



THE BENCHLINE

Supreme Court Undermines Congressional Intent, Again

Once again, the Supreme Court has used its so-called emergency “shadow” docket to allow the Trump administration to carry out partisan and unprecedented actions that threaten our very democracy. This time, the Supreme Court **gave Trump the green light** to fire Federal Trade Commission (FTC) commissioners without cause, circumventing Congress’s intent for the FTC to be an independent agency led by a bipartisan five-member commission.

Justice Kagan, joined by Justices Sotomayor and Jackson, issued a dissent excoriating the conservative majority’s use of the emergency docket to fundamentally “reshape the Nation’s separation of powers.” The conservative majority continues to enable the administration’s efforts to consolidate power and legitimize its executive overreach.



Supreme Court Allows Bathroom Access – For Now

In another shadow docket order issued last week, the Supreme Court **ruled** that a transgender high school student could use the bathroom aligned with his gender in his South Carolina public high school, at least while litigating his lawsuit. The student is challenging a harmful and regressive state law that requires students to use bathrooms for their sex as determined by “anatomy and genetics existing at the time of birth.”

Importantly, the ruling only creates an exception for a single student, and the dangerous and archaic bathroom law remains in effect for everyone else. The Supreme Court has previously issued damaging rulings impacting transgender individuals: as recently as June, the Court **upheld a Tennessee law** prohibiting necessary gender affirming care for young people. In this upcoming term, the Court will **consider two cases** involving the rights of transgender students to participate in local school and college sports. We are watching these cases closely.

THE SENATE

JUDICIARY COMMITTEE

Judicial Nominees

On September 17, the Senate Judiciary Committee held hearings for Trump’s latest slate of judicial nominees:

- **[Rebecca Taibleson](#)** for the Seventh Circuit Court of Appeals
- **[Susan Courtwright Rodriguez](#)** and **[Matthew Emile Orso](#)** for the Western District of North Carolina, and
- **[Lindsey Freeman](#)** and **[David Alan Bragdon](#)** for the Middle District of North Carolina.



We continue to remain concerned about **David Alan Bragdon's** nomination. Bragdon's egregious record provided fertile ground for vigorous questioning by members of the Senate Judiciary Committee. Unfortunately, few members attended the Senate Judiciary hearing, and no one on the committee raised a single question calling Bragdon's statements into account. As these nominees are now headed into a Senate Judiciary markup, it is absolutely critical for every member of the Senate Judiciary Committee to hold these nominees accountable for their records.

Please call or send a note to your Senator and remind them that it is unacceptable to allow a nominee with Bragdon's record of extreme remarks to move forward.

HOLDING **THE BENCHLINE**

Despite the Trump administration's continued executive overreach and efforts to barrel past the limits of law (with the Supreme Court's complicity), lower courts continue to push back and uphold the law. Last week, the U.S. Court of Appeals for the D.C. Circuit **upheld** a lower court's decision to block Trump from firing Federal Reserve governor Lisa Cook. The ruling enabled Cook to stay on the Federal Reserve Board ahead of the Federal Reserve's policy meeting, where the Board was considering whether to cut interest rates. This is just one of many examples where towing the line and upholding the rule of law has real-world implications. Halting the illegal firing of Lisa Cook is a win for the public and keeping our economy on course.

In another case, D.C. District Court Judge Timothy Kelly **ordered** the Trump administration to pause efforts to deport hundreds of Guatemalan children who came to the United States as unaccompanied minors. While the Trump administration had misleadingly presented its actions as a "reunification effort" requested by the children's parents, Kelly noted there was no evidence that the parents of the children sought their return. The administration continues to rush major deportation and immigration decisions, in the process hurting thousands of children and families.

Justice Trivia Night – Join us!

We would love to see you on October 23, 2025, from 6:30-8:30 pm at [AFJ's Justice Trivia Night](#) at Stoney's on P Street. It will be a lively evening dedicated to all things courts, pop culture, and legal trivia! Whether you're a legal genius or just in it for the vibes, we'd love to see you there. Bring your A-game, enjoy two complimentary drinks, and compete with friends and colleagues for trivia glory (and bragging rights).

We hope you're as excited as we are! Grab your gavels and join us for a night of free food, facts, and friendly competition. [Register here to join!](#) If you have any questions, feel free to contact Maya at Maya.Lynch@afj.org.

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