



THE BENCHMARK

SCOTUS Vacancy Watch

As speculation grows over a possible Supreme Court vacancy, explore AFJ's shortlist of potential nominees and what to know about each candidate.

EXPLORE THE SHORTLIST

Judicial Nominees

Last week, the Senate confirmed [Mike Hendershot](#) (U.S. District Court for the Northern District of Ohio) and [John Marck](#) (U.S. District Court for the Southern District of Texas) to lifetime seats on the federal judiciary. Throughout his legal career, Hendershot consistently prioritized the interests of the rich and powerful over everyday people, working to shield Fortune 400 corporations from accountability when they hurt people. He also weaponized his role in the Ohio Attorney General's Office to advance extreme positions.

For example, in [Husted v. A. Philip Randolph Institute](#), Hendershot defended Ohio's controversial voter purge policy, which allowed the state to remove voters who hadn't voted for two years and didn't respond to a confirmation notice. His record demonstrates that he will not act as a fair and impartial marshal of the law.

Marck's behavior also raises concerns about his ability to be independent and fair-minded. In Marck's Senate judiciary hearing, he [claimed](#) there was a world in which the Constitution could allow Trump to run for a third term. Marck's answer reveals his allegiance to Trump more than the Constitution and upholding the law.

The same playbook. Different nominees.



DANIEL DOMENICO

- ▶ Long ties to conservative legal movement
- ▶ Raises concerns about ideological agenda
- ▶ Nominated to the Tenth Circuit



ANNA ST. JOHN

- ▶ Elevated again after recent confirmation
- ▶ Deep ties to right-wing advocacy groups
- ▶ Nominated to the Fifth Circuit

Who gets a lifetime seat **matters.**

The Senate also held a hearing for [Daniel Domenico](#) (Tenth Circuit) and [Matthew Byrne](#) (Southern District of Ohio) last week. During the hearing, Byrne **was asked** who won the 2020 election. He provided the same canned response that previous Trump nominees have been using, that “Joseph Biden was declared the winner by joint session of Congress.” When pressed on his answer by Senator Blumenthal, Byrne fell back on another common, canned response that it would be “inappropriate” as judicial nominee to comment on a “disputed political and legal issue.” Blumenthal continued to press Byrne, but Byrne refused to provide any additional response outside of the predetermined responses he had already used. The public deserves better than federal judges who refuse to acknowledge simple facts about the 2020 election. No federal judicial nominees should be confirmed if they do not exhibit basic and necessary judicial independence.

Earlier this week, Trump nominated [Anna St. John](#) to the U.S. Court of Appeals for the Fifth Circuit, as well as Gregory Cook to the U.S. District Court for the Northern District of Alabama. The Senate only recently confirmed St. John to her current federal district court seat. Prior to her confirmation, AFJ and **[dozens of advocacy organizations](#)** opposed her nomination, given her leadership and numerous connections to right-wing-aligned groups, including the Center for Class Action Fairness (CCAF) (now part of the Hamilton Lincoln Law Institute) and the Independent Women’s Forum (IWF). Cook currently serves as a justice on the Alabama Supreme Court.

THE SUPREME COURT

The Supreme Court’s 2025-2026 term ended on Tuesday. As is typical, the Court saved many of its most important and controversial decisions for the end of the term. Some cases are highlighted below:

Trump v. Barbara

In a 5-4 decision, the Supreme Court reaffirmed what every lower court had already determined: that the Fourteenth Amendment grants citizenship to those who are in born on United States soil, regardless of an executive order by President Trump proclaiming otherwise. Justice Roberts penned the majority opinion, with Justices Barrett, Sotomayor, Kagan, and Jackson. Read AFJ's statement on the case [here](#).

West Virginia v. B.P.J. (consolidated with Little v. Hecox)

In a 6-3 opinion, the Supreme Court sanctioned discrimination against student athletes who wish to participate in sports as their authentic selves. The Court determined that states could ban trans athletes from participating in sports teams that align with their gender identity, resting this argument on a stilted analysis that neither the Title IX nor the Equal Protection Clause of the Fourteenth Amendment prohibit this kind of discrimination. Read AFJ's statement on the case [here](#).

National Republican Senatorial Committee v. Federal Election Commission

In a 6-3 opinion, the Supreme Court concluded that the Federal Election Commission's political-party coordinated-expenditure limits violated the First Amendment. This decision, issued mere months before a highly impactful midterm election, loosens restrictions on how money can be channeled into congressional campaigns. Read AFJ's statement on the case [here](#).

THE SUPREME COURT CONCLUDED
YET ANOTHER **HARMFUL TERM.**



Blanche v. Lau

Writing for a 6-3 majority, Justice Thomas held that the Immigration and Nationality Act allows a border patrol officer to deny a legal permanent resident (“LPR”) reentry into the U.S. if the officer simply suspects that the LPR may have committed a crime of moral turpitude. Additionally, the Court remanded the issue of whether selling counterfeit clothes is a crime of moral turpitude. See AFJ’s [statement](#) for further analysis.

Wolford v. Lopez

Writing for a 6-3 majority, Justice Alito further weakened states’ ability to regulate firearms. His opinion struck down a state law that required concealed-carry permit holders to obtain a property owner’s express consent before carrying handguns on private property. For more analysis, read [here](#).

Mullin v. Al Otro Lado

Writing for a 6-3 majority, Justice Alito held that an immigrant does not “arrive in the United States” for purposes of claiming asylum until they physically cross the border. This decision allows immigration officials to turn back asylum seekers at ports of entry without considering their claims. For more analysis, read the Constitutional Accountability Center’s [statement](#).

Trump v. Slaughter

Writing for a 6-3 majority, Chief Justice Roberts held that the Federal Trade Commission’s for-cause removal provision is unconstitutional and violates the separation of powers principle. Overturning 91 years of Court precedent, this decision allows the president to fire the heads of independent agencies without cause, further consolidating power for the executive branch. See AFJ’s [statement](#) for more analysis.

Watson v. Republican National Committee

Writing for a 5-4 majority, Justice Barrett held that federal election-day statutes do not require that ballots be received by election day to be valid. This decision allows states to count absentee ballots postmarked by election day but received thereafter. For more analysis, see the ACLU’s [statement](#).

Chatrie v. United States

Writing for a 6-3 majority, Justice Kagan held that police officers conduct a Fourth Amendment search when they acquire an individual's location data because an individual has a reasonable expectation of privacy in their cellphone location information. For more analysis, see the Constitutional Accountability Center's [statement](#).

Trump v. Cook

In a 5-4 decision, the Supreme Court determined that Lisa Cook, a member of the Federal Reserve's Board of Governors, could stay in her job while her case against Trump for trying to fire her moved forward. The majority noted that deciding against Cook would transform for-cause protections into at-will protections, which would not align with congressional intent nor the tradition of keeping banking shielded from political interference. Read more about the case [here](#).

We will continue to monitor the impact of these rulings and provide analysis as their effects unfold.

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