

The Supreme Court



CNN-Inside the Supreme Court

- <http://www.youtube.com/watch?v=Unyswl36q8w>

Current Supreme Court

- Chief Justice of the United States: JOHN G. ROBERTS, JR.
(GW Bush)

Associate Justices: ANTONIN SCALIA (Reagan)
ANTHONY M. KENNEDY (Reagan)
CLARENCE THOMAS (Bush)
RUTH BADER GINSBURG (Clinton)
STEPHEN G. BREYER (Clinton)
SAMUEL A. ALITO, JR. (GW Bush)
SONIA SOTOMAYOR (Obama)
ELENA KAGAN (Obama)

Retired Justices: SANDRA DAY O'CONNOR
DAVID H. SOUTER
JOHN PAUL STEVENS

- Timeline of justices:

- <http://www.supremecourt.gov/about/members.aspx>

Supreme Court: Why do we have one?

- The only court specifically created by the Constitution in Article III, section 1.
- The Framers purposely put the Supreme Court on the same level as the President and Congress.
- The Supreme Court is seen as the last resort in federal law.

How do you get to be on the Supreme Court?

- First: you are nominated by the president
- THEN: you are investigated by the FBI
- You have to then interview with the Senate judiciary committee
- Finally, if you pass all these tests, the Senate votes and if you get 51 or more votes- you are in!!

Supreme Court justices serve for life. How does this influence his/her decision making capabilities?

- Compare this to a politician who must regularly run for reelection.
- What types of influences can be avoided with this system?



Famous members of the Supreme Court

I' m Sandra Day O' Connor



I' m Thurgood Marshall.

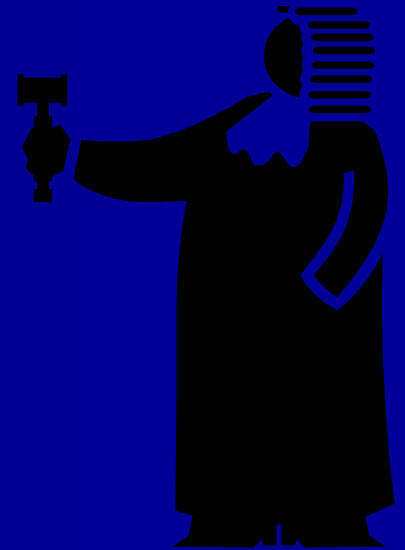


Powers and Jurisdiction of the Supreme Court

- ****Judicial Review!!!**
 - Established by *Marbury v. Madison*
 - The power to decide the constitutionality of an act of government whether, executive, legislative, or judicial.
 - The Supreme Court has the final say on the meaning of the Constitution.

- The Supreme Court has both original and appellate jurisdiction.
 - **Appellate jurisdiction- The jurisdiction which a superior court has to bear appeals of cases which have been tried in inferior courts.**
- Most cases come from appeal, which means from a lower federal court and from the highest State courts.

- The Supreme Court has original jurisdiction over
 - All controversies directly involving a Constitutional question.
 - State to State issues
 - Diplomats



Why are the court's rulings so important?

- Their decisions impact the entire country
- Example: Roe v. Wade (1973)
- Our justices are divided into strict constructionists (usually more conservative) and loose constructionists (usually more liberal)

Who are the conservative justices? (strict constructionists)

- Justices Roberts, Thomas, Scalia, and Alito
- AKA “originalists”
- Interpret the Constitution as the Framers would have intended



Who are the liberal justices?

- Justices Breyer, Ginsburg, and Sotomayor and Kagan
- AKA “loose interpreters”



Role of Solicitor General?



- Part of Dept. of Justice too
- Decides if Federal Courts will appeal (based on the law of the US)
- He argues on behalf the US government to the US Supreme Court
- Only lawyer to have an office in the SC building
- What does this mean? Special relationship with the court, comfort in discussion, knows the justices
- Sometimes called “the 10th Justice”
- 3 current court members worked in the SC’ s office before

1. Lawyers file a Petition on behalf of client for a Writ of Certiorari

- This is an order from the court to send up the record in a given case for its review.

2. Or judges issue a Certificate

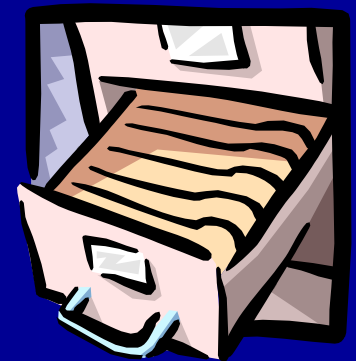
- **This is a** process used when a lower court is not clear about the procedure or the rule of law that should apply in a case.
- The lower court asks the Supreme Court to answer the question.

- About 8,000 cases are appealed to the Supreme Court each year.
- The court only accepts a couple hundred of these to make a decision on (about 1%).
- If a case is rejected it is usually because all the Supreme Court justices agree with the lower court ruling, or the case has no significant value.
- Justices must agree to hear a case. (Rule of Four: To hear a case four of the justices must agree that the case should be heard.)

If the court agrees to hear a case, they issue a Writ of Certiorari which means that the court has accepted the case.

Most cases reach the Supreme Court by Writ of Certiorari (to be more certain)

- After the Writ of Cert is granted, lawyers submit briefs. And oral arguments are scheduled.
- **Briefs**- are written documents that are filed before the arguments are heard. Both sides of a case will create a brief. These are detailed statements that support one side of the case, that present arguments. Many are hundreds of pages.



Oral Arguments are heard

- Oral arguments are where lawyers defend their case/answer questions in front of the Court.
- The lawyers are limited to 30 min.
- They then hear arguments in several other cases (in a two-week cycle).
- Lastly, Justices meet behind closed doors to consider the case.
- The talk about how they want to apply the law, take a vote, and the “opinion” is assigned to one justice (Chief Justice assigns)

Opinions are written

- **Majority Opinion**- When the court has made a decision it announces it and gives the reasoning. (at least 5/9 justices agree)
- A **concurring opinion** may be written to add further points to the majority opinion that wasn't written (votes with majority, but uses different arguments)
- In addition, a **dissenting opinion** may be written by those justices who do not agree with the decision.



SUPREME COURT ANNUAL PHOTO

U.S. Supreme Court
Washington, DC

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