



Dear {{FirstName or 'Friend'}},

More than ever, people are paying attention to the importance of state supreme courts as they have emerged as the last line of defense for abortion access, voting rights, sentencing measures, workers' rights, LGBTQ protections, and more. While more people are understanding the essential functions of these institutions as a critical branch of our government, the nuts and bolts of our state supreme courts' responsibilities and power can be complex. Accordingly, Bolts Magazine just released [a new 50-state resource](#) on state supreme courts. Also check out Alliance for Justice's [State Court Justice Project](#) to learn more about the justices on your state's highest bench.



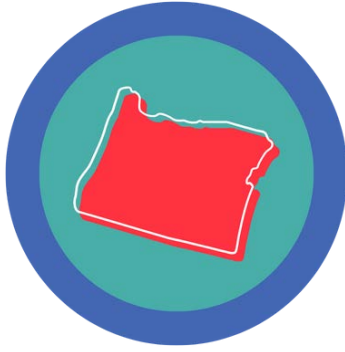
Ethics Under a Microscope

For the first time in 15 years, the Wisconsin Supreme Court switched partisan control to a 4-3 democratic majority earlier this year. Shortly after Justice Janet Protasiewicz was sworn onto the court, a case was filed before the court challenging the state's GOP-drawn congressional maps. After the case was filed, conservative legislators **launched a campaign** against Justice Protasiewicz, threatening to impeach her if she does not recuse herself from the case, claiming she cannot rule impartially due to comments she made during her campaign characterizing the maps as gerrymandered. In response, Justice Protasiewicz publicly **released** a letter from the Wisconsin Judicial Commission fully rejecting the complaints launched against her. But that hasn't stopped conservative lawmakers from continuing their impeachment crusade against Justice Protasiewicz. State Assembly Speaker Robin Voss has since formed an investigatory panel to determine if they have enough criteria to move forward with impeachment.

Justice Protasiewicz is not the only supreme court justice to come under attack though. In North Carolina, Justice Anita Earls, the only Black woman on the court, has come under **scrutiny** from the state's Judicial Standards Commission for comments she made about a lack of diversity on the state's appellate bench and what role that has in the court's implicit biases. As a result, Justice Earls has been subject to extremely intrusive investigations by the commission. These investigations are a new weapon that started under new conservative Chief Justice Paul Newby's tenure and could result in sanctions against the justice or removal from office. In response, Justice Earls filed a lawsuit against the commission asserting that their investigation is an unconstitutional breach of her First Amendment right to protected political speech and asking the court to prevent the commission from taking any action against her.

Both of these examples are not isolated incidents. In 2018, for example, the newly Republican-controlled legislature in West Virginia **launched** intrusive impeachment investigations into all of the state supreme court's justices, forcing most of them to step down. This was the first time in American history that the entire bench of a state supreme court had been impeached. With little to no checks on these baseless campaigns, our judiciaries and the justices that sit on them are left vulnerable to political attacks that threaten their independence. *Read more in Alliance for Justice's [new blog](#) by Regional State Courts Counsel Erin Butler on anti-democratic attacks on state supreme court justices.*





Oregon Gov. Appoints a Historic First to the State Supreme Court

Earlier this year, Oregon Supreme Court Justice Adrienne Nelson was confirmed to serve as a judge on the US District Court for the District of Oregon. Governor Tina Kotek **appointed** civil rights attorney **Aruna Masih** to the state's highest bench, filling the vacancy left by Judge Nelson's elevation to the federal court.

With this appointment, **Masih becomes the first Indian American and South Asian** to serve as a supreme court justice in the state. Having dedicated her career fighting for the rights of working people for over twenty-five years, Masih brings a unique perspective to the bench as a labor and civil rights attorney. Masih will have to run for re-election in May 2024 to serve a full term.



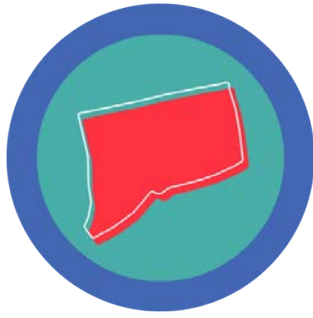
First Black Chief Justice Appointed to the Minnesota Supreme Court

After a thirteen-year tenure as Chief Justice, Minnesota Supreme Court Chief Justice Lorie Gildea **announced** in June that she would step down as Chief Justice in October of 2023. Late last month, Governor Tim Walz **appointed Justice Natalie Hudson** to be the next Minnesota Supreme Court Justice. With this appointment, **Justice Hudson will be the first Black person to serve in this role.**

Justice Hudson will officially assume her new role effective October 2, 2023. Having served over twenty years as a state appellate judge, Justice Hudson's colleagues **celebrated** her appointment, naming her one of the most respected jurists in the state.

To fill Justice Hudson's vacancy, Governor Walz appointed Karl Procaccini to the supreme court. Procaccini previously served as general counsel to the governor and has been recognized for his role in leading the response to the COVID-19 pandemic.

Both justices will face a retention election next year to remain on the bench for a full six-year term.



Connecticut Gov. Nominates Another Career Prosecutor to Supreme Court

On September 1, Governor Ned Lamont **nominated** **Nora Dannehy** to serve on the state's highest court. Dannehy's nomination comes after Governor Lamont's first nominee, Sandra Slack Glover, **withdrew** from consideration after failing to gain the support of the senate judiciary committee over her previous support of conservative US Supreme Court Justice Amy Coney Barrett.

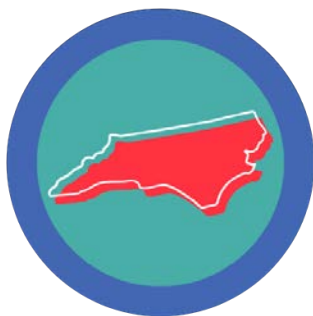
Dannehy has spent most of her legal career as a prosecutor at various levels, including as an Assistant US Attorney and later as Acting United States Attorney for the District of Connecticut. Dannehy's confirmation appears imminent after gaining **broad support from the senate judiciary committee** in her hearing on September 20. Dannehy will join a long line of other former prosecutors serving on the state's highest bench despite concerns from a range of groups, including the Alliance for Justice, over the lack of professional and demographic diversity on the court.



Missouri Gov. Chooses Next State Supreme Court Justice

To fill the vacancy left by supreme court Justice George W. Draper III's retirement, Governor Mike Parsons **appointed** Eastern District Court of Appeals **Judge Kelly Broniec**. Judge Broniec began her career as a prosecutor. She was first appointed as Associate Circuit Judge for Montgomery County in 2006 and then appointed to Eastern District Court of Appeals in 2020.

Governor Parsons **celebrated** Judge Broniec's appointment, hoping it would help "reshape" the supreme court. Judge Broniec is Governor Parson's second appointment to the supreme court. With the anticipated retirement of Justice Breckenridge next month, the state's highest bench is likely to strengthen its conservative tilt with another appointment by Governor Parsons.



Gov. Cooper Appoints Civil Rights Attorney to Supreme Court

Justice Michael Morgan announced his intent to **step down** from the North Carolina Supreme Court in late August. The former justice has since **launched** his campaign for governor. To fill Morgan's seat, Governor Cooper **appointed** Court of Appeals **Judge Allison Riggs** to serve on the supreme court. Judge Riggs' appointment has been widely celebrated by many groups across the state given her career fighting for civil rights. Judge Riggs was appointed to the court of appeals in late 2022.

Prior to joining the bench, Judge Riggs was co-executive director and chief voting rights counsel at the Southern Coalition for Social Justice (SCSJ). To remain on the bench, Justice Riggs will have to run for re-election in November 2024.



2024 Judicial Elections Are Already Ramping Up

Ahead of 2024, attorneys and judges across multiple states are already vying for seats on their respective states' highest benches. Here's a TL;DR run down of the latest candidate news for the 2024 election cycle:

- Arkansas Supreme Court Justice Courtney Hudson **announced** her candidacy for Position 2 on the court. Justice Hudson currently serves in Position 3 on the court. Observers believe Justice Hudson is running for Position 2 in this cycle so she will be able to serve on the court longer in order to avoid an election after reaching the state's mandatory retirement age. Under the Arkansas constitution, judges lose their retirement benefits if they are elected past the age of 70. If Justice Hudson loses this election, she will remain on the bench in her current seat, but if she wins, then Governor Huckabee Sanders will be able to appoint another justice to the court.
- Stop the Steal Rally attendee and Republican state Rep. Andrew Fink has **announced** his candidacy for the Michigan Supreme Court in next year's election. With Democratic appointee Justice Kyra Harris Bolden's and Republican appointee Justice David Viviano's seats up for re-election on the court, the partisan balance could shift from the current 4-3 liberal control depending on the results of next year's election. Rep. Fink will challenge Justice Bolden, the first Black woman to serve on the state's highest court.
- Montana Supreme Court Chief Justice Mike McGrath and Associate Justice Dirk Sandefur are not seeking re-election to the bench in 2024. Former federal magistrate judge Jeremiah "Jerry" Lynch has **announced** his candidacy for the Chief Justice position, and 11th Judicial District Judge Dan Wilson and 7th Judicial District Judge Katherine Bidegaray have both announced their intent to run for the associate justice seat on the court. Many observers are anticipating

another highly contested election like last year's, which brought in nearly **\$3 million** in outside spending alone. Lynch has already been attacked by outside groups for his work as a trial attorney.

- Governor Mike DeWine appointee Justice Joe Deters **confirmed** his intent to run for a full term in 2024. Justice Deters was first appointed to the court last year to fill the vacancy left by then-Justice Sharon Kennedy following her successful campaign for chief justice.



Abortion Access & Reproductive Rights



Indiana

[Members of the Medical Licensing Board of Indiana, et al., v. Planned Parenthood Great Northwest, Hawai'i, Alaska, Indiana, Kentucky, Inc., et al](#)

In a 4-1 decision, the Indiana Supreme Court denied an injunction to Planned Parenthood and the ACLU of Indiana while they filed another lawsuit challenging the state's abortion ban on behalf of abortion providers in the lower courts. As with the court's prior decision on June 30, it once again affirmed the state's near total abortion ban. The groups originally asked the court for the injunction while they pursued another legal challenge in the state's lower courts but were ultimately denied because the justices did not see a reasonable likelihood of success for their challenge.



South Carolina

[Planned Parenthood South Atlantic, et al. v. State of South Carolina, et al.](#)

In a 4-1 decision, the all-male majority on the South Carolina Supreme Court upheld the state's six-week abortion ban, finding the interests of the unborn outweigh a woman's right to privacy and autonomy. This decision reverses a **January 2023 decision** that overturned the state's abortion ban. However, when Justice Kaye Hearn, the author of the opinion, retired earlier this year, Gary Hills was elected to the court by the legislature, and the legislature quickly passed the abortion ban that was just upheld.

Workers' Rights



California

[Raines v. U.S. HealthWorks Medical Group](#)

In a unanimous decision by the California Supreme Court, the justices found that employee protections under California's Fair Employment and Housing Act (FEHA) extend to third parties employers use to outsource work such as hiring. The court held that employers will be held accountable if the third-party companies they contract out to engage in discriminatory behavior. In this instance, the third-party asked discriminatory and intrusive questions about applicants' health during hiring.



Nevada

[Clark County Education Association v. Clark County School District](#)

The Nevada Supreme Court upheld a lower court injunction and ruled against the Clark County Education Association, finding the CCEA's rolling sickouts were equivalent to a strike and CCEA was in violation of state law. Under Nevada law, teachers are not allowed to strike. Currently, CCEA and Clark County School District are negotiating a new contract for the teachers but have been unable to reach an agreement.

Democracy & Elections



Texas

[Texas v. Harris County](#)

The Texas Supreme Court blocked a lower court injunction that would have blocked SB1750 while the law is being challenged in court. SB1750 strips only Harris County election administrators of their power and transfers it to the county clerk and tax assessor-collector. The bill came under scrutiny since it only applies to one county out of the entire state, which has seen recent democratic victories across all offices.



Mississippi

[Ann Saunders, et al. v. State of Mississippi, et al.](#)

The Mississippi Supreme Court issued a decision on two provisions of HB1020, an anti-democratic bill targeting Jackson, Mississippi. The court unanimously struck down a provision of the bill that would have packed the surrounding county's circuit court with judges appointed by the chief justice rather than elected by the residents of Jackson. In another order, however, the court upheld the creation of a new court that would hear only certain criminal cases occurring in the Capitol Complex Improvement District.



Arizona

[Jeanne Kentch Et Al v. Hon. Jantzen/Mayes Et Al](#)

The Arizona Supreme Court denied an appeal from failed a Republican candidate for attorney general attempting to overturn the results of the election. The candidate attempted to circumvent an intermediate appeals court by going directly to the state supreme court. As a result of this decision, the case will then be heard by the court of appeals.

LGBTQ+ Rights



Texas

[Loe v. Texas](#)

The Texas Supreme Court overturned a lower court's temporary block on SB14, a bill prohibiting minors from receiving gender-affirming care and forcing patients already receiving care to "wean off" of their treatments, while the case is being litigated in state courts. The bill also revokes the licenses of any healthcare provider that prescribes gender-affirming care. As a result, SB14 officially went into effect September 1 and thousands of minors across the state are being denied life-saving healthcare. The Texas Supreme Court is set to hear oral arguments on the constitutionality of the law in January 2024.

Fourth Amendment Rights



Minnesota

State v. Torgerson

The Minnesota Supreme Court found that the smell of marijuana alone is not enough to create probable cause as for grounds for a search when there are no other reasons to believe an individual is under the influence. As a result, the smell of marijuana can only be considered in the totality of circumstances when determining cause for a search.

Education



Washington

Wahkiakum School District v. State of Washington

In a unanimous decision, the court ruled against a school district seeking additional funding from the state to supplement the cost of construction and building maintenance. Under the state's current funding models, school districts are required to supplement their schools' maintenance costs by a supermajority of taxpayers approving long-term bonds to finance school improvements. This decision disparately impacts rural communities with less tax revenue, and ultimately comes at the cost of students' quality of education and facilities.





[State Supreme Court to reconsider 1864 law ordering prison time for abortion providers](#)

The Arizona Supreme Court will hear oral arguments challenging the legality of the state's abortion ban, mandating jail time for anyone providing an abortion, from the 1800s. The ban had been blocked since 1973. A former republican attorney general got the ban lifted by a trial court in September, but a court of appeals quickly reversed the decision. The 1864 ban is currently at odds with the state's 15-week abortion ban.



[Supreme Court rejects request to order recount of 2022 election](#)

The Arizona Supreme Court denied a request to recount the 2022 election, claiming Maricopa County used unlawful methods to verify signatures and count mail-in-ballots.



[Religious freedom lawsuit tossed, but plaintiffs plan Supreme Court appeal](#)

In response to restrictions placed during the COVID-19 pandemic, a group of pastors is challenging the governor's ability to block or impose restrictions on religious activity. While the case was twice dismissed in lower courts, the plaintiffs indicated interest in appealing the case to the supreme court.



[Florida Supreme Court signs off on removing 'fairness and diversity' courses from judicial ethics training](#)

The Florida Supreme Court will no longer allow for courses on fairness and diversity to count for continuing education credits. Out of seven justices, only one, Justice Jorge Labarga, dissented from the decision, stating he believed these kinds of courses are critical to addressing and combatting discrimination in the legal system.



[Florida judge rules DeSantis' redistricting map is unconstitutional, orders it redrawn](#)

Voting rights advocates won a lower court victory in their challenge of the state's congressional maps. A circuit court judge ruled the maps diminish the voting power of Black voters in a district that has been historically majority Black. Conservative groups have already indicated their determination to appeal the case to the state supreme court.



[Florida Supreme Court Considers Upholding Abortion Restrictions](#)

Abortion advocates just challenged the state's 15-week abortion ban before the state's highest court. If the court upholds the 15-week ban, in 30 days it will trigger a new six-week abortion ban in the state, further eliminating abortion access in the state. There is also a push from advocates for a ballot measure in the 2024 election that would codify abortion up to 24 weeks.



[Kentucky Supreme Court Weighs Partisan Gerrymandering](#)

The Kentucky Supreme Court heard oral arguments in a case challenging the state's newest congressional maps on September 19. Voting rights advocates claim the maps give a significant advantage to republicans. Democrats currently hold 20 out of 100 seats in the state house, which conservative legislators have credited to the drawing of the maps.



[ACLU appeals Nebraska court's decision to allow restrictions on abortion and gender-affirming healthcare](#)

Civil rights advocates are challenging the state's most recent attacks on abortion and LGBTQ attacks in state courts, claiming the law violates the state constitution's one-subject clause because it encompasses two different issues. While the supreme court is considering the appeal, the law is still in effect.



[Ohio Supreme Court to decide if Ohio State students should receive refund for spring 2020 semester](#)

Students are taking to the courts to get refunds from Ohio State University for their spring 2020 semester. Students and their attorneys argue that OSU should not be entitled to hold the full tuition costs because they did not receive in-person teaching and were forced to leave campus. A decision from the court is likely expected next month.

["Not worth the paper it's printed on": Texas Republicans ignore ruling against Abbott's "Death Star"](#)

A Texas lower court judge overturned a law that prohibits cities from passing local ordinances that contradict with state law in certain categories like government or finances. Many critics of the law saw this as a power grab attempt to limit larger Democratic cities with more progressive policies. The attorney general has appealed the case to the supreme court.



[Wisconsin Supreme Court to decide if Catholic Charities Bureau should be exempt from state unemployment programs](#)

The Wisconsin Supreme Court will determine if a charitable arm of the Catholic Diocese of Superior is exempt from paying into Wisconsin's unemployment insurance system and can instead pay into a church-run unemployment system. The central question the court is wrestling with is if the duties and activities of the organization are or are not expressly religious in nature and for religious purposes.

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