

Selendy & Gay Files Amicus Brief on Behalf of Campaign Legal Center

01/29/20



Selendy & Gay and the Campaign Legal Center, a nonpartisan organization dedicated to strengthening the democratic process, have filed an important amicus brief supporting Delaware's system of requiring partisan balance on the state's courts.

The case, which is pending before the U.S. Supreme Court, will determine whether the First Amendment prohibits a state government from considering the partisan affiliation of judicial candidates.

In this matter, retired lawyer James Adams sought to become a judge in Delaware. Adams, who is not a Republican or a Democrat, concluded he could not apply for an open judicial position because it required that the candidate be a Republican. Adams then brought suit, claiming the law was unconstitutional because it took party affiliation into account.

In its amicus brief, Campaign Legal Center argues that the First Amendment does not prohibit a state government from considering the partisan affiliation of judicial candidates, and, moreover, that states have a compelling interest in setting eligibility criteria for their judicial officers. The brief also describes the long history of partisan-balance requirements at the federal and state levels and cautions that a broad ruling invalidating Delaware's system could put all of those requirements at risk.

The Supreme Court is expected to rule on the case in June 2020.

Read the [full amicus brief here](#).

The Selendy & Gay Team

Caitlin Halligan, Philippe Selendy, Sean Baldwin, Spencer Gottlieb, Babak Ghafarzade and Katie Renzler served as counsel to Campaign Legal Center on the amicus brief.

Attorneys

- Philippe Z. Selendy
- Sean Baldwin
- Babak Ghafarzade

Practice

- Appellate