



Dear {{FirstName or 'Friend'}},

Please join AFJ Action and North Carolina Supreme Court Justices Anita Earls and Allison Riggs for ***Gavel In: Democracy on the Docket in North Carolina*** on Thursday, May 9 at 2pm Eastern.

GAVEL IN

DEMOCRACY ON THE DOCKET IN NORTH CAROLINA

WHEN
Thursday, May 9
2pm EDT

JUSTICE ANITA EARLS

JUSTICE ALLISON RIGGS

AFJ ACTION

The North Carolina Supreme Court has been at the forefront of state supreme courts that are adjudicating critical democracy and voting rights cases. However, as political divides deepen across the country, some state judiciaries are retreating from their former decisions to protect the franchise. Join Justice Earls, Justice Riggs, and AFJ Action Legal Director Zachery Morris as they review the increasing importance of state supreme courts across the country in safeguarding democracy, and the path forward for restoring and protecting our fundamental rights. [**RSVP here.**](#)



Ethics Updates

In [March's State of Justice](#), we covered the backlash against Texas Supreme Court Justice John Devine's hyper-partisan remarks attacking Texas judges and Harris County Democratic legislators. Devine, a Republican, has now come under [further scrutiny](#) for remarks he made at a Texas Republican Party fundraiser in December 2023. In his speech, Devine implied that Democrats were going to steal the election, attacked Harris County legislators again, and mocked litigation challenging abortion bans. Harris County Attorney Christian Menefee, the chief civil lawyer for Harris County, which is the largest county in Texas, criticized Devine's comments for eroding integrity in our judiciary and called on Devine to recuse himself from Harris County cases moving forward. The chances of recusal, however, are low. As the Texas Tribune [previously reported](#), Devine has refused to recuse himself even when he has had a direct connection to the case, having previously represented one of the parties before him at the supreme court.



Vacancies



Minnesota Governor appoints two former public defenders to supreme court

Gov. Tim Walz (D) [appointed](#) Court of Appeals Judge [Theodora Gaïtas](#) and Stearns County Chief Judge [Sarah Hennesy](#) to fill two incoming vacancies on the supreme court, creating a female majority on the court for the first time in decades. Gaïtas was appointed to fill retiring Justice [Margaret Chutich](#)'s seat effective August 1. Hennesy will replace retiring Justice [C. Barry Anderson](#) effective May 15. These two appointments are Walz's third and fourth picks to the court.

Gaïtas and Hennesy both bring extensive backgrounds in public interest law. Gaïtas spent nearly two decades as a public defender before going into private practice. She was appointed to the district court by Gov. Mark Dayton (D) in 2013 and remained there until her appointment to the court of appeals in 2020 by Walz. Hennesy spent a decade of her career as a public defender and later returned to public interest providing civil legal aid to low-income residents. Hennesy was appointed to the district court bench by Gov. Dayton in 2012. To remain on the bench, Gaïtas and Hennesy must stand for retention election in 2026.



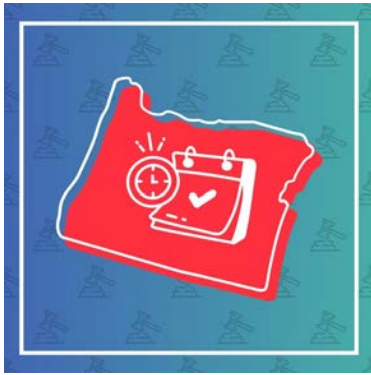
South Carolina Supreme Court candidates announced

The South Carolina Judicial Merit Selection Commission [announced](#) their six candidates to replace retiring South Carolina Supreme Court Justice Donald Beatty, the court's only Black justice. The candidates are Judges [Ralph Anderson](#), [Blake Hewitt](#), [Deadra Jefferson](#), [R. Keith Kelly](#), [Jocelyn Newman](#) and [Letitia Verdin](#). Of the candidates, three are women, and two are Black women.

The candidates will face a public hearing and questioning by the commission on May 9. After the hearing, the commission will forward up to three candidates to the state legislature for a legislative election in June. The South Carolina Supreme Court was in national news last year after their all-male majority greenlit a nearly identical abortion ban to the one it had previously overturned. Public pressure to diversify the court [has been building](#) in the state.

Elections

Candidate Filing Deadlines



No candidates file to challenge incumbent Oregon Supreme Court justices

None of the five incumbent justices of the Oregon Supreme Court who are up for nonpartisan election in November [received a primary challenger](#) during the candidate filing period, which closed in March. [Chief Justice Meagan Flynn](#) was appointed to the court in 2017 by Gov. Kate Brown (D) and elected to a full term in 2018. She was chosen by her peers to serve as Chief Justice of the court on January 1, 2023.

[Justice Rebecca Duncan](#) was also appointed to the court in 2017 by Gov. Brown and elected to a full term in 2018. Both justices are seeking a second full term on the court. [Justice Stephen Bushong](#), [Justice Bronson James](#), and [Justice Aruna Masih](#) were appointed to the court in 2023 by Gov. Tina Kotek (D) and each is running for election to a full six-year term. All five justices will run unopposed in the May 21 primary election and are presumed to win election to full terms on November 5.



Idaho Supreme Court chief justice unopposed in re-election campaign

With the state's candidate filing period ending in March, Idaho Supreme Court [Chief Justice G. Richard Bevan](#) [fielded no challengers](#) in his run for a second full term on the court in 2024. Chief Justice Bevan was appointed to the state's highest court in 2017 by Gov. Butch Otter (R) and ran unopposed for a full six-year term in 2018. He is presumed to win a second full term in the nonpartisan election on May 21.

Primary Election Results



Incumbent Illinois Supreme Court justice wins primary challenge

Illinois Supreme Court [Justice Joy Cunningham](#) defeated her Democratic primary challenger, First Judicial District Court of Appeals [Justice Jesse Reyes](#), earning nearly 75% of the vote in the [March 19 primary election](#). Justices of the Illinois Supreme Court represent judicial districts and are elected by the constituents who live within their district.

Justice Cunningham represents Illinois's First Judicial District, which encompasses the city of Chicago and surrounding Cook County. She was first appointed to the Illinois Supreme Court in 2022 by the court. No Republican filed to run for her seat, so she is presumed to win a full 10-year term in the November 5 partisan general election.



Ohio Democratic Party's endorsed candidate wins primary for open seat on Ohio Supreme Court

[Judge Lisa Forbes](#), a judge of Ohio's Eighth District Court of Appeals, [defeated](#) 10th District Court of Appeals [Judge Terri Jamison](#) in the Democratic primary for an open seat on the Ohio Supreme Court on March 19. Judge Forbes, who was endorsed by the Ohio Democratic Party, will face Franklin County Court of Common Pleas [Judge Dan Hawkins](#) in the partisan general election on November 5.

Justice Cunningham represents Illinois's First Judicial District, which encompasses the city of Chicago and surrounding Cook County. She was first appointed to the Illinois Supreme Court in 2022 by the court. No Republican filed to run for her seat, so she is presumed to win a full 10-year term in the November 5 partisan general election.

Announcements



Michigan Supreme Court justice will not seek second full term

Michigan Supreme Court [Justice David Viviano](#) has announced he [will not seek election](#) to a second full term on the court after his current term expires on January 1, 2025. Viviano was appointed to the state's highest court to fill a vacancy in 2013 by Gov. Rick Snyder (R). He won election to the remainder of the partial term in 2014 and was elected to a full term on the court in 2016.

Candidates for election to the Michigan Supreme Court run in nonpartisan elections but are nominated by delegates at the state party conventions for the Republican, Democratic, and third-party tickets. [State Rep. Andrew Fink](#), a Republican who represents Hillsdale and surrounding areas, had previously announced that he would challenge [Justice Kyra Harris Bolden](#), who is running to fill the remainder of a term expiring in 2026 that she was appointed to fill in 2023. With Viviano's decision to retire, Fink announced he would instead seek the Republican nomination to run for the full term ending in 2032. Michigan Court of Appeals [Judge Mark Boonstra](#) has announced that he will also seek the Republican nomination to the full term ending in 2032, while Branch County Circuit Court [Judge William O'Grady](#) announced he will seek the nomination to run for the partial term, which expires in 2028. University of Michigan Law School Juvenile Justice Clinic co-founder and director [Professor Kimberly Thomas](#) is seeking the Democratic Party's nomination to run for a full term on the court in November.



Wisconsin Supreme Court justice to step down in 2025

Wisconsin Supreme Court Justice Ann Walsh Bradley announced she will [retire from the court](#) in 2025 rather than seek a fourth 10-year term on the court. Bradley was first elected to the court in 1995 and reelected in 2005 and 2015. Former Wisconsin Attorney General and current Waukesha County Circuit Court [Judge Brad Schimel](#), a Republican, had already announced he would run for the seat.

No Democratic candidates have yet announced a bid for the seat. The election will take place on April 1, 2025, with a nonpartisan primary election on February 18, 2025.



Criminal Justice



New York

[*The People v. Harvey Weinstein*](#)

The New York State Court of Appeals, the state's highest court, overturned the 2020 rape conviction of Harvey Weinstein, ruling that the trial court had allowed testimony to be admitted that was not directly linked to the case and thus unfairly prejudiced Weinstein's jury against him. Weinstein will be retried on the same charges while he remains in prison serving a 16-year sentence on a separate 2022 rape conviction in a Los Angeles court.

Firearm Restrictions



Nevada

[*Sisolak v. Polymer80, Inc.*](#)

The Nevada Supreme Court overturned a lower court's ruling that struck down a law passed in 2021 and signed by the state's previous governor, Steve Sisolak (D), that placed a statewide ban on the sale of "ghost guns", which are components of firearms that have no serial numbers and allow buyers to assemble their own firearms that are unregulated and untraceable. The lower court sided with the plaintiff gun manufacturer's assertion that the language of the statute was unconstitutionally vague, but the state's highest court ruled that terms applied in the statute are commonly used and understood despite being broadly applied and do not violate the state constitution.

**Arizona**

[*Planned Parenthood Arizona, et al. v. Mayes, et al.*](#)

In a 4-2 decision, the Arizona Supreme Court issued a ruling that will allow a near-total ban on abortion that was enacted in 1864 to go into effect. This ruling overturns a lower court ruling that held that a state law passed in 2022 banning abortions after 15 weeks did not supersede the near-total ban that was enacted 158 years earlier. That ban made abortion a two-to-five year felony for any doctor who performs an abortion or anyone who helps a patient obtain one. A statewide ballot initiative that aims to enshrine reproductive rights in the state constitution will appear on ballots this fall and will supersede the ban if it is passed.

Florida

[*Planned Parenthood of Southwest and Central Florida, et al. v. State of Florida, et al.*](#)

The Florida Supreme Court overturned its own ruling in a 1989 case that held the state constitution's privacy protections extend to abortion, declaring that the case was "wrongly decided" and allowing a near-total six-week ban on abortions enacted in 2023 to take effect. In a [separate decision](#), the court also ruled that a ballot proposal that would supersede the six-week ban by enshrining the right to an abortion into the state constitution until fetal viability – around 24 weeks' gestation – can appear on ballots this fall.

Montana

[*Montanans Securing Reproductive Rights, et al. v. Knudsen, et al.*](#)

The Montana Supreme Court ruled in a 6-1 decision that the state attorney general exceeded his authority when he ruled in January that a proposed ballot measure that would enshrine the right to an abortion in the state's constitution was "legally insufficient" and improperly grouped together multiple issues in a single amendment. The court held that the proposal is compliant with the constitution's requirements for proposed amendments and may appear before voters on ballots this fall.

**Idaho**

[*Babe Vote and League of Women Voters of Idaho v. McGrane*](#)

In a unanimous ruling, the Idaho Supreme Court dismissed a challenge to two voter identification laws passed in 2023 that restrict voting rights for students while expanding those rights for hunters and certain other ID holders. The laws removed student identification cards as acceptable forms of identification, required voters to present physical identification, and expanded methods voters may use to prove their identity to include passports, other federal identification cards, tribal identification cards, and a state license to carry a concealed weapon. The court's ruling will allow the laws to remain in effect.

Montana

[*Montana Democratic Party, et al. v. Jacobsen*](#)

The Montana Supreme Court overturned four recently enacted laws that eliminated voter registration on Election Day, limited methods for assisting people in returning their absentee ballots, prohibited election clerks from mailing ballots to new voters who will turn 18 before the next election, and restricted the use of student identification cards as a method of voter identification. The court ruled that the laws disparately impacted young, Native American, and disabled voters in violation of the state constitution's voting rights protections.

Workers' Rights



California

Huerta v. CSI Electrical Contractors

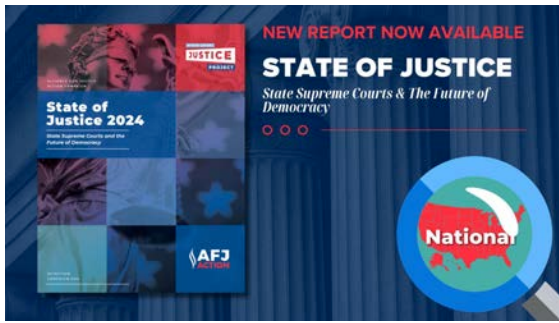
The California Supreme Court ruled that employers who require workers in construction, drilling, logging, and mining industries to undergo premises exit procedures must qualify the time employees spend waiting for the completion of those checks as hours worked and must compensate the workers accordingly. The court applied the same standard to employee meal breaks if employees are prohibited from leaving the premises during meal breaks. The ruling will require employers to pay their workers their standard hourly rate for such time and to apply the time to calculations that determine workers' eligibility for overtime pay.

Wisconsin

Amazon Logistics, Inc. v. Labor and Industry Review Commission

In a unanimous decision, the Wisconsin Supreme Court upheld a decision by a lower court that required Amazon to classify some of its delivery drivers as employees as directed by the state's Labor and Industry Review Commission, rather than as independent contractors as contended by the company. The ruling will require Amazon to comply with state laws regarding minimum wage, unemployment insurance, workers' compensation, and overtime protections by paying into the state's unemployment insurance and workers' compensation schemes, pay overtime to eligible employees, and remit payroll taxes to the state on behalf of the employees.





National
[AFJ Action releases State of Justice 2024 Report](#)

Learn more about the 33 states with an election for a seat on their state's highest court with AFJ Action's State of Justice 2024 report.



National
[Your State-by-State Guide to the 2024 Supreme Court Elections](#)

Bolts Magazine outlines the key state supreme court elections to watch this year. Check out their guide breaking down each election.



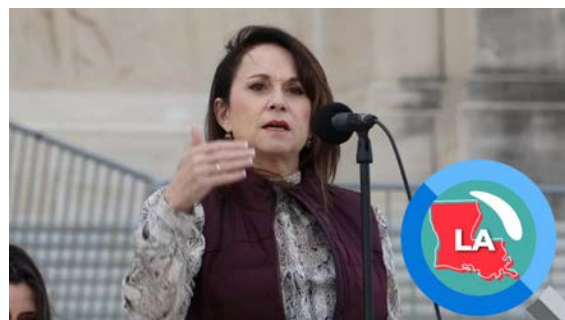
Florida
[FPL asks Florida Supreme Court to 'expedite' rate appeal](#)

After the Florida Supreme Court paused and sent a utilities rate hike back to the state utility commission due to concerns over the new proposed rates being unfair to residents, Florida Power and Light (FPL), the state's utility company, is asking the court to expedite the commission's renewed approval of the rate hike. The increase was previously challenged by a coalition of citizens due to concerns over the size of increase and FPL not meeting energy efficiency standards.



Florida
[Putting Abortion Question to Florida Voters Is Unlikely to End Court Fights](#)

Despite the victory for abortion rights advocates when the Florida Supreme Court allowed a proposed constitutional amendment attempting to enshrine the right to abortion in the state to appear on the ballot, some state supreme court justices attempted to lay out a foundation for future challenges to the amendment, even if it passes. In their dissents and concurrences, justices went out of their way to identify fetal personhood rights as potential challenges to the law, providing anti-abortion advocates with a roadmap to later contest the law.



Iowa

[Iowa asks state Supreme Court to let its restrictive abortion law go into effect](#)

The Iowa Supreme Court heard oral arguments in a case challenging a lower state court's decision blocking the state's six-week abortion ban. The court had previously blocked a 2018 abortion ban in a 3-3 decision after one justice recused himself, but all seven justices heard this appeal.



North Carolina

[Kinston residents accuse city of discrimination in Supreme Court case with statewide implications](#)

Black Kinston residents have sued the city claiming the city's identification and targeting of houses for foreclosure and demolition targets majority-Black parts of city. The city, however, argues the residents did not go through the city's appeals process before filing this lawsuit.



Ohio

[Ohio Supreme Court takes Columbus's appeal in local gun law case](#)

Louisiana

[Louisiana attorney general urges state Supreme Court to rehear case on 'lookout window' for abuse victims](#)

After a 4-3 decision overturning a law attempting to give child sexual abuse victims three years to file a civil lawsuit against their abuser, which they were previously barred from doing under a statute of limitations, the Louisiana attorney general is asking the court to reconsider their decision in a recent brief filed before the court.



North Carolina

[State high court weighs gender discrimination jury claims for death row inmate, co-defendant](#)

The North Carolina Supreme Court will determine the merits of a gender discrimination jury claim by Bryan Christopher Bell, a person on death row, and Antwaun Sims, a person incarcerated for life without parole. The appeal centers on an affidavit from the prosecutor on the case claiming they wanted to dismiss a female juror for a male juror after selecting 10 women to serve on the jury. The state argued that this specific type of appeal should have been brought earlier in the appeals process and should be blocked.



Oklahoma

[Oklahoma Supreme Court justices weigh a religious charter school. It would be first in US.](#)

The Ohio Supreme Court will hear an appeal of a lower court's preliminary injunction against the City of Columbus' gun safety laws outlawing large capacity magazines and requiring safe storage of firearms. Columbus, which filed the appeal, claims the injunction infringes on the city's ability to create policy. The challenge to the law was originally filed by six anonymous plaintiffs, and their identities have been sealed by the court.

The Oklahoma Supreme Court heard arguments in a case challenging the approval of a Catholic charter school, which would be operated by the Roman Catholic Archdiocese of Oklahoma City and the Diocese of Tulsa. While charter schools are privately run, they are funded by taxpayer dollars. The state's attorney general challenged the creation of the Catholic charter school stating it is a violation of church and state because Catholicism will be embedded into the curriculum. Notably, the National Alliance for Public Charter Schools has opposed the creation of this school for similar reasons.

SIGN OUR PLEDGE

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