**THE SUPREME COURT**

[Slide 1] Picture: Chief Justice and Justices of the Supreme Court

[Slide 2]

THE SUPREME COURT

* The 9 Justices on the Supreme Court
  + Clarence Thomas
  + Ruth Bater Ginsburg
  + Stephen Breyer
  + John Roberts (Chief Justice)
  + Samuel Alito
  + Sonya Sotomayor
  + Elena Kagen
  + Neil Gorsuch
  + Brett Kavanaugh
    - The Honorable John G. Roberts, Jr., is the 17th Chief Justice of the United States, and there have been 102 Associate Justices in the Court’s history.
    - The number 9 which pertains to the number of justices in the Supreme Court is fixed and was set by Congress since 1869, although there were cases when the number of justices went down to 6
    - The position of the Chief Justice is a spot; if John Roberts were to retire, we would then nominate and put into place a new chief justice; it does not go automatically to the justice next-in-line

[Slide 3]

THE SUPREME COURT

* How do you become a Justice?
  + The Federal and Supreme Court justices get appointed the same way by the president and approved by the senate
  + Who are they? How are they picked?
    - The Constitution has no suggestions as to who to chose the justice
      * By custom and by custom only, they have to be lawyers
    - But as the Supreme Court and Circuit Courts become more important, the judicial philosophies of Justices or potential justices become more important because they have to get through Congress and Congress has to approve them
      * Becomes a political choice

[Slide 5]

THE SUPREME COURT

* The Process
  + Nominated by the President, confirmed by the Senate
    - Presidents pay special attention because judges are appointed for life
      * Lets them have a lasting influence much longer than the presidential term
    - Check with senators (and make sure that they will approve your nomination)
  + Presidents also concerned about their legacy
    - It might however backfire
      * Earl Warren defying Eisenhower
      * Warren Burger regarding Watergate Scandal and Nixon

[Slide 6]

THE SUPREME COURT

* How does the Supreme Court work?
  + Operate on “norms” (informal rules that guide behaviour)
    - Secrecy (US Supreme Court does not publicize internal proceedings)
    - Seniority (determines where one sits, who will speak in debates, etc.)
    - Precedent (to break a precedent is a big deal)
      * Super-Precedents (cases that have been ruled over by the Supreme Court over and over again)
  + Meet in 9-month “sessions”
    - Beginning in October and run through June

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THE SUPREME COURT

* How do they decide?
  + Picking cases
    - The Supreme Court has to decide which cases to hear
      * They look at around 80 cases a year out of the more or less 10,000 cases proposed
      * They have to strike a balance between being effective and not overwhelming themselves (They need to make good decisions but also look at a decent number of cases)
    - RULE OF FOUR
      * Four justices must vote to hear a case
      * *Writ of Certiorari ­–* A request for the information on a case from the lower court
        + This signals that they have taken a case. (The norm of secrecy prevents us from knowing which judges voted to hear the case)

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ARGUING CASES

* General Guidelines to cases
  + Must be a legitimate controversy
    - Must be an actual dispute, no hypothetical problems
    - Standing
      * Must prove actual harm.
    - Moot
      * The court must be able to actually affect something
        + Or else it is moot, or irrelevant
* Oral Argument
  + Lawyers present the important issues that the Court wants to hear
  + Argue for about one hour
  + Then they conference and vote

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THE SUPREME COURT

* The Opinion Step
  + After they vote, they write 3 kinds of opinions
    - Majority opinions
      * Tells what the majority of judges think
    - Concurring Opinion
      * An additional argument in support of the majority
    - Dissenting Opinion
      * The opinion of the minority justices; they will say why their side is correct
  + The Chief Justice or most senior justice picks who writes what opinion
    - Any justice that wants to can write a concurring opinion