

Kavanaugh appointment unlikely to skew employment law cases

If Judge Brett Kavanaugh is confirmed to join the U.S. Supreme Court, replacing retiring Justice Anthony Kennedy, it probably won't signal a significant shift in how the court approaches employment law cases.

The court will retain a 5-4 conservative majority.

President Trump's nominee, Kavanaugh, would join a conservative coalition that includes Justices Samuel Alito, Neil Gorsuch, Clarence Thomas and Chief Justice John Roberts. That group, along with Kennedy, has consistently ruled in favor of business in general and employers in particular.

In the 2017–2018 Supreme Court term, those five justices delivered big employer wins in *Epic Systems Corp. v. Lewis*, which affirmed the validity of class-action waivers in arbitration agreements, and *Janus v. AFSCME*, which said union “fair-share fees” are unconstitutional.

Kavanaugh has established a reliably pro-employer reputation as a judge in the Circuit Court of Appeals for the District of Columbia.