

## JUSTICE SCALIA'S DEATH PLACES OUTCOME IN LIMBO FOR FRIEDRICHS

February 17, 2016 | [Labor Relations](#)



**Keith J. Brodie**

Partner

The sudden and tragic death of Supreme Court Justice Antonin Scalia is likely to stall what was expected to be another blow to labor unions in *Friedrichs v. California Teachers Association*. As previously reported [here](#), what was at stake in *Friedrichs* was public employee unions' (especially teachers unions) ability to collect membership dues and fees. Many prognosticators believed Justice Scalia represented the deciding vote for the majority headed by Justice Alito. Justice Alito intimated a desire to overrule *Abod v. Detroit Board of Education*, 431 U.S. 209 (1977), in the [Court's opinion in Harris v. Quinn](#), No. 11-681, 573 U.S. \_\_\_\_ (2014). Now, the likely result is a four-to-four split among the remaining justices. In that outcome, the lower court ruling would stand. The maintenance of the status quo would be a significant win for unions, especially since an opposite result appeared likely prior to the untimely death of Justice Scalia.

### RELATED PRACTICE AREAS

Labor and Employment

Labor Relations