

The Supreme Court - June 27, 2018

Today, the Supreme Court of the United States announced the retirement of Associate Justice Anthony M. Kennedy:

Justice Kennedy, nominated by President Ronald Reagan to the Supreme Court, assumed the bench in 1988. This afternoon, he formally notified President Donald Trump of his decision to retire from active status, effective July 31, 2018.

Justice Kennedy's letter to President Trump is available [here](#).

The Supreme Court also issued two decisions:

Janus v. American Federation of State, County, and Municipal Employees, Council 31, No. 16-1466: Petitioner, an Illinois state employee, refused to join his public-sector union because he disagreed with its public-policy positions. An Illinois law, however, still required petitioner to pay the union a fixed "agency fee"—a percentage of union dues representing the union's collective-bargaining, rather than its political or ideological, activities. Although the Supreme Court upheld a similar law in *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977), petitioner challenged the Illinois law in federal court. Today, the Court overruled *Abood*, holding that states and public-sector unions cannot compel nonmembers to pay any union fees without violating the First Amendment.

The Court's decision is available [here](#).

Florida v. Georgia, No. 142: In this original action, Florida alleged that Georgia was using more than its fair share of water from the interstate Apalachicola-Chattahoochee-Flint River Basin. The Court appointed a Special Master to take evidence and make recommendations on Florida's claims. The Special Master recommended that the Court dismiss Florida's claims, finding that Florida had not proved by clear and convincing evidence that its injury could be remedied by an order capping Georgia's use of water from the Basin. Today, the Court remanded the case back to the Special Master. The Court held that Florida need not prove redressability by clear and convincing evidence to

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meet its “initial burden,” and the Court directed the Special Master to make further evidentiary findings.

The Court’s decision is available [here](#).