

Emil Bove Privately Discussed Qualifications, Judicial Philosophy, And Confirmation Hearing With The Alliance Defending Freedom, The Right-Wing Legal Advocacy Group Whose Cases Could Soon Come Before Bove On The Third Circuit

SUMMARY: On May 28, 2025, President Trump [nominated](#) Emil Bove to the Third Circuit Court of Appeals, elevating a key figure who has served as both his [personal defense attorney](#) and his [administration's "enforcer"](#) within the Justice Department. The 44-year-old Bove represented Trump in multiple criminal cases, including the [hush money trial](#) that resulted in [34 felony convictions](#), and currently serves as [Principal Associate Deputy Attorney General](#), where he has aggressively implemented Trump's agenda by [forcing transfers](#) of career officials and firing Capitol riot prosecutors.

Bove's nomination raises concerns about judicial independence given his role as Trump's personal lawyer and his reputation as the administration's ["hatchet man."](#) His background as a federal prosecutor was marked by controversy, including an internal review that initially [recommended his demotion](#) due to his harsh management style, and a case where a federal judge found his team engaged in ["prosecutorial misconduct."](#) The prospect of a Trump loyalist who defended the former president's criminal cases now sitting in judgment on federal appeals presents obvious ethical problems.

Following his nomination, Bove [disclosed](#) having conversations with [Kellie Fiedorek](#), the senior counsel and government affairs director at Alliance Defending Freedom (ADF), discussing his qualifications, judicial philosophy, and confirmation preparation. ADF is a [Southern Poverty Law Center-designated anti-LGBTQ+ hate group](#) that has been instrumental in [overturning Roe v. Wade](#) and advancing militantly anti-LGBTQ positions nationwide.

This relationship creates grave questions about impartiality, as ADF is actively involved in at least one case which will be brought before the Third Circuit of Appeals Court. The case, [Heaps v. Delaware Valley Regional High School Board of Education](#), involves parental rights and school gender policies.

Another case, [First Choice Women's Resource Centers, Inc. v. Platkin](#), which is challenging a state investigation of crisis pregnancy resource centers in New Jersey, came up through the Third Circuit and was recently granted cert by the Supreme Court. ADF attorney Erin Morrow Hawley—the [wife of Republican Senator Josh Hawley](#)—[represents the petitioner](#). That case is unlikely to come before Bove, even if the Supreme Court reverses the Third Circuit's decision and remands the case for further proceedings.

The prospect of Bove presiding over cases involving a legal organization he privately met with during his nomination process appears to be a fundamental breach of judicial ethics. His pre-confirmation discussions with ADF about judicial philosophy, combined with the group's ongoing litigation in his potential jurisdiction, has the potential of creating an untenable situation where a federal judge would be ruling on cases brought by an organization that he's consulted with.

President Trump Nominated Emil Bove, Who Was His Personal Defense Attorney And Has Been Known As The Administration's "Hatchet Man," And Has A Track Record Of Prosecutorial Misconduct And Ethics Violations

May 28, 2025: Trump Nominated Emil Bove To The Third Circuit Court Of Appeals

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Donald J. Trump
@realDonaldTrump

It is my great honor to nominate Emil Bove to serve as a Judge on the United States Court of Appeals for the Third Circuit. Emil is a distinguished graduate of Georgetown Law, and served as Assistant U.S. Attorney in the Southern District of New York for nearly a decade, where he was the Co-Chief of the Terrorism and International Narcotics Unit. Emil is SMART, TOUGH, and respected by everyone. He will end the Weaponization of Justice, restore the Rule of Law, and do anything else that is necessary to, MAKE AMERICA GREAT AGAIN. Emil Bove will never let you down!

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May 28, 2025, 3:03 PM

[Truth Social, @realDonaldTrump, [5/28/25](#)]

Bove Has Worked As A Top Justice Department Official, Former Criminal Defense Attorney For Trump, Federal Prosecutor, And In Private Practice

Bove Is A Top Justice Department Official, Former Criminal Defense Attorney For Trump, And A Longtime Federal Prosecutor In New York. “President Trump is considering nominating Emil Bove III, a top Justice Department official responsible for enacting his immigration agenda and ordering the purge of career prosecutors, to be a federal appeals judge, according to people familiar with the matter. Mr. Bove, 44, is a former criminal defense lawyer for Mr. Trump and a longtime federal prosecutor in New York. He was the Justice Department official at the center of the Trump administration’s request earlier this year to dismiss a corruption case against the mayor of New York, Eric Adams.” [New York Times, [5/19/25](#)]

Bove Previously Moved To Chiesa Shahinian & Giantomasi PC In 2022 And Then To A New Firm, Todd Blanche, In 2023. “By early 2022, Bove had left the office, moving to a New Jersey-based firm, Chiesa Shahinian & Giantomasi PC. But he didn’t stay there long. In the fall of 2023, he went to work at the newly conceived firm of another former prosecutor in the Southern District of New York: Todd Blanche.” [Politico, [2/23/25](#)]

Bove Is 44 And Has Been Practicing Law For 16 Years

May 2024: Bove Is 44. “Mr. Bove, 44, is a former criminal defense lawyer for Mr. Trump and a longtime federal prosecutor in New York.” [New York Times, [5/19/25](#)]

June 2009: Bove Was Admitted To The Bar.

Attorney Detail Report as of 05/20/2025

Registration Number:	4700696
Name:	EMIL JOSEPH BOVE III
Business Name:	DOJ
Business Address:	950 PENNSYLVANIA AVE NW WASHINGTON, DC 20530-0001
Business Phone:	(202) 514-2105
Email:	emil.bove@usdoj.gov
Date Admitted:	06/10/2009
Appellate Division Department of Admission:	2nd
Law School:	Georgetown University Law Center
Registration Status:	Due to reregister within 30 days of birthday
Next Registration:	Apr 2025

Disciplinary History*No record of discipline*

[New York State Unified Court System, accessed [5/20/25](#)]

Bove Has Emerged As Trump's "Enforcer" In The Department Of Justice, Forcing Transfers Of Nonpolitical Officials, Communicating With Senior Advisor Stephen Miller, And Settling Scores For Trump

Bove Is The Top Deputy To Todd Blanche, The Justice Department's No. 2 Official. "Mr. Bove is the top deputy to Todd Blanche, the department's No. 2 official — reprising a partnership forged in their successful defense of Mr. Trump in his two federal trials." [New York Times, [5/19/25](#)]

- **As Of May 2025, Bove Was Principal Associate Deputy Attorney General In The Department Of Justice And Served As Acting Deputy Attorney General Until Blanche Was Confirmed.** "Emil Bove, an ex-federal prosecutor, will be the principal associate deputy attorney general and will serve as acting deputy attorney general until Blanche is confirmed, Trump said." [CNN, [11/14/24](#)]

Bove "Quickly Emerged As The Trump Administration's Enforcer" Inside The Justice Department. "Inside the department, Mr. Bove has quickly emerged as the Trump administration's enforcer, demanding compliance and overseeing a series of personnel moves that have thrust him into the spotlight." [New York Times, [2/13/25](#)]

Bove Earned A Reputation As Trump's "Hatchet Man." "In that short time, Bove quickly earned a reputation as Trump's hatchet man. His aggressive campaign began with immigration — he issued a memo just two days after Trump's inauguration that threatened to prosecute state and local officials who resist the administrations federal immigration crackdown." [CNN, [5/19/25](#)]

Bove Has Forced Transfers Of Top Nonpolitical Officials Opposing Political Interference, Fired Capitol Riot Prosecutors, And Collected A List Of FBI Agents Assigned To January 6th Cases, All While Citing The President's Authority Under The Constitution. "Among them: the forced transfers of top nonpolitical officials seen as a bulwark against political interference, the firing of Capitol riot prosecutors in the U.S. attorney's office in Washington and, perhaps most significantly, the effort to collect a list of F.B.I. agents assigned to Jan. 6 cases. At no time has Mr. Bove offered evidence those he targeted had done anything improper, illegal or unethical. Instead he has cited the president's authority under the Constitution." [New York Times, [2/13/25](#)]

Bove “Communicates Regularly” With Stephen Miller On Homeland Security Issues And Acted “With The President’s Executive Orders As His Framework.” “Mr. Bove is on good terms with West Wing officials, and he communicates regularly with Stephen Miller, the White House deputy chief of staff, on homeland security issues. But he is not taking their direct orders, so much as acting on Mr. Trump’s general instructions, with the president’s executive orders as his framework, according to people in his orbit, speaking on condition of anonymity to discuss the administration’s inner workings.” [New York Times, [2/13/25](#)]

Legal Scholars And Former Prosecutors Expressed Concern That Bove Was Settling Scores For The President, Rather Than Impartially Running The Justice Department. “The moves have spurred intense criticism from legal scholars and former prosecutors. They worry that Bove, who represented Trump in federal and state criminal prosecutions, is settling scores for the president, not impartially running the Justice Department. Brushing aside such concerns, Bove has sought to aggressively implement Trump’s agenda in a way that is not at all surprising to many who knew him when he was litigating drug and terrorism cases.” [Associated Press, [2/24/25](#)]

Bove Worked As Trump’s Defense Attorney, Including For His Hush Money Case Resulting In 34 Felony Charges, Where His Work Included Making Longshot Arguments That At One Point Drew Rebuke From A Judge

Bove Represented Trump In The Hush Money Case Which Resulted In 34 Felony Charges

September 2023: Trump Added Emil Bove To His Defense Team. “Donald Trump has added two new attorneys, including a former federal prosecutor from New York, to his legal team, a source familiar with the decision told CNN. Emil Bove, was the co-chief of the national security unit at the US attorney’s office for the Southern District of New York.” [CNN, [9/27/23](#)]

May 2024: Trump’s Ongoing Case Resulted In 34 Felony Charges In A Scheme To Illegally Influence The 2016 Election Through A Hush Money Payment To A Porn Actor Who Said The Two Had Sex. “Donald Trump became the first former American president to be convicted of felony crimes Thursday as a New York jury found him guilty of all 34 charges in a scheme to illegally influence the 2016 election through a hush money payment to a porn actor who said the two had sex. Trump sat stone-faced while the verdict was read as cheering from the street below could be heard in the hallway on the courthouse’s 15th floor where the decision was revealed after more than nine hours of deliberations.” [Associated Press, [5/31/24](#)]

During The Trial, Bove Was Rebuked By A Judge For Concocting The “Involvement Of Counsel” Term To Circumvent Discovery Requirements. “Justice Juan Merchan rebuked Trump lawyer Emil Bove for seeking to include an instruction to the jury about the ‘involvement of counsel’ in connection with Donald Trump’s intent regarding the Karen McDougal hush money deal. Bove argued that David Pecker’s testimony in which he said he believed the McDougal deal was ‘bulletproof’ — and used that term in a conversation with Trump — meant there was a ‘fair inference’ to be made that Trump understood the contract had been vetted by lawyers. But Merchan accused Bove of concocting the ‘involvement of counsel’ term to try to circumvent discovery requirements that would have arisen if Trump’s team had raised an ‘advice of counsel’ defense.” [Politico, [5/21/24](#)]

Bove Represented Trump In The Classified Documents Case Which Was Ultimately Dismissed

June 2024: Trump’s Lawyers Made A “Longshot” Argument That The Justice Department Prosecutor Who Charged Trump With Hoarding Classified Documents Was Illegally Appointed And Therefore The Case Should Be Dismissed. “Lawyers for Donald Trump made a longshot argument Friday that the Justice Department prosecutor who charged the former president with hoarding classified documents at his Florida estate was illegally appointed and that the case should therefore be dismissed.” [Associated Press, [6/21/24](#)]

- **Bove Claimed That The Justice Department Could Create A “Shadow Government” Through Special Counsel Appointments.** “U.S. District Judge Aileen Cannon heard several hours of arguments Friday from lawyers for both sides, with Trump attorney Emil Bove at one point asserting that the Justice Department could create a ‘shadow government’ through the appointment of special counsels.” [Associated Press, [6/21/24](#)]

As A Federal Prosecutor, Bove’s Temper And Belittling Of Subordinates Prompted An Internal Review That Initially Recommended Demoting Him

Bove Faced An Internal Review Due To His Harsh Management Style That Initially Resulted In A Recommendation To Demote Him, Although Bove Was Ultimately Allowed To Keep His Job

Bove Was Described As Having A Temper And Belittling Subordinates. “When Emil Bove, now the acting deputy attorney general, was a federal prosecutor in Manhattan, he developed a reputation as a quiet, diligent worker — but one with a temper. He belittled the work of his subordinates. He was unusually tough on law-enforcement agents. After one blow-up with a fellow prosecutor, he refused to speak with that person for years and declined to make eye contact even if the two were alone in an elevator.” [Politico, [2/23/25](#)]

Bove’s Harsh Management Style Prompted An Internal Inquiry Into His Leadership, Which Initially Concluded With A Recommendation To Demote Bove. “His management style was so harsh that leaders of the U.S. attorney’s office conducted an internal inquiry into his leadership of the terrorism and international narcotics unit, according to four people familiar with the matter. They initially concluded that Bove should be demoted from his position as co-chief of the unit, though they never followed through with the demotion.” [Politico, [2/23/25](#)]

- **Bove Pled With His Bosses, Claiming He Would Improve His Behavior, And Was Allowed To Keep His Position.** “In 2020 or early 2021, the executive committee of the U.S. attorney’s office opened a formal inquiry into Bove’s management style. They interviewed prosecutors who worked for him about his behavior, and they decided that he should be removed from his role as a supervisor. In a meeting with Bove, the office’s leaders — including the acting U.S. attorney at the time, Audrey Strauss — informed Bove of their decision to demote him. Strauss declined to comment. Bove pleaded with his bosses to allow him to remain in his job and pledged that he would commit to improving his behavior. Ultimately, they relented.” [Politico, [2/23/25](#)]

Bove Kept His Job In Part Because His Bosses Were Concerned About Optics After Bove’s Team Was Found To Have Mishandled An Economic Sanctions Case

Bove’s Bosses Were Concerned With Optics After A Federal Judge Criticized Bove And His Co-Chief’s Lack Of Supervision In An Eventually Dismissed Economic Sanctions Case. “Part of the reason the office’s leaders did not follow through with their plan to demote Bove was that they were concerned about the optics at the time. While running the terrorism unit, Bove and a co-chief had overseen an economic sanctions case that crumbled after defense lawyers accused prosecutors of failing to turn over exculpatory evidence. The case was eventually dismissed, and a federal judge criticized what she described as a lack of supervision by Bove and his co-chief. The judge also urged the Justice Department’s Office of Professional Responsibility to investigate the government’s actions in the case. That probe found no evidence of ‘intentional or reckless misconduct.’” [Politico, [2/23/25](#)]

2020: A Team Of Prosecutors Led By Bove Faced Allegations Of Prosecutorial Misconduct In A Case Prosecuting An Iranian Banker Accused Of Violating US Sanctions. “By 2020, a team of prosecutors Bove led was fending off allegations of having engaged in what a judge described as prosecutorial misconduct. The actions came in the prosecution of an Iranian banker accused of violating U.S. sanctions. At trial, attorneys for

Ali Sadr Hashemi Nejad alleged prosecutors had failed to hand over evidence they considered beneficial to their client.” [Associated Press, [4/20/25](#)]

A Judge Determined There Was “Prosecutorial Misconduct” In The Case, Dismissed The Charges At Hand, And Recommended A Justice Department Investigation Into The Prosecutors. “While Nathan did not find Bove’s team had intentionally withheld documents, the judge nevertheless determined there had been ‘prosecutorial misconduct.’ She found that prosecutors had engaged in a ‘deliberate attempt to obscure’ the truth and sought to ‘bury’ a potentially exculpatory document. ‘The disclosure failures and misrepresentations in this case,’ she wrote in a 2021 opinion, ‘represent grave derelictions of prosecutorial responsibility.’ The judge tossed the conviction and dismissed the charges. She asked the Justice Department to launch an investigation of the prosecutors.” [Associated Press, [4/20/25](#)]

Bove Allegedly Acknowledged His Prosecutors Lied To The Judge, Made A Lewd Comment About An Attorney, And Jokingly Told A Colleague “We Will Get Cocaine For You” To Pull An All-Nighter. “In a Sunday night text exchange with his co-chief after being admonished by Nathan in court, Bove acknowledged his prosecutors had told a “flat lie” to the judge. He also vowed to ‘smash’ the Iranian defendant, made a lewd comment about one of his attorneys and jokingly told a colleague that ‘we will get cocaine for you’ so she could pull an all-nighter to repair some of the damage.” [Associated Press, [4/20/25](#)]

The Probe Found That Prosecutors’ Actions Were “Flawed” But Not International Or Reckless. “That probe echoed Nathan’s conclusion, finding that prosecutors’ actions were ‘flawed’ but not intentional or reckless, according to an anonymized summary of the investigation published on the Justice Department’s website. A person familiar with the probe confirmed the summary referred to the Sadr case.” [Associated Press, [4/20/25](#)]

Bove Allegedly Considered The Criticism Against Him From Fellow Attorneys To Be A Badge Of Honor

2018: A Group Of Manhattan Defense Attorneys Emailed Bove’s Boss To Express Concern About His Professionalism, Rudeness, And Power Plays. “A group of Manhattan criminal defense attorneys was so concerned about prosecutor Emil Bove’s professionalism that they banded together to send an email to his bosses. One lawyer complained in the 2018 email that Bove was ‘completely reckless and out of control’ in how he handled his cases. Another, upset about Bove’s rudeness and power plays, said he needed ‘adult supervision.’ A third, a top federal public defender in the city, said ‘he cannot be bothered to treat lesser mortals with respect or empathy.’” [Associated Press, [2/24/25](#)]

Bove Reportedly Considered The Email To Be A Badge Of Honor And Pinned It To His Office’s Corkboard. “Bove, then a hard-charging prosecutor in the U.S. Attorney’s Office for the Southern District of New York, was hardly chastened by the complaints. Instead, he printed the email and pinned it on a cork board in his office for others to see, according to a person who worked with Bove. The person, who spoke on condition of anonymity to candidly discuss a former colleague, said Bove considered the email to be a badge of honor.” [Associated Press, [2/24/25](#)]

After Bove Was Nominated To The Third Circuit Court Of Appeals, He Had A Conversation With A Senior Council From The Alliance Defending Freedom—A Southern Poverty Law Center Hate Group That Works To Undermine Women’s Reproductive Rights And LGBTQ+ Rights Through Litigation, Including In The Third Circuit

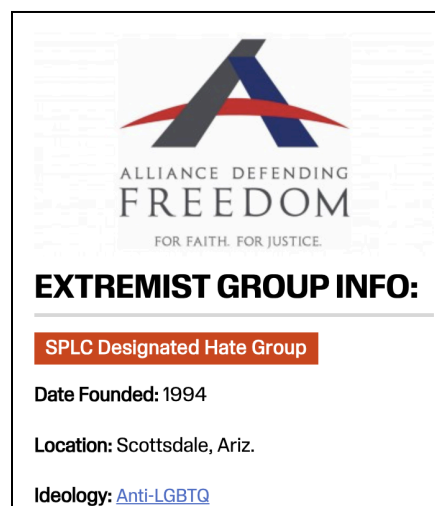
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Alliance Defending Freedom (ADF) Is A Southern Poverty Law Center-Designated Hate Group That Pushes An Extreme Anti-LGBTQ+ And Anti-Abortion Agenda

Alliance Defending Freedom (ADF) Is A Conservative Christian Organization That Wages Legal Battles Championing The Causes Of America's Religious Far-Right. “Founded three decades ago as a legal-defense fund for conservative Christian causes, A.D.F. had become that movement’s most influential arm. In the past dozen years, its lawyers had won fourteen Supreme Court victories, including overturning Roe v. Wade; allowing employer-sponsored health insurance to exclude birth control; rolling back limits on government support for religious organizations; protecting the anonymity of donors to advocacy groups; blocking pandemic-related public-health rules; and establishing the right of a baker to refuse to make a cake for a same-sex wedding.” [The New Yorker, [10/2/23](#)]

- **ADF’s “Foundational Narrative” Is That Conservative Christians “Face Persecution In The United States,” With Which It Has Justified Waging Culture War Legal Battles Affecting Americans’ Civil Rights.** “This burgeoning ‘legal army’ has helped ADF advance its foundational narrative: that conservative Christians, in particular, face persecution in the United States [...] But no organization has played a more pivotal role than ADF in shaping and testing ‘religious freedom’ as the Christian right’s latest legal strategy in the culture wars. And while the Federalist Society has positioned itself as the right’s screening agency for the federal judiciary, no other conservative Christian legal organization has propelled so many attorneys into state and federal government, where they are now in positions to oversee the restructuring of civil-rights and First Amendment law in ADF’s mold.” [The Nation, [11/28/17](#)]
- **ADF Was Formerly Known As “Alliance Defense Fund.”** “Formerly known as the Alliance Defense Fund, it runs Legal Fellowship programmes to train new generations of Christian lawyers to fight for the conservative Christian agenda (against sexual and reproductive health and rights, against euthanasia, against LGBTI rights).” [European Humanist Federation, accessed [6/4/24](#)]

The Southern Poverty Law Center (SPLC) Has Designated ADF As Extremist And An Anti-LGBTQ+ Hate Group.



[Southern Poverty Law Center, accessed [2/23/24](#)]

According To SPLC, ADF Aims To “Outlaw Abortion,” Dismantle The Rights Of “LGBTQ People Worldwide,” And Legislate According To A “Hard-Right Christian Theocratic Worldview.” “Under Sears’ leadership, ADF expanded its training, funding and outreach not only domestically but internationally. Using its international platforms, ADF works with policymakers and other organizations to outlaw abortion, deny equality

and marriage to LGBTQ people worldwide, and continue to push for a hard-right Christian theocratic worldview that is reflected in legislation and policies.” [Southern Poverty Law Center, accessed [6/13/23](#)]

Emil Bove Admitted In A Disclosure To The Senate Judiciary Committee That He Spoke With Alliance Defending Freedom’s Government Affairs Director And Senior Counsel Following His Nomination

Bove Wrote In A Disclosure To The Senate Judiciary Committee That He Spoke With Kellie Fieforek From The Alliance Defending Freedom About His Qualifications, Judicial Philosophy, And Preparing For The Confirmation Following His Nomination.

- a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: To the best of my knowledge, no, I did not speak to any such individuals in connection with the selection process that led to my nomination. Subsequent to my nomination, I communicated with Kellie Fieforek to discuss my qualifications for the position, my judicial philosophy, and preparing for my confirmation hearing.

[Senate Judiciary Committee, Questions for the Record, Emil Bove, submitted [7/2/25](#)]

July 2025: Kellie Fiedorek Served As Senior Counsel And Government Affairs Director At The Alliance Defending Freedom. “Kellie M. Fiedorek serves as senior counsel and government affairs director for Alliance Defending Freedom, where she is a member of the Strategic Affairs team. In this role, Fiedorek brings over a decade of experience working with the public sector to grow, equip, and engage a broad alliance committed to protecting the rule of law and the Constitution.” [Alliance Defending Freedom, accessed [7/16/25](#)]

If Confirmed, Bove Could Potentially Oversee Two Court Cases In The U.S. Third Circuit That The Alliance Defending Freedom Is Involved In—Causing A Clear Conflict Of Interest Based On His Own Testimony

Heaps v. Delaware Valley Regional High School Board Of Education Is A Lawsuit Filed In Delaware's Third Circuit Court By An ADF-Represented Parent Who Accused A School District Of Socially Transitioning Their Child Without Their Permission

March 15, 2024: *John Doe v. Delaware Valley Regional High Board Of Education* Is Filed In The District Of New Jersey.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY	
<p>JOHN DOE (said name being fictitious),</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>DELAWARE VALLEY REGIONAL HIGH SCHOOL BOARD OF EDUCATION, SCOTT MCKINNEY, individually and in his official capacity as Superintendent of Schools, ASHLEY MIRANDA, individually and in her official capacity as school counselor, MATTHEW J. PLATKIN, in his official capacity as Attorney General of the State of New Jersey, KEVIN DEHMER, in his official capacity as Acting Commissioner of the New Jersey Department of Education, and JOHN ROES 1-10 (said names being fictitious), individually and in their official capacities,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 3:24-CV-00107 (GC) (JBD)</p> <p style="text-align: center;">AMENDED VERIFIED COMPLAINT AND JURY DEMAND</p>

[*John Doe v. Delaware Valley Regional High School Board Of Education*, amended verified complaint, [3/15/24](#)]

- **The Plaintiff Was Eventually Revealed To Be Christin Heaps.** “Christin Heaps sued his daughter’s Hunterdon County high school last year after she told her school counselor she wanted to use a male name and pronouns. School administrators did not tell him of this change, which Heaps said he learned about by chance when another parent mentioned the child by a male name.” [New Jersey Monitor, [7/11/25](#)]

According To The Case Overview, A Parent Claimed That Staff Members At Delaware Valley Regional High School Socially Transitioned Their Child “From Female To Male” Without Seeking Consent Or Informing The Father.

OVERVIEW

1. This matter arises out of the actions taken by staff members at Delaware Valley Regional High School (“DVRHS”), under the auspices of the Delaware Valley Regional High School Board of Education (“Board”), the Attorney General of New Jersey (“AG”), and the New Jersey Department of Education (“NJDOE”), to socially transition Jane Doe (“Jane”), a minor child, from female to male without informing the plaintiff John Doe, her father, or seeking his consent. Mr. Doe has repeatedly expressed his objections to such acts and has been advised that the acts shall continue regardless, purportedly due to requirements of state discrimination law and policy.

[*John Doe v. Delaware Valley Regional High School Board Of Education*, amended verified complaint, [3/15/24](#)]

According To The Case Overview, The Parent Claimed That The Delaware Valley Regional Board Of Education Deliberately Interfered With His Parental Rights By Not Disclosing His Child’s Social Transition.

2. The Board's actions constitute deliberate interference with Mr. Doe's fundamental constitutional right to care for and raise his child, a liberty interest under the Fourteenth Amendment of the United States Constitution, as determined by the Supreme Court in *Troxel v. Granville*, 530 U.S. 57 (2000) (plurality). Such acts, and the enforcement of the laws and policies on which such interference purportedly is based, must immediately be restrained and enjoined since Mr. Doe is being deprived of his constitutional right to make critical child-rearing decisions concerning the care, custody, and control of his minor child. Defendants' actions are subject to strict scrutiny and must be narrowly tailored to advance a compelling state interest, a standard which cannot be satisfied by defendants under the circumstances presented.

[John Doe v. Delaware Valley Regional High School Board Of Education, amended verified complaint, [3/15/24](#)]

According To The Case Overview, The Plaintiff Argued That The Defendant Violated The Parent's Rights That Are Guaranteed By The New Jersey Constitution.

3. Defendants' actions and the laws and policies upon which they are purportedly based also violate Mr. Doe's rights to be the primary person responsible for his child's education, in violation of 20 U.S.C. §3401(3).

4. Defendants' actions and the laws and policies upon which they are purportedly based also violate Mr. Doe's parental rights as guaranteed by the New Jersey Constitution.

5. Mr. Doe seeks to vindicate his fundamental rights of parenting, including the rights to have primary authority in the upbringing of his children and the right to make healthcare and medical decisions for his child without interference by the State. Thus, Mr. Doe seeks a Declaratory Judgment that defendants' acts and public policies are unconstitutional, an injunction prohibiting such interference with his constitutional and statutory rights and against the enforcement of contrary laws and public policies, and an award of monetary damages against the Board, the Superintendent, and individual employees of the school district who have violated his fundamental rights.

[John Doe v. Delaware Valley Regional High School Board Of Education, amended verified complaint, [3/15/24](#)]

Four Attorneys From The Alliance Defending Freedom Filed An Appeal With The Third U.S. Circuit Court Of Appeals—The Same Court Emil Bove Was Nominated To.

Attorneys With The Alliance Defending Freedom Filed An Appeal With The Third U.S. Circuit Court Of Appeals In The Case Of *Christin Heaps v. Delaware Valley Regional High School Board of Education*.

APPEAL NO. 24-3278
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

CHRISTIN HEAPS,
Plaintiff-Appellant,

v.

DELAWARE VALLEY REGIONAL HIGH SCHOOL BOARD OF EDUCATION;
et al.,
Defendants-Appellees.

On Appeal from the United States District Court
for the District of New Jersey
Case No. 3:24-cv-00107

OPENING BRIEF OF PLAINTIFF-APPELLANT

John J. Bursch
ALLIANCE DEFENDING FREEDOM
440 First Street NW, Suite 600
Washington, DC 20001
(616) 450-4235
jbursch@ADFlegal.org

Katherine L. Anderson
ALLIANCE DEFENDING FREEDOM
15100 N. 90th Street
Scottsdale, AZ 85260
(480) 444-0020
kanderson@ADFlegal.org

Ronald A. Berutti
Gwyneth K. Murray-Nolan
MURRAY-NOLAN BERUTTI LLC
136 Central Avenue
2nd Floor
Clark, NJ 07066
(980) 588-2111
ron@murray-nolanberutti.com
gwyneth@murray-nolanberutti.com

James A. Campbell
Vincent M. Wagner
ALLIANCE DEFENDING FREEDOM
44180 Riverside Pkwy
Lansdowne, VA 20176
(571) 707-4655
jcampbell@ADFlegal.org
vwagner@ADFlegal.org
David A. Cortman
Chloe K. Jones
ALLIANCE DEFENDING FREEDOM
1000 Hurricane Shoals Road NE,
Suite D-1100
Lawrenceville, GA 30043
(770) 339-0774
dcortman@ADFlegal.org
cjones@ADFlegal.org

[*Heap v. Delaware Valley Regional High School Board Of Education*, opening brief of plaintiff-appellant, [6/30/25](#)]

The Case Is Still Being Briefed, And Therefore Bove Could Be Assigned To The Case, Depending On If And When He Is Confirmed

June 30, 2025: *Heap v. Delaware Valley Regional High School Board Of Education* Was Appealed. [*Heap v. Delaware Valley Regional High School Board Of Education*, opening brief of plaintiff-appellant, [6/30/25](#)]

The Case Was Still Being Briefed As Of July 21, 2025.

07/11/2025	91	ECF FILER: ENTRY OF APPEARANCE from Christian B. Corrigan on behalf of Amicus Curiae States of Montana, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Mississippi, Missouri, Nebraska, N. Dakota, Ohio, Oklahoma, S. Carolina, S. Dakota, Texas, Utah, Virginia, W. Virginia, Arizona Legislature. [24-3278] (CBC) [Entered: 07/11/2025 04:58 PM]
07/11/2025	92	ECF FILER: AMENDED ELECTRONIC ADDENDUM to BRIEF on behalf of Amicus Appellant State of Montana containing Amended Certification. Certificate of Service dated 07/11/2025 by ECF. [24-3278] (CBC) [Entered: 07/11/2025 05:07 PM]
07/11/2025	93	TEXT ORDER (Clerk) directing Attorney Kayla Toney, Esq. for Amicus Appellant Abigail Martinez to submit 7 hard copies in GREEN covers for the amicus brief filed on 07/07/2025. Due on or before 07/16/2025. (MCW) [Entered: 07/11/2025 05:11 PM]
07/14/2025	94	HARD COPY RECEIVED from Amicus Appellants Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Hawaii Family Forum, Illinois Family Institute, National Legal Foundation, Pacific Justice Institute and Wisconsin Family Action - Amicus Brief. Copies: 10. (SJB) [Entered: 07/14/2025 04:08 PM]
07/14/2025	95	HARD COPY RECEIVED from Proposed Amicus-Appellant Foundation for Moral Law - Amicus Brief. Copies: 7. (SJB) [Entered: 07/14/2025 04:12 PM]
07/14/2025	96	HARD COPY RECEIVED from Amicus Appellant State of Montana, 21 Other States & The Arizona Legislature - Amicus Brief. Copies: 7. (SJB) [Entered: 07/15/2025 09:05 AM]
07/15/2025	97	TEXT ORDER (Clerk) granting motion by Amicus Appellant Our Duty for leave to file brief out of time. (NMB) [Entered: 07/15/2025 10:45 AM]
07/15/2025	98	COMPLIANCE RECEIVED. Addendum to Amicus Brief containing the identical/virus certification omitted from the brief received from Amicus Appellant State of Montana. Received on 07/11/2025. (EAF) [Entered: 07/15/2025 11:02 AM]
07/15/2025	99	COMPLIANCE RECEIVED. Addendum to brief received from Proposed Amicus-Appellant Foundation for Moral Law. Received on 07/11/2025. (EMA) [Entered: 07/15/2025 07:52 PM]
07/16/2025	100	HARD COPY RECEIVED from Amicus Appellant Abigail Martinez - Amicus Brief. Copies: 7. (PAR) [Entered: 07/16/2025 01:40 PM]

The Third Circuit Randomly Assigns Cases To A Three-Judge Panel Once They Are Fully Briefed.

“Generally, fully briefed cases are randomly assigned by the clerk to a three-judge panel.” [U.S. Court of Appeals for the Third Circuit, internal operating procedures, [1/6/23](#)]

Bove Could Also Hear The Case If One Of The Parties Seeks A Rehearing En Banc

A Party In An Appealed Case May Request A Rehearing En Banc If They Believe The Panel Decision Conflicts With A Decision Of The Supreme Court Or Of Third Circuit And The Question At Hand Is Of “Exceptional Importance.” “Rule 35(b)(1). When rehearing en banc is requested, the petition must begin with a statement that either: (A) the panel decision conflicts with a decision of the United States Supreme Court or of [the Third Circuit] (with citation to citation to the cases or cases) and consideration by the full court is therefore necessary to secure and maintain uniformity of the court's decision: or (B) the proceeding involves one or more questions of exceptional importance, each of which must be concisely stated; for example, a petition may assert that a proceeding presents a question of exceptional importance if it involves an issue on which the panel decision conflicts with the authoritative decisions of other United States Courts of Appeals that have addressed the issue.” [U.S. Court of Appeals for the Third Circuit, post-decision practice information sheet, accessed [6/21/25](#)]

- **A Rehearing En Banc Would Include All The Active Judges On The Third Circuit Who Are Not Disqualified.** “Initial en banc hearing is extraordinary; it is ordered only when a majority of the active judges who are not disqualified, determines that the case is controlled by a prior decision of the court which should be reconsidered and the case is of such immediate importance that exigent circumstances require initial consideration by the full court. An active judge who does not communicate with the Chief Judge concerning initial en banc hearing within ten (10) days after the date that the clerk transmits the petition for initial en banc hearing is presumed not to desire initial en banc hearing.” [U.S. Court of Appeals for the Third Circuit, internal operating procedures, [1/6/23](#)]

The Supreme Court Recently Granted Cert In Another Third Circuit Case, *First Choice Women’s Resource Centers, Inc. v. Platkin*, In Which The Petitioner Is Represented By An Attorney From The Alliance Defending Freedom

April 22, 2024: *First Choice Women’s Resource Centers, Inc. v. Platkin* Was Appealed To The Third Circuit Appeals Court.

Case: 24-1111 Document: 34-1 Page: 1 Date Filed: 04/22/2024

APPEAL NO. 24-1111

**United States Court of Appeals
for the Third Circuit**

FIRST CHOICE WOMEN’S RESOURCE CENTERS, INC.,

Plaintiff-Appellant,

v.

MATTHEW PLATKIN, in his official capacity as Attorney General of the
State of New Jersey,

Defendant-Appellee.

On Appeal from the United States District Court
for the District of New Jersey
Case No.: 3:23-cv-23076

First Choice Women's Resource Centers, Inc. Is A Nonprofit Organization In New Jersey That Provides Different Pregnancy-Related Services And Was Investigated After Claims Were Made That Its Client-Facing Websites Misled Donors About The Services That The Organization Provides.

"First Choice Women's Resource Centers, Inc. is a nonprofit organization in New Jersey that operates a network of centers offering pregnancy-related services. In 2023, the New Jersey Division of Consumer Affairs began investigating First Choice over concerns that its client-facing websites downplayed its pro-life mission and may have misled donors and clients about its services, staff qualifications, and medical practices. State investigators identified possible discrepancies between what First Choice told donors—emphasizing a pro-life mission—and what was publicly communicated to potential clients on other websites. The investigation also scrutinized potentially misleading medical statements and questioned whether unlicensed staff were performing services that require medical credentials." [Oyez, [7/16/25](#)]

- **Attorneys For First Choice Women's Resource Center Characterized The Organization As A "Faith-Based, Pro-Life Pregnancy Center."** "Attorneys for First Choice Women's Resource Centers had described the organization as a 'faith-based, pro-life pregnancy center.' Crisis pregnancy centers generally try to steer women facing an unwanted pregnancy away from choosing an abortion." [WHYY, [6/16/25](#)]

First Choice Filed A Motion To Object The State's Attempt To Execute A Non-Self-Executing Subpoena To Obtain Internal Documents, Advertising Material, Substantiation For Medical Claims, And Information On Donors And Licensed Personnel.

"As part of its investigation, the State issued a non-self-executing subpoena to First Choice seeking internal documents, advertising material, substantiation for medical claims, and information on donors and licensed personnel. First Choice objected to the subpoena—particularly the requests for donor identities—arguing that complying would violate its constitutional rights, including freedom of association and donor privacy. While First Choice continued to raise these objections, the state filed a motion in New Jersey Superior Court to compel enforcement." [Oyez, [7/16/25](#)]

The State Denied First Choice's Motion To Object The Subpoena And Instructed To Work With The Investigators To Negotiate A Constitutionally Appropriate Subpoena Scope.

"The state court denied First Choice's motion to quash the subpoena in full but did not order immediate production of documents. Instead, it instructed the parties to negotiate the subpoena's scope, specifically reserved constitutional arguments for future resolution, and clarified that donor identities would be sought only for those who contributed through two specific websites. As a result, First Choice remained under no court order to turn over the disputed materials while negotiations continued." [Oyez, [7/16/25](#)]

The U.S. Courts Of Appeals For The Third Circuit Affirmed The Initial Rejection Of First Choice's Motion To Object To The Subpoena.

"While contesting the subpoena in state court, First Choice filed suit in the U.S. District Court for the District of New Jersey, seeking federal relief to block enforcement on constitutional grounds. The district court twice dismissed the federal suit as unripe, and the U.S. Court of Appeals for the Third Circuit affirmed, holding that the ongoing state court proceedings and the lack of any order compelling compliance rendered First Choice's claims not ready for federal adjudication." [Oyez, [7/16/25](#)]

The Question Of The Case Will Answer If A Claim Was Made By An Organization That Its First Amendment Rights Were Violated By The State, If That Claim Will Be Decided By The Federal Government Or The State Itself.

"Issue: Whether, when the subject of a state investigatory demand has established a reasonably objective chill of its First Amendment rights, a federal court in a first-filed action is deprived of jurisdiction because those rights must be adjudicated in state court." [SCOTUSBlog, [7/16/25](#)]

The United States Supreme Court Agreed To Hear The Case During Its October 2025-2026 Term.

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The U.S. Supreme Court Agreed To Consider First Choice Women's Resource Centers, Inc. v. Platkin.

"The U.S. Supreme Court agreed on Monday to consider reviving a New Jersey crisis pregnancy center operator's bid to block the Democratic-led state's attorney general from investigating whether it deceived women into believing it offered abortions." [Reuters, [6/16/25](#)]

The Case Will Be Heard During The Court's October 2025-2026 Term. "First Choice Women's Resource Centers, Inc. v. Platkin is a case scheduled for argument before the Supreme Court of the United States during the court's October 2025-2026 term." [Ballotpedia, accessed [7/21/25](#)]

The Alliance Defending Freedom Attorney Erin Morrow Hawley—The Wife Of Republican Senator Josh Hawley Who Tried To Overturn The 2020 Election Results—Represented First Choice Women's Resource Centers, The Petitioner.

Alliance Defending Freedom Attorney Erin Morrow Hawley Is Representing The Petitioner.

NAME	ADDRESS	PHONE
Attorneys for Petitioner		
Erin Morrow Hawley Counsel of Record	Alliance Defending Freedom 440 First Street NW Suite 600 Washington, DC 20001 EHAWLEY@ADFLEGAL.ORG	2023938690
Party name: First Choice Women's Resource Centers, Inc.		

[supremecourt.gov, accessed 7/17/25]

- **Erin Morrow Was Part Of The Legal Team That Got Roe v. Wade Overturned.** "[...] Erin Morrow Hawley, Yale Law grad, former Supreme Court clerk, and for the past three years a senior counsel at the conservative advocacy group Alliance Defending Freedom. There, in 2022, she was part of the team that got Roe v. Wade overturned, in the most consequential Supreme Court abortion case in the 50-odd years since Roe itself was decided." [Politico, [2/23/24](#)]
- **Erin Morrow Hawley Is The Wife Of Republican Senator Josh Hawley.** "Erin Morrow Hawley LAW '05 — a former law clerk of Chief Justice John Roberts and wife of Republican senator Josh Hawley LAW '06 — joined the legal group that helped argue against the right to an abortion in Dobbs." [Yale Daily News, [4/9/24](#)]
 - **Josh Hawley Was The First U.S. Senator To Announce That He Would Reject The 2020 Election Results, And A Top Donor Said That Supporting Hawley Was "The Worst Mistake Of His Life."** "One of his most important early backers now says supporting him 'was the worst mistake I ever made in my life,' and a top donor called for him to be censured by the Senate. That's just some of the condemnation that's come Sen. Josh Hawley's way since the Missouri Republican became the first senator to announce he would object to the counting of Electoral College votes and then moved forward with his plan even after a mob of President Donald Trump's supporters had stormed the Capitol on Wednesday." [NBC News, [1/9/21](#)]

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If The Supreme Court Reverses And Remands This Case, Bove Is Unlikely To Hear It, Unless There Are Unexpected Changes To The Three-Judge Panel That Originally Heard The Case

Although Most Remanded Cases Are Heard By The Original Three-Judge Panel, Bove Could Be Assigned To Hear The Case Under Certain Circumstances. “A remand from the Supreme Court is referred to the panel which decided the matter or to the court en banc, as the case may be.” [U.S. Court of Appeals for the Third Circuit, internal operating procedures, [1/6/23](#)]

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