



# Joshua Dunlap

*Nominee to the U.S. Court of Appeals for the First Circuit*

**COURT**  
Circuit Court

**DATE NOMINATED**  
July 15, 2025

## Introduction

Joshua Dunlap, a longtime ally of right-wing legal causes and a career corporate attorney, was nominated to the First Circuit Court of Appeals on July 15, 2025. Throughout his career, Dunlap has advanced a legal agenda that weakens civil rights protections, elevates corporate and religious power over individual liberties, and rolls back gains in reproductive, LGBTQ+, and voting rights.

Dunlap's nomination is yet another example of the stark contrast between the judicial nominees put forward by the former administration and those of the current one. This First Circuit seat should have gone to Julia Lipez, who was nominated by President Biden for the role, but now serves as an associate justice of the Maine Supreme Court. Instead, the First Circuit vacancy became part of a "deal" brokered by Senate leadership to halt Republican obstruction of well-qualified nominees — a deal that ultimately advanced Trump's broader, coordinated effort to reshape the judiciary. That mission continues today, now taking the form of another lifetime appointment of an extremist, partisan nominee to a powerful appellate court.

From defending financial institutions accused of predatory practices to promoting expansive "religious liberty" claims that sanction discrimination, Dunlap has consistently aligned himself with powerful interests at the expense of workers, consumers, and preyed-upon communities. His record reveals a clear pattern: insulating entrenched power from accountability while narrowing constitutional protections. If confirmed, Dunlap would pose a serious threat to equality, justice, and the integrity of the judiciary.

## Biography

Dunlap earned his undergraduate degree from Pensacola Christian College in 2005 and his J.D. from Notre Dame Law School in 2008. He began his legal career clerking for Judge Paul Kelly Jr. on the U.S. Court of Appeals for the Tenth Circuit before joining Pierce Atwood LLP in 2009, where he has worked ever since.

Promoted to partner in 2018, Dunlap has built a practice representing corporate clients, trade associations, and conservative organizations in high-stakes litigation involving constitutional challenges, regulatory disputes, and efforts to evade labor protections.

Early in his career, in 2006, Dunlap interned with Alliance Defending Freedom — a Southern Poverty Law Center–designated hate group with a persistent record of extreme anti-LGBTQ+ and anti-abortion efforts. At the time, ADF was actively supporting a photographer’s lawsuit seeking to avoid compliance with anti-discrimination laws after refusing to provide wedding services to a same-sex couple.

Dunlap’s nomination would further entrench the judiciary with lifetime judges committed to institutionalized Christian nationalism, framing religious freedom as being under attack by the expansion of civil rights.

## Legal and Other Views

### LGBTQ+ RIGHTS

Dunlap’s public and legal advocacy reflects a sustained opposition to LGBTQ+ equality. In a 2012 letter to the editor opposing marriage equality in Maine, he defended “traditional” marriage and accused equality advocates of infringing on free speech (Letter to the Editor, Scarborough Leader, Oct. 26, 2012). He dismissed constitutional arguments in favor of same-sex marriage and framed LGBTQ+ protections as a threat to religious liberty — a rhetorical posture he has repeated throughout his career. This framing treats LGBTQ+ rights not as fundamental constitutional protections, but as competing interests that must yield to religious claims. This discriminatory view has profound implications for cases involving marriage, workplace protections, and equal access to services.

### RELIGIOUS LIBERTY & SEPARATION OF CHURCH AND STATE

Dunlap has consistently advanced an expansive view of “religious freedom” that would weaken anti-discrimination protections and blur the separation of church and state.

- In a law review article, he argued that the Free Exercise Clause requires a sweeping “ministerial exception” to Title VII that allows religious employers to bypass all anti-discrimination provisions — including those covering race, sex, and national origin. This reasoning would almost certainly extend to less well-protected identities such as sexual orientation, gender identity, disability, and more.
- In a *Cato Supreme Court Review* essay, Dunlap endorsed giving religion special legislative privileges, defending the government’s authority to “single out religion” for favorable treatment — a position fundamentally at odds with the principles of constitutional democracy.
- He testified in support of Maine’s Preservation of Religious Freedom Act, which would have empowered individuals and organizations to broadly challenge neutral laws they claim burden religious exercise.

Dunlap has also opposed accountability for discriminatory conduct by attorneys. In public comments on a proposed New Hampshire ethics rule — a state within the jurisdiction of the First Circuit, where he would sit as a judge — he objected to prohibiting bias based on race, sex, religion, or sexual orientation, claiming such a rule could violate “free

exercise rights.” This stance dangerously conflates religious liberty with a license to discriminate, undermining equal treatment under the law.

By promoting legal theories that contradict the Constitution and frame religious freedom as inherently in conflict with civil rights, Dunlap has laid the groundwork for pitting religious “liberty” claims against anti-discrimination protections. If such cases came before the First Circuit, his record makes clear that his bias would not be in favor of upholding equal protection under the Constitution for all people.

## ECONOMIC JUSTICE

Dunlap has devoted much of his career defending corporate interests against consumer protections and accountability measures. For example, he:

- Defended major banks in consumer class actions over predatory overdraft fees — practices that disproportionately harm financially-vulnerable families and are often designed to repeatedly impose excessive charges on those least able to afford them.
- Represented a financial institution accused of deceptive practices in managing student financial aid accounts.
- Defended pharmaceutical companies in lawsuits alleging deceptive opioid marketing.
- Represented auto manufacturers in their challenge to Maine’s voter-approved “right to repair” law, which aims to make auto repairs easier and more affordable by ensuring consumer access to vehicle data.
- Opposed legislation to create a nonprofit, consumer-owned utility in Maine intended to lower costs, expand broadband access, and advance climate goals.
- Defended claims brought against the Army Corps of Engineers under the National Environmental Policy Act (NEPA) for failure to adequately assess the environmental harms of a new project.

While choosing to be a corporate attorney is one thing, Dunlap has repeatedly selected to defend corporations facing allegations of putting profits over people — from banks accused of draining low-income families through predatory overdraft fees and institutions undermining students’ financial security, to automakers resisting a consumer rights law overwhelmingly supported by voters. Dunlap’s record shows a consistent loyalty to corporate America, with little regard for those outside the C-suite or powerful industries. In Dunlap’s world, the protections of the law give way to the interests of large corporations — even when that means undermining public health, economic fairness, transparency, or efforts to combat fraud.

## GENDER & REPRODUCTIVE JUSTICE

Dunlap has supported legislative measures that restrict reproductive autonomy and pave the way for extreme criminalization of pregnancy outcomes:

- He backed LD 327, which creates a wrongful death cause of action for the death of an “unborn viable fetus” — a legal framework used by anti-abortion extremists to advance fetal personhood claims and undermine abortion rights. Once codified, legislation like this can provide the legal and policy foundation to eliminate access to reproductive health care altogether and criminalize miscarriages and medically necessary abortions.

- He supported LD 83, a bill restricting abortion access for minors and incapacitated persons by imposing additional procedural hurdles. While framed as neutral, these restrictions disproportionately harm people in vulnerable situations, including those with abusive guardians and those whose pregnancies result from trauma, by creating significant barriers to timely abortion care.

By offering witness testimony in favor of these bills, Dunlap demonstrated a willingness to devote his time and professional credibility to advancing these harmful causes. His support for such measures reflects both his personal and professional commitment to restricting reproductive health care.

## **DEMOCRACY & VOTING RIGHTS**

Trump's assault on democracy is not happening in isolation, it is part of a broader authoritarian effort to strip voting power from the people. At a time when America's democracy is under attack, it is more critical than ever to have judges who will uphold the Constitution's integrity and protect fundamental rights necessary to sustain a multiracial democracy. Dunlap's representation and work reveals that he will not uphold these precious rights. Instead, Dunlap continues to advance legal positions that weaken public accountability and obstruct democratic reforms. More specifically, he:

- Represented conservative organizations and corporations in lawsuits challenging Maine's campaign finance transparency measures.
- Represented Republicans in an unsuccessful effort to block Maine's ranked choice voting system — a reform supported by voters to expand electoral choice and reduce political polarization.

These positions align with a larger movement to insulate political power from public scrutiny and dismantle reforms that increase fairness and representation in elections.

## **JUDICIAL PHILOSOPHY**

Across issue areas, Dunlap's record reflects a judicial philosophy that prioritizes institutional and corporate power over individual rights, one that treats expansive religious exemptions as a vehicle for undermining civil rights. He consistently favors process over equity and exclusion over inclusion, with little regard for the real-world harms his positions would cause to marginalized communities.

## **CONCLUSION**

The First Circuit Court of Appeals plays a vital role in safeguarding constitutional protections for millions of Americans. Joshua Dunlap's career — in the courtroom, in public advocacy, and in published writing — reveals a consistent effort to weaken civil rights, expand corporate and religious privilege, and curtail democratic participation. If confirmed to a lifetime appointment on the U.S. First Circuit Court of Appeals he will cause tremendous harm to those within Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico, as well as the nation as a whole.

Confirming Dunlap would entrench these regressive positions in a lifetime judicial appointment. The Senate should reject his nomination to the First Circuit Court of Appeals.