

19-309 CARNEY V. ADAMS

DECISION BELOW: 922 F.3d 166

LOWER COURT CASE NUMBER: 18-1045

QUESTION PRESENTED:

1. Does the First Amendment invalidate a longstanding state constitutional provision that limits judges affiliated with any one political party to no more than a "bare majority" on the State's three highest courts, with the other seats reserved for judges affiliated with the "other major political party"?
2. Did the Third Circuit err in holding that a provision of the Delaware Constitution requiring that no more than a "bare majority" of three of the state courts may be made up of judges affiliated with any one political party is not severable from a provision that judges who are not members of the majority party on those courts must be members of the other "major political party," when the former requirement existed for more than fifty years without the latter, and the former requirement, without the latter, continues to govern appointments to two other courts?

IN ADDITION TO THE QUESTIONS PRESENTED BY THE PETITION, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION: WHETHER RESPONDENT HAS DEMONSTRATED ARTICLE III STANDING.

PRESS RELEASE OF MARCH 16, 2020

IN KEEPING WITH PUBLIC HEALTH PRECAUTIONS RECOMMENDED IN RESPONSE TO COVID-19, THE SUPREME COURT IS POSTPONING THE ORAL ARGUMENTS CURRENTLY SCHEDULED FOR THE MARCH SESSION.

4/13/2020: ARGUMENT TO BE RESCHEDULED FOR THE OCTOBER TERM 2020

CERT. GRANTED 12/6/2019