

Indiana Supreme Court Dismisses Second Case Challenging Constitutionality of Right to Work Law

By Michael W. Padgett

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Indiana's Right to Work law again has withstood a constitutional challenge in the state's highest court. The Indiana Supreme Court dismissed a second challenge to the state's Right to Work law based on its November decision in *Zoeller v. Sweeney*, 19 N.E.3d 749 (Ind. 2014), holding that the law, on its face, does not violate Indiana's Constitution. (The justices had declined to consolidate the two cases.) *Zoeller v. United Steel, Paper, and Forestry, Rubber Manufacturing, Allied Industrial and Service Workers Int'l Union, et al.*, No. 45S00-1407-PL-492 (Ind. Dec. 16, 2014).

The Court remanded the case to the Lake County Circuit Court, which had found the 2012 law unconstitutionally required that unions provide services to nonunion members without compensation, to dismiss the case with prejudice. (For more on *Sweeney*, see our article, [Indiana Supreme Court Upholds Constitutionality of Right to Work Law](#).)

While Indiana's Right to Work law is not facing any additional constitutional challenges at this time, the Indiana Supreme Court might have to entertain an as-applied constitutional challenge to the law down the road.

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