



# Justin Smith

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

**COURT**

Circuit Court

**DATE NOMINATED**

February 18, 2026

## INTRODUCTION

On February 18, 2026, President Trump nominated Justin Smith to serve on the U.S. Court of Appeals for the Eighth Circuit. Smith is no exception to the Trump-nominee formula: deeply entrenched with right-wing causes and connections, concerning views on a range of civil rights issues that affect everyday people, and, above all else, an unwavering loyalty to Trump's vindictive authoritarian agenda, no matter the cost to those he is meant to serve.

Smith's nomination to the Eighth Circuit would come as a concern at any time: Circuit court judges hear cases that affect everyday people across multiple states, and these judges' opinions often serve as the final say on significant, substantive, and complicated areas of the law. But especially as the Supreme Court continues to narrow the number of cases it hears year over year, Smith has the unprecedented opportunity to transform what are now, extremist, on the margin viewpoints, into the bedrock of legal decisions that will control the lives of those in Missouri, Iowa, North Dakota, South Dakota, Nebraska, Arkansas, and Minnesota.

The forecast becomes more dire when we consider how much damage Smith could cause if confirmed: in recent months, the Eighth Circuit has already heard cases that affect the rights of everyday people to engage in peaceful protest, that drive our policies and ability to limit immigration enforcement in this country, that balance and rebalance the interplay between federal power and state rights, and that determine who can vote, how they can vote, and whether individuals can even sue when those voting rights are violated.

And there are many more cases that are likely to reach Smith's desk, which give him a golden opportunity to entrench his ideology and weave his legacy of hate, violence, and mistrust. ICE just left the city of Minnesota after months-long occupation, where agents regularly illegally detained, surveilled, and used force against immigrants who they were trying to detain and the peaceful protestors who came out to support their neighbors. After the shooting of Renee Good and Alex Pretti, many took the street to oppose ICE's presence and behavior, and over 400 lawsuits have already been filed over wrongful detentions. Smith will be the one who will determine the fate of many of these everyday people, often acting as the final opportunity for justice for those who are seeking to become whole after their rights have been violated or they have been harmed at the hands of state violence.

## Introduction (*continued*)

Unfortunately, circuit court judges will always have the opportunity to have an outsized impact on issues important to us, including, but not limited to voting rights, civil rights, LGBTQ+ rights, access to reproductive care, immigration, environment justice, criminal justice, corporate accountability, checks and balances, gun safety, Native rights, economic justice, and more. But Smith is joining the Eighth Circuit at a time when many of these issues will undoubtedly appear before him and there is no doubt he will use this opportunity to serve the one person he has always served: Trump.

## Biography

Justin Smith received a B.A. in Political Science from the University of Missouri-Kansas City in 2007. In 2010, he graduated with a J.D. from the University of Missouri-Columbia. After graduating, Smith worked as an associate at Shook, Hardy, & Bacon. He then joined the Missouri Governor's Office, where he served as deputy counsel. Smith then worked as general counsel in the Missouri Department of Agriculture before transitioning to the Missouri Attorney General's Office, where he held several positions: assistant deputy attorney general for special litigation, deputy attorney for special litigation, chief of staff, and finally first assistant. Smith then worked as senior advisor in the U.S. Senate for three months before joining as an associate at James Otis Law Group, an infamous far-right law firm with a track record of advancing conservative agendas across a litany of issues. Smith currently co-owns the firm.

## HELPS TRUMP EVADE ACCOUNTABILITY

Since joining the James Otis Law Group in 2023, Smith has served as Trump's personal lawyer in two high-profile cases before the U.S. Supreme Court. The first was *Trump v. United States* (2024), in which the Court held that the president has absolute immunity from criminal prosecution for all "official" actions taken within their constitutional authority. Smith played a central role in the case, taking primary responsibility for drafting the merits briefs and leading the preparation for oral argument. In his Truth Social [post](#) announcing Smith's nomination, Trump recognized Smith's significant contribution, stating that "Justin...played a BIG role in securing a Supreme Court Landmark Victory on Presidential Immunity."

Buoyed by this victory, Smith is now serving as the attorney of [record](#) for Trump in his effort to have the Supreme Court overturn the [\\$83.3 million](#) civil judgment entered against him in the sexual abuse and defamation case brought by journalist E. Jean Carroll. While acting in this capacity, Smith has engaged in some truly reprehensible behavior. In his [petition](#) for certiorari to the Court, Smith alleged that Carroll lied about the sexual assault and based her narrative on the storyline of a 2012 Law and Order: SVU episode. Smith egregiously [misrepresented](#) the events portrayed in the episode to better match up with Carroll's account.

Smith's nomination to the Eighth Circuit may stem from Smith's demonstrated willingness to bend the facts on Trump's behalf. It also continues a disturbing trend of Trump rewarding his personal attorneys and loyalists with

## HELPS TRUMP EVADE ACCOUNTABILITY (*continued*)

powerful positions in his administration and the federal judiciary. In 2025, Trump installed fellow James Otis lawyers D. John Sauer and Will Scharf as Solicitor General and White House staff secretary, respectively.

## OPERATES IN FAR-RIGHT CIRCLES

Like many of Trump's previous judicial nominees, Smith has served on the board of directors of several dark-money, far-right organizations, including the Publius Fund, the Yorktown Fund, First Principles Action, and the American Patriot Fighters, Inc. The Publius Fund and First Principles Action in particular have deep ties to [Leonard Leo](#), the architect of the conservative legal movement's decades-long campaign to reshape the federal judiciary, and [Neil and Ann Corkery](#), key financiers of the far-right legal movement. By serving as a board member in these organizations, Smith demonstrates a continued commitment to advancing harmful right-wing agendas across a litany of issues, including gutting civil rights protections, diluting voting rights, restricting access to reproductive care, and attacking some of the most marginalized communities in the country.

## ATTACKS REPRODUCTIVE RIGHTS

Smith has spent his career advancing anti-abortion, extremist beliefs. During his tenure at the James Otis Law Group, Smith defended the Arizona Legislature's attack on reproductive freedom that violated the state's constitution. In 2024, Arizonans overwhelmingly voted in favor of [Proposition 139](#), the Arizona Abortion Access Act, which enshrined the right to abortion into the state constitution. Following the measure's passage in 2025, health care providers filed [suit](#) to strike down state laws that violated the new constitutional guarantee. Republican lawmakers led the legal effort to defend the challenged restrictions: a ban on abortion care via telehealth, a ban targeting certain reasons for seeking care, and a law requiring people to make multiple, unnecessary trips to a health care provider before being able to receive care.

Smith advocated for these burdensome restrictions to block access to abortion care. Ultimately, an Arizona state superior court [rejected](#) Smith's arguments and ruled in favor of protecting Arizonans' right to abortion. Had Smith prevailed, Arizonans would have faced telehealth bans, reason-based restrictions, and medically unnecessary barriers to care — all in direct violation of rights voters enshrined in their state constitution.

Earlier in his career at the Missouri Attorney General's Office, which has led many national attacks on abortion access, Smith was one of the attorneys of record in [Doe by Next Friend Rothert v. Chapman](#) (8th Cir. 2022). In 2018, 17-year-old Jane Doe sought to access abortion care in Missouri. At the time, Missouri prohibited minors under the age of eighteen from undergoing an abortion without the written consent of at least one parent or guardian. A minor could bypass this consent requirement if they could show a court either (1) they were "sufficiently mature" to make the decision themselves or (2) an abortion was in their "best interests."

## ATTACKS REPRODUCTIVE RIGHTS *(continued)*

When Doe sought a judicial bypass, the circuit clerk of her county courthouse told her that the court was required to notify her parents of the hearing. Doe eventually obtained a judicial bypass in neighboring Illinois and had an abortion. Later, Doe sued the clerk for violating her Fourteenth Amendment rights, and the case ultimately reached the Eighth Circuit, where Smith argued that the clerk was shielded by quasi-judicial immunity and qualified immunity. The Eighth Circuit rejected both arguments, citing Supreme Court and Eighth Circuit precedents that clearly established requiring parental notice of a judicial bypass hearing unduly burdened pregnant minors. Had the Eighth Circuit sided with Smith, minors' access to abortion in Missouri without parental interference would have been significantly restricted.

In this same capacity, Smith defended an eight-week abortion ban and a ban targeting certain reasons for seeking abortion care. In 2019, Missouri passed its most restrictive abortion ban with the signing of [House Bill No. 126](#), banning abortion past eight weeks and restricting grounds on which someone could seek abortion care. The Eighth Circuit Court of Appeals eventually [blocked](#) enforcement of both restrictions. Smith challenged the lower courts' findings that the bans were unconstitutional and [requested](#) the Supreme Court to intervene, but the Court refused to consider the case.

Had Smith prevailed, the only abortion option for Missourians past eight weeks gestation would have been to travel outside the state to access care. Many people — including low-income people, people who already had children, people without paid vacation or time off, and young people — would likely have been unable to travel, forcing them to carry an unintended pregnancy to term against their will. Similarly, bans on certain reasons people seek care are often accompanied by performative concern, particularly for people with disabilities. Whether or not to continue a pregnancy or raise a child is a serious consideration that should be made by the pregnant person and their loved ones, informed by medically accurate information from their provider — not politicians.

## VEHEMENTLY OPPOSES LGBTQ+ RIGHTS

Smith has a track record of wielding his power to attack those who are marginalized, and he seems particularly intent on targeting those in the LGBTQ+ community. Smith is currently a [co-owner](#) of the far-right law firm James Otis Law Group, where Smith regularly uses his power and influence to attack LGBTQ+ individuals. For example, Smith is currently serving as lead counsel in a case [defending](#) the Arizona Legislature after they passed a law targeting transgender students, ensuring that transgender girls were excluded from competing on school sports teams at every grade level. The district court sided with transgender girls and their parents, and awarded them a preliminary injunction, stopping the law from going into effect during the course of the litigation. Smith fought back, filing an emergency motion, arguing that cisgender girls would be harmed if they were to play sports with transgender girls, but that the transgender girls faced no harm if they were kept off the sports teams.

## VEHEMENTLY OPPOSES LGBTQ+ RIGHTS *(continued)*

But Smith didn't stop there. Smith **took the case** all the way to the U.S. Supreme Court, submitting briefs that showed little regard for the humanity of those who he was targeting: he regularly misgendered students in his briefs, using the terms, "biological boys" and "biological males." The Eighth Circuit has over 650,000 LGBTQ+ people, and Smith's behavior shows he cannot treat those people with the respect, dignity, decorum, and consideration they are entitled to and deserve. This should preclude him from serving in a lifetime position on the judiciary, especially one which serves over 67 million people.

Smith also represented a known hate group, the **American College of Pediatricians**. After Missouri passed a law that banned gender affirming care for youth, Smith penned an amicus brief in **support** of the law arguing that allowing transgender youth access to gender affirming medical care would entrench a mental health condition of "gender incongruence." Smith also rested his argument on the idea that the only appropriate treatment for transgender youth was to "affirm" their sex assigned at birth, also known as conversion therapy, a dangerous and discredited pseudoscientific "therapeutic" method used to force LGBTQ+ individuals to conform to heterosexual and cisgender norms. Peer-reviewed **studies** continue to show that LGBTQ+ youth subjected to conversion therapy are more than twice as likely to attempt suicide.

Smith has built a career on loudly fighting against LGBTQ+ people having equal rights and protection under the law. The people of the Eighth Circuit deserve better than an ideologue who will use his power to harm those who he is meant to serve.

## SIDES WITH BIG CORPORATIONS

Smith not only attacks marginalized people, but he also makes a point to use his position to defend, protect, and bolster corporations, the rich, and the powerful. While working for Governor Greitens, Smith supported efforts to **weaken unions with "right-to-work" legislation** that takes away workers' ability to collectively bargain for fair wages, benefits, and respect on the job. In his other roles working in the Missouri government, Smith also advanced policies that were explicitly friendly towards Big Oil and fossil fuel producers. Smith **stood in the way** of public efforts to implement common-sense environmental regulations. Smith's work means that Missourians have had less access to safe drinking water and must bear the effects that result from the continued use of known toxic pesticides, which can lead to a range of **poor health outcomes** including cancer and Parkinson's.

Smith has also used his government role to **help weaken** Missouri's Clean Water Commission, a body that helps ensure that standards for water quality are enforced and issues permits for farmers, industrial facilities, and livestock. He also has **challenged** a Federal Energy Regulatory Commission requirement that would force the cost of carbon be considered prior to the approval of any additional new natural gas pipelines.

## SIDES WITH BIG CORPORATIONS *(continued)*

Smith's work on these issues just continues to what energizes his career: a vehement and incessant need to attack the institutions, rules, and systems that help protect everyday people. Across all substantive issue areas, Smith proves that he is incapable of being a neutral arbiter of the law, but instead will use his power to advance his personal interest and agenda.

## CONCLUSION

Justin Smith is a Trump loyalist, who, as reward for using his power to carry out Trump's bidding, has received a nomination to one of the most influential and important judicial positions in our country. This is an unacceptable exchange, and highlights why we must continue to advocate for federal judicial nominees who are objective, fair-minded, and unwilling to bargain their independence to gain a position of power. The people of the Eighth Circuit, and all others who will be impacted by Smith's decisions, deserve a judge who will uphold the law, not uphold an inappropriate and damaging loyalty bond to a President who regularly shows no respect for the judiciary and the everyday people whose lives are impacted by it.