



JANUS V. AFSCME ONE YEAR LATER



LIBERTY JUSTICE CENTER

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WHO WE ARE

The Liberty Justice Center is a nonprofit, public-interest law firm founded in 2011 to fight against political privilege. The best example of our ability to turn that vision into reality is our victory in the landmark U.S. Supreme Court case, *Janus v. AFSCME*.

For more than 40 years, politicians granted highly political government unions the power to seize money from public employees' paychecks – even if those workers weren't union members and wanted nothing to do with the unions. Millions of government workers across America were forced to fund union politics and policies with which they disagreed, resulting in enormous political power and leverage for government unions. But our victory with our co-counsel the National Right to Work Legal Defense Foundation in *Janus v. AFSCME* made that practice illegal. Our victory in this case means the First Amendment rights of millions of public school teachers, first responders and other government workers have been restored.

This is the type of precedent-setting work the Liberty Justice Center does. We take on strategic litigation that revitalizes constitutional restraints on government power and restores individual rights. Our work extends far beyond the courtroom. We frame our work in a way that explains what is at stake to the public. We seek to win in court, but also in the hearts and minds of the American people.

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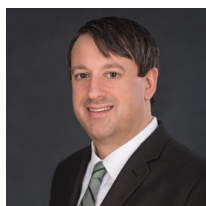
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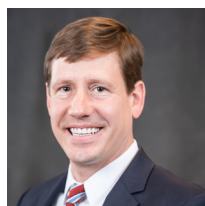
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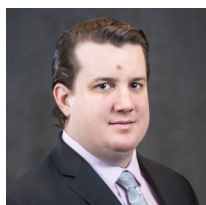
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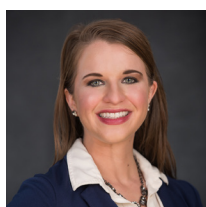
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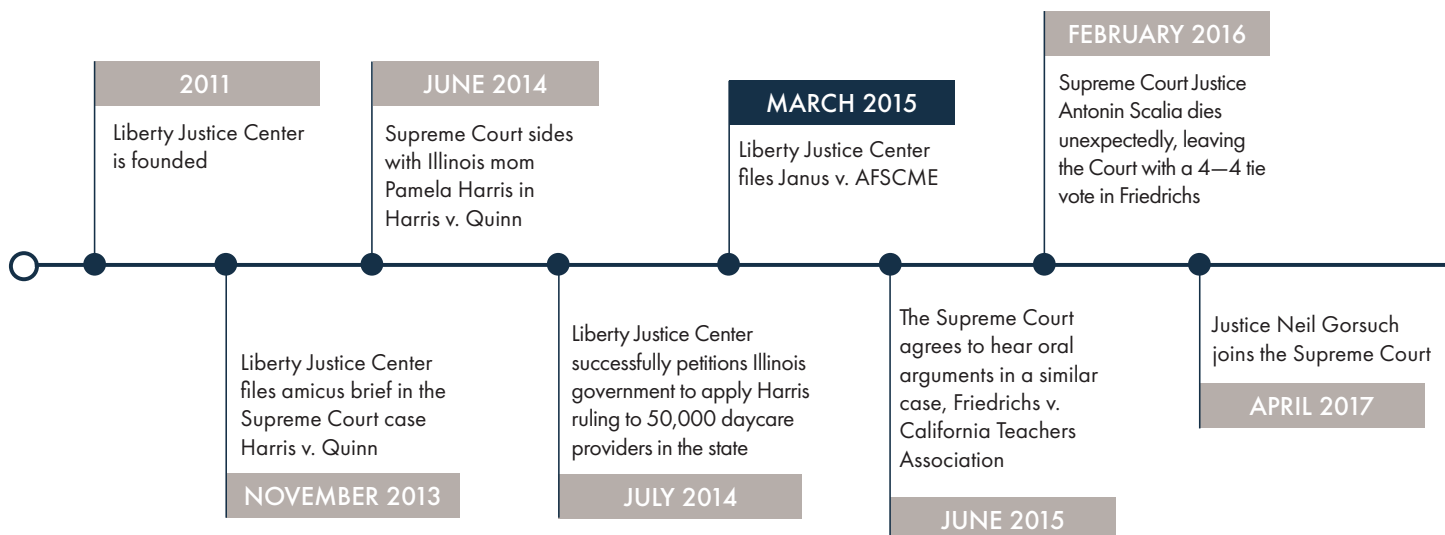
A MONUMENTAL WIN

In a historic victory for First Amendment rights, the U.S. Supreme Court ruled in June 2018 that government workers cannot be required to pay union dues or fees as a condition of working in public service. The court's ruling in *Janus v. AFSCME* restored the rights of free speech and freedom of association to more than 5 million government employees nationwide.

Today, workers all across America – public school teachers, social workers, first responders and others – are exercising their “Janus rights.” The decision of whether to fund a government union now rests with workers, not politicians and politically-connected government worker union officials. A critical balance of power has been restored.

Policy experts conservatively estimate as many as 500,000 government workers across the country have stopped paying union fees as an immediate result of the *Janus* decision, and more workers are exercising their Janus rights every day. Each of these workers is now able to keep their hard-earned money instead of paying \$350, \$500 or as much as \$1,000 a year in unconstitutional union fees. Together, government workers across the United States have saved more than \$200 million in union fees during the first year alone. Even if no additional government workers were to exercise their Janus rights during the next decade, that would be more than \$2 billion staying in the hands of workers instead of going to highly political government unions.

Initial federal reporting also shows that 8 percent of workers covered by AFSCME contracts who were previously forced to pay dues or fees have exercised their Janus rights. Other state and local unions across the country are experiencing similar declines. These figures represent early indicators of what public sector workers do when they are given a voice and a choice: increasing numbers of workers choose freedom.





SEPTEMBER 2017

Supreme Court announces it will hear Janus v. AFSCME

JUNE 2018

Victory! Supreme Court sides with Illinois worker Mark Janus in Janus v. AFSCME

Supreme Court hears oral arguments in Janus v. AFSCME

FEBRUARY 2018

The Liberty Justice Center was honored for its Supreme Court victory with the “Bob Williams Award for Outstanding Policy Achievement” at the 2018 State Policy Network Annual Meeting. From right to left: LJC Board Chairman and Co-Founder John Tillman, award namesake Bob Williams, plaintiff Mark Janus, LJC President and Co-Founder Patrick Hughes and Senior Director of Strategic Development at SPN Todd Davidson.

PROTECTING WORKERS' RIGHTS UNDER JANUS

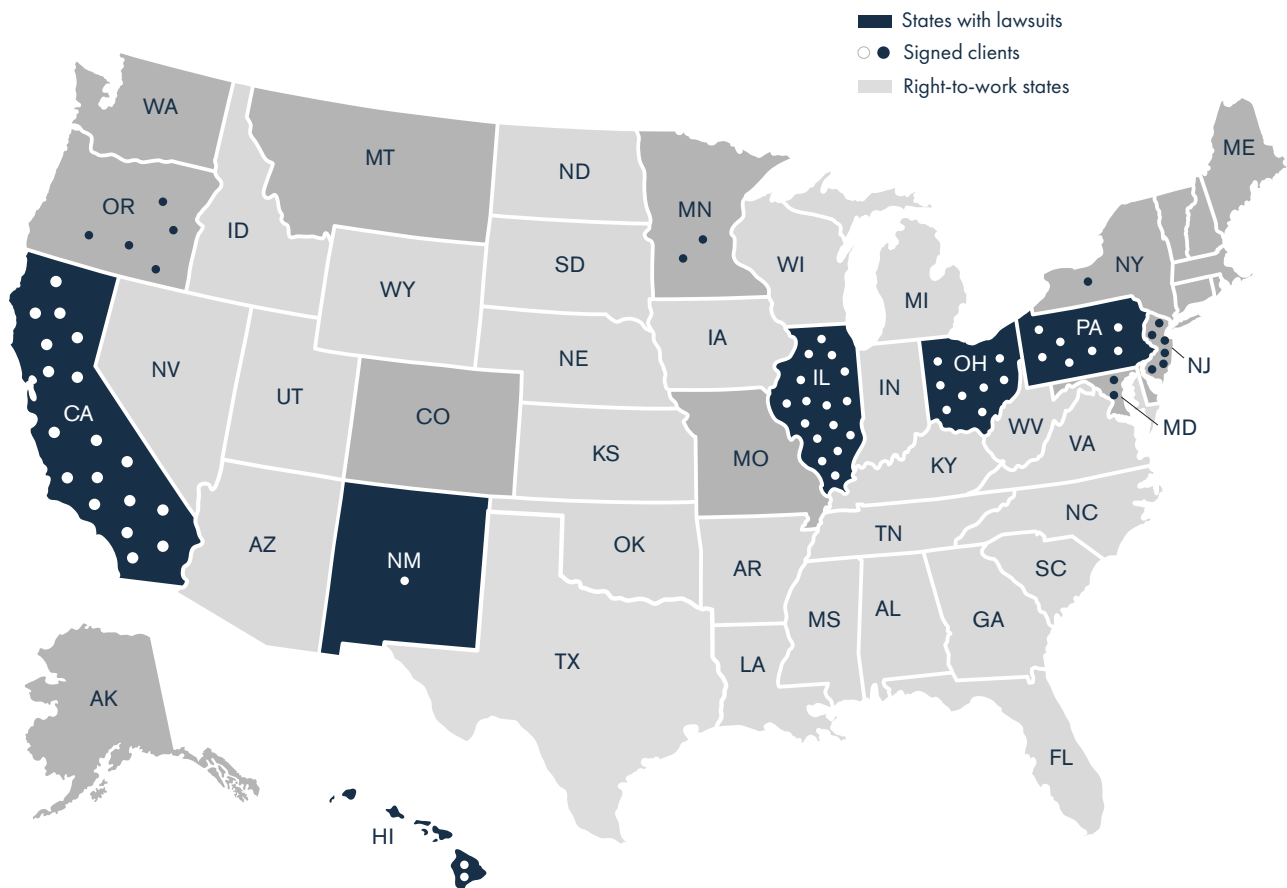
In the wake of our U.S. Supreme Court victory, government unions and their political allies are fighting to maintain membership and power by any means necessary. While many government workers have been able to exercise their Janus rights, the Liberty Justice Center has heard from too many others who have faced roadblocks.

Workers who wish to exercise their rights are being referred to complicated contracts for procedures that are nearly impossible to execute. Government workers are being told they must wait to exercise their rights until their union contract expires – months, or sometimes even years later. Others are instructed they can only exercise

their rights during an arbitrary window set by the union. Then there are the workers experiencing the runaround: they are told their resignation letter wasn't received, that they haven't contacted the correct person, that someone is "working on it" or they receive no response at all.

That's why the Liberty Justice Center is leading the charge to protect and implement the ruling through follow-up litigation. To date, more than 800 government workers have contacted us asking for legal help to exercise their Janus rights. More than 60 of these individuals have signed on as clients. As of May 2019, the Liberty Justice Center has filed ten lawsuits in six states.

FIGHTING FOR WORKERS ACROSS THE UNITED STATES



JANUS ENFORCEMENT CASES FILED BY THE LIBERTY JUSTICE CENTER

FEW V. UTLA

Tommy Few, a special education teacher from Los Angeles, wrote to his union three times asking to resign. Each time, the union refused. Now Tommy is fighting back with the help of attorneys from the Liberty Justice Center and the California Policy Center. Two days after being served with a lawsuit, the union agreed to stop deducting Tommy's dues. We're continuing his case to ensure the same thing doesn't happen to other educators in California.

GROSSMAN V. HGEA

Patricia Grossman, an admissions officer at the University of Hawaii at Hilo, demanded within weeks of the Janus ruling that union dues no longer be taken from her paycheck. But union leaders refuse to honor her request, instead providing ambiguous information about when they claim she is eligible to exercise her rights. The Liberty Justice Center is helping her push back.

ADAMS ET AL., V. TEAMSTERS 429

Four mental health workers from Lebanon County, Pennsylvania, are suing their employer and unions for illegally deducting thousands of dollars in union dues from their paychecks. These four employees resigned from their union and demanded dues deductions stop in July 2018. They were told they could not exercise their rights until an arbitrary time set by the union. After months of trying to leave on their own, they turned to the Liberty Justice Center for help.

HANNAY ET AL., V. AFSCME

Three residence hall housekeepers at Kent State University began trying to exercise their Janus rights within two months of the 2018 decision. They sent letters to their AFSCME officials, called union offices and even contacted the Ohio State Employee Relations Board in an attempt to have their rights recognized. All their efforts were met with refusal. Now, the Liberty Justice Center is partnering with The Buckeye Institute to represent these workers and protect their First Amendment rights.

HENDRICKSON V. AFSCME

Brett Hendrickson, a quality control specialist for the New Mexico Human Services Department, resigned from AFSCME after the Janus decision. AFSCME claims it failed to notify the state that Brett had resigned, and now the state says he must remain in the union for another year. Together with our partners at the Rio Grande Foundation, we're challenging this blatant obstruction of his rights.

MANDEL V. SEIU

Erich Mandel is a diesel mechanic for a school district in suburban Chicago. Erich resigned from his union in August 2018 and demanded the union stop deducting dues from his paycheck, but the union says he cannot exercise his rights until they tell him he can. The Liberty Justice Center has taken his union and his employer to court.

O'CALLAGHAN ET AL., V. REGENTS OF THE UNIVERSITY OF CALIFORNIA

Cara O'Callaghan and Jenée Misraje, both employees of the University of California system, are suing their union and employer with the help of the Liberty Justice Center and California Policy Center. Cara has worked as the finance manager of the Sport Club program at the University of California, Santa Barbara, since 2009. Jenée has worked as an administrative assistant at the University of California, Los Angeles, since 2015. The University of California continues to deduct dues from both women's paychecks and their union, Teamsters Local 2010, refuses to honor their resignation until arbitrary opt-out periods.

OLIVER V. SEIU LOCAL 668

Shalea Oliver since 2014 has been a caseworker for the Pennsylvania Department of Human Services. The Commonwealth continued deducting union dues from Oliver's paycheck for nearly six months after she resigned from SEIU Local 668 and demanded the deductions stop. That's when she turned to the Liberty Justice Center for help.



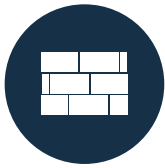
CHALLENGING POLITICAL POWER BROKERS

It's no secret that government worker unions are some of the most well-funded and powerful political players in the United States. But their political power was not earned: it was amassed as a result of the unions' ability to siphon money from the paychecks of every public sector worker in states without right-to-work laws. At the time of the Janus ruling, more than 5 million American workers were forced to fund government worker unions – whether they wanted to or not.

The Janus ruling delivered the first blow to this power, breaking the unions' guaranteed stream of income and

forcing them to earn the dollars they spend. While our victory in Janus was tremendous, we know it marks only the beginning. In addition to litigation aimed at protecting and implementing the Janus ruling, the Liberty Justice Center has deployed a multi-district, multi-front and multi-claim strategy aimed at advancing worker freedom.

The strategy has three major litigation components, all supported by paid marketing and earned media campaigns.



Challenging unconstitutional barriers: The Liberty Justice Center will continue to file litigation for workers opting out of their union. In addition to the ten cases filed so far, we have signed clients ready to file more cases in different circuit courts across the nation. We are also supporting other groups' cases with amicus briefs to ensure as many worker freedom cases as possible progress around the country.



Making Janus rights akin to Miranda rights: Despite the court's expansive ruling, public sector unions still control the information given to new employees during the hiring process. Government workers across the nation have told us they joined their union because they believed they had to or because they were told if they didn't join they would be denied grievance representation, health insurance or other employee benefits.

We're seeking plaintiffs across the nation who joined their union after Janus and now want to opt out because they did not understand they had the choice or they were incorrectly informed they would lose benefits if they did not join. Our goal is to establish a national framework in which government workers are informed of their Janus rights by their employer or the union at the time they are hired and before they sign a union membership card.



Refunds for government workers: Attorneys at the Liberty Justice Center are working to recover agency fees paid by nonmembers prior to the Janus decision in a class-action lawsuit. The fees collected during that time were in violation of fee payers' constitutional rights and must be returned to them. Damages are limited by the U.S. Supreme Court to the injury, or in this instance the dues paid, during the statute of limitations period for personal injury claims in the state where the injury occurred. We intend to replicate this litigation across the country in areas with high populations of government agency fee payers, in order to help the greatest number of people.

In May 2019, nine workers in Illinois government filed a federal class action lawsuit against AFSCME Council 31, Mark Janus' former union. If successful, the plaintiffs in Leitch et al., v. AFSCME and more than 2,700 other state employees in Illinois could recoup up to \$2 million that the union took from them.



DRIVING THE CONVERSATION

The Liberty Justice Center established a national platform and authoritative voice with the Janus decision. The case and our attorneys were featured in the news nearly 8,000 times in the months leading up to and following the court's decision. We were featured in top stories in the nation's largest and most prominent legacy media outlets, including the Washington Post, The Wall Street Journal, New York Times, Chicago Tribune, Reuters, USA Today, Fox News, Bloomberg Television and Radio, C-SPAN and more.

Since the Janus decision, we've harnessed our media megaphone to amplify the message of worker freedom and "Janus rights." Our new cases are regularly featured in major metropolitan and national news outlets. Our team travels across the country to speak with workers, supporters and to others in the freedom movement about why the Janus decision matters and where we go from here.

IN THE NEWS

June 27, 2018

AP

Unions can't force government workers to pay fees

"The 5-4 decision not only will free non-union members in nearly two dozen states from any financial ties to unions, but also could encourage members to stop paying dues for services the court said Wednesday they can get for free."

Jan. 6, 2019

Chicago Tribune

Palatine school worker sues union, saying he's forced to pay dues despite Supreme Court ruling that bars practice

"Erich Mandel, a diesel mechanic from Palatine, claims in the suit that he tried in August to end his union membership and cease paying dues in the wake of the June decision by the U.S. Supreme Court in Janus v. AFSCME, a case with Illinois roots that determined public sector workers could no longer be required to pay dues to a union as a condition of employment."

Sept. 11, 2018

FOX NEWS

Workers say unions defying Janus ruling, threaten new court action

"While the Liberty Justice Center has sent cease-and-desist letters to 11 states, from Ohio to New York, demanding that state officials comply with Janus, [Diana] Rickert said litigation will be necessary in some instances to force states to follow the law."

"What we're up against is a national manipulation campaign led by government unions who want to stand in the way of workers exercising their rights," Rickert said."

March 11, 2019

The Philadelphia Inquirer

After Supreme Court's 'Janus' decision, Pa. is hub for anti-union lawsuits

"Shalea Oliver had been trying to leave her union for more than a year when she found a website offering help. It had a template resignation letter that she could send to her union, SEIU Local 668, and a form to fill out if the letter wasn't effective, which she did. Next, an organization called the Liberty Justice Center got in touch."

MARK JANUS: TELLING HIS STORY AND FIGHTING FOR WORKERS

In August 2018, Mark Janus retired from state government and joined the Liberty Justice Center full-time. He has been an unparalleled advocate for workers – counseling them on the phone, flying to meet with workers who have exercised their Janus rights across the country, testifying on worker freedom legislation, appearing in the news and through other public

events aimed at building awareness of the U.S. Supreme Court decision and our ongoing litigation.

Mark Janus is growing and defining his role as a leader and spokesperson for worker freedom after his U.S. Supreme Court victory.



Mark travels around the country talking about his case and workers' rights. He tells his story on TV and radio programs to inform workers of their rights and to educate the public about the challenges some workers still face.



Mark shares his story with state lawmakers considering legislation to bolster workers' rights and enforce the ruling in his case.



Mark connects with government workers who contact Liberty Justice Center for help. He provides his unique perspective and support to workers considering a legal action to exercise the rights he fought so hard to restore.



CONNECTING WITH GOVERNMENT WORKERS

We are executing a multi-faceted marketing and outreach strategy to reach government workers and recruit clients for our post-Janus litigation. Our goal is to inform workers of their newly-restored Janus rights and offer assistance if they face challenges exercising their rights.

Our outreach vehicle is standwithworkers.org, and to date the site has attracted more than 60,000 unique visitors. On the website, workers can find sample union membership opt-out letters, watch videos about other workers exercising their rights or ask for help. The Liberty Justice Center has screened more than 800 prospective clients who have reached out to us through standwithworkers.org, offering many of them the support and path forward they need. We have signed more than 70 of these individual as clients and are currently serving as their pro bono legal representation on matters of workers' rights litigation.



DIGITAL MARKETING

We employ broad messages on social channels to inform general audiences and deploy targeted campaigns across multiple digital channels to highlight our capabilities to people with specific legal needs.

WEBSITE METRICS

10,000 users

63,000 landing page sessions

11% conversion rate from inquiry to client

SOCIAL MEDIA

Social media, particularly Facebook, is a central tool for connecting with the public and potential clients. As with our general outreach strategy, our goal on social media is to both inform about our work and connect with people facing obstruction to exercising their constitutional rights.



SOCIAL MEDIA METRICS

9,300 Twitter followers

29,000 Facebook likes

FINANCIAL INFORMATION

REVENUE GROWTH

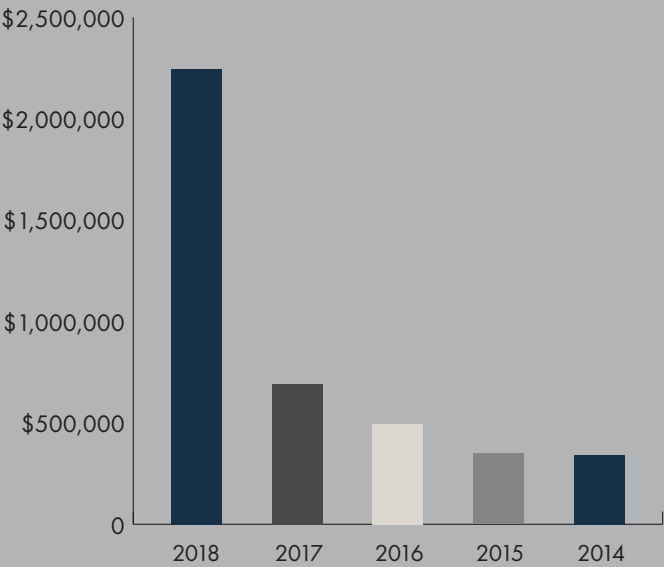
2018 revenue: \$2,245,284

2017 revenue: \$692,322

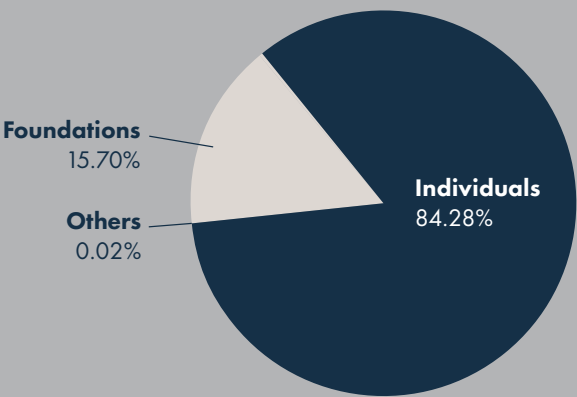
2016 revenue: \$494,000

2015 revenue: \$349,250

2014 revenue: \$343,000

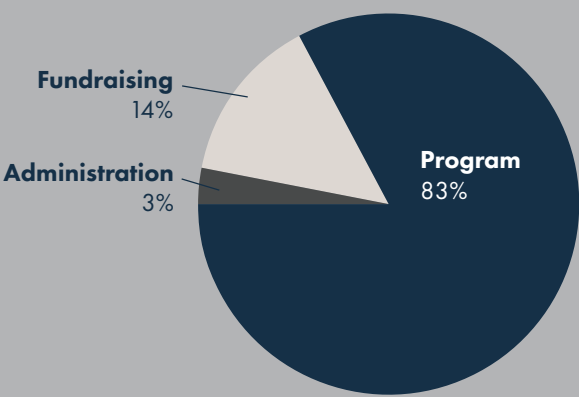


BREAKDOWN OF SUPPORT



Total: \$2,245,284

EXPENDITURES



Total: \$1,423,723



A LOOK AHEAD

There's no denying that the U.S. Supreme Court's decision in *Janus v. AFSCME* was a remarkable victory for us. This ruling restored the First Amendment rights of free speech and freedom of association for millions of government workers across the nation. But as you know, we must remain vigilant; these newly restored rights are already under assault.

The Liberty Justice Center is positioned to execute a multi-front strategy against government union leaders working to undermine the *Janus* ruling. We are preparing litigation along the following three tracks:

1. Removing barriers faced by workers trying to exercise their *Janus* rights
2. Making *Janus* rights akin to *Miranda* rights
3. Fighting to refund government workers for union fees paid prior to the *Janus* ruling, as permitted by the statute of limitations

As you know, we are now filing lawsuits across the country to implement this strategy.

Of course, it is only because of your loyal support that the Liberty Justice Center is able to file litigation on behalf of workers being denied their constitutional rights.

But we cannot do it alone. We rely on our continued partnerships.

The impact of the *Janus* case has been monumental. But our work is not done. Together, we must continue to promote economic liberty and individual freedom for all Americans by once again setting national precedents and securing *Janus* rights.

Now is the time to continue on this path and solidify success for years to come.

Sincerely,

John Tillman
Board Chairman and Co-Founder

Patrick J. Hughes
President and Co-Founder



**LIBERTY
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