

Joshua Dunlap, a longtime ally of right-wing legal causes and career corporate attorney, has been nominated to the First Circuit Court of Appeals. Through legal briefs, public testimony, and published writing, Dunlap has consistently advanced a far-right vision of the law that privileges corporate power, erodes anti-discrimination protections, and weaponizes religious liberty at the expense of civil rights. He has repeatedly defended powerful corporations against workers, consumers, and communities; opposed LGBTQ+ equality and reproductive freedom; and taken legal positions that would limit democratic participation and blur the line between church and state. If confirmed, Dunlap would pose a serious threat to core constitutional protections and the communities most in need of judicial safeguards.

RELIGIOUS NEUTRALITY & SEPERATION OF CHURCH AND STATE

Dunlap has aggressively argued for a sweeping interpretation of religious freedom that would roll back basic anti-discrimination protections. In a [law review article](#), he asserted that “the Free Exercise Clause mandates a broad ministerial exception to Title VII,” one that would allow religious employers to “avoid the burden of conforming to any of Title VII’s antidiscrimination provisions, including those regarding race, sex, and national origin.”

In a [Cato Supreme Court Review essay](#), Dunlap wrote that governments should “respect religious faith and protect religious freedom through legislative accommodations and by, at times, singling out religion.” He defended this favoritism by arguing that religious exemptions are “not a ‘privilege’ for religion but a way of reducing government interference with religion or state-sponsored skewing of religion-related decisions.”

He also testified in support of Maine’s [Preservation of Religious Freedom Act](#), which allows individuals and organizations to broadly challenge government policies that allegedly burden religious exercise — even if those laws are neutral and broadly applicable. These arguments signal Dunlap’s willingness to support legal doctrines that carve out expansive religious exemptions to civil rights laws, undermining LGBTQ+ protections, reproductive health care access, and anti-discrimination policies.

Dunlap has also actively opposed efforts to hold attorneys accountable for discriminatory conduct. He filed a public objection to a proposed amendment to New Hampshire’s attorney ethics rules, which would have barred conduct “motivated by animus” based on protected characteristics like race, sex, religion, and sexual orientation. Dunlap argued that this rule would infringe on attorneys’ “free exercise rights,” stating: “The right to free exercise of religion includes the right to engage in conduct that is motivated by the religious beliefs held by the individual asserting the claim.” This position dangerously conflates religious freedom with a license to discriminate.

LGBTQ+ RIGHTS

Dunlap's record reveals a deep hostility toward LGBTQ+ equality and legal protections. In a 2012 letter to the editor opposing marriage equality in Maine, Dunlap defended "traditional" marriage while attacking those who supported same-sex marriage, claiming they were trampling free speech. He dismissed their constitutional arguments, writing that "supporters assert that redefining marriage will not affect our rights under the First Amendment, freedom of speech and the free exercise of religion," strongly suggesting that he believes LGBTQ+ rights are inherently at odds with religious liberty.

This framing presents equality as a threat to constitutional freedom and reflects a broader pattern of using "religious liberty" as a tool to oppose LGBTQ+ protections.

ECONOMIC JUSTICE

Dunlap has spent much of his legal career defending powerful corporate interests at the expense of workers, consumers, and the public. He has:

- Defended major banks in consumer class actions related to overdraft fees.
- Represented financial institutions facing lawsuits over deceptive student aid practices.
- Defended pharmaceutical companies in litigation over deceptive marketing of opioid medications.
- Represented auto manufacturers challenging Maine's "right to repair" law, which aims to ensure consumer access to vehicle data.
- Opposed legislation to create a nonprofit, consumer-owned utility in Maine (LD 1708), which was designed to lower costs, expand broadband access, and advance climate goals.

GENDER AND REPRODUCTIVE JUSTICE

Dunlap has supported anti-abortion legislation and rhetoric that undermines reproductive autonomy. He backed LD 327, which would create a wrongful death cause of action for the death of an "unborn viable fetus," joining testimony that claimed the bill was about "providing access to justice" for family members. While framed in neutral terms, such laws have been used across the country to personify fetuses in ways that threaten the legal foundation of abortion rights and punish individuals who access abortion care with extreme criminalization. He also supported LD 83, a bill aimed at restricting access to abortion for minors and incapacitated persons that would create additional barriers to care and reflects a broader effort to limit reproductive access through procedural roadblocks and parental control.

JOSHUA DUNLAP

DEMOCRACY AND VOTING RIGHTS

Dunlap has worked to weaken democratic accountability and campaign transparency. More specifically, he has:

- Represented conservative organizations and corporate clients in lawsuits challenging Maine's campaign finance regulations.
- Represented Republicans in an unsuccessful attempt to block Maine's ranked choice voting system — a widely-supported reform aimed at expanding voter choice and reducing polarization.

His opposition to ranked choice voting and campaign finance rules aligns with a broader conservative effort to insulate political power from public accountability, despite the will of the people.