Judge Amul Thapar of the United States District Court for the Eastern District of Kentucky was nominated by President Donald Trump to serve on the Court of Appeals for the Sixth Circuit. He was nominated to the Sixth Circuit after his fellow Kentuckian, Senate Majority Leader Mitch McConnell, refused to allow the Senate to act on President Obama’s nominee for the same seat. Judge Thapar’s name was on the list of 21 proposed judicial nominees given to President Trump by the Koch-funded Heritage Foundation and Federalist Society.

**ACCESS TO JUSTICE**

**Sours v. Big Sandy Regional Jail Authority:** James Sours, a pretrial detainee, died after two days in jail when he was not provided with diabetic medication by the jail’s nurse. Judge Thapar ruled that the nurse, who knew of Sours’s illness but did not provide insulin or emergency room care, instead choosing to go on a five-day vacation and leave him without medical supervision, did not have to face a jury trial. Thapar’s ruling was overturned on appeal.

**Wasek v. Arrow Energy Services:** Harold Wasek sued on sexual harassment charges, alleging that a male co-worker repeatedly touched him and made unwanted comments while his employer declined to take action. Judge Thapar ruled that same-sex sexual harassment claims could not be made unless the victim could offer “credible evidence that the harasser was homosexual.” His reasoning has been rejected by several other circuits.

**Watson v. Kentucky:** Stephanie Watson, a defendant awaiting trial on monitored conditional release, was denied medication for her drug addiction because the state of Kentucky refused to provide it to persons on conditional release. She sued in federal court, claiming violations of her constitutional rights. Judge Thapar dismissed her case based on a very loose interpretation of legal precedents regarding when federal courts can involve themselves in cases being handled by state courts.

**Turner v. Astrue:** In this case, Judge Thapar would have denied reimbursement of attorney fees to a person who successfully argued that he was improperly denied disability benefits he was entitled to under law. The person had agreed to pass any fee reimbursement on to his lawyer; whether they won their case or not, payment arrangements such as these can be the only way people without a lot of money can afford to hire a lawyer. Judge Thapar’s decision was reversed on appeal, but if it had stood his decision would have made it more difficult for attorneys to collect fees, thereby making it more challenging for individuals with limited means to get legal representation and pursue meritorious claims in court.

**MONEY IN POLITICS**

**Winter v. Wolnitzek:** Judge Thapar ruled against Kentucky campaign ethics rules for judicial candidates in this case, and his ruling on three key provisions was overturned by a federal appeals court. His ruling offers a window into his thinking on money in politics.

With the goal of keeping judicial candidates as nonpartisan as possible, Kentucky had been barring them from making contributions to political parties or campaigning with political groups, making promises or pledges regarding issues, and making misleading statements. Judge Thapar ruled to stop enforcement of these rules; significantly, he ruled that judicial candidates should be able to contribute money to other candidates’ campaigns or to political parties, since “financial contributions count as speech” and should be protected. His ruling, later overturned, ignored clear Supreme Court precedent and suggests Judge Thapar’s unwillingness to rein in the problematic growth of money in politics.

**CRIMINAL JUSTICE**

**United States v. Walli:** Judge Thapar tried to impose stiff prison sentences on three anti-war activists, including a nun, who broke into a nuclear weapons facility in Tennessee and spray-painted it. The three also hung banners with peace slogans at the site before they surrendered without protest. In making his ruling, Judge Thapar determined that the three activists had endangered national security. The convictions were overturned by a federal appeals court.

**United States v. Zorn:** Judge Thapar ruled that federal courts cannot reduce a person’s sentence for time already served in a state prison, if the person has served that time while waiting for sentencing on the same charges. His ruling would have extended and maximized prison time for incarcerated people. The Supreme Court, in an opinion written by the late Justice Antonin Scalia, disagreed, and Thapar’s decision was vacated.

**ALLIANCE FOR JUSTICE HAS SERIOUS CONCERNS ABOUT JUDGE THAPAR’S FITNESS FOR ELEVATION TO A HIGHER COURT, AND URGES SENATORS AND THE PUBLIC TO CLOSELY SCRUTINIZE HIS RECORD.**