



LIBERTY & LAW

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Through these activities, IJ illustrates and extends the benefits of freedom to those whose full enjoyment of liberty is denied by government.

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ONE WOMAN'S FIGHT PROTECTS PROPERTY OWNERS ACROSS TEXAS

The police on the scene said that the city would pay for repairs, but when Vicki submitted a claim, the city told her she “wouldn’t see a dime.”

BY JEFFREY REDFERN

Six years ago, IJ client Vicki Baker’s life was turned upside down. She was in the process of selling her home in McKinney, Texas, and relocating to Montana for her retirement when she received a disturbing call. An armed fugitive, with a teenage hostage, had barricaded himself inside her McKinney house, and a SWAT team had surrounded it. The fugitive eventually released the girl but refused to come out, so the SWAT team assaulted the house, using tear gas, explosives, and armored personnel carriers. As it turned out, by the time they launched the assault, the fugitive had already died by his own hand.

The damage was extensive. The police on the scene said that the city would pay for repairs, but when Vicki submitted a claim, the city told her she



"wouldn't see a dime." Her insurance likewise denied her claim, citing a common exclusion in homeowners' policies for damage caused by the government.

Vicki and IJ sued the city of McKinney. We argued that when the government destroys private property, even for a legitimate reason like apprehending a dangerous fugitive, innocent owners are entitled to compensation under the Takings Clause of the Fifth Amendment, as well as a similar provision of the Texas Constitution. Law enforcement is a public good, and the cost should be borne by society as a whole, not unlucky individuals like Vicki.

Now, after five years of litigation, including multiple appeals and a jury trial, Vicki is finally going to get paid. Although our early win under the U.S. Constitution was eventually vacated by a federal appeals court, we ultimately prevailed under the Texas Constitution. So Vicki will be getting her full jury award of nearly \$60,000, plus interest.

It should not have taken this long. Many cities around the country voluntarily pay claims like Vicki's as a matter of course. Instead, McKinney spent far more money litigating this case than Vicki's claim was worth. But there is a silver lining. Cities across Texas are now on notice that property owners are entitled to be compensated in situations like this.

Indeed, Vicki's win is already reverberating throughout the Lone Star State. In the past six years, the city of Austin received 135 claims for property damage caused by the police, and it denied every single one. But just a couple of weeks after Vicki's final victory, Austin announced a new official policy: Going forward, innocent owners will receive compensation when the police damage or destroy their property.

The timing cannot be a coincidence. Meanwhile, we're fighting cases similar to Vicki's on behalf of families in Indiana and North Carolina and a small-business owner in California.

Most plaintiffs don't have the resources to fight city hall for over five years, but that's sometimes what it takes to secure a landmark constitutional ruling that will protect the rights of millions of property owners. IJ will continue pushing this issue until all Americans have the same protections that Texans now enjoy. ♦

Jeffrey Redfern is an
IJ senior attorney.



**Vicki's win
is already
reverberating
throughout the
Lone Star State.**



After five years of litigation, including multiple appeals and a jury trial, **Vicki Baker** is finally getting compensation after a SWAT team destroyed her home chasing a fugitive.



A Plain Outlier

North Dakota Prefers Licensed Teachers Over Qualified Ones

BY RILEY GRACE BORDEN

Parents like Paul Nelson and teachers like Kaylie Young did not choose the education at Capstone Classical Academy in Fargo, North Dakota, because they wanted the same education offered by public schools. They chose it because they wanted something different.

Kaylie previously taught in public schools, but she chose Capstone because stepping through its doors felt more like stepping into a calling than a job. Both she and Paul were drawn to Capstone's commitment to classical education, something they could not find in public schools.

But according to North Dakota, schools like Capstone are not supposed to be different.

As longtime *Liberty & Law* readers may recall, IJ has four times defended educational freedom before the U.S. Supreme Court. Together with Paul, Kaylie, and Capstone, we are fighting a new but familiar battle through a federal constitutional challenge to North Dakota's licensing laws for private school teachers.

North Dakota is an extreme outlier. It is one of only two states in the nation to impose the exact same licensing rules on private schools as it does on state-run public schools.

These licensing laws dictate not only who can teach, but also *what* can be taught—down to the individual course level. North Dakota regulates curricula through a sprawling directory of hundreds of course codes that is nevertheless far from comprehensive. The gaps produce absurd results: A teacher with a state endorsement in theology is authorized to teach 26 specific courses, including “Catholic Studies Through Literature,” but there is no equivalent code for “Jewish Studies Through Literature.”

North Dakota is an extreme outlier. It is one of only two states in the nation to impose the same licensing rules on private schools as it does on state-run public schools.

Paul Nelson (top), whose son attends Capstone Classical Academy, and **Kaylie Young**, who teaches there, are challenging a North Dakota licensing regime that severely restricts the teachers Capstone can hire.



What's more, the licensing process is a significant barrier to otherwise qualified teachers. Although there are several pathways to licensure, all involve extensive coursework, tests, application and licensing fees, and, of course, labyrinthine regulations and paperwork. To make matters worse, teacher licensing is not a one-and-done affair. A license holder incurs ongoing obligations, including regular renewal fees and a periodic "reeducation" obligation.

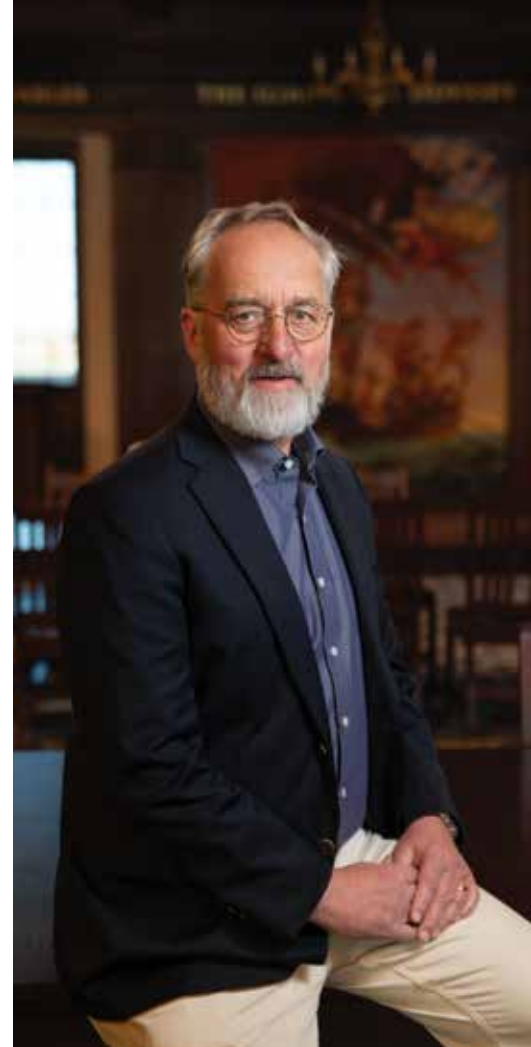
Consider what this means in practice. A retired college chemistry professor with a Ph.D. and decades of teaching experience is barred from teaching high school chemistry. A celebrated novelist with books lining library shelves is barred from teaching middle school English. A Pulitzer winner cannot teach journalism. A retired Silicon Valley engineer cannot teach computer science. In North Dakota, none of them are qualified without the state's license. This is all because North Dakota considers a licensed teacher—no matter his or her qualifications—better than a well-qualified one.

It should come as no surprise that North Dakota has faced a critical shortage of teachers for years. With licensed teachers in such short supply, schools like Capstone struggle to staff their classrooms.

While the state may insist that its licensing regime is necessary to maintain quality teaching, the overwhelming majority of states do not require private school teachers to be licensed. In fact, North Dakota allows parents to homeschool their children with only a high school diploma or GED. Homeschooling parents can even hire unlicensed instructors to teach their children.

Paul, Kaylie, and Capstone have joined IJ to challenge North Dakota's teacher licensing laws because they undermine the purpose of private schools. For more than a century, courts have recognized the right of parents to direct the education of their children and the right of private schools and teachers to provide educational alternatives. IJ will fight to ensure that the United States is a land of true educational entrepreneurship and choice. ♦

Riley Grace Borden is an IJ attorney.



Ronald Robson is chairman of Capstone Classical Academy. Under current licensing, Capstone cannot hire a retired college professor to teach middle schoolers.

This is all because North Dakota considers a licensed teacher better than a well-qualified one.



WHAT'S IN A Name?

**Speakeasies Aren't Illegal,
But In Nebraska, Their Names Can Be**

BY NICK DEBENEDETTO

Serving classic cocktails at an artfully concealed bar is no longer illegal—it hasn't been since 1933—but in Nebraska, using the wrong words in naming a speakeasy can make scofflaws of entrepreneurs trying to earn an honest living.

In early 2025, Mike DiGiacomo and his siblings, Dominic and Jaclyn, opened the “Barber Shop Blackstone.” The barber shop-themed speakeasy in Omaha’s Blackstone District is a tribute to their late father, “Don the Barber,” who earned his living for 30 years by operating a barber shop in the building that is now home to the Barber Shop Blackstone. Mike and his siblings grew up there, assisting with maintenance and upkeep, getting to know the regulars, and listening to the stories of the other barbers and their customers.

The speakeasy is accessible through an unmarked door in a back alley; a small red,

In Nebraska, using the wrong words in naming a speakeasy can make scofflaws of entrepreneurs trying to earn an honest living.

white, and blue barber pole provides the sole clue of its location. In classic speakeasy fashion, patrons open the door to a small “barber

shop”—complete with a barber’s chair and a video detailing the history of barbering—and only behind a second door is the speakeasy, where handmade craft cocktails, many of them barber themed, are served.

But unbeknownst to the DiGiacomo siblings, Nebraska law forbids them from using the words “barber” or “barber shop,” and from displaying the iconic red, white, and blue barber pole. Shortly after the Barber Shop Blackstone’s grand opening, the state threatened the siblings with civil and criminal penalties unless they changed the name.

The law at issue purports to protect customers from the dangers of unlicensed haircuts and confusion over what kind of services are offered inside. It does this by only allowing those who hold state-issued barber licenses to use the words “barber” or “barber shop” or display a barber pole.

Yes, really.

In response to the state, Mike noted the obvious: His bar is a bar—it serves cocktails, and it’s only open at night. No one could conceivably show up expecting to get a shave and a haircut. And even if they did, his bartenders would kindly point them to a salon or barber shop down the street.

However, the state was undeterred. That’s because the threat wasn’t prompted by



The DiGiacomo siblings made a barber shop-themed speakeasy to honor their father's career, but the Nebraska barber board demanded they change the name.

customer confusion. Rather, a state-licensed barber found “the whole theme of the place so disrespectful to the trade.”

In other words, Nebraska regulators are threatening Mike and his siblings with criminal punishment because a barber was offended by the family's tribute to their father.

But the First Amendment limits the government's power to restrict how businesses advertise themselves. The state can enact laws to protect consumers from actual fraud or confusion, but it cannot remove common words and images from circulation.

For decades, IJ has defended commercial free speech rights of small businesses, from Florida video game stores to New Hampshire donut shops. This case is the latest in our nationwide campaign to free entrepreneurs to advertise their services. A victory here would do more than simply provide relief to the DiGiacomo siblings. It would reinforce the principle that commercial speech is worthy of constitutional protection—and attempts to regulate that speech must be aimed at a *real* harm.

A ruling for the Barber Shop Blackstone would make it easier for all Nebraskans to earn a living—a cause to which we should all raise a glass. ♦

Nick DeBenedetto is an IJ attorney.



The threat wasn't prompted by customer confusion. Rather, a state-licensed barber found “the whole theme of the place so disrespectful to the trade.”



Mike and Jaclyn had to cover the red, white, and blue striped barber pole while the case is litigated.



A LOT AT STAKE

IJ Battles Restrictive Zoning

BY ARI BARGIL

Art Yatsko had a modest dream. Tiring of the harsh New England winters in his native Rhode Island, he envisioned a sunny retirement in Florida. To make that dream a reality, in 2006, he bought an undeveloped residential lot in a quiet community in North Port, Florida, a growing suburb on the west coast of the state. The lot was perfect to accommodate the small home he'd envisioned: a one-story house with room for a pool and an extra bedroom for the grandkids.

North Port—and its zoning officials—had other plans. Even though Art's property was zoned for a single-family home (and always had been), North Port recently decided that single-family homes were not generating enough tax revenue for its coffers. So, to enhance its tax base, North Port rezoned Art's neighborhood, converting it from a single-family neighborhood into a commercial corridor.

This is not the sort of "upzoning" that IJ applauds. Rather than allow additional commercial activity and stop there, North Port went one step further. It prohibited the only existing use in the neighborhood: single-family

homes. Bizarrely, this means that the existing homes may now be neighbored by night clubs, gun ranges, and other businesses—just not new houses.

Art joined with IJ to challenge the

constitutionality of North Port's zoning code. After all, if there remains any limitation to the zoning power, it must be that local governments cannot arbitrarily prohibit a harmless and traditional use, like a typical house, when

that use is compatible with the surrounding neighborhood.

For loyal followers of IJ, the legal framework that courts typically apply when weighing a zoning challenge is familiar: the rational basis test. For decades, IJ has argued that the rational basis test requires more than just blind deference from the courts to the decisions of bureaucrats. And while we intend to argue that again here, we have a unique opportunity to revive a dormant U.S. Supreme Court decision from nearly a hundred years ago that says Art should win.

In 1928, in *Nectow v. Cambridge*, the Court struck down a zoning ordinance on the basis that the challenged zoning code made illegal a

Art's desired home
is the only use that
makes sense in the
existing neighborhood.

perfectly sensible and compatible use. As the Court explained, that meant that the ordinance did not bear a substantial relationship to any legitimate government interest.

That is exactly what we're arguing in North Port. Art's desired home is the only use that makes sense in the existing neighborhood. Whatever the government's aims, banning single-family homes does not serve those interests.

Nectow has never been overruled. And its reinvigoration has long been a dream for property rights advocates like IJ. *Nectow* is still the law of the land. Getting a court to say as much will mark a monumental step toward greater property rights protections for landowners battling overzealous zoning nationwide. ♦

Ari Bargil is an IJ
senior attorney.



Whatever the
government's aims,
banning single-family
homes does not serve
those interests.

Art Yatsko joined with IJ
after North Port, Florida,
imposed a ban on
single-family homes—in
a neighborhood of only
single-family homes—
that prevents Art from
building a modest home
for his retirement.



Taking Out The Trash

Texas Entrepreneur Fights City's Dumpster Monopoly

BY DANIEL WOISLAW

Josh Roman started American AF Dumpster Rentals in 2020 with a single trailer-hitched dumpster and a Craigslist ad. Today, he runs four trucks, keeps about 75 roll-off construction dumpsters in rotation, and serves roughly 400 repeat customers across the booming Dallas–Fort Worth area from his business in Waxahachie, Texas. Builders choose Josh because he is fast, reliable, and local. He built his business the old-fashioned way: by out-hustling the big national companies and treating his customers right.

There was just one problem. Somewhere along the way, the city of Waxahachie decided that renting

a construction dumpster within its limits would be a crime—except for the one company to which the city had chosen to give a monopoly for this service.

In 2021, Waxahachie signed an exclusive franchise agreement handing a single national waste company the sole right to rent roll-off construction dumpsters in town. In exchange, the city pockets a share of the revenue. To protect its chosen monopolist, the city sends inspectors to threaten Josh's customers with fines of \$2,000 per day and stall building permits until they swap out his dumpsters for ones from the monopoly company.

Josh learned how far the city would go in December 2025. He had dropped a dumpster at a

A man with a long black beard and a black baseball cap stands in front of a large red semi-truck. The truck's trailer features a large American flag graphic. The man is wearing a black t-shirt with a circular logo and blue jeans. He has his hands in his pockets and is looking directly at the camera. The background is a clear sky.

Josh Roman started American AF Dumpster Rentals to serve the Texas construction boom, but Waxahachie has granted a monopoly to just one company. Josh and IJ are suing under the Texas Constitution's anti-monopoly clause.

job site where a contractor was building a new bagel shop. A city inspector showed up and told the contractor the project could not move forward—and that his permit was on the line—unless Josh’s dumpster was hauled off and replaced with the monopolist’s. The contractor canceled. Josh refunded the money, and that customer hasn’t returned.

When Josh asked a city official what rule he had broken, the answer shocked him: There was no complaint or concern over safety, sanitation, or nuisance. His only offense was competing for customers.

That is not regulation. It’s cronyism: the government picking winners and losers in a private market and taking a cut of the proceeds. And in Texas, it is unconstitutional.

The Texas Constitution is clear: “Monopolies are contrary to the genius of a free government, and shall never be allowed.” It also guarantees Texans equal rights to

compete and the right to earn an honest living free from unreasonable government interference. Waxahachie’s dumpster monopoly runs headlong into all three provisions.

IJ has a long history of successfully challenging rigged markets and unreasonable barriers in Texas. Our state Supreme Court victory on behalf of

eyebrow threaders in *Patel* became the model for our efforts to ensure that the right to earn a living is taken seriously by state courts.

Texas Dumpsters continued on page 22

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 **Watch the case video!**
iam.ij.org/texas-dumpsters

IJ FIGHTS PENNSYLVANIA'S COSTLY “GHOST OFFICE” REQUIREMENT

BY CHRISTIAN LANSINGER

A former apartment just outside Harrisburg, Pennsylvania, has sat vacant for years. Not because no one wants to live there—but because state law requires it to be kept as a real estate office.

That office belongs to IJ client Kevin Gaughen, a third-generation broker who has worked in Pennsylvania real estate for 20 years. Like many modern brokers, he does not sit in an office waiting for clients to

come to him. Instead, using his phone or computer, he works from home, on the road, or at the properties themselves. His office is merely a billboard—an expensive one.

But Pennsylvania requires Kevin to maintain an office, even if he never uses it.

That requirement dates back nearly a century, to a time when the real estate industry looked very different. Today, brokers communicate by phone, text, and email; use online listings and

**Pennsylvania requires Kevin to maintain
an office, even if he never uses it.**



electronic signatures; meet clients at properties; and attend inspections, walk-throughs, and closings away from the office. As for other professionals working remotely across the country, offices have become at least optional, if not obsolete, for brokers.

Yet Kevin keeps the office—not for clients, but for inspectors. Up to four times a year, the Real Estate Commission sends inspectors (unannounced) to check for things like a conference table, a landline phone, and a filing cabinet. Kevin risks heavy fines—and even his license—for noncompliance.

This requirement imposes a real burden. Kevin and other brokers incur tens of thousands of dollars in costs each year in rent, insurance, taxes, utilities, and repairs—costs they must absorb or pass on to their clients. All the while, their ghost offices sit empty rather than serve as housing or some other productive use.

But the Pennsylvania Constitution protects the right to earn an honest living free from outdated and burdensome regulations like these. This principle was reinforced in our victory representing Sally Ladd (featured in the December 2022 issue of *Liberty & Law*).

As an Airbnb manager, Sally was not a broker in the traditional sense of helping clients buy or sell properties. But the same state commission demanded she obtain a broker's license anyway and comply with all its requirements, including 300 hours of coursework, an apprenticeship ... and, of course, maintaining an office. The Pennsylvania Supreme Court determined these regulations were unnecessarily burdensome for someone like Sally.

Now Kevin has teamed up with IJ to answer a follow-up question: If the office requirement does not make sense for Sally, why does it

PA Real Estate Offices continued on page 22

IJ client **Kevin Gaughen** has worked in Pennsylvania real estate for 20 years. Even though he works at home or on the road, a state law requires him to maintain an office he doesn't use.

Kevin and other brokers incur tens of thousands of dollars in costs each year. All the while, their ghost offices sit empty rather than serve as housing or some other productive use.



IJ Takes North Dakota Ranchers' PIPELINE FIGHT TO THE SUPREME COURT



BY ROBERT MCNAMARA

When a private company told Len Hoffmann and his neighbors that it wanted to build a pipeline across their North Dakota ranchland, they weren't immediately worried. They aren't opposed to development, and all of them had sold easements to oil companies to build pipelines in the past. They were used to the process, and they had a good sense of what the market rate for a pipeline easement was.

Then the pipeline company threw them a curveball: It wasn't an oil company. It was a natural-gas company, which meant it had the federal government's authorization to use eminent domain. And eminent domain, it said, meant it didn't need to pay market price. So Len and his neighbors lawyered up, and after a few years of fighting, they won: Eminent domain requires the payment of "just compensation," and so of course the market rate the oil companies had been paying mattered.

Winning that fight cost money—about \$380,000. And under North Dakota law, property owners can't be forced to pay the costs of their own compensation: If Len and his neighbors were forced to pay for the cost of winning the fight about market rates, they wouldn't actually be getting fair value for their land—they'd be getting fair value minus \$380,000. So the trial court ordered the company to pay those costs as well.

Then, another curveball. Once again, the pipeline company announced that it didn't have to follow the rules because the *federal* government had authorized it to use eminent domain. But this time, the gambit worked: The 8th Circuit held that the federal statute swept aside state rules about just compensation. Even though every other court to consider the question has held that state law protections for property should still apply.

Len Hoffmann and his neighbors challenged a pipeline company's lowball offer for their land. They succeeded but spent hundreds of thousands of dollars on legal fees.



IJ is heading to the U.S. Supreme Court to defend the property rights of **Rocky Prestangen** (left), **Randy Stevenson** (middle), and **Len and Denae Hoffmann** (right).

Until that point, this was a case for private attorneys about how much compensation would make Len and his neighbors whole. But with the 8th Circuit's ruling, it became an IJ case about something much bigger: whether courts should take seriously state law protections against eminent domain abuse.

Traditionally, private delegations of the eminent domain power (when they're allowed) are read narrowly, to preserve as many preexisting property rights as possible. The 8th Circuit's ruling here is the opposite: Once Congress authorizes eminent domain, it says, that means all state law rules, no matter how important, are off the table.

You can see the stakes just from the briefing in the case. The solicitor general of the United States filed a brief arguing that we're wrong and that following state rules about compensation would threaten "the country's economic competitiveness and national security." (But of course, it wouldn't: Pipeline companies already had to follow state law everywhere except the 8th Circuit. The country's national security seemed fine with that.) Meanwhile, a dozen different state attorneys general filed a brief on our side, trying to shield state law's traditional role in protecting property rights.

And at the heart of it, a group of North Dakota ranchers are doing what North Dakota ranchers do best: protecting their land. We at IJ are proud to protect it alongside them. ♦

Robert McNamara is IJ's deputy litigation director.



With the 8th Circuit's ruling, it became an IJ case about something much bigger: whether courts should take seriously state law protections for private property.

A map of Kentucky and surrounding areas, including Indiana, Ohio, and Tennessee. The map shows major cities like Indianapolis, Cincinnati, Louisville, and Evansville, as well as the Ohio River and the Kentucky River. The title "A VICTORY FOR FRESH STARTS IN THE BLUEGRASS STATE" is overlaid on the map.

A VICTORY FOR FRESH STARTS

IN THE BLUEGRASS STATE

BY JOJO TOMPKINS

IJ just scored a major victory for one group of workers in Kentucky: people with criminal records. After more than two years of IJ's legislative advocacy, the state enacted a "fresh start" law that will reduce collateral consequences for rehabilitated people seeking work in the Bluegrass State. This is the latest victory in IJ's campaign to secure the right to earn an honest living and a second chance for people looking to overcome past mistakes.

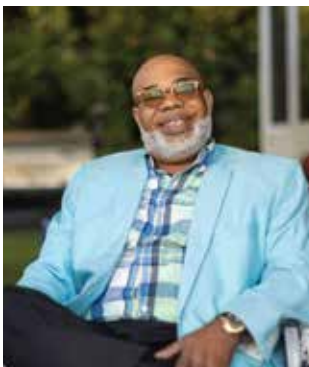
Until now, Kentucky lacked a predetermination process allowing people to learn in advance whether their criminal record would disqualify them from a particular job or license. This lack of transparency made it harder

for people to find work and for employers to hire.

Knowing upfront whether a criminal record is disqualifying is important because people may spend significant time and money completing licensing and other job requirements only to discover they are ineligible at the end. And that uncertainty can discourage people from pursuing opportunities in the first place.

The new law also expands the factors that the government must consider in deciding whether a record should affect a license. This encourages individualized consideration of the applicant's criminal history and life circumstances.

That consideration matters for real people. Take former IJ client Rudy Carey. After



IJ clients **Rudy Carey** (left), **Katherin YOUNIACUTT** (middle), and **Tammy Thompson** (right) joined with IJ to challenge irrational bans that kept people from working because of past mistakes.

overcoming addiction himself, he wanted to help others do the same. But an old conviction prevented him from working as a substance abuse counselor in Virginia. An IJ victory helped remove the barrier for Rudy.

Kentucky's reform gives people who have turned their life around, like Rudy did, a chance to reenter the workforce. IJ's victory in the state reflects our multistate strategy for reducing barriers to work for returning citizens nationwide—reforming licensing laws through legislation and fighting for the right to earn a living in courts.

That fight is playing out right now in IJ's Texas case on behalf of Katherin Youniacutt and Tammy Thompson, two grandmothers who beat addiction and earned master's degrees in social work. Yet decades-old convictions still bar them for life from pursuing careers in that field. IJ is fighting to vindicate their right to work.

Like Katherin and Tammy, many Kentuckians with old convictions have worked hard to rebuild their lives, only to encounter barriers when seeking professional licenses. This legislative victory in Kentucky now helps break down those barriers.

Past mistakes should not prevent people from reentering society, pursuing a meaningful career, or earning an honest living. With this latest reform, Kentucky joins 29 other states and Washington, D.C., in offering a predetermination process. And IJ won't stop until every person who is rehabilitated has the opportunity for a fresh start. ♦

JoJo Tompkins is IJ's legislative and outreach coordinator.



A Fresh Start In Virginia

Last fall, IJ won a related case on behalf of Melissa Brown in nearby Virginia.

In 2001, Melissa snatched a stranger's purse to pay for drugs; in the decades since, she has turned her life around and dedicated herself to helping others overcome drug abuse, just as she did.

But because of her robbery conviction, Virginia law forever barred her from being hired as a substance abuse counselor—even as the state itself says that the law blocks qualified applicants with “invaluable” experience.

After IJ got involved, a federal judge agreed. She ordered Virginia to allow Melissa into a screening that it has for people with some criminal convictions, including burglary but not robbery.

Since then, Melissa hasn't just set her sights on counseling. She bought an entire rehab facility! And this June, she passed the screening. She promptly hired herself and started counseling that very day.

We're delighted for Melissa and excited for an even bigger legal win to come. The case continues in the state's appeal, and we're looking forward to setting precedent across the mid-Atlantic. ♦



An IJ win freed **Melissa Brown** to work as a substance abuse counselor. Now she's bought her own facility.

VICTORY!

An Illinois City Lets Garden Grow

BY CHRISTOPHER INGRAHAM

Many IJ campaigns involve decades of litigation, dozens of cases, and a string of incremental victories to transform the law in favor of freedom. And when one of those victories is threatened, we step in to make sure local governments can't erode our progress.

In 2013, IJ represented Hermine Ricketts and Tom Carroll when Miami Shores Village, Florida, banned front yard vegetable gardens. It allowed fruit, flowers, and flamingos—but not cabbage. Though the courts ultimately sided with the village, that fight helped spark a national movement. Now Florida, Arkansas, and Illinois have all passed right-to-garden bills based on IJ's model.

Laura Schaefer's garden in Millstadt, Illinois, is the setting for our latest success.

Laura is a botany instructor who has spent more than five years turning a pair of neglected lots into a flourishing oasis of native plants and vegetables: "my health, my food, and my peace," as she describes it.

Her community admired it, but city officials did not.

In May, Laura received a bright red citation accusing her garden of violating

Millstadt's ban on "high grass and weeds."

The officer gave her an ultimatum: Tear it out within seven days, or city workers would enter her property and do it themselves, billing her \$40 an hour for the privilege.

But like every vegetable garden in the state of Illinois, Laura's is protected by the IJ-inspired Vegetable Garden Protection Act. It forbids municipalities from regulating gardens out of

existence. Millstadt's weed ordinance, which specifically singles out vegetable growth for regulation, directly contravenes the plain text of the law that we helped establish.

So IJ sent Millstadt officials a letter explaining that any enforcement action

would violate the Garden Act. The city got the message after a burst of sympathetic press coverage. The mayor assured Laura that her garden was safe, and the citation was rescinded.

Growing your own food on your own land is a basic right, and IJ will enforce our victories one garden at a time. ♦

**Growing your own food
on your own land is a
basic right, and IJ will
enforce our victories one
garden at a time.**

Christopher Ingraham is an IJ
investigative reporter.



A letter from IJ saved Laura Schaefer's garden after Millstadt, Illinois, told her to uproot her flourishing oasis of native plants and vegetables.



FRIENDS OF THE COURT, FOES OF Financially Driven “Justice”

BY KATRIN MARQUEZ

There is a fundamental problem with revenue-driven justice systems: They encourage officials to bypass fair adjudication for financial gain. We’ve come to understand this problem through IJ research like *Policing for Profit*, which quantifies the real-world harms of such abuse. We’ve secured reform in statehouses and courthouses nationwide. But not every case is suitable for IJ-style litigation, so sometimes we help others’ efforts by filing friend-of-the-court (amicus) briefs—as in *Roberts v. Thompson*, a recent federal appellate case.

In Black Hawk County, Iowa, a sheriff allegedly pressures people released from jail to sign “confessions of judgment” that waive their right to challenge fees from their detention. This strips plaintiffs of the ability to fight the fees while funneling 40% of the proceeds to the sheriff’s office, which reinvests them in perks like laser tag and celebrations at a shooting range with cotton candy. The trial court dismissed the case on procedural grounds.

On appeal, we filed an amicus brief making two arguments at the core of our expertise. We first argued that the trial court misapplied standing doctrine. We relied on our experience litigating against procedural barriers that can frustrate constitutional litigation in virtually every area within IJ’s mission, from occupational licensing to property rights to government accountability.

We then highlighted the real-world harms of revenue-generating systems, which create perverse incentives for government to extract funds through fines, fees, and forfeitures. We drew on our own successful litigation to show the extent of the abuse: how Brookside, Alabama’s traffic-stop and car-towing program left residents stranded roadside, or how grandparents lost their cars to Wilmington, Delaware’s parking-ticket and impounding scheme.

Fortunately, the appeals court recognized the lower court’s errors and revived the plaintiffs’ claims. Though the opinion doesn’t mention our brief, we think it had an impact; the court applied the procedural analysis we advocated. IJ can’t be everywhere, but our expertise can reach even the counsel tables we don’t sit at—ensuring that the government’s pursuit of financial gain never overrides the promise of due process. ♦

Katrin Marquez is an IJ attorney.





Texas Dumpsters continued from page 13

And in *St. Joseph Abbey*, IJ won a ruling from the 5th Circuit—the federal appeals court covering Texas—that naked economic protectionism is not a legitimate use of government power, freeing a group of Louisiana monks to sell their simple wooden caskets in a market the state had previously reserved for only licensed funeral directors.

This case enforces and expands that precedent.

The fight is bigger than one city. Across Texas, cities are signing exclusive franchise deals that fence entrepreneurs out of the private market for dumpster rentals. A win for Josh would ring far beyond Waxahachie, vindicating the right of every Texan to compete on equal terms.

Josh isn't asking for special treatment. He just wants the chance to compete in his own town. And the Texas Constitution is on his side. ♦

Daniel Woislaw is
an IJ attorney.



PA Real Estate Offices continued from page 15

make sense for a more traditional broker like himself?

Kevin satisfies all the other requirements of his license. But when it comes to the office requirement, neither he nor his clients have any use for it. If Pennsylvania's protections for the right to earn a living mean something, they should apply to a licensed broker just the same as an unlicensed property manager.

A win here would not just be a win for one broker with one office. Nor would it be limited to realtors. Licensing regimes in many occupations come with outdated brick-and-mortar space requirements that keep out small businesses or protect incumbent ones. A win would cement Pennsylvania as one of several states that provide meaningful protections for economic liberty—including Georgia, North Carolina, and Texas.

The government cannot force you to maintain a ghost office just to earn a living. IJ will make sure Pennsylvania courts say so. ♦

Christian Lansinger
is an IJ attorney.





THE TEXAN★

McKinney Woman Wins Damages For 2020 Police Action That Destroyed Home

By Holly Hansen | June 1, 2026

Nearly six years after McKinney police destroyed a portion of her house in pursuit of a fugitive, Vicki Baker has again won a lawsuit against the city in a federal appeals court decision that reinforces Texans' rights to compensation for property damaged by the government.

Under an opinion released by the U.S. 5th Circuit Court of Appeals at the end of May, Baker is entitled to nearly \$60,000 based on the value of damages incurred in 2020, but the award is a mere fraction of the legal costs of fighting the case.

The New York Times

The Barriers To Building More Housing

May 31, 2026

reason

FREE MINDS AND FREE MARKETS

Most Civil Forfeiture Victims Never See The Inside Of A Courtroom

June 5, 2026

INFORUM

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June 10, 2026

Indiana public media

Fort Wayne Death Doula Wins Challenge To State Restrictions

June 19, 2026

THE U.S. Sun

STALK & SERVE

Disturbing Way Cops Are Secretly Using License Plate Cameras – And How To Check If You're Being Watched

June 23, 2026

wtopnews

WTOP Top Workplaces Celebrates 16 'Special Award' Winners Across The DMV

June 24, 2026

E&ENews

By POLITICO

Supreme Court Pipeline Case Is A Clash Of Conservative Principles

June 30, 2026

We peacefully grew vegetables on our property for 17 years.
But Miami Shores Village said our garden was illegal.
We fought the arbitrary restriction
all the way to the state Capitol.
And today, every Floridian has
the right to grow their own food
on their own property.

We are IJ.



Hermine Ricketts passed away in 2019
after a brave battle with illness.
Her legacy, IJ's Vegetable Garden
Protection Act, is the law in three states.

*Hermine Ricketts and Tom Carroll
Miami Shores Village, Florida*

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