

ALLIANCE FOR JUSTICE SNAPSHOT

Trump's Supreme Court Shortlist:

Barbara Lagoa



Trump's Supreme Court Shortlist:

Barbara Lagoa

Barbara Lagoa, currently a judge on the U.S. Court of Appeals for the Eleventh Circuit, is on President Trump's shortlist for the Supreme Court. Alliance for Justice strongly opposes the consideration of Lagoa for a seat on the U.S. Supreme Court.

Access to Healthcare

Trump has explicitly stated he will nominate judges who are hostile to the Affordable Care Act (ACA). Trump [said](#) "My judicial appointments will do the right thing unlike Bush's appointee John Roberts on ObamaCare." Particularly as the Supreme Court is considering a challenge to the ACA, her confirmation would threaten the health of millions of people.

Reproductive Rights

Trump has made clear on numerous occasions that he will only put Justices on the Supreme Court who pass his [litmus test](#) of overturning or gutting *Roe v. Wade*. Trump has said that [overturning Roe](#) "will happen automatically . . . because I am putting pro-life justices on the court." Judge Lagoa's hostility to reproductive freedom is further demonstrated by the support she's garnered from anti-choice lawmakers and advocacy groups, including Republican [Matt Gaetz](#) (R-Fla.) who said she is "very pro-life, reliably pro-life," and the Florida Family Policy Council, a group that [opposes](#) legalized abortion and LGBT rights, and said last year that Lagoa "has a conservative judicial philosophy." Lagoa's confirmation to the Supreme Court would put reproductive freedom at risk.

Undermining Democracy

In [Jones v. Florida](#), Lagoa ruled against Florida voters to hold that despite the passage of a state referendum restoring the right to vote to disenfranchised former felons, the state legislature could prevent otherwise eligible Floridians from voting if they did not pay all courts fines and fees (even if the state is unable to even tell the Floridian how much they owe) – a "pay to vote" system. As a result, tens of thousands of Floridians will not be able to exercise their right to vote.

Lagoa also previously participated in this case when she was a judge on the Florida Supreme Court, but despite [“committing under oath during \[her\] Senate confirmation”](#) to withdraw from cases in which she previously participated, she refused to recuse herself when the Eleventh Circuit heard the appeal.

Protections for the Wealthy and Powerful Over the Rights of All

Lagoa has been consistently protective of wealthy employers and businesses and hostile to workers and consumers. On the Florida Supreme Court, Lagoa sided with big business interests over restaurant and retail workers by refusing to consider an appeal of a lower court decision striking down a voter-authorized minimum wage increase in Miami Beach. As a result, workers are now [losing](#) nearly \$120 million in annual wages. Similarly, Lagoa in [McGillis v. Department of Economic Opportunity](#) ruled for Uber at the expense of their drivers, determining that the company’s workers were not entitled to unemployment benefits.

In multiple instances, Lagoa has [ruled against](#) workers who faced illegal retaliation after reporting racist comments or seeking workers’ compensation payments after being injured on the job. She instead protected employers’ interests by reversing awards of damage payments that juries had determined the employees were entitled to.

Lagoa also gave the mortgage industry a huge win at the expense of homeowners by [overturning](#) a decision requiring banks that bring improper foreclosure actions to pay homeowners’ attorney’s fees. This ruling makes it harder for homeowners to fight banks that are unlawfully foreclosing on their homes.

Before being nominated to the Florida Supreme Court in 2018, Lagoa [interviewed personally](#) with Leonard Leo, co-chair of the ultraconservative Federalist Society. Lagoa claimed she could not recall the specifics of the interview, but Leo’s approval of her nomination signals that she shares his dangerous agenda to undermine legal protections critical for workers, consumers, and the environment.

Immigration

In [Patel v. United States Attorney General](#), Lagoa held that the Court of Appeals had no jurisdiction to review an immigrant’s appeal after he was denied labor certification to work in the United States because he mistakenly checked the U.S. citizenship box on his driver’s license application form. This ruling gives immigration officials an extraordinary degree of unchecked authority with no judicial review.

Environmental Protections

During her Senate confirmation process to become a judge on the Eleventh Circuit, Lagoa [refused](#) to say whether she thought that “human activity is contributing to or causing climate change.”

Conclusion

The Alliance for Justice strongly opposes the consideration of Barbara Lagoa for a seat on the U.S. Supreme Court. [Read more on Lagoa's background.](#)