme courts, who sits on those courts, and the need for exceptionally qualified, demographically and professionally diverse state supreme court jurists. We will partner closely with communities throughout the country to achieve this goal. The future of our democracy and our fundamental human rights depend on it.

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