

No. 25-1189

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IN THE  
**Supreme Court of the United States**

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ROCKLIN UNIFIED SCHOOL DISTRICT,  
*Petitioner,*

v.

PUBLIC EMPLOYMENT RELATIONS BOARD;  
ROCKLIN TEACHERS PROFESSIONAL ASSOCIATION,  
*Respondents.*

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**On Petition for Writ of Certiorari to the  
California Supreme Court**

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**AMICI CURIAE BRIEF OF  
JAMES MACCARTHY, EDWARD SEABRON,  
AND MARY WILLIAMSON  
IN SUPPORT OF PETITIONER**

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## **QUESTIONS PRESENTED**

1. Whether a state labor board's ruling invalidating a school district policy requiring parental notification when a student seeks to socially transition their gender violates parents' Fourteenth Amendment right to direct the upbringing and care of their children.

2. Whether California's system of permitting a state labor board to adjudicate disputes affecting constitutional rights, subject only to discretionary and highly deferential judicial review, satisfies procedural due process.

3. Whether a state labor board exceeds its jurisdiction by assessing the legality of a school board policy requiring that parents be notified when a student attempts to socially transition their gender.

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## **INTEREST OF *AMICI CURIAE***<sup>1</sup>

Like Petitioner, *Amici Curiae* James MacCarthy (“Mr. MacCarthy”), Edward Seabron (“Mr. Seabron”), and Mary Williamson (“Ms. Williamson”) (collectively, “*Amici*”) have had their due process rights infringed because of the conduct of a labor board.

*Amici* are current or former public sector employees who are litigating state court appellate proceedings in New Jersey, New York, and Connecticut, respectively. They are challenging decisions that state labor boards issued in private disputes. In each case, after adjudicating the dispute, the relevant labor board—without statutory authority to do so—has entered the appellate proceeding as a litigating party, adverse to the relevant *Amicus*. In taking this approach, the labor boards have turned themselves from neutral adjudicative bodies into litigating adversaries, in violation of *Amici*’s due process right to a fair and neutral arbiter.

### **SUMMARY OF ARGUMENT**

The Supreme Court should grant the Petition because it presents an issue of fundamental constitutional importance involving labor boards across the nation. Labor boards are exceeding their statutory authority in ways that threaten or infringe on due process. The Petition involves a labor board’s adjudication of issues that are beyond its subject matter

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<sup>1</sup> Pursuant to Rule 37.2, counsel of record for all parties received notice at least ten days prior to the date of filing of *Amici Curiae*’s intention to file this brief.

No counsel for any party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No one other than *Amici Curiae* and their counsel made a monetary contribution to this brief’s preparation or submission.

jurisdiction. But the issue is one of national importance because labor boards' willingness to act beyond their statutory authority in ways that violate due process is arising in multiple contexts. For *Amici*, labor boards have become litigating parties in appeals from decisions that the boards themselves issued in private disputes. The experiences of *Amici* demonstrate that the California Public Employment Relations Board's (the "Board") conduct that is challenged in the Petition is just one example of a larger trend.

The question presented in the Petition is worthy of this Court's time because it is of recurring national importance. *Amici's* cases demonstrate the variety of contexts in which due process concerns result from labor board overreach.

## ARGUMENT

### **I. The Petition Raises a Nationwide Issue: Labor Boards Are Exceeding Their Statutory Authority in Ways That Implicate Due Process**

The Petition raises an issue regarding the Board's exceedance of its statutory authority and its violation of due process. As it turns out, the Board's behavior is part of a broader phenomenon. State labor boards are creatures of statute and have only the authority that their authorizing statutes clearly and unequivocally confer on them. *See, e.g., In re Shafer*, 31 A.2d 537, 540 (Pa. 1943) ("Regardless of the manner in which [the Pennsylvania Labor Relations Board] has hitherto construed its powers, it must comply with the statute of which it is a creature. It has no powers otherwise."). And yet, labor boards across the country are sidestepping their statutory mandates and taking actions that legislatures, in creating them, never

authorized. This pattern of administrative overreach creates widespread due process concerns, calling for judicial intervention.

**A. Labor Boards Are Regularly Participating as Parties in Appeals from Decisions That They Issued in Private Disputes, Which *Amici* Experienced Firsthand**

Recognized and fundamental principles of due process establish that, in an adversarial proceeding, a party is entitled to a fair and impartial decisionmaker. *See In re Murchison*, 349 U.S. 133, 136 (1955) (“A fair trial in a fair tribunal is a basic requirement of due process.”); *see also Withrow v. Larkin*, 421 U.S. 35, 47 (1975) (“Not only is a biased decisionmaker constitutionally unacceptable but our system of law has always endeavored to prevent even the probability of unfairness.” (citation modified)). When labor boards participate as advocates in appeals from decisions that they issued in private disputes, these principles are imperiled. Unfortunately, this situation is relatively common in the labor context. In fact, *Amici* have each encountered it firsthand.

For instance, in *Seabron v. New York City Board of Collective Bargaining*, Mr. Seabron filed an improper practice petition with New York City’s Board of Collective Bargaining, alleging that his union violated the New York City Collective Bargaining Law by infringing on his rights to assist a different public employee organization. Petitioner’s Memorandum of Law at 2, No. 157987/2025 (Sup. Ct. N.Y. Cnty. Oct. 17, 2025), Dkt. No. 37. The city board issued a decision that dismissed the petition, and Mr. Seabron appealed that decision to a state board, the New York Public Employment Relations Board. *Id.* In response to an invitation from the state board, the city board filed an

*amicus* brief in the appellate proceeding. In that brief, the city board not only defended its decision, but also took the identical position that the union advanced in its brief. The state board affirmed the city board's decision in part and remanded the case back to the city board for further fact-finding. *Id.* at 2–3. The city board, functioning like a merits party, petitioned for judicial review of the state board's decision, but its petition was dismissed on ripeness grounds. *Id.* at 3. On remand, the city board relinquished its role as a party to resume its role as adjudicator—and again ruled against Mr. Seabron. *Id.*

Similarly, in *Williamson v. Municipal Employees Union “Independent” Local 506*, Ms. Williamson filed a complaint with the Connecticut State Board of Labor Relations, alleging that her union and the Town of Colchester improperly removed her employment position from a bargaining unit and, in the union's case, refused to represent her after she was removed from her job and placed on administrative leave. Brief for Plaintiff at 4–6, No. HHB-CV25-6098795-S (Conn. Super. Ct. Sept. 17, 2025), Dkt. No. 105.00. The board, acting in its capacity as an adjudicator, dismissed the complaint. *Id.* When Ms. Williamson appealed the dismissal to a state court, the board filed a motion to join the appeal as a party, alleging that it had an “interest . . . adverse to the plaintiff.” *Id.* at 4. The state court granted the motion. The board, in turn, aligning itself with the union and Town, filed a brief in the appeal in which it directly advocated against Ms. Williamson's interests.

The story was the same in *MacCarthy v. Eastampton Township Education Association*. There, Mr. MacCarthy, a public school teacher, filed an unfair labor practice charge with the New Jersey Public Employment

Relations Commission, alleging that his union breached its duty of fair representation by filing workplace discrimination claims against him on behalf of another member of the bargaining unit and retaliating against him by prohibiting him from running to become its co-president. Reply Brief and Response Brief of Appellant/Cross-Appellant James MacCarthy at 5–6, No. A-001494-24T4 (N.J. Super. Ct. Aug. 18, 2025). The board ruled against Mr. MacCarthy on the duty of fair representation claim, and he appealed that ruling to a New Jersey state court. *Id.* at 4–5. In the appeal, the board filed a brief in which it aligned itself with the union and against Mr. MacCarthy’s position. *Id.* at 7–8 n.1.<sup>2</sup>

**B. Labor Boards Violate Due Process Principles When They Act Beyond Their Statutory Authority and Participate as Parties in Appeals from Decisions That They Issued in Private Disputes**

In each of the cases described above, the labor board acted without statutory authority when it participated as a party in an appeal from its own decision in a private dispute. And, in each case, the labor board’s conduct implicates due process concerns.

To this end, labor boards are creatures of statute. They have only the powers that their authorizing

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<sup>2</sup> This pattern likewise shows up in the Petition at hand. When Petitioner appealed the Board’s decision to a California Court of Appeal and then the Supreme Court of California, the Board filed litigation documents as the primary respondent in both of those appeals. *See* Board’s Answer to Petition for Review, *Rocklin Unified Sch. Dist. v. Pub. Emp. Rels. Bd.*, No. S293922 (Cal. Dec. 1, 2025); Board’s Responsive Brief, *Rocklin Unified Sch. Dist. v. Pub. Emp. Rels. Bd.*, No. C103184 (Cal. Ct. App. 3d Dist. Aug. 28, 2025).

statutes clearly and unequivocally confer on them—which typically include the powers to receive unfair-practice charges, investigate those charges, hold hearings, issue decisions, and, in some cases, pursue *enforcement* of their orders through a specified judicial process. See *La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986) (“[A]n agency literally has no power to act . . . unless and until [the legislature] confers power upon it.”); see N.Y.C. Admin. Code § 12-308; Conn. Gen. Stat. § 7-471(5)(D); N.J. Stat. Ann. § 34:13A-5.4(f) (giving the relevant labor boards the power to enforce their orders when a party fails to comply with them).

But those statutes do *not* give the boards the authority to enter appellate litigation to *defend* their decisions in private disputes. They are not authorized to align themselves with one private party and against another one in connection with judicial review. Compare *Galloway Twp. Bd. of Educ. v. Galloway Twp. Educ. Ass’n*, 393 A.2d 218, 223 (N.J. 1978) (“PERC has been empowered to seek the aid of the courts in *compelling compliance* by applying to the Appellate Division for an appropriate judicial decree enforcing its order.” (emphasis added)) with *Hasbrouck Heights v. Div. of Tax Appeals*, 137 A.2d 585, 588 (N.J. Super. Ct. App. Div. 1958) (“Commonly, where a matter has been litigated before an agency by two opposing parties and determined *quasi-judicially*, there is no warrant whatever for having the agency take an active part in the prerogative writ proceeding on the review of its determination.”).<sup>3</sup>

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<sup>3</sup> Courts have recognized that there is a distinction between an appeal from an agency decision in which the agency participates in order to defend or advocate for a *public interest* that is involved in the matter, and an appeal from an agency decision that involves only the *private interests* that private parties are

And when labor boards ignore these principles and participate as parties in appeals from decisions that they issued in private disputes, it creates serious due process concerns. The labor boards cease to function as neutral adjudicators. Their approach undermines the appearance and reality of impartiality, running afoul of the constitutional guarantee of a fair hearing before an unbiased tribunal. *See Amos Treat & Co. v. SEC*, 306 F.2d 260, 267 (1962) (holding that, to meet the requirements of due process, an administrative hearing “must be attended, not only with every element of fairness but with the very appearance of complete fairness.”); *see also Galloway Twp. Bd. of Educ. v. Galloway Twp. Educ. Ass’n*, 373 A.2d 1014, 1016 (N.J. Super. Ct. App. Div. 1977) (Morgan, J., concurring) (“Receipt of an advocate’s brief from the supposedly impartial factfinder in labor disputes, not a party to an appeal from its disposition thereof, substantially deprives that agency of the aura of

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asserting in a dispute with one another. *See, e.g., Rommell v. Walsh*, 15 A.2d 6 (Conn. 1940). In the first type of appeal, the agency’s participation is not considered to be problematic because it is acting on behalf of the public interest that is implicated in the appeal and not on behalf of one of the private parties’ interests. *See id.* at 9 (“In [some] cases, however, there is a definite public interest to be protected. This is true, for instance, of many orders of the public utilities commission, and is particularly true with respect to zoning regulations.”). But in the second type of appeal, if the agency participates, its participation means that it is aligning itself with one of the private parties against the other one and therefore abandoning its role as a neutral decision-maker. *Id.* at 10 (explaining that when it comes to “appeals from boards or municipal officers, whose functions go no farther than to determine the rights of parties having a direct interest in the determination of the matters before them . . . *there is no occasion for making the board a party to the proceedings* and the citation should run to the municipality concerned.” (emphasis added)).

impartiality it must enjoy if its actions are to be given maximum effect.”).

State supreme courts have recognized that this type of conduct by purportedly neutral adjudicators raises due process concerns. “Such a concept violates our sense of fair play and due process which we believe administrative agencies acting in a quasi-judicial capacity should ever observe.” *Muench v. Pub. Serv. Comm’n*, 53 N.W.2d 514, 523 (Wis. 1952); *see also State ex rel. Ball v. McPhee*, 94 N.W.2d 711, 722 (Wis. 1959). Similarly, the Pennsylvania Supreme Court has determined that, after acting as an adjudicator in a dispute, that state’s labor board should not participate in appeals from its decisions in the matter:

Such a tribunal as the Labor Relations Board, quasi-judicial in character, intended to be impartial, given the power to hear and initially determine and adjudicate, should not be able to convert itself into a litigant and become the partisan advocate of one or the other of the parties whose cause it has heard. ***This would tend to destroy its quasi-judicial character and its impartiality.***

*Pa. Lab. Rels. Bd. v. Heinel Motors, Inc.*, 25 A.2d 306, 307 (Pa. 1942) (emphasis added); *see also id.* (“[I]t has been fundamental with us that judicial tribunals and quasi judicial ones should be limited to hear and decide, not to espouse any party’s cause at any stage of proceedings. For the Board to become a litigant is repugnant to the traditional common law heritage of judicial detachment and freedom from interest.”).

**C. Independent and Meaningful Judicial Review Is a Safeguard When Agencies, Including Labor Boards, Act Beyond Their Authority**

Whether by adjudicating matters that lie beyond their jurisdiction, or participating as interested parties after acting as adjudicators, labor boards are engaging in a disturbing trend of acting outside their authority. It is up to the courts to vindicate the due process rights that are implicated.

The United States Constitution tolerates administrative adjudication because courts remain available to police the statutory and constitutional limits on the agency’s authority. As this Court has noted, to vest administrative agencies with the “authority to make [decisions] with finality in [their] own instrumentalities . . . would be to sap the judicial power as it exists under the federal Constitution, and to establish a government of a bureaucratic character alien to our system.” *Crowell v. Benson*, 285 U.S. 22, 57 (1932); see also *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 371 (2024) (“The court fulfills [its] role by recognizing constitutional delegations, fixing the boundaries of the delegated authority, and ensuring the agency has engaged in ‘reasoned decisionmaking’ within those boundaries.”); *Axon Enter. v. FTC*, 598 U.S. 175, 186 (2023) (emphasizing the importance of “meaningful judicial review” of agency decisions as a way to prevent executive overreach); *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 84 (1936) (“The supremacy of law demands that there shall be an opportunity for some court to decide whether an erroneous rule of law was applied [in an administrative proceeding] and whether the proceeding . . . was conducted regularly.”).

And these principles apply in relation to federal and state administrative agencies alike. *See Bauserman v. Unemployment Ins. Agency*, 983 N.W.2d 855 (Mich. 2022) (discussing the importance of judicial review in a case where plaintiffs alleged that the state agency violated their due process rights).

But when a labor board acts beyond its statutory role—either by deciding an issue that it has no authority to decide or participating as a party in an appeal from a decision that it issued in a private dispute—the only meaningful safeguard is independent judicial review by a court of law. Without this safeguard, parties have no mechanism to remedy their constitutional injuries.

### CONCLUSION

For the foregoing reasons, as well as for the reasons stated in the Petition, this Court should grant the Petition.

Respectfully submitted,

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