



Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

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LEGISLATIVE ACTION ALERT

Another Nail in the Union's Coffin?

Voting the wrong way or not voting at all has consequences. Look at what we got with the New Supreme Court

Trump Nominee Is Behind Anti-Union Legal Campaign

In an article posted in the New York Times[©], staff writer Noam Scheiber explains that even before the Supreme Court struck down mandatory union fees for government workers last month, the next phase of the conservative legal campaign against public-sector unions was underway.

In March, with the decision looming, lawyers representing government workers in Washington State asked a federal court to order one of the state's largest public-employee unions "to disgorge and refund" fees that nonmembers had already paid. Similar lawsuits were filed in California, New Jersey, New York, Pennsylvania, Minnesota and Ohio.

The complaints could upend the legal system by arguing that states and private parties like unions face liability even though they followed the law as it existed at the time. They could also cost unions hundreds of millions of dollars.

Beyond their legal claims, the cases share another striking detail: The lead counsel in each is a conservative lawyer named Jonathan F. Mitchell.

Mr. Mitchell, 41, served as a volunteer attorney on the Trump transition team, where he helped review future executive orders. In September, the president nominated him to head the Administrative Conference of the United States, a small federal agency that advises the government on improving its inner workings. His nomination awaits action by the Senate after the Judiciary Committee approved him on a party-line vote in March.

Mr. Mitchell appears to be a driving force behind the anti-union litigation, suggesting a well-coordinated effort. In an email, he declined to discuss the matter, citing "my pending nomination and my desire not to draw attention to the lawsuits." It is unclear who funds the work of the firm cited on most of the cases, Mitchell Law.

Mr. Mitchell's co-counsel in the Washington State case, Hannah Sells, a lawyer for the free-market Freedom Foundation, said she met Mr. Mitchell less than one year ago at an event put on by the Federalist Society, the conservative legal organization. He expressed interest in working on litigation related to union membership and mandatory union fees, Ms. Sells said.

“If I were the unions, I’d be really nervous,” said Mr. Baude, who was a co-author of a brief defending mandatory union fees in the case that led the Supreme Court to rule against those fees last month. Mr. Baude’s brief argued that the fees were consistent with uncontroversial government practices in other areas.

Both he and Ms. Block said the court’s decision last month indicated that the conservative majority might rule that the fees should be refunded retroactively. The decision referred to the fees as a “considerable windfall that unions have received,” adding, “It is hard to estimate how many billions of dollars have been taken from nonmembers.”

Amid this possibility, Mr. Mitchell’s central role, and his ties to the Trump administration, loom large. To view and read entire article go to:

<https://www.nytimes.com/2018/07/18/business/economy/union-fees-lawyer.html>

All Pennsylvanians willing to work hard deserve a chance to make a good living, regardless of whether they have a four-year degree. With hands-on training, apprenticeships open a door to the good-paying jobs we have across the commonwealth. That’s why apprenticeships are a key part of my #JobsThatPay plan for Pennsylvania. By 2025, we’ll double the number of registered apprentices to 30,000 to strengthen our workforce, lift Pennsylvania workers into family-sustaining careers, and help businesses fill in-demand positions.



USE YOUR VOTE WISELY IN THE 2018 GENERAL ELECTION

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