DOWNLOAD PDF THE SUPREME COURT REVIEW, 2000 (SUPREME COURT REVIEW)

Chapter 1 : The Supreme Court Review : Dennis J. Hutchinson :

The Supreme Court Review, has 1 rating and 0 reviews. Some of the best researched and most thoughtful criticism of recent decisions by the U.S. Sup.

The Judiciary Act of called for the appointment of six "judges. Consequently, one seat was removed in and a second in In , however, the Circuit Judges Act returned the number of justices to nine, [75] where it has since remained. Roosevelt attempted to expand the Court in Front row left to right: Back row left to right: Elena Kagan , Samuel A. Alito , Sonia Sotomayor , and Neil Gorsuch. Constitution states that the President "shall nominate, and by and with the Advice and Consent of the Senate , shall appoint Judges of the Supreme Court. Because the Constitution sets no qualifications for service as a justice, a president may nominate anyone to serve, subject to Senate confirmation. The Senate Judiciary Committee conducts hearings and votes on whether the nomination should go to the full Senate with a positive, negative or neutral report. The first nominee to appear before the committee was Harlan Fiske Stone in , who sought to quell concerns about his links to Wall Street , and the modern practice of questioning began with John Marshall Harlan II in Rejections are relatively uncommon; the Senate has explicitly rejected twelve Supreme Court nominees, most recently Robert Bork , nominated by President Ronald Reagan in Although Senate rules do not necessarily allow a negative vote in committee to block a nomination, prior to a nomination could be blocked by filibuster once debate had begun in the full Senate. A president may withdraw a nomination before an actual confirmation vote occurs, typically because it is clear that the Senate will reject the nominee; this occurred most recently with President George W. The Senate may also fail to act on a nomination, which expires at the end of the session. Although appointed to the court on December 19, by President Ulysses S. Grant and confirmed by the Senate a few days later, Stanton died on Dec 24, prior to receiving his commission. He is not, therefore, considered to have been an actual member of the court. Before , the approval process of justices was usually rapid. From the Truman through Nixon administrations, justices were typically approved within one month. From the Reagan administration to the present, however, the process has taken much longer. Some believe this is because Congress sees justices as playing a more political role than in the past. Recess appointees hold office only until the end of the next Senate session less than two years. The Senate must confirm the nominee for them to continue serving; of the two chief justices and eleven associate justices who have received recess appointments, only Chief Justice John Rutledge was not subsequently confirmed. Eisenhower has made a recess appointment to the Court, and the practice has become rare and controversial even in lower federal courts. Noel Canning limited the ability of the President to make recess appointments including appointments to the Supreme Court , ruling that the Senate decides when the Senate is in session or in recess. Writing for the Court, Justice Breyer stated, "We hold that, for purposes of the Recess Appointments Clause, the Senate is in session when it says it is, provided that, under its own rules, it retains the capacity to transact Senate business. The term "good behavior" is understood to mean justices may serve for the remainder of their lives, unless they are impeached and convicted by Congress, resign , or retire. Douglas was the subject of hearings twice, in and again in ; and Abe Fortas resigned while hearings were being organized in , but they did not reach a vote in the House. No mechanism exists for removing a justice who is permanently incapacitated by illness or injury, but unable or unwilling to resign. Sometimes vacancies arise in quick succession, as in the early s when Lewis Franklin Powell, Jr. Despite the variability, all but four presidents have been able to appoint at least one justice. William Henry Harrison died a month after taking office, though his successor John Tyler made an appointment during that presidential term. Likewise, Zachary Taylor died 16 months after taking office, but his successor Millard Fillmore also made a Supreme Court nomination before the end of that term. Andrew Johnson , who became president after the assassination of Abraham Lincoln , was denied the opportunity to appoint a justice by a reduction in the size of the Court. Jimmy Carter is the only person elected president to have left office after at least one full term without having the opportunity to appoint a justice. Somewhat

similarly, presidents James Monroe , Franklin D. Roosevelt , and George W. Bush each served a full term without an opportunity to appoint a justice, but made appointments during their subsequent terms in office. No president who has served more than one full term has gone without at least one opportunity to make an appointment. Three presidents have appointed justices who together served more than a century:

DOWNLOAD PDF THE SUPREME COURT REVIEW, 2000 (SUPREME COURT REVIEW)

Chapter 2 : Supreme Court of the United States - Wikipedia

In Part Two of a two-part series on the past Supreme Court term, Professor Dorf â€" an expert on constitutional law â€" discusses several important cases on constitutional rights. Part One of the series discussed the historic decision in Bush v. Gore, as well as several cases relating to the.

Congress first exercised this power in the Judiciary Act of This Act created a Supreme Court with six justices. It also established the lower federal court system. The Justices Over the years, various Acts of Congress have altered the number of seats on the Supreme Court, from a low of five to a high of Shortly after the Civil War, the number of seats on the Court was fixed at nine. Like all federal judges, justices are appointed by the President and are confirmed by the Senate. They, typically, hold office for life. The salaries of the justices cannot be decreased during their term of office. These restrictions are meant to protect the independence of the judiciary from the political branches of government. The Court has original jurisdiction a case is tried before the Court over certain cases, e. Some examples include cases to which the United States is a party, cases involving Treaties, and cases involving ships on the high seas and navigable waterways admiralty cases. Cases When exercising its appellate jurisdiction, the Court, with a few exceptions, does not have to hear a case. The Certiorari Act of gives the Court the discretion to decide whether or not to do so. In a petition for a writ of certiorari, a party asks the Court to review its case. The Supreme Court agrees to hear about of the more than 7, cases that it is asked to review each year. Judicial Review The best-known power of the Supreme Court is judicial review, or the ability of the Court to declare a Legislative or Executive act in violation of the Constitution, is not found within the text of the Constitution itself. In this case, the Court had to decide whether an Act of Congress or the Constitution was the supreme law of the land. A suit was brought under this Act, but the Supreme Court noted that the Constitution did not permit the Court to have original jurisdiction in this matter. In subsequent cases, the Court also established its authority to strike down state laws found to be in violation of the Constitution. Before the passage of the Fourteenth Amendment , the provisions of the Bill of Rights were only applicable to the federal government. Therefore, the Court has the final say over when a right is protected by the Constitution or when a Constitutional right is violated. Role The Supreme Court plays a very important role in our constitutional system of government. First, as the highest court in the land, it is the court of last resort for those looking for justice. Second, due to its power of judicial review, it plays an essential role in ensuring that each branch of government recognizes the limits of its own power. Third, it protects civil rights and liberties by striking down laws that violate the Constitution. In essence, it serves to ensure that the changing views of a majority do not undermine the fundamental values common to all Americans, i. Impact The decisions of the Supreme Court have an important impact on society at large, not just on lawyers and judges. The decisions of the Court have a profound impact on high school students. In fact, several landmark cases decided by the Court have involved students, e.

Chapter 3 : AZ Supreme Court

This review keeps the reader at the foremfront of the Court's most significant decisions by surveying its origins, reforms and interpretations of American law, evoking contemplation of institutional.

Hearing cases wherein the constitutionality of a law or regulation is challenged. This process is known as Judicial Review. But the states, in drafting the Constitution, did not delegate such a power to the Supreme Court, or to any branch of the government. Since the constitution does not give this power to the court, you might wonder how it came to be that the court assumed this responsibility. The answer is that the court just started doing it and no one has put a stop to it. This assumption of power took place first in when the Supreme Court declared an act of congress to be unconstitutional, but went largely unnoticed until the landmark case of Marbury v Madison in Marbury is significant less for the issue that it settled between Marbury and Madison than for the fact that Chief Justice John Marshall used Marbury to provide a rationale for judicial review. Since then, the idea that the Supreme Court should be the arbiter of constitutionality issues has become so ingrained that most people incorrectly believe that the Constitution granted this power to the federal judiciary. Powers of the Supreme Court Article III of the Constitution provides for the establishment of a Judicial branch of the federal government and Section 2 of that article enumerates the powers of the Supreme Court. Here is Section 2, in part: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. Feel free to examine the entire text of Article III to assure yourself that no power of Judicial Review is granted by the Constitution. Why not the Supreme Court? First and foremost, it is not a power granted to the Supreme Court by the Constitution. When the Supreme Court exercises Judicial Review, it is acting unconstitutionally. It is a huge conflict of interest. The Federal Government is judging the constitutionality of its own laws. It is a classic case of "the fox guarding the hen house. There is no such system of checks and balances to protect the states and the people when multiple branches of government, acting in concert, erode and destroy the rights and powers of the states and the people. Even if the Supreme Court could be counted on to keep the Executive and Legislative branches from violating the Constitution, who is watching the Supreme Court and will prevent the Judicial branch from acting unconstitutionally? Unless you believe that the Supreme Court is infallible and, demonstrably, it is not , then allowing the Supreme Court to be the sole arbiter of Constitutionality issues is obviously flawed. Justices are appointed, not elected and may only be removed for bad behavior which has happened in the distant past but these days, appointment to the Supreme Court is like a lifetime appointment. If the court upholds unconstitutional laws, there is no recourse available. We the People cannot simply vote them out to correct the situation. Thomas Jefferson wrote, in Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping, by little and little, the foundations of the constitution, and working its change by construction, before any one has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life, if secured against all liability to account. Even the

DOWNLOAD PDF THE SUPREME COURT REVIEW, 2000 (SUPREME COURT REVIEW)

Supreme Court should be accountable for overstepping Constitutional limits on federal power. Judicial review turns the Constitution on its head. The Judiciary was created as the weakest branch, controlled by both the Legislative and Executive branches. Judicial review makes the Judiciary master of both the Legislature and Ececutive, telling them both what that may and may not do. There are only nine Justices and, under the current system, it takes only a simple majority â€" five votes â€" to determine a case. Given the supermajority requirement mandated by the Constitution to pass Constitutional amendments, a simple majority requirement by the Supreme Court, to uphold a suspect law, defies the spirit of the Constitution. The people and the states have little control over the makeup of the Supreme Court. Officials in all three branches of government take an oath of office to uphold the Constitution. The Supreme Court Justices, Senators, Congressmen, and Vice President, and other federal officers, all take an oath of office to "support and defend" the Constitution. Is the Judicial branch more to be trusted than the Executive or Legislative branches? Prudence dictates that we be wary of all three branches and especially wary of the one unaccountable branch. Given that it was the people and the states which established the Constitution, it is the states who should settle issues of constitutionality. The Constitution is a set of rules made by the states as to how the government should act. The "judicial review" paradigm allows the government to make its own rules with no say by the original rule-makers â€" the states. The Constitution was created by the states and any question as to the meaning of the Constitution is rightly settled by the states. When you make rules for your children, do you permit your children to interpret your rules in any manner they like? Yet, the states are permitting the federal government â€" the "child" of the states â€" to do exactly that. Since the power of Judicial Review is not expressly granted to the Supreme Court by the Constitution, this power, per the tenth amendment , is " reserved to the States respectively, or to the people. The Constitution is very clear; any power to review laws to see if they are constitutional belongs to the states and to the people. And just how should the determination of "constitutionality" be handled? For that answer, it helps to understand how the Constitution is supposed to be amended.

DOWNLOAD PDF THE SUPREME COURT REVIEW, 2000 (SUPREME COURT REVIEW)

Chapter 4 : Supreme Court & Judicial Review

In Part One of a two part series on the past Supreme Court term, Professor Dorf â€" an expert on constitutional law â€" discusses the historic decision in Bush blog.quintoapp.com, as well as several cases relating to the structural Constitution.

Garner, a leading scholar in legal writing. The interview appears, feels, and sounds even older, perhaps because of its quality. The camera â€" and therefore, the viewer you and I â€" is physically close to Justice Ginsburg, but watching feels less like a stodgy lecture than FaceTiming with a good friend. A static hums in the gray office with books and papers on a desk, and Justice Ginsburg, dressed in red, sits center stage. This intimate experience focuses on her thoughts regarding writing. In the interview, Garner states that many consider Justice Ginsburg to be one of the best writers on the Supreme Court today. Each selection is accompanied by biographical introductions written by co-contributors, Mary Hartnett and Wendy W. Williams, both professors of law at Georgetown University. No one is too young or old to begin learning about this pathbreaking figure, and both books admirably take up the task. The book is an RBG reader, culling her essential, important, and oft-personal writing into one contained volume, each piece framed by relevant background information. Of course, most of this material is already publically available. Adding to the experience are photos of Justice Ginsburg from her early childhood to present day. For ardent Notorious RBG fan-girls present company included , the essays will strike as classic Justice Ginsburg reading. For newer devotees, the collection provides an accessible and engaging introduction to a formidable feminist icon. The biographical snippets elegantly trace the evolution of Justice Ginsburg in the legal world, but they also left me wanting more, and I was thrilled to learn from the introductory remarks that Harnett and Williams are working on a RBG biography. I Dissent is an adorable book, and provides an easy introduction to Justice Ginsburg and her role as a civil rights champion. The star of I Dissent, however, is not the text, but rather the illustrations. I Dissent also devotes a substantial amount of time discussing prejudices â€" as it should â€" but it never defines what a prejudice is, especially not in terms that younger readers can easily grasp. In contrast, the illustrations are consistently excellent. Each illustration paints a vivid and striking scene. Readers â€" young and even not-so-young â€" will be drawn into these engaging scenes. My Own Words is an intimate book with lasting endurance and appeal where the sense of responsibility Justice Ginsburg ascribes to pursuing justice radiates from each page. I Dissent takes on the important task of introducing newer readers to this role model. Both books provide new lenses with which to see this formidable, inspirational icon. Justice Ginsburg is currently the most senior liberal justice on the Supreme Court. Her remarks about President-elect Donald Trump a phrase that still evokes â€" and probably will never stop evoking â€" denial and dread placed her in the hot seat earlier this year. But those same remarks struck voters like myself as truth that needed to be spoken. Those remarks cause me to wonder how she feels about the four years ahead. The election and its outcome has dashed so many of our dreams for a stronger, more inclusive United States, a United States that upholds the values for which Justice Ginsburg fought â€" and continues to fight.

DOWNLOAD PDF THE SUPREME COURT REVIEW, 2000 (SUPREME COURT REVIEW)

Chapter 5 : California Supreme Court rules Yelp can't be ordered to remove bad reviews - CNET

This is a survey of the implications of the Court's most significant decisions. Consisting of diverse essays, each volume in the series presents informed analyses of opinions and discusses important.

We begin with the Illinois Supreme Court, Given that the Illinois Supreme Court outpaced the California Supreme Court in civil decisions for the period, it might be logical to expect that the California Supreme Court was more active in criminal cases. But it was not â€" the Illinois Supreme Court handed down decisions, while the California Supreme Court handed down Before , the court was still issuing full-blown opinions in a great many attorney disciplinary and admissions cases regular readers of this blog will have noticed that we define this half of the docket as criminal, quasi-criminal, juvenile and attorney discipline cases. After that, the Court virtually stopped issuing such opinions, disposing of most disciplinary cases in unpublished orders. Across these first seven years, death penalty cases accounted for In California during these years, the death penalty represented slightly over one-third of the criminal docket â€" Attorney discipline cases were next, almost entirely on the strength of their predominance in and â€" Following that were criminal procedure For the years to , the Illinois Supreme Court once again outpaced the California Supreme Court on the criminal side, decisions to The docket shifted emphasis as the state began its glide path to death penalty abolition. For these years, constitutional law was the most common criminal law subject cases , followed by habeas corpus 93 , criminal procedure 72 , the death penalty 71 and sentencing law There were changes in the top five in California too. Once again, the death penalty was the most common subject, with ninety-one cases. But criminal procedure was close behind, accounting for 81 cases. After that came sentencing law 48 , constitutional law 45 and violent crimes Overall in Illinois, constitutional law was up only slightly, from Habeas corpus was up sharply, from Criminal procedure was down slightly, from Of course, the death penalty was way down as a share of the docket, from Sentencing law was up a bit, from 6. Among the less common areas of law, attorney disciplinary cases fell from 5. Property crimes fell from 1. Sexual offenses accounted for a larger share, from 0. Juvenile offenses were way up too, from 1. Although criminal procedure was right behind in absolute numbers, it actually was down a bit as a share of the docket, from Sentencing law cases rose from 6. Violent crimes cases increased their share of the docket from 3. Most of the lesser areas of law on the docket were relatively flat as a share of the total caseload with the exception of sexual offenses and property crimes, both of which significantly increased their share â€" sexual offenses went from 1. Attorney disciplinary cases fell from Join us back here tomorrow as we conclude our four-part series comparing and contrasting the dockets of the Illinois and California Supreme Courts.

Chapter 6 : Supreme Court Review, Feb 22 | Video | blog.quintoapp.com

Supreme Court Term Review Ms. Greenhouse talked about cases decided in the recent Supreme Court term and the impact of Chief Justice John Roberts February 16,

Circuit City Stores v. It excludes only transportation workers. This decision swept away a 9th Circuit ruling that had put all employment agreements beyond the reach of the FAA. This includes cases involving federal discrimination statutes e. Circuit City did not address another 9th Circuit decision, Duffield v. No other Circuit has taken that position, and the California Supreme Court rejected it in Armendariz v. Foundation Health Psychcare Services , 6 P. For more detail, see Arbitration of Employment Disputes: The New Privatization of the Judicial System - Ross Runkel In a related action, the Court said that during its session it will decide whether the EEOC has the authority to obtain damages and reinstatement on behalf of an employee who signed an agreement to arbitrate. Waffle House Inc Docket No. The Court found that Congress had clearly expressed its intent to abrogate state immunity, but that Congress had not acted pursuant to a valid grant of constitutional authority. First, the legislative history of the ADA fails to show that Congress identified a history and pattern of irrational employment discrimination by the states. Second, the rights and remedies created by the ADA do not show the necessary "congruence" and "proportionality. That requirement far exceeds what the constitution requires. By contrast, the Court upheld the Voting Rights Act of because Congress had documented a marked pattern of unconstitutional action by the states and had determined that litigation was an ineffective remedy. The Court avoided deciding whether this is a correct reading of the statute, and held that the employee had complained about an incident that no reasonable person could believe violated Title VII. One of the three statutory factors that determine whether employees are supervisors is the use of "independent judgment" in exercising their authority to exercise one of the 12 supervisory functions. This is a "startling categorical exclusion" that cannot be found in the statutory text. A second flaw is that the NLRB would apply its categorical exclusion to only one of the 12 supervisory functions: The employer in this case had settled a grievance and paid, in , backpay for wages that were due in and Due process - Withholding payments from subcontractor The California Labor Code authorizes the State to order withholding of payments due a contractor on a public works project if a subcontractor on the project fails to comply with certain Code requirements; permits the contractor, in turn, to withhold similar sums from the subcontractor; and permits the contractor, or his assignee, to sue the awarding body for alleged breach of the contract in not making payment to recover the wages or penalties withheld. The State ordered withholding of funds due to alleged violations of the Code. The Supreme Court held that the statutory scheme did not violate due process even though the Code does not provide for a hearing. Whatever property interest the subcontractor has can be fully protected by an ordinary breach of contract suit. Don King was the president and sole shareholder of a corporation. He also carried out certain activities as an employee. Cases pending decision during For reports on cases decided or still pending during the session beginning October , see http:

Chapter 7 : Article - Supreme Court Review: Employment Law Cases

1) Rehnquist reviews specific cases in chronological order that have created the most imporant body of law used by the Supreme Court and required to be followed by the lower courts as they conduct their appellate work.

Currently, there are nine Justices on the Court. Before taking office, each Justice must be appointed by the President and confirmed by the Senate. Justices hold office during good behavior, typically, for life. The Constitution states that the Supreme Court has both original and appellate jurisdiction. Original jurisdiction means that the Supreme Court is the first, and only, Court to hear a case. The Constitution limits original jurisdiction cases to those involving disputes between the states or disputes arising among ambassadors and other high-ranking ministers. Appellate jurisdiction means that the Court has the authority to review the decisions of lower courts. Most of the cases the Supreme Court hears are appeals from lower courts. Writs of Certiorari Parties who are not satisfied with the decision of a lower court must petition the U. Supreme Court to hear their case. The primary means to petition the court for review is to ask it to grant a writ of certiorari. This is a request that the Supreme Court order a lower court to send up the record of the case for review. In fact, the Court accepts of the more than 7, cases that it is asked to review each year. Typically, the Court hears cases that have been decided in either an appropriate U. Court of Appeals or the highest Court in a given state if the state court decided a Constitutional issue. The Supreme Court has its own set of rules. According to these rules, four of the nine Justices must vote to accept a case. Five of the nine Justices must vote in order to grant a stay, e. Under certain instances, one Justice may grant a stay pending review by the entire Court. Law Clerks Each Justice is permitted to have between three and four law clerks per Court term. These are individuals who, fairly recently, graduated from law school, typically, at the top of their class from the best schools. Often, they have served a year or more as a law clerk for a federal judge. Among other things, they do legal research that assists Justices in deciding what cases to accept; help to prepare questions that the Justice may ask during oral arguments; and assist with the drafting of opinions. The participating Justices divide their petitions among their law clerks. The law clerks, in turn, read the petitions assigned to them, write a brief memorandum about the case, and make a recommendation as to whether the case should be accepted or not. Briefs If the Justices decide to accept a case grant a petition for certiorari , the case is placed on the docket. This brief is also not to exceed 50 pages. If not directly involved in the case, the U. Government, represented by the Solicitor General, can file a brief on behalf of the government. With the permission of the Court, groups that do not have a direct stake in the outcome of the case, but are nevertheless interested in it, may file what is known as an amicus curiae Latin for "friend of the court" brief providing their own arguments and recommendations for how the case should be decided. Oral Arguments By law, the U. The Court hears oral arguments in cases from October through April. From October through December, arguments are heard during the first two weeks of each month. From January through April, arguments are heard on the last two weeks of each month. During each two-week session, oral arguments are heard on Mondays, Tuesdays, and Wednesdays only unless the Court directs otherwise. Oral arguments are open to the public. Typically, two cases are heard each day, beginning at 10 a. Each case is allotted an hour for arguments. During this time, lawyers for each party have a half hour to make their best legal case to the Justices. The Justices tend to view oral arguments not as a forum for the lawyers to rehash the merits of the case as found in their briefs, but for answering any questions that the Justices may have developed while reading their briefs. The Solicitor General usually argues cases in which the U. Government is a party. During oral arguments, each side has approximately 30 minutes to present its case, however, attorneys are not required to use the entire time. The petitioner argues first, then the respondent. If the petitioner reserves time for rebuttal, the petitioner speaks last. After the Court is seated, the Chief Justice acknowledges counsel for the petitioner, who already is standing at the podium. The attorney then begins: Chief Justice, and may it please the Court. Modifications of Procedure Justices, typically, ask questions throughout each presentation. The petitioner â€" not the Court â€"

is responsible for keeping track of the time remaining for rebuttal. In typical program simulations, more than one student attorney argues each side. In that instance, they should inform the student Marshal before the court session begins how they wish to divide their time. Usually, the first student attorney to speak also handles the rebuttal. Conference When oral arguments are concluded, the Justices have to decide the case. Two Conferences are held per week when Court is in session, on Wednesday and Friday afternoons. The Justices vote on cases heard on Mondays and Tuesdays of a given week at their Wednesday afternoon Conference. The Justices vote on cases heard on Wednesday at their Friday afternoon Conference. When Court is not in session, usually only a Friday Conference is held. Before going into the Conference, the Justices frequently discuss the relevant cases with their law clerks, seeking to get different perspectives on the case. At the end of these sessions, sometimes the Justices have a fairly good idea of how they will vote in the case; other times, they are still uncommitted. According to Supreme Court protocol, only the Justices are allowed in the Conference room at this timeâ€”no police, law clerks, secretaries, etc. The Chief Justice calls the session to order and, as a sign of the collegial nature of the institution, all the Justices shake hands. After the petitions for certiorari are dealt with, the Justices begin to discuss the cases that were heard since their last Conference. According to Supreme Court protocol, all Justices have an opportunity to state their views on the case and raise any questions or concerns they may have. Each Justice speaks without interruptions from the others. The Chief Justice makes the first statement, then each Justice speaks in descending order of seniority, ending with the most junior justiceâ€”the one who has served on the court for the fewest years. When each Justice is finished speaking, the Chief Justice casts the first vote, and then each Justice in descending order of seniority does likewise until the most junior justice casts the last vote. After the votes have been tallied, the Chief Justice, or the most senior Justice in the majority if the Chief Justice is in the dissent, assigns a Justice in the majority to write the opinion of the Court. The most senior justice in the dissent can assign a dissenting Justice to write the dissenting opinion. Any Justice may write a separate dissenting opinion. When there is a tie vote, the decision of the lower Court stands. This can happen if, for some reason, any of the nine Justices is not participating in a case e. With the exception of this deadline, there are no rules concerning when decisions must be released. Typically, decisions that are unanimous are released sooner than those that have concurring and dissenting opinions. While some unanimous decisions are handed down as early as December, some controversial opinions, even if heard in October, may not be handed down until the last day of the term. Justices do this by "signing onto" the opinion. The Justice in charge of writing the opinion must be careful to take into consideration the comments and concerns of the others who voted in the majority. If this does not happen, there may not be enough Justices to maintain the majority. On rare occasions in close cases, a dissenting opinion later becomes the majority opinion because one or more Justices switch their votes after reading the drafts of the majority and dissenting opinions. No opinion is considered the official opinion of the Court until it is delivered in open Court or at least made available to the public. On days when the Court is hearing oral arguments, decisions may be handed down before the arguments are heard. During the months of May and June, the Court meets at 10 a. During the last week of the term, additional days may be designated as "opinion days.

Chapter 8 : The Evolution of a Supreme Court Justice - Los Angeles Review of Books

The Supreme Court Review is an in-depth annual critique of the Supreme Court and its work, keeping up on the forefront of the origins, reforms, and interpretations of American law.

Chapter 9 : California Supreme Court Review | Horvitz & Levy LLP

During its session, the United States Supreme Court decided eleven significant cases involving labor and employment law. They deal with individual arbitration agreements, collective bargaining arbitration, caps on damages, the 11th

amendment in ADA suits, sexual harassment, Title VII retaliation, supervisor status under the NLRA.