



THE BENCHMARK

The Supreme Court's "Calvinball" Jurisprudence

The Supreme Court is once again flexing its lawmaking power on the “shadow docket” — this time paving the way for the Trump administration to slash over **\$700 million in NIH grants** tied to lifesaving biomedical research. These grants supported research into suicide risk and prevention, HIV transmission, Alzheimer’s, and cardiovascular disease, all research that helps doctors and institutions provide effective, responsive care to all communities.

Four Justices (Thomas, Alito, Gorsuch, Kavanaugh) voted to block the funding entirely while another four (Roberts, Kagan, Sotomayor, Jackson) voted to keep it intact. Justice Barrett cast the deciding vote, splitting the difference. She let the freeze on government guidance stand but blocked the restoration of funds, ruling that such claims must go to a different court.

The result? A procedural maze for anyone fighting harmful policy, where challenges to government decisions are separated from efforts to restore urgently needed funding. Meanwhile, research that could save lives and advance equitable health care hangs in the balance. For the patients and participants who depend on these trials, the consequences could be devastating, and it remains uncertain if justice will ever truly be achieved for them.

Justice Jackson, in a separate dissent, reinforced concerns about the Court’s partisan motives. She wrote that the majority “[bent] over backwards to accommodate” the administration and accused the Court of inventing a form of “Calvinball jurisprudence with a twist.” According to Jackson, the Court now operates under just two rules: “there are no fixed rules” and “[t]his Administration always wins.”

THE SENATE

JUDICIARY COMMITTEE

Trump's Fifth Slate of Judicial Nominees

Trump's latest slate of judicial nominees includes the U.S. Attorney for the Eastern District of Wisconsin for a seat on the U.S. Court of Appeals for the Seventh Circuit, as well as four nominees to federal district courts in North Carolina:

[Rebecca Laine Taibleson](#) (7th Circuit, Wisconsin) – Taibleson previously clerked for Justice Scalia from 2011-2012 and then Judge Brett Kavanaugh when he served on the U.S. Court of Appeals for the District of Columbia. Since 2016, she's served as an Assistant U.S. Attorney in the Eastern District of Wisconsin and was previously an associate at Kirkland & Ellis. Ms. Taibleson testified in support of Justice Kavanaugh during his confirmation hearing and is active in **[The Federalist Society](#)**, including serving as a panelist on "What Does Originalism Mean Today and What Is It Likely to Mean in the Future?" in 2024.

[David Alan Bragdon](#) (Middle District of North Carolina) – Bragdon currently serves in the U.S. Attorney's Office for the Eastern District of North Carolina, focusing on prosecuting financial crimes and public corruption cases.

[Susan Courtwright Rodriguez](#) (Western District of North Carolina) – Courtwright Rodriguez was appointed as a U.S. magistrate judge in 2023. Previously, she worked as a corporate lawyer defending clients against government investigations and enforcement actions by agencies including the Department of Homeland Security, the Department of Justice, and the Consumer Financial Protection Bureau.

[Lindsey Freeman](#) (Middle District of North Carolina) – Freeman is a federal prosecutor in the Middle District of North Carolina. Formerly, she served in Trump's Department of Justice in the Office of Legal Policy.

[Matthew Emile Orso](#) (Western District of North Carolina) – Orso is a partner at Troutman Pepper Locke, specializing in white-collar defense and government investigations. He has defended clients such as large national banks under civil investigation for exploiting elderly customers, a bank accused by the SEC of misrepresenting data, and a financial services client investigated for a Ponzi scheme.

Once again, most of Trump’s nominees come from prosecutorial or corporate defense backgrounds — perspectives that overwhelmingly favor the interests of the wealthy and powerful over the rights of workers, consumers, and historically marginalized populations and communities. Instead of advancing professional and demographic diversity, the Trump administration continues pushing forward nominees whose records suggest they would rather side with the powerful over everyday people seeking justice and accountability when they are hurt.



HOLDING
THE BENCHLINE

At AFJ, we are often focused on the impact that judges make, but our criminal justice system also depends on juries. This week, we are highlighting the ways grand juries are holding the Benchline by refusing to rubber-stamp excessive charges and politically motivated prosecutions brought by Trump’s U.S. attorneys. Grand juries are only required to find probable cause in order to issue an indictment, and it’s extremely rare for them to not find that this low evidentiary burden has been met.

The first case, out of Washington, D.C., involves a woman accused of assaulting an FBI agent during a protest against Trump’s immigration policies. Federal prosecutors tried three separate times to convince grand juries to indict her on felony charges. Each time, **grand jurors declined**. Only after repeated failures did prosecutors back down, reducing the case to a misdemeanor. As her lawyer explained: “The U.S. attorney can try to concoct crimes to quiet the people, but in our criminal justice system, the citizens have the last word.”

Similarly, in California, U.S. Attorney Essayli's office has faced a **wave of grand jury rejections**. Unfortunately, rather than accept those outcomes, Essayli has reportedly directed prosecutors to bring the same cases before new grand juries in different counties, often without adding any new evidence. These tactics show how Trump's appointees appear eager to weaponize the criminal justice system against the people to aid the administration's ongoing efforts to create a culture of fear in our communities.

At a time when Trump's prosecutors are stretching the law to serve political ends, grand juries are proving that everyday people remain a vital safeguard to our justice system. By refusing to endorse excessive charges and baseless prosecutions, they are holding the Benchline where courts and prosecutors have failed.

HOLDING COURT:
Supreme Court Term Preview

ALLIANCE FOR JUSTICE

WHEN:
Tuesday, September 9
Lankford Auditorium
6:00 pm - 8:00 pm ET

Rachel Rossi
AFJ President

Tara Malloy
Senior Litigation Strategist at
Campaign Legal Center

Mary Gay Scanlon
Congresswoman

Please join Alliance for Justice and AFJ Action Campaign on **Tuesday, September 9, 2025, from 6-8pm ET** for our annual in-person event: **Holding Court: Supreme Court Term Preview**. Our speakers will discuss the cases that will be argued during the 2025-2026 Supreme Court term and the potential implications that could arise. The Supreme Court will be hearing oral arguments in cases that could have significant impacts on voting rights, trans rights, campaign finance, and more.

The event will take place in the Lankford Auditorium at the True Reformer Building **[\(1200 U St NW, Washington, DC 20009\)](#)**.

Throughout the next couple weeks, we will be announcing speakers for our event. Our panel will include **Tara Malloy**, Senior Litigation Strategist at Campaign Legal Center. AFJ and AFJ Action Campaign President **Rachel Rossi** will be moderating the panel. We are excited to be joined by **Congresswoman Mary Gay Scanlon (PA-05)** who will be giving closing remarks.

There will be a reception at 6pm with food and refreshments. The speaking program will start at 6:45pm. We will turn to audience questions at the end of the program.

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