



Dear {{FirstName or 'Friend'}},

Get ready for more State of Justice in your inbox every month—we're switching to bi-weekly updates! Read this issue for updates on Pennsylvania's statewide judicial elections, why Ohio Supreme Court Justice Jennifer Brunner filed suit challenging the state's judicial selection method, recent decisions from state supreme courts across the country, and cases and news about state courts you should know.



## Pennsylvania Statewide Judicial Elections

**Superior Court Judge Daniel McCaffery won** a seat on the Pennsylvania Supreme Court on Tuesday, November 7. McCaffery defeated Republican Montgomery County Court of Common Pleas Judge Carolyn Carluccio. McCaffery garnered 53% of the vote, expanding the Democratic majority on the court to 5-2. McCaffery was first elected as judge on the Superior Court of Pennsylvania in 2019, and previously served as a judge

on the Philadelphia Court of Common Pleas. McCaffery was endorsed by the Democratic Party, labor unions such as the AFL-CIO and Teamsters, environmental groups, and Planned Parenthood.

Total spending in the campaign **exceeded \$17 million** making it one of the commonwealth's most expensive judicial races to date. Many progressive advocates paid close attention to this election given the Pennsylvania Supreme Court's profound impact on a range of rights from access to universal mail-in voting to sick leave in the workplace. Learn more about the Pennsylvania Supreme Court [here](#).

Democrats also swept races for three additional seats on Pennsylvania's statewide courts: two on the Superior Court and one on the Commonwealth Court. For the Superior Court, Pittsburg-based private attorney Jill Beck and Philadelphia Court of Common Pleas Judge Timika Lane **won the election** with 28% and 25% of the vote share, respectively. Beck started her career as an attorney for KidsVoice, representing children as guardian ad litem and counsel. She then clerked for the Pennsylvania Supreme Court and went into private practice. Judge Lane began her career as a law clerk on the Philadelphia Court of Common Pleas and then served as a public defender. She then served as Chief Counsel to Sen. Anthony Williams (D., Philadelphia) until her election to her current position as judge in 2013. Philadelphia Municipal Court Judge Matt Wolf **won a seat** on the Commonwealth Court with 52% of the vote. Judge Wolf was first elected to the court in 2017. Prior to serving as judge, he worked in private practice and served as legal counsel to the Army while deployed with the national guard.



## Ohio Justice Challenges State Judicial Selection Method in Court Ahead of 2024 Election

Ohio Supreme Court **Justice Jennifer Brunner is suing** the state in federal court over its judicial selection methods. Currently, state supreme court and appellate court judges must run for election in partisan elections, meaning they have a party designation next to their names. However, lower court judges do not have to run with a partisan affiliation next to their names. Brunner argues that this party designation makes voters believe

that these appellate justices are partisan actors. Notably, Brunner was first elected to the high court in 2020 when party designations were not required under state law.

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## Efforts to Raise Retirement Age for Texas Judges Fails

Texans rejected a constitutional amendment proposal that would have raised the minimum retirement age for state judges from 70 to 75 and the mandatory retirement age from 75 to 79. **63% of voters rejected** the amendment, making it the only proposed amendment to fail this year. There was no significant opposition movement from outside groups, but the results of the election will have implications for next year's elections. Of note, Texas Supreme Court Chief Judge Nathan Hecht must retire next year and will not be eligible for re-election to his seat.

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## South Carolina Seeks to Elect New Chief Justice

Justice John Kittredge, a candidate vying to replace retiring South Carolina Supreme Court Chief Justice Donald Beatty, **met with** the Judicial Merit Selection Commission earlier this month. Justice Kittredge, who has served on the supreme court since 2008, laid out his vision for the state's highest court. Prior to his time on the supreme court, he served as a judge on the state's court of appeals and circuit court. Of note, the South Carolina Supreme Court is the only supreme court in the country without a woman currently serving on it. The state supreme court recently reversed itself by overturning a previous decision and allowing an abortion ban to go into effect. In the first decision blocking the ban, two justices dissented, retired Justice Kaye Hearn and current retiring Justice Donald Beatty, but in the second decision the new all-male majority greenlit the ban.

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## Criminal Justice



### Montana

*State v. Hinman*

The Montana Supreme Court ruled that the state's application of rules requiring sexual and violent offenders to comply with the state's registry even after their sentences were completed is an unconstitutional ex post facto punishment for an earlier crime. The ruling will change parts of the law governing how the public is notified about the status of such offenders.

## Election Law



### Minnesota

*Grove, et al. v. Simon*

The Minnesota Supreme Court dismissed a lawsuit that aimed to have former President Donald Trump barred from appearing on the ballot in Minnesota as a candidate for president in 2024 due to his involvement in the January 6, 2021 insurrection at the U.S. Capitol. The suit alleged that the Fourteenth Amendment to the U.S. Constitution bars insurrectionists from seeking the presidency. The court's ruling means that Trump's name can appear on ballots next year.

## Government Accountability



## Indiana

[In the Matter of Theodore E. Rokita](#)

In a public reprimand, the Indiana Supreme Court found the state's attorney general violated professional conduct rules when he criticized a doctor who provided an abortion for a 10-year-old rape victim. In its disciplinary ruling, the state's highest court also noted that the attorney general's comments violated two rules governing attorney conduct, finding the comments served no purpose other than to embarrass the doctor and were likely intended to exert improper influence.

## Immigrants' Rights



## Texas

[Renewed Emergency Order Regarding Indigent Defense and the Border Security State of Disaster](#)

The Texas Supreme Court issued an order that federal law requires migrants arrested and charged with jailable misdemeanors be provided with a defense lawyer if they are arrested in any of the 58 counties designated a "state of disaster" regarding border security. The order requires the Texas Indigent Defense Commission to provide for the appointment of counsel to represent defendants.

## School Funding



## Maryland

[Bradford v. Maryland State Board of Education](#)

The Maryland Supreme Court declined to hear a lawsuit that challenges the funding scheme for Baltimore City schools. The plaintiffs had tried to fast-track the case past the Maryland Appellate Court by asking the state Supreme Court to review it after a Baltimore Circuit Court judge previously ruled against them. The plaintiffs will now ask to have the case heard by the Appellate Court of Maryland.

## Tenant Rights



## Wisconsin

[In the Matter of the amendment to SCR 72.01\(8\), 72.01\(9\), and 72.01\(10\), relating to retention of records in eviction cases](#)

The Wisconsin Supreme Court voted in a public administrative conference to reduce the time when most eviction records must be kept on the state court website from 20 years to two years. The change was sought in cases where there is no money judgment against a tenant and is intended to help renters with eviction histories access housing.

## Workers' Rights



## California

[Grace v. The Walt Disney Company](#)

The California Supreme Court declined to hear an appeal to a lower court ruling determining that a local wage law covers the lowest paid employees at the Disneyland Resort in Anaheim. A class action suit filed on behalf of the workers in 2018 alleged Disney misclassified the workers so they would not qualify for coverage under the wage law. The appeals court will now determine the damages Disney must pay to the workers.



[Iowa enters argument in state supreme court abortion ban case](#)

The Iowa Attorney General filed an appeal asking the Iowa Supreme Court to re-instate its six-week abortion ban. The six-week ban was first overturned by a lower court judge in July. Now, it has made its way to the state's highest court.



[State supreme court considers expanding protections for warrantless arrests](#)

The ACLU of Maine is asking the state's highest court to ensure that all warrantless arrests are reasonable by creating a test to determine when it is reasonable for an officer to arrest an individual over a misdemeanor.



[State supreme court weighs school liability for hiring abusive staff with past problems](#)

The Minnesota Supreme Court is determining if schools and school districts may be held liable for any misconduct or abuse from teachers if they were hired despite having a record of misconduct or abuse. Currently, this disciplinary process varies from district to district. This appeal results from a lower court decision finding a school district not liable for hiring a teacher who had been found guilty of sexual assault at a different school.



[Missouri Supreme Court hears case on latest effort to block Planned Parenthood funding](#)

In a years-long legal battle, conservatives are attempting to block Planned Parenthood from receiving Medicaid funding from the state budget. State officials argued that it is in conservative lawmakers' legislative and budgetary powers to restrict funds from going to Planned Parenthood. However, under the state's current Medicaid reimbursement model, other healthcare providers are being reimbursed for providing similar family planning services such as STI testing, birth control, and cancer screenings.



[Emotional support dog banned from condo gets her day at NJ Supreme Court](#)

The New Jersey Supreme Court heard oral arguments in a case that could have a massive impact on disability rights in the state. A couple is asking the high court for reasonable accommodation to keep an

[NC justices to decide many interesting cases](#)

The North Carolina Supreme Court currently has a number of important pending cases, including cases dealing with questions arising out of the COVID-19 pandemic, cases seeking clarity around the state's SAFE Child

emotional support dog in their condo, despite the building's dog weight limit. Emotional support dogs are different than service animals, which are trained with specific skills to help people with disabilities.

Act, and cases addressing fundamental constitutional powers.



[NC's new district maps dismantle democracy](#)

When the North Carolina Supreme Court flipped partisan control at the beginning of this year, the new conservative majority—in an unprecedented move—decided to rehear two cases it had previously decided at the end of 2022. One of those was the case blocking the state's congressional maps. In the 2023 re-hearing of the case, the new majority reversed their previous decision and greenlit the maps. These new maps establish 10-4 or 11-3 partisan splits favoring conservatives where the old maps produced an even 7-7 split.



[The frightening implications of the latest Leandro school funding lawsuit do-over](#)

In a recent development in the decade-long battle to fund public education in North Carolina, the North Carolina Supreme Court's new conservative majority agreed to rehear a case challenging the state's public education funding model. Read more [here](#).

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